



European Food Safety Authority

Draft Minutes of the
Management Board Meeting
14 September 2004
Palazzo Ducale, Parma

Members of the Management Board present

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

Staff of the European Food Safety Authority present

- Jan Bloemendal
- Antoine Cuvillier
- Lucia De Luca
- Maud Feuillet
- Anne-Laure Gassin
- Pascale Gilson
- Malika Holleyman
- Anita Janelm
- Herman Koëter
- Christine Majewski
- François Monnart
- Geoffrey Podger
- Lionel Rigaux
- Ingela Söderlund
- Anja Van Impe
- Katty Verhelst
- Victoria Villamar

PUBLIC SESSION

Preliminary Formalities

Stuart Slorach opened the meeting by welcoming the Board members, the Authority's staff, those watching on the webstream and the live audience in the room.

The Chair updated the audience on the outcome of the meeting which had taken place earlier in the morning:

- The Board had been addressed by Mr Byrne, European Commissioner for Health and Consumer Protection. Commissioner Byrne was instrumental in setting up the Authority and gave his views on the development, emphasizing the Authority's independence.

- The new expert for the Panel on Genetically Modified Organisms as proposed by the Executive Director, was approved by the Board. The new expert would be contacted and, upon acceptance of his nomination, the name would be made public.
- A report on the Board's Away Day on 9 March in Dublin would be made public and the actions will be discussed in the Board meeting of 16 December.
- The Authority would be providing a statement reflecting its desire to work harmoniously with the citizens of Parma.

No declarations of interest were made for any agenda items.

1. Adoption of Agenda (Document MB 14.09.2004 - 1)

- 1.1 The agenda was adopted subject to the amendments and additions made in the meeting.

2. Adoption of draft minutes of the previous meeting and matter arising from the minutes (Document MB 14.09.2004-2)

- 2.1 The minutes of the Management Board meeting of 22 June were adopted, subject to the changes made in the attendance list.
- 2.2 The minutes of the meeting of 22 June would be published on the Authority's website.
- 2.3 The Executive Director informed the Board that the Authority's annual report is now available as a printed version in English, French, German and Italian. He invited the Board members to spread information on the report to anyone interested.
- 2.4 The Executive Director updated the Board of the meeting between the Authority and the US Food and Drug Administration (FDA) and explained that both organisations are in frequent contact with each other.
- 2.5 The Executive Director invited the Board again to the Advisory Forum event and Stakeholder between 8 and 10 November in Berlin (Bundesinstitut für Risikobewertung - BfR).
- 2.6 Following a discussion in the Board on a pro-active animal welfare policy and approach, the Authority would provide a more detailed plan on actions in one of the next Board meetings.

3. Information and update from the Executive Director on the move of EFSA to Parma

- 3.1 The Executive Director reported on the following in relation to the Authority's move to Parma :
- Good progress is being made on the move to Parma, especially in relation to the temporary building. The move will take place as scheduled. A small

administrative team would move in October and the first Panel in November. The Executive Director will move in January 2005 and other departments will move progressively with an end date of October 2005.

- The Authority is currently in touch with the Italian authorities which will help EFSA in the filtering of job applications from Italians for posts in the Authority to help ensure compliance with the advertised recruitment criteria. This however, does in no way alter the Authority's responsibility for the recruitment process. Discussions on this matter are under the way and, as requested the outcome will be made public.
- Primary schooling will be available as of September 2004 in English and French. These language sections will also be open to local children. The Executive Director expressed his gratitude to the colleagues in Parma for having made organised the primary school in a short period of time.
- Secondary schooling is due to start in September 2005. There are still some issues to be resolved in terms of the location which are being worked on.
- The main obstacle remains the provision of a direct airlink between Brussels and Parma. This link is needed, not only for the Authority's staff members, but also for experts and Commission colleagues. A direct airlink was part of the agreement and a definite need once the Authority is operating in two countries. It would be in the Authority's interest if this issue and a link between Parma airport and other major airports such as Milan were to be resolved as quickly as possible.

