

40<sup>th</sup> Meeting of the EFSA Management Board  
Minutes of the Public Session  
Prague, 31<sup>st</sup> March 2009, 09.00 h

Members of the Management Board present

Diána Bánáti (Chair)	Sue Davies
Bart Sangster (Vice-Chair)	Marianne Elvander (Vice-Chair)
Milan Pogačnik	Roland Vaxelaire
Bernhard Url	Jiri Ruprich
Piergiuseppe Facelli	Konstantinos Yazitzoglou
Sinikka Turunen	

Staff of the European Food Safety Authority present

Catherine Geslain-Lanéelle	Hubert Deluyker
François Monnart	Anne-Laure Gassin
Riitta Majjala	Nicoline Le Gouierec
Djien Liem	Gisèle Gizzi

Also attending:

Mr. Stanislav Kozák, Director of Commodities, Ministry of Agriculture, Czech Republic

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## SUMMARY OF DECISIONS

### The Management Board:

- Adopted the agenda unanimously.
- Adopted the minutes from the 29 January 2009 meeting unanimously.
- Noted the address of the Director of Commodities at the Czech Ministry of Agriculture, Mr. Stanislav Kozák.
- Provisionally and unanimously adopted EFSA's Preliminary Draft Management Plan 2010.
- Provisionally and unanimously adopted EFSA's Preliminary Draft Budget and Establishment Plan 2010.
- Adopted the Executive Director's list of nominations for membership of the Scientific Panels and Scientific Committee and asked the Executive Director to provide further information on the selection process.
- Unanimously adopted EFSA's Staff Policy Plan 2010-2012 with one proxy vote.
- Noted the results of the survey of experts.
- Noted the transfers in the EFSA budget.

### The Management Board also:

- Took note of the Executive Director's Progress Report and congratulated EFSA on the many activities undertaken.
- Noted the declaration of interest of Milan Pogačnik.
- Noted the presentation of the Audit Committee.
- Noted the venue and date of the next meeting of the Management Board in Athens, Greece on June 18, 2009.

Items 1: Welcome by Chair

1. The Chair opened the Public Session of the 40<sup>th</sup> meeting of the Management Board meeting by welcoming Board Members, the EFSA executive and the Director of Commodities of the Czech Ministry of Agriculture, Mr. Stanislav Kozák. Apologies from Peter Gaemelke, Marion Guillou, Matthias Horst, Robert Madelin and Vittorio Silano were acknowledged.
2. The Chair announced that Mr. Kozák would address the meeting in the first agenda item.
3. Under declarations of interest (DOIs) of Board members, Milan Pogačnik declared that he had been appointed Minister of Agriculture for Slovenia. His nomination to this role had previously been noted by the Board.
4. The Chair suggested adding to the agenda under Any Other Business a discussion on the venue and date for the following Management Board meeting and the new rules of the Management Board which had been accepted.

Item 2: Address of the Director of Commodities at the Czech Ministry of Agriculture, Mr. Stanislav Kozák

5. Mr. Kozák welcomed Board Members and congratulated the Slovenian Minister of Agriculture on his appointment. Noting the global economic crisis, he highlighted the priorities of the Czech presidency, including animal and plant health and animal welfare, particularly the transport of animals. In relation to public health, animal by-products were a priority and he noted that a Commission Report, the Hygiene Package, was scheduled for publication in May 2009. He continued that European consumers have a right to expect a high level of food safety and animal health and that plant health and plant protection must be emphasised not just in EU Member States but also in trading partners. Legislation in preparation for the sustainable use of animal health products would not only ensure consumer protection but also enhance the competitiveness of European agriculture on the world market. Mr. Kozák mentioned a recent conference in Prague on the quality of agricultural products, organised by Mr. Petr Gandalovič, from which three major conclusions could be drawn: quality is key to the long-term competitiveness of European agriculture; European quality schemes need some improvements; and a common approach to quality is needed, particularly in relation to the country of origin. Mentioning that the Czech Republic had a tradition of high consumer confidence, Mr. Kozák informed the Board of the upcoming conference on food research in support of science-based regulations which would have a broad European and international attendance. In relation to cooperation with EFSA, the Czech Republic now had 19 institutions on the Article 36 list. Greeting the Czech Board Member, Jiri Ruprich, he noted that 53 Czech experts contributed to the various EU food safety bodies. He concluded by hoping that Board Members had enjoyed the short tour of Prague on the previous evening and wished the meeting every success.
6. The Chair thanked Mr. Kozák for his address and for arranging the very enjoyable tour of Prague.
7. Picking up on the theme of global recession, a Board Member remarked that in difficult economic times, everyone is focused on a return on investments. When food safety systems are working effectively i.e. when there are no crises, the return on investments is a “non-event”. The economy of

