



The Consumer Voice in Europe

EFSA's Policy on Independence and Scientific Decision-Making Processes

BEUC Statement

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Transparency and openness are essential to ensure consumers' trust in regulatory authorities. European consumers rely on EFSA scientific opinions on the safety of the food they put on their plate and they need to be reassured that the evaluation is based exclusively on the best interest of their health and not influenced by any other consideration. In this context, the procedures that lead to the adoption of a scientific opinion are as important as the opinion itself and the independence of all those involved in the decision making process is crucial for its legitimacy.

Conflict of interest situations can occur almost in any workplace at any time. If they are not handled correctly they can negatively affect the decision-making process, give rise to scandals and cause reputational damage. This is most evident when public bodies are concerned since it can lead to a loss of faith in their ability to operate impartially and in the best interests of society. Unfortunately, over the last years and also quite recently, a number of cases pertaining to conflict of interests and EFSA have been reported in the press and have raised concerns among the general public. This, together with some scandals in the food sector, undermined consumer confidence in the work of EFSA and negatively contributed to the already declining consumer confidence in regulators.

It is urgent to restore consumer trust and put in place all the necessary measures to protect the scientific decision-making from undue financial or other interests. In this context BEUC welcomes EFSA's commitment to continuous review and improvement of its handling of conflicts of interests and the opportunity we have today to exchange views on this important issue.

Unlike some other risk assessment bodies, EFSA relies heavily on external expertise from academia or research organisations (50 % of the experts) and national risk assessment bodies to generate its scientific advice. According to Eurobarometer (2010), 74% of EU consumers trust scientific experts and 64% trust national agencies and EFSA as sources of information on food-related risks. However, 41% of those polled have little confidence in the independence of scientists because of the work they do with industry. And they are right because most research is industry funded which makes it nearly impossible finding an expert who is not involved to varying degrees in projects funded by, or involving, industry. Unfortunately, the increasing constraints on public finances can only make things worse.

Provided that this issue cannot be solved by EFSA, the main challenge for the Agency is to find the right balance between ensuring the impartiality and independence of experts involved in its work versus the need to secure the best possible expertise to deliver top-quality scientific assessments. Also the Court of Auditors, in its report on the management of conflict of interests in EU agencies (2012), recognised that this is often the case in highly specialised organisations, "*where expertise is in limited supply and industry 'competes' for the same experts*".

EFSA opinions can be challenged only on their merits and on scientific ground but should be “bulletproof” from a procedural point of view. While science is constantly evolving and the review of certain opinions is often necessary on the basis of new available evidence, the review of adopted scientific opinions due to conflict of interests and inaccurate declarations are a disgrace for EFSA’s reputation and for consumers. Each challenged opinion questions all the other EFSA opinions and the Agency’s credibility.

With regard to the implementing rules of the Declaration of Interest policy, we consider that they include the relevant elements for the detection and mitigation of possible conflicts and are generally clear and transparent. However we would like to encourage EFSA:

- To define a (non-exhaustive) guidance list with concrete examples of what interests are considered acceptable and which are considered as conflicting. It would also be useful to discuss what level of contact with a food company should become an interest. The current rules allow experts who have done research in a completely different area for a food company to still be on a panel while we believe that this has to be more carefully assessed on a case-by-case basis;
- To take a more proactive approach to identifying potential conflicts of interest and searching for alternative experts where necessary. While we understand that it is not possible to cross-check the 5.000 declarations of interest EFSA assesses each year, we hope that further efforts can be made to ensure the accuracy of the information provided by the experts. The publication of DOIs on the internet for public scrutiny is helpful but not sufficient. EFSA cannot rely on others to police the DOI of its experts;
- To guarantee that the policy is not weakened by the introduction of exemptions;
- To define more detailed and clearer standard operating procedures to minimize risks and document the evidence for the handling of conflicts of interest;
- To further elaborate Article 15 and define more detailed breach of trust procedures. EFSA experts are required to sign a confidentiality agreement which also indicates that the expert will “*compensate EFSA for any damages arising directly or indirectly from the breach of any of the confidentiality statements or of any other obligation laid out in EFSA’s internal rules with regard to the tasks or role of the undersigned*”. Damages to EFSA’s reputation linked to conflicts of interest are irreparable and difficult to quantify. Strong and dissuasive penalties are needed to ensure an ethical conduct;

- To organise dedicated compulsory trainings for all experts on conflict of interest in order to make any misinterpretation inexcusable. It is important to remind all experts that the intention to make specific declarations of interest does not justify any omission in the main Declaration of Interest form;
- To support the “panel approach” where 21 experts from different background sit together rather than relying on a handful of staff. Having an opinion scrutinized by a more significant number of experts can contribute to increasing its legitimacy and to mitigating problems associated with cases (hopefully rare) where a conflict of interests is not properly declared.

Last but not least, we urge the European Commission to develop a comprehensive EU regulatory framework dedicated to conflict of interest. This morning the Commission referred to the new guidance to be produced as part of the roadmap on decentralized agencies. It is important to provide specific guidelines and to ensure comparable minimum requirements on independence and transparency applicable to all EU agencies. In the meantime we encourage EFSA to foster cooperation and exchange with the other EU Agencies such as the European Medicines Agency and the European Chemical Agency to ensure a more consistent approach towards conflict of interest.

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