



European Food Safety Authority

Draft Minutes of the Management Board Meeting 18 January 2005

Diamant Business Centre, Brussels

Members of the Management Board present

- | | |
|------------------------------|--------------------|
| • Angeliki Assimakopoulou | • Deirdre Hutton |
| • Ernst Bobek | • Robert Madelin |
| • Giorgio Calabrese | • Pirkko Raunemaa |
| • Carlos Escibano-Mora | • Bart Sangster |
| • Catherine Geslain-Lanéelle | • Stuart Slorach |
| • Matthias Horst | • Roland Vaxelaire |

Staff of the European Food Safety Authority present

- | | |
|----------------------|-----------------------|
| • Jan Bloemendal | • François Monnart |
| • Antoine Cuvillier | • Geoffrey Podger |
| • Lucia De Luca | • Ingela Söderlund |
| • Anne-Laure Gassin | • Dimitri Vanderheyde |
| • Anita Janelm | • Anja Van Impe |
| • Djien Liem | • Katty Verhelst |
| • Christine Majewski | • 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.

Apologies were received from Peter Gaemelke, Joao Machado and Patrick Wall.

No declarations of interest were made for any agenda items beyond those already made in the annual declarations of interest.

1. Adoption of Agenda (Document MB18.01.2005 - 1)

1.1 The agenda was adopted.

1.2 No items were added to the agenda.

2. Adoption of draft minutes of the previous meeting and matter arising from the minutes (Document MB18.01.2005 -2)

- 2.1 The minutes of the Management Board meeting of 16 December were adopted, subject to the change suggested in paragraphs 3 and 4.
- 2.2 The minutes of the meeting of 16 December would be published on the Authority's website.
- 2.3 The Chair reported that the Board had drafted a letter to Friends of the Earth as a reply to their report. The letter would be made publicly available.

3. Executive Director – General update on developments, including the move to Parma

- 3.1 The Executive Director updated the Board on the main developments at the Authority:
 - Apologies were received from Herman Koëter, Deputy Executive Director and Director of Science. Dr Koëter was replaced in the meeting by Dr Djien Liem, Scientific Coordinator for the Scientific Committee.
 - The schedule for the move from Brussels to Parma remains as planned. A larger group is moving at the end of January, including the Executive Director, the team of International and Institutional Affairs and other staff members with support functions. The Authority continues to have good relationships with the Italian authorities.
 - A direct flight service Brussels-Parma is to commence on 24 January and will operate three days per week.

- 3.2 The Board wished the Authority's staff well with the move to Parma.

4. For adoption – the Authority's Management Plan 2005 (Document MB18.01.2005 - 3)

- 4.1 In its December meeting, the Board members adopted the Management Plan 2005 on a provisional basis. The changes suggested in this meeting and subsequent information from the Commission had been incorporated in document 3.
- 4.2 Following a discussion in the Board, it was decided that:
 - A list of acronyms would be added to the Management Plan 2005. The Authority would work on a glossary of terms which would be available at a later stage.
 - The Authority would prepare a briefing note with the specifications for an improved logo for discussion in a future Board meeting.
 - For the time being, the issue of nanotechnology and nano-science is not covered in the Management Plan. The Scientific Committee would be consulted on how and when it would be appropriate for the Authority to get involved in these activities.
 - The Authority would prepare the proposed more detailed paper on how to establish a stakeholder meeting.

- The Authority would check if all the comments received from the Advisory Forum had been brought to the attention of the Board.
- Following a reference in the Management Plan to risk assessment in the field of BSE and small ruminants in paragraph 64, the Executive Director stated that the Authority has been engaged in discussions with the Member States. At the time of the meeting, a potential finding of BSE in a French goat were unconfirmed. The Authority had not set a date for an opinion mainly because of the great difficulty in obtaining the data that the BIOHAZ Panel would need. The Authority plans to issue a further update if the finding is confirmed and this would be available around the time of the issue confirmation.

4.3 The Board adopted the Management Plan for 2005, subject to the changes made in the meeting in relation to paragraphs 26, 58 and 65 et al, the additional table in annex 1 and a list of acronyms.