these “non-events” should consider the consequences of reduced investment which include foodborne disease and potentially consumer health problems. Non-investment, therefore, is not an option.

Item 3: Adoption of draft agenda

8. The draft agenda was adopted.

Item 4: Adoption of draft minutes of the previous meeting

9. The draft minutes of the previous meeting were adopted.
10. The Executive Director summarised matters arising. Editorial amendments had been made as requested to the Annual Activity Report 2008 and to the Strategic Approach to International Activities which were both available on the EFSA website. A “glossy” version of the Strategic Plan 2009-2013 had been published on the website and the Annual Report 2008 would also soon be available. In relation to the Irish dioxin event, a call for a case study of the lessons learned would soon be issued by EFSA.

Item 5: Executive Director’s Progress Report

11. The Chair invited the Executive Director to present the progress report.
12. The Executive Director updated the Board on progress from mid-January to mid-March. A separate PowerPoint presentation is available for a detailed description.
13. The Chair congratulated the Executive Director on the achievements during the reporting period and enquired about the roadmap agreed with DG SANCO and the experts’ survey (which was on the meeting agenda). The Executive Director responded that EFSA had worked closely with the Commission on substance reviews and applications and that the roadmap was a live document that was reviewed every 2 months.
14. Board Members asked questions on: the impact of the visit to US food safety institutions in terms of cooperation and the feasibility of a follow-up confirmation visit; the experts’ database; EFSA’s coordinating role for the Head of Agencies network; future activities in the field of food contact materials; the difference in approach to nano-materials between the US and Europe; and nutrient profiles.
15. Noting that EFSA already had contacts with many of the institutions visited such as the Food and Drug Administration (FDA), the Executive Director outlined the level of interest in EFSA’s activities in the USA and in particular in its working model. There was particular interest in EFSA’s work on zoonoses and in particular, Salmonella, the incidence of which has been declining in Europe over the past 5 years. EFSA noted with interest the work of the Center for Epidemiology on Animal Health and remarked that Europe’s capacity in this field could be strengthened. She said that EFSA would have regular contact with these institutions in future by exchange of data and expertise and video-conferencing. EFSA’s Director of Scientific Cooperation and Assistance reiterated the interest in the EFSA model and stated that the US risk assessment capacity was enormous but widely distributed.

16. The Executive Director said that EFSA's experts are not automatically included in the experts' database but are encouraged to join. She described the activities of the Network of EU agencies and emphasised its importance in identifying synergies between the 28 diverse agencies and areas of cooperation.
17. The Executive Director and Director of Risk Assessment described EFSA's activities in the field of food contact materials, namely, applications in the area of food packaging materials and guidelines for active and intelligent packaging. Mention was made of the recent provision of urgent advice in relation to 4-methylbenzopnenone.
18. In relation to a follow-up visit to the USA, the Executive Director responded positively noting that this would be appropriate to confirm mutual priorities particularly as a new administration had only recently been installed.
19. In relation to nanotechnology, the FDA would like to exchange views with European experts and to this end a video-conference had been organised in the days after the meeting. The Head of the Scientific Committee and Advisory Forum Unit noted that this was a rapidly developing field in which there was significant contact between the EU and the USA. EFSA worked closely with the Commission and stakeholders on this issue and he emphasised the importance of the exchange of information with industry. Consumer perception in relation to nanotechnology is also crucial and EFSA is keeping in touch with that. The Director of Scientific Cooperation and Assistance noted that Japan was also active in this field and had visited EFSA in the recent past.
20. On the question of nutrient profiling, the Executive Director noted that in addition to delivering scientific advice, EFSA was supporting both the Commission and Member States in establishing the nutrient profiles. Ultimately, the development of nutrient profiles was a risk management decision, the Director of Risk Assessment said.
21. The Chair enquired about the size, usefulness and balance of disciplines in the experts' database. She also queried the timeframe for the re-evaluation of preservatives, the adequacy of applications to Article 36 call in terms of both quality and quantity, media coverage of the opinion on nanotechnology, and the discussion on cooperation with Member States at the Advisory Forum.
22. The Executive Director responded that the experts' database will be further strengthened, particularly with expertise from newer Member States, but that it had already proved useful for EFSA. The Head of Scientific Cooperation and Assistance stated that the database was still a work in progress and that an evaluation would take place by the end of 2009. The Focal Points were particularly important in promoting the database.
23. In relation to Article 36 calls, only one had been unsuccessful. The Director of Risk Assessment outlined the timeframe for evaluating preservatives and the Director of Communication noted that the media response to the nanotechnology opinion was in line with expectations but that more coverage was likely for the assessment of individual applications.
24. A Member commented that EFSA should emphasise more the contribution of Member States to its achievements in its reporting and that they area joint success of European policy.

