



# **EFSA's Policy on Independence and Scientific Decision-Making Processes: New Rules in Practice**

## ***Setting the scene***

5 March 2012, Brussels

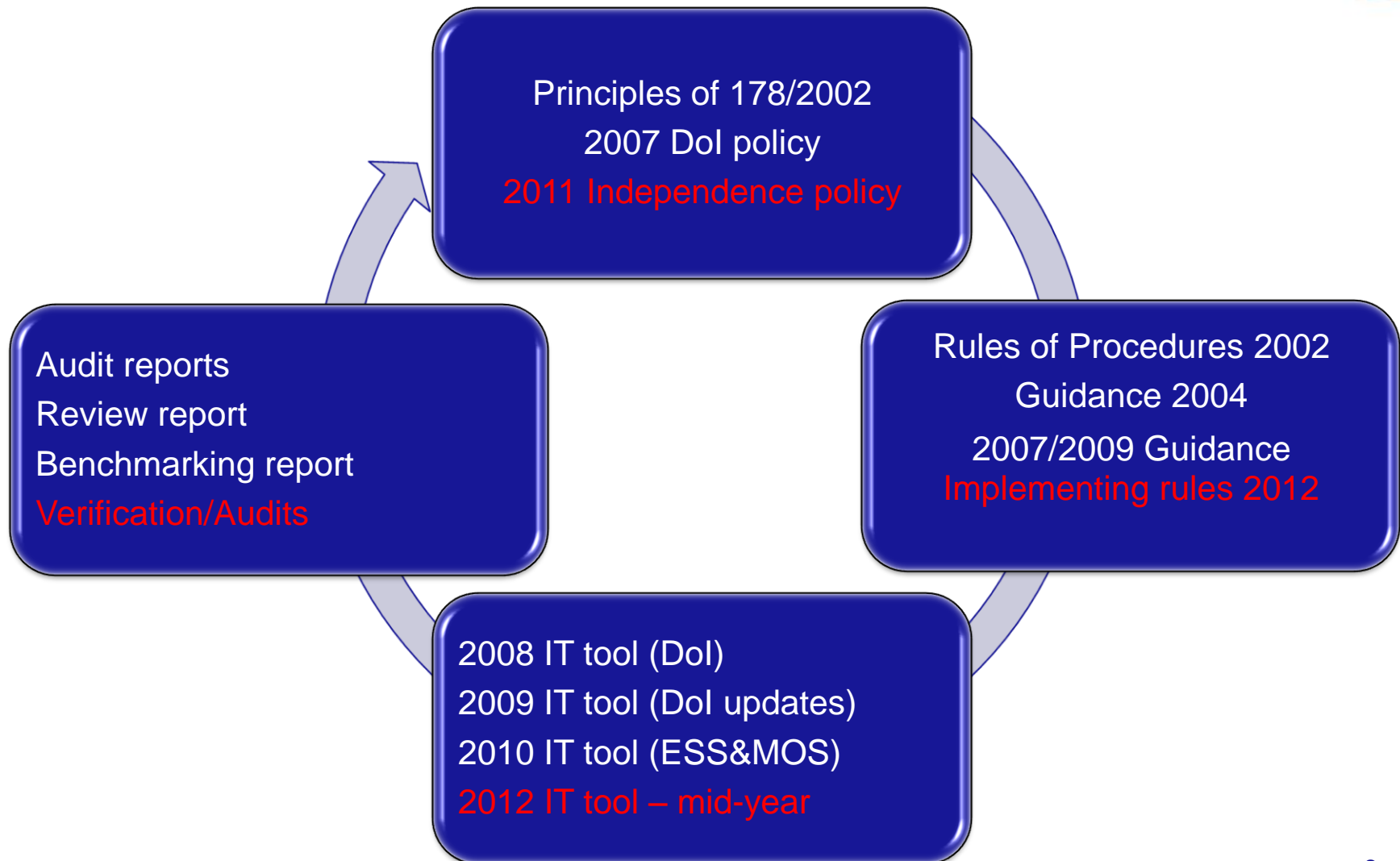
Dirk Detken,  
Head of Legal and Regulatory Affairs

