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<b>Effective date: Date of last signature</b>	<b>Supersedes:</b> IMPRUL_076 "Decision of the Management Board of EFSA concerning the establishment and operations of the Scientific Committee, Scientific Panels and of their Working Groups" of 01/07/2021 and IMPRUL_038 "Decision of the Executive Director concerning the selection of members of the Scientific Committee the Scientific Panels, and the selection of external experts to assist EFSA with its scientific work" of 22/05/2017.

## EUROPEAN FOOD SAFETY AUTHORITY

# ***Implementing Rule of the Management Board of the European Food Safety Authority laying down the rules on the selection, appointment and operations of the Scientific Committee, Scientific Panels and of their Working Groups***

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

Scope of the document
This decision lays down implementing rules on the detailed organisation and timing of the procedures for the selection by the Executive Director and the appointment by the Management Board of the members of Scientific Committee and Scientific Panels. It also

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provides for the procedures for the operation and cooperation of the Scientific Committee, Scientific Panels and of their Working Groups.
<b>Description</b>
<p>This decision reflects:</p> <ul style="list-style-type: none"> <li>the amendments to Regulation (EC) No 178/2002 introduced by Regulation (EU) 2019/1381 of the European Parliament and of the Council of 20 June 2019 on the transparency and sustainability of the EU risk assessment in the food chain with respect to selection of members of the Scientific Committee and Scientific Panels;</li> <li>certain updates aimed at leaning procedural aspects with regards to the renewal of the term of office and the operations of the Scientific Committee, Scientific Panels and their Working Groups.</li> </ul>
<b>References</b>
<ul style="list-style-type: none"> <li>Regulation (EC) No 178/2002 as last amended by Regulation (EU) No 2019/1381;</li> <li>Regulation (EC) No 1304/2003;</li> <li>Commission decision C(2014) 2220 on conditions for granting a special allowance to participants in the activities of a Commission expert group, as provided for in the horizontal rules for Commission expert groups;</li> <li>Decision of the Executive Director laying down the rules on the reimbursement of expenses incurred by third parties from outside EFSA invited to attend meetings in an expert capacity;</li> <li>EFSA Policy on Independence and its implementing rules;</li> <li>EFSA practical arrangement concerning transparency and confidentiality.</li> </ul>

### 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	06/10/2022 (TBC)	First version which supersedes IMPRUL_076 "Decision of the Management Board of EFSA concerning the establishment and operations of the Scientific Committee, Scientific Panels and of their Working Groups" and IMPRUL_038 "Decision of the Executive Director concerning the selection of members of the Scientific Committee the Scientific Panels, and the selection of external experts to assist EFSA with its scientific work."

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## **Implementing Rule of the Management Board of the European Food Safety Authority laying down the rules on the selection, appointment and operations of the Scientific Committee, Scientific Panels and of their Working Groups**

### **THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY,**

Having regard to Regulation (EC) No 178/2002 (hereinafter referred to as 'the Regulation (EC) No 178/2002') 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 Articles 25(3) and 28(5c) and 28(9) thereof<sup>1</sup>,

Having regard to 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 it<sup>2</sup>,

Having regard to EFSA's Policy on Independence<sup>3</sup> and the rules in force at the time when the screening of the Declarations of Interest takes place<sup>4</sup>.

Whereas:

- (1) Regulation (EU) 2019/1381 on the transparency and sustainability of the EU risk assessment in the food chain has amended Regulation (EC) No 178/2002 as regards the procedures for the selection by the Executive Director and the appointment by the Management Board of the members of Scientific Committee and Scientific Panels. In this context, pursuant to Article 28(5c) thereof, the Management Board is required to adopt, on the basis of a proposal of the Executive Director, rules on the detailed organisation and timing of the procedures.
- (2) Moreover, pursuant to Article 28(9) of Regulation (EC) No 178/2002, the procedures for the operation and cooperation of the Scientific Committee and the Scientific Panels must be laid down in the EFSA's internal rules adopted by the Management Board, on the basis of a proposal of the Executive Director.
- (3) In order to comply with its mandate and tasks, EFSA also relies on external experts. The procedures for the selection of those experts should be transparent and applied in a consistent manner.
- (4) The Executive Director has presented to the Management Board a comprehensive proposal covering the above aspects.

