



EFSA POLICY ON DECLARATIONS OF INTERESTS

I. INTRODUCTION

Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority (EFSA) and laying down procedures in matters of food safety^a states that members of the Management Board, the members of the Advisory Forum, the members of the Scientific Committee and the Scientific Panels and the Executive Director shall undertake to act independently.

For this purpose Article 37 of Regulation 178/2002 imposes the obligation on them to make a) an annual declaration of commitment b) an annual declaration of interests "*indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interests which might be considered prejudicial to their independence*"^b.

EFSA's approach of ensuring its independence is set out in this document which is implemented in the Guidance on Declarations of Interests (MB – 10.09.2007) and the Procedure for identifying and handling potential conflict of interests. (MB – 10.09.2007)

Independence and high standards of professional conduct by all those involved in the activities of the EFSA - members of the Management Board, Advisory Forum, Scientific Committee, Scientific Panels, Expert Working Groups, external experts and EFSA staff - are crucial for the independence and the reputation of the Authority.

One aspect that influences the external perception of the EFSA's independence is proving that those involved in the work of the EFSA act independently of any external influence related to the subject of the activity. Openness is essential to ensure public confidence. Therefore, professionals involved in the activities of the EFSA must reveal the interests they may have in the EFSA's tasks.

The EFSA has decided to review its procedures and arrangements and to further strengthen the robustness and transparency of the system of handling declarations of interests, based on the experience gained in handling declarations of interests since its establishment.

^a *Official Journal* L 31, 1.2.2002, p. 1 as last amended by Commission Regulation (EC) No 575/2006 of 7 April 2006.

^b The Executive Director of EFSA has extended this to the Deputy Executive Director and AD Staff of EFSA (declarations of the latter are not made public though).

These documents implement the concept of Article 37 which takes into account that high quality of scientific expertise is by nature based on prior experience and that therefore having an interest does not necessarily mean having a conflict of interest. The policy is therefore not to ban or sanction the holding of interests by individuals operating in the sphere of EFSA but to facilitate in a transparent and consistent manner the handling of situations where potential conflicts may arise.

II. EFSA's approach to declarations of interests

By nature, declarations of interest are of individual nature. In order to ensure a coherent level of detail in the declarations, a set of interests were defined. These are ownership or other investments, including shares, membership of a managing body or equivalent structure, membership of a scientific advisory body, employment, consultancy, research funding, intellectual property rights, other membership, and any other interests. Interests of close family members are also to be included, as appropriate.

To ensure consistent reporting and evaluation the following documents were created:

- A set of comprehensive declaration of interests forms which seek detailed information from different areas and activities that may be of relevance in the context of specific interests. By applying these forms in a consistent way the coherent declaration of the level of interests is promoted and will eventually establish a common awareness of what kind of interests are to be declared. To support that, the forms provide various explanatory notes.
- **A Guidance document on Declarations of Interests.** This document presents
 - the importance of providing declarations of interests;
 - the nature of interests that are to be declared, and
 - the different documents that have been created for this purpose

It is to be made available to the experts prior to the completion of their declaration of interests.

- A Procedure for identifying and handling potential conflict of interests formalising the approach on how and when to assess the information provided in the declarations. This document also sets out a procedure for screening of the declarations of interests and possible consequences linked to the interests declared for experts and members of EFSA's scientific Committee and Panels.

All the above-mentioned documents are made public on the EFSA webpage.

III. Handling of conflicts of interests of Scientific Committee members, Panel members and external experts

Based on the information provided by the expert, the EFSA secretariat will evaluate whether a declared interest constitutes a conflict. In the case of an identified potential conflict of interest, the EFSA will assess whether the expert will be allowed to participate in the EFSA activities to an extent defined by the assigned conflict of interest level.

IV. Handling of conflicts of interest for Management Board members, members of the Advisory Forum and EFSA Staff

The provisions concerning conflicts of interests apply equally to members of the Management Board, the Advisory Forum, the Scientific Committee, the Panels and external experts. However, in view of the different nomination procedures and of the different roles and responsibilities of the Management Board and the Advisory Forum compared to the Scientific Committee and the Panels, the Procedure for identifying and handling potential conflict of interests lays down a different, simplified procedure which takes account of these differences.

Whilst the EFSA's founding regulation places specific declaration obligations upon the Executive Director, the EFSA has decided that the requirement to declare interests should also apply similarly to all AD-grade staff in the Authority. This is in line with the spirit of the founding regulation under which all the individuals in a position to influence EFSA's output, particularly in the core business areas of science and communications, should act with independence and integrity and should be subject to the same standards of professional conduct as members of EFSA bodies and external experts and use a similar system for the verification thereof.

EFSA staff is subject to obligations laid down under the Staff Regulation for officials and Conditions of Employment of Other Servants. In essence, all EU officials and servants are required to act with independence and integrity, cannot deal with matters in which they have personal interests or hold interests likely to impair their independence, must seek prior permission for any outside activity and must declare whether their spouse are in gainful employment in order for the institution to assess the compatibility with the official's duties.

V. Review of the policy

The policy set out in this document shall be reviewed within 3 year of its adoption. The Members of the Management Board are asked to adopt the EFSA Policy on Declarations of Interests.

Bucharest, 11 September 2007

Patrick G. Wall
Chair