# The starting point: the 2007 Policy

## Facts and figures for 2011:

Total Dols screened	Meeting agenda items scrutinised	Potential Col prevented	Breach of trust procedures
>8000	40,000	356	2

# Independence Policy cycle – continuous improvement



- Public consultation from July to mid September 2011
- On 12 October dedicated Stakeholder Consultative Workshop (more than 140 participants)
- Public Report on the consultation and on Workshop published prior to this MB meeting (more than 110 comments)
- Policy adopted at the MB meeting in December 2011
- Implementing rules on Dols published on 5 March 2012

# Comprehensive - in one document



Management  
Board

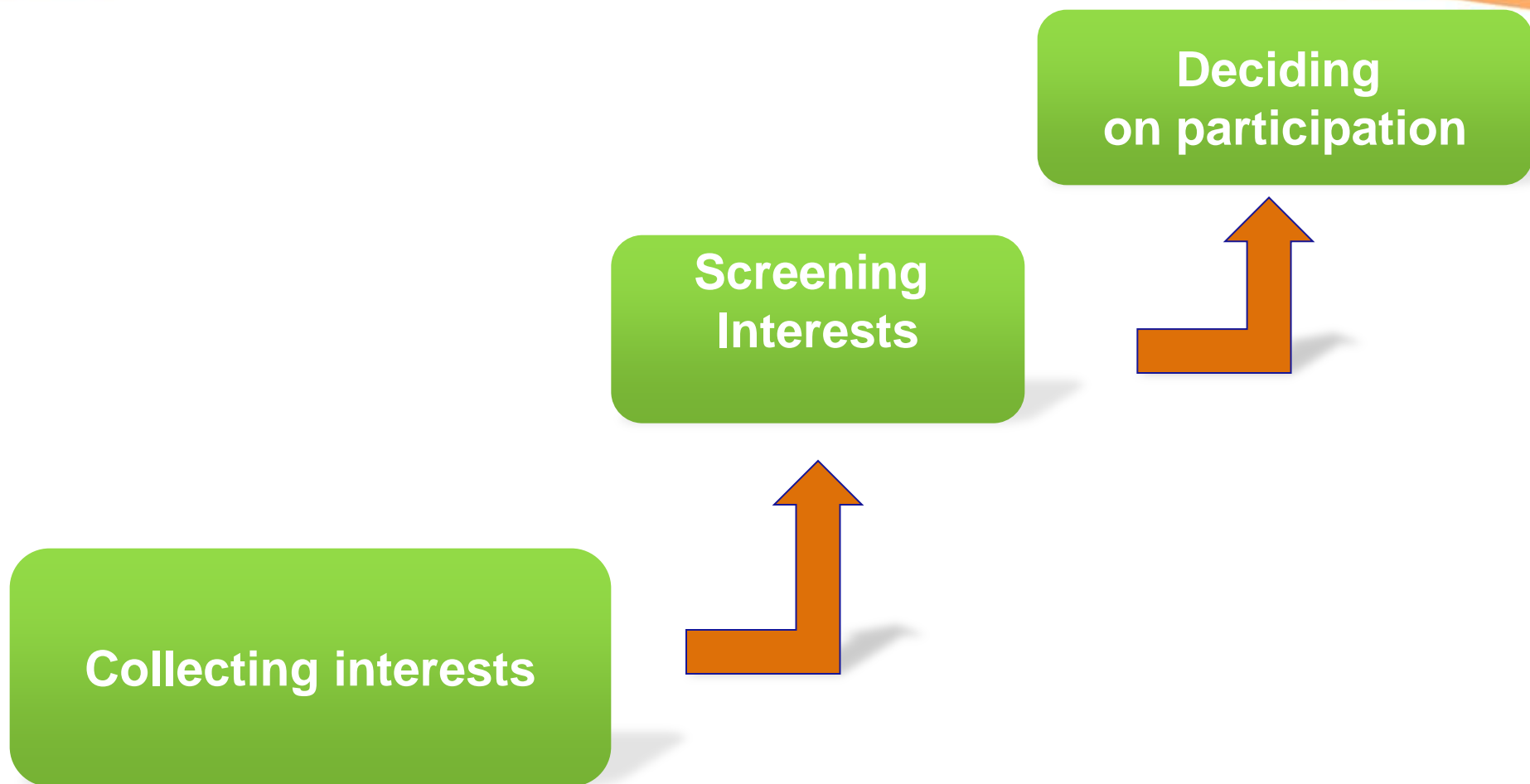
Advisory  
Forum

Executive  
Director  
and Staff

Scientific  
Committee  
Scientific  
Panels,  
working  
Groups

Contractors  
and grant  
beneficiaries  
Networks  
and  
networking  
meetings

# Transparent - DoI Schema



# Collecting interests

Appointment process of members  
of Scientific Committee,  
Panel or working group



**Submission of  
ADoIs**



Before each meeting  
takes place



**Submission of  
SDoIs**



As a first point on the  
agenda of each meeting



**Submission of  
ODoI**

- **Responsibility** of declaring rests with **concerned individual**
- Dols cover a **five year time span**

## Horizontal exclusion criteria

- **No expert working with industry** on which EFSA outputs impact will be allowed on Scientific Committee, Panels and working groups (ADoI) (**addressing comments**)
- **No expert** will be ever allowed **to review** or assess his or her own work (**addressing comments**)



# Screening interests for experts

**Interests**  
declared by an expert

Transparency  
Independence

**Mandate**  
of the group  
Panel, WG

**Role**  
Chair, Member,  
Hearing expert...

# Deciding on declared interests

- Definition of Conflict of Interest (**addressing comments**)
- **Tables** laying down allowable interests (Annexes IV and V)
- **Stricter** approach for **Chairmanship**
- **Simpler** scheme of preventive measures (**in or out**)
