

43<sup>rd</sup> Meeting of the EFSA Management Board  
Minutes of the Public Session  
Stockholm, 17 December 2009, 09.00 h

Members of the Management Board present

Diána Bánáti (Chair)	Marianne Elvander (Vice-Chair)
Bart Sangster (Vice-Chair)	Sue Davies
Paola Testori-Coggi	Roland Vaxelaire
Sinikka Turunen	Jiri Ruprich
Peter Gaemelke	Bernhard Url
Matthias Horst	Konstantinos Yazitzoglou
Piergiuseppe Facelli	

Staff of the European Food Safety Authority present

Catherine Geslain-Lanéelle	Hubert Deluyker
Olivier Ramsayer	Anne-Laure Gassin
Riitta Majjala	Gisèle Gizzi
David Caira	Christine Majewski
Djien Liem	

Also attending:

Mr. Rolf Eriksson, State Secretary at the Swedish Ministry of Agriculture  
Prof. Vittorio Silano, Chair of EFSA's Scientific Committee

## Table of Contents

Summary of decisions.....	3
Welcome by Chair.....	4
Address by the Secretary of State, Mr. Eriksson.....	4
Adoption of Draft Agenda.....	4
Executive Director's Progress Report.....	4
Draft Management Plan 2010.....	6
Draft Budget and Establishment Plan 2010.....	6
Review of data collection activities and proposal for EUMenu.....	7
Rules of Procedure of Scientific Committee and Panels.....	8
MB Awayday 2009: follow-up actions .....	9
Update of the Audit Committee.....	9
Transfers in the EFSA Budget.....	10
Budget Execution and Year-End Forecast.....	10
Any other business.....	10
Actions arising.....	11

## SUMMARY OF DECISIONS

### The Management Board:

- Adopted the agenda unchanged.
- Acknowledged the apologies of Board members Marion Guillou and Milan Pogačnik
- Noted the address of the State Secretary at the Swedish Ministry of Agriculture, Mr. Rolf Eriksson.
- Adopted EFSA's Management Plan for 2010 subject to editorial amendments.
- Adopted EFSA's Budget and Establishment Plan for 2010 subject to amendments.
- Noted the review of EFSA's data collection activities and the proposal for a European food consumption survey.
- Adopted the revised Rules of Procedure of the Scientific Committee and Panels subject to the amendments suggested during the meeting.
- Postponed discussion of the revised Rules of Procedure of EFSA networks until the March Board meeting and agreed to send written comments during the intervening period.
- Postponed adoption of the document on impact assessment and requested a revised version for the March Board meeting.
- Noted the update by the Chair of the Audit Committee.
- Noted the transfers in the EFSA budget.
- Noted the budget execution to end-November and the predictions for year-end.

### The Management Board also:

- Took note of the Executive Director's Progress Report and congratulated EFSA and its staff on its achievements.
- Noted the venue of the March 2010 Board meeting in Toledo, Spain.
- Noted the request for suggestions of topics for the Board's 2010 Awayday.

#### Welcome by the Chair

1. The Chair opened the Public Session of the 43<sup>rd</sup> Management Board meeting by welcoming Board Members, the EFSA executive and Directors, Chair of the Scientific Committee, former Chair of the EFSA Management Board, Mr. Stuart Slorach, the audience in Stockholm and online, stakeholders, Member State authorities, experts and staff members.
2. Apologies were received from Marion Guillou and Milan Pogačnik.
3. The Chair announced that Mr. Rolf Eriksson, State Secretary at the Swedish Ministry of Agriculture, would address the meeting.
4. No declarations of interest or suggestions for any other business were announced.

