



Minutes
Management Board Meeting
16 September 2003
Centre Borschette, Brussels

Members of the Management Board present

- Angeliki Assimakopoulou
- Ernst Bobek
- Giorgio Calabrese
- Carlos Escribano-Mora
- Peter Gaemelke
- Catherine Geslain-Lanéelle
- Matthias Horst
- Jaana Husu-Kallio
- Deirdre Hutton
- João Pedro Machado
- Pirkko Raunemaa
- Bart Sangster
- Stuart Slorach
- Roland Vaxelaire
- Patrick Wall

Staff of the European Food Safety Authority present

- Jochen Brodersen
- Antoine Cuvillier
- Christine Majewski
- Geoffrey Podger
- Nicole Poupart
- Andy Stimpson
- Anja Van Impe
- Katty Verhelst

Preliminary Formalities

Stuart Slorach opened the meeting by welcoming the Board members, the Authority's staff, and the webstreaming audience. He especially welcomed Jaana Husu-Kallio, as a new official member of the Board, representing the European Commission.

No declarations of interest regarding the agenda for this meeting were made.

Following the first anniversary of the Management Board, the Chair reminded the Management Board members to revise their declarations of interest and to submit any changes to the Authority.

Pirkko Raunemaa informed the Board that, according to Finnish law, civil servants do not have to commit themselves to any declarations of confidentiality. A letter from the Finnish authority on foodstuffs was sent to the Authority on this matter. The Executive Director agreed to look into this, particularly in relation to how this may affect the Advisory Forum and to propose a solution which is suitable for Finland and any other countries concerned while still being in line with the Authority's rules.

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1) Adoption of Agenda (Doc MB 16.09.2003 – 1)

The agenda was adopted. No additional items were added.

2) Minutes of the previous meeting and matter arising from the minutes (Doc MB 16.09.2003 – 2) (Adoption)

- 2.1 The minutes of the Management Board meeting of 18 June 2003 were adopted, subject to some editorial changes. This document will be published on the Authority's website.
- 2.2 The Executive Director agreed to propose to the Scientific Committee and Scientific Panels that they clear their minutes by a written procedure, rather than at their next meeting. This is to avoid any delay in publishing them on the Authority's website.

3) Geoffrey Podger – General update on developments – information

The Executive Director reported on the following items:

- 3.1 The Advisory Forum meeting was held at the Agencia Espanola de Seguridad Alimentaria (AESa) in Madrid on 10 September. The Executive Director expressed his thanks to the Spanish Agency for its hospitality. The Forum had discussed acrylamide, nutraceuticals, crisis planning, and were informed about the concerns of EFSA with regard to semicarbazide. The Commission had outlined its work in the area of claims where legislation is progressing through the Parliament and the Council. The national authorities agreed at the Forum meeting to exchange existing guidelines on the assessment of nutraceuticals and related foodstuffs and to inform each other on emerging issues.
- 3.2 The Advisory Forum also agreed on the establishment of a Working Group on Communication involving EFSA's Director of Communications and her counterparts in national authorities and a Working Group on IT in order to improve communication between the national authorities.
- 3.3 The Executive Director, informed the Board that he would ask the Chairs of the Scientific Committee and Panels to inform the Authority on whether there is a need for additional members on their Committee and Panels. This would be done by the end of September. Should there be a need for a further call for scientific experts, the Authority would use this opportunity to try to achieve a better balance in the Panels in terms of nationality and gender. If necessary this process would start from the beginning of October.
- 3.4 The Executive Director informed the Board on current issues on work within the Authority. He informed the Board that the Authority is managing to keep

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to the timeframe for completion of the work so far.. The issue of establishing realistic timeframes for scientific opinions with the European Commission is causing some concern. Experience has shown that where informal contacts between the Authority and the Commission are made at an early stage it is easier to reach agreement on these timeframes.

