

Annex 1 | Methodology

In February 2012, EFSA adopted a new “Policy on independence and scientific decision-making processes regarding declarations of interests”¹. This policy was first used for the renewal of eight panels this same year, that is to say all EFSA panels minus two, the CEF and ANS panels. The purpose of this report is to test EFSA's new policy by both screening the declarations of interests of all panel members and comparing the renewed panels to the ones not yet renewed. The aim is to assess to what extent EFSA's independence policy manages to prevent experts with interests incompatible with EFSA's remit to sit on these panels, and whether or not the situation has been improved in that regard.

The fact that experts have been appointed as members of a panel indicates that EFSA has judged they had no conflicts of interest. What this report assesses is therefore and only EFSA's decisions to allow these experts on its panels.

¹ Decision of the Executive Director implementing EFSA's Policy on Independence and Scientific Decision-Making Processes regarding Declarations of Interests. 21 February 2012. Decision N° EFSA/2012/05/LRA.
<http://www.efsa.europa.eu/en/keydocs/docs/independencerules.pdf>

1 | Corpus

EFSA uses three sets of declaration of interests (DOIs): the annual DOI, the specific DOI and the oral DOI. Since only the Annual DOIs are used by EFSA to grant panel membership to a given expert, only those were analysed. Hearing experts – experts invited to contribute to a specific issue, but who do not participate in the deliberations – were not considered. Annual DOIs of the full members of the following entities were analysed:

–10 scientific panels

- Animal Health and Welfare (AHAW Panel)
- Biological Hazards (BIOHAZ Panel)
- Contaminants in the Food Chain (CONTAM Panel)
- Plant Health (PLH Panel)
- Additives and Products or Substances used in Animal Feed (FEEDAP Panel)
- Dietetic Products, Nutrition and Allergies (NDA Panel)
- Food Additives and Nutrient Sources added to Food (ANS Panel)
- Food Contact Materials, Enzymes, Flavourings and Processing Aids (CEF Panel)
- GMO (GMO Panel)
- Plant Protection Products and their Residues (PPR Panel)

– Scientific Committee

The experts' annual declarations of interest were all downloaded on 29 April 2013. Later updates or changes in the panel's composition or among

the experts' declared interests were therefore not taken into account. The corpus represents a total of 209 declarations of interests, including 203 members of scientific panels and 6 members of the Scientific Committee. The Scientific Committee is “composed of the chairs of the scientific panels and six independent scientific experts who do not belong to any of the scientific panels”².

2 | Screening

All annual DOIs were screened individually in order to assess EFSA's decision to include an expert.

Declared interests were checked using publicly available information on the internet in order to understand the nature and interests of each organisation in question.

However, all declared interests within each experts' DOI were not assessed, for capacity limitation reasons; those that did not seem to raise any question were not checked, which potentially leaves room for possible omissions.

Also for capacity limitation reasons, no DOI was checked for missing/omitted interests, except for five individual cases that were submitted to EFSA prior to CEO's visit to the agency's Parma headquarters because they represented a good diversity of situations, therefore constituting a good sample (see annex 5). We also made an exception for omitted interests identified by CEO in two previous publications³. This also leaves room for possible omissions.

² Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Official Journal of the European Communities, 1 February 2002. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:031:0001:0024:EN:PDF>

³ “Conflicts on the menu”, Corporate Europe Observatory and Earth Open Source,

3 | Conflict of interests at EFSA

EFSA's independence rules⁴ stipulate that:

“Any conflict of interests by experts and staff carrying out activities within the remit of EFSA should be promptly identified, handled and removed without delay. To this end, a system of declaration of interests and their subsequent screening and evaluation is required.”

