

COMMUNICATIONS & EXTERNAL RELATIONS

Decision

EFSA – European Food Safety Authority	Decision of the Management Board concerning the operation of the Advisory Forum	Decision No.: mb161005-a3
	Effective Date: 05/10/2016	Supersedes: MB 27.03.08 – Adopted, Decision concerning the operation of the Advisory Forum

Approvals	Signature	Name
Originator	Signed	Bernhard Url (Executive Director)
Management Board	See Decision	Jaana Husu-Kallio (Chair)

Introduction	The Management Board Decision MB 27.03.08-Adopted, concerning the operation of the Advisory Forum, has been reviewed with the intention to concentrate on operational aspects rather than administrative procedures and reflect adaptations in tasks over time.
Description	The present Decision reviews the Management Board Decision concerning the operation of the Advisory Forum, adopted on 27 March 2008.
References	<ul style="list-style-type: none"> • Regulation (EC) No 178/2002; • Management Board Decision concerning the establishment and operation of European Networks of scientific organisations operating in the fields within the Authority’s mission • Policy on Independence and Scientific Decision- Making Processes of the European Food Safety Authority • Decision of the Executive Director on Declarations of Interest • EFSA’s Financial Regulations and its implementing rules • EFSA’s Expert Compensation Guide
Abbreviations	See Decision

MANAGEMENT BOARD DECISION CONCERNING THE OPERATION OF THE ADVISORY FORUM OF THE EUROPEAN FOOD SAFETY AUTHORITY

THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY,

Having regard to 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 (hereinafter "the Regulation") and in particular to Art. 27, the Advisory Forum, Art.30(1) dealing with diverging opinions, Art.30(4) regarding circumstances identified in where the Authority and a national body are obliged to cooperate, Art.36(1), promoting the European networking of organisations operating within the fields of the Authority's mission;

Having regard to Regulation (EC) No 2230/2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's mission and in particular Art. 1 competent organisations designated by Member States, Art. 2 establishing the list of competent organisations, Art. 3 networking between the Authority and the organisations on the list and Art 4. Tasks to be entrusted to organisations on the list;

Having regard to the Management Board Decision concerning the operation of the Advisory Forum¹; adopted on 27 March 2008,

Having regard to the Management Board Decision concerning the establishment and operation of European Networks of scientific organisations operating in the fields within the Authority's mission²;

Having regard to the Policy on Independence and Scientific Decision-Making Processes of the European Food Safety Authority³;

Having regard to Decision of the Executive Director on Declarations of Interest⁴;

Having regard to the EFSA's Financial Regulations⁵ and its implementing rules⁶;

Having regard to the EFSA's Expert Compensation Guide⁷

¹ mb 27 03 08, <http://www.efsa.europa.eu/sites/default/files/assets/afoperation.pdf>

² mb 18 03 10,

http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/networksooperation.pdf

³ mb 15 12 11,

http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/independencypolicy.pdf

⁴ EFSA/LRA/DEC/02/2014,

http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/independencerules2014.pdf

⁵ mb 19 12 13, http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/finregulation.pdf

⁶ mb 26 06 14,

http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/finimplementingrules.pdf

⁷ https://dms.efsa.europa.eu/otcs/cs.exe/fetch/2000/8795717/8795718/8795721/9957904/Experts_Compensation_Guide_01.12.2013.pdf?nodeid=9968717&vernum=-2

Whereas:

- (1) in order to ensure the proper functioning of the Advisory Forum of the European Food Safety Authority (hereinafter "the Authority"), within the overall framework of the Regulation it is appropriate to lay down the Advisory Forum's operational procedures,
- (2) in order to enable the Advisory Forum to exchange information on potential risks and the pooling of knowledge and ensuring close cooperation between the Authority and the competent bodies in the Member States and in particular where the Authority or a Member State identifies an emerging risk,
- (3) in order to provide detail on the role of the Forum in cases of scientific divergence,
- (4) in order to facilitate networking between the Authority and the organisations on the Article 36 list and the entrusting of tasks on the list,

Has adopted the following rules:

Chapter I: Organisation and running of meetings

Article 1: Composition of the Advisory Forum

(1) The Advisory Forum shall be composed of representatives from competent bodies in the Member States⁸ which undertake tasks similar to those of the Authority, on the basis of one representative designated by each Member State.

(2) Such designation shall be made via the Permanent Representations to the European Union or equivalent offices for the Member States.

(3) Representatives may be replaced by alternates, appointed in the same manner.