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<sup>1</sup> OJ L 31, 1.2.2002, p. 1. This Regulation was last amended by Regulation (EU) No 2019/1381 of the European Parliament and of the Council of 20 June 2019 on the transparency and sustainability of the EU risk assessment in the food chain and amending Regulations (EC) No 178/2002, (EC) No 1829/2003, (EC) No 1831/2003, (EC) No 2065/2003, (EC) No 1935/2004, (EC) No 1331/2008, (EC) No 1107/2009, (EU) 2015/2283 and Directive 2001/18/EC, OJ L 231, 6.9.2019, p. 1-28.

<sup>2</sup> OJ L 185, 24.7.2003, p. 6.

<sup>3</sup> European Food Safety Authority, mb170621-a2, EFSA's policy on independence – ADOPTED, available online at <https://www.efsa.europa.eu/en/howwework/independentscience>

<sup>4</sup> <https://www.efsa.europa.eu/en/corporate/pub/independencepolicy17>

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- (5) The reimbursement of expenses sustained by the experts in the context of their cooperation with EFSA is addressed by the Decision of the Executive Director in the Experts' Compensation Guide<sup>5</sup>.

*Has decided as follows:*

### **TITLE I**

## **SCIENTIFIC COMMITTEE AND SCIENTIFIC PANELS**

### ***Chapter I - Composition, Selection and Appointment***

#### **Article 1 - Composition**

1. Members of the Scientific Committee and the Scientific Panels shall be independent scientific experts specialised in the remit of the Scientific Committee or of a Scientific Panel, selected and appointed in their personal capacity, in accordance with the criteria set out in Regulation (EC) No 178/2002 and these rules.
2. Members of the Scientific Committee and the Scientific Panels shall be subject to the EFSA Policy on Independence and the rules in force at the time when screening of the Declarations of Interest take place.
3. Each Scientific Panel shall include a minimum of 11 member and not exceed a maximum of 21 members.

#### **Article 2 - Term of office**

1. Members of the Scientific Committee and of the Scientific Panels shall be appointed for a five-year term of office that may be renewed, provided that, at the time of renewal, the expert's membership of the concerned scientific entity has not reached ten years. To verify the fulfilment of that condition, the period since the creation of the concerned scientific entity shall be taken into account. As a consequence:
  - (a) Candidates who at the time of renewal have served less than ten years as members of a given scientific entity are eligible for appointment for the same or a different scientific entity;
  - (b) Candidates who at the time of renewal have served ten years or more as members of a given scientific entity are eligible for appointment for a different scientific entity only.

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<sup>5</sup> [http://www.efsa.europa.eu/sites/default/files/Experts\\_compensation\\_guide.pdf](http://www.efsa.europa.eu/sites/default/files/Experts_compensation_guide.pdf)

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2. The term of office of members appointed at a later date than those appointed in accordance with Article 5(1) shall terminate at the same time as the term of office of the latter members.

### **Article 3 - Criteria for selection procedure and the appointment**

1. The selection procedure and the appointment of members of the Scientific Committee who are not members of the Scientific Panels and the members of the Scientific Panels shall be drawn up on the basis of the following criteria:
  - (a) high level of scientific expertise;
  - (b) independence and absence of conflict of interests in accordance with Article 37(2) of Regulation (EC) No 178/2002, the EFSA's Independence policy and with its rules on Competing Interest Management;
  - (c) meeting the needs for the specific multi-disciplinary expertise of the Scientific Panel to which they will be appointed and the applicable language regime;
2. Where candidates have equivalent scientific expertise, the Management Board shall ensure that the broadest possible geographical distribution is achieved in the appointments.
- ~~2.~~3. Without prejudice to paragraphs 1 and 2, the Management Board shall endeavor to ensure that a gender balance is also achieved in the appointments.

### **Article 4 - Selection**

1. A procedure for the selection of members of the Scientific Committee and the Scientific Panels shall be organised prior to the expiry of the term of office of the members of these scientific entities.
2. To this end, a call for expressions of interest for membership in these scientific entities shall be published in the Official Journal of the European Union, on the Authority's website and in relevant leading scientific publications. The publication of that call shall be carried out by the Authority after having informed the Member States about the necessary criteria and fields of expertise.
3. On the basis of the applications received, the Executive Director shall draw up a draft list of suitable candidates, including at least twice the minimum number of candidates necessary to fill the posts in the Scientific Committee and the Scientific Panels.
4. The Executive Director shall also assess the specific multidisciplinary expertise needed in the Scientific Committee and each Scientific Panel, making an indication for their membership and for the number of members of each Scientific Panel.