25. The Chair summarised the item, noting that the Board would like to see feedback on the follow-up of the bilateral contacts developed during the US visit.

#### Item 6: Preliminary Draft Management Plan 2010

26. The Executive Director presented the draft document, which alongside the Draft Preliminary Budget and Establishment Plan form the basis for EFSA's budget request for 2010. The format of the 2010 Management Plan was changed to emphasise the organisational priorities and the resources required to achieve them and to add more measurable objectives. In addition, the activities in the 2010 plan had been aligned with the strategic objectives of the Strategic Plan 2009-21013 and therefore a new activity had been included to highlight the growing importance of applications in EFSA's work. The latter may also be useful in relation to possible fees for EFSA. The revised activities also emphasise cooperation with Member States. Administrative support would no longer be included as a separate activity although its costs would continue to be closely monitored. A separate PowerPoint presentation is available for further detail.
27. Questions from Board Members were received on: the reasons for the increasing demand for EFSA's work; the lessons learned from the applications evaluation process that can be fed back into the legislative process; whether the workload from new legislation impacted on EFSA's ability to self-task; the European network on emerging risk; joint activities with the EU presidencies; operational costs; the crisis exercise planned for 2010; the basis behind the prediction of scientific outputs in 2010; and quality in risk assessment.
28. Other comments included: the need to strengthen the argument on the benefits of cooperation between scientists in different fields as it ultimately delivers health protection across the different categories of chemicals and agents; the need to provide examples of how key initiatives will be achieved; cross-referencing between the Draft Management Plan and the Draft Budget; the need to ensure that staff, whose productivity is clearly very high, are not over-burdened.
29. In relation to EFSA's growing workload, the Executive Director responded that it reflects the increasing trust in EFSA as well as the extra capacity within the organisation to deliver advice for risk managers in both Member States and the Commission. In terms of lessons learned from the high workload associated with applications, EFSA has built a more mature dialogue with risk managers resulting in a more steady delivery of dossiers. EFSA has also improved its ability to predict and plan its workload but probably has no influence on the legislative process. Risk managers need to contribute to EFSA's ability to predict workload but there will always be unpredictable events to address.
30. EFSA's ability to self-task has not been adversely affected by the workload but this would be monitored to ensure that the Authority could develop high added value activities such as, for example, its data collection and exposure assessment work. EFSA works closely with the Presidencies, co-organising key joint events and participating in the activities of the Council. With regards to the prediction of workload, EFSA is guided by the new legislation that is enacted in the fields within its remit. However, unexpected tasks sometimes arise, as for example with the Council and Parliament request to assess the efficacy of pesticides for which EFSA will require additional in-house expertise.