- **More inclusive scheme** for experts with interests in Food Safety Organisations (organisations in the Art. 36 list and other entities, carrying out tasks within EFSA's mission, pursuing public interest objectives and whose governance ensures the performance of its tasks with independence and integrity) (**addressing comments**)

# Deciding on interests (ADoI)

ANNEX IV Reference table of allowable interests for Annual Declarations of Interests (ADoI) pursuant to Article 10 of the Implementing Rules

**IMPORTANT:** The acceptance of an expert based on the ADoI is supplemented by screening of the Specific (Art. 11) and Oral (Art. 12) Declarations of Interest. Interests can only be assessed by considering whether the specific interests declared by a person are compatible with the tasks to be assigned by EFSA to him or her, having regard to the **mandate of the group** where the person participates and the **role and function** that he or she is required to take on or perform.

Sector of external activity**		Participation to the relevant EFSA activity			
		Chairmanship and Vice-Chairmanship		Membership	
		Scientific Committee, Panels and multiple mandate Working Groups	One Mandate Working Groups	Scientific Committee, Panels and multiple mandate Working Groups	One Mandate Working Groups
I. Economic interest*	CURRENT	not allowed		not allowed when the expert has a potential conflicts of interest of a general nature that would regularly lead to the exclusion of the expert's from the meetings of the scientific group.	
	PAST	allowed			
II. A. Member of a management body or equivalent, of FSO*	CURRENT	not allowed		allowed	
	PAST	allowed			
II. B. Member of a management body or equivalent, other than FSOs*	CURRENT	not allowed		not allowed when the expert has a potential conflicts of interest of a general nature that would regularly lead to the exclusion of the expert's from the meetings of the scientific group.	
	PAST	not allowed when interest ended within past two years.		allowed	

\* The same consequences are to be applied when the relevant interests are declared with reference to a partner or dependent person.

\*\* For the complete definitions, please refer to Article 1 of the Implementing Decision of the Policy on Independence and Scientific Decision Making Processes regarding Declarations of Interest.

