



European Food Safety Authority

Minutes of the Management Board Meeting 16 December 2004 Ministry of Agriculture, Den Haag

Members of the Management Board present

- Angeliki Assimakopoulou
- Carlos Escribano-Mora
- Peter Gaemelke
- Catherine Geslain-Lanéelle
- Matthias Horst
- Robert Madelin
- Pirkko Raunemaa
- Bart Sangster
- Stuart Slorach
- Roland Vaxelaire
- Patrick Wall

Staff of the European Food Safety Authority present

- Antoine Cuvillier
- Lucia De Luca
- Anne-Laure Gassin
- Pascale Gilson
- Anita Janelm
- Herman Koëter
- Christine Majewski
- François Monnart
- Geoffrey Podger
- Veerle Robberechts
- Ingela Söderlund
- Dimitri Vanderheyde
- Anja Van Impe
- Katty Verhelst
- Victoria Villamar

– PUBLIC SESSION

– Preliminary Formalities

Stuart Slorach opened the meeting by welcoming the Board members, the Authority's staff, those watching on the webstream and the live audience in the room.

The Chair informed the public that the Management Board was taking place in Den Haag on the kind invitation of the Netherlands, current holder of the Presidency of the EU. A joint mini-symposium of an informal group of heads of food safety authorities in the EU and the Management Board on risk communication as well as a formal reception had taken place on 15 December. The Chair thanked the Netherlands for the initiatives on behalf of the Board.

Apologies were received from Ernst Bobek, Giorgio Calabrese, Deirdre Hutton and Joao Machado.

No declarations of interest were made for any agenda items beyond those already made in the annual declarations of interest.

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1. Adoption of Agenda (Document MB16.12.2004 - 1)

- 1.1 The agenda was adopted.
- 1.2 No items were added to the agenda.

2. Adoption of draft minutes of the previous meeting and matter arising from the minutes (Document MB 16.12.2004-2)

- 2.1 The minutes of the Management Board meeting of 14 September were adopted, subject to the change suggested in 8.2.
- 2.2 The minutes of the meeting of 14 September would be published on the Authority's website.
- 2.3 The Management Board had created a Steering Group in order to prepare, with the staff of the Authority, the final Terms of Reference for the Authority's evaluation. The Chair thanked Cathérine Geslain-Lanéelle and the participants of the Steering Group for their efficient work. The Board had adopted by Written Procedure the Terms of Reference for the evaluation since the last meeting of the Board. The Authority would now publish the document and a call for tender and monitor the progress of the evaluation. The Steering Group would meet once again after the successful contractor had been appointed. The Executive Director informed the Board that the deadline for submission of offers under the tender would be 5 January 2005 and there would need to be an evaluation process which would take at least one month.
- 2.4 The Chair recommended creating similar subgroups and steering groups whenever appropriate in order to split some of the work of the Board.

3. Chairman – Update on meeting with Commissioner Kyprianou

- 3.1 The Chair, the Executive Director and other staff members met with Mr Kyprianou, the then to-be-appointed Commissioner for Public Health and Consumer Protection, on 19 October. The need to ensure a smooth transfer to Parma as quickly as possible had been discussed.

4. The Executive Director – General update on developments (Document MB 16.12.2004 - 3)

- 4.1 The Executive Director updated the Board on the main developments at the Authority as listed in document 3.
- 4.2 Following a discussion on these developments, it was decided that:
 - A document on the crisis scenario exercise in October in Rome would be prepared for the Board to consider at a subsequent meeting
 - The Authority would provide more information on the activities of the Working Groups of the Advisory Forum IT and on Communications. The Board advised the Authority not to create too many working groups and committees.

- The Authority proposed the establishment of an Advisory Group on Risk Communications which would not be part of the Authority's structure. This Advisory Group would be constituted of a multi-disciplinary group of experts with a wide range of expertise in fields relevant to risk communications and would assist the Authority in the implementation of its mission with regards to risk communications by providing advice, regarding the development and implementation of its risk communications strategies and plans. The intention would be to keep this group as a non-bureaucratic part of the organisation and to let it experiment in a transparent manner.
- The Authority would need to be fully involved in the legislation process in the European Parliament and the Council since the way the legislation has been prepared inevitably has an impact on the Authority's workload. The Executive Director confirmed that the Authority was now well represented in these fora.
- The Authority had indicated to the Parliament that it could resource the initial work on health claims and nutritional profiles. The staff requirements could, however, change depending on the legislation. The Board would be kept informed on this matter.
- The Authority would prepare a paper for a future Board meeting on the principle and criteria on how to deal with resignations of Panel members.

