



PREPARATION FOR EFSA REVIEW

Background

1. It is current practice, within the EU institutional environment, to proceed with evaluations of programmes or activities which entail public spending. In this context, an evaluation is defined as an assessment, as systematic and objective as possible, of on-going and completed programmes or organisations, as regards their design, implementation and results. The objectives of evaluation are firstly to improve present and future actions of the relevant programme or organisation and secondly to provide transparency and accountability in reporting results of its activities and impact to European citizens.

2. In line with this general principle, the obligation to evaluate the Authority is enshrined in Article 61 paragraph 1 of its founding Regulation. This article states

Before 1 January 2005 and every six years thereafter, the Authority, in collaboration with the Commission, shall commission an independent external evaluation of its achievements on the basis of the terms of reference issued by the Management Board in agreement with the Commission. The evaluation will assess the working practices and the impact of the Authority. The evaluation will take into account the views of the stakeholders, at both Community and national level. The Management Board of the Authority shall examine the conclusions of the evaluation and issue to the Commission such recommendations as may be necessary regarding changes in the Authority and its working practices. The evaluation reports and the recommendations shall be forwarded to the Council and the European Parliament and shall be made public.

3. The European Commission has developed guidance regarding the methodology and conduct for evaluation which will be fully considered in the context of EFSA's first review.

4. The purpose of this paper is to share with the Board initial views concerning the first evaluation of the Authority as regards timing, process and key questions to address. On the basis of input from the Board, the Authority will refine the methodology in close liaison with Commission services and will draw up terms of reference for the contractor for consideration by the Board after the Summer.

Time-frame

5. On the basis of the above provisions, it is proposed to conduct the process as follows, within the indicated time-frame:

- 22 June Management Board: first consideration of timing and draft terms of reference for the Review
- September - December 2004: Upon approval by the Board of the terms of reference for a consultant, EFSA to run a call for tender for the selection of independent. Commission to be associated to the selection of contractor.
- January 2005: Appointment of contractor
- October 2005: Interim report detailing the progress of the work
- January 2006: Final report from the contractor, for consideration by the Board
- April 2006: Recommendations from the Authority to the European Commission (report from the Management Board acting on a proposal from the Executive Director), to be made public. Report to be forwarded to European Parliament and Council.

6. Full account should be taken of the relatively short time span during which EFSA will have been operational at the beginning of the evaluation (roughly 1 1/2 year since the establishment of the scientific committee and panels). It follows that the evaluation will have to be flexible in that new experience will be acquired in the course of it.

Objectives

7. The purpose of the Review is to present, in the most independent way possible, the achievements of EFSA as compared to the established objectives, possible shortcomings or possible improvements necessary to its structures and working practices. It should in principle lead to a series of operational changes and possibly also to proposed changes to the Authority's legal basis.

8. Full account should be taken of the relatively short time span during which EFSA has been operational at the beginning of the evaluation (roughly 1 1/2 year since the establishment of the scientific committee and panels). It follows that the Review will have to be flexible in that new experience will be acquired in the course of the evaluation.

Interviews

9. It is suggested that the contractor seek the opinions of interested parties (stakeholders and partners) through interviews. In order to facilitate their conduct, an interview guide will be elaborated. On the basis of contributions received and in the light of the results of the evaluation, the Authority will draw up a report, recommending as appropriate to the Commission changes to the existing legal and regulatory framework.

10. Key stakeholders and partners include risk management institutions (European Parliament, European Commission, Council), national competent authorities, relevant interest groups (consumers, manufacturers, retailers, farmers, NGOs..) and the press.

Key areas of investigation

(a) General issues

- The extent to which EFSA has contributed to the improvement of food safety in Europe and to the functioning of the single market.
- The extent to which EFSA has contributed to rebuilding consumer confidence in food safety and in the capacity of public authorities to fully protect consumer interests
- What are the improvements/shortcomings compared to the previous system of scientific and technical support within the European Commission?
- Has EFSA succeeded in establishing itself as an independent centre of scientific excellence?
- Are EFSA's tasks and responsibilities as laid down in Regulation 178/2002 adequate? Are there areas where its remit should be clarified or changed?
- How has the interface between risk assessment and risk management been managed?
- The extent to which tasks proposed to EFSA might now more appropriately be given to other bodies created subsequently (e.g. ECDC);
- Has the collaboration and networking between EFSA and the national competent authorities in food safety matters been successful and how could it be improved ?
- Has EFSA succeeded in its risk communication activities? Has communication been effective, consistent, timely and accurate?

(b) Specific issues

I-EFSA structures and resources

- The role and composition of EFSA constitutive bodies should be reflected upon (Management Board, number, mandate and composition of scientific panels¹, Advisory Forum)
- The extent to which EFSA should reinforce its internal scientific expertise

II-Networking

- Has EFSA set up an effective cooperation network with Member States national food bodies, in particular in the science and communication areas?
- Has EFSA adequately integrated the new Member States in its activities (2004 enlargement)?

¹ It should be highlighted that under Article 28.4 of the founding Regulation, the number and names of scientific panels may be adapted in the light of technical and scientific development by the Commission, at the Authority's request, through the comitology procedure.

- Has EFSA taken appropriate steps to establish cooperation with international organizations and third countries?
- Is EFSA sufficiently integrated into the EU institutional environment, e.g. in view of EFSA's need for more input into legislative proposals which affect it.

III - Science

- Quality of scientific opinions
- The need to formalize other mechanisms for EFSA to give scientific advice short of the system of formal opinions;
- Time frames for issuing scientific opinions and decision-making process
- Dialogue between risk assessors/ managers in risk analysis
- Planning and setting of priorities
- Progress on standardization and methodologies
- Is EFSA's mandate pertaining to data collection adequate ?

IV -Communication

- Has EFSA met its obligations and objectives ?
- Has the cooperation with Member States and Commission been successful ?
- Co-ordination/collaboration between risk assessors and risk managers in risk communications towards interested parties and public at large?

V - Openness and transparency

- Has EFSA met the objectives and complied with legal requirements
- Relationship with stakeholders

VI - Crisis management

- Responsiveness of EFSA to a crisis