

DECISION

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| <p>EFSA – European Food Safety Authority</p> | <p>Decision of the Executive Director concerning the selection of members of the Scientific Committee the Scientific Panels, and the selection of external experts to assist EFSA with its scientific work</p> | <p>Decision No.: REF. EFSA/HUCAP/DEC/2017/17115037</p> |
| | <p>Effective Date: 22 May 2017</p> | <p>Supersedes: Decision dated 13 May 2016 REF. EFSA/REPRO/DEC/15688416/2016</p> |

| Approvals | Signature | Name |
|--------------------|--------------------------|-----------------|
| Originator | <i>Signature on file</i> | Juliane Kleiner |
| Visa | <i>Signature on file</i> | Dirk Detken |
| Executive Director | See Decision | Bernhard Url |

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| <p>Introduction</p> | <p>The Decision of the Management Board of the European Food Safety Authority of 22 March 2017 concerning the establishment and operations of the Scientific Committee, the Scientific Panels and of their Working Groups foresees the delegation to the Executive Director of the Authority to draw up implementing rules for the selection of members of the Scientific Committee, the Scientific Panels, and their Working Groups and of external experts.</p> |
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| <p>Description</p> | <p>This Decision concerns the selection of members of the Scientific Committee, the Scientific Panels and the selection of external experts to assist EFSA with its scientific work.</p> |
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| <p>References</p> | <ul style="list-style-type: none"> • Articles 28, 28(5) and 36 of Regulation (EC) No 178/2002 • Articles 5, 21 and 27 of Decision of the Management Board of the European Food Safety Authority of 22 March 2017 concerning the establishment and operations of the Scientific Committee, the Scientific Panels and of their Working Groups |
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| <p>Relevant standards, legislation and documents</p> | <ul style="list-style-type: none"> • Regulation (EC) No 178/2002 • Regulation (EC) No 45/2001 • Decision of the Management Board of the European Food Safety Authority of 22 March 2017 concerning the establishment and operations of the Scientific Committee, the Scientific Panels and of their Working Groups • Policy on Independence and Scientific Decision-Making Processes of EFSA • Decision of the Executive Director on Declarations of Interest • Decision of the Executive Director laying down the rules on the reimbursement of expenses incurred by third parties from outside EFSA invited to attend meetings in an expert capacity (Experts' Compensation Guide) |
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DECISION OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN FOOD SAFETY AUTHORITY CONCERNING THE SELECTION OF MEMBERS OF THE SCIENTIFIC COMMITTEE, THE SCIENTIFIC PANELS AND THE SELECTION OF EXTERNAL EXPERTS TO ASSIST EFSA WITH ITS SCIENTIFIC WORK

THE EXECUTIVE DIRECTOR OF THE EUROPEAN FOOD SAFETY AUTHORITY,

Having regard to Regulation (EC) No 178/2002 of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety¹, and in particular to Article 28 thereof, regarding the role of the Scientific Committee and the Scientific Panels of the European Food Safety Authority (EFSA).

Having regard to the Decision of the Management Board of the European Food Safety Authority of 22 March 2017 concerning the establishment and operations of the Scientific Committee, the Scientific Panels and of their Working Groups² which foresee the delegation to the Executive Director of the Authority to draw up implementing rules for the selection of members of the Scientific Committee, the Scientific Panels, and their Working Groups and of external experts.

Having regard to EFSA's Policy on Independence and Scientific Decision-Making Processes and to the Decision of the Executive Director on Declarations of Interest³.