The same rules propose a definition for conflicts of interest that is based on the Organisation for Economic Co-operation and Development (OECD) guidelines⁵. A conflict of interest is therefore “a situation when an individual is in a position to exploit his or her own professional or official capacity in some way for personal or corporate benefit with regard to that person's function in the context of his or her cooperation with EFSA”⁶. We have also used as a reference a definition put together by the World Health Organisation for its Roll Back Malaria Partnership:

“A conflict of interest can occur when a Partner's ability to exercise judgment in one role is impaired by his or her obligations in another role or by the existence of competing interests. Such situations create a risk of a tendency towards bias in favour of one interest over another or that the individual would not fulfil his or her duties impartially and in the best interest of the RBM Partnership. A conflict of interest may exist

February 2012, and “Approving the GM potato: conflicts of interest, flawed science and fierce lobbying”, Corporate Europe Observatory, November 2011.

⁴ Decision of the Executive Director implementing EFSA's Policy on Independence and Scientific Decision-Making Processes regarding Declarations of Interests. 21 February 2012. Decision N° EFSA/2012/05/LRA. <http://www.efsa.europa.eu/en/keydocs/docs/independencerules.pdf>

⁵ OECD. Managing Conflict of Interest in the Public Service. OECD Guidelines and country experiences, 2003. <http://www.oecd.org/corruption/ethics/48994419.pdf>

⁶ Decision of the Executive Director implementing EFSA's Policy on Independence and Scientific Decision-Making Processes regarding Declarations of Interests. 21 February 2012. Decision N° EFSA/2012/05/LRA. <http://www.efsa.europa.eu/en/keydocs/docs/independencerules.pdf>

even if no unethical or improper act results from it. It can create an appearance of impropriety that can undermine confidence in the individual, his/her constituency or organization. Both actual and perceived conflicts of interest can undermine the reputation and work of the Partnership.”⁷

EFSA's Founding Regulation also provides additional elements to understand what a conflict of interest is:

- *“(40) The confidence of the Community institutions, the general public and interested parties in the Authority is essential. For this reason, it is vital to ensure its independence, high scientific quality, transparency and efficiency. Cooperation with Member States is also indispensable.”*
- *“(46) In order to guarantee independence, members of the Scientific Committee and Panels should be independent scientists recruited on the basis of an open application procedure.”*

The “independence” of these scientists is defined as independence from “any external influence” in the Regulation's Article 37 (“Independence”):

“2. The members of the Scientific Committee and the Scientific Panels shall undertake to act independently of any external influence.

For this purpose, they shall make a declaration of commitment and a declaration of interests indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interests which might be considered prejudicial to

⁷ Roll Back Malaria Partnership Conflict of Interest Policy and Procedure, December 2009. <http://www.rollbackmalaria.org/partnership/secretariat/docs/RBMconflictOfInterestPolicy.pdf>

their independence. Those declarations shall be made annually in writing.”

Declaration of interests, according to these two regulations, are the cornerstone of the agency's independence: their screening will guarantee that experts are free from “any external influence”, direct or indirect.

However, this latter provision is very general and difficult to work with in the real world. EFSA, in its new independence policy, directly contradicts the above article when it says:

“(4) High quality of scientific expertise is by nature based on prior experience and knowledge acquired in the relevant domain. Interests are therefore a natural and inevitable consequence of attaining scientific recognition at international level in a given field. Some of those interests may however conflict with EFSA's aim to deliver scientific advice”.

Which is a way to acknowledge that pure objectivity does not exist *a priori* (science itself being an objectivation methodology). EFSA therefore has put together a list of specific activities that it considers constitute conflicts of interest:

“(6) In order to ensure a coherent level of detail in the declarations of interests, a set of activities that might cause potential Conflicts of Interest should be defined.”

More details on the principles defining these problematic activities are provided in the independence policy in its Article 9, “Principles of assessment of interests declared by scientific experts”:

“c. Without prejudice to letter d. below, interests can only be assessed by considering whether the specific interests declared by a person are compatible with the tasks to be assigned by EFSA to him or her, having

regard to the mandate of the group where the person participates and the role and function that he or she is required to take on or perform.

d. In any case, the concerned persons shall not be allowed to assess, rate or review their own work, and persons employed by industry shall not be allowed to become members of EFSA's Scientific Committee, Scientific Panels and working groups.”

