

Decision

EFSA European Food Safety Authority	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	Decision No.: REF. EFSA/SCISTRAT/DEC/01/2014
	Effective Date: 31/03/2014	Supersedes: Decision dated 27/02/2013

Approvals	Signature	Name
Originator	Signature on file	Juliane Kleiner
Visa	Signature on file	Dirk Detken
Acting Executive Director	See Decision	Bernhard Url

Introduction	
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Description	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.
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References	Articles 28(5), 28(9) (e) and 36 of Regulation (EC) No 178/2002 Articles 1, 5, 22 and 23 of Decision of the Management Board of the European Food Safety Authority of 15 March 2012 concerning the establishment and operations of the Scientific Committee, the Scientific Panels and of their Working Groups Article 2(d) of Regulation (EC) No 45/2001
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Relevant standards, legislation and documents	Regulation (EC) No 178/2002 Regulation (EC) No 45/2001 Decision of the Management Board of the European Food Safety Authority of 15 March 2012 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 implementing EFSA's Policy on Independence and Scientific Decision-Making Processes regarding Declarations of Interests 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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Abbreviations	
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**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**

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(9) (e) 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 15 March 2012 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 Processes³ and the Decision of the Executive Director implementing this Policy regarding Declarations of Interests⁴.

Having regard to the advice of the Advisory Forum and of the Scientific Committee.

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 members of the Scientific Committee and the Scientific Panels ensure a balanced representation of skills and qualities and a broad and deep range of expertise and perspectives. In addition to scientific excellence and knowledge of food safety issues, these shall comprise experience in risk assessment and a proven effectiveness in working with expert bodies.
- (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.

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

² Document mb 15 03 12 available at <http://www.efsa.europa.eu/en/keydocs/docs/paneloperation.pdf>.

³ <http://www.efsa.europa.eu/en/keydocs/docs/independencypolicy.pdf>

⁴ <http://www.efsa.europa.eu/en/keydocs/docs/independencerules.pdf>

- (4) The procedures used for the selection of experts should be transparent and applied in a consistent manner.
- (5) The selection process of the members of the Scientific Committee and the Scientific Panels is characterized by several steps involving EFSA scientific staff, external evaluators, the Advisory Forum, the Executive Director and the Management Board of the Authority.
- (6) The selection of external experts referred to in Article 23 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 roles of those experts.
- (7) Experts may be requested to attend a meeting as hearing experts.
- (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 Guide⁵.

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

Members of the Scientific Committee and the Scientific Panels are experienced, independent scientists selected and appointed in accordance with EFSA's rules and EFSA's Founding Regulation. They are fully subject to the EFSA Policy on Declarations of Interests. Members of the Scientific Committee and the Scientific Panels are appointed by the Management Board, acting upon a proposal from the Executive Director in accordance with Article 28(5) of Regulation (EC) No 178/2002 and Article 1 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 (hereinafter referred to as Management Board Rules of Procedures).

Article 2

Call for members of the Scientific Committee and the Scientific Panels

1. Without prejudice to Article 28 of Regulation (EC) No 178/2002, a formal procedure for the selection of members of the Scientific Committee and the Scientific Panels shall be organized for every renewal of the said bodies, to occur every three years.

⁵ http://www.efsa.europa.eu/efsa_rep/repository/documents/Experts_compensation_guide.pdf

2. The same procedure shall apply for the establishment of a new Scientific Panel and in case of major changes in the remit of a Scientific Panel or the Scientific Committee.
3. In accordance with Article 28(5) of Regulation (EC) No 178/2002, the procedure shall start with the launch of a call for expressions of interest 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) advertise the call in other media frequently consulted by scientific experts;
 - (b) ask the members of the Advisory Forum and their Focal Points, as appropriate, to inform national authorities, academic institutions and other entities, including those selected in accordance with Article 36 of Regulation (EC) No 178/2002 of such call, with the request to give the call the widest dissemination possible.
4. The call for expressions of interest shall include eligibility criteria and selection criteria.