- 3.5 As stated at previous Board meetings, the Authority is in the process of organising a colloque from 23 to 25 October in Ostend, Belgium, at which some Board members have kindly agreed to participate. The issues on the table will range from opening up the risk assessment process to discussions around other areas of particular concern to consumers and industry. The Authority will try to investigate the potential for positive interaction between the stakeholders by planning a series of workshops and a risk communication simulation exercise. The Executive Director will bring forward some consequential recommendations to the Management Board on 3 December after having discussed them with the Advisory Forum in its meeting of 4 November. The Authority will send the list of participants and any relevant documents to the Board members prior to the colloque.
- 3.6 The Board was updated on two senior appointments at the Authority. (1) Herman Koeter would take up office mid-October as Deputy Executive Director. (2) Anne-Laure Gassin would arrive early October to take up the post of Director of Communications.
- 3.7 The Executive Director brought the Board's attention to the policy issue of deadlines and submission of data. In certain Scientific Panels there are legally laid down deadlines for submission of data and for the completion of the work by the Authority. The question arose as to what should be done if one of the Panels is about to reach a conclusion on an opinion and new data are submitted by industry at this point. Taking these new data into account involves a lengthy procedure including looking at the data by Member States and the Authority and this process may delay the production of the scientific opinion significantly. In theory, industry could delay the publication endlessly by continuously providing new data and this may particularly be an issue where products are marketed already on the basis of a provisional authorisation. The Board agreed that the Authority should complete the evaluation and publish the opinion as originally foreseen, noting in the opinion that new data have been submitted. The Commission, as the risk managers, could then take a view as to whether they wish the Authority to re-examine the new data or whether they themselves wish to take action on the basis of the existing opinion.
- 3.8 The Authority will begin to move from rue de Genève 1-5 to rue de Genève 10, Brussels, on 3 October. This move has been guided by a number of factors: (1) pending a decision on a permanent seat, the Authority could not commit itself to a long-term lease; (2) the Authority is expanding fairly rapidly and needs a location which is flexible enough to accommodate the increase in staff members; and (3) the new office space is less expensive than the current location and other accommodation offered by the Commission.. The Board agreed that the Authority could expand staff and accommodation

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in rue de Genève 10. The Authority will propose a written agreement in order to give the Executive Director the power to lease the necessary conference rooms in the same building. The Executive Director invited the Board members to visit the new location at their convenience.

4) Management Issues

EFSA staffing and the organisation chart (Doc MB 16.09.2003 – 4 and annex) (Discussion)

- 4.1 The Executive Director introduced this matter by informing the Board that the Authority intends to present a management issue at each future Board meeting. In relation to the item on personnel, he expressed his gratitude to his Human Resources staff members for coping under pressure and with a heavy workload due to the rapid increase of staff.
- 4.2 Nicole Poupart, as Director of Human Resources, presented an overview on staffing levels, the staffing policy and staff statistics.
- 4.3 The Executive Director further explained that the full complement of staff necessary to carry out all EFSA's tasks is difficult to predict because the workload is not known yet. He stressed that the Authority does not want to simply rush ahead in internal staff recruitment and that a certain level of flexibility is needed by, e.g. outsourcing some of the work to national institutions. The Board will be kept aware of the plans, which depend on the work and the timeframe.
- 4.4 The Executive Director introduced the Authority's organisational chart and informed the Board that he might wish to make further revisions following discussion with the newly appointed Deputy Executive Director and the Director of Communications.
- 4.5 The Board congratulated the Authority's Human Resources team on their efficiency and for ably managing the increasing workload in difficult circumstances.

Who does what currently in EFSA (Doc MB 16.09.2003 – 5) (information only)

- 4.6 This document was noted without discussion.

5) EFSA Roadmap (Doc MB 16.09.2003 –6) (Discussion)

- 5.1 Following the Board's request at its meeting in June, the Executive Director introduced a roadmap for the Authority, illustrating the main direction that the Authority will take as it grows to full operational capacity. The document did not focus on details, but rather gave a helicopter view of what has been done and what still needs to be done. The roadmap differs from the management

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plan in the sense that the former establishes the general direction and the latter provides the management framework to deliver the Authority's objectives.

- 5.2 The Board thanked the Executive Director for the presentation and the clarifications. The Authority will re-visit the roadmap in light of the possible recruitment of a project manager and in light of the comments made by the Board.

