

MB 23.01.08 – Revised rules AF



## EXECUTIVE DIRECTORATE

Parma, 14 January 2008

Management Board

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## **DECISION CONCERNING THE OPERATION OF THE ADVISORY FORUM OF THE EUROPEAN FOOD SAFETY AUTHORITY**

THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY,

Having regard to Regulation (EC) No 178/2002<sup>1</sup> 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 (hereinafter “the Regulation”) and in particular to Chapter III thereof,

Whereas:

- in order to ensure the proper functioning of the Advisory Forum of the European Food Safety Authority (hereinafter “the Authority”), within the overall framework of the founding Regulation it is appropriate to lay down the Advisory Forum’s internal rules,
- the Advisory Forum’s main tasks relate to advising the Executive Director on: the Authority’s work programmes, the identification of opportunities for cooperation and avoidance of duplication of the Authority’s scientific studies with those carried out by the Member States, the avoidance of diverging scientific opinions, the promotion of coherence in risk communications, and the identification of emerging risks. These tasks shall be achieved through close collaboration and cooperation between the Authority and the Member States’ competent bodies, promotion of networks and the sharing of information and knowledge,
- the Advisory Forum plays a crucial role for the successful implementation of the Strategy for Cooperation and Networking between the EU Member States and EFSA<sup>2</sup>. This strategy provides the framework for cooperation and networking in order to support the development of risk assessments of the highest quality, based on sound science and harmonised methodologies, in all fields within EFSA’s remit. The strategy recognises four priority areas: a) exchanging and collecting scientific data and information, b) sharing risk assessment practices, c) contributing to the harmonisation of methodologies for risk assessment and d) promoting coherence in risk communications. Strengthening

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

<sup>2</sup> See Strategy for Cooperation and Networking between the EU Member States and EFSA, MB 19.12.2006.

the involvement of new and acceding Member States represents an important element of the strategy. Establishing national focal points in the Member States as regards the national networks composed of risk managers, national authorities, research institutions, consumers and other stakeholders in the field of risk assessment within EFSA's remit will facilitate the work of the Advisory Forum.

Has adopted the following rules:

#### **Article 1: Membership of the Advisory Forum**

- 1) The Advisory Forum shall be composed of representatives from competent bodies in the Member States which undertake tasks similar to those of the Authority, on the basis of one representative designated by each Member State. Representatives may be replaced by alternates, appointed at the same time.
- 2) Members of the Advisory Forum may not be members of the Management Board.
- 3) Where the Advisory Forum discusses the matters referred to in article 22(5)(b) of the founding Regulation (animal health and welfare and plant health) representatives from the competent bodies in the Member States which undertake tasks similar to those referred to in article 22(5)(b) may participate in the work of the Advisory Forum, on the basis of one representative designated by each Member State.

#### **Article 2: Chair**

- 1) The Advisory Forum shall be chaired by the Executive Director of the Authority.
- 2) If the Executive Director is unable to Chair a meeting or part of a meeting of the Advisory Forum, he/she may nominate a senior member of the Authority's staff to chair the meeting on his/her behalf in exceptional cases.

#### **Article 3: Attendance at meetings**

- 1) Members of the Advisory Forum shall make a commitment to attend and participate in its meetings<sup>3</sup>.
- 2) Representatives of the Commission's departments may participate in the work of the Advisory Forum.
- 3) The Executive Director may invite representatives of the European Parliament to take part in the work of the Advisory Forum as observers.
- 4) The Executive Director may invite representatives from other relevant bodies to take part in the work of the Advisory Forum as observers.

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<sup>3</sup> See Declaration of commitment provided in Annex 1 of the Guidance Document on Declarations of interest, MB 11.09.2007 – 5.3.

- 5) For the purpose of ensuring the smooth functioning of the meetings, or in order to provide particular expertise, the Chair may invite to the meetings of the Advisory Forum any person especially qualified in the matters to be discussed with a view to informing the meeting on this matter.

#### Article 4: Independence

- 1) The members of the Advisory Forum, their alternates and any other participant shall undertake to act **independently** in the public interest.

