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EUROPEAN FOOD SAFETY AUTHORITY

Code of Conduct of the Management Board of the European Food Safety Authority

Name	Action	Sign
Bernhard Url	Approve	Endorsed on 20/09/2022
Management Board	Approve	6/10/2022 (TBC)

Scope of the document
As of the 1 st of July 2022, the EFSA Management Board is composed of representatives of the Member States, of the European Commission, of the Parliament, of the civil society and food chain interests, of the EFTA Countries and of the EFTA Surveillance Authority. The present decision on the Code of Conduct of the Management Board of the European Food Safety Authority (hereinafter referred to as "the Management Board") is adopted in accordance with Article 25 of Regulation (EC) no 178/2002, as amended by Regulation (EU) 2019/1381, and repeals the previous decision dated 12 December 2017.
Description
This Code of Conduct defines and clarifies the obligations applicable to the Members and Alternate Members of the Management Board, as well as to its former Members and former Alternates.
References
<p>Regulation (EC) No 178/2002</p> <p>Regulation (EU) 2019/1381</p> <p>Rules of Procedure of the Management Board</p> <p>EFSA's policy on independence</p> <p>Decision of the Executive Director of the European Food Safety Authority on Competing Interest Management</p>

Document history

Plain technical changes to this document (e.g. reference or adaptation to a revised organizational structure; reference to new or modified regulatory documents; corrections not modifying the substance of the document; etc.) are summarized in the following table in chronological order.

Any change in the substance of the document requires the adoption of a new document by the accountable body/entity superseding the document at stake.

Revision No.	Date	Description of Changes
01	6/10/2022 (TBC)	First version, which superseded RULOP_004 "Code of Conduct of the Management Board of the European Food Safety Authority" of 12 December 2017.



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Article 1 - Scope of application

1. With the present Code of Conduct¹ the members and alternate members² of the Management Board of the European Food Safety Authority³ commit to meet the highest ethical standards. The Code provides guidance and sets ethical conventions, probity standards and benchmarks for Management Board members when acting independently in the public interest, also — where applicable — after termination of their term of office.
2. The Code is without prejudice to other rules that may apply to the Management Board members. It forms an integral part of the implementation of the Authority's Independence Policy⁴.

Article 2 - Fundamental principles

1. The Management Board members shall act independently in the public interest, in accordance with Article 37 of the General Food Law Regulation⁵ with integrity and discretion. They shall act impartially, avoiding any situation liable to give rise to conflicts of interest. Taking into account the public character of their function, they shall conduct themselves in a way that maintains and promotes the public trust in the Authority.
2. The Management Board is a collegial body and collegially assumes responsibility for its decisions.
3. When questions arise which are not explicitly covered by the Code or by other relevant rules, adherence to the generally accepted principles of probity shall determine the Management Board members' behaviour.

Article 3 - Main duties of the Management Board members

The Management Board members shall:

- a. exercise due diligence in directing the Authority in line with the applicable legislation;
- b. respect the professional standing of the other Management Board members;
- c. not engage in any practice detrimental to the reputation and interests neither of the Management Board nor of the Authority;
- d. ensure that the Management Board operates within the limits of its statutory remit, including having due regard to best practice regarding sound financial management, namely economy, efficiency and effectiveness;

¹ Hereinafter referred to as "the Code".

² Hereinafter cumulatively referred to as "the Management Board members".

³ Hereinafter referred to as "the Authority" or "EFSA".

⁴ EFSA's policy on independence - <http://www.efsa.europa.eu/en/corporate/pub/policyonindependence>

⁵ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, [OJ L 31, 1.2.2002](#).

- e. ensure attendance at the meetings of the Management Board as stated in Article 14(2) of the Rules of Procedure of the Management Board;
- f. engage actively in the activities and decision-making process of the Management Board.

Article 4 - The role of the Chair and the Vice-Chair

The Chair and the Vice-Chair of the Management Board shall in particular:

- a. be responsible that the Management Board fulfills its main role, i.e. to ensure an effective and efficient functioning of the Authority;
- b. endeavour to ensure that the Management Board is properly managed, addressing its key tasks and devoting sufficient time to address each of them properly; and
- c. guide the Management Board in establishing and setting vision, mission, values and strategy of the Authority.

Article 5 - Independence

1. The Management Board members shall undertake to act independently in the public interest. For this purpose, they shall make Annual Declarations of Interests. Further details regarding these declarations are set out in the General Food Law Regulation, in the Authority's policy on independence⁶ and in the Decision of the EFSA Executive Director on Competing Interests Management⁷.

