

COMMUNICATIONS & EXTERNAL RELATIONS

Revision of the Management Board Decision concerning the operation of the Advisory Forum

Background:

Provision is made in the Founding Regulation for the specification of 'operational procedures' of the Advisory Forum with a requirement that they be made public. The current Management Board Decision concerning the operation of the Advisory Forum was agreed in 2008 and is focussed on procedural aspects of meetings of the Forum. It is proposed that the Management Board Decision is revised and updated.

Rationale:

A review of how the Advisory Forum was meeting the requirements of the Founding Regulation (FR) and how members were fulfilling the roles set out in the regulation was conducted in 2015. One of the recommendations from the review was for the operating procedures to be reviewed to add detail of the members' role in relation to the tasks set out in the Founding Regulation.

While the current Decision provides detail on the running of meetings (Article 27 of the FR), it does not provide any additional information on the interactions of the members and EFSA and does not address issues related to Article 30 of the FR (on scientific divergence) or Article 36 of the FR (on scientific networks).

These two aspects in particular are where additional explanation is needed on the role of Members and The Forum.

Objective:

The objective of the review is to expand the scope covered by the Decision to provide detail on the three relevant articles of the Founding Regulation (ie Articles 27, 30 and 36 of the FR).

Timeline:

Herewith included (Annex I) is a draft revision to the Decision concerning the operation of the Advisory Forum to inform and invite comment from the Management Board on the proposals. A table summarising the origin of each of the articles is also provided (Annex II).

The document is to be discussed at the Advisory Forum meeting on 8-9 June.

Following consolidation of comments, a final draft will be presented to the Board in October for agreement to come into force immediately after.

Conclusion:

The Management Board is invited to agree to update the Decision of 2008 on the operational procedures of the Advisory Forum and to comment on the proposed draft.

Annex I: Draft Revision of the Management Board Decision

MANAGEMENT BOARD DECISION CONCERNING THE OPERATION OF THE ADVISORY FORUM OF THE EUROPEAN FOOD SAFETY AUTHORITY

THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY,

Having regard to 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 (hereinafter "the Regulation") and in particular to Article 27, , Article 30, Article 30(4) Article 36(1);

Having regard to Regulation (EC) No 2230/2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's mission (hereinafter the Implementing Regulation) and in particular Article 1, Article 3 and Article 4.;

Having regard to the Management Board Decision concerning the operation of the Advisory Forum¹;

Having regard to the Management Board Decision concerning the establishment and operation of European Networks of scientific organisations operating in the fields within the Authority's mission²;

Having regard to the Policy on Independence and Scientific Decision-Making Processes of the European Food Safety Authority³;

Having regard to Decision of the Executive Director on Declarations of Interest⁴;

Having regard to the EFSA's Financial Regulations⁵ and its implementing rules⁶;

Whereas:

¹ mb 27 03 08, <http://www.efsa.europa.eu/sites/default/files/assets/afoperation.pdf>

² mb 18 03 10, http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/networksooperation.pdf

³ mb 15 12 11, http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/independencepolicy.pdf

⁴ EFSA/LRA/DEC/02/2014, http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/independencerules2014.pdf

⁵ mb 19 12 13, http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/finregulation.pdf

⁶ mb 26 06 14, http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/finimplementingrules.pdf

- 86 (1) in order to ensure the proper functioning of the Advisory Forum of the European
87 Food Safety Authority (hereinafter "the Authority"), within the overall framework of the
88 Regulation it is appropriate to lay down the Advisory Forum's internal rules.
89 (2) in order to enable the Advisory Forum to exchange information on potential risks and
90 the pooling of knowledge and ensuring close cooperation between the Authority and the
91 competent bodies in the Member States and in particular where the Authority or a
92 Member State identifies an emerging risk.
93 (3) in order to provide detail on the role of the Forum in cases of scientific divergence
94 (4) in order to facilitate networking between the Authority and the organisations on the
95 Article 36 list and the entrusting of tasks on the list

96
97 Has adopted the following rules:
98
99

DRAFT

Chapter I: Organisation and running of meetings

Article 1: Composition of the Advisory Forum

(1) The Advisory Forum shall be composed of representatives from competent bodies in the Member States, Iceland and Norway which undertake tasks similar to those of the Authority, on the basis of one representative designated by each Member State.

(2) Such designation shall be made by the Permanent Representation office of the Member States and for Iceland and Norway by the respective Missions to the EU by each country.

(3) Representatives may be replaced by alternates, appointed in the same manner.