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5. The Executive Director shall provide the Management Board with the draft list of candidates referred to in paragraph 3 and the indication on the specific multidisciplinary expertise needed referred to in paragraph 4.

### **Article 5 - Appointment**

1. On the basis of the elements referred to in Article 4(5), the Management Board shall appoint the members of the Scientific Committee who are not members of the Scientific Panels and the members of the Scientific Panels.
2. Candidates shall be considered suitable for appointment for the Scientific Committee or a Scientific Panel, subject to the validation of their Declaration of Interests.
3. The Management Board shall draw up a reserve list consisting of the candidates from the draft list referred to in Article 4(3) who have not been appointed in accordance with paragraph 1. The reserve list shall serve for future appointment needs and remain valid until the end of the term of office of members appointed in accordance with Article 5(1).
4. In case the reserve list referred to in paragraph 3 does not include sufficient candidates with the required scientific profile to meet future appointment needs and there is the need to appoint members of Scientific Committee/Scientific Panels, the Executive Director shall launch a targeted call for expressions of interest for scientific experts with the sought profile and expertise. The selection and appointment of members shall follow the same procedures as described in Articles 4 and 5. Candidates selected in the context of targeted calls for expressions and ultimately not appointed by the Management Board shall be included in the reserve list referred to in paragraph 3.

### **Article 6 - Appointment of additional members of Scientific Panels**

1. When EFSA identifies that specific expertise is missing in one or several Scientific Panels, the Executive Director shall propose to the Management Board the appointment of additional members of the relevant Scientific Panels, insofar as the concerned Scientific Panel(s) has not yet reached the maximum number of members referred to in Article 1(3), which shall not in any case be exceeded.
2. The additional candidates proposed for appointment to the Management Board shall be identified by the Executive Director from the reserve list referred to in Article 5(3). If the situation described in Article 5(4) occurs, the Executive Director shall launch a targeted call for expressions of interests in accordance with the latter provision.
3. The condition laid down in Article 5(2) on the Declaration of Interests shall apply to the appointment of additional members of Scientific Panels in accordance with this Article.



## *Chapter II – Operations*

### **Article 7 - Election of the Chairs and Vice-Chairs**

1. The Scientific Committee and Scientific Panels shall each choose a Chair and two Vice-Chairs from among their members.
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 Head of Unit supporting the Scientific Committee or the Scientific Panel 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 EFSA 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 in compliance with the principles referred to in Article 37.
  - (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 steps:
    - 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, the candidate receiving the majority shall be elected.
  - (d) Candidates may withdraw their candidature at any time during the procedure.
3. Two Vice-Chairs shall be elected separately, following a procedure identical to that of the Chair.
4. If the office of Chair falls vacant, the Scientific Committee/the relevant Scientific Panel shall decide which of the Vice-Chairs shall replace him or her until later elections.
5. The names of the Chair and Vice-Chairs shall be recorded in the minutes of the meeting and shall be made public.

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### **Article 8 - Delegation of responsibilities**

1. The members of the Scientific Committee and Scientific Panels shall not delegate their responsibilities to another member of the Scientific Committee or Scientific Panel or to a third person.
2. If the Chair cannot temporarily fulfil this function due to a justified absence, it shall be replaced by one of the Vice-Chairs or by another member decided by the in-majority common accord of the members.

### **Article 9 - Training**

~~Members of Scientific Panels and the Scientific Committee shall have access to comprehensive training on the risk assessment~~

Given the duration of the mandate of the Scientific Committee and Scientific Panels, it is important to take account of future developments in all areas of risk assessment in the food chain. To this end, EFSA shall ensure that members of the Scientific Committee and Scientific Panels receive the appropriate training in line with EFSA's standards of scientific quality.

### **Article 10 - Monitoring the participation and contribution of members**

1. EFSA shall monitor, document and appraise the participation and contribution of members of the Scientific Committee and Scientific Panels during each term.
2. 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.
3. To replace members dismissed in accordance to paragraph 2, the Management Board, acting on a proposal of the Executive Director, may appoint members from the reserve list referred to in Article 5(3). If the situation described in Article 5(4) occurs, the Executive Director shall launch a targeted call for expressions of interest in accordance with the latter provision.

