European Food Safety Authority

Minutes of the 35th Management Board Meeting Public Session, 27 March 2008 Pafos

Members of the Management Board present

Diána Bánáti	Pirkko Raunemaa
Marianne Elvander	Bart Sangster
Matthias Horst	Roland Vaxelaire
Deirdre Hutton	Patrick Wall (Chair)
Milan Pogačnik	Konstantinos Yazitzoglou

Observers and Invitees of the Executive Director

Christos Patsalides, Cyprus Health Minister	Dr. Jan Schans

Staff of the European Food Safety Authority present

Catherine Geslain-Lanéelle	Victoria Villamar
Alexandrine Maviel-Sonet	Riitta Maijala
Anne-Laure Gassin	Hubert Deluyker
Djien Liem	Gisèle Gizzi
Adrian Bucureci	Elzbieta Ceglarska

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SUMMARY OF DECISIONS

The Management Board:

- Adopted the agenda with two additions: an update from the Audit Committee and an item on new technologies under AOB.
- Adopted the minutes from the 23 January 2008 with a request that future minutes reflect more of the discussion following agenda items.
- Noted the presentation of Christos Patsalides, Cyprus Health Minister and thanked the Cypriot authorities for hosting the Board meeting and for their ongoing support of EFSA.
- Noted a Declaration of Interest by Bart Sangster relating to his involvement with the ASAT (Assuring Safety without Animal Testing) initiative.
- Adopted the Rules of the Advisory Forum, subject to amendment.
- Adopted the Annual Activity Report 2007.
- Provisionally adopted the Preliminary Management Plan 2009, subject to the provision of a summary document.
- Adopted the Preliminary Draft Budget.
- Adopted the Staff Policy Plan.

The Management Board also:

- Took note of the Executive Director's Progress Report and congratulated EFSA on the many activities undertaken since the last meeting.
- Noted the presentation of Dr. Jan Schans and thanked him and his panel for their contribution to EFSA.
- Took note of the update from the Chair of the Audit Committee, Mr Vaxelaire.

Opening and welcome by the Chair

1. The Chair opened the meeting by welcoming Christos Patsalides, Health Minister Cyprus, Dr. Jan Schans, Chair of the PLH Panel, the Board Members, EFSA staff, members of the public and the viewers on the web. Apologies had been received from Robert Madelin, Giorgio Calabrese, Marion Guillou, João Pedro Machado and Peter Gæmelke.

2. The Chair thanked the Cypriot authorities for hosting the meeting and Dr. Stella Michaelidou from the State Laboratory Service for her ongoing support of EFSA through the Advisory Forum and the Panel on plant protection products and their residues (PPR). He wished former commissioner, Markus Kyprianou, success in his new role in Cyprus and offered his best wishes to new commissioner, Mrs. Vassiliou.

3. The Chair asked if members wished to make any declarations of interest. Bart Sangster declared his involvement in ASAT (Assuring Safety without Animal Testing).

Adoption of Agenda (Document MB 27.03.2008-1; MS Word)

4. The Chair informed the Members of the addition of the Update of the Audit Committee to the agenda.

5. The Chair asked the Members if there were any further changes or additions they would like to make.

6. One item was added to the agenda requesting discussion on the impact of new technologies on risk assessment under AOB.

7. The agenda was adopted.

Adoption of draft minutes of the previous meeting and matters arising from the minutes (Document MB 27.03.2008-2; MS Word)

8. The minutes of the 23 January 2008 meeting were adopted and would be published on the Authority's website.

9. A Member commented that future minutes should reflect more of the discussion following an agenda item.

10. Matters arising from the December Board meeting: the Executive Director informed the meeting that the Board had adopted the replacement of a member of the GMO Panel by written procedure. The new panel member is Dr. Gijs Kleter. In addition, the Annual Work Programme for Grants 2008 was also adopted by written procedure.

