



DRAFT

Principles of handling a crisis in-house

Introduction

1. The Regulation requires the Commission to develop a Crisis Management Plan in close cooperation with the Authority and the Member States. This document is EFSA's own in-house document intended to complement the Commission Plan for use within EFSA. It aims to provide practical information for those in EFSA who may be called upon in a food safety crisisⁱ to provide scientific data or advice, technical support or other support functionsⁱⁱ. The Commission's Crisis Management Plan is in preparation.

General approach

2. The Regulation:

“Without prejudice to its role of ensuring the application of Community law, where the Commission identifies a situation involving a serious direct or indirect risk to human health deriving from food and feed, and the risk cannot be prevented, eliminated or reduced by existing provisions or cannot adequately be managed solely by way of the application of Articles 53 and 54, it shall immediately notify the Member States and the Authority.”

3. If the criteria in this definition prompt the Commission to declare a crisis and form a Crisis Unit then EFSA will normally be in crisis mode as part of this activity. The identification of a crisis may be initially from within EFSA or an external source – in most cases the Commission. It is unlikely that EFSA would be active if the crisis were as a result of a failure of controls unless there were specific new scientific matters to address.

4. However EFSA may have occasion when the Commission has not identified a crisis to decide itself to move into an in-house crisis mode. One example is a situation, where EFSA may be developing scientific advice, which may ultimately lead to public disquiet. In either situation the Authority will need to act and be prepared while keeping partners informed.

5. Geoffrey Podger or Herman Koëter will inform the appropriate staff that this point has been reached and the in-house plan is activated. It is important that EFSA scientific and communications staff make members of the crisis team aware of any issue in their domain which may have the potential to reach this point.

6. EFSA responsibilities lie in the area of scientific evaluation of information in order to identify an emerging crisis or assist risk managers with scientific and technical support during a crisis. It may be called into action by the Commission's Crisis Management Unit should the Commission have identified a crisis (see point 8 below), or in other circumstances, when an emerging issue has been identified in EFSA which has the potential to grow into a crisis.

Crisis Unit formed by the Commission

7. If the crisis unit has been formed by the Commission, Article 55 of the Regulation states the need for the crisis management plan ('the general plan') to specify practical procedures necessary to manage a crisis, including the principles of transparency to be applied and a communication strategy. The legal obligations to set up a crisis unit are laid down in article 56ⁱⁱⁱ of the Regulation. The Commission shall set up a crisis unit, and EFSA shall be represented in it. The tasks of the crisis unit are defined in article 57^{iv}.

8. EFSA's philosophy is to co-operate with the Commission and other members of the Crisis Unit as described by the Regulation. EFSA staff participating in the Commission crisis unit will continue to be answerable to their line managers in EFSA. EFSA will act openly and transparently, communicating accurate and scientifically valid information to the crisis unit within the remit of the Regulation. It will publish information as it becomes available.

Crisis Unit not formed by the Commission

9. If the Commission Crisis Unit has not been formed, EFSA will take its own decisions as to the actions it may need to put in place. This will be determined on a case-by-case basis as determined by the Executive Director or Deputy Executive Director. This will include a responsibility to keep the Commission and national authorities informed of the situation.

EFSA Crisis Team

10. A situation emerges which Geoffrey Podger or Herman Koëter believes warrants urgent action. The Authority would act immediately in the case of serious direct or indirect risk to human health deriving from food or feed or in cases where an emerging issue has the potential to evolve into such a risk.

Notwithstanding the possible declaration by the Commission of a crisis, EFSA will form its Crisis Team. The Commission will be asked if they wish to participate as observers at the EFSA Crisis Team meetings.

Geoffrey Podger
(in his absence or as otherwise agreed - Herman Koëter)
Christine Majewski

Head of Team

Crisis coordinator.

Anne-Laure Gassin
Herman Koëter
Antoine Cuvillier
Scientific Co-ordinators (depending on issue)

Communications
Scientific matters
Legal matters

Deputies to these functions may be designated and an administrative secretary asked to assist the team.

The Crisis Team will be responsible for the co-ordination of all communications with the Commission, the Member States, stakeholder organisations and international contacts.

Logging of information

11. All incoming and outgoing information shall be logged by each member of staff receiving and sending information on a crisis matter.

Contact details

12. All members of staff are obliged to keep their contact details updated. Crisis Team members should keep details of who to contact in an emergency, at home or elsewhere.

