



European Food Safety Authority

**ISSUES RELATED TO THE FUNCTIONING OF THE
EFSA'S SCIENTIFIC COMMITTEE (SC) AND PANELS:**

A POSITION PAPER BY THE EFSA'S SCIENTIFIC COMMITTEE

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1. Areas currently covered by existing scientific Panels for which splitting a Panel or the establishment of a new Panel, could be considered positively.

A consensus emerged in the SC welcoming the recent decision to establish a new Panel on Plant Health.

As far as the need for establishing new Panels or merging existing ones is concerned, the following considerations were agreed upon by the SC:

- Several Panels are very heavily loaded and it can be already foreseen that their workloads will further increase in 2006;
- The “bottleneck” in delivering the opinions vary Panel by Panel. For some Panels it is at the level of the number of plenary sessions; more plenary sessions would be needed, but members cannot commit any more time. For other Panels, it is more at the level of an inadequate number of rapporteurs due to the lack of experts willing to take onerous tasks in working groups;
- The situation of overload needs to be monitored; the creation of an additional Panel may be necessary in the future, possibly together with the revision of the mandates of some Panels (AFC and CONTAM Panels were specifically mentioned during the discussion) to achieve a more even distribution of the work.

2. Number of experts in the SC or in specific Panels

There was a large consensus of the SC that the number of members in each Panel is an issue that would need some flexibility to better deal with the variable amount and nature of the workload of each Panel.

With the only exceptions of the Biohazard Panel and of the Scientific Committee, there were no suggestions to modify the present number of members.

For the Biohazard Panel (currently consisting of 21 members) the need was identified to add two new members in order to better cover the broad spectrum of disciplines (e.g. human medicine) essential for a fully satisfactory functioning of this Panel.

Also for the Scientific Committee it was deemed appropriate to add two new members with no responsibility of chairing a Panel; such a development would make possible for the SC to better undertake the many tasks particularly related with the development of new methodologies for risk assessment and multidisciplinary issues (see the section “investing in science” of the 2006 workplan in which a detailed description of such tasks is reported).

3. Procedural options for dealing with overlapping work mandates.

Depending on the specific mandate, several different options are currently applied for dealing with overlapping work mandates:

- (i) co-adoption the opinion by all the competent Panels (e.g. if the mandate is within the core competences of only two Panels);

- (ii) splitting the mandate and adopting separate opinions (e.g. if distinct issues can be identified in the mandate that can be dealt with separately);
- (iii) providing input to the Panel with a broader competence for adopting the opinion, normally through the participation in the work of this Panel of experts from other involved Panels (e.g. in case the mandate falls mainly in the competence of one panel with a rather marginal involvement of other Panels). In such a case, reference to the adopted procedure and to the participating experts should be ensured;
- (iv) direct adoption by the SC (e.g. in case of a truly multidisciplinary mandate).

It is considered that all the above-mentioned options are, in principle, useful and practicable, but the decision has to be taken on a case by case approach. It would be helpful to develop criteria as a basis for such a decision.

4 . Procedures for dealing with questions to EFSA

With reference to questions currently being dealt with by a specific Panel which may also be answered by Panel Secretariat or Scientific Expert Services staff or which could be dealt with by working groups with agreement of the Panel chair, it is important to distinguish between questions asked to EFSA by the European Commission, Parliament or Member States under the provisions of Art. 29 of Reg.178/2002 (*scientific opinions*), which are intended for the Scientific Committee and Panels, and those asked under the provisions of Art. 31 of Reg. 178/2002 (*technical and scientific assistance*), which are generally intended for the EFSA staff.

Requests under Art. 31 of Reg. 178/2002 (e.g. assessment of the Geographical Risk of Bovine Spongiform Encephalopathy of several countries or co-ordination of the Community summary report on zoonosis) are dealt with by the EFSA in collaboration with Member States and/or with an *ad hoc* working group and, generally, without any formal involvement of Panels or Scientific Committee. It should be pointed, however, that even for questions asked under Art. 31, such as peer reviewing plant protection products, in cases where additional expertises beyond EFSA's staff would be required, specific questions may be raised, under the provision of Art. 29, to a Panel for an opinion.

Similarly, it is an EFSA responsibility to decide on the procedure applicable to specific questions, asked under Art. 29, including, for instance, repetitive questions already dealt with by a Panel or questions aiming at getting clarification already achieved in a Panel, which may be dealt by the EFSA staff or by a working group with the agreement of the Panel chair. However, there may be legal constraints on which questions, asked for under Art. 29, can be dealt with the more flexible Art. 31 procedure; for instance, current EU legislation on authorization of certain substances for food or feed use requires an opinion on each substance from an EFSA Panel, irrespective of the level of difficulty of the evaluation. Therefore, in some cases, it would be appropriate for the European Commission and EFSA to consider jointly whether it would be possible for EFSA to provide advice relating to straightforward evaluations in a more flexible way. The SC noted that EFSA is currently preparing an internal procedure for handling requests, including criteria for priority setting and for the treatment of a request in case of emergency.

With reference to questions which could be outsourced to external expert organisations/expert working groups, it is obvious that, in view of the EFSA mission and of the large associated workload, networking and outsourcing are fundamental tools to ensure the smooth and speedy achievement of EFSA's objectives, without altering roles and responsibilities of the Scientific Committee and Panels and of EFSA staff. In this respect, a very important tool is provided for by Art. 36 of Regulation 178/2002 and Art. 1 of Regulation 2230/2004, although the timeframe for its implementation has proven to be, in spite of some recent positive developments, longer than expected. The urgent establishment of the network of institutions in Member Countries competent for systematically collaborating with EFSA should make possible the adoption of framework agreements to:

- establish a European roster of experts in different sectors which could be called upon to participate, in case of need also at short notice, in the work of the Panels and Scientific Committee;
- delivery of preparatory work (e.g. data and information) required by the Panels and Scientific Committee in order to provide specific opinions;
- develop specific models (e.g. for environmental fate) or other facilitation tools (e.g. for emerging risks) helpful in risk assessment.