#### Item 1: Address by the Secretary of State, Mr. Eriksson

5. On behalf of the Swedish Presidency of the European Union and the Swedish government, the Secretary of State welcomed the Management Board to Stockholm. He reported that the Council had recently met with the outgoing Commissioner for Health, Mrs. Vassiliou and had discussed among other issues food labelling of animal welfare. He noted that there will be new co-decisioning in the Common Agricultural Policy and Common Fisheries Policy which will result in legislative and policy changes that will impact on food safety and hence EFSA. The Presidency had worked on the implementation of the Lisbon Treaty but there was some uncertainty in relation to comitology procedures which the Spanish Presidency would need to address. Sweden, he said, had a long-standing commitment to safe food, sound animal husbandry and animal health and this was crucial for consumer confidence, public health and the economics of food production. He added that Sweden had a unique climate and environment and a growing food sector. The Ministry's strategy included promoting research and innovation and the use of rural development programmes facilitated by strong legislation in animal health and welfare and food safety. Acknowledging the central role of EFSA in the EU food safety system, the Secretary for State said that Sweden had a strong history of legislation on food and feed even before it joined the EU. One example of this was the early ban on the use of antibiotics as growth promoters in the country and the Swedish government is investing heavily in the prevention of antimicrobial resistance. He recognised that, in relation to climate change, food production can make a significant contribution to carbon dioxide emissions and Sweden had introduced a voluntary labelling scheme. In conclusion, the Secretary for State remarked that EFSA makes a highly valued contribution to ensuring the safety of the food supply in the EU and underlined the key role of the Management Board in facilitating the work of the Authority.
6. The Chair thanked Mr. Eriksson for his address and for hosting the meeting in Stockholm.

#### Item 2: Adoption of the Draft Agenda

7. The agenda was adopted unchanged.

#### Item 3: Executive Director's Progress Report

8. The Chair invited the Executive Director to present the progress report.

9. The Executive Director updated the Board on progress from the beginning of October 2009. A separate PowerPoint presentation is available for a detailed description.
10. On behalf of the Board, the Chair congratulated the Executive Director on the achievements during the reporting period.
11. Questions/comments were received on the following: the crisis simulation exercise discussion recently carried out by EFSA; the technical meeting on health claims with Member States and the need for further dialogue with industry with respect to the criteria used for the assessment of health claims; the outcome of the Stakeholder Platform meeting; the need for EFSA to emphasise its purely scientific role in the assessment of health claims; interactions with DG Research; and the schedule for the completion of EFSA's Final Seat.
12. The Executive Director thanked Members for their positive feedback. She confirmed to the meeting that EFSA had carried out previous crisis simulation exercises and would continue to do so on a regular basis with changes in format for each exercise. The second exercise in 2009, which was supported by an external consultant, focused on communication and involved members of the Advisory Forum, the Commission and Member States. Mr. Stuart Slorach, former Chair of EFSA Management Board also participated in the exercise. In relation to lessons learned, the Executive Director said the exercise was valuable also in testing the efficiency of tele-meetings and video conferences at EFSA. The Director of Scientific Cooperation & Assistance added that the exercise was valuable for getting the input of Member State representatives with expertise in crisis management and the views of an external consultant. It also emphasised the importance of time management and preparedness.
13. Regarding health claims, the Executive Director remarked that EFSA already had mechanisms in place to consult stakeholders and in particular industry, noting the meetings with the CIAA and other stakeholders earlier in 2009. The previous meeting of the Stakeholder Platform also included a lengthy session dedicated to health claims presented by the Head of the NDA Unit. The Executive Director said that EFSA is willing to go further in its discussions on Article 13 and 14 claims in 2010 but emphasised the need for a balanced approach. She pointed out that EFSA's interlocutors in relation to article 13 claims are the Member States and the Commission and that the complex legislative process meant that those who were most affected by the regulation are not necessarily those who are accountable in the system. It is noteworthy, she said, that EFSA receives the list of claims from Member States and the Commission, not from industry.
14. On the last meeting of the Stakeholder Platform, the Executive Director said that the agenda had also included discussions on new modalities of work, e.g. dedicated working groups and the possibility of an annual work programme, which were under consideration. She continued that EFSA has effective and regular communication with DG Research, particularly through the Scientific Committee and Advisory Forum, and the research priorities collected from the Advisory Forum would shortly be communicated to DG Research. The Final Seat was scheduled to be delivered in mid-2011 and regular updates would be provided to the Board.
15. Further comments were received on the need for interaction with stakeholders, the possibility of organising a conference with EFSA, Member States, DG SANCO and individual companies to provide information on health claims, industry's responsibility and role in the success or otherwise of health claims, and the involvement of a wider range of stakeholders in crisis simulation exercises.

16. The Executive Director responded that involving a wider range of stakeholders in crisis simulation exercises would be useful and would be considered for future exercises. She noted the suggestions of further engagement with industry in relation to health claims which would be given full consideration.

