

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE EUROPEAN FOOD SAFETY AUTHORITY
AND
THE EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL**

COVER NOTE

Summary:

In view of the intensifying cooperation on issues of common interest, the the European Food Safety Authority (EFSA) and the European Centre for Disease Prevention and Control (ECDC) are updating their Memorandum of Understanding which was initially agreed in 2014.

EFSA and ECDC cooperate and coordinate their work in accordance with their respective mandates under their Founding Regulations and other relevant legal acts. The benefits of this cooperation are in the areas of food safety, control of communicable diseases, infectious diseases prevention and emergency response.

MEMORANDUM OF UNDERSTANDING BETWEEN THE EUROPEAN FOOD SAFETY AUTHORITY AND THE EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL

The European Food Safety Authority (EFSA) and the European Centre for Disease Prevention and Control (ECDC), each hereinafter referred to as "Agency" or jointly as the "Agencies",

Having regard to their respective mandates as set out in their respective Founding Regulations (Regulation (EC) No 178/2002 for EFSA¹, Regulation (EC) No 851/2004 for ECDC²) and the joint need to further develop information exchange, scientific technical cooperation and better mutual understanding between both Agencies,

Having regard to the Common Approach on decentralised agencies³ and various initiatives under the framework of the EU Agencies Network with a view to create efficiencies and synergies between the Agencies,

Whereas:

1. It is within the Agencies' common interest as well as the public's interest to enhance their co-operation in contributing to protect public health and the environment.
2. Taking note with satisfaction of the on-going co-operation and progress achieved so far under the 2014 Memorandum of Understanding.
3. Acknowledging that other types of specific collaborations are envisaged between the Agencies, which should be incorporated into the framework of this Memorandum of Understanding (hereinafter "MoU").
4. Acknowledging existing agreements between ECDC, EFSA and other third

¹ 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, 01/02/2002, p. 1-24, as last amended.

² Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control, OJ L 142, 30/04/2004, p. 1-11.

³ [Joint Statement and Common Approach](https://europa.eu/european-union/sites/europa.eu/files/docs/body/joint_statement_and_common_approach_2012_en.pdf) (Parliament, Council & Commission), 2012 : https://europa.eu/european-union/sites/europa.eu/files/docs/body/joint_statement_and_common_approach_2012_en.pdf.

parties including on listeria⁴, joint molecular typing⁵, vectors⁶ and separate arrangements made between ECDC and EFSA, involving third parties to collaborate via exchange of written letter signed by respective Directors, such as is the case for the joint-interagency antimicrobial consumption and resistance analysis (JIACRA) reports following receipt of requests from the European Commission.

5. It is important in the common interest of the Agencies to intensify cooperation between them, especially from a one health perspective, relating to different topics including food safety, control of communicable diseases, infectious diseases prevention, zoonoses, antimicrobial resistance, food-borne outbreaks, scientific advice, microbial risk assessment, surveillance/monitoring, epidemiological investigation, rapid alert, early warning, identification of emerging risks, preparedness, emergency response, training, risk communication, and exchange of practices in the area of IT and data governance and analysis.
6. Acknowledging established professional linkages between the Agencies should be strengthened, including the possibility for temporary exchange of staff.
7. Access to information and data should be made easier to ensure consistency of opinions between the Agencies and facilitate their safety evaluations.

Have reached the following understanding:

I. Purpose of the Memorandum of Understanding

The purpose of this MoU is to enhance the co-operation between the Agencies in order to ensure coherence in scientific methods and opinions and to develop synergies and share knowledge on matters of mutual interest, in particular through joint activities/projects, active information exchange, sharing of knowledge, development of synergies, better mutual understanding and increased cooperation.

⁴ Scientific and technical collaboration agreement between ECDC, EFSA, the French Agency for Food, Environmental and Occupational Health Safety representing the European Union Reference Laboratory for *Listeria monocytogenes* on the European Listeria Typing Exercise (ELiTE) dated 16 January 2015.