(4) As Member State representatives, members of the Advisory Forum shall contribute to discussions held in the Forum as representing the views of their Member State.

Article 2: Chair

(1) The Advisory Forum shall be chaired by the Executive Director of the Authority.

(2) When in exceptional circumstances, the Executive Director is unable to chair a meeting, he/she may delegate the chairmanship of the Advisory Forum to a senior staff member of the Authority.

Article 3: Attendance

(1) For the purpose of ensuring the smooth functioning of the meetings, or in order to provide particular expertise, the Executive Director may invite to the meetings of the Advisory Forum any person qualified in the matters to be discussed with a view to informing the meeting on this matter.

(2) The European Commission and the European Parliament shall be invited to participate in the plenary meetings as observers.

(3) Representatives from the EU Candidate Countries and Switzerland shall be invited as observers.

Article 4: Secretariat

(1) The Authority shall provide the Secretariat to the Advisory Forum

Article 5: Focal Points

(1) Advisory Forum members shall be supported by national Focal Points in the practical implementation of activities related to networking and scientific cooperation, acting as an interface between EFSA and the national food safety authorities, research institutes, consumers and other stakeholders, and among competent organisations in Europe.

Article 6: Convening of meetings

(1) In addition to the four statutory meetings per year, the Advisory Forum shall meet at the request of the Chair or of at least one third of its members.

(2) When the Advisory Forum is convened to deliberate on a matter of urgency, the notice of convocation and the provisional agenda shall be transmitted to members as soon as possible.

(3) Where at least one third of the members requests a meeting, the meeting shall be convened within one month from the receipt of the request by the secretariat, or, in case of urgency, as soon as possible.

Article 7: Preparation of Agenda and meetings

(1) Members may submit items for inclusion on the Agenda at any time.

(2) The Secretariat shall circulate a draft Agenda for further input from members no later than one month before the date of the meeting.

(3) Meeting Agenda shall clearly indicate which items are for discussion, for endorsement and for information. Members shall consult at national level in order to be prepared for the discussion. To facilitate this, the Agenda, documents and presentations will be made available to the EFSA Focal Points in each Member State ahead of meetings to facilitate the necessary pre-meeting consultation and preparation of members.

Article 8: Quorum and votes

(1) A quorum of at least two thirds of all the members of the Advisory Forum shall be physically present in order for the meeting to be valid.

(2) When a document is put on the agenda for endorsement, the Advisory Forum shall strive to reach a consensus on it. However, when that is not possible, a majority of members endorsing a document will be sufficient for it to be carried. Dissenting views shall be referenced in the minutes of the meeting.

Article 9: Written procedures

(1) Where the Chair wishes to consult the members of the Advisory Forum between meetings, documents and information may be transmitted by the quickest means available and the necessary information sought by written procedure without the need to convene a meeting.

(2) The matter shall in any case be placed on the agenda of the next meeting.

(3) Where a member of the Advisory Forum is not able to be represented at a meeting he/she may make his/her views known on an agenda item to the Chair in writing. The Chair shall ensure that these are circulated to other members by the Secretariat.

Article 10: Discussion Groups

(1) In order to prepare discussion papers for plenary meetings and to facilitate detailed consideration on specific topics, the Advisory Forum may establish a Discussion Group on an ad hoc basis. Members shall be able to participate or designate a representative to participate in such Discussion Groups which shall be limited to a specific remit and dissolved once the remit has been fulfilled.

Article 11: Minutes and Reporting

(1) Minutes of meetings shall be drafted by the Secretariat and circulated to members for approval by written procedure.

(2) All documents and presentations tabled at meetings by the Authority and by members (subject to agreement with those members) and minutes of meetings shall be published on The Authority's website.

Article 12: Work Planning

(1) The Advisory Forum shall be consulted by the Authority in the preparation of the annual and multiannual work programme at drafting stage in order to provide advice to the Executive Director on prioritisation of work.

Article 13: Exchange of information within the Advisory Forum

(1) In order to be better informed on issues to be discussed at meetings and between meetings, the Authority shall encourage the exchange of information between members and between the Authority and members

(2) The Authority may develop and maintain tools to facilitate such exchanges.

Chapter II: Scientific Divergence

Article 14: Sharing of information on forthcoming risk assessments

(1) At each meeting of the Advisory Forum, members shall exchange information on forthcoming risk assessment activities, which may identify potential duplication and divergence in the work of the Authority and the Member States. In order to identify areas of potential scientific divergence, members shall share annual, quarterly or monthly work programmes where they exist and inform other members and the Authority of planned work activities on a regular basis.