#### Item 4: Draft Management Plan 2010

17. The document was introduced by the Executive Director who, before looking ahead to 2010, summarised the main achievements for 2009. Her presentation highlighted changes in the operating environment for EFSA in 2010, particularly in relation to the institutional context, and the key priorities for the coming year. The Directors of Risk Assessment and Scientific Cooperation & Assistance presented brief overviews of priorities for their particular portfolios. A separate PowerPoint presentation is available for further information.
18. The main comments and questions related to the following issues: enhancements to the *EFSA Journal*; calculation of operational costs; performance indicators; use of key initiatives and targets, EFSA's work on applications for authorisation; wording of the section on Communication on building trust; editorial amendments to the Introduction; cooperation with the WHO and in particular supporting the Commission in relation to the General Assembly of the WHO in May 2010; cooperation between Panels regarding novel foods; and presentation of annual management plans in relation to the multi-annual Strategic Plan.
19. In replying, the Executive Director indicated that the new *EFSA Journal* web-area would be available later that week and explained the methodology used in calculating operational costs. She emphasised the importance of linking the annual management plans to the Strategic Plan and in relation to applications she pointed out that development of methodologies was a crucial aspect. She confirmed that the NDA Panel would cooperate where relevant with other Panels and experts in relation to novel foods and agreed to editorial changes in the Introduction and Communication sections and including specific reference to cooperation with the WHO, particularly in relation to dietary reference values.
20. The Management Plan was adopted subject to the changes agreed.

#### Item 5: Draft Budget and Establishment Plan 2010

21. The Director of Administration presented the document noting that the European Parliament was discussing and voting on the adoption of the draft EFSA budget in parallel with the Management Board meeting. His presentation highlighted the reduction of the EFSA budget and the number of temporary agents from what was proposed in March 2009 and the re-distribution of resources between EFSA's activities. The mid-term EFSA staff policy plan, which would be discussed at the March 2010 Board meeting, is an integral part of the budgeting process, he noted. A separate PowerPoint presentation is available for further information.
22. Specific comments of Members focused on: the usefulness of using actual numbers for 2008 rather than budget estimations; the reasons behind the reduction in community financing; inclusion of the Pre-Accession programme budget data; the need to clarify spending for one title; the importance of filling allocated posts during the reporting year in relation to the Establishment Plan; clarification of the presentation of some administrative costs; the need to ensure that all EFSA staff was committed to the optimal use of the budget; the need to reduce administrative costs; and the need to demonstrate this with data.

23. In response to the comments received, the Director of Administration said that EFSA asked for a partial release of the budget reserve and all conditions have been met. He confirmed that the reserve had resulted in delays in recruitment. In a later comment, he added that future documents would more clearly distinguish between operational and administrative costs.
24. A Member pointed out that, in light of the likely restrictions on EFSA's budget in the coming years and the increasing importance of applications for authorisation, both in terms of EFSA's workload and their importance to European innovation and competitiveness, the Management Board should reflect on fees for applications and support the concept more. In addition, he asked the Commission to support any required changes to the Founding Regulation to facilitate this aspect of EFSA's work. The Commission representative on the Board informed the meeting that the Commission would present a report to Council and Parliament by June 2010 which would form the basis of any decisions on fees.
25. The Executive Director responded that, in view of the growing number of applications EFSA faced, the discussion on fees in the newly appointed EU institutions was needed and EFSA must contribute to those discussions. EFSA would continue to review the efficiency of its authorisation processes in 2010, guided by the external evaluation carried out in 2009. She emphasised that she is fully supported in budget execution by all EFSA Directors and staff.
26. The Chair pointed out that adoption of the draft budget was subject to the parallel decisions being taken by the European Parliament and, while acknowledging the difficult economic environment, emphasised the need for EFSA to be adequately funded.
27. The Draft Budget and Establishment Plan for 2010 were adopted subject to the changes suggested being made.

Item 6: Review of EFSA's Activities on Data Collection and Proposal for a New Initiative (EUMenu)