⁵ Collaboration Agreement on the management of data on molecular testing of food, feed and animal isolates of selected food-borne pathogens and their use with molecular typing data on isolates from human infections for public health purposes, between ECDC, EFSA, Rijksinstituut voor Volksgezondheid en Milieu (National Institute for Public Health and the Environment), Agence Nationale de Sécurité Sanitaire de l'alimentation de l'environnement et du travail (French Agency for Food, Environmental and Occupational Health and Safety), and Istituto Superiore di Sanità (ISS) dated 12 April 2016.

⁶ Inter-agency framework contract for services between ECDC, EFSA, National Institute of Public Health and the Environment, Agricultural and Veterinary Information and Analysis Limited Co, Agricultural Research Centre for International Development, Environmental Research Group Oxford, Institute of Tropical Medicine, Public Health England and University of Agricultural Sciences and Veterinary Medicine of Cluj-Napoca dated 25 April 2018.

II. Areas to which the MoU applies

In accordance with their respective mandates under their Founding Regulations, co-operation between the two Agencies will relate to the following areas:

- (a) Communicable disease matters and food and feed safety in a one health context, including zoonoses, antimicrobial resistance, food-borne outbreaks, scientific advice, surveillance/monitoring, epidemiological investigation, rapid alert, early warning, identification of emerging risks, preparedness, emergency response, and any other matter falling within the remits of the two Agencies;
- (b) Communication on issues related to the areas identified above;
- (c) Exchange of scientific data and information and experience in developing scientific IT and support tools;
- (d) Opportunities for coordinated procurement, joint procurement and shared services;
- (e) Opportunities for collaboration on staff recruitment, joint competence development, temporary exchange of staff;
- (f) Opportunities for collaboration and synergies in data governance, data analytics, ICT development and ICT systems.
- (g) Opportunities for joint trainings

This MoU may be implemented through specific projects jointly agreed by the relevant Units of the Agencies. With the consent of both Agencies, cooperation can be extended to any other matter falling within their mutual interest.

It is recognised that such specific projects would benefit from inclusion within the framework of this MoU. Where future collaboration requires conclusion of separate documentation such as specific Terms of Reference or conclusion of similar documentary frameworks, the Agencies agree to then annex these to this MoU. This same reasoning also applies to those existing bilateral agreements between the two Agencies covering specific collaborations to date, which the Agencies agree shall also be annexed to this MoU.

III. Mutual Consultation

The Agencies undertake to, where possible and appropriate:

- (a) Consult each other regularly and endeavour to keep each other informed on strategic matters and on relevant operational matters of common interest, for the purpose of achieving their respective objectives;
- (b) Consult each other to ensure co-ordination on matters in which both Agencies have an interest;
- (c) Consult each other on the identification, scientific risk assessment and risk communication of outbreaks or in the event of other emerging health threats that may affect or concern public health, zoonotic animal diseases or food safety;
- (d) Share in advance their draft annual work and grants and procurements plans for the year ahead, with the view to identify synergies between activities leading to cooperation.

In particular, the Agencies may need to make use of each other's data and expertise when preparing opinions and other scientific reports, in accordance with the respective applicable

legal requirements.

IV. Common approach on conflict of opinions

Without prejudice to the provisions on conflicting opinions set out in the Agencies Founding Regulations⁷, in the event of diverging scientific opinions, the Agencies shall cooperate with a view to either resolving the divergence or presenting a joint statement clarifying the contentious scientific issues and identifying the relevant uncertainties in the data. This document shall be made public.

V. Capacity building, synergies, and stakeholder engagement

The Agencies undertake to, where possible and appropriate:

- (a) Perform, by mutual agreement, joint assessments of cross-border public health threats related to foodborne outbreaks and zoonotic diseases;
- (b) Consider opportunities for joint communication activities on issues of common interest (e.g. joint press releases, briefings, publications, online communications);
- (c) Facilitate opportunities for temporary staff exchange or a joint trainee programme;
- (d) Consider cooperation in other non-science areas, such as IT tools, e.g. software development;
- (e) Cooperate on public procurement or recruitment exercises, in particular under the framework of the EU Agencies Network.

