

Management Board
17 December 2009
Stockholm, Sweden

Meeting :	Management Board, Public Session
Subject :	Rules of procedures concerning the establishment and operations of the Scientific Committee and Panels and of their Working Groups
Concept:	In September 2007, EFSA's Management Board adopted the decision on New Scientific Committee and Panels Internal Rule. An update is now required in order to improve the efficacy and clarity of responsibilities and roles of Scientific Committee and Panels and their Working Groups.
Document number:	mb 17 12 09 item 7 doc 5a
Submitted by :	Risk Assessment Directorate
Document for :	Information
	Discussion
	X Possible adoption
Distributed to :	X Management Board On 2/12/2009
Confidentiality level :	Confidential
	X Public

COVERNOTE

Rules of procedures concerning the establishment and operations of the Scientific Committee and Panels and of their Working Groups

The rules of procedures for the establishment and operation of the Scientific Committee and Scientific Panels operating in the field within EFSA's mission need to be updated based on the experience gained since 2006.

The main changes included are the following ones:

- Simplify the rules for the election of Chairs and vice-Chairs of the Scientific Committee and Panels, aligning them to the corresponding ones adopted for the rules of procedure of the Management Board (Article 4)
- Insertion of the possibility for the Executive Director to be advised by the Mandate Review Committee in the assignment of tasks to EFSA's scientific bodies including the handling of multisectoral issues (Article 7)
- Adaptation of the number and names of EFSA's Scientific Panels to reflect the creation of the Panel of food additives and nutrient sources (ANS) and on food contact materials, enzymes and flavourings (CEF) (Article 7)
- Insertion the main content requirements of the scientific opinions (Article 16)
- Clarification of the process for issuing a minority opinion of a member in Scientific Committee or Panel (Article 17)
- Clearer definition and separation of the rules laid down for Working Groups (Title II)
- Insertion of the possibility to have vice-Chairs in the Working Groups (Article 23)
- Clarification for appointing rapporteurs and allowing more flexibility for the number of the rapporteurs (Article 25)
- Clarification of the roles between the Working Groups and their respective Scientific Committee or Panel (Article 29)

The Management Board is kindly asked to adopt these updated rules of procedures for the establishment and operation of the Scientific Committee and Scientific Panels.

Risk Assessment Directorate

Decision concerning the establishment and operations of the Scientific Committee, Scientific Panels and of their Working Groups

Having regard to Regulation (EC) No 178/2002/EC (hereinafter referred to as 'the Regulation') of the European Parliament and the Council of 28 January 2002 laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in relation to food safety, and in particular to Chapter III thereof¹,

Having regard to Commission Regulation (EC) No 1304/2003 of 23 July 2003 on the procedure applied by the European Food Safety Authority to requests for scientific opinions referred to it²,

Whereas:

1. The rules governing the establishment and operations of the Scientific Committee and Scientific Panels should be in line with the requirements of the Regulation, and in particular Article 28(9) thereof, which requires that the procedures for the operation and co-operation of the Scientific Committee and the Scientific Panels shall be laid down in the Authority's internal rules, specifying in particular:
 - a. the number of times that a member can serve consecutively on a Scientific Committee or Scientific Panel;
 - b. the number of members in each Scientific Panel;
 - c. the procedure for reimbursing the expenses of members of the Scientific Committee and the Scientific Panels;
 - d. the manner in which tasks and requests for scientific opinions are assigned to the Scientific Committee and the Scientific Panels, including tasks and requests addressing multisectoral issues;
 - e. the creation and organisation of the Working Groups of the Scientific Committee and the Scientific Panels, and the possibility of external experts being included in those Working Groups;
 - f. the possibility of observers being invited to meetings of the Scientific Committee and the Scientific Panels;
 - g. the possibility of organising public hearings.

¹ *Official Journal* L 31, 1. 2. 2002, p. 1, as last amended.