Article 3

EFSA Evaluation Team

1. The Executive Director shall appoint the members and the chair of the EFSA Evaluation Team (hereinafter referred to as "EET").
2. To ensure representation of the Scientific Departments and of the relevant unit(s), the EET shall be chaired by the Head of Department of Science Strategy and Coordination and shall comprise the Head of Department of Scientific Evaluation of Regulated Products, the Head of Department of Risk Assessment and Scientific Assistance, the Head of the relevant Unit(s), a Project Coordinator and, if appropriate, the Unit Coordinator of the Scientific Committee and the Scientific Panel(s) concerned. Other EFSA staff (i.e. legal and/or human capital) may also provide support.
3. EET members shall possess adequate levels of seniority and shall ensure coverage of areas of expertise that are necessary to assess applications for the Scientific Committee and for the Scientific Panels.

Article 4

Check of validity and eligibility of applicants

1. The validity and eligibility check of each application shall be carried out by the Human Capital and Knowledge Management Unit.
2. Applications shall be considered valid only if sent by the deadline specified in the call and in accordance with the requirements set out therein. Applicants shall only be considered eligible if all the eligibility criteria are met in their application.
3. The results of the validity and eligibility check carried out by the Human Capital and Knowledge Management Unit shall be reported to the EET which shall review and confirm the outcome. Any non-valid or non-eligible submissions will be reported in the minutes of the EET meeting and will indicate which criterion was not met.
4. The eligibility criteria to be published in the call for expressions of interest are:

- i. A level of education which corresponds to completed university studies in one of the fields related to the areas of competence and expertise of the Scientific Committee or one of the preferred Scientific Panels. In addition to the above, professional experience relevant to the remit of the Scientific Committee/Scientific Panel(s) gained after obtaining the requested diploma;
- ii. Thorough knowledge of the English language;
- iii. Citizenship of a Member State of the European Union (EU), or of a country of the European Free Trade Association (EFTA) or an EU Candidate country. Experts from third countries may also apply but will only be considered for membership of the Scientific Committee or of the Scientific Panels, if the required level of expertise cannot be found among nationals of EU, EFTA or EU Candidate countries;
- iv. Commitment to attend meetings and to contribute to the work of the Scientific Committee/Panels at the appropriate level.

Article 5

EFSA Evaluation of eligible candidates

1. The selection criteria shall be published in the call for expressions of interest. These are:

- i. Experience in carrying out scientific risk assessment and/or providing scientific advice in fields related to food and feed safety, animal health and welfare, plant health and environment, as appropriate, in the areas of competence and expertise of the Scientific Committee or the preferred Scientific Panel(s).
- ii. Proven scientific excellence in one, or preferably several fields linked to the area covered by the Scientific Committee or the preferred Scientific Panel(s).
- iii. Experience in peer-reviewing scientific work and publications, preferably in fields related to the area covered by the Scientific Committee or the preferred Scientific Panel(s).
- iv. Experience in analysing complex information and dossiers, often from a wide range of scientific disciplines and sources and to prepare draft scientific opinions and reports.
- v. Professional experience in a multidisciplinary environment, preferably in an international context.
- vi. Experience in project management related to scientific matters.
- vii. Experience in communication, based on teaching experience, public presentations, active participation in meetings, publications.

2. Before starting the evaluation of the applications considered valid and eligible, the EET shall agree on the interpretation of the selection criteria as referred to in the call for expressions of interest in order to achieve a consistent and objective approach thereto. For this reason, a grading and scoring grid shall be drawn up and used to evaluate all candidates. The grid shall include a scoring range from “0” to “5” for each of the selection criteria. In order to differentiate the impact of the various criteria, a weighting coefficient shall be attributed to the

criteria as specified in the call for expression of interest. The first three criteria listed under paragraph 1 of the present Article shall be weighted higher than the other criteria.

3. The EET shall instruct an adequate number of EFSA evaluators, to be selected among EFSA scientific staff, to conduct the evaluation process. EFSA evaluators shall have an appropriate level of seniority and shall ensure coverage of areas of expertise that are necessary to assess applications for the Scientific Committee and for the Scientific Panels.

4. Each application shall be evaluated by at least two EFSA evaluators. Scores shall be documented using scoring grids for all criteria. Candidates who have expressed an interest for more than one Scientific Panel and/or the Scientific Committee shall be scored separately by a different team of EFSA evaluators for each chosen Scientific Panel or for the Scientific Committee. In those cases, the EET shall organise its work in a way that allows the evaluators to adopt a coherent scoring for all the applications concerned.

5. Each evaluator shall provide one overall score. Each candidate shall thus receive two scores for the Scientific Committee or each Scientific Panel for which he/she has applied. The evaluators shall reach a consensus on the scores to be attributed to each application. In exceptional cases, where no consensus can be reached, the EET shall assign an additional EFSA evaluator to carry out the evaluation exercise. The three sets of scores shall then be averaged.

