



**DECISION CONCERNING THE ESTABLISHMENT AND OPERATIONS OF THE
SCIENTIFIC COMMITTEE AND PANELS**

Having regard to Regulation (EC) No 178/2002/EC¹ (hereinafter referred to as 'the Regulation') of the European Parliament and the Council of 28 January 2002 laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in relation to food safety, and in particular to Chapter III thereof,

Having regard to Commission Regulation (EC) No 1304/2003 of 23 July 2003 on the procedure applied by the European Food Safety Authority to requests for scientific opinions referred to it²,

Whereas:

1. the rules governing the establishment and operations of the Scientific Committee and Scientific Panels should be in line with the requirements of the Regulation, and in particular Article 28(9) thereof, which requires that the procedures for the operation and co-operation of the Scientific Committee and the Scientific Panels shall be laid down in the Authority's internal rules, specifying in particular:
 - a. the number of times that a Member can serve consecutively on a Scientific Committee or Scientific Panel;
 - b. the number of Members in each Scientific Panel;
 - c. the procedure for reimbursing the expenses of Members of the Scientific Committee and the Scientific Panels;
 - d. the manner in which tasks and requests for scientific opinions are assigned to the Scientific Committee and the Scientific Panels;
 - e. the creation and organisation of the Working Groups of the Scientific Committee and the Scientific Panels, and the possibility of external experts being included in those Working Groups.

¹ *Official Journal* L 31, 1. 2. 2002, p. 1, as last amended by Commission Regulation (EC) No 575/2006 of 7 April 2006.

² *Official Journal* L 185, 24.7.2003, p. 6, as corrected by Corrigendum, OJ L 186, 25.7.2003, p. 46 (1304/2003).

2. this document should also be in line with Article 29(7) of the Regulation, requiring that the Authority's internal rules shall specify implementing rules in regard to format, explanatory background and publication of a scientific opinion.
3. the Authority has adopted implementing provisions regarding the publication of a scientific opinion³.
4. the Authority has drafted common templates for scientific opinions and a guide for their coherent use⁴.

The Management Board of the Authority has adopted the following Decision.

Article 1: Appointment of Members of the Scientific Committee and Panels and their Terms of Office

1. Members of the Scientific Committee or Panels shall be appointed by the Management Board, acting upon a proposal from the Executive Director, following publication in the Official Journal, in relevant leading scientific publications and on the Authority's website of a call for expressions of interest. Candidates found suitable for the position but not appointed shall be invited to be included on a reserve list. The Executive Director shall draw up implementing rules for the selection of members of the Scientific Committee and Panels.
2. When appointing Members, the Authority shall ensure a high level of collective scientific competence and expertise to fulfil the mandate of the Scientific Committee and Panels, and, consistent with this, a geographical distribution that reflects the diversity of scientific problems and approaches in the EU.
3. Members of the Scientific Committee and of the Panels shall be appointed for a three-year term of office that may be renewed twice.
4. Members who have just completed three consecutive terms of office in the Scientific Committee shall be eligible for membership of a Panel. Likewise, Members who have just completed three consecutive terms of office in a Panel shall be eligible for membership of the Scientific Committee or a different Panel.

Article 2: Delegation of responsibilities

1. The Members of the Scientific Committee and Scientific Panels are appointed in a personal capacity. They shall therefore not delegate their responsibilities to another member or to a third person.

³ The Decision of the Management Board concerning implementing measures of transparency and confidentiality requirements MB 10.03.2005 – 10.

⁴ Templates for scientific opinions, an Authority Template Opinion Guide and a Style Guide for scientific documents have been implemented by Authority.

2. If the Chair is not in a position to fulfil his/her function, he/she may be replaced by one of the vice-Chairs or, failing that, by another member in common accord of the Members.

Article 3: Number of Members in the Panels

1. The number of Members of a Panel should be sufficient to fulfil its mandate but shall not exceed 21. The Authority may however decide to defer nomination of some of the Members of a Scientific Panel to allow for the need to add expertise in the light of practical experience.
2. The term of office of Members nominated at a later date shall terminate at the same time as other Members.