² *Official Journal* L 185, 24.7.2003, p. 6, as corrected by Corrigendum, OJ L 186, 25.7.2003, p. 46.

2. This document should also be in line with Article 29(7) of the Regulation, requiring that the Authority's internal rules shall specify implementing rules in regard to format, explanatory background and publication of a scientific opinion.
3. The Authority has adopted implementing provisions regarding the Selection of Members of the Scientific Committee, Scientific Panels and External Experts to assist EFSA with its Scientific Work³.
4. The Authority has adopted implementing provisions regarding the publication of a scientific opinion⁴.
5. The Authority has drafted common templates for scientific opinions and a guide for their coherent use⁵.

The Management Board of the Authority has adopted the following Decision.

TITLE I

Scientific Committee and Scientific Panels

Article 1: Appointment of members of the Scientific Committee and Panels and their Terms of Office

1. Members of the Scientific Committee or Scientific Panels shall be appointed by the Management Board, acting upon a proposal from the Executive Director, following publication in the Official Journal, in relevant leading scientific publications and on the Authority's website of a call for expressions of interest. Candidates found suitable for the position but not appointed shall be invited to be included on a reserve list. The Executive Director draws up implementing rules for the selection of members of the Scientific Committee and Scientific Panels.
2. When appointing members, the Authority shall ensure a high level of collective scientific competence and expertise to fulfil the mandate of the Scientific Committee and Scientific Panels, and, consistent with this, a geographical distribution that reflects the diversity of scientific problems and approaches in the European Union.
3. Members of the Scientific Committee and of the Scientific Panels shall be appointed for a three year term of office that may be renewed twice.
4. Members who have just completed three consecutive terms of office in the Scientific Committee shall be eligible for membership of a Scientific Panel. Likewise, members who have just completed three consecutive terms of office in a Scientific Panel shall be eligible for membership of the Scientific Committee or a different Scientific Panel.

³ Decision of The Executive Director Concerning the Selection of Members of the Scientific Committee, Scientific Panels and External Experts to Assist EFSA with its Scientific Work, as last amended, available at www.efsa.europa.eu.

⁴ Decision of the Management Board concerning implementing measures of transparency and confidentiality requirements MB 10.03.2005 – 10.

⁵ An Internal EFSA Guidance for Scientific Outputs. Templates and Style Guide 2nd Revision has been implemented by the Authority as from the 16 October 2009.

Article 2: Delegation of responsibilities

1. The members of the Scientific Committee and Scientific Panels are appointed in a personal capacity. They shall therefore not delegate their responsibilities to another member or to a third person.
2. If the Chair is not in a position to fulfil his/her function, he/she may be replaced by one of the vice-Chairs or, failing that, by another member in common accord of the members.

Article 3: Number of members in the Scientific Panels

1. The number of members of a Scientific Panel should be sufficient to fulfil its mandate but shall not exceed 21. The Authority may however decide to defer nomination of some of the members of a Scientific Panel to allow for the need to add expertise in the light of practical experience.
2. The term of office of members nominated at a later date shall terminate at the same time as other members.

Article 4: Election of the Chairs and vice-Chairs of the Scientific Committee and Scientific Panels