5. For information – Division of tasks in-house experts, Committees and Panels (Document MB18.01.2005 - 4)

5.1 The Executive Director introduced the agenda item by updating the Board on where the Authority stands in the management of the scientific work. When the Authority started, it was unclear how it would develop. The paper updated the Board on what the Authority is doing in terms of increasing its staff base and outsourcing some of the work.

5.2 The Executive Director responded to a question on how the Authority recruited detached national experts. The national authorities suggest experts to the Authority and the Authority interviews them. This is only done if the proposed experts meet the needs of the Authority. As a result of that, a view is taken whether secondment could be taken up. The national experts who are employed work according to the same principles as other staff.

5.3 The Executive Director also explained to the Board that the Authority was bound by the EU Staff Regulations when recruiting staff members. The procedure is very time-consuming and the Authority is audited against the recruitment requirements. It is essential that the Authority should try as far as possible to have a reasonable national balance which is especially challenging in relation to the new Member States. The main difficulty is to have candidates to come forward who comply with the requirements as set out in the call for expression of interest.

5.4 The Board noted the information in document 4.

6. For discussion – Draft Training and Development Policy (Document MB18.01.2005 – 5)

6.1 Document 5 details various aspects in the Training and Development policy of the Authority such as the mission, principles, objectives, key actors and priorities.

6.2 Following a discussion in the Board, it was decided that:

- Priority 4 “out-of-office” training should be clarified.
- An example in each priority area would be provided.

- For the time being, the Authority had tended to recruit scientists with a high level of experience and who would require less Training and Development. If the Authority were to recruit more junior scientists, the need to further develop skills and competences would be greater.

6.3 The Board noted document 5, subject to the comments made in the meeting.

7. Initial discussion – Outline for the general report on the Authority's activities for 2005 (Document MB 18.01.2005-6)

7.1 The Director of Communications introduced this agenda item by explaining that the report should provide an overview of all of the Authority's activities. The main point of difference with last year's report was that in 2004, the Authority had produced publications essentially on the Authority's constitutional position whereas in 2005, the Authority could focus more on activities and achievements.

7.2 The Executive Director further explained that the Authority was planning to commission a report the use made of EFSA's scientific work following a suggestion by a Board member. The report would be discussed in the Board and be made publicly available.

7.3 Following discussion in the Board, it was decided that:

- The Authority would also develop a shorter version of the report highlighting some key figures and key activities.
- The complete document would aim to present achievements versus objectives and would provide a clear description of what the Authority is about.
- The report would not only provide a description of science, but also of the other activities.

7.4 A full text would be provided in advance of the March meeting. The Board would be asked to adopt the activity report in its meeting in March.

8. For information – Replacing experts on Panels (Document MB 18.01.2005 - 7)

8.1 The Executive Director updated the Board on the need for an overall approach on how to complete vacancies on Panels due to resignation of some experts. Document 7 explains the Authority's previous practices and what procedure could be followed in future.

8.2 Following the two previous calls for expression of interest, the Authority had a reserve list with experts. Taking experts from this reserve list was a relatively quick procedure. The disadvantage of such a reserve list is that there was no opportunity for new people to become part of the pool, for instance additional applicants from the new Member States.

8.3 The Executive Director explained that the basic selection procedure is laid down in the Authority's Founding Regulation, but that more work could be done on promoting and disseminating the kind of work that the Authority does, especially in the new Member States to attract more candidates. The Authority would consult and get advice from national authorities.

- 8.4 The Authority considered itself very fortunate with the experts currently on the Panels. The selection procedure had worked well but it could be fine-tuned in some areas.
- 8.5 Experts are on the reserve list for the entire period of the Panel, i.e. 3 years. Applicants have a possibility to identify on the application whether or not they wish to be listed on the reserve list. Even if experts are not selected for a Panel, they could still be taken as an expert in an ad-hoc working group.
- 8.6 The Board agreed the document, subject to the changes made in the meeting. The topic of how to encourage a wider field of candidates for the 2006 call would be discussed at a future Board meeting.