Article 4: Election of the Chairs and vice-Chairs of the Scientific Committee and Scientific Panels

1. The Scientific Committee and Scientific Panels shall elect from among their Members a Chair and two Vice-Chairs. The terms of office of the Chair and Vice-Chairs shall be three years, renewable.
2. The Chair shall be elected by secret ballot. Subject to a unanimous decision by the Scientific Committee or Panel, the secrecy requirement for the ballot may be waived. The Executive Director or his/her designated representative shall chair the election procedures. The procedure shall be as follows:
 - a. The names of those wishing to stand as candidates shall be notified to the Secretariat before the meeting or be announced at the meeting. Members may present themselves as candidates in their own name or be proposed by another member.
 - b. Where there is a single candidate or where the other candidates withdraw, leaving a single candidate, that candidate shall be elected provided that he/she receives the majority of votes cast.
 - c. Where there are several candidates, election shall take place in accordance with the following procedure. However, if there are only two candidates, the first ballot will not be held.
 - In the first ballot, the candidate who receives at least a two-thirds majority of the votes of all members is elected.
 - If none of the candidates receive a two-thirds majority of the votes of all Members, the two candidates who obtained the highest number of votes go forward to the second ballot. When it is not possible to determine who are the two candidates with the highest number of votes due to equality, there shall be a special ballot in order to obtain the two candidates for the next round.

- In the second ballot, the candidate who receives at least a two-thirds majority of the votes of all Members is elected. If none of the candidates receive a two-thirds majority of the votes of all members, there will be a third round.
 - In the third round, the candidate who receives at least a two-thirds majority of the votes of all members is elected. If none of the candidates receive a two-thirds majority of the votes of all Members, the candidate who receives the majority of the votes of all members is elected.
 - If the two candidates receive an equal number of votes after the third ballot, the name of the successful candidate will be drawn by lot.
- d. Candidates may withdraw their candidature at any time during the procedure.
3. Two Vice-Chairs shall be elected following a procedure identical to that of the Chair. The vice-Chairs shall be elected separately. The names of the Chair and Vice-Chairs shall be recorded in the minutes of the meeting and shall be made public.

Article 5: Working Groups

1. The Scientific Committee and Panels may create Working Groups whenever they deem it necessary for reasons related to the need for external expertise or their capacity to fulfil their mandates. Creation of Working Groups shall be consistent with the Authority's work programme.
2. The Scientific Committee and Panels shall entrust the Working Groups with tasks which are clearly defined. In particular, the Working Group may be asked to undertake all necessary preparatory tasks in relation to a draft opinion. The Scientific Committee or Panel can require that these tasks be completed within a set period.
3. Working Groups shall report to the Scientific Committee or Panel that convened them and shall be chaired by a member of the corresponding Scientific Committee or Panel.
4. The names of participants of Working Groups shall be made public.

Article 6: External experts

1. Without prejudice to Regulation (EC) No 178/2002, external experts possessing particular and relevant scientific knowledge may be invited to contribute to the work of the Scientific Committee and Scientific Panels. The Executive Director shall draw up implementing rules for their selection procedure. The procedure shall guarantee the highest possible level of scientific excellence and independence. The Members and external experts of a Working Group shall be designated by its Chair in consultation with the Scientific Committee or corresponding Panel.
2. An external expert may be excluded from further activity within the Authority by the Executive Director for not contributing effectively to the work of the Scientific Committee and/or Panels and/or Working Groups or for actions which are conflicting with the

Authority's internal rules. In those cases, or if an external expert wishes to terminate his/her co-operation with the Authority, the Chair may invite or appoint a replacement in accordance with the rules of procedure referred to in paragraph 1.

Article 7: Rapporteurs

1. The Scientific Committee, a Panel or Working Group may designate one or more Rapporteurs from among its Members or external experts who shall ensure that draft reports or opinions are prepared, if necessary within a set time period. The Rapporteur(s) shall work in close co-operation with the relevant Secretariat.
2. The work of a Rapporteur is terminated when the Scientific Committee or Panel adopts the report or opinion.