1. The Scientific Committee and Scientific Panels shall elect from among their members a Chair and two Vice-Chairs. The terms of office of the Chair and Vice-Chairs shall be three years, renewable.
2. The Chair shall be elected by secret ballot. Subject to a unanimous decision by the Scientific Committee or the relevant Scientific Panel, the secrecy requirement for the ballot may be waived. The Executive Director or his/her designated representative shall chair the election procedures. The procedure shall be as follows:
 - a. The names of those wishing to stand as candidates shall be notified to the Secretariat before the meeting or be announced at the meeting. Members may present themselves as candidates in their own name or be proposed by another member.
 - b. Where there is a single candidate or where the other candidates withdraw, leaving a single candidate, that candidate shall be elected provided that he or she receives the majority of votes cast.
 - c. Where there are several candidates, election shall take place in accordance with the following procedure:
 - The candidate who receives at least a two-thirds majority of the votes of all members is elected. Where none of the candidates receives a two-thirds majority of the votes of all members, at each round the candidate(s) with the lowest number of votes shall withdraw.
 - When only two candidates are left and after three rounds none of them obtains a two-thirds majority, the candidate receiving the majority will be elected.
 - d. Candidates may withdraw their candidature at any time during the procedure.
3. Two Vice-Chairs shall be elected following a procedure identical to that of the Chair. The vice-Chairs shall be elected separately. The names of the Chair and Vice-Chairs shall be recorded in the minutes of the meeting and shall be made public. If the office of Chair falls vacant, the Scientific Committee or the relevant Scientific Panel will decide which of the

Vice-Chairs shall replace him or her until later elections. If the Chair is unable to attend a meeting or part of a meeting, the Chair indicates which of the Vice-Chairs shall chair the Scientific Committee or the relevant Scientific Panel. If both the Chair and the Vice-Chairs are unable to attend a meeting, the meeting shall be chaired by the member of the Scientific Committee or the relevant Scientific Panel chosen by the other members.

Article 5: Dismissal of members

A member of the Scientific Committee and/or a Scientific Panel may be dismissed by the Management Board, on a proposal of the Executive Director, for not contributing effectively to the work of the Scientific Committee and/or Scientific Panels or for actions which are conflicting with EFSA's internal rules. In those cases, or if a member wishes to resign, the Management Board, acting on a proposal of the Executive Director, may appoint a replacement from the reserve list referred to in Article 1 paragraph 1.

Article 6: External Experts

1. Without prejudice to Regulation (EC) No 178/2002, external experts possessing particular and relevant scientific knowledge may be invited to contribute to the work of the Scientific Committee and Scientific Panels. The Executive Director shall draw up implementing rules for their selection procedure. The procedure shall guarantee the highest possible level of scientific excellence and independence. An external expert may be excluded from further activity within the Authority by the Executive Director for not contributing effectively to the work of the Scientific Committee and/or Scientific Panels or for actions which are conflicting with the Authority's internal rules. In those cases, or if an external expert wishes to terminate his/her co-operation with the Authority, the Chair may invite or appoint a replacement in accordance with the rules of procedure referred to in paragraph 1.

Article 7: Requests for scientific advice, scientific and technical assistance and support

1. The Executive Director, after having consulted the Mandate Review Committee⁶, shall assign requests for a scientific opinion to either:

The Scientific Panels in accordance with their mandate as set out below⁷;

- for the **Panel on food additives and nutrient sources added to food**: safety in the use of food additives, nutrient sources and other substances deliberately added to food, excluding flavourings and enzymes.
- for the **Panel on food contact materials, enzymes, flavourings and processing aids**: safety of use of materials in contact with food, enzymes, flavourings and processing aids, safety of processes.

⁶ The Mandate Review Committee (MRC) is entrusted with the task of advising the Executive Director on the allocation of requests of scientific opinion or of scientific or technical assistance received by the European Food Safety Authority or issued by EFSA on its own initiative. The members of the MRC are: The Chair of the Scientific Committee; The Director of Risk Assessment; The Director of Scientific Cooperation and Assistance; The Director of Communication; The Director of Administration; The Head of the Scientific Committee and Advisory Forum Unit; The Head of Legal and Policy Affairs Unit. The MRC is chaired by the Executive Director).

⁷ The mandates of the Scientific Panels are described in Article 28, paragraph 4 of the Regulation.