4. The Executive Director – General update on developments (Document MB 14.09.2004 - 3)

- 4.1 The Executive Director informed the Board that the development of the Authority's Management Plan 2005 is well under way and would include input from the Advisory Forum during its meeting of 1 October in Rome.
- 4.2 Following an question about the Rapid Alert System for Food and Feed (RASFF), the Executive Director said that the ownership of the system was with the European Commission. The RASFF is linked with the Commission's risk management responsibilities and not fundamental to what the Authority does. A presentation would be made by the Commission at the Advisory Forum meeting in Rome.
- 4.3 The Executive Director expressed his concern regarding the high workload of the Panels of work for which the level of their skills and expertise is not needed. Some of the questions could be handled by in-house scientific experts. This should, however, not be understood as the Authority wanting to bypass the Panels. Both the Executive Director and the Deputy Executive Director/Director of Science already had useful and productive discussions with the Chair of the Scientific Committee and some Panel Chairs. A note will be drawn up as soon as the framework has been agreed with the Panel experts. It is essential that the Authority will not weaken the position of the Committee and the Panels while being careful that they are not overloaded with work that can be dealt with in other ways. The Executive Director emphasized that not all the work produced by the Authority comes from the Committee and the Panels. Also, the Advisory Forum will set up a Working Group which will explore how national authorities could have an input in the scientific work of the Authority.

- 4.4 The Executive Director updated the Board on the Authority's intentions regarding videoconferencing links between the Authority, national authorities and the Commission. This tool would especially be used in the event of a crisis or an emergency. Although not all member states have access to this equipment yet, the Executive Director ensured that the link will apply to all member states and that the Authority will assist wherever necessary. This matter would also be raised in the Advisory Forum meeting of 1 October.

5. Performance Indicators (Document MB 14.09.2004-4)

- 5.1 Following a previous request from the Board, the Executive Director established a set of performances indicators for the Authority as a means for the Board to help discharge its role in supervising the performance of the Authority. Indicators include the number of scientific opinions agreed against the total projected, the number of hits on the website, the number of people recruited and established in Parma, among others. As further performance indicators should become appropriate and available, such as the use of opinions by other organisations, the document should be revised and updated.
- 5.2 The Board expressed their support for the development of the approach and, following a discussion in the Board, it was concluded that:
- Performance indicator 7 – the number of national authorities connected to videoconferencing arrangements – should not be included, not least, as some members of the Board were not satisfied as to the need for such facilities.
 - Some of the requests from the Board were in fact information on the activity and not so much performance indicators. The Authority would therefore provide a basic information set of activities, in addition to the performance indicators listed in the document.
 - It is the Authority's policy to work closely together with national authorities rather than to compete with them in terms of communications, public profile and media visibility. The Executive Director stressed that this was a deliberate choice which can be discussed if the Board does not agree but that this policy means that a performance indicator based on mentions of EFSA would underrate the use of its advice.
 - The Executive Director will take up the Board's request for qualitative indicators. He also stressed the need to start off with a manageable number of indicators.
 - In addition to the Authority's newsletter which is published in four languages (English, French, German and Italian), the Authority has started to release press articles in Italian. Also the website will have an Italian version in the near future.
 - The Authority will reflect on whether and how it could develop performance indicators on administrative activities.
 - The Executive Director confirmed to be happy to report some of the indicators at Panel level as well as aggregated for the totality of the external scientific apparatus at the level of the Authority.
 - Although it will be difficult to make comparisons between the Authority's Panels and the previous Commission's Committees, the

Authority will try for the future to generate performance indicators which can prospectively be compared year by year.

- 5.3 The Authority will revise the document subject to the suggestions and amendments made in the meeting and distribute it to the Board to be adopted by written procedure. It will also offer management information to the Board in the light of the discussion.

6. Evaluation (Article 61 of 178/2002) – Terms of Reference (Document MB 14.09.2004-5)

- 6.1 Following article 61¹ of the Authority's Founding Regulation EC/178/2002, the Executive Director introduced the methodology and the terms of reference for the Authority's evaluation of programmes and activities which entail public spending. The purpose of the evaluation is present, in an independent way, the achievements of the Authority as compared to the established objectives, possible shortcomings and improvements necessary to its structures and working habits.