### **Article 11 - Replacement of members**

1. If a member of the Scientific Committee and/or a Scientific Panel resigns before the end of the term of office referred to in Article 2, the Management Board, acting on a proposal of the Executive Director, may appoint a new member from the

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reserve list referred to in Article 5(3). If the situation described in Article 5(4) occurs, the Executive Director shall launch a targeted call for expressions of interest in accordance with the latter provision.

2. EFSA shall regularly evaluate the need for scientific expertise on the basis of the tasks of the Authority. If, as a result of such evaluation, EFSA detects that the Scientific Committee and/or a Scientific Panel are assigned requests for scientific advice which require scientific expertise other than that already present in the concerned scientific body and that scientific body already comprises the maximum number referred to in Article 1(3), the Executive Director may submit to the Management Board a proposal for the replacement of one or more members of the concerned scientific body. This proposal shall take into account the estimate of the number and types of future requests for scientific advice to be assigned to the concerned scientific body, an overview of the available scientific expertise and a forecast of future needs for scientific expertise other than that already present in the concerned scientific body. The Management Board, acting on the proposal of the Executive Director, may replace one or more members of that scientific body with new members meeting the required expertise. The procedure described in Article 6 shall apply.
3. When starting their term of office, Members of the Scientific Committee and of the Scientific Panels appointed in accordance with Articles 5 and 6 shall be duly informed about the possibility to be replaced in accordance to paragraph 2.

### **Article 12 - Requests for scientific advice**

The Executive Director shall assign requests for a scientific opinion to either the Scientific Panels in accordance with their mandate<sup>6</sup> 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.

### **Article 13 - 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 human health, animal health, plant health or the environment. 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,

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<sup>6</sup> The mandates of the Scientific Panels are set out in Article 28(4) of Regulation (EC) No 178/2002.

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EFSA shall inform the Scientific Committee and the relevant Scientific Panel(s) of the Executive Director's decision.

### **Article 14 - Co-ordination of the work of the Scientific Committee and the Scientific Panels**

1. The Chairs of the Scientific Panels shall keep the Scientific Committee informed of their activities through regular reports at meetings of the Scientific Committee.
2. The Scientific Committee shall be responsible for ensuring consistency in the approach to risk assessment from the development of guidance on methods to its consistent implementation across all Scientific Panels.

### **Article 15 - Planning of meetings, documentation and time limits**

1. The Scientific Committee and Scientific Panels shall establish a schedule of their meetings for the forthcoming calendar year. The term 'meetings' shall be intended as including physical meetings, hybrid meetings and meetings held by video/audio/web conference, hereinafter referred to as 'tele-meeting'.
2. The draft agendas of the meetings of the Scientific Committee and Scientific Panels shall be drawn up by EFSA in consultation with the Chair. The draft agenda shall be made available to its members before any meeting. The agenda shall be adopted at the beginning of the meeting taking account of any agreed amendments and, pursuant to Article 38(1)(a) of Regulation (EC) No 178/2002, shall be made public without delay after the end of the relevant meeting.
3. As regards time-limits for the delivery of scientific opinions, the Authority shall apply 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 16 - 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 the nature of the question 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

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possible in accordance with the applicable 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); or

- (b) A statement by the Authority prepared by the Authority's staff members. The Chair of the Scientific Committee or of the relevant Scientific Panel shall be informed of the question and the process. Members of 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 (a) and (b) of paragraph 1 may be adopted by the Executive Director.

### **Article 17 - Public/targeted consultation on mandates and draft scientific output**

1. Without prejudice to the mandatory public consultations referred to in Article 32c of of Regulation (EC) No 178/2002 on the list of intended studies for renewal and on the non-confidential versions of applications or notifications, in line with its commitment to advance public and stakeholder engagement in the context of its scientific assessment process, ~~and in addition to the legally required public consultations on the list of intended studies for renewal and application dossiers,~~ the Authority, in consultation with its Scientific Committee or Scientific Panels, may decide to launch a public or targeted consultation on a given mandate or on a draft scientific output.
2. The responsible Scientific Committee, Scientific Panel or Working Group shall take account of the comments received during the consultation.
3. In relation to public consultations on draft mandates or draft scientific output, all comments received shall be published at the closure of the public consultation. By way of derogation from this general principle, upon receipt by EFSA of a request for anonymity by an individual having submitted comments in a personal capacity, the identity of that individual shall not be disclosed. Comments submitted on behalf of an organisation shall be attributed to that organisation. A description on how the comments were addressed shall be included in the scientific output.

