

PROPOSAL TO DIVIDE THE TASKS OF THE AFC PANEL BETWEEN TWO NEW PANELS

INTRODUCTION

1. The Board has examined the activities of the 9 EFSA Scientific Panels and the Scientific Committee and made a series of recommendations to improve the conditions for the work of the external scientists who are members of these and their working groups. The AFC Panel has an exceptionally high workload now with its existing mandate and range of responsibilities¹. This will increase in future with the adoption of the proposals on food additives, food enzymes, flavourings and food ingredients with flavouring properties for use in and on foods; the so-called “food improvement agents package” (or FIAP).
2. Article 28(4) of EFSA's Founding Regulation 178/2002² describes the allocation of responsibilities to the different Panels. It also allows through an enabling provision for the mandates and responsibilities to be adapted if necessary with a proposal for a Commission Regulation to the Standing Committee on the Food Chain and Animal Health *i.e.* through a Comitology procedure. This provision has already been invoked by the Commission to enable EFSA to establish the Plant Health Panel³.
3. The work of the AFC Panel focuses on the safety of chemicals deliberately added to food and to materials in contact with food, and therefore the expertise required for the three main areas of work is similar. The current mandate of the AFC Panel includes the areas mentioned in its title, *i.e.* food additives, flavourings (including smoke flavourings), processing aids (including enzymes not considered food additives) and food contact materials. In addition, it also encompasses sources for vitamins and minerals added to food and to food supplements, as well as any other deliberately added substances to food and questions related to food processes (including irradiation, but excluding heating).

¹ The Panel on food additives, flavourings, processing aids and materials in contact with food.
Present mandate: Safety in use of food additives, flavourings, processing aids and materials in contact with food; associated subjects questions related to the safety of other deliberately added substances to food and questions related to the safety of processes.

² Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. *Official Journal L 31, 1.2.2002, p. 1–24*

³ Commission Regulation (EC) No 575/2006 of 7 April 2006 amending Regulation (EC) No 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority. *Official Journal L 100, 08/04/2006 P. 0003 - 0003*

4. Although the allocation of responsibilities to the AFC Panel was logical in 2002 when the Regulation was adopted, operational experience has shown that the wide range of areas covered by the Panel has resulted in an excessive workload with a high number of requests for scientific opinions.
5. EFSA continues to put in place working procedures targeted at reducing the workload of the Panel itself (such as increased secretarial support, external support, simplified procedures for "routine" questions etc). However, these actions themselves will not be enough to enable one Panel to answer, within the allocated timeframe, all questions received and expected to come in the areas covered currently by the AFC Panel.
6. In the meetings of the Management Board of 27 March and 19 June 2007 the Board took note of the workload of the AFC Panel and the tasks expected to come in the foreseeable future. In order to ensure that the workload can be addressed in a timely manner, it was agreed that EFSA should consider the implications of splitting the Panel and come back to the Board with a recommendation.
7. The procedure foreseen to enable the AFC Panel to be split into two Panels is as follows:
 - MB to assess the need for the Panel to be split and make recommendations to the Executive Director and if it agrees, to ask the Commission formally of the need to adapt the responsibilities of the Panels and split the AFC Panel.
 - The Commission would prepare a draft for a Commission Regulation which would be put to a vote in a meeting of the Standing Committee on the Food Chain and Animal Health.
 - If the Member States support the proposal EFSA would be formally informed and it could then put in place the provisions of the Regulation as adopted.
 - It could be expected that the procedure could be completed by mid 2008.

PROPOSAL TO THE MANAGEMENT BOARD

8. In order to create a sustainable working environment for what is today the AFC Panel, ensuring that also in the mid- and long-term an adequate output could be achieved in the area of the food chain which is currently the mandate of the AFC Panel, it is proposed that the Management Board endorse a request to the Commission asking that the tasks of the AFC Panel be divided between two new Panels as follows:

(A) Panel on food additives and nutrient sources added to food

9. The proposed mandate would cover the safety in use of:
- food additives;
 - nutrient sources added to food and to food supplements; and
 - associated subjects concerning the safety of other deliberately added substances including substances added for other than a technological purpose e.g. with functional properties but excluding flavourings and enzymes.

(B) Panel on food contact materials, enzymes, flavourings and processing aids

10. The proposed mandate would cover the safety in use of:
- food contact materials,
 - flavourings and processing aids, including enzymes; and
 - associated subjects concerning the safety of other substances indirectly added to food; and
 - questions related to the safety of new processes (e.g. irradiation).

JUSTIFICATION

11. The criteria for this proposal have been to ensure 1) keeping areas together which require similar types of competences and/or procedures for evaluation, and 2) a reasonably equal distribution of work for the two new Panels. For Panel (A), the expertise required for evaluation of additives and nutrient sources is very similar, relying heavily on toxicology and to a lesser extent on chemistry. For Panel (B), while toxicological expertise is also required, chemistry/ biochemistry and food technology are critical components of the expertise required for evaluation of food contact materials, flavourings and processing aids. Expertise in dietary exposure estimates would be required for both Panels.

PRACTICAL ARRANGEMENTS AND CONSEQUENCES

12. It is not the intention at this stage to split the current Unit supporting the AFC Panel, but to keep it as a single Unit supplemented with the extra staff necessary to meet the objectives of both Panels, while enabling the support staff of the two Panels to maintain an overview of their related work.

13. The 2008 budget of the AFC Panel (excluding staff expenditure) amounts to 1.3M€. Taking into account the possible date of completion for this procedure (mid 2008), it is expected that the



additional resources (activity budget: 0.4 M€ and staff) will be covered by the Preliminary draft 2008 Budget and Establishment plan as presented to the Management Board in March 2007.

Proposed action of the Management Board

14. It is proposed that the Management Board endorse a request to the Commission asking that the tasks of the AFC Panel be divided between two new Panels as explained above.

Bucharest, 11 September 2007,

Dr Patrick G. Wall
Chair