- for the **Panel on additives and products or substances used in animal feed**: safety for the animal, the user/worker, the consumer of products of animal origin, the environment and to the efficacy of biological and chemical products/substances intended for deliberate addition/use in animal feed.
- for the **Panel on plant protection products and their residues**: safety of plant protection products for the user/worker, the consumer of treated products and the environment.
- for the **Panel on plant health**: plant health.
- for the **Panel on genetically modified organisms**: genetically modified organisms, such as micro-organisms, plants and animals, relating to deliberate release into the environment and genetically modified food and feed, including products deriving from GMOs.
- for the **Panel on dietetic products, nutrition and allergies**: dietetic products, human nutrition and food allergy, and other associated subjects such as novel foods.
- for the **Panel on biological hazards**: biological hazards relating to food safety and food-borne disease, including food-borne zoonoses and transmissible spongiform encephalopathies, microbiology, food hygiene and associated waste management.
- for the **Panel on contaminants in the food chain**: contaminants in food and feed, associated areas and undesirable substances such as natural toxicants, mycotoxins and residues of non authorised substances not covered by an other Scientific Panel.
- for the **Panel on animal health and welfare**: all aspects of animal health and animal welfare, primarily relating to food producing animals including fish.

Or the Scientific Committee for tasks on multi-sectoral issues and on issues which do not fall within the competence of any of the Scientific Panels.

2. The Scientific Committee or a Scientific Panel may ask the Secretariat to clarify a question or a task assigned to it and/or to supply additional information.
3. Requests for a scientific opinion shall be presented by the Secretariat. They will consist of the question, the scientific background and the Community interest. Where necessary a deadline will be specified.

Article 8: Risk-related issues raised by the Scientific Committee or Scientific Panels

1. The Scientific Committee or a Scientific Panel may draw the Executive Director's attention to any specific or emerging issue falling within its remit which it considers to pose an actual or potential risk to consumer, animal or plant health. The Scientific Committee shall also be informed of issues raised by a Scientific Panel.
2. The Executive Director shall determine the action to be taken including, if appropriate, a request for a scientific opinion or report on the matter. In any event, the Secretariat shall inform the Scientific Committee and the relevant Scientific Panel(s) of the Executive Director's decision.

Article 9: Secretariat of the Scientific Committee and the Scientific Panels

The Secretariat shall be responsible for providing the support needed to facilitate the efficient functioning of the Scientific Committee and Scientific Panels. Specific duties of the Secretariat include but are not limited to:

- Ensuring best use of the resources allocated to the Scientific Committee or Scientific Panels and planning to meet priorities and time-limits;
- Ensuring compliance with internal rules of the Authority such as those regulating the Declarations of interests, transparency *et cetera*;
- Exercising vigilance in order to identify at an early stage any potential source of divergence between the scientific opinion of the Scientific Committee or Scientific Panel and those issued by other bodies carrying out similar tasks;
- Providing information on the legal or public policy aspects of questions;
- Preparing the work of the Scientific Committee and Scientific Panels, in consultation with their chairs;
- Drafting agendas and minutes of meetings;
- Providing support to the work carried out within and between the Scientific Committee or Scientific Panels;
- Ensuring that relevant background information is made available to the Scientific Committee or Scientific Panels;
- Assisting the Chairs of the Scientific Committee and Scientific Panels in the preparation of draft opinions before adoption;
- Dealing with requests by the Commission to provide scientific or technical assistance in accordance with Article 31 of Regulation (EC) No 178/2002;
- Ensuring the consistency and quality of editorial aspects of the scientific opinions adopted by the Scientific Panel.

Article 10: Co-ordination of the work of the Scientific Committee and the Scientific Panels

1. The Secretariat of the Scientific Committee and of the Scientific Panels shall assist in ensuring:
 - a. that the Scientific Committee and Scientific Panels work in close co-operation with each other,
 - b. the avoidance of overlapping or inconsistent opinions, or of diverging opinions issued by bodies carrying out similar tasks.
2. The Chairs of the Scientific Panels shall keep the Scientific Committee informed of their activities through regular reports at meetings of the Scientific Committee.
3. The Scientific Committee shall assist in ensuring consistency in the approach to risk assessment and proper assessment of multi-sectoral issues.

