

DECISION OF THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY ON THE CRITERIA FOR ESTABLISHING A LIST OF STAKEHOLDERS AND THE ESTABLISHMENT OF THE STAKEHOLDER FORUM AND STAKEHOLDER BUREAU

THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY

Having regard to

Regulation (EC) No 178/2002 of the European Parliament and the Council of 28 January 2002 laying down the general principles of food law, establishing the European Food Safety Authority (EFSA) and laying down procedures in relation to food safety as last amended, and in particular to Articles 40(4) and 42 thereof;

The decision of EFSA's Management Board establishing the Terms of Reference of the Stakeholder Consultative Platform¹ and their following revision²;

The decision of EFSA's Management Board to extend the mandate and composition of EFSA's Stakeholder Consultative Platform until 30 June 2016³;

Whereas:

- (1) The first strategic objective of the EFSA Strategy 2020 states that the Authority aims to prioritise public and stakeholder engagement in the process of scientific assessment;
- (2) In recent years, societal expectations in relation to the accountability of, and engagement with, public organisations have changed. For EFSA, this means a demand from a large number of interested parties and civil society stakeholders for more transparency and closer involvement in the scientific process;
- (3) A more meaningful engagement with a wider range of stakeholders will raise the quality of the Authority's work and help to define the organisation as an active guardian of food safety in the EU actively engaged with its stakeholders;
- (4) EFSA has carried out a comprehensive review of the way in which it engages with stakeholders, including: consultation with the Management Board and the existing Stakeholder Consultative Platform; research carried out with organisations with a potential interest in EFSA's activities; and a benchmarking exercise with other EU institutions and agencies;

¹ MB 20.06.2005 – 8 - ADOPTED

² MB 12.09.2006 – 6 - ADOPTED

³ mb 19 03 15 – Extension of the mandate of the SHP – ADOPTED

- (5) The results of this review have led EFSA to propose a new approach to stakeholder engagement;
- (6) The Stakeholder Engagement approach shall firmly adhere to the principles of authenticity, inclusiveness and balanced representation of views and interests, supported by targeted modalities that address the various stakeholder communities in an equal manner. These three principles guiding the approach are aligned with EFSA's key values, including in particular those of independence and transparency;
- (7) Engagement with stakeholders at EFSA aims at ensuring EFSA can efficiently meet its mandate to improve EU food safety and public health and to ensure a high level of consumer protection. During the engagement with stakeholders, EFSA shall ensure that no one stakeholder or a group of stakeholders shall unduly influence the work of EFSA. Being a registered stakeholder shall in no way be intended as an entry point to unduly influence the work of EFSA;
- (8) A registration process for stakeholders should allow for a broader range of interests, perspectives and technical knowledge to be represented among EFSA stakeholders;
- (9) A series of permanent and targeted mechanisms for stakeholder engagement should improve the opportunities stakeholders have to contribute to the different stages of scientific assessment and communications in a balanced way, while preserving the independence and transparency of these processes.

HAS DECIDED AS FOLLOWS:

Article 1 – Scope of the Decision

1. The scope of the present decision is the definition of the criteria for the registration of stakeholders and the establishment of the Stakeholder Forum and Stakeholder Bureau in the framework of EFSA's Stakeholder Engagement Approach.

Article 2 – Criteria for the registration of stakeholders

1. Stakeholder registration implies a process carried out by EFSA assessing whereby stakeholders meeting set eligibility criteria are able to engage with the Authority.
2. This process is important to ensure that the stakeholders that EFSA engages with form a relevant reference group and that each stakeholder's interest in EFSA's work is made known prior to engagement.
3. Once registered, stakeholders shall be able to take part in and/or be a member of the two permanent engagement platforms: the Stakeholder Forum and the Stakeholder Bureau (described below in Articles 4 and 5 respectively).
4. Depending on their interests, registered stakeholders shall also be invited to interact with EFSA through targeted engagement platforms that run in parallel to the meetings and activities of the Stakeholder Forum and Stakeholder Bureau and which in general shall be of a more technical nature