5. The Executive Director – Update on move to Parma

5.1 The Executive Director provided an update on the latest issues related to the move to Parma:

- The Authority was operational in Parma as of November 2004; all staff members would progressively have moved by the end of October 2005.
- The staff who were already in Parma have had substantial help from local authorities and the staff were content with the new working and living environment.
- The Authority welcomed the new arrangements for flights between Brussels and Parma as of 24 January. There would be one flight in each direction on Mondays, Wednesday and Fridays. The Executive Director expressed his thanks to the president of the Province of Parma who had been responsible for the establishment of this flight.
- Although the direct flight from Brussels may not be appropriate for all staff members and Panel experts, the Authority would arrange meetings which were of maximum convenience for experts, such as scheduling meetings in light of the new direct flights. Also other airlines seemed to be interested in having direct flights to other European capitals.
- The Authority would expect to hold a sufficient number of meetings in Parma but could not rule out also having them in other places, for instance in case of an urgent meeting, in combination with a conference, etc.
- As of September, primary school had been available in English and French much to the efforts of the Italian authorities. Secondary school would be available as of September 2005, hence a possible completion of the Authority's move in October 2005.

6. The Authority and its relation with Parma and its citizens (Document MB16.12.2004 - 4)

- 6.1 Christine Majewski introduced the paper which sets out the aspirations of the Authority in relation to its move to and settlement in Parma.
- 6.2 The Executive Director had written to the Presidents of the Region and the Province and to the Mayor of Parma to establish a Liaison Committee with the Authority in order to pursue the objective of further developing the close relations between the Authority and the local authorities. All layers of government approached have indicated a positive interest in accepting this offer.
- 6.3 The paper would be revised on a regular basis.

7. Management Plan 2005 – for discussion and adoption (Document MB16.12.2004 – 5)

- 7.1 The Executive Director and the respective Directors of Science, Communications and International & Institutional Affairs presented to the Board the detailed Management Plan and Work Programmes for 2005. The draft Budget, Establishment Plan and Management Plan were endorsed by the Board in its March meeting.
- 7.2 The Board noted that this document was an informed forecast of the workload and that there would need to be flexibility for the day-to-day management of the Authority. Any substantive changes in the Management Plan and work programmes would be brought to the attention of the Board.
- 7.3 Following a discussion, the Board members adopted the Management Plan 2005 on a provisional basis. The changes suggested in the meeting and in light of information expected from the Commission would be incorporated in the document and brought back to the Board for the meeting on 18 January.

8. Report with recommendations from Stakeholder Event – for adoption (Document MB 16.12.2004-6)

- 8.1 The Authority held a Stakeholder Event on 9 and 10 November in Berlin. A similar event had been held in 2003 in Oostende.
- 8.2 The purpose of this second colloque was to continue the developing dialogue with stakeholders in light of the more tangible relationships that have developed since the Authority's start up.
- 8.3 Following a discussion in the Board, the Board asked that the document be revised and brought back to a subsequent meeting.

9. Animal welfare policy – feedback from the Scientific Committee – for information (Document MB 16.12.2004 - 7)

- 9.1 The Board supported a pro-active animal welfare policy, based on sound scientific principles, in its meeting of 22 June. Herman Koëter introduced the progress report on the various initiatives to implement a pro-active animal welfare approach. He also explained that the paper had been discussed recently by the Scientific Committee. From that discussion it appeared that the concept of

“alternatives” was not understood by all as being very broad and including: (i) replacement of tests by better, preferably non-animal, tests, (ii) reduction of the numbers of animals used in testing and (iii) refinement of tests as to reduce discomfort of animals. Herman Koëter also explained that the animal welfare policy was directly linked to the scientific project on transparency (see Work Plan 2005, paragraph 84). A further document would be presented to the Board in the course of 2005.

10. Progress indicators (Document MB 16.12.2004-8)

10.1 Following a previous request from the Board, the Executive Director had established a set of performances indicators for the Authority as a means for the Board to help discharge its role in supervising the performance of the Authority. Indicators included the number of scientific opinions agreed against the total projected, the number of hits on the website, the number of people recruited and established in Parma, among others. The Board considered these indicators at its September meeting.

10.2 The Board agreed to start using the performance indicators (which it was agreed should be more appropriately called Progress Indicators), as described in document 8 as a management tool to e.g. allocate resources. As further progress indicators would become appropriate and available in the future, the document would be revised. An updated version would be made available at least quarterly. The Executive Director would keep the Board informed in case of problem areas.

10.3 The Board appreciated the indicators and the progress made. The Representative of the Commission commented that he would have preferred that progress indicators be broken down to Panel level. EFSA Secretariat explained that this level of detail would not be advisable as it could easily lead to misinterpretation of progress made by the respective panels. Panels adopting large numbers of opinions do not necessarily produce more than Panels adopting only a few opinions because opinions require very different amounts of work. The Management Board congratulated the Scientific Committee and Panels on the work done so far.

11. Actions following the 9 March Away Day (Document MB 16.12.2004-9)

11.1 The secretariat introduced the recommendations from the Board’s Away Day on 9 March in Dublin.

11.2 The Board noted the actions as laid down in document 9.

12. Budget 2005 – for adoption (Document MB 16.12.2004 – 10)

12.1 The secretariat updated the Board of the progress of the Budget process in the European Parliament and the European Council. The voting of the Budget had been scheduled to take place on 16 December. The Board was informed in the course of the day that the Parliament’s Budget Committee had approved and adopted the Authority’s budget proposal without any changes. However, the establishment plan had been downgraded by the Budget Committee. The Board agreed that this was a very serious issue and although the European Parliament

has asked all agencies to recruit staff in lower grades, at this phase of its establishment the Authority could not take junior staff that need essential training because of its lack of in-house training capacity EFSA would need staff with a great deal of experience and seniority in order to cope with the already full fledged work load. The question of grading would be pursued in the Board meeting of 18 January.

