

20 MAY 2016

Ref. DD/SG/lm (2016) – out-15701701

Dr Christopher Then
Testbiotech e.V
Frohschammerstraße 14
80807 München
Germany

Re: Your letter dated 18 March 2016 alleging the existence of Conflicts of interest at the European Food Safety Authority.

Dear Dr Then,

Thank you for your letter dated 18 March 2016 in which you express your concerns regarding the independence of EFSA's work.

While I welcome the opportunity to engage with you and other stakeholders on the issue of independence, I do not share your assessment of the alleged conflicts of interest that you have indicated in your correspondence.

Regarding the recruitment of Ms Gallani, I would like to reassure you that in this context no conflict of interest occurred or will occur. Ms Gallani went through a highly competitive selection procedure led by a board composed of independent officers from the European Commission and other EU agencies. While duly assessing the existence of potential conflicts of interest pursuant to the EU Staff Regulations¹ and its internal rules², EFSA considered that Ms Gallani's broad professional experience, including with public food safety bodies and consumer organisations, would ensure a balanced and professional approach to risk communications.

In this assessment, the Authority took into account the fact that as communications manager she will not exert any control on the content of EFSA's scientific outputs, nor on experts or staff working on the Authority's outputs. This notwithstanding, in order to exclude that her recruitment by EFSA would be *perceived* as a conflict of interest, the Authority put in place temporary measures preventing her from becoming directly involved on dossiers of her previous employer.

In relation to the existence of alleged conflicts of interest affecting several of EFSA's experts, I would like to clarify that not all activities automatically result in a conflict of interest for the scientists cooperating with EFSA. EFSA firmly believes that a strong scientific publication history and involvement in international scientific societies and organisations is evidence of a well-rounded and valuable scientific curriculum vitae. EFSA considers that being an author of a publication does not result in a conflict of interest disqualifying an expert from Panel or Working Group membership. Direct intellectual bias that may result from

¹ Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385), as last amended.

² Article 20 of the Decision of the Executive Director on Declarations of Interest of 31 July 2014, EFSA/LRA/DEC/02/2014.

authoring is prevented by the exclusion of authors and contributors of a publication from its review, since at EFSA no expert can assess his or her own work.

In annex to this letter, you will find a more detailed reasoning as to why under EFSA's rules the cases you mention in your letter do not result in conflicts of interest. In one case, EFSA is currently seeking to confirm the information you mention to verify whether it would have led to a conflict of interest.

Finally, to respond to your last demand, I am pleased to inform you that Dr Devos did not omit relevant information from his Annual Declaration of Interest.

I trust this letter addresses your concerns.

Yours sincerely,



Bernhard Url

Encl: Specific responses to Testbiotech's allegations

Specific responses to Testbiotech's allegations

Expert	Testbiotech position	EFSA position
<p>Adinda De Schrijver</p>	<p>The expert is an active member of the International Society for Biosafety Research (ISBR) and a frequent contributor to the organisations conferences in the past. She has also co-authored several ILSI publications. She was also active in IOBC and acted as a member of the programme committee of an IOBC conference in 2013.</p>	<p>The publications by this expert were published in peer-reviewed journals. EFSA considers that being an author of a publication, even if published or funded by industry supported organisation, does not result in a conflict of interest that disqualifies an expert from Panel membership. The general principle regarding publications is that she will not be allowed to review her own work.</p> <p>Mere membership or, <i>a fortiori</i>, past membership or participation in scientific conferences or events to the benefit of international organisations or associations is not considered incompatible with Panel or Working Group membership.</p>
<p>Jeremy Sweet</p>	<p>Member of the Panel actively involved with ISBR and other industry groups such as the International Organisation for Biological Control (IOBC)</p>	<p>EFSA does not agree with Testbiotech's definition of IOBC and ISBR as "industry groups". These associations appear to promote the practice and application of science in the fields of agricultural biotechnology and environmental risk analysis and environmentally safe methods of pest and disease control in plant protection.</p> <p>Under EFSA DoI rules, currently they do not benefit from the "Food Safety Organisation" scheme. Still activities such as mere membership, participation to conferences or events, or contribution to publication resulting therefrom are not considered to represent a CoI incompatible with Panel or Working Group membership. Irrespective of the above, the expert will not be allowed to review his own work, also developed in the context of these associations.</p>

<p>Jean-Michel Wal</p>	<p>The expert worked for ILSI. He is still engaged with ILSI and co-author several ILSI publications.</p> <p>He is still involved in many projects for food companies such as Nestlé</p>	<p>The expert declares occasional participation (ca. 12 participations during the past 10 years) in working groups and in scientific meetings or workshops (as speaker/lecturer) in the field of assessment of safety and particularly allergenicity of foods.</p> <p>EFSA considers participation in conferences and workshops as being part of the normal range of activities performed by a scientist. Regarding the participation to events organised by ILSI during the last 5 years, in those instances the expert presented his research performed at the French INRA and the EFSA approach to allergenicity assessment, respectively. The participation to such activities resulted in 2 peer-reviewed publications (Ladics et al, 2014; Ladics et al. 2015), for which EFSA's general principle on publications outlined in the letter and in the previous cases applies. Hence, the expert will not be allowed to review his own work.</p>
<p>Alfonso Lampen</p>	<p>The expert is involved with ILSI. His declaration of interest lacks any information about his work there</p>	<p>EFSA took note of this information and is currently seeking clarifications from the expert in accordance with its internal regulatory framework.</p>
<p>Colin Crews</p>	<p>He was involved in the ILSI "Expert Group on Analytical Methods for Detection of 3-MCPD esters" as well as the ILSI "Expert Group on Mycotoxins" and is co-author of several ILSI publications as well as author of a 2011 conference report on "MCPD and Glycidyl Esters in Food Products"</p>	<p>The interests were duly declared by the expert and they were assessed by EFSA according to its rules on Declarations of Interests. As a result, the expert was considered compatible with membership of EFSA's WG on MPCD and not for chairmanship or vice-chairmanship. Furthermore, the expert will not be allowed to review his own work.</p>

<p>Yann Devos</p>	<p>The staff member is actively involved in several institutions that are known to have strong affiliations to industry</p>	<p>All activities the staff member has been involved in have been approved ex ante by EFSA in accordance with the EU Staff Regulations and its implementing rules. Furthermore, they were transparently reported in Dr Devos' Annual Declaration of Interest, which was also cleared by EFSA.</p> <p>EFSA considers that the presence of EFSA staff at scientific events is in line with EFSA's openness principle and the need to keep its staff trained and their knowledge up to date. Regarding the organisations IOBC and ISBR, it should be clarified that temporary membership is granted by these organisations automatically for the simple fact of having attended one of their events. It should be highlighted that neither Dr Devos, nor EFSA, have ever paid fees to these organisations, or requested to become permanent members of the above organisations.</p> <p>Regarding the fact that Dr Devos has co-authored a recent paper, this was the consequence of the fact that he attended a session of a meeting held by ISBGMO, for which Dr Devos is a member of the programme committee. In this respect, reference should also be made to the same principle applicable to EFSA experts, i.e. that having written a paper only demonstrates one's proficiency in the matter, and will result in a conflict of interest only when, and if, the paper is being reviewed or discussed.</p>
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