- e.g. Roundtable meetings, Mandate Working Groups, Discussion groups, Communicators Lab etc.
5. EFSA shall strive at all times to ensure a balanced representation of the interests of the stakeholders that interact with EFSA in the different engagement platforms, ensuring at all times its public health remit and its responsibility as a public organisation to European citizens.
 6. An organisation meeting all the eligibility criteria outlined below shall be entitled to become a registered stakeholder. The eligibility criteria are:
 - a. The organisation is legally established in the EU /EEA and has activities at an EU level; and
 - b. The organisation has a legitimate interest in EFSA's work or in the food and feed sector; and
 - c. The organisation is representative in the field of its competence; and
 - d. The organisation is non-profit making and does not exclusively represent individual companies; and
 - e. The organisation is registered in the EU Transparency Register⁴.
 7. The process for the registration of stakeholders, including the verification that a stakeholder meets the eligibility criteria, shall be carried out by EFSA.
 8. The registration process shall comply with good administrative principles and practices, first and foremost non-discrimination and equal treatment. Organisations seeking to become registered stakeholders may submit an application at any time through EFSA's website.
 9. EFSA shall assess applications according to the eligibility criteria mentioned above in Article 2.6 and notify stakeholders of the outcome of this process within three months upon receipt by EFSA. Each assessment shall be documented in an Assessment Report, which shall be notified to the respective stakeholder. The list of stakeholders will be publicly available on EFSA's website.
 10. On a yearly basis, the EFSA Secretariat will ask registered stakeholders about any changes in their status which might compromise their eligibility to be on the stakeholders' list, and update the list accordingly.
 11. EFSA will inform the Management Board on the composition of the list of Stakeholders yearly.

⁴ <http://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en>

Article 3 – Involvement of non-registered stakeholders in EFSA’s activities

1. EFSA may invite non-registered stakeholders to participate in targeted engagement platforms where it considers that an organisation’s specific and/or technical expertise would be useful to the discussion or activity being carried out.
2. Any involvement of non-registered stakeholders will be communicated transparently and in a timely way.

Article 4 – Establishment and role of the Stakeholder Forum

1. The Stakeholder Forum (hereafter referred to as the Forum) is hereby established as one of the permanent mechanisms for EFSA’s engagement with stakeholders.
2. The Forum shall be an annual workshop to which registered stakeholders shall be invited. The Forum is chaired by EFSA’s Executive Director.
3. The aim of the Forum shall be to give stakeholders the opportunity to provide strategic input to EFSA’s work plans and future priorities.
4. EFSA shall collect proposals for specific themes and topics to be discussed at the Forum from its registered Stakeholders.
5. Based on these proposals and in consultation with the Stakeholder Bureau (described below in Article 5), EFSA shall decide on the final agenda for the Forum.
6. EFSA shall strive to ensure that the final agenda of the Forum is representative of the full breadth of interests of its stakeholders while ensuring the relevance of the topics and that themes and topics shall not be selected solely according to the number of stakeholders proposing them, if this shall lead to a situation where the interests of one sector are unbalanced compared to those of another sector.
7. Recommendations resulting from the Forum shall be taken into account by EFSA in its strategic planning as well as in the development of the Authority’s on-going processes. The proceedings and outcome of the Forum shall be made public.
8. Representatives from EFSA’s Management Board, EFSA’s Advisory Forum, and Scientific Committee shall be invited to attend the Forum.

Article 5 – Establishment and role of the Stakeholder Bureau

1. The Stakeholder Bureau (hereafter referred to as the Bureau) is hereby established as one of the permanent mechanisms for EFSA’s engagement with stakeholders.
2. The Bureau shall act as EFSA’s advisor on stakeholder engagement and provide its views on the Authority’s engagement with stakeholders and on whether EFSA is engaging with stakeholders in a balanced way.