Whereas:

- (1) In order to comply with its mandate and its tasks, EFSA relies on scientific experts and the EFSA staff.
- (2) It is important that the composition of the Scientific Committee and the Scientific Panels reflects a right mix of competencies and knowledge areas needed to cover the mandate of the Scientific Panel/ Committee as well as considerations on balance of nationality, gender and terms of service in a Scientific Panel/ Committee.
- (3) It is fundamental that prospective members are willing and available to attend the plenaries and meetings of the Scientific Committee, the Scientific Panels and of their respective Working Groups, and to undertake the necessary preparatory work.
- (4) The procedures used for the selection of experts should be transparent and applied in a consistent manner.
- (5) The selection process for members of the Scientific Committee and the Scientific Panels should be characterized by a thorough procedure composed of several steps involving EFSA scientific staff, external reviewers, the Executive Director and the Management Board of the Authority.
- (6) The selection of external experts referred to in Article 21 of the Decision of the Management Board of the European Food Safety Authority concerning the establishment and operations of the Scientific Committee, the Scientific Panels and of their Working Groups should follow a different procedure, due to the different role of those experts.

¹ OJ L 31, 1.2.2002, p. 1, as last amended.

² <https://www.efsa.europa.eu/sites/default/files/paneloperation170601.pdf>

³ <https://www.efsa.europa.eu/en/topics/topic/independence>

- (7) The possibility for organising hearings to receive the input of individuals possessing relevant knowledge and expertise without being a member of EFSA's scientific groups should be taken into account.
- (8) The reimbursement of expenses sustained by the experts in the context of their cooperation with EFSA is addressed by the Decision of the Executive Director in the Experts' Compensation Guide⁴.

HAS ADOPTED THE FOLLOWING DECISION:

TITLE I

SELECTION OF MEMBERS OF THE SCIENTIFIC COMMITTEE AND THE SCIENTIFIC PANELS

Article 1

Members of the Scientific Committee and the Scientific Panels

1. Members of the Scientific Committee and the Scientific Panels are scientists specialised in the remit of the Scientific Committee or a Scientific Panel, selected and appointed in their personal capacity in accordance with EFSA's Founding Regulation, the Decision of the Management Board of the European Food Safety Authority of 22 March 2017 concerning the establishment and operations of the Scientific Committee, the Scientific Panels and of their Working Groups (hereinafter referred to as the Decision of the Management Board) and these rules.
2. Members of the Scientific Committee and the Scientific Panels are subject to the EFSA Policy on Declarations of Interests and the related Executive Director Decision on Declarations of Interest.

Article 2

Governance of selection process

1. For the duration of each selection procedure for members of the Scientific Committee and Scientific Panels the Executive Director shall establish a Panel Renewal Steering Committee (hereinafter referred to as the PRSC) by appointing its members and selecting its Chair.
2. The PRSC composition shall ensure appropriate representation of the scientific areas concerned. Other EFSA units may provide support.
3. The role of the PRSC is to oversee the entire selection procedure for members of the Scientific Committee and the Scientific Panels. The tasks of the PRSC shall be in particular to:
 - (a) review and agree on the text of the call for expressions of interest, including its validity, eligibility and selection criteria;
 - (b) provide instructions to EFSA evaluators and prepare a guide outlining the assessment methodology before the evaluation begins;
 - (c) confirm the list of EFSA evaluators, selected among EFSA scientific staff, following consultation with the relevant Unit(s);

⁴ http://www.efsa.europa.eu/sites/default/files/Experts_compensation_guide.pdf

- (d) oversee and document the outcome of the external review;
- (e) draw up and submit to the Executive Director a report with candidates proposed for appointment from the shortlist along with a reasoning for their nomination.

Article 3

Call for members of the Scientific Committee and the Scientific Panels

1. Pursuant to Article 28(5) of Regulation (EC) No 178/2002, and the Decision of the Management Board, a formal procedure for the selection of members of the Scientific Committee and the Scientific Panels shall be organized each time the three-year term of office of these scientific bodies expires.
2. In accordance with Article 28(5) of Regulation (EC) No 178/2002, the call for expressions of interest for membership in these scientific bodies shall be published in the Official Journal of the European Union, on the Authority's website and in relevant leading scientific publications. In order for the call to be given the widest dissemination possible, EFSA shall:
 - (a) define the dissemination strategy to attract and increase the talent pool of experts, proactively addressing the target population;
 - (b) advertise the call in other media frequently consulted by scientific experts;
 - (c) ask the members of the Advisory Forum and their Focal Points, as appropriate, to inform the respective national authorities, academic institutions and other entities, including those selected in accordance with Article 36 of Regulation (EC) No 178/2002 on the publication of such call.
3. The call for expressions of interest shall include validity, eligibility and selection criteria.