Article 11: Planning of meetings, invitations, agenda, documentation, time limits

1. The Scientific Committee and Scientific Panels shall establish a schedule of their meetings for the forthcoming calendar year.
2. As a general rule, the Secretariat will endeavour to confirm a meeting of the Scientific Committee and of a Scientific Panel not less than 10 working days before the date of the

meeting and shall give notification of cancellation not less than two working days before the date of the meeting.

3. Meetings of the Scientific Committee or Scientific Panels may be called at short notice according to the urgency of the matter.
4. The draft agendas of the meetings of the Scientific Committee and Scientific Panels shall be drawn up by the Secretariat in consultation with the Chair. The draft agenda shall be circulated to members, generally within two weeks of the meeting. They shall be published on the Authority's website before the meeting. The agenda shall be adopted at the beginning of the meeting taking account of any agreed amendments.
5. Wherever possible, documents including reports and draft opinions prepared by a Rapporteur or a Working Group shall be available to the members one week before that meeting.
6. As regards time-limits for the delivery of scientific opinions, the Authority applies the provisions laid down in Article 7 of Commission Regulation (EC) No 1304/2003. The Scientific Committee and Scientific Panels shall prioritise their work to ensure that time-limits are respected.

Article 12: Accelerated Procedures

1. Without prejudice to Regulation (EC) No 178/2002 and Commission Regulation (EC) No 1304/2003, and when not otherwise established, the procedure to be followed in order to address an urgent matter shall depend *inter alia* on the degree of urgency and may be either:
 - a. A response that may take the form of a statement or opinion adopted either by the Scientific Committee or the relevant Scientific Panel and issued by the Authority. The development and adoption of a statement or an opinion shall be undertaken by the Scientific Committee or the relevant Scientific Panel as far as possible in accordance with standard operating procedures, under the Executive Director's direction and taking into account the limited time allocated for the response to the question (fast track).
 - b. A statement by the Authority prepared by the Authority's members of staff. The Chair of the Scientific Committee or of the relevant Scientific Panel shall be informed of the question and the process. Experts from the Scientific Committee or the relevant Scientific Panel and/or a Working Group may be consulted during the process.
2. Where necessary, implementing rules for the procedures described in paragraph 1, letters a and b will be adopted by the Executive Director.

Article 13: Written Procedure

In the event that the nature, urgency or circumstances do not necessitate or allow discussion at a meeting, a draft opinion, a statement or a guidance may be adopted by written procedure. In this case, the Secretariat shall send the draft opinion to the members of the Scientific Committee or the relevant Scientific Panel with a request for approval by a specified date. The draft shall be adopted if the majority of the members of the Scientific Committee or Scientific Panel have expressed their approval before the deadline. If a majority is not reached, the draft opinion must be placed on the agenda for the next meeting of the Scientific Committee or the relevant

Scientific Panel or, if the urgency requires this, an ad-hoc meeting shall be convened at the earliest date at which the quorum can be assured. The conclusion of the written procedure needs to be included in the minutes of the meeting.

Article 14: Quorum and majority

1. A quorum of at least two thirds of the members of the Scientific Committee or of a Scientific Panel shall have to be physically present in order for the meeting to be valid.
2. The Scientific Committee and Scientific Panels shall adopt opinions by a majority of their members.

Article 15: Access to meetings and confidentiality of individual views of participants

1. The representatives of the Commission's departments shall be entitled to be present in the meetings. If invited to do so, they may assist for the purposes of clarification or information but shall not seek to influence discussions.
2. The Executive Director may invite observers to attend the meetings of the Scientific Committee and the Scientific Panels upon their suggestion. Observers shall not in any way participate or intervene in the discussions, drafting, voting or in other activities carried out in the meetings they attend.
3. With the exception of minority opinions referred to in Article 17, individual views, whether expressed orally or in writing by members during deliberations within the Scientific Committee or Scientific Panels shall be confidential.