Speech by Christos Patsalides, Cyprus Health Minister

11. Mr. Patsalides welcomed everyone to Cyprus and thanked the Management Board for selecting Cyprus as a venue. He described Cyprus as a bridge between the Eastern Mediterranean and Europe and outlined how the island quadruples in population with the tourist influx every year. Cyprus is very conscious of its food safety responsibilities and Mr. Patsalides indicated that the Cypriot food safety system is based on prevention. He praised the cooperation within the EU that makes the system a success. Food safety is a top public health priority for Cyprus and programmes are in place to ensure

consumer protection and to carry out risk assessments. The authorities would like to develop the State Laboratory Service as a regional centre of excellence for food safety for the Mediterranean region. The Minister thanked the staff of the State Laboratory Service for the organisation of the meeting and assured Members that Cyprus would continue to support EFSA's activities and would play a full role in ensuring food safety for all European citizens. He described the variety of foods available in Cyprus and the cultural influences on its diet. He finished by wishing the Management Board meeting every success.

12. The Chair thanked the Minister for his address and reassured him that EFSA was a pan-European resource for all EU citizens. EFSA's panels contained many Cypriot scientists and the smaller Member States made good use of EFSA's risk assessments.

13. The Minister was asked what he considered the greatest food safety challenge facing Cyprus. He replied that one of the key challenges was linked to Cyprus's geographic location between the EU and the Middle East and promoting EU standards to its neighbours.

14. A Member queried the Minister on how the Cypriot authorities communicated risk to its linguistically diverse annual tourist population and on whether EFSA was providing appropriate and adequate support in risk communication. The Minister responded that the establishment of a Cypriot Food Safety Authority would be hugely beneficial in this regard.

15. Another Member asked the Minister on the extent to which the Cypriot authorities with responsibility for food safety also covered nutrition. The Minister confirmed that the area of nutrition was well covered.

16. The Executive Director also thanked Stella Michaelidou for her contribution to the Advisory Forum and PPR Panel. She thanked the Cypriot authorities for signing a Focal Point agreement and welcomed the concept of building bridges with the Eastern Mediterranean region. She mentioned that EFSA had held a meeting with 30 Mediterranean countries in Parma in 2007 to build cooperation and networking. She indicated that EFSA would be willing to support the Cypriot authorities in fostering cooperation with the Mediterranean countries.

17. A member asked the Minister on problems associated with changes in patterns of food preparation and consumption during the tourist season. The Minister responded that Cyprus had a well established system of checks and controls in place to protect the consumer.

For information: Executive Director's Progress Report (Document MB 23.01.2008-3; MS Word and PowerPoint presentation)

18. The Chair invited the Executive Director to update the Board on progress made at EFSA since the last Management Board meeting covering the period end-January to mid-March. The Executive Director updated the Board on the progress and ongoing work in the Panels, Scientific Committee, Advisory Forum, Scientific Cooperation & Assistance, Communications, and External Relations. A separate PowerPoint is available for a details description.

19. The Board thanked the Executive Director for her presentation and congratulated EFSA staff and Panel members on the achievements in the reporting period.

20. A Member asked a question on progress on cooperation with Member States (MS) and whether MS are providing more data for risk assessment. The Executive Director replied that, while it was still a work in progress, her perception was that more data was being exchanged and that there was more involvement with MS. The ESCO Working Groups and the database of experts were examples of this

and the Scientific Cooperation and Assistance (SCA) Directorate was building stronger networks, accessing more data and involving more national experts. It was too early to assess Article 36 cooperation. A review of cooperation and networking, incorporating the views of MS, would be presented to MB in early 2009.

21. A Member asked about the food safety-related priorities of upcoming Presidencies and whether EFSA had cooperation programmes in place with countries geographically close to the pre-accession countries (Turkey, Croatia and the Former Yugoslav Republic of Macedonia). The Executive Director replied that antimicrobial resistance was a priority for Slovenia and France and would probably continue to be for Sweden; risk assessment of GMOs was the immediate priority for France and a European conference would be organised on that topic in November. Cooperation with countries close to the pre-accession states would form part of an international strategy, a draft of which would be presented to MB, possibly in June.