Article 4

Validity check of applications and eligibility check of candidates

1. The validity and eligibility check of each application shall be carried out by the EFSA service providing the Human Capital function.
2. An application shall be considered valid if sent by the deadline specified in the call for expressions of interest and in accordance with the requirements set out therein. A candidate shall be considered eligible if all the eligibility criteria, as published in the call for expressions of interest, are met in his or her application by the closing deadline of the call.
3. The results of the validity and eligibility check shall be reported to the PRSC with a clear indication of those cases where one, or more, of the validity or eligibility criterion was not met.
4. Only valid and eligible applications shall be processed further.

Article 5

EFSA evaluation of valid and eligible applications

1. In order to achieve a consistent evaluation amongst EFSA evaluators within and across Scientific Panels and the Scientific Committee, the PRSC shall provide instructions to the EFSA evaluators on how to perform the evaluation, including how to record their

scores, how to proceed in case the difference between their scores for the same valid and eligible application is greater than the limit set by the PRSC in its evaluation guide.

2. Valid and eligible applications shall be evaluated by at least two EFSA evaluators against the selection criteria as specified in the call for expressions of interest.

3. The overall score of a valid and eligible application is derived by taking the average of the individual total scores provided by the EFSA evaluators.

4. Valid and eligible applications above a defined cut-off score laid down in the call for expressions of interests shall be considered suitable for nomination for the Scientific Committee or a Scientific Panel, subject to the approval of their Annual Declaration of Interests as specified under Article 8 of this Decision.

Article 6

External review of the EFSA evaluation

1. In order to ensure transparency, openness and quality of the evaluation process external reviewers, not involved in EFSA's activities, shall be chosen by the Executive Director to review the evaluation carried out by the EFSA evaluators. These external reviewers shall be selected on the basis of the following criteria:

- (a) Internationally recognised scientific expertise and experience in the areas of EFSA remit;
- (b) Being knowledgeable of EFSA and its scientific working procedures;
- (c) Having an up to date and approved Annual Declaration of Interests; and
- (d) Not having participated in any of EFSA's scientific activities during the 2 years preceding the starting of the evaluation of applications.

2. The external reviewers shall assess the overall evaluation process (consistency of the internal evaluations) by reviewing a sample of eligible applications.

3. The PRSC shall provide the external reviewers with a copy of the sampled evaluation reports, the relevant application forms as well as the evaluation guide.

4. A meeting shall be organised by the PRSC with the external reviewers and the EFSA evaluators in order to discuss the outcome of the review. The PRSC will produce a report summarising the results of the review process.

5. The Executive Director shall invite representatives of the European Parliament, European Commission and the EFSA Management Board to observe the meetings referred to in this Article or to have access to the documents used by the external reviewers. These representatives shall not influence the outcome of the external review and shall be bound by duty to keep the data and the information acquired in that context confidential.

6. EFSA should, in accordance with its financial rules, bear the travel costs and accommodation allowance of the external reviewers and provide them with a special indemnity as defined in the expert compensation guide. The assessment and review of each evaluator shall be considered the equivalent of an individual "Complex Opinion" and reimbursed to each of them up to the maximum possible amount, even when the evaluator is not attending a physical meeting.

Article 7

Shortlist of candidates

1. Following the conclusion of the review referred to in Article 6 of the present Decision, all eligible candidates scoring above the threshold defined in the call for expressions of interest shall be included in a shortlist.
2. EFSA shall share, on a confidential basis, the shortlist of candidates with the Advisory Forum for information.