Article 8: Requests for Scientific advice

1. The Executive Director shall assign requests for advice to either:

One of the Scientific Panels in accordance with their mandate as set out below;

- for the **Panel on food additives, flavourings, processing aids and materials in contact with food**: safety in use of food additives, flavourings, processing aids and materials in contact with food; associated subjects concerning the safety of other deliberately added substances to food and questions related to the safety of processes.
- for the **Panel on additives and products or substances used in animal feed**: safety for the animal, the user/worker, the consumer of products of animal origin, the environment and to the efficacy of biological and chemical products / substances intended for deliberate addition/use in animal feed.
- for the **Panel on plant protection products and their residues**: safety of plant protection products for the user/worker, the consumer of treated products and the environment.
- for the **Panel on plant health**: plant health.
- for the **Panel on genetically modified organisms**: genetically modified organisms, such as micro-organisms, plants and animals, relating to deliberate release into the environment and genetically modified food and feed, including products deriving from GMOs.
- for the **Panel on dietetic products, nutrition and allergies**: dietetic products, human nutrition and food allergy, and other associated subjects such as novel foods.
- for the **Panel on biological hazards**: biological hazards relating to food safety and food-borne disease, including food-borne zoonoses and transmissible spongiform encephalopathies, microbiology, food hygiene and associated waste management.

- for the **Panel on contaminants in the food chain**: contaminants in food and feed, associated areas and undesirable substances such as natural toxicants, mycotoxins and residues of non authorised substances not covered by an other Panel.
- for the **Panel on animal health and welfare**: all aspects of animal health and animal welfare, primarily relating to food producing animals including fish.

Or the Scientific Committee for tasks on multi-sectorial issues falling within the competence of more than one Panel, and on issues which do not fall within the competence of any of the Panels.

2. The Scientific Committee or Panel may ask the Secretariat to clarify a question or a task assigned to it and/or to supply additional information.
3. Requests for scientific opinions shall be presented by the Secretariat. They will consist of the question, the scientific background and the Community interest. Where necessary a deadline will be specified.
4. A scientific opinion shall comprise the question posed by the Commission, the Parliament, a Member State or the Authority itself, the background to the request, the information considered, the scientific reasoning and the opinion of the Scientific Committee or Panel.
5. The full scientific opinion shall be published without delay on the Authority's website. Detailed rules relating to public access to scientific opinions are established in the Decision of the Management Board of the European Food Safety Authority concerning implementing measures of transparency and confidentiality requirements.⁵

Article 9: Risk-related issues raised by the Scientific Committee or Panels

1. The Scientific Committee or a Panel may draw the Executive Director's attention to any specific or emerging issue falling within its remit which it considers to pose an actual or potential risk to consumer, animal or plant health. The Scientific Committee shall also be informed of issues raised by a Panel.
2. The Executive Director shall determine the action to be taken including, if appropriate, a request for a scientific opinion or report on the matter. In any event, the Secretariat shall inform the Scientific Committee and the Panel of the Executive Director's decision.

Article 10: Secretariat of the Scientific Committee and the Panels

⁵ MB 10.03.2005 – 10.

The Secretariat shall be responsible for providing support necessary to facilitate the efficient functioning of the Scientific Committee and Panels and shall ensure compliance with the rules of the Authority. Specific duties include but are not limited to:

- Ensuring best use of the Authority's resources and planning to meet priorities and time-limits;
- Providing information on the legislative/policy aspects of questions;
- Preparing the work of the Committee and Panels and their respective Working Groups, in consultation with their chairs;
- Drafting agendas and minutes of meetings;
- Co-ordinating the work carried out within and between the Scientific Committee or Panels and their respective Working Groups;
- Ensuring that the relevant background information is made available to the Scientific Committee, Panel or Working Group;
- Assisting the Chairs of the Scientific Committee, the Panels and their Working Groups in the preparation of draft opinions before adoption;
- When possible in relation to the subjects, dealing with requests by the Commission to provide scientific or technical assistance in accordance with Article 31 of Regulation (EC) No 178/2002.

Article 11: Co-ordination of the work of the Scientific Panels

1. The Secretariat of the Scientific Panels shall seek to ensure:
 - that the Panels work in close co-operation with each other and the Scientific Committee where this is necessary,
 - the avoidance of overlapping or inconsistent opinions.
2. The Chairs of the Panels shall keep the Scientific Committee informed of their activities through regular reports at meetings of the Scientific Committee.
3. The Scientific Committee shall assure consistency in the approach to risk assessment and the presentation of scientific opinions.