Article 16: Adoption of scientific opinions

1. Upon suggestion of the Scientific Committee or a Scientific Panel the Authority may decide to publish a draft opinion on the Authority's website with an invitation to provide scientific comments by a specified deadline. The Scientific Committee or the relevant Scientific Panel will take account of the comments received when adopting its final opinion.
2. The Scientific Committee and individual Scientific Panels shall adopt their scientific opinions at their plenary meetings or, exceptionally, by one of the procedures set out in Article 12 or 13.
3. A scientific opinion shall comprise the question posed by the Commission, the Parliament, a Member State or the Authority itself, the terms of reference, the background to the request, the information considered the scientific reasoning and the opinion of the Scientific Committee or the Scientific Panel.
4. The full scientific opinion shall be published without delay on the Authority's website. Detailed rules relating to public access to scientific opinions are established in the Decision of the Management Board of the European Food Safety Authority concerning implementing measures of transparency and confidentiality requirements, according to Article 41 of the Regulation⁸.

⁸ MB 10.03.2005 – 10.

Article 17: Minority Opinions

The opinions of the Scientific Committee and Scientific Panels within the meaning of Article 29 of the Regulation shall include any minority opinions expressed by individual members of the Scientific Committee and Scientific Panels. Minority opinions shall be presented and explained by their authors at the latest at the meeting where the draft opinion is put on the agenda for adoption. Minority opinions shall include supporting argumentation, shall clearly identify the part of the main opinion to which they refer, shall be attributed to their authors and shall be discussed by the relevant Scientific Panel or the Scientific Committee. The outcome of the discussions shall be recorded in the minutes of the relevant meeting.

Article 18: Technical Hearings

1. Upon suggestion of the Scientific Committee or a Scientific Panel, technical hearings with individuals, petitioners or other stakeholder representatives may be organized by the Secretariat if it considers it necessary for the development of a scientific opinion.
2. Hearings shall be indicated clearly in the draft agenda of the meeting during which it is to take place.
3. The Scientific Committee or a Scientific Panel shall not take any decisions during hearings.

Article 19: Minutes

1. In accordance with Article 9 of the present Decision, the Secretariat of the Scientific Committee and Scientific Panels shall prepare draft minutes of plenary meetings. These shall contain, *inter alia*:
 - the list of participants;
 - conflicts of interests identified by the Secretariat screening Declarations of Interests (ADoI and/or SDoI) filled in by participants and the action taken, in accordance with EFSA's DoI Policy and its Implementing Rules;
 - a summary of discussions, including agreed actions;
 - a record of decisions taken and opinions adopted.
2. The draft minutes shall be circulated to members for comments and agreed either at the next meeting or in writing.
3. The minutes shall be placed on the Authority's website after they have been agreed.

TITLE II Working Groups

Article 20: Working Groups

1. The Scientific Committee and Scientific Panels may establish Working Groups whenever they deem it necessary for reasons related to the need for external expertise or their capacity to fulfil their mandates. The Scientific Committee and Scientific Panels shall

entrust the Working Groups with tasks that are clearly defined. In particular, the Working Group may be asked to undertake all necessary preparatory tasks in relation to a draft scientific opinion. The Scientific Committee or the relevant Scientific Panel can require that these tasks be completed within a set period.

2. Working Groups shall report to the Scientific Committee or the relevant Scientific Panel that convened them and shall be chaired by a member of the corresponding Scientific Committee or the relevant Scientific Panel.
3. The names of participants, including the Chair, of Working Groups shall be made public.

Article 21: Delegation of responsibilities

The members of the Working Groups are appointed in a personal capacity. They shall therefore not delegate their responsibilities to another member or to a third person.

Article 22: Number and composition of members of the Working Groups

The number and the scientific expertise of members of a Working Group should be sufficient to fulfil its mandate.