Internal contacts

13. During office hours, contact Geoffrey Podger, Herman Koëter or Christine Majewski. If anyone in the Crisis Team is contacted after office hours, they should contact each other immediately. The emergency phone list is attached to the crisis plan. All members of staff are obliged to keep their contact details updated.

14. If neither Christine, Herman, Geoffrey, Anne-Laure or Antoine are in the office, try and reach them WHERE THEY ARE or may be. Their office mobile numbers will always be obtainable. The Crisis Team shall provide contact details 24/7 when they leave the office.

Emergency communications

15. A crisis emerges and the Crisis Team has started its work. Should EFSA employees other than the Crisis Team be contacted they should refer the enquiries to:

a. During office hours:

The first point of contact is Anne-Laure Gassin, see telephone list attached. The second point of contact Helen Kinghan. Get the name and the organisation of the caller before you pass them on.

b. Outside office hours:

EFSA will institute a mechanism by which it can be reached outside office hours. In such instances it will be possible for someone calling the general office number to leave a message or find the emergency number of a contact point who will then relay the information to the Crisis Team.

16. As a matter of policy the Crisis Team will ensure that the Member States, Commission and where relevant key stakeholders are kept informed of key communication events throughout the crisis. Other stakeholders may also be invited to provide input to prepare and assist with risk communication.

Information and data on the crisis

17. Member States and the Commission will be asked as far as possible to provide input in terms of data and other scientific information depending upon the matter at hand. Other stakeholders may also be invited to provide input depending upon the nature of the crisis. Information exchanges back to the Member States and where relevant other relevant key stakeholders will be undertaken on a regular basis.

18. Crisis contact lists for 24/7 access to external stakeholders are available with Institutional and International Affairs. The Crisis Team will decide at what point information will be circulated to these and on what basis.

19. Meetings of the relevant scientists may need to be called to provide the relevant scientific examination of the emerging information in addition to normal programmed activities or scientific studies may need to be commissioned. In either case these will be funded by EFSA following the financial procedures below..

International contacts

20. The Head of Team will decide when to advise international agencies and stakeholders of key events. These will include for example the FDA, USDA, ANZFA, WHO, FAO, Japan, Canada Health, US EPA, etc. The Institutional and International Unit will facilitate such exchanges.

IT

21. EFSA IT can be called in to change the website immediately or to launch an emergency one. See emergency numbers for key IT staff attached.

Financial aspects

22. Funding emergency meetings: Appropriate funds should be released by Finance upon approval from the Head of the EFSA Crisis Team.

For the year 2004 a special fund of 50.000 € is set aside so that the Crisis Team may become operational immediately, enabling it to invite external experts and send staff on missions or take similar measures, without delay.

A derogation in writing from the Executive Director specifies that in these circumstances, Article 126 of Commission Regulation 2342/2002 applies and not the usual rules (See Annex 1).

23. Funding scientific studies: The Authority, as a Community body, is bound by EU procurement rules. These are laid down in the Financial Regulation and the implementing rules. The key underlying principles is to contract out on the best possible terms for EFSA whilst guaranteeing equal access to public contracts and complying with the principles of transparency and non discrimination.

There may be circumstances, in particular in the context of a crisis, where scientific studies have to be urgently commissioned in support of EFSA's activities and responsibilities. As a derogation to normal procedures and practice, it is possible to appoint a contractor under the negotiated procedure set out in Article 126 of Commission Regulation 2342/2002. The appointment will be decided by the Director and a note to the file will be prepared by the coordinator, setting out and justifying the grounds for derogation, and in particular that the event was unforeseeable, was not attributable to EFSA, could jeopardize the Communities or EFSA's interests and that the contract could only be awarded to one economic operator. See Annex 1.

24. Funding translations and other communication tools: Translations should go through the Centre de Traduction, the EU agency based in Luxembourg. Special arrangements exist with the Centre de Traduction for fast translations. If, in the context of a crisis, there are translations we cannot handle in-house we are entitled to make alternative arrangements if the Centre de Traduction cannot meet our requirements (time and quality-wise) and/or at a non competitive cost. A contact details manual is included in Annex 2.

Additional communications support such as media monitoring or additional telephone support (eg free phone service in the event of escalation of phone calls to EFSA) could also be funded through the Article 126 procedure, if it were extremely urgent that it should start immediately. However all recourse to Article 126 should be exceptional and always documented. See point 20, above.