3. The Bureau shall also contribute to the preparation of the annual Forum and monitor the actions EFSA takes as a result of the Forum.
4. The Bureau shall provide input to EFSA at a high level with regards to societal concerns on issues in the Authority's remit.
5. The Bureau shall be chaired by EFSA's Executive Director and, to ensure balance, shall be composed of one representative from a registered stakeholder in each of the following seven stakeholder categories: consumers; environmental/health NGOs and/or advocacy groups; farmers and primary producers; business and food industry; distributors and HORECA (food service industry preparing and serving food and beverages), associations of practitioners working in fields relevant to EFSA's food safety and public health remit, and academia⁵. In addition, one Alternate member per stakeholder category shall be elected.
6. Members of the Bureau shall act in the interests of the stakeholder category that they represent rather than solely in the interests of the stakeholder organisation that they represent.
7. Alternate member substitutes for a Bureau member when the latter is unable to attend Bureau meetings.
8. The Bureau shall meet in person at least once a year. Additionally, dialogue among Members of the Bureau shall take place through virtual meetings or other means of communication.
9. The Chair of the EFSA Management Board is invited to attend the annual meeting of the Bureau.

Article 6 – Selection of the members of the Stakeholder Bureau

1. Members of the Stakeholder Bureau can be designated only if the organisation they belong to is on the list of EFSA's stakeholders representing each of the seven stakeholder categories referred to in Article 5 (5). The selection period for members of the Stakeholder Bureau shall last for two months. Registered stakeholders shall propose one representative for the category of stakeholders that they belong to within this period following agreement reached with other stakeholder organisations belonging to their category. No election is foreseen, unless specifically requested by stakeholders belonging to one category should they not be able to propose a representative. In this case, EFSA can facilitate the decision making e.g. by means of an online voting system.

⁵ The categories are described in Annex I of the EFSA Stakeholder Engagement Approach.

2. The procedure of election of Alternate members shall be the same as for the members.
3. The mandate of Members and Alternate members of the Bureau shall be for a period of three years, after which a new vote will be held to select new members.
4. Members and Alternate members of the Bureau may serve for no longer than two mandates.

Article 7 – Openness and transparency

1. Openness and transparency are fundamental aspects of EFSA and are enshrined as concepts in EFSA's regulatory framework (art. 38 of EFSA's Founding Regulation (EC) No 178/2002) and in the overall Union policies on governance.
2. EFSA shall regularly publish on its website the updated list of stakeholders.
3. The transparency of the work of the various permanent and targeted platforms for stakeholder engagement will be made available through the timely announcement of EFSA's upcoming activities in this area as well as through the publication of agendas, participant' lists and the outcome of each of the meetings of the platforms on the EFSA website.
4. The impact of the input provided by stakeholders on EFSA's work shall be documented in the outcomes of the various platforms' meetings and work that will be posted on the EFSA website.
5. A report on EFSA' interaction with registered stakeholders shall be presented annually to the Management Board.

Article 8 – Funding

1. The costs of participation in the meetings organised by EFSA which foresee the participation of stakeholders will be borne by each individual stakeholder organisation.
2. Exceptionally, EFSA may contribute to financing the costs of those organisations that could not otherwise afford to participate in meetings. Financial contributions may only be awarded to stakeholder organisations which are non-governmental, non-profit making, independent of industry, commerce and business and have as their primary objectives and activities the promotion and protection of the health and safety of consumers and the environment.
3. Requests for financial support shall be assessed on a case-by-case basis and will need to be properly documented by the requesting organisation.

Article 9 – Review

1. A review of the effectiveness of EFSA’s stakeholder engagement and related activities shall be carried out every three years, as of the entry into force of this document and, at any time, upon request of the Management Board.
2. The recommendations resulting from the review shall be discussed with the EFSA’s Management Board.

Article 10 – Final provisions

1. EFSA’s Management Board decision of 15 of June 2016 concerning the criteria for establishing a list of stakeholders and the establishment of the stakeholder forum and stakeholder bureau is hereby repealed.
2. The present Decision shall enter into force and becomes effective on the day of its signature.

Adopted in Parma on 9 October 2018

For EFSA’s Management Board

SIGNED

Jaana Husu-Kallio

Chair of the Management Board