For this purpose, they shall make a 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. These declarations shall be made annually in writing<sup>4</sup>.

- 2) Members or alternates and any other participant shall declare at each meeting of the Advisory Forum any interests, which might be considered prejudicial to their independence in relation to the items on the agenda. This declaration shall be made in writing<sup>5</sup>.

**Comment [n1]:** One MB member suggests to omit the reference to the independency of the AF members, since they represent their national bodies. However, this wording comes from article 37 of the Founding Regulation of EFSA that the Commission has requested EFSA not to reformulate. Hence, the possible omission of the word independently would need further consideration by the MB.

#### Article 5: Transparency

- 1) The Advisory Forum shall carry out its activities with a high degree of transparency.
- 2) Without prejudice to the relevant provisions laid down in the Regulation and in relevant EC legislation, transparency of the works of the Advisory Forum and access to the documents considered by it shall be regulated under EFSA internal decisions concerning transparency and access to documents<sup>6</sup>. In particular, the minutes and other documents relevant to matters discussed shall be published on the Authority's website.

#### Article 6: Agendas

- 1) Subject to paragraph 2 of this Article, requests for matters which members wish to have included on the agenda shall be submitted to the Chair through the Secretariat

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<sup>4</sup> As regards the implementation of this obligation please refer to the EFSA Policy on Declarations of interests, MB 11.09.2007 – 5.2; the Guidance Document on Declarations of interest, MB 11.09.2007 – 5.3; and the Procedure for identifying and handling potential conflicts of interests, MB 11.09.2007 – 5.4.

<sup>5</sup> As regards the implementation of this obligation please refer to the EFSA Policy on Declarations of interests, MB 11.09.2007 – 5.2; the Guidance Document on Declarations of interest, MB 11.09.2007 – 5.3; and the Procedure for identifying and handling potential conflicts of interests, MB 11.09.2007 – 5.4.

<sup>6</sup> I.e. respectively Openness, Transparency and confidentiality, MB 16.09.2003 – 13 – agreed; Decision concerning access to documents, MB 16.09.2003 – adopted and Decision of the Management Board of the European Food Safety Authority concerning implementing measures of transparency and confidentiality requirements, MB 10.03.2005 - 10

not less than 14 days before the date of the meeting. Where a member wishes to replace or delete an item the request shall be made at the meeting itself.

- 2) When the Advisory Forum is convened to deliberate on a matter of urgency, requests for matters which members wish to have included on the agenda shall be submitted to the Chair through the Secretariat not less than five days before the date of the meeting.
- 3) Any request by one or more members for inclusion, deletion or replacement of an item on the agenda shall state the reasons on which it is based. The Chair shall bring any such request to the notice of the members of the Advisory Forum.
- 4) Having taken into account the requests by members for inclusion, deletion or replacement of items, the Chair shall take the final decision on the agenda.
- 5) Urgent questions may be added to the agenda at any time before the end of the meeting with the agreement of the Chair, and items on the agenda may be deleted or carried over to a subsequent meeting.

#### **Article 7: Confidentiality**

- 1) The members of the Advisory Forum, their alternates or other participants shall not divulge to third parties confidential information that they have received for which confidential treatment has been requested and is justified.
- 2) Members and alternates of the Advisory Forum shall sign an initial written declaration that they will comply with the rules of confidentiality in paragraph 1<sup>7</sup>.
- 3) Members of the Advisory Forum, their alternates and other participants shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

#### **Article 8: Secretariat**

The Advisory Forum shall be assisted by a Secretariat. The Secretariat shall be provided by, and responsible to, the Executive Director and shall provide the technical and logistical support to ensure the efficient functioning of the Advisory Forum.

#### **Article 9: The Convening of meetings**

- 1) The Advisory Forum shall meet at the invitation of the Chair at least four times a year or at the request of at least one third of its members.
- 2) The notice of convocation of a meeting of the Advisory Forum shall be transmitted by the Secretariat on behalf of the Chair to members no later than ten days before the start of the meeting. The draft agenda shall simultaneously be send to them,

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<sup>7</sup> Please refer to the Declaration concerning confidentiality provided in Annex 4 of the Guidance Document on Declarations of interest, MB 11.09.2007 – 5.3.

comprising the items to be examined. Preparatory documents shall be transmitted no later than 10 days before the start of the meeting.