31. The Executive Director supported the comment on the benefits of cooperation between scientists in different fields, and between EFSA and the Member States, and this would be reflected in the final version of Management Plan 2010. In addition, examples of the implementation of the key initiatives would be provided as requested when the 2010 situation became clearer.
32. In relation to the costs of producing outputs, this varied according to type of output, mandate received, complexity of mandate etc. and EFSA monitored the resource allocation across its Panels and units. The crisis exercise mentioned in the Plan would involve Member States, the Advisory Forum and if possible other EU agencies such as the ECDC, ECHA and EMEA. The Executive Director acknowledged that there was a limit to EFSA's future productivity gains and noted that quality of the science was also crucial. EFSA would need to clearly explain its role and in particular the difference between food safety and food quality.
33. A final question was raised on whether, in light of the increasing number of outputs and the trend of risk managers sending more and more mandates to EFSA, management of expectations should not also be on EFSA's task-list. In response the Executive Director reiterated that there was a limit to gains in productivity and she supported the idea that EFSA should promote a reasonable approach to food safety to all parties.
34. The Executive Director outlined the comments on the Plan received from DG-SANCO and noted its support for EFSA's 2010 budget request in recognition of the new and additional tasks allocated to the Authority.
35. The Preliminary Draft Management Plan 2010 was provisionally adopted.

Item 7: Preliminary Draft Budget and Establishment Plan 2010

36. EFSA's Head of Finance presented the budget which is compliant with the financial perspective 2007-2013, noting that there would be no significant increase in resources in 2010 and acknowledging the difficult economic context. Agencies were being asked to do more with fewer resources, to make savings where appropriate and to ensure that staff mobility was addressed. Highlights of the 2010 EFSA request were: 1.9% increase in budget over 2009; 10% reduction in administration costs over 2009; contracts and grants at the same level as 2009; increase in the number of meetings (plenaries, working groups etc) by €3 m; when administrative costs are allocated across the 4 activities, 84% of budget will be allocated to scientific activities and 16% to risk communication; and a request for 5 additional staff (although 8 would be ideally required in light of the work coming from legislative changes) bringing the total number to 465. The 3-fold increase in productivity in the period 2007-2010 was noted despite the limited increase in staff numbers during that period. A PowerPoint presentation is available for further detail.
37. Questions and comments were received from Members on the following: the balance between the number of experts working and the level of support received from EFSA; the reasons for identifying a separate activity related to applications; recognition of the contribution of national governments to EFSA's budget by making available the experts whom they employ; and the increase in budget for media monitoring.
38. In relation to budget and the work of Panels, the Director of Risk Assessment mentioned that there were three aspects: increasing the level of support by EFSA to facilitate their productivity; increasing



the amount of outsourcing of preparatory work; and streamlining work processes particularly in relation to working groups. The Executive Director agreed to add a paragraph to the document to acknowledge the contribution of expertise from the national governments and outlined the reasons for having a new activity on applications, i.e., to acknowledge the increase in this aspect of EFSA's work and to facilitate future discussions on the introduction of fees. The Director of Communication said the increase in budget for media monitoring was to enhance quality of service provided across Member States.

39. The Preliminary Draft Budget and Establishment Plan 2010 were provisionally adopted.

#### Item 8: Scientific Committee and Scientific Panels

40. The Director of Risk Assessment introduced the report on the renewal of the Scientific Committee and Panels. A separate PowerPoint presentation is available for further detail.
41. A Member commented that she would like further details on the expertise and interests of the proposed candidates and on how the balance of Panels was assured and suggested a provisional adoption of the document until more information was provided on which Board members could base their decision. She also asked about: conflicts of interest in the exclusion of candidates; renewal of mandates for candidates moving from one Panel to another; and the process for appointing Panel Chairs.
42. In response, the Director of Risk Assessment outlined the process by which expertise was scored in relation to current and future Panel requirements and the procedures used to exclude candidates on the basis of potential conflicts of interest. She stated that a mandate is always for one Panel and could be renewed twice and that Chairs are selected by the Panels themselves. The Director of Risk assessment said that EFSA would provide Board Members with details on the expertise of successful candidates.
43. A Member asked for more information on the internal selection panel and the external review panel and the Director of Risk Assessment described the selection process in detail. In response to a question on harvesting the considerable skills available in the reserve list of candidates, the Director of Risk Assessment pointed out that those candidates will be invited to join future working groups as appropriate.
44. A Member commented on the difficulty in scoring scientific expertise and the distinction between declarations of interest and bias in decision making. The Director of Risk Assessment described the expertise scoring philosophy and the difference between a declaration of interest and a conflict of interest.
45. In response to comments on the procedures related to the selection of non-European experts, the Director of Risk Assessment remarked that only 2 such experts were selected in 2009 and were selected on the basis of specific expertise.
46. In relation to declarations of interest, a Member pointed out that conflicts can arise, not just from closeness to the private sector, but also to the political or NGO sectors.