Article 15: Divergence between EFSA and Member States bodies

(1) In the case of potential scientific divergence identified by either the Authority or a Member State, the Advisory Forum Member will facilitate as far as possible the timely exchange of information between the relevant Member State and the Authority. The Authority shall be informed in writing in between meetings or the matter raised during the next plenary meeting.

(2) When a member of the Advisory Forum becomes aware of the likelihood of scientific divergence between the Member State and the Authority, the Authority shall be informed.

(3) Where the Authority becomes aware of scientific divergence between it and a Member State, the Authority shall inform the relevant national body and the member for the Member State.

(4) In such circumstances described above, both the Authority and the relevant member of the Advisory Forum will facilitate as far as possible the exchange of information necessary to identify potentially contentious scientific issues.

Article 16: Guidance on Divergence

The Advisory Forum shall develop and keep under review guidance to be followed in the event of substantive scientific divergence as detailed in Article 30(4) of the Regulation.

Article 17: Coordination of Communications

(1) The Advisory Forum shall agree procedures to share under embargo, as appropriate, particular opinions of importance for Member States and/or the Authority prior to their publication. This applies to opinions developed by the Authority and by a Member State body and should provide members and the Authority with the opportunity to be prepared for questions which may arise and to discuss and fine-tune accompanying press material.

(2) In cases where there is scientific divergence which has not been resolved the Advisory Forum will facilitate the coordination of the communications on the issue in conjunction with the publication of a joint document clarifying the contentious scientific issues and identifying the relevant uncertainties in the data.

Article 18: Public consultation

(1) The Authority shall consult with the Advisory Forum on particular on scientific opinions / guidance expected to attract wide interest. Members shall support the undertaking of public consultation by Member State bodies working on scientific opinions where there is likely to be interest to the wider community.

Chapter III: European Networking

Article 19: Scientific Networks

For the purpose of exchanging information and cooperation between the Authority and the competent bodies in the Member States relating to work in the areas within its remit, in accordance with the relevant Management Board Decision, the Authority shall establish scientific networks with the agreement of the Advisory Forum. Members may identify and nominate national organisations to take part in such networks.

Article 20: Prioritisation of Work

(1) Advisory Forum members, supported by Focal Points, shall consult at national level with organisations on the Article 36 list to identify proposed areas of work in the remit of the Authority for consideration by the Forum as part of discussions on work planning and prioritisation.

(2) On the basis of work carried out within its Advisory Forum, the Authority shall identify scientific actions of common interest which could be undertaken within the network of competent organisations.

(3) Involvement of Member State organisations being on the Article 36 list in EFSA's projects shall be promoted by collaboration through the development of joint projects under the EU Risk Assessment Agenda.

Article 21: List of Competent Organisations designated by the Member States

(1) The Advisory Forum shall ensure that there is a good general match between the requests for contributions which the Authority puts to the organisations on the List of Competent Organisations and the scope of those organisations to respond favourably to these requests. Members will therefore have responsibility to keep an overview of the organisation of their Member States on the List and whether these match the work programme and requests. If this is not the case, Members shall identify organisations

with potential to contribute to the Authority's work. The Authority will support the Advisory Forum by making the necessary information available .

Article 22: Tasks involving organisations on the List of Competent Organisations

(1) The Executive Director may seek advice of the Advisory Forum to entrust either to one organisation on the list or to several working together, specific agreed tasks, in particular preparatory work for scientific opinions, scientific and technical assistance, collection of data and identification of emerging risks. In accordance with the relevant financial rules , some of these tasks may be eligible for financial support in the form of subsidies (grants).

Chapter IV: Common Provisions

Article 23: Declarations of Interest and declaration on confidentiality

(1) Members shall comply with the rules set down by the Authority on Declarations of Interest, which includes commitment to comply with rules on confidentiality.

Article 24: Reimbursement of expenses

(1) Members shall comply with the rules on reimbursement of travel expenses and payment of allowances and indemnities laid down in the EFSA Experts Compensation Guide

Article 25: Entry into Force

These rules shall enter into force on the day of their adoption by the Management Board.