6) Discussion on revised 2003 EFSA Management Plan (Doc MB 16.09.2003 – 7 plus 2 annexes) (Discussion and vote)

- 6.1 Christine Majewski introduced this item by drawing the Board's attention to the fact the Board is legally required to adopt a Work Programme for the Authority.
- 6.2 Christine Majewski further explained to the Board that the document to be adopted contains the Work Programme in relation to the work of the Scientific Committee and the Scientific Panels, the scientific and non-scientific work of the Authority outside of the Committee and Panels, and the establishment plan. The document also outlined the purpose, the objectives, the indicators and the progress made in the main areas of activity.
- 6.3 The document was a revision of the 2003 Management Plan that was adopted by the Board in November 2002. It had been revised because the Authority did not have all the elements in place in 2002, such as the Executive Director, the budget, the Advisory Forum, the Committee and Panels, amongst others.
- 6.4 As requested by the Board, the revised document equally included the 'posteriorities', i.e. activities that have been and will be difficult to develop fully during 2003.
- 6.5 Christine Majewski also informed the Board that the shortfall in the operational budget and the late confirmation of the administrative budget have reduced the Authority's ability to progress in some areas. Recruitment had been delayed at the beginning of the year, which had had the effect of reducing the ability of the Authority to build in some areas to the capacity envisaged in the Management Plan adopted in November 2002.
- 6.6 The Board adopted the revised Management Plan for 2003, subject to some slight changes suggested in the meeting.

7) Financial update – an overview (Doc MB 16.09.2003 – 8) and Supplementary and Amending Budget (Doc MB 16.09.2003 – 9) (Discussion and vote on BRS transfers)

- 7.1 Jochen Brodersen introduced this item by providing the budgetary overview as of September 2003.

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- 7.2 The Board adopted in its meeting in April 2003 a first Supplementary and Amending Budget (SAB), following the release of the full subvention for Title I and Title II. No release was requested for Title III, as the Authority wished to secure certain milestones prior to such a request. It is now up to the Authority to commit the budget in the 3 Titles and re-balance available credits for 2003. Jochen Brodersen informed the Board that, at the time of the meeting, 64% was spent in Title I (the full budget was only released in April 2003), 66 % in Title II (the budgetary implications of the move was based on accommodation of 5.000 m² rather than 2.500 m² at the Authority's new temporary building), and nearly 50% in Title III (the Scientific Committee and Panels were only up and running in June 2003).
- 7.3 During 2003, the Authority has successfully recruited key staff, launched its Scientific Committee and Panels, and specific rolling work programmes had been put forward to the Board and agreed with the individual Panels. At the same time, a flexible lease contract for office space for 2004 and beyond was secured. The Authority will also increase efforts in the area of the Advisory Forum, the Scientific Committee's Task Force on Emerging Risks, the colloque and the Working Groups on Communications and IT. These events now allowed the Authority to be able to assess the budgetary needs for the remainder of 2003.
- 7.4 The Board agreed the changes suggested by the Authority in order for the Authority to be able to re-allocate funds from Title I to Title III.
- 7.5 The Board adopted the Supplementary and Amending Budget proposal.
- 7.6 The Board agreed that the Authority will forward the adopted Supplementary and Amending Budget to the Commission and the Committee on Budget of the European Parliament for information.
- 7.7 The Executive Director informed the Board that the 2004 budget would be discussed and decided upon in the Board's meeting of 3 December, together with the Work Programme 2004.

Revision of the Financial Regulation (Doc MB 16.09.2003 – 16 and MB 16.09.2003 – 17)

- 7.8 The Board adopted the Authority's Financial Regulation at the December meeting in 2002, and the text was sent to the Court of Auditors and the Commission for their comments in January 2003. The Board was advised at its meeting in March about certain questions raised by the Commission in relation to the text which were answered by EFSA as points of explanation. The Court of Auditors gave its formal opinion on the Regulation (Opinion No 3/2003 concerning the draft Financial Regulation of the European Food Safety Authority) on 10 April and the Board was informed accordingly in its meeting of 29 April. These comments were circulated to the Board on 12 September.

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- 7.9 The Board agreed that the comments received from the Commission and the Court of Auditors should be incorporated in the revision of the Financial Regulation and be circulated to the Board to agree by written procedure.
- 7.10 Jochen Brodersen informed the Board about the need for a budgetary nomenclature. This would explain for every budget line which expenditure is covered. The document will be available as of the end of September in French, English and German.
- 7.11 The Board agreed to approve the budgetary nomenclature by a written procedure.
- 7.12 The Executive Director will inform the Board on any progress made regarding the revision of the Financial Regulation and the budgetary nomenclature.
- 7.13 The Chair requested that when the written procedure for agreement was used, Board Members views should be required rather than seeking agreement by default.