28. The Director of Scientific Cooperation & Assistance outlined the provisions for data collection in Article 33 of EFSA's Founding Regulation and described the Authority's current data collection activities. His presentation covered the need for a harmonised EU food consumption database first described by the Scientific Committee in 2005 and the initiatives that had been taken in the intervening period. The proposal for a pan-European food consumption survey, provisionally entitled EUMenu, was presented and the measures need to make it a reality described. A separate PowerPoint presentation is available for further detail.
29. Opening the item for comment, the Chair noted that the EUMenu proposal was supported by the Advisory Forum members. Comments and questions included: budget requirements; harmonisation of data; the potential impact of unforeseen events such as food scares on consumption patterns; the availability of data during the course of the project; the need to take prior work in this field, such as the DAPHNE project, into consideration; the need to establish a robust quality assurance system before beginning the project; the need to ring-fence the project budget lest it come under pressure from other conflicting demands; the need for data to be representative as well as validated; the potential use of the data that are generated in the field of nutrition; establishing the level of detail required; setting operational procedures at the outset; classification of foods; how the budget contributions will be allocated; the absolute requirement of Advisory Forum support for the project; in the absence of harmonised data, how EFSA has coped up to now; the impact of national or regional variations in

consumption patterns on risk assessments; the importance of the data for risk managers; and the need to involve stakeholders such as industry in the provision of data. The Chair of the Scientific Committee remarked that the proposal was well received by members at its last meeting.

30. In responding to the feedback received, the Director of Scientific Cooperation & Assistance estimated that the total budget required was €500 per person and this was a good investment. He noted that some Member States were keen to know if their national surveys which were scheduled to start in 2010 should follow the EFSA proposal; therefore a development plan for the project needed to be endorsed by the Board. He pointed out that most of the budget for this project would go to the Member States for data collection purposes and the data collected for exposure assessment would be suitable for nutrition purposes. He confirmed a quality assurance system will be insured beforehand and told the meeting that the IARC WHO centre was keen to collaborate with EFSA on this project, not just as software providers but also because they wanted to introduce an element on biomarkers to the survey. The data could not cover unforeseen circumstances, he said, but they could be supplemented with annual data from Member States. He reiterated that the Advisory Forum was very supportive and further discussions would be held with the Commission. Any system could not satisfy all data needs but EFSA would learn from the DAPHNE project and collaborate with it.
31. Further questions were received on the sources of funding for EUMenu and dialogue with Member States to avoid duplication of work. The Director of Scientific Cooperation & Assistance replied that avoidance of duplication was critical and that a consortium would be established for the project, with responsibilities for both the scientific and financial aspects.
32. The Chair closed the item by stating that, although the proposed budget was substantial, there was broad consensus in the Board that this is an extremely important project that is supported by the Advisory Forum and Scientific Committee. She asked for regular progress updates and requested that the Declaration of the Advisory Forum on EUMenu be circulated to Board Members when it became available.

#### Item 7: Rules of Procedure of EFSA's Scientific Committee and Scientific Panels and EFSA's Networks

33. The Director of Risk Assessment introduced the update of the rules which were previously adopted by the Board in 2007. The rationale behind the review is to improve the clarity of the rules, simplify some processes, enhance efficiency, formally include the two new Panels (ANS and CEF) in the process, adapt indemnities for experts to promote the use of tele-meetings, align indemnities with Commission ceilings, and learn from past experience of applying the rules.
34. In relation to the Scientific Committee and Panels, the main changes proposed are: simplification of how Chairs and Vice-Chairs are elected; requests for scientific opinions; content of scientific opinions; and minority opinions. The main changes to the rules of working groups are: the appointment of Vice-Chairs of working groups; appointment of rapporteurs; and working group scores and practices in relation to the drafting of opinions. The final main changes are to indemnities where it is proposed to increase compensation for participating in or chairing tele-meetings and to align the daily indemnity for physical meetings with the Commission rates. A separate PowerPoint presentation is available for further details.
35. As well as proposals for minor changes and clarification in the text, the main questions and comments received from Board Members focused on: avoiding conflicts of interest; ensuring a multidisciplinary



approach; ensuring transparency; adoption of scientific opinions; quorums and decision-making processes for tele-meetings; breaches of confidentiality; participation of external experts in the meetings of the Scientific Committee or Panels; the validity of decision-making processes; setting indemnity ceilings for Chairs; and public consultations.

36. The Director of Risk Assessment responded to the individual comments, highlighting the parts of the document that needed to be amended. In relation to observers at meetings of the Scientific Committee or Panels, the Executive Director noted that, while EFSA had no objection in principle, it had a precautionary approach as experience had shown that it was difficult to establish practical criteria for the inclusion of observers. She noted that EFSA has other mechanisms in place, public consultations, briefings etc., to ensure transparency.
37. The Chair asked that an amended version be circulated before the Christmas break and subject to this the Rules were considered adopted.
38. Due to time pressure, discussion of the rules of procedure of networks was postponed until the next Board meeting and Members were asked to send their written comments.