9. For adoption – Regulation laying down detailed rules for the implementation of certain provisions of the financial Regulation for the Authority (Document MB 18.01.2005-8, 8a, 8b)

- 9.1 In the Board's December meeting, the secretariat introduced the regulation laying down detailed rules for the implementation of certain provisions of the Financial Regulation for the Authority as well as modifications to articles 74, 75 and 99 of the Authority's Financial Regulation.
- 9.2 A decision on the approval of the implementing rules was postponed in the December meeting pending complementary information on Art.33 to 35 of such implementing rules relating to the granting of advances. These articles duplicate those of a Commission Regulation laying down detailed rules for the implementation of certain provisions of the Financial Regulation prevailing until end 2002. Although these articles were not taken over as such by the new general implementing rules, it is felt that they should be introduced in the Authority's implementing rules in order to allow flexibility for managing staff or administrative expenditure, where required. This is particularly important in the context of the move to Parma and it remains legally possible for the Authority to adjust its implementing rules to its own needs.
- 9.3 The Board adopted the implementing rules as well as modifications to Art. 75 and 99 of the Authority's financial regulation.

10. For adoption – Non-automatic carry-over of appropriations from 2004 to 2005 (Document MB 18.01.2005-9)

- 10.1 Appropriations which have not been committed at the close of the financial year may be carried over by decision of the Management Board taken not later than 15 February of the year N+1, in respect of amounts corresponding to commitment appropriations for which most of the preparatory stages of the commitment procedure have been completed by 31 December.
- 10.2 Following an open call for tender for establishing an Extranet amongst the Authority, national authorities and the Commission, the Board approved the non-automatic carry-over of €351,608.75 appropriation under budget line 3500.

11. For information – 2004 transfers in the Authority’s budget (Document MB 18.01.2005 – 10)

11.1 The Board was provided with a summary of transfers made from articles to another or from one chapter to another until 31 December 2004. No transfer from one title to another was made.

11.2 The Board noted the transfers in the Authority’s budget for 2004.

12. For information – Background note on Establishment Plan in the Authority’s 2005 budget (Document MB 18.01.2005-11a, 11b)

12.1 In its December meeting, the Board adopted the Authority’s establishment plan for 2005. The Board was also informed that the European Parliament had proposed to downgrade the grades available to the Authority for recruiting staff in order to promote the recruitment of more junior staff

12.2 With the support provided by the Board during the December meeting for having the establishment plan re-instated at the level of grades initially requested, actions are now being taken to seek to have a common request of especially the newly established agencies forwarded to the Commission and the Budgetary Authority. This request aims at having re-instated the level of grades as soon as possible in order to proceed with the pending recruitments.

13. For adoption – Revised Draft Decision on implementation of transparency and confidentiality requirements (Document MB 18.01.2005-12)

13.1 Following a discussion in the Board meeting of December, the Board agreed that changes would be necessary and that the document should be reintroduced.

13.2 The Executive Director introduced the revised document by explaining the need for a clearly established set of rules in relation to the implementation of transparency and confidentiality of documents, and the need for a balance between transparency and confidentiality.

13.3 Following discussion in the Board, it was decided that:

- Articles 2.1 and 2.3 are to be amended because they could create a conflict the way they are written now. If there is a need for a closed session, it is for the Executive Director to propose and in practice has been subject to the approval of the Chair. Closed sessions are only called if the Board is to discuss individuals or if the Authority is in negotiation with other parties.
- Reports from working groups, separate from the Scientific Committee and Panel structures should be included in Article 4 to ensure complete transparency. This would give effect to current practice.
- The general opinion is that no time limit is set in Art. 7 and that it should be left as such. The situation is to be judged on a case-by-case basis. It is however worthwhile mentioning that the obligation of confidentiality is different from the status of a confidential document and that the Authority would need to have procedures to downgrade documents over time.
- “Governing the classification of documents” should be included in Art. 8.4.

- Since Art. 10 could create a problem for some Member States, the Executive Director would check with the Commission on how they deal with the problem of access to information by Member States and Commission. From a legal point of view, the requirements could not be relaxed, but some thought a Memorandum of Understanding could be a solution.

13.4 The Board agreed to review the rules on transparency and confidentiality by the summer of 2006.

13.5 The revised document would be circulated to the Board before the March meeting in order to be adopted in that meeting.

14. Any other business

14.1 The Board is requested to send suggestions and ideas for topics for the Away Day on 9 March to the Authority.

14.2 The Authority would look into the matter of establishing a direct link with OIV (Organization Internationale de la Vigne et du Vin).

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