(4) As Member State representatives, members of the Advisory Forum shall contribute to discussions held in the Forum as representing the views of their Member State in relation to matters within the remit of EFSA.

Article 2: Chair

(1) The Advisory Forum shall be chaired by the Executive Director of the Authority.

(2) When in exceptional circumstances, the Executive Director is unable to chair a meeting, he/she may delegate the chairmanship of the Advisory Forum to a senior staff member of the Authority.

Article 3: Attendance

(1) For the purpose of ensuring the smooth functioning of the meetings, or in order to provide particular expertise, the Executive Director may invite to the meetings of the Advisory Forum any person qualified in the matters to be discussed with a view to informing the meeting on this matter.

(2) The European Commission and the European Parliament shall be invited to participate in the plenary meetings as observers.

(3) Representatives from the EU Candidate Countries and Switzerland shall be invited as observers.

(4) Where a member of the Advisory Forum is not able to be represented at a meeting by the alternate, the member may make their views known on an agenda item to the Chair in writing. The Chair shall ensure that these are circulated to other members by the Secretariat in advance of the meeting wherever possible.

Article 4: Secretariat

The Authority shall provide the Secretariat to support the Advisory Forum by providing logistical support to ensure its functioning and its efficiency.

⁸ Including the non-EU countries to which Annex II, Chapter XII of the Agreement on the European Economic Area applies.

Article 5: Focal Points

Advisory Forum members shall be supported by national Focal Points in the practical implementation of activities related to networking and scientific cooperation, acting as an interface between EFSA and the national food safety authorities, other organisations operating in the field of EFSA's remit and among competent organisations in Europe. The main activities to be carried out by Focal Points are laid down in the Focal Point agreements, and comprise, inter alia, the exchange of scientific information and the networking and rising of EFSA's visibility in the EU Food Safety System.

Article 6: Convening of meetings

(1) In addition to the four statutory meetings per year, the Advisory Forum shall meet at the request of the Chair or of at least one third of its members. In the latter case, the meeting shall be convened within one month or, in case of urgency, as soon as possible.

(2) When the Advisory Forum is convened to deliberate on a matter of urgency, the meeting invitation and the provisional agenda shall be transmitted to members as soon as possible.

Article 7: Preparation of Agenda and meetings

(1) Members may submit items for inclusion on the Agenda at any time.

(2) The Secretariat shall circulate a draft Agenda for further input from members no later than one month before the date of the meeting.

(3) Meeting Agenda shall clearly indicate which items are for discussion, for endorsement and for information. Members shall consult at national level in order to be prepared for the discussion. To facilitate pre-meeting consultation and preparation, the Agenda, documents and presentations will be made available to Advisory Forum members, alternates as well as the EFSA Focal Points in each Member State.

Article 8: Quorum and votes

(1) A quorum of at least two thirds of all the members of the Advisory Forum shall be present in order for the meeting to be valid and for decisions and documents to be validly endorsed.

(2) The Chair may authorize one or more members to participate via telephone/video/web conference, due account being taken of the need to ensure the efficacy of the meeting. That shall constitute the quorum for the validity of the vote. That quorum shall be calculated at the moment of the vote for the relevant decision. In the absence of a quorum, the Chair shall ensure that agenda items are discussed without decision.

(3) When a document is put on the agenda for endorsement, the Advisory Forum shall strive to reach a consensus on it. Where it is not possible to reach consensus the item shall be held over until the following meeting. Where consensus can still not be reached after tabling at a second meeting, a majority of members endorsing a document will be sufficient for it to be carried. Dissenting views shall be referenced in the minutes of the meeting.

Article 9: Written procedures

(1) Where the Chair wishes to consult the members of the Advisory Forum, documents and information may be transmitted by the quickest means available and information sought without the need to convene a meeting.

(2) The matter shall in any case be placed on the agenda of the next meeting.

Article 10: Discussion Groups

In order to prepare discussion papers for plenary meetings and to facilitate detailed consideration on specific topics, the Advisory Forum may establish a Discussion Group on an ad hoc basis. Members shall be able to participate or designate a representative to participate in such Discussion Groups which shall be limited to a specific remit and dissolved once the remit has been fulfilled.

Article 11: Minutes and Reporting

(1) Minutes of meetings shall be drafted by the Secretariat and circulated to members for approval by written procedure in a timely manner.

(2) All documents and presentations as well as the minutes of meetings shall be published on the Authority's website.