#### Item 8: Management Board Awayday 2009: follow-up actions

39. The Advisor on Strategy & Prospective briefly summarised the objectives of the Awayday – impact assessment methods and tools – and presented a document on the main outcome, i.e. a set of simple and measurable impact indicators for EFSA. The four suggested indicators cover: (1) the proportion of scientific outputs taken into consideration in European risk management decisions; (2) the levels of awareness of EFSA and confidence in the scientific basis for European food law; (3) performance of EFSA in a crisis; and (4) referencing of EFSA's work in the international scientific community. The methodologies used for each indicator and the timeframe for implementation were outlined. A review of the experience gained in this first attempt to measure the effectiveness and impact of EFSA as an organisation would be presented to the Board at the end of 2010.
40. Member's comments and questions were received on: the wording of the first indicator; the success rate for indicator 2; potential confusion between EFSA's effectiveness and added value and an evaluation of EU food policy; making indicator 2 more measurable; including situations that were crises *per se* in indicator 3; expansion of indicator 4 to highlight EFSA's networking activities; precise description of how the results of measuring impact will be assessed; and the importance of starting the impact assessment exercise as soon as possible.
41. The Chair agreed with the Member comments to request a revised version and to postpone adoption until the next meeting.

#### Item 9: Update of the Audit Committee

42. The Chair of the Committee informed the meeting that the main items on the agenda of its last meeting were: the audit risk assessment and audit plan for 2010; declarations of interest (DOIs); reimbursement of experts and staff missions; and the preliminary findings of the European Court of Auditors on the 2009 financial statements for which the final findings were scheduled for May 2010 and the final report for September 2010. In relation to the audit plan for 2010, there are three major

themes: procurement; the process of producing scientific outputs; and EFSA's planning and budgeting activities. The Audit Committee received positive assurance on DOIs from the Internal Audit Service of the Commission in relation to the implementation of the internal control system for the identification and handling of potential conflicts of interest. It had also received positive assurance from EFSA's internal audit function on the implementation of the internal control system for expert and staff reimbursement.

#### Item 10: Transfers in the EFSA Budget

43. The Director of Administration outlined the reallocations on November 24 between budget lines and, for one transfer, between title of appropriation in the 2009 budget and explained the rationale behind them. A separate PowerPoint presentation is available for further detail.

#### Item 11: Budget Execution and Year-End Forecast

44. The Director of Administration indicated that the situation at the end of 2009 would be close to what was forecast. The commitment at the end of November was 84% which was acceptable for that time. He noted that EFSA had been granted its request to partially lift the reserve that Parliament had placed on its budget in 2009 which meant that the total appropriation for 2009 was €70.96 m. At year-end, EFSA's budget would be committed to the extent of 97-98%. The latest information on tendering procedures for contracts and grants was reassuring and the salary adaptations for EU staff would also have an impact on end-of-year budget execution.

#### Item 12: AOB

45. The Chair informed the meeting that, on the invitation of the Spanish authorities, the March 2010 Board meeting would be held in Toledo under the Spanish Presidency. Suggestions for topics for the Board's 2010 Awayday were requested. The next official Board meeting would be in March but the Board would meet informally in January 2010.
46. In closing, the Chair thanked the Swedish Ministry of Agriculture for hosting the meeting, the State Secretary Mr. Eriksson, the Members of the Board, the Executive Director and her Directors, the experts working in EFSA Panels and Scientific Committee, the audience in Stockholm and those watching via webstreaming, the webcast team, the staff of the European Commission in Brussels, EFSA stakeholders, the staff of the Authority and the interpreters.

END

### Actions arising

Meeting reference	Action	Deadline	Status
Dec 17, 2009	Editorial amendments to Management Plan 2010	Dec 2009	Closed
Dec 17, 2009	Amendments to Budget and Establishment Plan 2010	Dec 2009	Closed
Dec 17, 2009	Amendments to the Rules of Procedure of the Scientific Committee and Panels circulated to Board Members	Dec 2009	Closed
Dec 17, 2009	Declaration of the Advisory Forum on EUMenu circulated to Board Members	Feb 2010	Open
Dec 17, 2009	Incorporate written comments from Board Members on Rules of Procedure of EFSA Networks	Feb 2010	Open
Dec 17, 2009	Revised document on impact assessment circulated to Board Members	Mar 2010	Open