25. The Coordinator of the Crisis Team will keep documents of the actions financed and request additional funds if necessary, during or after the crisis.

Emergency meetings

26. Head of Team in conjunction with the Crisis Team will decide when to call meetings between the scientific panels, the scientific committee or special task forces. The scientific coordinators will assist him as necessary.

27. Head of Team will decide in conjunction with the Crisis Team when to convene emergency meetings for the Member States. Other EFSA staff assist him as necessary. All invitations to meetings will first be cleared with Christine Majewski or Ingela Söderlund before transmission.

28. Head of Team will decide in conjunction with the Crisis Team when to convene emergency meetings for the Member States. Other EFSA staff assist him as necessary.

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For financial arrangements, see points 22 – 25 above.

Annex 1

Fast-track scientific advice procedure

Regulation 2342/2002 enables EFSA to use the derogation in Article 126 1c “for reasons of extreme urgency brought about by unforeseeable events not attributable to the contracting authorities and likely to jeopardise the Communities' interests”:

Article 126

Use of a negotiated procedure without prior publication of a contract notice

(Article 91 of the Financial Regulation)

1. Contracting authorities may use the negotiated procedure without prior publication of a contract notice in the following cases:
 - (a) where no tenders or no suitable tenders have been submitted in response to an open procedure or restricted procedure after the initial procedure has been completed, provided that the original terms of the contract as specified in the documents relating to the invitation to tender referred to in Article 130 are not substantially altered;
 - (b) where, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract can be awarded only to a particular economic operator;
 - (c) in so far as is strictly necessary where, for reasons of extreme urgency brought about by unforeseeable events not attributable to the contracting authorities and likely to jeopardise the Communities' interests, it is impossible to comply with the time-limits set for the other procedures and laid down in Articles 140, 141 and 142;
 - (d) where a service contract follows a contest and must, under the rules applying, be awarded to the successful candidate or to one of the successful candidates; in the latter case, all successful candidates shall be invited to participate in the negotiations;
 - (e) for additional services and works not included in the project initially considered nor in the contract first concluded but which, through unforeseen circumstances independent of the contracting authority, have become necessary for the performance of the services or works, subject to the conditions set out in paragraph 2;
 - (f) for additional contracts consisting in the repetition of similar services or works entrusted to the contractor awarded an earlier contract by the same contracting authorities, provided that the subject of the contract conforms to a basic project and that the first contract was awarded under the open or restricted procedure;
 - (g) for supply contracts:
 - (i) in the case of additional deliveries which are intended either as a partial replacement of normal supplies or installations or as the extension of existing supplies or installations, where a change of supplier would oblige the contracting authority to acquire equipment having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance; the length of such contracts may not exceed three years;

- (ii) where the products are manufactured purely for the purpose of research, experiment, study or development, with the exception of commercial viability tests and large-scale production aimed at recovering research and development costs;
- (h) for building contracts, after prospecting the local market;
- (i) for contracts with a value below the threshold laid down in Article 129(2).

Annex 2

Translation Contacts

In EFSA: Thi Le Xuan Nguyen

Contacts with the Centre de Traduction in Luxembourg

Marie-Anne Fernandez, Telephone: 00352 42 17 11 202
e-mail: planning@cdt.eu.int

ⁱ Food safety crisis should be read to understand all types of crises deriving from food and feed within the remit of the Regulation. This also includes e.g. animal welfare.

ⁱⁱ This is a reference to the IT crisis plan which will describe the technical back-up systems in detail.

ⁱⁱⁱ **Article 56**

1. Without prejudice to its role of ensuring the application of Community law, where the Commission identifies a situation involving a serious direct or indirect risk to human health deriving from food and feed, and the risk cannot be prevented, eliminated or reduced by existing provisions or cannot adequately be managed solely by way of the application of Articles 53 and 54, it shall immediately notify the Member States and the Authority.
2. The Commission shall set up a crisis unit immediately, in which the Authority shall participate, and provide scientific and technical assistance if necessary.

^{iv} **Article 57**

1. The crisis unit shall be responsible for collecting and evaluating all relevant information and identifying the options available to prevent, eliminate or reduce to an acceptable level the risk to human health as effectively and rapidly as possible.
2. The crisis unit may request the assistance of any public or private person whose expertise it deems necessary to manage the crisis effectively.
3. The crisis unit shall keep the public informed of the risks involved and the measures taken.