8) Team Building Day report – (Doc MB 16.09.2003 - 10) (Discussion and vote)

- 8.1 Christine Majewski presented the report which reflects the discussions at the Board's Team Building Day on 17 June.
- 8.2 The Board agreed to the text in the report, subject to changes in points 6, 7 and 9.
- 8.3 The Authority will publish the report on the Authority's website.
- 8.4 The Board agreed to set up a small group of Board members and Authority staff members in order to prepare the next Team Building Day on 9 March 2004. The Board members were asked to consider further Team Building topics; the Team Building Day would be put on the agenda of the Board meeting of 3 December.

9) Draft Decision on Good Administrative Behaviour (Doc MB 16.09.2003 – 11) (Discussion and vote)

- 9.1 At the Nice European Council in December 2000, the Heads of State and Government formally proclaimed a "right to good administration" which was introduced in Article 41 of the Charter of Fundamental Rights. In order to give full effect to the citizen's right to good administration, the European Parliament set out, on a proposal from the European Ombudsman, a Code of Good Administrative Behaviour. The European Ombudsman was asked by the Parliament to monitor its implementation with all EU institutions and bodies and to handle citizens' complaints in cases of maladministration.

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- 9.2 In essence, the Code of Good Administrative Behaviour laid down the principles on which relations between the Authority and the public should be based: lawfulness, non-discrimination, proportionality of measures to the aim pursued and consistency in administrative behaviour. Its purpose was to guarantee a high-quality service from the Authority's staff in all circumstances and informing the public of the standards of conduct that they have a right to expect in their dealings with the Authority, thereby strengthening public understanding and appreciation of the Authority as a body dedicated to good European public service.
- 9.3 The Executive Director had written to the European Ombudsman to formally inform him about the Authority, highlighting our commitment to implement European Union openness and transparency requirements to the highest standards.
- 9.4 Following the Board's discussion in its meeting of 18 June, the Authority revised the document.
- 9.5 The Board adopted the text, subject to the comments provided by the Board.
- 9.6 The Executive Director informed the Board on the procedure on whistleblowing. He stressed that the initiative was not triggered by any wrongdoing by the Authority's staff, but that any organisation of high standards should have such a procedure.

10) Draft Decision of the Management Board on access to documents (Doc MB 16.09.2003 – 12) (Discussion and vote on draft Decision)

- 10.1 Following the Board's discussion in its meeting of 18 June, the Authority revised the document.
- 10.2 The Board adopted the revised version of the document on access to documents, subject to the changes to article 4.

11) Discussion on Openness and Transparency – (Doc MB 16.09.2003 – 13) (Discussion and decision on certain aspects)

- 11.1 Following the Board's discussion in its meeting of 18 June and the comments submitted by email, the Authority revised the text on Openness and Transparency.
- 11.2 The document has mainly been updated in order to indicate the overall policy of the Authority to be open and transparent as its primary ground rule. In line with the Board's request, the title has been changed so that it includes "confidentiality".

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12) Dates for 2004 – (Doc MB 16.09.2003 - 14) (Discussion)

- 12.1 The Board agreed the Management Board meetings in 2004 to take place on the following days:

Tuesday	20 th January 2004
Tuesday	9 th March 2004 p.m (Dublin – Away Day)
Wednesday	10 th March 2004 (Dublin)
Tuesday	27 th April 2004
Tuesday	22 rd June 2004
Tuesday	14 th September 2004
Thursday	16 th December 2004

13) Revision of the Rules of Procedure of the Management Board (Doc MB 16.09.2003 – 15) (Discussion and Decision)

- 13.1 At the request of the Board, the Authority looked into the possibility of reviewing the rules regarding indemnities for the Board members. It was agreed that the cost incurred by members of the Management Board, should not be borne by the member but by the Authority.
- 13.2 It was proposed by the Executive Director and agreed by the Board that the members would be entitled to claim €300 per attended meeting if they wished, excluding the representative of the European Commission.
- 13.3 The Executive Director further explained that the Board members should inform the Authority if they wished to claim.
- 13.4 The Board agreed by vote on the change to the Rules of Procedure of the Management Board, subject to the change of article 15.
- 13.5 The newly adopted indemnity rule would take effect as of the Board meeting of 16 September 2003.

14) Any Other Business

No other business was discussed.

The Chair closed the meeting by thanking the Authority's staff for the preparatory work, the interpreters, the team responsible for the web streaming and all the members of the Board.