47. While appreciating the organisation of two workshops in new Member states, an analysis of applications from new Member States would be useful for candidates from those countries (and also for EU candidate countries), a Member pointed out. This comment was supported and the Board noted that applications had been received from only 7 of the 12 new Member States. The Director of Risk Assessment responded that scoring was based on scientific excellence and that language issues and publication in high-impact scientific journals may also need to be addressed in new Member States. The Executive Director said that EFSA would continue to encourage experts from new Member States to engage with EFSA.
48. The list of nominations was adopted.
49. The results of the survey of EFSA experts were presented by the Director of Scientific Cooperation and Assistance, noting that 79% of existing Panel members had re-applied. A separate PowerPoint is available for further information.
50. Recognition of individual authors in scientific outputs was queried by a Board Member and the Director of Scientific Cooperation and Assistance pointed out that a clear policy on ownership would be implemented for the new EFSA Journal web-area. The issue of silent membership needed to be addressed in the initial identification of available expertise at working group level. The Executive Director acknowledged the comments of the Commission on the need to further improve the satisfaction rating and to enhance support for experts as time was their limiting factor.
51. The Chair closed the item by indicating that the results would be discussed by EFSA's Scientific Committee and an action plan devised and implemented.

#### Item 9: Staff Policy Plan 2010-2012

52. The Head of Human Resources presented the document and a PowerPoint presentation is available for further detail.
53. With regards to the working environment, a Member suggested adding text in relation to the European School and related settlement issues.
54. The Executive Director informed the Board that the Italian government has approved legislation granting autonomy to the European school in Parma with implications for the attractiveness of the school for teachers.
55. The document was adopted.

#### Item 12: Activities of the Audit Committee

56. The Chair of the Audit Committee described its latest meeting which included discussion of the IT Audit process. This had four components: database access; management of information supply; disaster recovery plan; and changing from one IT system to another. The follow-up of recommendations made by the Court of Auditors or the Internal Audit Service (Commission) was also discussed, an overview of which would be distributed to Board Members. It was also noted that an analysis of the security of EFSA IT system was requested.

Item 13: Transfers in the EFSA Budget 2008

57. The Head of Finance described how the adoption of the new financial regulation for EFSA meant changes to budget transfer procedures (article 23). The 10% limit rule now only applies from title to title and not chapter to chapter or article to article. Only one transfer was noted in the reporting period related to a court case.

Item 14: Any other business

58. The next meeting of the Management Board would be held on June 18 in Athens. The list of 2010 Board meetings will shortly be circulated. The revised rules of the Management Board which were adopted on 30/03/09 would be made available on the EFSA website.

59. In closing, the Chair thanked the Czech authorities for hosting the meeting, Mr. Kozák for his address, Members of the Board, the Chair of the Scientific Committee, the audience, the webcast team and those watching via webstreaming, the staff of the Authority and the interpreters. Finally, she thanked all the experts working for the Panels and Scientific Committee for their contribution to EFSA's activities.

**Actions arising**

Meeting reference	Action	Deadline	Status
31 March 2009	Emphasise the contribution of Member States more in communication documents/reports.	Ongoing	Open
31 March 2009	In the final version of Management Plan 2010: reflect the benefits of cooperation between scientists in different fields and between EFSA and Member States; provide examples of how key initiatives will be achieved; and incorporate DG SANCO feedback.	December 2009	Open
31 March 2009	Cross-referencing between 2010 Preliminary Management Plan and 2010 Preliminary Budget.	April 2009	Completed
31 March 2009	Add paragraph to acknowledge the contribution of national experts to the Preliminary Draft Budget and Establishment Plan 2010.	April 2009	Completed
31 March 2009	Provide Board Members with details on the expertise of successful candidates for renewal of Panels and Scientific Committee.	April 2009	Completed
31 March 2009	Experts' survey results discussed at Scientific Committee and action plan agreed.	April 2009	Completed
31 March 2009	Add point on settlement issues to Staff Policy Plan 2010-2012.	April 2009	Completed
31 March 2009	Distribute audit recommendations to Board Members.	April 2009	Open