349 Annex II – Provisions and Changes

350 Summary table detailing origin/basis of Articles in revised 351 Decision.

352

Decision Reference	Legal Reference	Explanation
Art.1 (1)	Founding Regulation ⁷ (FR) Art.27 (1)	Provision from existing Decision and statement of legal provision with clarification and reference to status of Iceland and Norway
Art.1 (2)	FR Art.27 (1)	New provision - clarification of procedure of designation of representative by "Member State"
Art.1 (3)	FR Art.27 (1)	Provision from existing Decision and statement of legal provision with additional detail to appointment of alternates
Art.1 (4)		New provision - detailing perceived role of AF members as a representative of their MS - reference to outcome of AF review
Art.2 (1)	FR Art.27 (5)	Statement of legal provision
Art.2 (2)		Provision from existing Decision
Art.3 (1)	FR Art.27 (7)	Provision from existing Decision
Art.3 (2)	FR Art.27 (7)	Provision from existing Decision with clarification regarding Art.27 (7) following established practice to invite EP and EC to meetings
Art.3 (3)		New provision - reference to observer countries following established practice to invite them to attend meetings
Art.4	FR Art.27 (6)	Provision from existing Decision and statement of legal provision simplified
Art.5		New provision - reference to FPs, needed to underline general concept of national networking and information flow and support of AF members in their roles
Art.6 (1)	FR Art.27 (5)	Provision from existing Decision simplified
Art.6 (2)		Provision from existing Decision simplified
Art.6 (3)	FR Art.27 (5)	Provision from existing Decision clarifying legal provision
Art.7 (1)		Provision from existing Decision, modified according to outcome of AF review to underline active role of AF members in agenda setting
Art.7 (2)		New provision - procedural description
Art.7 (3)		Procedural description to clarify cooperation of AF,

⁷ Regulation (EC) No 178/2002

		EFSA and FPs and information flow
Art.8 (1)		Provision from existing Decision
Art.8 (2)		Provision from existing Decision with clarifications
Art. 8 (3)		Provision from existing Decision
Art.9 (1)		Provision from existing Decision with clarifications
Art.9 (2)		Provision from existing Decision
Art.9 (3)		Provision from existing Decision
Art.10		Revision of existing provision providing basis for establishing Discussion Groups of the Forum and removal of reference to Working Groups in line with established practice
Art.11		Simplified existing provision
Art.12	FR Art.27 (3)	New provision relating to advice to ED
Art.13(1)		New provision related to findings of AF Review
Art.13(2)		New provision enabling means for 13 (1)
Art.14	FR Art. 27 (4); 30 (1); 36 (1)	New provision underlining importance of information sharing, sharing of forthcoming RA to avoid duplication of work and scientific divergence, reference to EURAA and AF Review
Art.15(1)	FR Art.30 (4)	New provision; Detailed operational description
Art.15(2)	FR Art.30 (4)	New provision; Detailed operational description
Art.15(3)	FR Art.30 (4)	New provision; Detailed operational description
Art.15(4)	FR Art.30 (4)	New provision; Detailed operational description
Art.16		New provision detailing need to have guidelines for cases of Art.30(4) for both EFSA and MS
Art.17 (1)	FR Art.40 (3)	New provision detailing established practice on risk communication
Art.17 (2)	FR Art.30 (4)	New provision; Detailed operational description
Art.18		New provision - public consultation, support of AF members, national networking as referring to EURAA and AF Review
Art.19	FR Art.36	New provision - alignment of Art.36 organisations and Scientific Networks, national networking, reference EURAA; clarification of AF members role in nominating organisations
Art.20 (1)	FR Art.27 (3); 36	New provision - specification regarding operational procedures for Art.36 list, cooperation at national level, national networking, information exchange
Art.20 (2)	Implementing Rules ⁸ (IR) Art.3 (1)	New provision detailing role of AF members
Art.20 (3)	FR Art.27 (3); IR Art.3 (1)	New provision detailing basis for joint projects with reference to EURAA
Art.21	FR Art.36; IR Art.4 (2)	New provision - specification regarding operational aspects of Art.36 list
Art.22	IR Art.4 (3)	New provision clarifying activities of Forum in relation to tasks entrusted to Art.36 organisations.

⁸ Regulation (EC) No 2230/2004

Art.23	ED Decision	Provision from existing Decision simplified
Art.24	Expert Compensation Guide	Provision from existing Decision simplified
Art.25		Provision from existing Decision

353

354

355

356

357

358 **Glossary**

359

360 FR – Founding Regulation

361 AF – Advisory Forum

362 MS – Member States

363 EP – European Parliament

364 EC – European Commission

365 FP – Focal Point

366 ED – Executive Director

367 RA – Risk Assessment

368 EURAA – EU Risk Assessment Agenda

369 EU – European Union

370 EFSA – European Food Safety Authority

371 IR – Implementing Rules

372