We partly disagree with these two provisions: we have not assessed declared interests only according to the mandate of the group but according to the mandate of EFSA itself (which we not only found more consistent with the OECD definition but also better adapted to the breadth, diversity and integrated nature of industry interests); and we have considered as conflicts of interest many more types of interests linked to all industries falling under EFSA's remit than just employment, even though we agree that no expert employed by industry, with only one exception (see section 4, IV. Employment), should be allowed to sit on an EFSA panel. For better readability, we have used the wording “commercial interests” for describing all interests linked to all industries falling under EFSA's remit, which we describe as the “commercial sector”.

4 | Criteria for conflict of interest (COI)

When an interest was connected to the commercial sector, the following criteria, replicating EFSA's classification for the various types of interests, were applied. A cooling-off period of 5 years by default was set for all past activities except for memberships to scientific societies and journals. We have considered that EFSA's policy to submit “close relatives” to the same rules was excessive and have only considered spouses, when declared (only very few cases). The first meeting of the panels was used as the reference date (1st July 2012 for eight panels – AHAW, BIOHAZ, CONTAM, PLH, FEEDAP, NDA, GMO, PPR, and the Scientific Committee; 1st July 2011 for two panels: ANS, CEF).

I. Economic interest

- Under EFSA's remit: COI
- Investment funds: COI
- Shares in sectors not under EFSA's remit: no COI

II. Member of a management body

COI

Exceptions: consumer's associations, National or Royal academies, intergovernmental organisation with a public mandate

III. Member of a scientific advisory body

COI

Exceptions: consumer's associations, National or Royal academies, intergovernmental organisation with a public mandate

IV. Employment

- Commercial entity with exclusively government, state or academic clients: no COI
- Commercial entity: COI
- Public agencies or institutions providing paid services to commercial entities and/or with substantial financial links with the commercial sector: COI

V. Consultancy

Consultancy contract with a commercial entity, on a personal capacity or on behalf of employer: COI
Exceptions: consumer's associations, National or Royal academies, intergovernmental organisation with a public mandate

VI. Research funding

– Research funding from the commercial sector

- a–Research funding (personal or institutional, in the case of the employer) from the commercial sector: COI
- b–Research funding (personal or institutional, in the case of the

employer) from the commercial sector coming through a public body:
COI

c–Research funding (personal or institutional, in the case of the employer) from non-profit entities financed by the commercial sector:
COI

– European Framework Programme (FP) projects

–Consortium including minor commercial partners: no COI

–Consortium including several commercial partners or at least one major commercial partner (multinational firm, trade association, lobby group, industry front group, industry-funded organisation, pseudo-institute of a multinational firm, lobby organisation, front-group organisation, industry-funded non-profit organisation): COI
Other elements were taken into account such as the topic and aim of the project, the role of the expert (coordinator, member of the advisory board etc.), the relative number of commercial partners, the proportion of the EU’s contribution on the total cost.

– PhDs financed by the commercial sector

COI

VII. Intellectual property rights relevant to EFSA's remit

COI

VIII and IX. Other affiliations or relevant interests

We have introduced more specific categories within these “miscellaneous” categories:

– Conferences, congresses, workshops etc.

a–Invited speaker at industry or industry-sponsored conferences: COI

b–Attending industry or industry-sponsored conferences, all expenses paid: COI

c–Attending industry or industry-sponsored conferences, no expenses paid: no COI

– Member of professional associations (veterinarians, pharmacists etc.)