- 6.2 Following a discussion on the methodology and terms of reference, the Board agreed that:

- The evaluation should address (1) a proper assessment of whether the Authority was working in an effective way and at the most competitive cost and (2) whether the role of the Authority should be changed, i.e. leading to the amending of the founding Regulation 178/2002.
- The Authority should seek further comments from colleagues in the Commission.
- The terms of reference should be evidence based and should not be subjective.
- While the Board will have a leading role, the Authority will be the owner of the exercise.
- A Steering Group would be established consisting of a few members of the Board. The Chair would in this respect send a proposal to the Board for approval.
- The Authority would set up a working group with representatives of the Commission.
- While the review is in progress, matters will change over time. Should there be particular areas with much progress and many changes, these areas should be re-visited towards the end of the review.
- The evaluation exercise should not be made too complex. It is considered more important to ask the right questions rather than too many questions.
- The Executive Director expressed an interest to include some wider range questions. He also stated that there might be a political interest in the review, especially from the European Parliament.
- The consultation would be done through stakeholders at European and national level, institutions, national authorities, experts in the Scientific

¹ 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.

Committee and Panels, among others. The Board will also be asked for its opinion.

- 6.3 The document will be revised in light of the meeting and the Executive Director will keep the Board informed on the progress of the exercise. The final version would be cleared by the Board by written procedure in order to start the tender procedure and meet the timeframe as set in the Regulation.

7. Final Financial Annual Report for 2003 – For adoption (Document MB 14.09.2004-6 + annex)

- 7.1 The Final Financial Annual Report for 2003 was presented to the Board in its meeting of 10 March. Since then, the report of the Court of Auditors has been received and circulated to the Board for feedback.
- 7.2 In order for to fulfil its legal obligation, the Authority had to submit the Final Financial Annual Report 2003 to the budget authorities by 15 September 2004.
- 7.3 The Board made no comments to document 6 and adopted the Final Financial Annual Report for 2003.

8. Transfers in the Authority's budget (Document MB 14.09.2004-7)

- 8.1 Following article 23 of the Financial Regulation, the Executive Director can make transfers without limits between different chapters. Transfers between different titles need, however, approval from the Board.
- 8.2 Considering the uncertainties and new challenges in 2004, the budget was difficult to plan and hence some transfers are needed. The Executive Director assured the Board that money needed in relation to the move to Parma would not be taken away from the scientific activities.
- 8.3 The Board noted the transfers in the budget as described in document 7.

9. Changes to the Rules of Procedure concerning the quorum – For adoption (Document MB 14.09.2004-8)

- 9.1 Following the Board's discussion and request in its meeting of 22 June, the Authority had amended the text of article 8² of the Rules of Procedure concerning the quorum.

² New proposed text : Without prejudice to Article 11 (vote by proxy), a quorum of at least two thirds of all the members of the Board (i.e. 10) shall have to be physically present in order for the meeting to adopt decisions. The determination of the quorum may take into account members participating to the meeting through video or telephone link. In order to secure the widest possible involvement of members, such remote connection shall be particularly encouraged in case of meetings convened urgently for the purpose of addressing emergencies or food crisis situations. In the absence of a quorum, draft decisions will be submitted to the Board for adoption by written procedure under the conditions set out in Article 12.

- 9.2 The use of videoconferencing and telephone links raised concerns amongst some Board members because it would be open to different interpretations and because it was not clear whether a vote could be counted or not.
- 9.3 The Board will discuss a new text “*two thirds of the Board would normally be present to adopt a decision but the majority of those present, including the Chair, could determine that others could participate by video or telephone links*” in its next meeting. The Chair nevertheless hoped that Board members will continue to be physically present.
- 9.4 In addition, the Authority is to provide a document on what happens if the Board does not have a quorum.

10. Confirmation of 2005 meeting dates (Document MB 14.09.2004-9)

- 10.1 The next meeting of the Board would take place in Den Haag on 16 December. The Board is invited for dinner and a prior discussion meeting on 15 December with a group of Heads of National Food Agencies.
- 10.2 The meeting dates for the Board in 2005 have been agreed as follows:
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| Tuesday 18 th January 2005 | Brussels | Start 09.00 |
| Thursday 10th March 2005 | Parma | Start 09.00 |
| Tuesday 21st June 2005 | <i>to be decided</i> | Start 09.00 |
| Tuesday 13th September 2005 | <i>to be decided</i> | Start 09.00 |
| Wednesday 14 th December 2005 | <i>to be decided</i> | Start 09.00 |
- 10.3 The Authority would circulate some possible dates for an Away Day and a Board meeting in the autumn.

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