



# Policy on Independence Review

Management Board Meeting  
22 March 2017

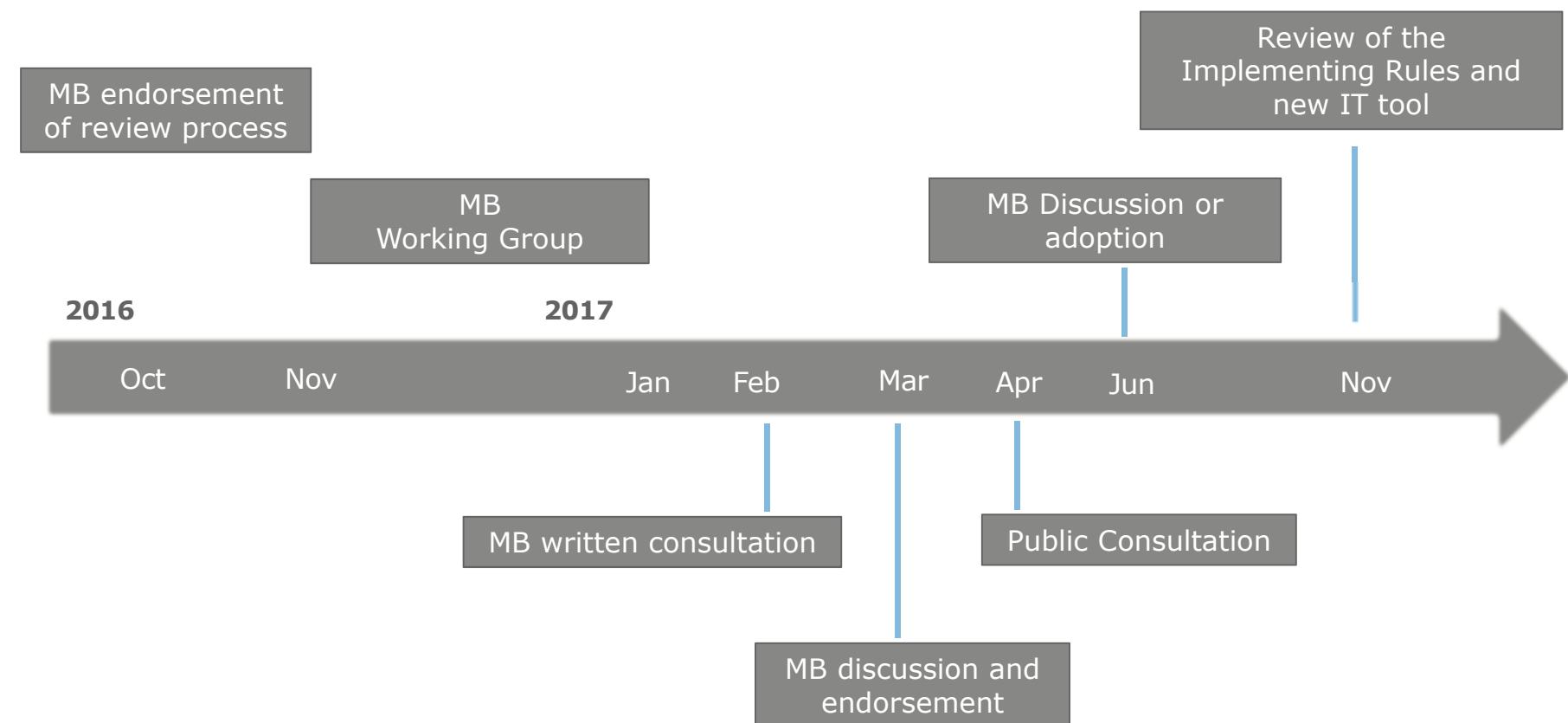
## OUTLINE

Process

Draft policy for public consultation

Report on Ex post evaluation

## PROCESS



## MANAGEMENT BOARD WG ON INDEPENDENCE POLICY REVIEW

### Composition

- Jan Mousing
- Raymond O'Rourke (Chair)
- András Székács
- Michael Winter

### Mandate

- Draft policy paper for public consultation

## OUTCOME OF THE WORKING GROUP

### Layout of the draft

- Independence at EFSA – What are we discussing?
- Aim of this policy – Ensuring the impartiality of EFSA's actors
- A risk-based approach to prevent the occurrence of conflicts of interest
  - Financial investments or employment in regulated companies – A red line
  - Cooling off periods: An effective way of preventing conflicts of interest
  - Cooperation with national and international authorities, universities or research institutes
  - Managing conflicting interest in research funding – A balanced approach
- Transparency and communication on competing interests management
- Policy implementation and enforcement
- Entry into force and review

