

Testbiotech e. V. | Frohschammerstraße 14 | 80807 München

The European Ombudsman
P. Nikiforos Diamandouros
1 Avenue du Président Robert Schuman
CS 30403
FR- 67001 Strasbourg Cedex
France

21. March 2012

Dear Mr Diamandouros

Complaint 775/2010/ANA/

Thank you very much for sending us your draft recommendations and further comments from EFSA.

We welcome your recommendations and believe some of the comments made by EFSA concerning this case and some actions taken to improve the Authority's independence to be promising.

However, to our knowledge, EFSA never presented a detailed analysis of what went wrong in the Suzy Renckens case. It would be important to receive such an analysis making EFSA's point of view clear and to find out who was responsible for what, and what particular actions will be taken in future in response this specific case of maladministration. We believe that the EFSA will not be acting in accordance with your recommendations as long as no such analysis is made available.

Such an analysis is especially relevant in regard to other potential "revolving door" cases at EFSA e.g. Mr David Carlander (see attached report). To come up with a proper judgement on the case of Mr Carlander and the action taken by EFSA, it would be crucial to have a proper EFSA analysis on the Renckens case. Further, being aware of the case of Mr Carlander, it would also would be interesting to know, from your perspective, whether you think that Suzy Renckens' direct move into industry would have been considered acceptable if EFSA

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had imposed obligations. From our perspective, her new position should not have been allowed at all. Article 16 of the Staff Regulations stipulates that if the occupational activity envisaged “could lead to a conflict of interest” the Appointing Authority may forbid the job move. We believe this would have been the appropriate action in this case.

In your letter of 7 December 2012, you also address the case of Mr Harry Kuiper. Please see attached a new complaint we are forwarding to you concerning this case. We expect Harry Kuiper’s engagement at EFSA to be terminated in the next few weeks at the end of his regular term. Nevertheless, we think it is necessary to have a proper analysis of this case to find out if EFSA failed and, if so, what kind of actions need to be taken to avoid similar conflicts of interest in the future.

We would like to thank you very much for your work and hope it will be acknowledged by the larger public as a substantial effort towards regaining trust in EU institutions.

Please do not hesitate to contact us if you need further information.

With many thanks



Dr. Christoph Then,
Executive Director Testbiotech e.V.

Attachments:

- New complaint about maladministration of EFSA in the case of Harry Kuiper
- Conflicts on the Menu, a report prepared by CEO and Earth Open Source.

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