6. All applications above a defined cut-off score (as laid down in the call for expressions of interests) shall be considered as suitable for candidate nomination for the Scientific Committee or a Scientific Panel, subject to the screening of their Declaration of Interests to be performed under Article 7 of this Decision.

Article 6

External review of the EFSA evaluation

1. In order to confirm that EFSA's evaluation and scoring of all eligible candidates is done in a fully consistent manner, three independent external evaluators shall be chosen by the Executive Director to review the internal evaluation procedure. These evaluators shall be selected on the basis of the following criteria:

- (a) Internationally recognized scientific expertise and experience;
- (b) Being knowledgeable of EFSA and its scientific working procedures;
- (c) Having an up to date and approved Annual Declaration of Interest; and
- (d) Not having participated in any of EFSA's scientific activities during the 3 years prior to the starting date of the selection procedure.

2. The three external evaluators shall assess, first individually, then jointly, the same representative sample of at least 10 % of all eligible applications, for the Scientific Committee and for each Scientific Panel.

3. The external evaluation shall be done using the same principles as described in Article 5 of the present Decision for the EFSA evaluation of eligible candidates. Thus, in assessing the applications, the external evaluators shall apply the selection criteria in the call and the grid drawn up by the EET. The scores given by the external evaluators for the 10 % of the eligible

candidates shall be compared with those given to the same candidates by the EET. Specifically, the comparison shall focus on the consistency with the outcome of the EFSA evaluation procedure.

4. A difference between the evaluation of EFSA evaluators and that of the external evaluators shall be considered a discrepancy when their respective average evaluation scores for one applicant differ by more than 20 points. The cases resulting in discrepancies shall be discussed between the external evaluators, the concerned EET member(s) and EFSA evaluators of the relevant applications with a view to clarify and document the causes for these differences and with a view to ensure that an evaluation methodology in line with the interpretation of the selection criteria has been consistently applied by the EFSA evaluators.

5. In case the percent of discrepancies is more than 20 % of the Scientific Committee/Panel sample, the evaluation and review process shall be repeated for all the eligible candidates applying for the Scientific Committee and /or this Scientific Panel. Subsequently, the external evaluators shall repeat their review the Scientific Committee and /or this Scientific Panel. For the new review, the external reviewers shall be provided with a new sample of at least 10 % of all eligible applications for the Scientific Committee and /or this Scientific Panel.

6. At any point in time during the selection procedure, the Executive Director may allow 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 evaluators. These representatives shall not influence the evaluation carried out by the external evaluators and shall be bound by duty to keep the data and the information acquired in that context confidential.

Article 7

Shortlist of the best candidates

1. Following the positive outcome of the review referred to in Article 6 of the present Decision, all candidates scored above the threshold shall be asked to submit an Annual Declaration of Interests.

2. The Annual Declaration of Interests of each candidate is screened in accordance with EFSA's Policy on Independence and Scientific Decision-Making Processes and the Decision of the Executive Director implementing this Policy regarding Declarations of Interests in force at the time when the screening takes place (hereafter referred to as EFSA's Independence policy and rules).

The extent of any potential conflict of interests shall be taken into account when deciding whether an applicant shall be further considered. When confirming that the Declaration of Interests of an applicant is compatible with EFSA's Independence policy and rules with reference to their application for membership in the Scientific Committee or in a Scientific Panel, the EET shall also indicate whether each candidate may be considered eligible for the role of Chair or Vice-Chair, if appointed as member of the Scientific Committee or a Scientific Panel.

3. All candidates with an Annual Declaration of Interests compatible with EFSA's Independence policy and rules should be placed on a shortlist.

4. In case the shortlist for the Scientific Committee or for a particular Scientific Panel is too small (i.e. less than the maximum membership of the Scientific Committee or of a Scientific Panel), the EET may advise the Executive Director to launch a second call for expression of interest for the Scientific Committee and/or the respective Scientific Panel, in order to obtain a number of successful candidates at least equal to the number of posts available.

5. In order to be able to select the best candidates, EFSA shall share, on a confidential basis, the shortlist of suitable candidates with the Advisory Forum for possible comments.