22. A Member asked on possible inconsistencies in the data submitted to the food consumption database by MS. The Director of SCA acknowledged that this was a first attempt and that further development of the database was crucial.

23. A Member asked questions on: the usefulness of a European database (as national diets tended to be very different across MS); consistency in approach and methodology in the scientific panels and the procedures associated with adoption of opinions; and why, in light of EFSA's workload, it was taking on work for New Zealand. The Member was pleased to see the provision of management information. The Executive Director replied that, in relation to consistency of approach, this was the remit of EFSA's Scientific Committee. The Executive Director emphasised EFSA's integrated approach to food safety in the entire food chain and the development of tools and approaches that were relevant to all scientific panels. The internal review system for scientific outputs would shortly be in place. The work for New Zealand was done in the spirit of international cooperation and relationship building and would not be paid for by the New Zealand authorities. The Executive Director noted the sensitivity of the Southampton Study on food colours and hyperactivity for the UK and stressed EFSA's willingness to discuss the opinion further. On the European food consumption database, the Director of SCA pointed out that several collaborations already existed thanks mainly to DG Research funded projects and that gradual harmonisation was needed. In relation to adoption of opinions, the Executive Director said that opinions were adopted by all panel members but reflected minority views. It is made clear in other types of advice, such as statements, that they are not panel outputs. EFSA is currently working on the nomenclature of its outputs.

24. A Member was interested in learning more about the strategy to raise awareness of EFSA's scientific work and on progress on a survey of panel members. The Member also asked how, in relation to the 1000 health claims under Article 13, EFSA could avoid giving the impression that it is also assessing safety in addition to efficacy and whether, if a health issue became evident in the procedure, a risk assessment was triggered. The Executive Director responded that EFSA would consider launching the panel survey in mid-2008 and that EFSA would include disclaimers in its opinions on health claims to avoid any misunderstanding.

25. A Member wanted more information on the transparency of risk assessment. The Head of EFSA's Scientific Committee & Advisory Forum described the process involved in preparing a document on transparency for panels and experts that would be discussed at the next Scientific Committee plenary meeting and submitted for adoption at the following plenary meeting. The Executive Director pointed out that the updated declarations of interest procedures were being implemented and that a new IT tool had been developed to expedite the process. In addition, there was ongoing dialogue with stakeholders and interested NGOs had been invited to a meeting on GMOs in Parma.

26. A Member asked whether, during the recent visit to Sweden, EFSA had compared approaches to risk assessment with the ECDC and whether any reports on EFSA's collaboration with Codex Alimentarius

were available. The Executive Director outlined EFSA's commonalities with the ECDC, particularly in the area of crisis preparedness. Collaboration with Codex to date was *ad hoc* and would be built into the international strategy.

27. A Member asked whether EFSA would meet the deadlines for health claims and whether EFSA could state that it was undertaking environmental risk assessments for GMOs. The Member also hoped EFSA would be able to contribute to meetings of the European Economic and Social Committee in Brussels and congratulated EFSA on its pre-accession programme. EFSA's Director of Risk Assessment responded that the Authority would have 12 months to assess 1000-2000 health claims and expected to issue about 400 opinions, with an additional 130 opinions expected in the area of child claims. Planning of the work included meeting with external experts to support the panel, increasing the size of the unit and outsourcing some tasks to MS. The Executive Director pointed out that, in addition to GMO applications, EFSA was also working hard to develop the assessment methodology for what is a very new and fast-moving science and that transparency in the procedures associated with producing opinions was also crucial.