Particularly when outsourcing specific data retrieval, either in the framework of Art. 36 or through sporadic initiatives, it is important to integrate any such work with that of experts possibly carrying out similar activities in EFSA's Panels and Working Groups.

5. Proposals for speeding up adoption of opinions by SC and Panels.

Often it is the manner in which questions are asked that may cause delay in the adoption of an opinion. For instance, broad and poorly-focussed questions are generally very time-consuming to answer. Although there is a procedure in place at EFSA for screening requests for advice or opinions from the Commission before they go on the Register, so far there have been very few instances of questions being rejected by EFSA. The need for an improvement of the procedure for analysing questions before EFSA's acceptance was identified. In fact, early contacts between relevant assessors and managers, preferably before questions are formalized, could considerably improve the situation. Moreover, a systematic case by case check on the work possibly already carried out on related issues would also be useful.

Lastly, for routine, implicit or well-defined issues, a broader use of a written approval procedure might be helpful to speed up the opinion adoption.

6. Tools to provide a professional and/or moral recognition of the work carried out by the experts for EFSA

The Scientific Committee has considered several tools that could be adopted by EFSA to show its appreciation to the experts who have devoted considerable energy and time in working for EFSA; they deal with: (i) certification of services provided; (ii) publications in scientific journals and (iii) feedback from risk managers on the impact of SC and Panel opinions.

The first tool proposed is the development of a clear and transparent procedure to certify in a detailed manner, on request of any interested expert, the duration and nature of the work carried out for EFSA. The purpose of this procedure is that of providing any interested expert, who needs to inform an Institution or any other interested party about the work carried out for EFSA, an official certification that is highly informative on the nature and extent of the work carried out. Such a certification would be very helpful for the expert in demonstrating a level of excellence reached and the commitment offered to EFSA activities. The certification, to be signed by the EFSA's Executive Director or by an *ad hoc* delegated EFSA's officer, should be released, on request of the expert, on official EFSA's paper and should include the following information:

- Name of the expert and his/her affiliation;
- Identification of the Committee, Panel or Working Group of which the expert has been member or of other forms of collaboration (e.g. consultant);
- Time duration of each collaboration and number of meetings attended by the expert;
- Number of reports for which the expert has acted as rapporteur;
- Number of additional days of work devoted to EFSA by the expert (if agreed upon by EFSA).

The EFSA's SC also considered the issue of publishing EFSA opinions and reports in scientific journals as an important one. On-going on-line publication of opinions in the electronic EFSA Journal was considered useful and should continue. A better format was recommended particularly for the titles of the opinions (and for the use of key words) in order to make them as much as possible informative about the topics covered. No need was identified to establish a hard-copy format of this Journal. The SC also recommends negotiations of EFSA with commercial publishing companies in order to include references to the electronic EFSA Journal in existing data bases and data banks. Such negotiations should also aim at promoting publication of specific EFSA opinions and reports dealing, for instance, with well-defined toxicological findings and recommended upper exposure levels in peer reviewed specialized scientific journals. Moreover, stakeholder organizations should also play a helpful role by drawing the attention of their members to the opinions as published on-line in the EFSA Journal.

With reference to the feedback from risk managers on the usefulness of SC and Panel opinions, the EFSA's SC expressed a strong agreement with the proposals in Mr. Madelin's letter dated 10 February 2006. These proposals concern: (i) the formalization of the use a template to facilitate interactions between risk assessors and managers on selected opinions (in relation to the draft template, the SC would like to suggest a few amendments as indicated in the Annex 1); and (ii) the sharing a yearly

analysis of the European Commission with the SC on the scientific opinions issued by the EFSA during the previous year.

7. An operational strategy for expert meetings in Parma

The main issues raised so far at SC meetings deal with approaches to reduce to some extent the number of travels to Parma, particularly in connection with short (one day) meetings (which are considered by many experts too time consuming in terms of travel), and to use the savings achieved in this manner to promote expert home work or work at distance by means of telephone and television conference and similar tools.

The other major issue that has emerged so far is how to facilitate the work of external experts through a more favourable expenditure coverage for those who have to stay in Parma longer due to limited availability from Parma of satisfactory airplane connections. Closely related to that is whether it would be possible to maintain a flexible policy to make possible, at least for working groups, to meet also in place other than Parma.

As it is expected that an update Expert Compensation Guide and EFSA's strategy for the meetings will become available before the new scientific Panels and Committee will be established, the hope is that the above-mentioned issues can be taken into account successfully.

TEMPLATE FOR FEEDBACK FROM SANCO ON EFSA's SCIENTIFIC
OPINIONS

A- DETAILS OF OPINION

1. Title of the opinion:
2. Date of issue of opinion:
3. EFSA Panel/Scientific Committee:
4. Responsible SANCO Unit for the feedback:

2. FEEDBACK

1. Degree of match of the opinion with the terms of reference*:
2. Extent to which the opinion allows the understanding of uncertainties, assumptions and weight of evidence*:
3. Consistency of the conclusions with the argumentations advanced*:
4. Degree of overlap with risk management:
5. Adequacy of the opinion for providing a clear basis for regulatory action:
(if the opinion is not considered adequate, an explanation should be given);
6. Risk management action adopted/proposed on the basis of the opinion:
(if no action has been taken/proposed, an explanation should be given)

* *These items should in principle be solved during the formulation of the opinion*