Article 23: Nomination of the Chairs and vice-Chairs of Working Groups

1. The Chair of the Working Group is nominated by the Chair of the Scientific Committee or the relevant Scientific Panel, following consultation with the Secretariat.
2. When appropriate, vice-Chairs of the Working Groups may be nominated by the Chair of the Scientific Committee or the relevant Scientific Panel, following consultation with the Secretariat.

Article 24: External experts

1. Without prejudice to Regulation (EC) No 178/2002, external experts possessing particular and relevant scientific knowledge may be invited to contribute to the work of the Working Groups. The Executive Director draws up implementing rules for their selection procedure and their designation⁹.
2. An external expert may be excluded from further activity within the Authority by the Executive Director in consultation with the Chair of the Working Group for not contributing effectively to the work of the Working Group or for actions which are conflicting with the Authority's internal rules.

Article 25: Rapporteurs

1. At the first meeting after the acceptance of a request for a draft opinion, the Chair of the Working Group in consultation with the Secretariat supporting that Working Group shall designate one or more Rapporteurs, if possible. Rapporteur(s) shall ensure that the draft

⁹ Decision of The Executive Director Concerning the Selection of Members of the Scientific Committee, Scientific Panels and External Experts to Assist EFSA with its Scientific Work, as last amended, available at www.efsa.europa.eu.

opinion is prepared, if necessary within a set time period. If that is not possible, the Chair endeavours to designate one or more Rapporteurs at a later stage. The Rapporteur(s) shall work in close co-operation with the relevant Secretariat and may present the draft opinion of the Working Group to the relevant Scientific Panel.

2. The work of a Rapporteur ends when the Authority issues the opinion.

Article 26: Secretariat of Working Groups

The Secretariat shall be responsible for providing the support needed to facilitate the efficient functioning of Working Groups. Specific duties of the Secretariat include but are not limited to:

- Ensuring best use of the resources allocated to Working Groups and planning to meet priorities and time-limits;
- Ensuring compliance with internal rules of the Authority such as those regulating the Declarations of interests, transparency *et cetera*;
- Exercising vigilance in order to identify at an early stage any potential source of divergence between draft scientific opinions of Working Groups and those issued by other bodies carrying out similar tasks;
- Providing information on the legal or public policy aspects of questions;
- Preparing the work of Working Groups, in consultation with their chairs;
- Drafting agendas and minutes of meetings;
- Providing support to the work carried out within Working Groups;
- Ensuring that relevant background information is made available to Working Groups;
- Assisting the Chairs of Working Groups in the preparation of draft scientific opinions;
- Ensuring the consistency and quality of editorial aspects of the draft scientific opinions.

Article 27: Quorum

No quorum shall be required for meetings of the Working Groups to be valid.

Article 28: Access to meetings and confidentiality of individual views of participants

1. The representatives of the Commission's departments shall be entitled to be present in the meetings. If invited to do so, they may assist for the purposes of clarification or information but shall not seek to influence discussions.
2. The Executive Director may invite observers to attend the meetings of Working Groups upon their suggestion. Observers shall not in any way participate or intervene in the discussions, in the drafting or in other activities carried out in the meetings they attend.
3. Individual views, whether expressed orally or in writing by members during discussion within Working Groups shall be confidential.

Article 29: Finalisation of a draft scientific opinion

1. The Working Group shall finalise the draft scientific opinion at their meetings or in writing. The Chair of the Working Group shall decide when the Terms of Reference of the relevant mandate or question have been addressed in the draft scientific opinion.

2. Upon decision of the Chair of the Working Group, the draft scientific opinion shall be forwarded to the Scientific Committee or the relevant Scientific Panel(s) as a draft opinion. Diverging views expressed by members of the Working Group shall be reported by the Chair of the Working Group to the Scientific Committee or the relevant Scientific Panel(s) for consideration.