28. The importance of EFSA in providing information to new Member States, in providing balanced, impartial information on GMOs, and staff workload considerations were emphasised by a Member. The Chair pointed out that the debate on GMOs appeared to be polarising further and that issues such as the import of GM feeds into the EU would present serious challenges in future.

29. A Member re-emphasised the importance of the satisfaction levels of panel members and the need for ongoing monitoring. He said that EFSA needs to clarify its target audience - the general public or specific stakeholders - as there were important implications for the Authority. In relation to cloned food, he considered EFSA's statement on the EGE (European Group on Ethics) opinion a mistake as it might be perceived that EFSA was endorsing a negative opinion. The Executive Director said, with regard to the last point, that it was important for EFSA to emphasise that it was not covering the entire cloned foods issues, and that other competent agencies were dealing with other aspects. A Board Member outlined the differences in the mandates given to EFSA and to the EGE in relation to cloned foods. The Director of Risk Assessment pointed out that EFSA was in touch with the experts and listening to their feedback on an ongoing basis. In response to the question on EFSA's target audience, the Director of Communications indicated that the immediate target audiences were EFSA's "customers", those who task the Authority, institutions with an immediate interest in its work, national food safety authorities, stakeholders who are involved in its work, consumer organisations, industry and NGOs.

30. A Member queried the procedure on signing off opinions. The Director of Risk Assessment described the procedures, how agreement is reached and the consideration of minority views. Other questions followed on the absence of panel members when reaching consensus on opinions and the Executive Director reminded the meeting that the procedures were adopted as part of the rules of the Scientific Committee and Panels, recently amended by the Board.

Update from the Audit Committee

31. The Audit Committee reported that follow-up on the previous audit report in finance and accounting had shown a high degree of implementation of the recommendations, 16/26 in finance/accounting and 13/16 in procurement. Statistics showed a clear ongoing improvement in its administrative processes. A new head of the internal auditing unit was expected to be in place in July. A recent study of 8 EU agencies ranked EFSA alongside EMEA and EEA, agencies created in the early '90s.

Adoption of the Rules of the Advisory Forum (Document MB 23.01.2008-4; MS Word)

32. The document had been improved to incorporate the comments of Members and was on the agenda for adoption. The Executive Director outlined the changes to the document since it was first submitted to the Board in January. A Member requested the inclusion of a provision that allows Board Members attend Forum meetings as observers. The Chair remarked that attending the Forum meetings would be very useful for Members; however other Members suggested that the advice of the legal unit be sought to ensure compliance with the founding regulation. A Member raised a question on the wording on reimbursement of invited experts and on the appointment of a Chair when the Executive Director is unable to chair the meetings of the Advisory Forum due to exceptional circumstances. Alternative wording was suggested, amendments to the document summarised briefly and the document was adopted subject to those amendments.

Presentation on the Activities of the Panel on Plant Health by the Panel Chair, Dr. Jan Schans (PowerPoint presentation)

33. Dr. Schans' presentation was in three parts (i) the scope of plant health and the position of plant health risk management within the European Community; (ii) the work of the Panel; and (iii) issues and challenges in the Panel's activities. The Panel had been created in 2006, producing one opinion in 2006, 6 in 2007, and up to March 2008 the Panel had adopted 25 opinions. Self-tasks included producing guidance documents on the evaluation of pest risk assessments for phytosanitary purposes made by third parties. While the outputs were increasing, the workload was high; Dr. Schans reported that his commitment was higher than the 20-25% of his time that he had initially anticipated. However, the evaluation procedure was constantly evolving and the expansion of the Plant Health Unit was helping the Panel. Another important achievement of the Panel had been the Scientific Colloquium on Plant Health which was held in December 2007 and was attended by over 80 experts from 28 countries, six from outside the EU.