Article 12: Work Planning

The Advisory Forum shall be consulted by the Authority in the preparation of the annual and multiannual work programme at drafting stage in order for it to be able to provide timely advice to the Executive Director on prioritisation of work.

Article 13: Exchange of information within the Advisory Forum

(1) In order to be better informed on issues to be discussed at meetings and between meetings, the Authority shall encourage the exchange of information between members and between the Authority and members

(2) The Authority may develop and maintain tools to facilitate such exchanges.

Chapter II: Scientific Divergence

Article 14: Sharing of information on forthcoming risk assessments

At each meeting of the Advisory Forum, members shall exchange information on forthcoming risk assessment activities, which may identify potential duplication and divergence in the work of the Authority and the Member States. In order to identify areas of potential scientific divergence, members shall share annual work programmes where they exist and inform other members and the Authority of planned work activities on a regular basis.

Article 15: Diverging scientific opinions

When the Authority or a Member State identifies a potential source of divergence over scientific issues, they shall promptly inform each other in writing. The information shall be notified also to the Advisory Forum member and the body in question. The Advisory

Forum Member shall facilitate the contacts between EFSA and the body in question to ensure the exchange of information.

Article 16: Guidance on Divergence

The Advisory Forum shall develop and keep under review the guidance to be followed in the event of substantive scientific divergence as detailed in Article 30(4) of the Regulation.

Article 17: Coordination of Communications

(1) The Advisory Forum shall agree procedures to share under embargo, as appropriate, particular opinions of importance for Member States and/or the Authority prior to their publication. This applies to opinions developed by the Authority and by a Member State body and should provide members and the Authority with the opportunity to be prepared for questions which may arise and to discuss and fine-tune accompanying press material.

(2) In cases where there is scientific divergence which has not been resolved, the Advisory Forum will facilitate the coordination of the communications on the issue and when appropriate will work with the Communications Experts Network.

Article 18: Public consultation

The Authority shall consult with the Advisory Forum in particular on scientific opinions / guidance expected to attract wide interest. By way of good practice, where possible the members of the Advisory Forum shall encourage public consultations on scientific opinions of national bodies where there is likely to be interest to the wider community.

Chapter III: European Networking

Article 19: Scientific Networks

For the purpose of exchanging information and cooperation between the Authority and the competent bodies in the Member States relating to work in the areas within its remit, in accordance with the relevant Management Board Decision, the Authority shall establish scientific networks with the agreement of the Advisory Forum. Advisory Forum Members may identify and nominate national organisations to take part in such networks.

Article 20: Prioritisation of Work

(1) Advisory Forum members, supported by Focal Points, shall consult at national level with organisations on the Article 36 list and, as appropriate, with other organisations to identify proposed areas of work for consideration by the Forum as part of discussions on work planning and prioritisation.

(2) The Advisory Forum will develop and agree means of identifying priority work areas for collaboration between EFSA and the network of competent organisations. These priority work areas will be promoted by EFSA and members for inclusion wherever possible in annual and multi-annual work planning.

Article 21: Competent Organisations designated by the Member States under Article 36 of the Regulation

The Advisory Forum shall ensure that there is a good general match between the requests for contributions which the Authority puts to the organisations on the List of Competent Organisations and the scope of those organisations to respond favourably to these requests. Members of the Advisory Forum will therefore have the responsibility to keep an overview of the organisations of their Member States on the List and whether these match the work programme and requests. If this is not the case, Members shall strive to identify organisations with potential to contribute to the Authority's work. The Authority will support the Advisory Forum by making the necessary information available.

Article 22: Tasks involving organisations on the List of Competent Organisations

The Executive Director may seek advice of the Advisory Forum to entrust either to one organisation on the List or to several working together, specific agreed tasks, in particular preparatory work for scientific opinions, scientific and technical assistance, collection of data and identification of emerging risks. In accordance with the relevant financial rules, some of these tasks may be eligible for financial support in the form of subsidies (grants).

Chapter IV: Common Provisions

Article 23: Declarations of Interest, Confidentiality

Members shall comply with the rules set down by the Authority on Declarations of Interest, which includes commitment to comply with rules on confidentiality.

Article 24: Reimbursement of Expenses

Members shall comply with the rules on reimbursement laid down in the EFSA Experts Compensation Guide.

Article 25: Entry into Force

The present rules shall enter into force on the day of their adoption by the Management Board.

Adopted in Parma on 5 October 2016
For EFSA's Management Board

[SIGNED]

Jaana Husu-Kallio
Chair of the Management Board