- 3) When the Advisory Forum is convened to deliberate on a matter of urgency, the notice of convocation and the provisional agenda shall be transmitted to members as soon as possible before the start of the meeting.
- 4) Where at least one third of the members requests a meeting, the meeting shall be convened within one month or, in case of urgency, as soon as possible.

#### **Article 10: Quorum and votes**

- 1) A quorum of at least two thirds of all the members or alternates of the Advisory Forum shall be physically present in order for the meeting to be valid.

4)2) When a document is put on the agenda for adoption or endorsement, the Advisory Forum shall strive to reach a consensus on it. However, when that is not possible, the minutes of the relevant meeting will register the views of the members not supporting the document endorsed by the majority of the members of the Advisory Forum.

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#### **Article 11: Closure of debates**

- 1) The Chair may close a debate when he/she considers that all members or alternates have had the opportunity to express their views.
- 2) Members or alternates may ask for closure which shall be given at the discretion of the Chair once all members or alternates have been given the opportunity to state their views.
- 3) Any member or alternate asking to speak on closure shall be given precedence.

#### **Article 12: Written procedures**

- 1) In exceptional cases, where the Chair wishes to consult the members of the Advisory Forum, in an emergency situation or food safety crisis, documents and information may be transmitted by the quickest means available and information sought without the need to convene a meeting.
- 2) The matter will in any case be placed on the agenda of the next meeting.
- 3) Where a member of the Advisory Forum is not able to participate in a meeting he/she may make his/her views known on an agenda item to the Chair in writing. The Chair shall ensure that these are circulated to other members by the Secretariat.

#### **Article 13: Interpretation and languages considered at meetings**

- 1) Interpretation shall be provided at each meeting of the Advisory Forum, in principle, in the working languages of the Authority.

- 2) Where the Advisory Forum meets to discuss a matter of urgency this rule may be waived.

#### **Article 14: Working Groups**

- 1) The Advisory Forum may form working groups where it is necessary to bring together the relevant expertise from the Member States on a scientific, technical or other question falling within the remit of the Authority.
- 2) The Chair in consultation with the Advisory Forum shall determine the terms of reference of a working group and the timeframe in which it shall complete its task.
- 3) Experts who attend working group meetings shall be nominated by the Member States on the basis of one representative per Member State unless a Member State is unable to provide an expert. Articles 4 and 7 of the present decision shall apply to the experts who attend working groups meetings.
- 4) The quorum rules in Article 10 and the language rules in Article 13 shall not apply to working groups.
- 5) Experts shall be reimbursed on the basis of the provision of Article 16.
- 6) Working Groups shall report on their meetings to the plenary of the Advisory Forum.

#### **Article 15: Transmission of documents and minutes**

- 1) The Secretariat shall prepare draft minutes of plenary meetings and the chairs of working groups shall prepare draft minutes of the working group meetings. These shall contain, *inter alia*:
  - the list of participants;
  - a summary of discussions. The minutes of plenary meetings shall also indicate whether the interventions recorded were made by members of the Advisory Forum or by other participants;
  - a record of conclusions and approved documents.
- 2) The draft minutes shall be circulated to members for comments and adopted by written procedure or, in case of substantial comments, not later than the next meeting.
- 3) The minutes shall be placed on the Authority's website after their adoption.

#### **Article 16: Reimbursement of expenses**

Travel expenses incurred by members or their alternate in connection with Advisory Forum meetings shall be reimbursed by the Authority on the basis of one member per Member State in line with the scales laid down in the Authority experts' compensation guide, in line with the Commission Decision related to the experts compensation.

#### **Article 17: Amendment of the Internal Rules of the Advisory Forum**

The Board shall amend these Internal Rules of the Advisory Forum by a majority of its members



**Article 18: Entry into force**

These Rules shall enter into force immediately on their adoption by the Management Board.

Done at Parma on 23 January 2008

For the Management Board,

Dr Patrick G. Wall  
Chair