### **Article 18 - Written Procedures**

1. In the event that the nature, urgency or circumstances do not necessitate or allow discussion at a meeting, a draft opinion, a statement or guidance may be adopted by written procedure. In this case, EFSA shall send the draft to the members of the Scientific Committee or the relevant Scientific Panel with a request for approval by a specified date.
2. 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

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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 referred to in Article 19(3) can be assured. The conclusion of the written procedure shall be included in the minutes of the meeting.

### **Article 19 - Adoption of a Scientific Committee/Scientific Panel Output**

1. The meetings of the Scientific Committee and Scientific Panels shall address the major issues identified and the comments provided by their members. To this end, the members of the Scientific Committee and Scientific Panels shall ensure to provide their comments before the meeting in accordance with the timeline specified in the EFSA's standard operating procedures.
2. The Scientific Committee and individual Scientific Panels shall adopt their scientific opinions at their plenary meetings or by the procedure set out in Article 18.
3. A quorum of at least two thirds of the members of the Scientific Committee or of a Scientific Panel shall have to be present in order to be able to adopt opinions validly.
4. The Scientific Committee and Scientific Panels shall adopt opinions by majority of their members. Members of the Scientific Committee and Scientific Panels present at the meeting shall cast their vote by expressing either their agreement or their disagreement with the draft output (minority opinion(s) to be presented at the conditions set out in Article 21).
5. 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.
6. With the exception of the elements of the opinion considered confidential pursuant to Article 39 of Regulation (EC) No 178/2002 or relevant sectorial legislation, the full scientific opinion shall be published without delay on the Authority's journal.

### **Article 20 - 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. EFSA may invite observers to attend the meetings of the Scientific Committee and the Scientific Panels. This is in particular the case, when EFSA receives a mandate from a Member State, [the EFTA Surveillance Authority](#) or the European Parliament.



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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 21 and without prejudice to the organisation of meetings open to observers, or to Regulation (EC) No 1049/2001 on public access to documents, individual views, whether expressed orally or in writing by members during deliberations within the Scientific Committee or Scientific Panels shall be confidential.

### **Article 21 - Minority opinions**

1. Without prejudice to the use to written procedure in urgent cases, the opinions of the Scientific Committee and Scientific Panels within the meaning of Article 29 of Regulation (EC) No 178/2002 shall include any minority opinions expressed by individual members of the Scientific Committee and Scientific Panels.
2. 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 opinion to which they refer, shall be attributed to their author(s) and shall be discussed by the relevant Scientific Panel or the Scientific Committee.
3. The outcome of the discussions regarding the adoption of the opinion including comments by the Scientific Panel or Scientific Committee on the minority opinion shall be recorded in the minutes of the relevant meeting.

### **Article 22 - Minutes**

1. In accordance with Article 31, EFSA shall prepare draft minutes of plenary meetings. These shall contain, inter alia:
  - the list of participants;
  - potential conflicts of interests identified by screening Specific or Oral Declarations of Interests made by participants and the action taken to prevent their occurrence;
  - a summary of discussions, including agreed actions;
  - if applicable, a summary of the discussion on any minority opinion expressed by members of the Panel;
  - if applicable, remaining diverging views expressed by members of the Working Group (pursuant to Article 29);
  - a record of decisions taken and opinions adopted.
2. The draft minutes shall be circulated to members for comments and agreement in line with EFSA's standard operating procedures.



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3. Pursuant to Article 38(1)(a) of Regulation (EC) No 178/2002, the minutes shall be made public on the Authority's website without delay after their finalisation and shall not contain items granted confidential status pursuant to Articles 39-39e of that Regulation.