No COI

– Member of industry-funded non-profit organisations

COI

– Scientific societies

a– Member of a society sponsored by industry and/or organising industry-sponsored conferences: no COI

b– Responsibilities in scientific societies sponsored by industry and/or organising industry-sponsored conferences: COI

c–Membership or responsibilities in a society with a majority of corporate members and/or a majority of industry employees in the management bodies: COI

– Scientific journals

a–Editor-in-chief or member of the Editorial Board of a journal owned by a society sponsored by industry and/or organising industry-sponsored conferences: COI

b–Editor-in-chief or member of the Editorial Board of a journal owned by a society with a majority of corporate members and/or a majority of industry employees in the management bodies: COI

5 | Tables

The panels' screening was reported in tables of 8 columns that include the following information:

–**Name of the panel**

–**Expert name**

–**Declared interests:** all interests declared that we checked – not all interests contained in the expert's annual DOI

–**Complementary information:** details about the nature of the organisation and all other information available in the public domain we consider relevant to assess the case.

–**EFSA category of interest:** see below point 6 of the methodology.

–**EFSA:** a “yes” in this column means there is a conflict of interest according to EFSA’s rules, i.e. we consider EFSA did not respect them.

–**CEO:** our assessment as to whether the declared interests constitutes is a COI or not.

–**Red flag:** comments on cases that EFSA should have considered as conflicts of interests; information previously reported by NGOs or the media; official responses from EFSA on previously reported cases; cases where the declared information was insufficient to assess the interest.

–**Grey zone:** a subjective insight, a judgement or further criteria was needed to assess the interest. E.g.: EU-funded project with commercial beneficiaries; public research institute receiving funds from the commercial sector; ambiguous nature of an interest with regards to the EFSA category.

6 | EFSA's categories of interests⁸

I. **Economic interest** meaning any economic stake or share in a body with an interest in the subject matter, including the stocks, equities or bonds thereof, or of one of its subsidiaries or of a company in which it has a holding;

II. **Member of a managing body or equivalent structure** meaning any participation in the internal decision-making (*e.g.* board membership, directorship) of a public or commercial entity with an interest in the subject matter;

III. **Member of a scientific advisory body** meaning any participation in the works of a scientific advisory body, permanent or ad hoc, managed by a body with an interest in the subject matter, with a right to have an influence on its output(s). This includes also participation in scientific activities carried out with EFSA, such as membership of Scientific Panels, working groups and Networks. Any advice related to products, their development and/or assessment methods thereof shall be declared exclusively under “Ad hoc or occasional consultancy”;

IV. **Employment** meaning any form of regular occupation or business, part-time or full-time, paid or unpaid, including self-employment (*e.g.* consultancy), in any body with an interest in the subject matter. This also includes employment by EFSA. **Employment by industry** shall mean any form of employment by any legal or natural person carrying out any of the activities on which EFSA's scientific outputs impact directly or indirectly, such as food production, processing and distribution, agriculture or animal husbandry;

V. **Ad hoc or occasional consultancy** meaning any *ad hoc* or occasional activity in which the concerned person provides advice or services to undertakings, trade associations or other bodies with an

⁸ Decision of the Executive Director implementing EFSA’s Policy on Independence and Scientific Decision-Making Processes regarding Declarations of Interests. 21 February 2012. Decision N° EFSA/2012/05/LRA.

<http://www.efsa.europa.eu/en/keydocs/docs/independencerules.pdf>

interest in the subject matter. This includes also services provided on an honorary basis (i.e. for free or without the payment of fees or emoluments) and any advice related to products, their development and/or assessment methods thereof;

VI. **Research funding** meaning any funding for research or developmental work on the subject matter received from any public or commercial body by the concerned person in his or her personal capacity or falling under the professional sphere of influence of that person. It includes grants, rents and reimbursement of expenses, sponsorships and fellowships, also received from EFSA. Grouping by funders and supporters or by subject matters shall be accepted. The expert shall also clarify whether the research (co-)funding received from the commercial sector during the year preceding the submission of the DOI exceeds 25% of the annual research budget that is managed by the expert for the area under concern or that is otherwise benefiting him

or her, including research funding by the organisation employing the expert.

