2010 discharge: European Food Safety Authority (EFSA)

2011/2226(DEC) - 23/10/2012 - Text adopted by Parliament, single reading

Parliament adopted a decision concerning the discharge **to be granted to the Executive Director of the European Food Safety Authority (EFSA) in respect of the implementation of the Authority's budget for the financial year 2010**. The decision to grant the discharge shall also constitute the closure of the accounts for this Agency.

To recap, in May 2012, Parliament postponed the discharge decision for the Authority chiefly because there was a **problem of conflict of interest** of some staff (as reported in the summary dated 10/05/2012).

Parliament approved the closure of the Authority's accounts for the 2010 financial year and made a series of recommendations to take into account on the granting of the discharge:

- **conflicts of interest:** Parliament welcomes the organisation of **a mandatory session on ethics and integrity** for all members of the Management Board in October 2012. However, it calls on the Board to enforce effectively its Code of Conduct and adopt provisions preventing and sanctioning revolving door cases in order to avoid similar situations to the one of its former Chairperson in the future. Recalling the case of conflict of interest mentioned in its resolution to postpone the discharge (as reported in the summary of 10 May 2012), Parliament took careful note of all new policies, rules, implementing measures and actions which have been set up since 2007 to offset this problem. It particularly welcomes the code of conduct of the Authority's Management Board and its members' active approach in reviewing their declarations of interest, and the new rules for screening for conflicts of interest in force since July 2012. It indicates that, in this regard, they will continue to invite the Executive Director for an exchange of views on a regular basis;
- **the Authority's full independence policy:** Parliament takes note that the Authority's new policy on "independence and scientific decision-making processes" together with its implementing rules entered into force in July 2012 and that the Authority's new definition of conflicts of interests is compatible with the OECD guidelines. It notes from the Authority that its practical approach concerning an expert breaching the independence policy rules is exclusion for a 5-year period. It observes that the Authority scheduled an evaluation of its independence policy by the end of 2013 and committed to consider, inter alia, the possibility of publishing the outcomes of the breach of trust procedures. It expects the Authority to inform the discharge authority on this matter by the start of the next discharge procedure. Overall, Parliament encourages the Authority to further strengthen its independence policy and to consider adopting rules among others including **sanctions** in case of conflict of interest;
- **for steps to be taken in cases of non-compliance:** Parliament is firmly convinced that steps have to be taken should cases of non-compliance with existing rules occur and calls on the Authority to draw up an action plan, accompanied by a precise timetable, aiming to remedy the shortcomings. Noting the package of measures taken by the Authority towards this end, Parliament acknowledges that it scheduled for 1 October 2012 the launching of its first evaluation of a random sample of declarations of interest in order to verify their coherence with its newly adopted independence policy and implementing rules. It expects that the Authority will share the conclusions of that evaluation with the discharge authority by 1 March 2013 in order to reflect them in the next discharge procedure;
- **transparency:** Parliament encourages the Authority to improve the openness and transparency of the risk assessment process, to better take into account independent peer-reviewed scientific literature and to provide detailed justification when it rejects diverging views. It especially

encourages it to increase dialogue and cooperation with external experts and national agencies, especially when they hold diverging views on a specific risk assessment process;

- **report on follow-up to the discharge:** Parliament calls on the Agency to introduce in its annual activity reports a special section describing the actions taken to prevent and manage conflict of interest, which should include, inter alia: i) the number of alleged cases of conflict of interest verified; ii) the number of revolving door cases; iii) the measures taken in each category of cases; iv) the number of breach of trust procedures launched and their outcomes; and v) the penalties applied.

Overall, Parliament welcomes the agreement on the Joint Statement and Common Approach adopted in June 2012 by the European Parliament, the Council and the Commission on decentralised agencies in which certain elements of importance to the discharge have been addressed and taken up.