Article 8

Selection of candidates from the shortlist

1. Upon receipt of advice from the Advisory Forum, the EET shall send the Executive Director a report with candidates proposed for appointment, along with a justification for these nominations. In doing so, the EET shall consider the following factors:

- (a) The expertise required for the Scientific Committee or for the relevant Scientific Panel. This relates in particular to the candidate's specific scientific expertise and experience; his/her potential contribution to a diverse range of scientific disciplines and his/her experience in the process of opinion development;
- (b) Candidate's availability for EFSA activities;
- (c) Position of the candidate on the shortlist based on the scores given to their respective applications in the evaluation phase;
- (d) Nationality and gender balance. Experts from non-EU countries may be considered when appropriate candidates from Member States cannot be identified; and
- (e) Advice from the members of the Advisory Forum.

2. The Executive Director shall review the report and proposals and, following this review, provide a proposal to the Management Board on the experts to be appointed as members of the Scientific Committee and/or the relevant Scientific Panel(s).

3. For those shortlisted candidates not being proposed for appointment as members of the Scientific Committee and/or the relevant Scientific Panel(s), a proposal will be made by the Executive Director to the Management Board for them to be placed on a reserve list.

Article 9

Adoption of the list by the Management Board and appointment of the candidates

1. In accordance with Article 28(5) of Regulation (EC) No 178/2002, upon approval of the proposal, the members of the Scientific Committee and the Scientific Panels shall be appointed by the Management Board.

2. Upon appointment by the Management Board, the Heads of the Units supporting the Scientific Committee or the relevant Scientific Panels shall contact the experts to notify them of their appointment and to invite them for the first plenary meeting of the relevant body. EFSA shall notify the candidates on the reserve list and the unsuccessful applicants of the outcome of the selection procedure. Candidates placed on the reserve list shall be informed that

the data provided with their application have been uploaded by EFSA in its Database of external experts, for future possible activities as external experts.

Article 10

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

1. In accordance with Article 5 of the Management Board Rules of Procedures, in case of dismissal, resignation or where a need is identified to replace members or to increase the number of members of the Scientific Committee or a Scientific Panel, replacements or new members shall be selected from the current reserve list and proposed by the Executive Director to the Management Board for approval, following consultation with the Chair of the Scientific Committee/Panel.
2. In case the reserve list does not include candidates with the required scientific profile, the Executive Director may decide to launch a dedicated call for expressions of interest of scientific experts with the sought profile of expertise and experience. The selection of candidates for the shortlist and the subsequent proposal for approval by the Management Board of the preferred candidate(s) as Scientific Committee or Scientific Panel member(s) shall follow the same procedure as described above in Articles 2 to 9 of the present Decision.
3. In accordance with Article 5 of the Management Board Rules of Procedures, replacement members and new members shall serve the remainder of the mandate of the Scientific Committee or Scientific Panel. This shall count as a full mandate.

TITLE II

SELECTION OF EXTERNAL EXPERTS TO ASSIST EFSA WITH ITS SCIENTIFIC WORK

Article 11

External experts

1. Apart from members of the Scientific Committee and the Scientific Panels, external experts who possess particular scientific knowledge may also contribute to the work of EFSA, its Scientific Committee or the Scientific Panels through their Working Groups.
2. Without prejudice to Article 28(9) of Regulation (EC) No 178/2002 and to the Management Board Rules of Procedures, and in particular to Articles 1,22 and 23 thereof, external experts may be invited to contribute on a regular or *ad hoc* basis to the work of EFSA, its Scientific Committee or the Scientific Panels , through their Working Groups.
3. External experts cannot be considered members of the Scientific Committee or a Scientific Panel without undergoing the full selection procedures envisaged for members of the Scientific Committee and the Scientific Panels or be chosen as Chair of a Working Group of the Scientific Committee or the Scientific Panels. External experts are subject to EFSA's Independence policy and rules.

4. When the Scientific Committee or a Scientific Panel or one of their Working Groups identifies the need to include one or more external experts in a Working Group in order to address specific scientific issues, the justification shall be recorded in the minutes of the meeting.

Article 12

Database of external experts

1. EFSA, with support from the Advisory Forum, has created a Database of external experts to achieve the following:

- enhance the transparency of the process through which experts are invited to participate in the scientific activities;
- enhance EFSA’s capacity to conduct risk assessments under the remit of EFSA; and
- respond more effectively and flexibly to the growing workload, particularly in cases where very specialised, unexpected or urgent work may be required.