VII. **Intellectual property rights** meaning rights on the subject matter granted to creators and owners of works that are the result of human intellectual creativity and may lead to a financial gain. Plain authorship and publications shall not be declared;

VIII. **Other memberships or affiliations** meaning any membership or affiliation not falling under the definitions provided above and relevant for the purposes of the present decision, to any body with an interest in the subject matter, including professional organisations;

IX. **Other relevant interest** meaning any interest not falling under the definitions provided above and relevant for the purposes of the present decision.

Annex 2 | EFSA’s annual declaration of interests form

ANNEX I: ANNUAL DECLARATION OF INTERESTS (ADoI)

Title (Ms., Mr., Dr., Prof.): _____

First Name: _____

Surname: _____

Profession: _____

EFSA involvement _____

hereby declares to have the following interests relating to his or her EFSA activities
(Please specify the interest that you or your close family members currently have or have had last year and/or in the past 5 years.)

I. Economic interest ⁴	Current ¹ <i>Please answer Yes or No</i>	Past Period ¹ <i>From/To (Month/Year)</i>	Name of Organisation ²	Subject matter ³

- 1. Please indicate activities that are currently ongoing. Indicate starting date (month/year). For activities that are no longer ongoing and that have been completed in the preceding five years, please indicate starting and ending date (month/year).
- 2. Please indicate name, location and nature of the organization.
- 3. Please indicate the activity of the entity, e.g. types of substances, products, guidance documents, processes or policies and how it relates to remit of the scientific group.
- 4. Please indicate any economic stake or share in a body with an interest in the subject matter, including the stocks, equities or bonds thereof, or of one of its subsidiaries or of a company in which it has a holding. Financial instruments on which the individual has no influence are not to be considered relevant for the purposes of the present decision.

II. Member of a Managing Body or equivalent structure⁵	Current ¹ <i>Please answer Yes or No</i>	Past Period ¹ <i>From/To (Month/Year)</i>	Name of Organisation ²	Subject matter ³

1. Please indicate activities that are currently ongoing. Indicate starting date (month/year). For activities that are no longer ongoing and that have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of the organization.
3. Please indicate the activity of the entity, e.g. types of substances, products, guidance documents, processes or policies and how it relates to the remit of the scientific group.
5. Please indicate any participation in the internal decision-making (e.g. board membership, directorship) of a public or private entity with an interest in the subject matter.

III. Member of a Scientific Advisory Body⁶	Current ¹ <i>Please answer Yes or No</i>	Past Period ¹ <i>From/To (Month/Year)</i>	Name of Organisation ²	Subject matter ³

1. Please indicate activities that are currently ongoing. Indicate starting date (month/year). For activities that are no longer ongoing and that have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of the organization.
3. Please indicate the activity of the entity, e.g. types of substances, products, guidance documents, processes or policies and how it relates to the remit of the scientific group.
6. Please indicate any participation in the works of a scientific advisory body, created permanent and created ad hoc, managed by a body with an interest in the subject matter, with a right to have an influence on its output(s). This includes also past participation in scientific activities carried out with EFSA, such as membership of Scientific Panels, Working Groups and Networks. Any advice related to product development shall be declared exclusively under “Ad hoc or occasional consultancy”.

IV. Employment ⁷	Current ¹ <i>Please answer Yes or No</i>	Past Period ¹ <i>From/To (Month/Year)</i>	Name of Organisation ²	Subject matter ³

1. Please indicate activities that are currently ongoing. Indicate starting date (month/year). For activities that are no longer ongoing and that have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of the organization and whether it is a Food Safety Organisation or not.
3. Please indicate the activity of the entity, e.g. types of substances, products, guidance documents, processes or policies and how it relates to the remit of the scientific group.
7. Please indicate any form of regular occupation or business, part-time or full-time, paid or unpaid, including self-employment (e.g. consultancy), in any body with an interest in the subject matter. This also includes employment by EFSA.