34. The Chair thanked Dr. Schans for his presentation and, on behalf of the Board, expressed his gratitude to the panel members, working groups and the staff of the Plant Health Unit. A Member expressed concern at the amount of time panel members were spending on EFSA activities and queried whether their workload could be reduced if staff of EFSA's scientific units could prepare opinions for discussion and approval by panel members. Dr. Schans responded that some ideas were already being worked on but could be further developed, in particular the preparation and analysis of data and literature screening.

35. Dr. Schans was asked whether (i) he knew how many trade disputes had taken place in relation to the WTO Sanitary and Phytosanitary (SPS) regulations and how many were associated with the EU; and (ii) whether, as plant health was a distinct science, there was coordination with risk assessment in other fields. He responded that there had been no disputes involving plant health *per se*, but that countries did issue threats which usually got resolved before the need for SPS involvement. Dr. Schans highlighted a potential dispute with the EU on a citrus fruit disease and the Commission had asked the Plant Health Panel to evaluate the scientific evidence. Risk assessment in plant health used a pathway approach whereas food safety risk assessment used a toxicological approach, however there was some scope for convergence of approaches.

36. A Member asked if Dr. Schans could identify what inspires scientists to "volunteer" for EFSA and how experts interact with their international colleagues. Dr. Schans replied that scientific curiosity, interaction with panel members and colleagues, and intellectual challenge were key drivers. He

outlined the global perspective in developing the concepts and standards of pest risk analysis.

37. A Member asked whether Dr. Schans saw merit in Member States doing their own risk assessments, on the inclusion of non-EU experts in risk assessments and invitation to the Standing Committee on Plant Health (SCPH). He responded that it was very desirable for MS to develop their capacity to undertake risk assessments but that was not happening with only a few countries currently contributing to EU risk assessments. The EFSA Panel was already making an important contribution to addressing this problem, bringing together experts from 14 of the Member States. The Plant Health Panel is formally invited to SCPH meetings and the SCPH is an observer in panel meetings.

Adoption of the Annual Activity Report 2007 (Document MB 27.03.2008-6; MS Word)

38. The Executive Director thanked Members for their comments on the Annual Activity Report 2007 which had been reviewed in light of their input. A shorter version would also be made available as discussed in the previous Board meeting. The Report was adopted.

Discussion and provisional adoption of the Annual Management Plan 2009 (Document MB 27.03.2008-7; MS Word)

39. The Executive Director presented the Annual Management Plan 2009, noting its preliminary nature, its link to the budgetary process and the consultation process with a wide range of partners and stakeholders. It is expected that 2009 will be the final year of significant recruitment for EFSA and all units will be fully operational. Food additives, GMO authorisations, applications and claims would continue to make significant demands on resources. Continued streamlining and use of scientific cooperation would be important in managing the workload and the continuous improvement of the quality of EFSA outputs would be prioritised, in particular the external review component of the quality review process. The Strategy on Networking and Cooperation would be reviewed in 2009 and building the visibility of EFSA's scientific activities would also be important. Implementation of the International Strategy would also be a priority.

40. A Member enquired as to how the animal diseases mentioned in the plan were selected and commented on the use of an abbreviation. The Executive Director responded that the diseases were drawn up in line with expected Commission priorities.

41. While acknowledging the need for a detailed executive-style document such as that provided, Members commented on the need for a short summary of the Plan to meet the requirements of the Board. This would include key challenges, decisions, reasons for allocation of resources, and changes in budget from the previous year.

42. A Member felt that the use of the word "plateaued" in relation to growth of EFSA was inappropriate and that the objective on increasing the recognition and visibility of EFSA scientists should be rephrased. He also commented that, in the list of priorities, quality should precede quantity and that the Plan was deficient in information on quality. The Director of Risk Assessment responded that it was important that the contribution of EFSA's scientists be fully recognised among the scientific community and, in relation to quality, she pointed out that EFSA had quality review systems in place and that these could

be integrated so as to provide assurance on EFSA's quality.

43. Another Member commented that a flow chart on the quality assurance steps in the development of opinions would be useful.