EFSA Reference table of allowable interests – Annual Declarations of interest

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# Deciding on interests (SDoI)

**ANNEX V Reference table of allowable interests for Specific Declarations of Interests (SDoI) pursuant to Article 11 of the Implementing Rules**

**IMPORTANT:** The acceptance of an expert based on the SDoI is supplemented by screening of the Annual (Art. 10) and Oral (Art. 12) Declarations of Interest. **Interests** can only be assessed by considering whether the specific interests declared by a person are compatible with the **tasks** to be assigned by EFSA to him or her, having regard to the **mandate of the group** where the person participates and the **role and function** that he or she is required to take on or perform.

Sector of external activity**		Specific item on the agenda of the EFSA meeting
		Participation of the expert to the specific agenda item irrespective of his or her role (under no circumstances an expert is allowed to review his or her own work)
I. Economic interest*	CURRENT	Participation not allowed to the specific agenda item where the potential CoI was identified
	PAST	Not applicable (as interest has already been addressed at ADoI level)
II. Member of a management body or equivalent*	CURRENT	Participation not allowed to the specific agenda item where the potential CoI was identified
	PAST	Not applicable (as interest has already been addressed at ADoI level)

\* The same consequences are to be applied when the relevant interests are declared with reference to a partner or dependent person.

\*\* For the complete definitions, please refer to Article 1 of the Implementing Decision of the Policy on Independence and Scientific Decision Making Processes regarding Declarations of Interest.

EFSA Reference table of allowable interests – Specific Declarations of interest

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## **The members:**

- **Undertake to act independently in the public interest**
- **Make a declaration of commitment**
- **Are subject to ADols and ODols**
- **Have voluntarily adopted and subscribed to the Code of conduct of the Management Board (2011)**
- **However, are also subject to a particular nomination procedure and role**

# Management Board/Advisory Forum- DoI screening

Procedural steps	Management Board	Advisory Forum
<b>Submission ADol and oral DoI</b>	Yes	Yes
<b>Screening</b>	MB following advice of Executive Director	Executive Director
<b>Decision</b>	MB	Executive Director
<b>Consequences</b>	Resignation from specific activities on voluntary basis or appeal to Council	Follow up with Member State on case by case basis

## When employed by EFSA

- Article 11a SR – applicable to all staff and Executive Director
- ADol obligation for knowledge workers
- Screening
- Assignment of tasks and dossiers where no Col exists

## When staff intend **leaving EFSA**

- Obligation to declare negotiations with prospective employers with ensuing screening
- Declaration of Honour to be signed by all staff leaving EFSA
- Detailed form on obligations of Art. 16 SR, to be duly signed by all staff leaving EFSA
- Decision of the Executive Director on possible limitations



# Staff – III

## Figures on Article 16 SR

	2010	2011
<b>Leavers who took up employment in other EU institutions/agencies, national public organisations or international bodies</b>	17	19
<b>Leavers who took up employment in industrial sector</b>	0	2 (1 to an organisation within EFSA's remit)

- Subject to ADol and ODols
- Same principles for screening applicable to scientific experts
- Appointment exclusive responsibility of Member State
- Possibility of triggering reaction from appointing Member State in case of Col

- Mandatory institutional Dols for tenderers
- Individual Dols for team members of contractors or grant beneficiaries for calls on sensitive matters
- Same principles on screening and ensuing measures applicable to EFSA scientific experts

## Declaration of Interest

- Place the mouse cursor on the Labels with an ending '?' to view a full explanation.

**Nature of Activities:**

I. Economic interest

Current ?

☐ No ☒ Yes

Start Date ?

April 2008

End Date ?

Choose One

Name of Entity ?

Location ?

Berlin, Germany

Subject matter ?

Independently of confidentiality settings, all data contained in this section will be published on the EFSA website

Interest of close family member ?