Article 8

Selection of candidates from the shortlist

1. The PRSC shall select candidates proposed for appointment from the shortlist. In doing so, the PRSC shall consider the following factors:
 - (a) The expertise required for the Scientific Committee or for the relevant Scientific Panel as specified in the call for expressions of interest. This relates in particular to the candidate's specific scientific expertise and experience; his/her additional expertise and potential contribution to a diverse range of scientific disciplines in the process of opinion development; and the overall mix of knowledge areas available to the Scientific Panel/ Committee to cover its foreseen needs;
 - (b) The candidate's preference for a Scientific Panel or for the Scientific Committee;
 - (c) Nationality balance among Member States. Among equally qualified candidates, preference shall be given to those belonging to underrepresented nationality. Shortlisted candidates from non-EU countries may be considered when appropriate candidates from Member States cannot be identified;
 - (d) Gender balance. Among equally qualified candidates, preference shall be given to those belonging to the underrepresented gender;
 - (e) Balance of terms served in a Scientific Panel/ Committee.
2. In case the shortlist of candidates for the Scientific Committee or for a particular Scientific Panel is too restricted in terms of expertise and would not allow for the selection of a pool of experts to cover the required mix of expertise, the PRSC may advise the Executive Director to launch another call for expressions of interest for the Scientific Committee and/or respective Scientific Panel(s), in order to obtain a shortlist possibly broader in terms of available expertise.
3. Candidates proposed for appointment will be asked to submit an Annual Declaration of Interests. The Annual Declaration of Interests of candidates proposed for appointment is screened by EFSA in accordance with EFSA's Policy on Independence and Scientific Decision-Making Processes and the Decision of the Executive Director on Declarations of Interest in force at the time when the screening takes place (hereinafter referred to as EFSA's Independence policy and rules).
4. The Annual Declaration of Interests of candidates proposed for appointment is screened with respect to membership in the respective Scientific Panel or the Scientific Committee, as well as with respect to possible chairmanship of the same scientific body.
5. The PRSC shall draw-up and submit to the Executive Director a report with candidates proposed for appointment from the shortlist, with an Annual Declaration of Interests compatible with EFSA's Independence policy and rules. Based on the report provided by the PRSC, the Executive Director shall provide the Management Board with a proposal on the candidates to be appointed from the shortlist as members of the Scientific Committee and/or the relevant Scientific Panel(s).

6. Shortlisted candidates not being proposed for appointment as members of the Scientific Committee and/or the relevant Scientific Panel(s) will be placed on a reserve list.

Article 9

Appointment of members of the Scientific Committee and Scientific Panels from the shortlist

1. In accordance with Article 28(5) of Regulation (EC) No 178/2002, members of the Scientific Committee and the Scientific Panels shall be appointed by the Management Board acting upon a proposal from the Executive Director.
2. Upon appointment by the Management Board, EFSA shall notify the appointed candidates together with the candidates placed on the reserve list, as well as inform unsuccessful candidates on the outcome of the selection procedure.

Article 10

Replacement of a member or increasing the members of the Scientific Committee or a Scientific Panel

1. In accordance with Article 5 of the Decision of the Management Board, in case of resignation, dismissal or where a need is identified to replace members or to increase the number of members, new members shall be proposed by the Executive Director to the Management Board from the reserve list.
2. The Annual Declaration of Interests of each candidate selected from the reserve list is screened by EFSA for the selected Scientific Panel/ Committee in accordance with EFSA's Independence policy and rules in force at the time when the screening takes place.
3. In case the reserve list does not include sufficient candidates with the required scientific profile to populate the Scientific Panel(s) or the Scientific Committee, the Executive Director may decide to launch a dedicated call for expressions of interest for scientific experts with the sought profile. The selection of candidates for the shortlist and the subsequent proposal for approval by the Management Board of the most suitable candidate(s) shall follow the same procedure as described above in Articles 2 to 9 of the present Decision.
4. In accordance with Article 5 of the Decision of the Management Board, replacement members and new members shall serve the remainder of the mandate of the Scientific Committee or Scientific Panel.