2. The Database of external experts contains the names of all experts who have been invited to join the Scientific Committee, the Scientific Panels, and their respective Working Groups (both past and current). The Database of external experts also contains data on additional experts who are willing to contribute, on a temporary basis, to the work of (or Working Groups of) the Scientific Committee and the Scientific Panels. The experts whose names are listed in the Database of external experts shall be requested to annually confirm their interest to remain included in this database and to update the information, as appropriate (see Article 13).

3. The use of the Database of external experts is not restricted to EFSA. Member States (*via* their members of the Advisory Forum and National Focal Points), EEA/EFTA countries and the European Commission (*via* their Advisory Forum representatives) shall also be able to retrieve data from this database. This shall allow them the option of approaching selected experts for their own scientific projects. Therefore applicants shall be requested to provide their consent. The data provided in the Annual Declaration of Interests will be stored in a separate database which is only accessible to EFSA.

4. EFSA shall actively promote the application of experts to the Database of external experts and may invite Member States to support this. Specifically, the database is open to on-line applications submitted by experts from Member States and third countries

Article 13

Database application, validity check, and eligibility of applicants

1. The process for inclusion of scientific experts in the Database of external experts is based on the submission and validation of a set of mandatory data consisting of personal data, institutional data, and data describing the expertise. A validity and eligibility check of each application is carried out by EFSA. The applicant shall be informed of the outcome of the validation and eligibility steps.

2. For every application, data validation is performed, assessing whether valid data has been provided for all mandatory fields in the application form. A valid submission requires *inter alia* that the applicant identifies at least one area of expertise in the database application form. Inappropriate applications will not be included in the database.

3. The results of the validity and eligibility checks carried out shall be reported at least once a year, for information purposes and possible comments, to the Executive Director.

4. To be included in the Database of external experts, the expert will need to satisfy all of the following eligibility criteria, which will be assessed from the information provided with a valid application:

- a university degree, or equivalent, in one or more areas of expertise within the remit of EFSA as listed in the database application form;
- relevant professional experience, e.g. in risk assessment, data collection on biological or chemical hazards, as appropriate;
- scientific articles in peer-reviewed journals or other scientific documents relevant to the expertise declared;
- ability to communicate and work in the English language.

Article 14

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

1. A list of potential experts shall be based on the scientific profiles needed for the specific task. The Chair of the relevant body (Scientific Committee, Scientific Panel, or Working Group) in consultation with the Head of the respective Unit, shall determine what kind of scientific profiles shall be required. In case of EFSA's Working Groups, the profiles shall be decided 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 the relevant body (Scientific Committee or Scientific Panel) and/or from other Scientific Panels/Scientific Committee of EFSA without undergoing the procedure as laid down in Article 14 (3).

3. If additional expertise is needed, the Head of the Unit supporting the above mentioned body shall consult the Database of external experts with a view to finding an adequate number of external scientific experts possessing the relevant scientific profile. Potential candidates identified through the search for the specific expertise needed will be then evaluated for their scientific excellence and risk assessment experience, as appropriate.

4. If, after consulting the Database of external experts, the Head of Unit considers that the number of experts with the required expertise is not sufficient for the task, or when the degree of expertise is deemed not adequate, he/she can try to extend the list of external experts for the task at hand by following the procedure described in Article 15 and 16.

5. The potential candidates who match the requested profile shall be contacted by the Head of the Unit supporting the relevant body to find out about their interest to carry out the task at hand and their availability. The individuals who express such an interest shall be requested to

submit an Annual Declaration of Interests. The Annual Declaration of Interests of each candidate is screened in accordance with EFSA's Independence policy and rules. The extent of any potential conflict of interests shall be taken into account in deciding whether a candidate shall be further considered. The list of candidates with approved Declarations of Interests will be evaluated by the Chair of the body as described in Article 16.

6. The results of the identification and evaluation of external experts shall be recorded as laid down in the relevant Standard Operating Procedure.⁶

Article 15

The invitation of external experts not included in the Database of external experts

1. If a query in the Database of external experts reveals that experts with the sought profile are not present or if the search in this database for the sought profile reveals only experts whose nationality or gender would substantially unbalance the composition of a Working Group, the Chair of the Working Group or the Head of the relative Unit may identify other experts considering, "*inter alia*", the following possible sources of information:

- a literature search on the subject on which expertise is sought to identify experts with proven expertise;
- a web search for experts/expertise sought;
- a written request to the Advisory Forum members or Focal Points for suggesting names of best national experts in the field required;

2. These candidate experts shall be contacted by the Head of Unit supporting the respective body to find out about their interest and availability to assist EFSA. In case of a positive answer these experts shall be requested to submit an Annual Declaration of Interests following the procedure as laid down in Article 14.5.