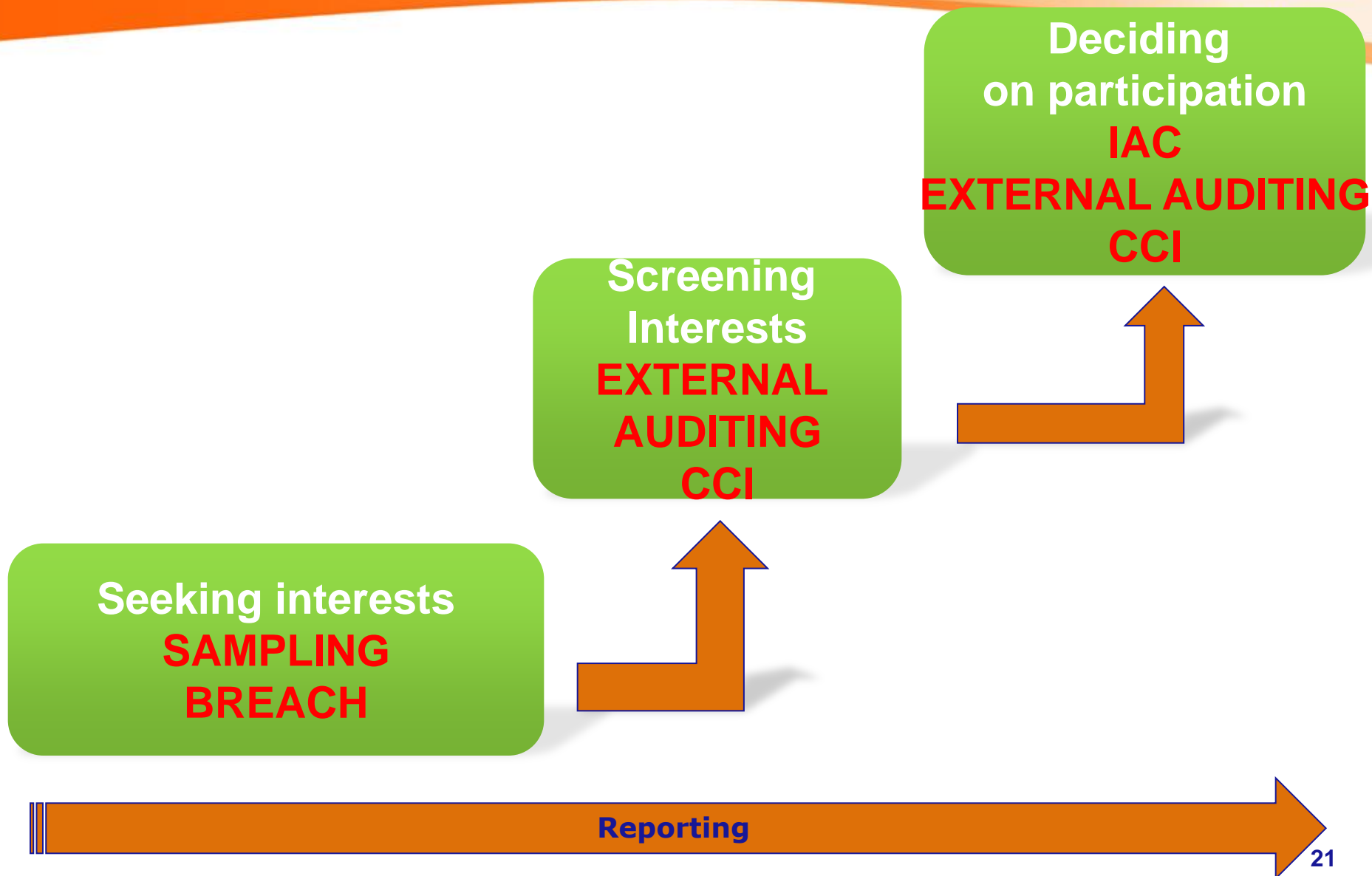
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Update

Cancel

Membership managing body, membership advisory body, employment, consultancy, research funding, intellectual property rights, interests of close family members

# Monitoring and compliance - the DoI Scheme



# 2012 Implementing Rules on Dols

- 1. Comprehensive**
- 2. Transparent**
- 3. Traceable**
- 4. Effective**
- 5. Implementing the Policy**