V. Ad hoc or occasional consultancy/Advisory ⁸	Current ¹ <i>Please answer Yes or No</i>	Past Period ¹ <i>From/To (Month/Year)</i>	Name of Organisation ²	Subject matter ³

1. Please indicate activities that are currently ongoing. Indicate starting date (month/year). For activities that are no longer ongoing and that have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of the organization.
3. Please indicate the activity of the entity, e.g. types of substances, products, guidance documents, processes or policies and how it relates to the remit of the scientific group.
8. Please indicate any ad hoc or occasional activity in which the concerned person provides advice or services to undertakings, trade associations or other bodies with an interest in the subject matter. This includes also services provided on an honorary basis (i.e. for free or without the payment of fees or emoluments) and any advice related to products, their development and/or assessment methods thereof.

VI. Research funding ⁹	Current ¹ <i>Please answer Yes or No</i>	Past Period ¹ <i>From/To (Month/Year)</i>	Name of Organisation ²	Subject matter ³

1. Please indicate activities that are currently ongoing. Indicate starting date (month/year). For activities that are no longer ongoing and that have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of the organization.
3. Please indicate the activity of the entity, e.g. types of substances, products, guidance documents, processes or policies and how it relates to the remit of the scientific group.
9. Please indicate any funding for research or developmental work on the subject matter received from any public or private body by the concerned person in his or her personal capacity or falling under the professional sphere of influence of that person. The overall proportion of each funding with respect to the annual funding that comes under the professional sphere of influence of that person shall be indicated. It includes grants, rents, reimbursement of expenses, sponsorships and fellowships, also received from EFSA. Grouping by funders and supporters or by subject matters shall be accepted.

Please also indicate whether the research (co-)funding received from the private sector during the year preceding the submission of the DoI exceeds 25% of the annual research budget that is managed by you for the area under concern or that is otherwise benefiting you, including research funding by your organisation (Yes or No): _____

VII. Intellectual property ¹⁰	Current ¹ <i>Please answer Yes or No</i>	Past Period ¹ <i>From/To (Month/Year)</i>	Name of Organisation ²	Subject matter ³

1. Please indicate activities that are currently ongoing. Indicate starting date (month/year). For activities that are no longer ongoing and that have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of the organization.
3. Please indicate the activity of the entity, e.g. types of substances, products, guidance documents, processes or policies and how it relates to the remit of the scientific group.
10. Please indicate any right on the subject matter granted to creators and owners of works that are the result of human intellectual creativity and led to a financial gain. Plain authorship and publications shall not be declared.

VIII. Other membership or affiliation¹¹	Current¹ <i>Please answer Yes or No</i>	Past Period¹ <i>From/To (Month/Year)</i>	Name of Organisation²	Subject matter³

1. Please indicate activities that are currently ongoing. Indicate starting date (month/year). For activities that are no longer ongoing and that have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of the organization.
3. Please indicate the activity of the entity, e.g. types of substances, products, guidance documents, processes or policies and how it relates to the remit of the scientific group.
11. Please indicate any membership or affiliation not falling under the definitions provided above and relevant for the purposes of the present decision to any body with an interest in the subject matter, including professional organisations.

IX. Other¹²	Current¹ <i>Please answer Yes or No</i>	Past Period¹ <i>From/To (Month/Year)</i>	Name of Organisation²	Subject matter³

1. Please indicate activities that are currently ongoing. Indicate starting date (month/year). For activities that are no longer ongoing and that have been completed in the preceding five years, please indicate starting and ending date (month/year).
2. Please indicate name, location and nature of all organisations.
3. Please indicate the activity of the entity, e.g. types of substances, products, guidance documents, processes or policies and how it relates to the remit of the scientific group.
4. Please indicate the domain in which the activity was or is carried out (e.g. zoonoses, fish welfare, mycotoxins, food additives, novel foods).
12. Please indicate any interest not falling under the definitions provided above and relevant for the purposes of the present decision.