Article 11

Monitoring the participation and contribution of members of the Scientific Committee and Scientific Panels

1. EFSA shall monitor, document and appraise the participation and contribution of members of the Scientific Committee and Scientific Panels during each term.

TITLE II

SELECTION OF EXTERNAL EXPERTS TO ASSIST EFSA WITH ITS SCIENTIFIC WORK

Article 12

External experts

1. Apart from members of the Scientific Committee and the Scientific Panels, external experts who possess particular and relevant scientific knowledge may also contribute to the work of EFSA, its Scientific Committee or Scientific Panels through their Working Groups.
2. For this reason external experts may be invited to contribute on a regular or *ad hoc* basis to the work of EFSA, its Scientific Committee or Scientific Panels, through their Working Groups.
3. External experts may not be considered members of the Scientific Committee or a Scientific Panel without undergoing the full selection procedure envisaged for members of the Scientific Committee and the Scientific Panels, be entitled to voting rights of these scientific bodies, or be chosen as Chair of a Working Group of the Scientific Committee or the Scientific Panels. External experts shall be subject to EFSA's Independence policy and rules.
4. When the Scientific Committee, a Scientific Panel or one of their Working Groups identifies the need for external experts in a Working Group in order to address specific scientific issues, the reasoning shall be recorded in the minutes of the meeting.

Article 13

Identification and evaluation of external experts to assist EFSA in a specific scientific task

1. The list of expertise required for a specific scientific task is defined by the Chair of the respective scientific body in consultation with the Head of the respective Unit. In case of EFSA Working Groups the expertise required shall be defined by the Head of the Unit supporting the respective Working Group, in consultation with the respective Head of Department.
2. The experts needed to support a specific scientific task through a Working Group may be drawn from any of the Scientific Panels or the Scientific Committee or from the reserve list referred to in Article 8(6) without undergoing the procedure laid down in this Article.
3. If additional expertise are required in a Working Group external experts shall be identified by consulting relevant scientific databases. Potential external experts identified through these means shall then be evaluated against the required scientific profile. The identification process and the results of the evaluation of external experts shall be documented in accordance with the relevant Standard Operating Procedure.⁵
4. External experts matching with the required scientific profile shall be contacted by EFSA to confirm their availability and interest to carry out the specific task at hand.
5. Experts identified as suitable and available to support a specific scientific task through a Working Group (including external experts) shall be then requested to submit an

⁵ Standard Operating Procedure on Establishing, updating and closing a scientific Working Group (SOP No. SOP_006_S)

Annual Declaration of Interests. The Annual Declaration of Interests is screened by EFSA in accordance with EFSA's Independence policy and rules in force at the time when the screening takes place.

6. The list of suitable experts with an approved Annual Declaration of Interests (including external experts) shall be presented to the Chair of the relevant Working Group together with their expertise.

Article 14

The appointment of external experts

1. The decision on the appointment of the most suitable experts (including external experts) for a Working Group is made either by the Chair of the relevant Working Group upon proposal of the Head of the Unit supporting that body or, in case an EFSA staff member is chairing the Working Group, by the Head of the Unit supporting the respective Working Group in consultation with the respective Head of Department.

The following factors shall be considered:

- (a) The matching of the experts' profiles with the scientific profile required for the specific scientific task in question;
- (b) Nationality balance. Among equally qualified experts, preference shall be given to those belonging to underrepresented nationality. Experts from non-EU countries may be considered for appointment when appropriate experts from Member States cannot be identified;
- (c) Gender balance. Among equally qualified experts, preference shall be given to those belonging to the underrepresented gender;

2. Following the appointment of the most suitable experts (including external experts), EFSA shall notify the appointed experts, as well as inform those experts that were not selected.