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## **TITLE II**

### **WORKING GROUPS**

#### *Chapter I - **Composition, Selection and Appointment***

##### **Article 23 - Establishment of 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 or in order to enhance the multidisciplinary nature of their expertise. The Scientific Committee and Scientific Panels shall entrust the Working Groups with tasks that are clearly defined. The Scientific Committee or the relevant Scientific Panel can require that these tasks be completed within a set period.
2. EFSA may establish Working Groups to support requests from the Commission or the EFTA Surveillance Authority to provide scientific and technical assistance, whenever it deems it necessary for reasons related to the need for external expertise. EFSA shall entrust the Working Groups so established with clearly defined tasks and can require that these tasks are completed within a set period.
3. There shall be only one Working Group on a given topic per food domain, irrespective of the nature of the mandates to be addressed and of the output to be delivered.
4. Working Groups shall regularly update the Scientific Committee and/or the relevant Scientific Panel(s) on the requests assigned to them.

##### **Article 24 - Composition, Selection and Appointment**

1. The number of members and composition of a Working Group shall be decided on the basis of the competences needed to fulfil its mandate.
2. Apart from members of the Scientific Committee and the Scientific Panels, external experts may contribute to the work of EFSA, its Scientific Committee or Scientific Panels through their Working Groups, when they possess particular and relevant scientific knowledge.
3. External experts shall not be considered members of the Scientific Committee or a Scientific Panel without undergoing the selection procedure envisaged for members of the Scientific Committee and the Scientific Panels.
4. Members of Working Groups may be drawn from any of the Scientific Panels or the Scientific Committee, from the reserve list referred to in Article 5(3) or from

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other relevant sources and databases. They shall be selected and appointed in line with EFSA's standard operating procedures.

5. Members of Working Groups shall be subject to EFSA's Independence policy and rules.
6. The names of participants, including the Chair, of Working Groups shall be made public pursuant to Article 38 (1)(a) of Regulation (EC) No 178/2002 without delay after the end of the relevant meeting.

### ***Chapter II - Operations***

#### **Article 25 - Nomination of the Chairs and Vice-Chairs**

1. The Chair of the Working Group shall be nominated by the Head of the Unit supporting that Working Group, in consultation with the Chair of the Scientific Committee or of the relevant Scientific Panel, and in compliance with the principles referred to in Article 37. The Chair shall be chosen either from the members of the Working Group or among EFSA staff members.
2. Where appropriate, the Head of Unit supporting that Working Group, in consultation with the Chair of the Scientific Committee or the Chair of the relevant Scientific Panel, may nominate Vice-Chairs.

#### **Article 26 - Delegation of responsibilities**

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

#### **Article 27 - Exclusion**

An external expert may be excluded from the Working Group by the Head of the Scientific Unit supporting the Working Group, 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 28 - Rapporteurs**

1. After the acceptance by EFSA of a request for a draft opinion, the Head of Unit supporting that Working Group, in consultation with the Chair of the Working Group, may designate one or more Rapporteurs. Rapporteur(s) shall ensure inter alia that the draft opinion is prepared, if necessary within a set time period.

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2. The Rapporteur(s) shall work in close co-operation with EFSA and may present the draft opinion of the Working Group to the relevant Scientific Panel and/or the Scientific Committee.
3. The work of a Rapporteur shall be considered terminated when the Head of Unit supporting that Working Group approves the input delivered by the Rapporteur.

### **Article 29 - 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. EFSA may invite observers to attend the meetings of Working Groups, including when EFSA receives a mandate from a Member State, [the EFTA Surveillance Authority](#) or the European Parliament. Observers shall not participate or intervene in the discussions, in the drafting or in other activities carried out in the meetings they attend.
3. Without prejudice to the organisation of meetings open to observers, or to Regulation (EC) No 1049/2001 on public access to documents, individual views expressed orally or in writing by members during discussion within Working Groups shall be confidential.

### **Article 30 - Finalisation of a draft contribution**

1. The Working Group shall finalise their draft contribution to the work of the Scientific Committee, the Scientific Panels or the relevant EFSA Scientific Unit at their meetings or in writing.
2. Diverging views expressed by members of the Working Group shall be reported by the Chair of the Working Group to the Scientific Committee, the relevant Scientific Panel(s) or the Head of the Scientific Unit for consideration.