VI. Information exchange and data governance

Both Agencies acknowledge that they are data-driven organisations handling highly complementary sets of data and facing common challenges. Therefore, the Agencies intend to cooperate on:

- (a) Exchanging/accessing data needed for their mandated functions without prejudice to the respective applicable Union legislation;
- (b) Increasing efforts to harmonise data formats and standards;
- (c) Exploring the application of modern technologies (e.g. artificial intelligence, machine learning and data mining);
- (d) Exchanging knowledge on IT development;
- (e) Strengthening data and IT governance practices.

Exchange of information between the Agencies may take place for the purpose of and in accordance with the provisions of this MoU and the applicable Union legislation.

Agencies agree that where there is such exchange of information using IT tools, systems, platforms or other forms of technology, the granting of access and use of these shall be dependent upon compliance with any applicable terms of service.

⁷ Article 30 of Regulation (EC) No 178/2002

VII. Coordination of Cooperation

To facilitate the co-operation undertaken within the context of this MoU, both Agencies designate one staff member as coordinator for the maintenance of close, direct and continuing contacts with a view to ensuring the application of the provisions of the present MoU. These contact persons will keep and update, as necessary, a list of contact persons for the main areas of collaboration.

The two Agencies will organise institutional meetings (at least once a year) and videoconferences/ teleconferences on a technical level on a regular basis.

VIII. Confidentiality of Information

Each Agency will ensure that information received on the basis of this MoU will be treated in accordance with their respective confidentiality policies, applicable laws and regulations governing the processing and release of information.

Sharing of information shall safeguard the legitimate rights of third parties, including their intellectual property rights. When exchange of data that is not publicly available takes place, confidentiality requirements shall apply as provided in the Agencies' Founding Regulations or other relevant legislation. Unauthorised use and processing of data provided by a third party for the benefit of another party shall not be allowed.

IX. Divergences of Interpretation or Implementation

The Agencies undertake to make the best efforts with a view to resolving any divergence that may arise in the interpretation or implementation of the MoU.

X. Amendments

This MoU may be amended by the mutual written agreement of the Agencies at any time.

XI. Termination of the MOU

This MoU may be terminated by either Agency giving at least three months' written notice, or by mutual written agreement.

XII. Entry into force

This MoU will enter into force upon signature by both Agencies and repeals the previous MoU signed in 2014.

Signed in two original versions, in the English language.

Signature: on file
Done at: Parma
Date:
Bernhard Url,
Executive Director

FOR THE EUROPEAN FOOD
SAFETY AUTHORITY

 Digitally signed by: Bernhard
Url
DN: CN = Bernhard Url email =
bernhard.url@efsa.europa.eu C
= IT O = EFSA OU = ED Office
European Food Safety Authority Date: 2021.04.30 08:58:24 +
01'00'

Signature: on file
Done at: Stockholm
Date:
Andrea Ammon
Director

FOR THE EUROPEAN CENTRE FOR
DISEASE PREVENTION AND CONTROL

Digitally signed by:
ANDREA AMMON (EUROPEAN CENTRE FOR DISEASE
PREVENTION AND CONTROL)
Date: 2021-05-03 15:28:31 UTC

ANNEX – List of existing agreements

Collaboration agreement on Avian Influenza
(signed 26.10.2017)

Collaboration Agreement on the management and sharing of molecular typing data of isolates from human, food, feed, animal, and the related environment for public health purposes
(signed 28.06.2022)

Available at: <https://www.efsa.europa.eu/sites/default/files/2022-06/collaboration-agreement-molecular-typing-EFSA-ECDC-WGS-DataCollection.pdf>