Article 30: Technical Hearings

1. Upon suggestion of Working Groups, technical hearings with individuals, petitioners or other stakeholder representatives may be organized by the Secretariat if it considers it necessary for the development of a draft scientific opinion.
2. Hearings shall be indicated clearly in the draft agenda of the meeting during which it is to take place.

Article 31: Minutes

1. According to its tasks, as laid down in the present Decision, the Secretariat providing support to the Working Group shall prepare draft minutes of Working Groups' meetings. These shall contain, *inter alia*:
 - the list of participants;
 - conflicts of interests identified by the Secretariat screening Declarations of Interests filled in by participants and the action taken, in accordance with EFSA's DoI Policy and its Implementing Rules;
 - a summary of discussions.
2. The draft minutes shall be circulated to members for comments and agreed not later than the next meeting or in writing.
3. The minutes shall be placed on the Authority's website after they have been agreed.

TITLE III Common Provisions

Article 32: Mission expenses of members, external experts and indemnities

- 1 Travel and subsistence expenses incurred by members, or external experts in connection with meetings relating to the Scientific Committee or Scientific Panels or one of their Working Groups shall be reimbursed by the Authority in accordance with the scales laid down in the Authority experts compensation guide, in line with the general principles set out in the Commission Decision related to the experts compensation.
- 2 Members, external experts shall be entitled to an indemnity of 300 € for each full day of meeting attendance to defray other costs derived from their contribution to and participation in the work of the Scientific Committee or a Scientific Panel or one of their Working Groups. As a compensation for costs incurred by the preparatory work for meetings, the Chairs of the Scientific Committee, Scientific Panels and Working Groups shall be entitled to one additional daily indemnity per meeting.
- 3 Each Rapporteur shall be entitled to an indemnity of up to 600 € to defray costs linked to the co-ordination of preparatory work for draft scientific opinions.
- 4 Implementing rules may be adopted by the Executive Director in order to establish in which cases the Authority may reimburse travel and subsistence expenses incurred by hearing experts and grant them the indemnities referred to in paragraphs 1 and 2.

Article 33: Confidentiality

1. Members of Scientific Committee or Scientific Panels as well as external experts and hearing experts participating in their Working Groups, or acting as observers, shall not divulge to third parties information specifically identified by the Authority as “restricted” or “confidential”.
2. Members of the Scientific Committee or Panels as well as external experts and hearing experts participating in their Working Groups, or acting as observers, shall sign a written declaration that they will comply with the rules of confidentiality set out in paragraph 1¹⁰.
3. Members of the Scientific Committee or Scientific Panels and external experts participating in their Working Groups, or acting as observers, shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

¹⁰ Annex 4 of the Guidance Document on Declaration of Interests, available on EFSA's website.

Article 34: Independence

1. Members of the Scientific Committee and Scientific Panels, Working Groups as well as external experts shall undertake to act independently of any external influence. For this purpose, they shall make a Declaration of Commitment¹¹ and an Annual Declaration of Interests¹² in accordance with the Guidance Document on Declarations of Interest.
2. These declarations shall be made annually in writing and shall be published on the Authority's website.
3. The members of the Scientific Committee, Scientific Panels, Working Groups as well as external experts, at each meeting shall declare any interests which might be considered prejudicial to their independence in relation to the items on the agenda (Specific Declaration of Interests)¹³, in accordance with the Guidance document on declarations of interest.

Article 35: Entry into force

1. The present Decision shall enter into force on the date of its adoption.
2. The Management Board may return to these rules whenever deemed necessary and adopt any modifications needed.

Stockholm, 17 December 2009

Prof. Diána Bánáti
The Chair

¹¹ Annex 1 of the guidance Document on Declaration of Interests, available on EFSA's website.

¹² Annex 2 of the Guidance Document on Declaration of interest, available on EFSA's website.

¹³ Annex 3 of the Guidance Document on Declarations of Interests, available on EFSA's website.