### **Article 31 - Minutes**

1. According to its tasks, as laid down in the present Decision, EFSA shall prepare draft minutes of Working Groups' meetings. These shall contain, inter alia:
  - the list of participants;
  - potential conflicts of interests identified by screening Declarations of Interests filled in by participants and the action taken to prevent their occurrence;
  - a summary of discussion including agreed actions;

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- if applicable, any diverging views expressed by members of the Working Group on the final draft.
- 2. The draft minutes shall be approved by the members at the end of the meeting or be circulated to the members for comments and agreement in line with EFSA's standard operating procedures.
- 3. Pursuant to Article 38(1)(a) of Regulation (EC) No 178/2002, the minutes shall be made public on the Authority's website without delay after their finalisation and shall not contain items granted confidential status pursuant to Articles 39-39e of that Regulation.

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### TITLE III - COMMON PROVISIONS

#### Article 32 - **EFSA Units supporting the Scientific Committee, the Scientific Panels and its Working Groups**

The Head of the Unit supporting the Scientific Committee, a Scientific Panel or a Working Group shall be responsible for providing the scientific, technical and administrative support needed to facilitate the efficient functioning of the relevant scientific entity. Specific duties of EFSA shall include, but are not limited to:

- Support the scientific work within and between the Scientific Committee, Scientific Panels and the Working Groups;
- Ensure that the Scientific Committee and Scientific Panels work in close co-operation with each other;
- Draft scientific outputs and assessment of applications as a basis for discussion in Working Groups and Scientific Committee/Panel meetings;
- Prepare scientific advice in specific circumstances (e.g. request for urgent advice, self-tasking);
- Provide scientific or technical assistance in accordance with Article 31 of Regulation (EC) No 178/2002;
- Ensure consistency of EFSA's risk assessment approaches;
- Safeguard adherence to sector specific and horizontal EFSA guidance documents and relevant EU legislation and EFSA internal rules;
- Exercise 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;
- Promote adequate cooperation with Member States;
- Administrative/technical support;
- Draft agendas and minutes of meetings in line with EFSA's standard operating procedures;
- Ensure that relevant background information is made available to the Scientific Committee or Scientific Panels and Working Groups;
- Monitor scientific and regulatory developments;
- Provide information on the legal or public policy aspects of questions.

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### **Article 33 - Public hearings**

1. Public hearings may be organized by EFSA if it considers it necessary for the development of a scientific output, at the suggestion of the Scientific Committee or a Scientific Panel or on its own initiative. The Scientific Committee, a Scientific Panel or a Working Group shall not take any decisions during hearings.
2. Public hearings shall be announced on the EFSA website.

### **Article 34 - Hearing Experts**

1. Hearing experts are individuals invited by EFSA who are in the possession of specific information, data, expertise or knowledge considered instrumental to achieving the desired level of accuracy and completeness of the relevant scientific output.
2. Upon suggestion of the Scientific Committee, a Scientific Panel or a Working Group, the Head of Unit supporting the respective scientific body may invite hearing experts on an ad hoc basis to present and share information, data, or knowledge in their possession with the members of the responsible Scientific Committee, Scientific Panel or Working Group and answer questions related to their input.
3. The participation of hearing experts shall be indicated in the minutes of the meeting of the concerned Scientific Committee, Scientific Panel or Working Group.
4. Input provided by hearing experts can only be included in a scientific output following review by the Scientific Committee, a Scientific Panel, or a Working Group. Hearing experts shall not draft scientific outputs, participate in the deliberations, vote, chair the meetings or be a rapporteur.
5. The rationale for the invitation of hearing experts and the approval by the Head of the Unit supporting the respective scientific body shall be documented.

### **Article 35 - Mission expenses of members, external experts and indemnities**

1. Travel and subsistence expenses incurred by members in connection with meetings relating to the Scientific Committee or Scientific Panels or incurred by members or external experts in connection with meetings relating to one of their Working Groups shall be reimbursed by the Authority in accordance with the



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scales laid down in the Authority experts' compensation guide<sup>7</sup>, in line with the Commission Decision related to the experts compensation.

2. Members and external experts shall be entitled to an indemnity in accordance with the scales laid down in the Authority experts' compensation guide, to compensate for their preparation and contribution to the work of the Scientific Committee or a Scientific Panel or one of their Working Groups. Rapporteurs, the Chairs of the Scientific Committee, Scientific Panels and Working Groups shall be entitled to an additional indemnity in accordance with the scales laid down in the Authority experts' compensation guide.