## RISK BASED APPROACH

### **Definition of conflict of interest**

“any situation where an individual has an interest that may compromise or be reasonably perceived as compromising his or her capacity to act independently and in the public interest in relation to the subject of the work performed at EFSA”

### **“Triangle of interests” confirmed**

The Authority identifies CoIs related to activities that overlap with matters discussed in the relevant EFSA group(s) where the individual is serving or is expected to serve.

### **Remuneration**

All actors to declare the proportion of their annual earnings originating from interests. This is made public and assessed by EFSA to determine whether conflicts of interest exist.

## FINANCIAL INTERESTS AND EMPLOYMENT BY INDUSTRY

### Financial interest

If current and if overlapping with EFSA activities, incompatible with relevant scientific group membership.

### Employment by industry

If current, incompatible with scientific groups membership

## COOLING OFF PERIODS

Having worked as a self-employed professional or as an employee for a legal entity pursuing private or commercial interests in EFSA's sphere is deemed **incompatible with membership** of the Scientific Committee, Scientific Panels and Working Groups **for two years** *after* the conflicting activity has ended.

This cooling off period applies to all **managerial roles, employment and consultancies, even of an occasional nature**, on matters falling under the mandate of the relevant EFSA scientific group. Irrespective of whether the legal entity is of a commercial nature or an association of activists pursuing a common interest or objective.

## COOPERATION WITH EFSA'S PARTNERS

A **trust-based approach** is applied to experts working for EFSA partners resulting in

- For **representatives** of EFSA's partners participating to **peer review meetings, networks or the Advisory Forum**
  - No screening and ex ante clearance for all interests; unless
  - EFSA is made aware of a CoI
- For employees of these partners appointed as **external experts** attending in a personal capacity as members of **EFSA's Scientific Committee, Scientific Panels and Working Groups**
  - Ex ante clearance for activities part of public duties
  - Full fledged screening for anything else

## RESEARCH FUNDING

The acceptable level of research directly funded by the private sector **is 25% of the total budget of the expert's research team, for the sector of relevance.**

**Private contributions to projects funded by public actors, such as those financed under EU Framework Programme 7 or Horizon 2020, do not count for this purpose.**

## TRANSPARENCY AND COMMUNICATION

### Already being done

- ADoI publication
- Annual reporting

### New commitments

- Publication of decisions on the classification of entities as “EFSA partners”
- A register of activities undertaken by former members of its Management Board for two years after their term of office has ended
- Systematic creation of engagement opportunities for interested parties to explain how it EFSA manages experts’ interests and to address specific concerns

## EX POST EVALUATION REPORT

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**Scope:**

Ex post evaluation of 2011 Policy and  
2014 Rules on DoIs based on Better  
Regulation criteria

by Deloitte Belgium

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## CONCLUSIONS - HIGHLIGHTS

### Effectiveness

- Policy has largely contributed to EFSA's reputation
- The Policy is effective in reaching its objectives
- The shift to a centralised screening of Dols is considered as a significant step forward

### Sustainability

- The framework supporting the policy can be supported in the current budgetary context
- Continuous improvements aspirations might be limited in the future by availability of sufficient resources

### Efficiency

- EFSA has been able to set-up a system with a sufficient level of efficiency
- potential efficiency gains are applicable, from process optimization, IT, and quicker communication

### Relevance

- Policy is comprehensive, sophisticated and resource-intense system
- Policy converges on a number of parameters with practices in ECHA and EMA

## RECOMMENDATIONS - HIGHLIGHTS

### Effectiveness

- Further exploring outsourcing of DoI assessment
- Improving proactive communication on impartiality
- Estimating the potential cost when facing reputational damage
- increasing the number of compliance & veracity checks

### Sustainability

- Implementing more holistic approach to independence
- Considering setting up joint IT tool for DoI with interested EU bodies
- Upholding a phase of stability of rules & high-level process

### Efficiency

- Moving towards Data Analytics and Artificial intelligence or considering sharing services
- Improving trainings availability
- Identifying possible administrative burden reduction
- Adopting a risk-based approach

### Relevance

- Adopting best practices from EMA and ECHA