3. The experts need to be included in the Database of external experts (see Article 13).

Article 16

The appointment of external experts

1. In accordance with Articles 22 and 23 of the Management Board Rules of Procedures and without prejudice to the proper screening of the Annual Declaration of Interests, the decision on the preferred expert(s) 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 tasks in question. This relates in particular to the candidate's potential contribution to the

⁶ Standard Operating Procedure on Establishing, updating and closing a scientific Working Group (SOP No. EFSA/SOP Sci/006)

scientific expertise and experience required for the task in question based on the evaluation carried out as described in Article 14.3;

- (b) Nationality and gender of the candidate. Specifically, for otherwise equal candidates, priority shall be given to under-represented Member States. Experts from non-EU countries may be considered in case appropriate candidates from Member States cannot be identified; and
- (c) Thorough knowledge of the English language.

2. The selected expert(s) shall then be contacted by the Head of the relevant Unit in order to confirm their acceptance to assist EFSA. If that is confirmed, the selected expert(s) shall subsequently be invited to attend the first meeting of the Working Group for which they have been selected. As described in EFSA's Independence policy and rules, they shall be requested to submit a Specific Declaration of Interests and sign the EFSA agreements on confidentiality and commitment.

3. Experts that were not selected shall also be informed by the Head of the respective Unit about this outcome.

TITLE III

SELECTION OF HEARING EXPERTS

Article 17

Hearing experts

1. Hearing experts are individuals possessing particular and relevant knowledge, who are invited by EFSA to share the information in their possession with the Scientific Committee, the Scientific Panel or their Working Groups by giving a presentation or providing data, reports or publications on a single occasion or in a limited numbers of instances.

2. Hearing experts do not carry out tasks that are under the responsibility of the members of the respective scientific body, i.e. to participate in deliberations, to vote and to chair or to be a rapporteur. They may present topics and answer questions, but they shall not draft scientific outputs and they shall not be involved in the adoption of the scientific output.

3. Given the limited role as non-member attendees to stand witness and answer questions, hearing experts may have conflicts of interests regarding the relevant topic. They shall be subject to the transparency principle stated in EFSA's Independence policy and rules. As such they shall be required to submit an Annual Declaration of Interests before the meeting.

4. Experts shall be proposed as hearing experts by the Head of the Unit supporting the respective scientific body following the request of that scientific body. The competent Head of Department shall then take a decision on whether experts are to be invited as hearing experts.

TITLE IV

COMMON PROVISIONS

Article 18

Data protection

1. *Processing of personal data in relation to the selection of members of the Scientific Committee and the Scientific Panels*

All personal information on candidate members of the Scientific Committee and the Scientific Panels shall be processed by EFSA pursuant to 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.

The EFSA Executive Director is identified as controller for the processing of personal data related to the selection procedure outlined in Title I.

The purpose of the processing is to organise selection procedures for members of the Scientific Committee and the Scientific Panels and all personal data shall be processed solely for these purposes.

The recipients of processed data shall be members of the EFSA Evaluation Team, Human Capital and Knowledge Management Unit (person/s in charge of supporting the selection process), evaluators, external evaluators, the EFSA Advisory Forum, the EFSA Management Board, the EFSA Executive Director, 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.

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.

Information on applicants 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. Upon their consent, personal data of shortlisted candidates are included in the EFSA Database of external experts.

Candidates shall be entitled to have recourse at any time to the European Data Protection Supervisor.⁷

2. *Processing of personal data in relation to the selection of external experts and in relation to the selection of hearing experts*

⁷ <http://www.edps.europa.eu>.

The Head of Department supervising a specific selection process for external experts or hearing experts is the controller for the related processing of personal data.

What is outlined under Article 18(1) is *mutatis mutandis* applicable to the processing of personal data in the context of the selection of external experts and the selection of hearing experts.

Article 19

Entry into force

1. The present Decision shall enter into force on the date of its signature and replaces the Decision of the Executive Director dated 27 February 2013, which is hereby repealed. 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, 31/03/2014

Signed by

Bernhard URL
Acting Executive Director