### **Article 36 - Confidentiality**

1. Members of Scientific Committee or Scientific Panels as well as external experts participating in Working Groups, hearing experts and observers, shall not divulge to third parties information received in the framework of their activity, unless explicitly authorised.
2. Members of the Scientific Committee or Scientific Panels as well as external experts participating in Working Groups, hearing experts and observers, shall sign a written declaration that they undertake to comply with the obligation of professional secrecy pursuant to Article 339 TFEU . Members of the Scientific Committee or Scientific Panels as well as external experts participating in Working Groups, hearing experts and observers shall be bound not to disclose information of the kind covered by the obligation of professional secrecy, including the obligation to protect items granted confidential status by the Authority in accordance with Articles 11, 12 or 14 of EFSA's Practical Arrangements concerning transparency or confidentiality, or claimed confidential by the persons submitting a confidentiality request, pending a confidentiality decision thereon.
3. Members of the Scientific Committee or Scientific Panels and external experts participating in 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.

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<sup>7</sup> Decision of the Executive Director laying down the rules on the reimbursement of expenses incurred by third parties from outside EFSA invited to attend meetings in an expert capacity, available at [http://www.efsa.europa.eu/sites/default/files/Experts\\_compensation\\_guide.pdf](http://www.efsa.europa.eu/sites/default/files/Experts_compensation_guide.pdf).

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### **Article 37 - Independence**

1. Members of the Scientific Committee, Scientific Panels and Working Groups and hearing experts shall comply with EFSA's independence policy and rules on competing interest management<sup>8</sup>.
2. Members of the Scientific Committee, Scientific Panels and Working Groups shall not represent the opinion of a Member State, of their employers or of any other organisation.

### **Article 38 - Protection of personal data**

1. All personal information in the context of the present Decision shall be processed in compliance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and of the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.
2. The purpose of the data processing is the organisation of the selection, appointment and operations of the Scientific Committee, Scientific Panels and Working Groups. Personal data cannot be processed for any unrelated purpose.
3. The Executive Director is the controller of personal data processing in the context of the present Decision.
4. Recipients of personal data:
  - (a) The EFSA Management Board and Advisory Forum, the Executive Director and Heads of Department, the Head of Unit and the staff of the EFSA unit supporting the Scientific Committee, Scientific Panel or Working Group in question, the Human Capital Unit, the Legal Affairs Services.
  - (b) Bodies charged with a monitoring or inspection task in conformity with Union Law, including the European Court of Auditors, the European Data Protection Supervisor, the European Anti-Fraud Office (OLAF) and the Internal Audit Service of the European Commission.
5. In their capacity of data subjects, the members of the Scientific Committee, Scientific Panels and Working Groups as well as candidates for positions in these scientific entities in application of the selection, appointment and nomination processes outlined in the present Decision, as well as hearing experts can contact the controller (see point 3) to exercise their right of access, rectification and related rights pursuant to Regulation (EU) 2018/1725. They have a possibility at

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<sup>8</sup> EFSA Policy on Independence and its implementing rules are available at <http://www.efsa.europa.eu/en/about/corporatedocs>

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any time to update or rectify their identification data.

For what concerns the selection processes for membership of the relevant scientific entities following a call for expressions of interest, candidates are not able to update or correct data demonstrating their compliance with the eligibility criteria and selection criteria after the closing date of the call in question. Eligible candidates have a right of access to their evaluation results, except for comparative results of other eligible candidates.

6. Information on candidates and appointed members of the Scientific Committee, Scientific Panels and Working Groups is kept in line with the retention periods of personal data applied in EFSA's selection procedures.
7. EFSA's data protection officer can be contacted for advice or clarification in relation to the processing of personal data, writing to [DataProtectionOfficer@efsa.europa.eu](mailto:DataProtectionOfficer@efsa.europa.eu). Data subjects have a right to lodge a complaint about the processing of their personal data in the context of the present Decision with the European Data Protection Supervisor – [EDPS complaints form](#).<sup>9</sup>

### **Article 39 - Entry into force**

1. This Decision shall take effect on the day following the date of its adoption.
2. This Decision repeals the Decision of the EFSA Management Board of 1 July 2021 concerning the establishment and operations of the Scientific Committee, Scientific Panels and of their Working Groups and the Decision of the Executive Director of 29 July 2021 concerning the selection of members of the Scientific Committee the Scientific Panels, and the selection of external experts to assist EFSA with its scientific work.

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

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<sup>9</sup> <http://www.edps.europa.eu>.