

Management Board  
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Stockholm, Sweden

Meeting :	Management Board, Public Session			
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## Scientific Cooperation and Assistance Directorate

### COVER NOTE

**Rules of Procedures concerning the establishment and operations of European networks of scientific organisations operating in the fields within the Authority's mission.**

In June 2006, EFSA's Management Board recommended the development of greater cooperation and networking between EFSA and its counterparts in the Member States as a key priority over the next five years.

As defined in article 23 (g) EFSA is to establish a system of networks of organisations operating in the fields within its mission and be responsible for their operations

In the last several years, EFSA created and operated successfully a series of networks (Appendix 1). With the experience gained and given the growing number and importance of these networks, it is important that best practices that have been developed be formalised considering the legal framework and the nature of these networks.

The aim of this document is to establish the rules of procedures for the establishment and operation of European Networks of scientific organisations operating in the field within EFSA's mission.

The Management Board is kindly asked to adopt the new rules of procedures for the establishment and operation of the European networks.



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## Scientific Cooperation and Assistance Directorate

### **Decision concerning the establishment and operations of European Networks of scientific organisations operating in the fields within the Authority's mission**

Having regard to Regulation (EC) No 178/2002/EC 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 thereof (hereinafter referred to as 'the Regulation')<sup>1</sup>,

Having regard to EFSA's Strategy on cooperation and networking with EU Member States, adopted by the Management Board of the European Food Safety Authority in December 2006<sup>2</sup>, and to the interim review of that strategy prepared by EFSA's services,

Whereas:

1. In order to achieve the objectives laid down in the Regulation, EFSA needs to create and manage several networks.
2. In accordance with Article 22.7 and 23 lit. g of the Regulation, the Authority shall promote the networking of European organisations operating in the fields within the Authority's mission<sup>3</sup>.
3. The present decision is without prejudice to consultations of National Competent Authorities that are foreseen as mandatory by the relevant sectoral legislation<sup>4</sup>.
4. The Authority considers it as appropriate to regulate the creation and operation of Networks of competent authorities of Member States to be managed by EFSA.
5. The rules governing the establishment and operations of Networks managed by EFSA should be in compliance with the requirements of the Regulation.
6. Implementing provisions regarding the definition of its scientific outputs have been adopted by the Authority<sup>5</sup>.

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<sup>1</sup> *Official Journal* L 31, 1. 2. 2002, p. 1, as last amended.

<sup>2</sup> EFSA Management Board, Strategy for Cooperation and Networking between the EU Member States and EFSA, 19.12.2006 -6a.

<sup>3</sup> Currently the following Networks are managed by EFSA: Expert Group on Chemical Occurrence; Pesticide Steering Committee; Networking Group on Pesticide Monitoring (– MS contact points); Zoonoses Task Force; and the Expert Group Food Consumption, Scientific Network for Risk Assessment of GMOs, Scientific Network for Risk Assessment in Plant Health, Scientific Network for Risk Assessment in Animal Health and Welfare, Scientific Network for Microbiological Risk Assessment, Scientific Network on BSE/TSE.

<sup>4</sup> E.g. Article 18(4) of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed and Article 24(2) of Regulation (EC) No 2229/2004 of 3 December 2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC.

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

#### **Article 1: Definition and role of Networks**

1. The aim of the Networks is to support the European Food Safety Authority (EFSA) and the Member States in carrying out its mission in accordance with the established standards of scientific excellence, transparency and responsiveness foreseen in Regulation (EC) No 178/2002/EC 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 (hereinafter referred to as 'the Regulation'). These include *inter alia* facilitating the development of a scientific cooperation framework by the coordination of activities, the exchange of information, the development and implementation of joint projects and the exchange of expertise and best practices in the fields within the Authority's mission.
2. In order to achieve the objectives laid down in Paragraph 1 of this Article, activities of Networks result in contributions reporting to the Executive Director of EFSA via the competent unit within EFSA.

#### **Article 2: Creation and composition of Networks**

1. In accordance with Articles 22.7 and 23, lit. g. of the Regulation, EFSA may create and operate Networks.
2. Networks are created by EFSA in consultation with the Advisory Forum and Scientific Committee to work on specific areas within EFSA's remit.
3. Networks shall be composed of organisations of EU Member States within its mission.

#### **Article 3: Appointment and selection of members of Networks**

1. Members of Networks (other than EFSA staff) shall be appointed by the competent organisation designated by EU Member States. It is understood that, in this matter, the Advisory Forum member represents the Member State, unless specific legislation determines otherwise. The members of the Networks shall be appointed for the full time of the mandate of the relevant Network. Members of Networks with a permanent character shall be appointed for a three-year period, and shall be replaced upon indication of the relevant organisations.
2. EFSA may define the scientific experience required for the members of Networks to be appointed by the competent organizations above.
3. The term of office of members nominated at a later date shall terminate at the same time as other members.

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<sup>5</sup> The definitions are available at EFSA's website at ["http://www.efsa.europa.eu/EFSA/ScientificOpinionPublicationReport/efsa\\_locale-1178620753812\\_1211902186929.htm"](http://www.efsa.europa.eu/EFSA/ScientificOpinionPublicationReport/efsa_locale-1178620753812_1211902186929.htm).

#### **Article 4: Delegation of responsibilities**

1. Members of Networks (other than EFSA staff members) represent their organisations. Therefore, alternate(s) may be identified by the competent organisations to replace members of Networks. Members of Network shall not delegate their responsibilities to another member.

#### **Article 5: Number of members**

In each Network, each Member State may appoint one representative per relevant domain. Networks may be composed also of members representing third countries participating to EFSA's activities in accordance with Article 49 of the Regulation.

