



DRAFT Commission report on the advisability and feasibility of establishing fees for EFSA

Does not represent the views of the COM services

EFSA Management Board, 17 June 2010

Why a draft report on fees?

- **Legal basis:** Article 45 of Regulation 178/2002/EC
 - COM to publish a report on the advisability and feasibility of presenting a proposal establishing fees for EFSA 3 years after its creation
 - Consultation of EFSA, MS and interested parties
- **Why in 2010?**
 - EFSA in a stabilisation phase
 - Important to take into account the Authority's experience in managing its workload



State of play

- Stakeholders, MS and EFSA consulted on **a consultation paper** in November 2006
- August 2007: Publication of the summary of the comments on SANCO website
- 2010: Stakeholders, MS and EFSA consulted on **draft COM report on fees**
 - Stakeholders on 20 May
 - MS (SCoFCAH) on 7 June
 - EFSA MB on 17 June

→ Generally did not object to its content and conclusions



Positioning of the different actors

- The majority of MS: not, in principle, against a system of fees, but point out its complexity in the food sector
- Stakeholders: generally not in favour of fees, mostly because of the predominant system of generic authorisations in the food sector
- Concerns about EFSA's independence, financing of EFSA seen as a public responsibility, lack of compatibility with the better regulation approach (financial and administrative burdens)
- EFSA :
 - decision-making bodies (Commission, EP and MS) are responsible for the financing of EFSA
 - need to ensure its independence and accountability

Main concerns about the feasibility of fees

- Generic authorisations and difficulties in identifying beneficiaries
- EFSA's budget instability and the potential inefficiency of a fee system



Commission's analysis on the feasibility of fees

- A sector-by-sector approach has to be applied in order to take into account the different situations of applicants (authorisation holders, generic authorisation)
- The Union's subsidy has a balancing effect on EFSA's budget, therefore ensuring its stability. The establishment of fees will need to be based on the evaluation of a stable workload

EFSA's experience: the part of applications in its workload

- Based on contribution from EFSA
- Increasing number of applications for authorisation. Around 31% of its budget for applications
- The estimates included in the draft report include generic and individual authorisations
- Specific issues linked to peaks and reviews

EFSA's experience: estimates of costs

- Preliminary estimates : costs per application vary considerably according to the different sectors
- Need for further analysis and completion of data
- Fees are based on the cost of the service rendered, but the determination of the level of fees has to take into account other elements (service standards, reduced fees for SMEs, etc.)



Conclusions on who should pay fees

- Only applicants with profits specifically vested in the authorisation and that can be identified should pay fees
- The introduction of fees should in particular be considered in the sectors where the authorisation is issued to a specific holder
- Specific conditions for SMEs should be examined

General conclusion

- The Commission intends to prepare a proposal establishing the possibility of graduated fees in the sectors where applicants with profits specially vested in the authorisation can be identified
- The proposal will be prepared on the basis of an impact assessment

Way forward

- Inter-service consultation launched
- Consultation of EP and Council on COM report
- Impact assessment



THANK YOU

FOR YOUR ATTENTION