2. The Management Board members shall inform the Chair and the Executive Director of EFSA⁸ of any changes to their declared interests and update their Declaration of Interests accordingly by no later than 45 calendar days following those changes.

3. The interests of ~~a Management Board members~~, and those of their close family members~~persons belonging to the same household or family~~⁹, shall not take precedence over those of the Authority. The Management Board members shall refrain from involving themselves or being involved in any activity that could result in a conflict of interests or is likely to provoke the perception of an existing conflict of interests by the general public.

4. Management Board members shall not engage in projects or activities funded by or benefiting from the financial contribution of EFSA (e.g. procurement and grants), even in case they would not receive any payment for their work. Management Board members holding managerial positions in organisations receiving funds from EFSA shall delegate to others any task related to contractual relations with EFSA, including negotiation.

⁶ <https://www.efsa.europa.eu/en/corporate/pub/policyonindependence>

⁷ <http://www.efsa.europa.eu/en/corporate/pub/independencepolicy17>

⁸ Hereinafter referred to as "the Executive Director".

⁹ Definition of family member: Article 2(1)n of the Decision of the EFSA Executive Director on Competing Interest Management applies.

5. Paragraph 4 of this Article does not apply to cooperation projects and activities not implying a financial flow between EFSA and the Management Board members' organisations.
6. The Management Board members undertake to produce on request supporting information, data or documents relevant for performing the screening of their Declarations of Interests.
7. Where Management Board members may be engaged in their professional or personal capacity in risk management activities in the context of the EU food safety legislative framework at EU or national levels, they shall ensure the maximum level of independence and transparency when contributing to the activities of the Management Board so to respect the separation between risk assessment and risk management.
8. During their term of office, the Management Board members shall not be members of any other of the Authority's bodies referred to in Article 24 of the General Food Law Regulation, of any sub-entity to those bodies, or of EFSA's Scientific Networks or of EFSA's Stakeholder Bureau. Moreover, they shall not act as EFSA's Focal Point or take part in the meetings of the EFSA's Stakeholder Forum in representation of any registered organisation.
9. The Management Board members shall commit not to exploit their position in order to influence in any way the scientific experts of the Authority or EFSA scientific outputs.
10. The Management Board members shall consider the possible public perception in all facets of their professional and private life — in particular as regards any activities, which are pertinent to raise doubts related to even only potential conflicts of interests.

Article 6 - Gifts and hospitality

1. The Management Board members shall neither apply for, nor receive or accept from any source any advantage, direct or indirect (e.g. as a gift or in form of hospitality), which is in any way connected to their role as members of the Management Board, either for doing or omitting to do something in their official capacity, or for showing advantage to someone or to an organisation.
2. A gift is understood to mean: a sum of money; any physical object; the possibility to participate for free in events which are either open to the public or private in nature and that would only be accessible in return of payment; any other advantage with a pecuniary value (e.g. transport costs).

Hospitality is defined as an offer of food, drink, accommodation, and/or entertainment from any source outside the Authority.

3. In a diplomatic or courtesy context, gifts of a symbolic value or with a low nominal value (below 50 Euro) can be accepted if their refusal would cause offence. Any gifts entailing a sum of money, regardless of the amount, must always be refused.

4. Where the Management Board members are unable to refuse a gift which is not of a symbolic or low nominal value, they must inform the Chair and declare its acceptance in their Annual Declaration of Interests.

5. Gifts or hospitality received in a context not related to the person's role as member of EFSA's Management Board do not, in principle, fall under the provisions of this Code. Even in such cases, however, acceptance can be perceived as compromising the person's independence. For this reason, when Management Board members are in doubt on whether to accept gifts or hospitality, they shall contact the EFSA Ethics Advisor who provides guidance based on existing good practices.

Article 7 - Relations with media, stakeholders and the general public

1. The Management Board members are the ambassadors of the Authority and shall always set an exemplary conduct in all their activities linked to the Authority. The 'ambassador' function of the Management Board members entails the promotion of EFSA to its stakeholders and the general public and preparedness to be accountable for the decisions of the Management Board whilst supporting the Authority.

2. The Management Board members shall follow the principles of the EFSA guidelines for media handling. If Management Board members, in their own capacity or in their capacity as representatives of their country/institution/interest, wish to respond to a media query on an EFSA-related topic, they shall make it clear to the journalist or requestor in which capacity they are speaking and, whenever possible, inform EFSA about the matter.