Article 12: Planning of meetings, invitations, agenda, documentation, time limits

1. The Scientific Committee and Panels shall establish a schedule of its meetings for the forthcoming calendar year.
2. As a general rule, the Secretariat will confirm a meeting of the Scientific Committee, Panels or Working Group not less than 10 working days before the date of the meeting

and shall give notification of cancellation not less than two working days before the date of the meeting.

3. Meetings of the Scientific Committee, Panel or Working Group may be called at short notice according to the urgency of the matter.
4. The draft agendas of the meetings of the Scientific Committee and Panels shall be drawn up by the Secretariat. The draft agenda shall be circulated to Members, generally within two weeks of the meeting. They shall be published on the Authority's website before the meeting. The agenda shall be adopted at the beginning of the meeting taking account of any agreed amendments.
5. Wherever possible, documents including reports and draft opinions prepared by a Rapporteur or external expert shall be available to the Members and external experts one week before that meeting.
6. As regards time-limits for the delivery of scientific opinions, the Authority applies the provisions laid down in Article 7 of Commission Regulation (EC) No 1304/2003. The Scientific Committee and Panels shall prioritise their work to ensure that time-limits are respected.

Article 13: Accelerated Procedures

1. Without prejudice to Regulation (EC) No 178/2002 and Commission Regulation (EC) No 1304/2003, and when not otherwise established, the procedure to be followed in order to address an urgent matter shall depend *inter alia* on the degree of urgency and may be either:
 - a. A fast-track response. In this case the response may take the form of a statement or opinion by the Authority adopted either by the relevant Scientific Panel or the Scientific Committee. The development and adoption of a statement or an opinion shall be undertaken by the relevant Scientific Panel or the Scientific Committee as far as possible in accordance with standard operating procedures, under the Executive Director's direction and taking into account the limited time allocated for the response to the question (fast track).
 - b. A statement (within days) by the Authority prepared by the Authority's personnel. The Chair of the relevant Scientific Panel or the Scientific Committee shall be informed of the question and the process. Experts from the relevant Scientific Panel or Scientific Committee and/or any external experts may be consulted.
2. Where necessary, implementing rules for the procedures described in paragraph 1, letters a and b will be adopted by the Executive Director.

Article 14: Written Procedure

In the event that the nature, urgency or circumstances do not necessitate or allow discussion at a meeting, a draft opinion or a statement may be adopted by written procedure. In this case, the Secretariat shall send the draft opinion to the Members of

the Scientific Committee or Panel with a request for approval by a specified date. The draft shall be adopted if the majority of the Members of the Scientific Committee or Panel have expressed their approval before the deadline. If a majority is not reached, the draft opinion must be placed on the agenda for the next meeting of the Scientific Committee or Panel or, if the urgency requires this, an ad-hoc meeting shall be convened at the earliest date at which the quorum can be assured. The conclusion of the written procedure needs to be included in the minutes of the following meeting.

Article 15: Quorum and majority

1. A quorum of at least two thirds of the Members of the Scientific Committee or of a Panel shall have to be physically present in order for the meeting to be valid.
2. The Scientific Committee and Panels shall adopt opinions by a majority of their members.

Article 16: Access to meetings and confidentiality of individual views of participants

1. The representatives of the Commission's departments shall be entitled to be present in the meetings. If invited to do so, they may assist for the purposes of clarification or information but shall not seek to influence discussions.
2. With the exception of minority opinions referred to in Article 18, individual views, whether expressed orally or in writing by Members or external experts during deliberations within the Scientific Committee, Panels or a Working Group, shall be confidential.
3. Rules relating to public access to the meetings of the Scientific Committee and Panels are established in the Decision of the Management Board of the European Food Safety Authority concerning implementing measures of transparency and confidentiality requirements⁶.

Article 17: Adoption of scientific opinions

1. The Scientific Committee and individual Panels shall adopt their scientific opinions at their plenary meetings or, exceptionally, by one of the procedures set out in Article 13 or 14.
2. The Scientific Committee or a Panel may adopt a preliminary opinion which will be published on the Authority's website with an invitation to provide scientific comments by a specified deadline. The Scientific Committee or Panel will take account of the comments received when adopting its final opinion.

Article 18: Minority Opinions

⁶ MB 10.03.2005 – 10.