#### **Article 6: Chairing and Secretariat of the Networks**

1. Networks shall be chaired by EFSA staff. The Executive Director shall nominate the Chairperson among EFSA staff members.
2. The EFSA unit providing the secretarial support shall be responsible for providing the support necessary to facilitate the efficient functioning of the Networks. Specific duties of the Secretariat include, but are not limited to:
  - Ensuring best use of the resources allocated to the Network 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 contribution of the Network and the scientific outputs issued by other bodies carrying out similar tasks;
  - Providing information on the legal/policy aspects of questions, as appropriate;
  - Preparing the work of the Networks;
  - Drafting agendas and minutes of meetings;
  - Ensuring that relevant and up to date background information is made available to the Networks.
  - Ensuring the consistency and quality of the contributions endorsed by the Network.

#### **Article 7: Co-ordination of the work**

1. The Secretariat of the Networks in collaboration with the Advisory Forum shall seek to ensure the avoidance of overlapping or inconsistent work.
2. The Secretariat of the Networks shall ensure that the Advisory Forum and the Scientific Committee are informed of their activities through regular reports to the Advisory Forum and the Scientific Committee.

#### **Article 8: Planning of meetings, invitations, agenda, documentation and time limits**

1. As a rule, the Secretariat will confirm a meeting not less than 10 working days before the date of the meeting of the Networks and shall give notification of cancellation not less than two working days before the date of the meeting.
2. Meetings may be called at short notice according to the urgency of the matter.
3. The draft agendas of the meetings shall be drawn up by the Secretariat. The draft agenda shall be circulated to members. The agenda shall be adopted at the beginning of the meeting taking account of any agreed amendments.
4. Wherever possible, documents shall be available to the members at least one week before that meeting.

#### **Article 9: Quorum and documentation of the outcome of the discussions**

1. A *quorum* of at least the majority of the members of the Network shall have to be physically present at the beginning of the meeting in order for the meeting to be valid.
2. Networks shall endorse their contribution at their meetings or by the procedure set out in Article 10 (Written procedure) members of the Network are invited to share their views which are discussed and considered. Where appropriate a formal voting may be organised. If voting does take place, the outcome will be documented.

#### **Article 10: Written Procedure**

1. In the event that the nature, urgency or circumstances do not require or allow discussion at a meeting, a consultation may take place by written procedure. In this case, the Secretariat shall send the draft document to the Members of the Network with a request for endorsement by a specified date.
2. The document shall be endorsed if the absolute majority of the members have expressed their support before the deadline. If a majority is not reached, the draft document can be placed on the agenda for the next meeting for discussion 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 following meeting.

#### **Article 11: Access to meetings**

1. Representatives of the European Commission are entitled to attend meetings of Networks as observers.
2. The Executive Director may invite representatives of other agencies, bodies or Institutions of the European Union, third countries or international organisations to attend meetings of Networks as observers.
3. 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.

## Article 12: Technical Hearings

1. The Secretariat of the Networks may organise technical hearings with individuals and stakeholder representatives if they consider it necessary for the finalisation of a contribution.
2. Hearings shall be indicated clearly in the draft agenda of the meeting during which they are supposed to take place.
3. Networks shall not endorse any contribution or document during hearings.

## Article 13: Minutes

1. The Secretariat of the Networks shall prepare draft minutes of meetings. These shall include, *inter alia*:
  - the list of participants;
  - a summary of discussions and agreed actions;
  - upon request of the relevant member(s), a record of diverging views;
  - a record of contributions finalized.
2. The draft minutes shall be circulated to members for comments and agreed on either at the next meeting or in writing.
3. The minutes shall be placed on the Authority's website after their adoption.

## Article 14: Mission expenses of members and of their alternates

1. Unless already covered by reimbursements from the relevant Member States or competent organisation, travel and subsistence expenses incurred by members of Networks and their alternates in connection with meetings relating to Networks shall be reimbursed by the Authority in accordance with the scales laid down in the Authority experts compensation guide.
2. The present Article shall not apply to EFSA members of staff participating, contributing, attending or chairing meetings of Networks.
3. 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 indemnity referred to in paragraph 1 and 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 Network.

## Article 15: Confidentiality

1. Members of Networks, their alternates and observers shall not divulge to third parties information identified by the Authority as "restricted" or "confidential".
2. Members of Networks, their alternates, hearing experts and observers shall sign a written declaration that they will comply with the rules of confidentiality set out in this Article<sup>6</sup>.
3. Members of Networks and their alternates shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

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<sup>6</sup> Annex 4 of the Guidance Document on Declaration of Interests.

4. Individual views, whether expressed orally or in writing by members of Networks during meetings, shall be confidential.

#### **Article 16: Declaration of Interests**

1. Members of Networks different from EFSA's staff members, their alternates and any expert appointed by the competent organisation designated by EU Member States are encouraged to make an Annual Declaration of Interests<sup>7</sup> declaring any interest that might be considered prejudicial to their independence, in accordance with the Guidance document on declarations of interest<sup>7</sup>.
2. Members of Networks, their alternates, observers, staff of the European Commission or of other European Union agencies, of the European Parliament, of international bodies and third Countries, are kindly encouraged at the beginning of each meeting to declare any interests that might be considered prejudicial to their independence in relation to the items on the agenda. Any declared interests will be recorded in the minutes.

#### **Article 17: Transitional measures**

Networks created by EFSA before this Regulation enters into force shall be considered as validly created even if they do not fully comply with the rules laid down in the present Decision. They shall run until their mandate expires.

#### **Article 18: Entry into force**

1. The present Decision shall enter into force on the day following 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

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<sup>7</sup> Annex 3 of the Guidance Document on Declarations of Interests.