

Note to the attention of the Management Board

RENEWAL OF ANS AND CEF PANELS

When it was created, EFSA operated one Scientific Committee and eight Scientific Panels.¹ In 2006, the Panels became nine, with the split of the original Panel on Plant health, Plant Protection Products and their residues into the Scientific Panel on Plant Health and the Scientific Panel on Plant Protection Products and their residues.²

In 2008, the Panels became ten, with the split of the former Panel on Food Additives and Contact Materials (AFC) into the Panel on Food Contact Materials, Enzymes, Flavourings and Processing Aids (CEF) and the Panel on Food Additives and Nutrient Sources Added to Food (ANS).³

This change misaligned the terms of the two new Scientific Panels *vis-à-vis* those of the already existing Scientific Committee and remaining eight Panels.

As a consequence, since 2008, EFSA carries out Panels renewal exercises every 1/1.5 years. This causes an inefficient resource deployment, stakeholders' misunderstandings and experts' fatigue.

Rationale for change

The present resource deployment leads to inefficiencies in the range of 1.59 FTEs and 160.000 Euro each time the ANS and CEF Panels are renewed. If the terms of all EFSA Panels were re-aligned, over 10 years it would lead to a cumulative optimisation of approximately 0.5 million Euro and 4.7 FTEs. Furthermore, the organisation of a single call for expression of interest for all EFSA's Scientific Panels would also give the Authority more choice in covering the competencies needed in the Panels. Finally, EFSA's estimates identify a better workload balance compared to that reflected in the current ANS, CEF and NDA Scientific Panels' mandates.

The proposed solution

EFSA highlighted to DG SANTE the need to adjust the mandates of its current ANS, CEF and NDA Panels to better balance their workload, enhance their effectiveness and remain fit-for-purpose. EFSA suggested seizing this opportunity to align the terms of the ANS and CEF Panels to those of the other Scientific Panels and Scientific Committee. The European Commission confirmed its willingness to amend the names of EFSA's Panels in the Founding Regulation as requested by EFSA.

The approach agreed between the Commission and EFSA's services is that in 2017, the Commission would amend Regulation (EC) No 178/2002 to replace the current ANS,

¹ Article 28(4) of Regulation (EC) No 178/2002 of the European Parliament and of the Council 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 safety OJ L 31, 1.2.2002, p. 1–24.

² Commission Regulation (EC) No 575/2006 of 7 April 2006 amending Regulation (EC) No 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority, OJ L 100, 8.4.2006, p. 3–3.

³ Commission Regulation (EC) No 202/2008 of 4 March 2008 amending Regulation (EC) No 178/2002 of the European Parliament and of the Council as regards the number and names of the Scientific Panels of the European Food Safety Authority OJ L 60, 5.3.2008, p. 17–17.

CEF and NDA Scientific Panels with the Scientific Panels on Food Additives and Flavourings (FAF), the Food Contact Materials and Enzymes (CEP) and the Nutrition, Novel Foods and Allergens (NDA) respectively.

Transitional measures in the forthcoming Commission Implementing Regulation would ensure that the changes become effective in 2018, so as to realign the terms of all EFSA's Panels. This would allow the 2017 ANS and CEF Panels' renewal to be processed under the current framework and to run until July 2018.

Way forward

Should the Management Board support the approach outlined in this note, due to the forthcoming legislative amendment, the ANS/CEF term starting in 2017 is likely to expire after one year. EFSA intends communicating with current and prospective ANS/CEF Panel members in a transparent and straightforward manner, informing them of the high possibility of a term lasting for one year, rather than for three years as it is normally the case.

EFSA's internal rules prevent experts to serve more than three consecutive terms in the same Scientific Panel,⁴ meaning that 53% of the current ANS Panel members and 35% of the current CEF Panel members will not be eligible to serve the mandate starting in 2017. In this context it should be noted that due to the uncertainty related to the length of the term of the ANS/CEF mandate and the effort to submit an elaborate application, EFSA may not attract sufficient new experts to apply to this call. In addition, new experts need some time to become fully operational with the Panel processes and the duration of the mandate would perhaps be too short to ensure efficient business continuity. In order to minimise these risks it is proposed to exceptionally allow panel members with already three consecutive terms in the same Panel to apply again for this new short-term of the same Panel.

From a legal perspective, upon reasoned decision, the Management Board enjoys the power of departing from its previous decisions and rules such as the one referred to above. Such a waiver would be compatible with the legal provisions set out in EFSA's Founding Regulation, which refer to EFSA's internal rules to be adopted by its Board.

Conclusion

To allow the Authority to optimise the resources deployed in the Panel renewal processes, EFSA seeks the endorsement of the Management Board:

- On the agreement with the Commission and way forward outlined in this note; and
- On the waiver of Article 1(3) and (4) of the Decision of the Management Board of the European Food Safety Authority concerning the establishment and operations of the Scientific Committee, Scientific Panels and of their Working Groups making candidates ineligible to serve a fourth consecutive term in the same Scientific Panel.

⁴ Article 1(4) of mb 15 03 12 – Decision of the Management Board of the European Food Safety Authority concerning the establishment and operations of the Scientific Committee, Scientific Panels and of their Working Groups.