

## EU Ombudsman judgement on EFSA GMO Expert Panel 'highly unsatisfactory'

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The European Ombudsman has made a final judgement on the Testbiotech complaint about a conflict of interest at the European Food Safety Authority (EFSA). The case concerns Mr. Harry Kuiper, who was chair of the GMO Expert Panel from 2003-2012. After inspecting the files at the offices of EFSA in Parma, the Ombudsman says they could not identify any conflict of interest in the period from 2009-2012. However, the most relevant period of time from 2003-2005 was excluded from detailed investigation. At this time, Harry Kuiper was acting as chair of the GMO panel at EFSA, which is the authority carrying out risk assessment of genetically plants. At the same time, he was closely collaborating with a task group at the International Life Sciences Institute (ILSI) made up of staff members from companies such as Monsanto.

As a Testbiotech report shows, this ILSI task group was working on standards for the risk assessment of genetically engineered plants, which were partly adopted by EFSA. The collaboration is a clear conflict of interest according to current internal regulations at EFSA. However, between 2003-2005 EFSA did not have sufficiently clear regulations to prevent close collaboration with ILSI, an institution completely funded by industry. EFSA claims that Harry Kuiper ended his official collaboration with ILSI in 2005. Consequently, the Ombudsman is saying that the allegation of maladministration is unsubstantiated, because it relates to events before the current regulations on conflicts of interest were put into place. At the same time EU regulations request EFSA experts have to act independently since 2002.

“This decision from the Ombudsman is highly unsatisfactory. One way or another, we still have to deal with the legacy of the ILSI and Harry Kuiper at EFSA. For example, the pending vote on approval for genetically engineered maize 1507 is mostly based on risk assessment performed in 2005. And even if Kuiper really ended his official contacts at that time - does this make him an independent experts afterwards?” says Christoph Then for Testbiotech.

In a recent report on maize 1507, Testbiotech suggested that EFSA withdraw its reports on this variety of maize due to substantial errors and flaws. For example in 2005 EFSA concluded its opinion on insecticidal maize 1507 without having any data on the risk for larvae of protected European butterflies which are sensitive to the toxin produced in pollen.

“This issue is too important to let go. Soon the European Parliament will be discussing EFSA's budget again, and we will keep up the pressure for marked improvement in EFSA's independence rules. Also, it is crucial that the risk assessment of genetically engineered plants is enhanced” says Nina Holland of Corporate Europe Observatory, an organisation which supported the Testbiotech complaint.

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**Further information:** [The judgement of the Ombudsman](#) [3]

[Link to the original Testbiotech report, 2010](#) [4]

[All dossiers related to the Harry Kuiper / Suzy Renckens and EFSA case](#) [5]

[Recent report from CEO about EFSA: Unhappy meal](#) [6]

[Report on maize 1507 and flaws in EFSA risk assessment](#) [7]

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