TITLE III

SELECTION OF HEARING EXPERTS

Article 15

Hearing experts

1. Hearing experts are individuals invited by EFSA pursuant to Article 27 of the Decision of the Management Board who are in the possession of specific information, data, expertise or knowledge considered instrumental to achieving the desired level of accuracy and completeness of the relevant scientific output. Hearing experts may not necessarily qualify as members of EFSA's Scientific Committee, Scientific Panels, and Working Groups as they may have competing interests regarding the scientific topic in question that would result in conflicts of interest if they were appointed as members of these bodies.

2. Hearing experts shall be invited by EFSA on an *ad hoc* basis to present and share the information, data or knowledge in their possession with the members of the responsible Scientific Panel, Scientific Committee, or Working Group and answer questions related to their input.

3. Hearing experts shall not carry out tasks that are under the responsibility of the members of the respective scientific body. They shall not draft scientific outputs, participate in the deliberations, vote, chair the meetings or be a rapporteur.

4. Hearing experts shall be subject to EFSA's Independence policy and rules. As such they shall be invited to submit an Annual Declaration of Interests before the hearing takes place.

5. The rationale for the invitation of hearing experts and the approval by the Head of the Unit supporting the respective scientific body shall be documented.

TITLE IV COMMON PROVISIONS

Article 16

Processing of personal data

1. All personal information in the context of the present Decision shall be processed by EFSA in compliance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

2. The purpose of the data processing is the organisation of the selection procedures for members of the Scientific Committee, the Scientific Panels, and their Working Groups, as well as the invitation of hearing experts for the meetings of the above mentioned bodies. The personal data cannot be processed for any unrelated purpose.

3. The Executive Director is the controller of the data processing in the context of the selection of members for the Scientific Committee and the Scientific Panels, whereas the Head of Department in charge of a Working Group is the controller for the related personal data processing, as well as those of hearing experts.

4. Recipients of personal data:

- (a) *For the selection of members for the Scientific Committee and the Scientific Panels:* members of the PRSC, Human Capital Unit, EFSA evaluators, external reviewers, the EFSA Advisory Forum, the EFSA Management Board and the EFSA Executive Director.
- (b) *For the selection of external experts and hearing experts:* the Unit staff in charge of the Working Group, the respective Head of Department, the Chair of the Scientific Committee or the respective Scientific Panel.
- (c) Bodies charged with a monitoring or inspection task in conformity with Union Law, including the European Court of Auditors, the European Data Protection Supervisor, the European Anti-Fraud Office (OLAF) and the Internal Audit Service of the European Commission.

5. Candidates have a right to access their data. They have a right to update or correct their identification data. On the other hand, data demonstrating compliance with the eligibility criteria and selection criteria may not be updated or corrected after the closing date for the respective call for expressions of interest. Eligible candidates have a right of access to their evaluation results, with the exception of comparative results of other eligible candidates.

6. Information on candidates is kept as long as the reserve list remains valid, which is a period of 3 years. Documents related to appointed experts are kept for a period of 5 years after the appointment terminates.

7. Candidates are entitled to have recourse at any time to the European Data Protection Supervisor.⁶

Article 17

Entry into force

1. The present Decision shall enter into force on the date of its signature and replaces and repeals the Decision of the Executive Director dated 13 May 2016. This shall be without prejudice to the validity of any ongoing selection procedures when this Decision enters into force.

2. The Executive Director may review this Decision whenever deemed necessary. The Management Board, the Scientific Committee and the Advisory Forum shall be informed of the present Decision and of any subsequent revision.

Done in Parma, on 22 May 2017

[SIGNED]

Bernhard URL
Executive Director

⁶ <http://www.edps.europa.eu>