12.2 The Board adopted the Authority's budget 2005.

13. Transfers in the Authority's budget – for information (Document MB 16.12.2004-11)

13.1 The Executive Director updated the Board on the transfers done from one article to another within each chapter of the budget and from one chapter to another with a total limit of 10% of the appropriations for the financial year.

13.2 The Executive Director explained that forecasting remained difficult in a period of growth.

13.3 The Board noted the transfers in document 11.

14. Regulation laying down detailed rules for the implementation of certain provisions of the Financial Regulation for the Authority – for adoption (Document MB 16.12.2004-12)

14.1 The secretariat introduced the regulation laying down detailed rules for the implementation of certain provisions of the Financial Regulation for the Authority as well as modifications to articles 74, 75 and 99 of the Authority's Financial Regulation.

14.2 The Authority was asked by the Board to check whether the revised Financial Regulation was the same as the Commission's.

14.3 This document would be put back to the Board for adoption at the January meeting.

15. Changes to the Rules of Procedure concerning the quorum – for adoption (Document MB 16.12.2004-13)

15.1 Following the Board's discussion and request in its meetings of 22 June and 14 September, the Authority had produced a paper on the possible effects of the Board not being able to form a quorum which was presented by the Head of EFSA's Legal Department.

15.2 Following a vote amongst the Board members, the Board adopted option 3, i.e. two-third quorum with possibility for remote connection via telephone or videolink. The Authority would further develop rules on how to operate video and telephone conferencing.

15.3 The Chair stressed the value of the members' physical presence and would encourage their presence at all Board meetings.

16. Draft Decision on implementation of transparency and confidentiality requirements – for adoption (Document MB 16.12.2004-14)

16.1 The Executive Director introduced this agenda item by reiterating the Authority's commitment and transparency and its rules of transparency and confidentiality.

16.2 Following a discussion in the Board, the Board agreed that changes would be necessary and that the document should be reintroduced at the next meeting..

17. Revised Guidance of Declarations of Interest – for adoption (Document MB 16.12.2004-15)

17.1 In its March meeting, the Board endorsed the “Code of Conduct on Declarations of Interests”.

17.2 The Deputy Executive Director explained that following consultation in the Scientific Committee and Panels, the “Code of Conduct on Declarations of Interest” had been amended in order (1) to clarify that an ‘interest’ is not automatically considered as a negative and undesirable element, (2) to further elaborate on what constitutes an ‘interest’, and (3) to harmonize the level of detail of material and intellectual interests that should be clarified.

17.3 The Board adopted the revised guidance on declarations of interest, subject to a minor revision as agreed in the meeting.

18. Friends of the Earth report (Document MB 16.12.2004-16)

18.1 The Executive Director introduced this agenda item concerning a letter received by the Chair of the Board which leveled criticism at EFSA and in particular the Scientific Panel on GMOs. The criticisms focused on the procedures of EFSA in relation to GMO assessments, the nature of the work undertaken by the Panel as well as on the professional and personal positions of members of the Panel.

18.2 The Chair welcomed the interest of Friends of the Earth in the Authority's work, especially in a controversial area such as GMOs. The Chair drew the Board's attention to the statement published on the Authority's website on 29 November 2004 as its official response to the report from the FoE regarding risk assessments of EFSA's GMO Panel. He also stated that on investigating the criticisms in the report he had found these to be unjustified and wholeheartedly supported the work of EFSA and its GMO Panel.

18.3 The Executive Director informed the Board that the Friends of the Earth report has been shared with and discussed in the GMO Panel.

18.3 The Board supported the statement published on the Authority's website concerning this report and gave a vote of confidence to the GMO Panel.

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18.4 The Board decided that the Chair would write a letter to Friends of the Earth detailing the Authority's response to the criticisms made on policies and procedures of the GMO Panel.

19. Confirmation of 2005 meeting dates and away day – for information (Document MB 16.12.2004-17)

19.1 The meeting dates for the Board in 2005 have been agreed as follows:

Tuesday 18 th January 2005	Brussels	Start 09.00
Wednesday 9 th March 2005 (Away Day)	Parma	Start 10.00
Thursday 10 th March 2005	Parma	Start 09.00
Tuesday 21 st June 2005	Parma	Start 09.00
Tuesday 13 th September 2005	Parma	Start 09.00
Thursday 27 th October 2005	Parma	Start 09.00
Thursday 15 th December 2005	Brussels	Start 09.00

19.2 The Board has received an invitation to hold a meeting in the United Kingdom during its presidency in the first half of 2006. The UK would also host an Advisory Forum meeting during the same period.

The Chair closed the meeting by thanking the members of the Board, the audience, the Authority's staff for the preparatory work, the interpreters, the Dutch Presidency and the team responsible for the web streaming.