3. When communicating in their capacity of members of the Management Board on a matter on which the Management Board has taken a view, the Management Board members shall represent the views of the Management Board. If the Management Board members are communicating on a matter that falls within the remit of EFSA but on which the Management Board has not taken a view so far, they are free to give their own personal view but shall make clear that this does not necessarily represent the view of the Management Board.

4. When dealing with media, stakeholders or the general public, the Management Board members may enquire the advice and/or support of EFSA at any time.

Article 8 - External activities

1. At the initiative of entities other than EFSA, the Management Board members may be invited to carry out activities motivated by their current role in the Management Board but not directly linked to the Authority business and/or governance. Such activities may be generally defined as 'external activities' (e.g. publications, lectures, participation in conferences, workshops, symposia, etc.). While performing such activities, in their role as EFSA's ambassadors, the Management Board members shall have an exemplary conduct aimed at promoting EFSA's values. More specifically:

- a. The participation/involvement in those activities shall not, even potentially, result in a conflict of interest or be likely to provoke the perception of a conflict of interests by the general public.
 - b. The concerned Management Board member shall clearly state that he/she is participating and/or contributing in his/her personal capacity.
 - c. If on the matters addressed the Management Board has taken a view, the concerned Management Board member shall adhere to that view ~~remain as far much as possible stick to that view~~. Conversely, in case the Management Board has not taken any view, the concerned member is free to give his/her view, making clear, however, that this does not represent necessarily the view of the Management Board and avoiding putting the image and reputation of EFSA in danger.
2. Certain external activities might hold an added value for the Authority. When so, such activities might be regarded as EFSA corporate activities carried out in the interest of the service. In general terms, the interest of the service includes all activities that contribute to the EFSA mission.
3. Upon enquiry from the Management Board members, decisions on whether their external activities qualify as EFSA corporate activities in the interest of the service are adopted by the Chair in consultation with the Executive Director. Such decisions are taken considering EFSA's priorities, the added value for the Authority (e.g. in terms of image or reputation), the cost-benefit ratio linked to the activity or mission, and the assessment of the activity in application of EFSA policy on independence (i.e. the activity should not, even potentially, result in a conflict of interest or be likely to provoke the perception of a conflict of interests by the general public). The Chair and/or the Executive Director may enquire the EFSA Ethics Advisor, who provides guidance based on existing good practice.
4. The Management Board members carrying out EFSA corporate activities in the interest of the service act in representation of the Management Board and of the Authority and not in their own personal capacity.
5. Costs linked to the participation/ involvement of Management Board members in EFSA corporate activities in the interest of the service are covered by EFSA in line with Article 12 of the Management Board Rules of Procedure. This rule does not apply to the members appointed by the European Commission, since costs linked to their activities are assumed to be covered by that institution.

Article 9 - Duty of confidentiality

1. The Management Board members are bound to confidentiality with regard to duly classified documents of the Authority they are dealing with when exercising their mandate and with regard to any non-public deliberations of the Management Board or of its members.
2. The above is without prejudice to the sharing of documents with persons assisting the members in the discharge of their duties as Management Board members, provided that those persons are subject to an equivalent duty of confidentiality. The Management Board members shall take all necessary measures to ensure that the persons having access to their information also respect the above obligations they are subject to.

3. The Management Board members shall continue to be bound by the obligations referred to in paragraphs 1 and 2 of the present Article after the termination of their term of office.
4. Once a document or information has been made public, the duty of confidentiality ceases only to the extent of the information released into the public domain.
5. In accordance with the legal framework concerning investigations conducted by the European Public Prosecutor's Office and the European Anti-Fraud Office, and in application of EFSA's Anti-Fraud Strategy, the release of information in response to a request from or in the course of an investigation by those Offices shall not constitute a breach of the duty of confidentiality.

Article 10 - Acceptance of the Code of Conduct

1. All Management Board members, including any new members who may subsequently assume office as from the date of the adoption of this Code, shall sign the present Code of Conduct.
2. By undersigning the Code, Management Board members commit themselves to the respect of its provisions. Failure to comply with the obligations set out in the Code may prompt the Management Board to trigger the procedure prescribed in Article 17 of the Management Board Rules of Procedure¹⁰.
3. The signed original of the Code shall be held by the Executive Director of the Authority for a maximum of 10 years from the end of the term of office of the Management Board member.
4. Upon their signature, Management Board members shall receive a copy of the signed original for their own record.

Adopted in Parma on 6/10/2022

For the EFSA Management Board

NOT SIGNED

(name and surname of the Chair)

Chair of the Management Board

¹⁰ <http://www.efsa.europa.eu/en/about/corporatedocs>