The opinions of the Scientific Committee and Panels within the meaning of Article 29 of the Regulation shall include any minority opinions. Minority opinions shall be attributed to their authors and shall include supporting argumentation.

Article 19: Technical Hearings

1. The Scientific Committee, a Panel or Working Group may organise scientific hearings with individuals, petitioners or other stakeholder representatives if it considers it necessary for the completion of a scientific opinion.
2. Hearings shall be indicated clearly in the draft agenda of the meeting during which it is to take place.
3. The Scientific Committee, Panel or Working Group shall not take any decisions during hearings.

Article 20: Minutes

1. The Secretariat of the Scientific Committee and Panels shall prepare draft minutes of plenary meetings and meetings of working groups. These shall contain, *inter alia*:
 - the list of participants;
 - specific Declaration of Interests filled in by participants concerning their independence and the action taken, if any;
 - a summary of discussions, including important minority stand points and agreed actions;
 - a record of decisions taken and opinions adopted.
2. The draft minutes shall be circulated to Members for comments and adopted not later than the next meeting.
3. The minutes shall be placed on the Authority's website after their adoption.

Article 21: Mission expenses of Members, external experts and indemnities

1. Travel and subsistence expenses incurred by Members or external experts in connection with meetings relating to the Scientific Committee or Panel shall be reimbursed by the Authority in accordance with the scales laid down in the Authority experts compensation guide, in line with the Commission Decision related to the experts compensation.
2. Members and external experts shall be entitled to an indemnity of 300 € for each full day of meeting attendance to defray other costs derived from their contribution to and participation in the work of the Scientific Committee or Panel. As a compensation for costs incurred by the preparatory work for meetings, the Chairs of the Scientific

Committee, Scientific panels and Working Groups shall be entitled to one additional daily indemnity per meeting.

3. Each Rapporteur shall be entitled to an indemnity of 600 € to defray costs linked to the co-ordination of preparatory work for draft opinions.

Article 22: Confidentiality

1. Members of Scientific Committee or Panels as well as external experts participating in their Working Groups, or acting as observers, shall not divulge to third parties information specifically identified by the Authority as “restricted or confidential”.
2. Members of the Scientific Committee or Panels and external experts participating in their Working Groups, or acting as observers, shall sign a written declaration that they will comply with the rules of confidentiality set out in paragraph 1⁷.
3. Members of the Scientific Committee or Panels and external experts participating in their Working Groups, or acting as observers, shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

Article 23: Independence

1. Members of the Scientific Committee and Panels, Working Groups as well as external experts shall undertake to act independently of any external influence. For this purpose, they shall make a Declaration of Commitment⁸ and an Annual Declaration of Interests⁹ in accordance with the Guidance Document on Declarations of Interest¹⁰.
2. These declarations shall be made annually in writing and shall be published on the Authority's website.
3. The members of the Scientific Committee, Scientific Panels, Working Groups as well as external experts, at each meeting shall declare any interests which might be considered prejudicial to their independence in relation to the items on the agenda (Specific Declaration of Interests)¹¹, in accordance with the Guidance document on declarations of interest.

Article 24: Dismissal of members

A member may be dismissed by the Management Board, on a proposal of the Executive Director, for not contributing effectively to the work of the Scientific Committee and/or

⁷ Annex 4 of the Guidance Document on Declarations of Interests, MB 11.09.2007.

⁸ Annex 1 of the Guidance Document on Declarations of Interests, MB 11.09.2007.

⁹ Annex 2 of the Guidance Document on Declarations of Interests, MB 11.09.2007.

¹⁰ MB 11.09.2007.

¹¹ Annex 3 of the Guidance Document on Declarations of Interests, MB 11.09.2007.

Panels and/or Working Groups or for actions which are conflicting with EFSA's internal rules. In those cases, or if a member wishes to resign, the Management Board, acting on a proposal of the Executive Director, may appoint a replacement from the reserve list referred to in Article 1 paragraph 1.

Article 25: Entry into force

1. The present Decision shall enter into force on the date of its adoption.
2. The Management Board may return to these rules whenever deemed necessary and adopt any modifications needed.

Bucharest, 11 September 2007,

Dr Patrick G. Wall
Chair