44. The Director of Administration presented the budget allocation and outlined the anticipated allocation of resources in 2009.

45. The Director of Risk Assessment outlined the increase in workload between 2007 and 2009 and the increased level of support that would be needed by panels and drew Members attention to the table on scientific outputs in the Management Plan.

46. Another Member asked whether EFSA had considered the need to assist Member States in risk communication during a crisis.

47. The Executive Director responded that, in relation to crisis management, EFSA was concentrating on internal issues at present and had not yet formally addressed assistance to Member States but would not exclude it. As EFSA was dedicated to European crises, this was an issue that would be raised with the Advisory Forum.

48. The Director of Communications was asked by a Member on the strategic direction of EFSA Communications as the annual plan of 2007 focused on branding whereas the plan before the board for adoption seemed to focus more on risk communication. She responded that communication is content driven but that, due to the fifth anniversary, the 2007 did emphasise corporate EFSA information as it was and is important to also explain EFSA's role and mission.

49. The Chair emphasised that EFSA would be judged by the quality of its risk assessments. The Plan was provisionally adopted in the understanding that a summary document would be provided later.

Adoption of the Preliminary Draft Budget 2009 (Document MB 27.03.2008-8; MS Word and PowerPoint)

50. The Director of Administration summarised the budget for 2009 which amounted to €73 m. The allocation of the budget had been described in the previous item.

51. A Member questioned the overhead of 33%. The Director of Administration clarified what was included in the overhead. The Budget was adopted.

Adoption of the Staff Policy Plan (Document MB 27.03.2008-9; MS Word and PowerPoint)

52. Discussion of the Staff Policy Plan had been deferred from the previous meeting to allow comments from the Commission which had now been received and incorporated.

53. A Member commented that it might be possible to speculate from some of the tables in the Plan on staff promotions and contract non-renewals. He also questioned the composition of selection panels, representation of the staff committee on selection panels, and the correlation between grades and salaries. The Director of Administration replied that there were only eight members on the Staff Committee and that, in order to ensure a higher grade for all selection committees, they delegate a

staff representative with a higher grade. She also explained that, on the point that documents might infer who would be promoted or released, the tables were required for budgetary procedures, were the same for all agencies and were in line with Commission guidelines. She pointed out that there was correlation between grades and salary in common with all EU agencies and bodies.

54. A Member pointed out that the document, like the Management Plan in the previous item, could do with a distillation of the main points.

55. The Chair queried whether candidates on reserve lists were ranked. The Executive Director replied that for key positions she is provided with recommendations of candidates to interview from selection committees and that any candidate on the reserve list could be recruited.

56. The Chair inquired as to how the anticipated turnover of 15 staff members was estimated, adding that departure of 15 senior staff could have serious consequences for the Authority. The Director of Administration added that the number was based on past experience and the Executive Director noted that turnover was not of particular concern at present.

57. The Chair enquired on progress in getting the curriculum of the European School accredited, a key factor in retaining staff. The Director of Administration responded that the progress of the school was regularly monitored and that an audit would take place in early April in relation to accreditation for the Baccalaureate.

58. The Executive Director outlined the comments received from the Commission and, in response to a question from the Chair, confirmed that the staff policies of EFSA had received Commission approval before implementation. The Staff Policy Plan was adopted.

Any Other Business

59. A Member requested EFSA to begin to discuss the impact of new and emerging technologies on its future activities. The Executive Director acknowledged the request and indicated that she would bring recommendations on how to progress this at a later meeting.

60. The Executive Director announced that she would appear before the ENVI Committee on April 2 and that an ENVI delegation would visit EFSA in Parma on April 14. She thanked the Chair for making himself available for the visit.

Concluding remarks

61. The Chair thanked Minister Christos Patsalides and the Cypriot Authorities, Dr. Schans, the members of the Board, the audience in Pafos and those watching the webstreaming, the Authority's staff, and the interpreters.