

Note to the Management Board

Presentation on the development of a new concept for implementing Article 36 of EFSA's Founding Regulation

The aim of the presentation is to inform the Management Board about a new initiative, under Specific Objective 3 of EFSA's Strategy 2020, to strengthen European networking amongst competent organisations and with EFSA, through:

- Establishing a more agile up-to-date Article 36 List; and
- Enhancing engagement of Member States (MS) and competent organisations in networking.

The presentation points out the main potential barriers to networking and cooperation under Article 36 of EFSA's Founding Regulation. To break them down, EFSA is developing a new concept to implement Article 36, based on:

- Using the experience at EFSA and in MS, accumulated over the past ten years;
- Exploring opportunities to progressively use the existing legal framework of Article 36; and
- Becoming an integral part of EFSA's new IT landscape.

The involvement of key players, including Advisory Forum members, Focal Points and Article 36 organisations, will be central throughout the initiative.

The Annex to this note indicates the actors and their responsibilities as stipulated in Commission Regulation (EC) No 2230/2004.

Annex: Responsibilities stipulated in Commission Regulation (EC) No 2230/2004

Article 1

Competent organisations designated by the Member States

1. The competent organisations designated by the Member States in accordance with Article 36(2) of Regulation (EC) No 178/2002 shall meet the following criteria: (...)

2. Member States shall forward to the Authority, with a copy to the Commission, the names and details of the designated organisations, evidence that they comply with the criteria set out in paragraph 1, and details of their specific fields of competence. (...)

Where a designated organisation operates as part of a network, this shall be mentioned, and the network operating conditions shall be described.

In cases where it is a specific part of the designated organisation which has the ability and the capacity to operate in a network on scientific actions and/or perform the tasks which may be entrusted to them by the Authority, this shall be stipulated by the Member States.

3. Where designated organisations no longer meet the criteria set out in paragraph 1, Member States shall withdraw their designation and immediately inform the authority, with a copy to the Commission, accompanied by the relevant evidence.

Member States shall review the list of organisations they have designated regularly, and at least every three (3) years.

Article 2

Establishing of the list of competent organisations

1. The Authority shall ensure that the organisations designated by the Member States comply with the criteria set out in Article 1(1). Where necessary, the Member States shall be asked, by reasoned request, to add to the evidence referred to in Article 1(2).

2. The Authority's Management Board, acting on a proposal from the Executive Director, shall draw up the list of competent organisations, stating their specific fields of competence, (...)

4. The list shall be updated regularly, on the basis of proposals from the Authority's Executive Director, taking account of reviews or new designation proposals from the Member States.



**MS checks
compliance of
org. with criteria**



**MS designates
org.**



**EFSA ensures
compliance of org.**



**MB Decision
on inclusion /
non-inclusion**