I confirm that:

- I consider myself to be in a potential CoI with respect to the following EFSA activity
_____ for the following reason
_____ or
- I consider myself not to be in a potential conflict of interest with respect to my activities at EFSA.

I hereby declare that I have read the Implementing Decision of EFSA's Policy on Independence and scientific decision making processes regarding declarations of interest and that the above declaration is truthful and complete.

Date: _____ **Signature:** _____

If you need more sheets to declare your interests, do not hesitate to use blank ones or to ask for them, but please sign each one of them and attach them to this form.

Annex 3 | Reference table of allowable interests for Annual Declarations of Interests (ADOI)

SECTOR OF EXTERNAL ACTIVITY		ROLE	
		CHAIR AND VICE-CHAIR	MEMBER
I. Economic interest	Current	not allowed	not allowed when the expert has a potential conflicts of interest of a general nature that would regularly lead to the exclusion of the expert's from the meetings of the scientific group.
	Past	allowed	
II. Member of a managing body or equivalent*	Current	not allowed	not allowed when the expert has a potential conflicts of interest of a general nature that would regularly lead to the exclusion of the expert's from the meetings of the scientific group.
	Past	not allowed when interest ended within past two years	allowed
III. Member of a scientific advisory body*	Current	not allowed	not allowed when the expert has a potential conflicts of interest of a general nature that would regularly lead to the exclusion of the expert's from the meetings of the scientific group.
	Past	allowed	
IV. Employment*	Current	not allowed	not allowed when the expert has a potential conflicts of interest of a general nature that would regularly lead to the exclusion of the expert's from the meetings of the scientific group.
	Past		not allowed when the expert has a potential conflicts of interest of a general nature that would regularly lead to the exclusion of the expert's from the meetings of the scientific group and interest ended within past two years.
V. Ad hoc or occasional consultancy to bodies*	Current	not allowed	not allowed when the expert has a potential conflicts of interest of a general nature that would regularly lead to the exclusion of the expert's from the meetings of the scientific group.
	Past		allowed
VI. Research funding from the commercial sector exceeds 25% for the area under concern	Current	not allowed	not allowed when the expert has a potential conflicts of interest of a general nature that would regularly lead to the exclusion of the expert's from the meetings of the scientific group.
	Past	allowed	

VII. Intellectual property rights	Current	not allowed	not allowed when the expert has a potential conflicts of interest of a general nature that would regularly lead to the exclusion of the expert's from the meetings of the scientific group.
	Past	allowed	
VIII and IX. Other memberships or affiliations OR Other relevant interest, including professional organisations, regarding the relevant matter	Current	allowed or not allowed depending on the mission, scope of activities, funding of the relevant organisation	
	Past		

* other than Food Safety Organisations (FSOs)⁹.

NB: for simplification purposes, the allowable or not allowable interests regarding FSOs are not mentioned in this table.

⁹ EFSA. Article 36 list. <http://www.efsa.europa.eu/en/art36/art36list.htm>

Annex 4 | List of EFSA panel chairs and vice-chairs in breach of EFSA rules

All the interests listed below are not allowed for panel chairs and vice-chairs.

– **Diane Benford**, Chair of the Panel on Contaminants in the food chain (CONTAM), has declared she participated in two ILSI Europe expert groups over a period of several years on behalf of her employer, the UK Food Standards Agency. She recorded these collaborations in the “Consultancy” EFSA category (V) of the declaration of interest form.

– **Johan Coert Van Lenteren**, Vice-Chair of the panel on Plant Health (PLH) is member of the scientific advisory bodies of The Royal Netherlands Academy of Sciences and Arts, and of the International Organization of Biological Control - Western Palaearctic Section (IOBC WPRS), a scientific society sponsored by pesticides and GMO companies such as Syngenta, Dow or Bayer¹⁰. None of these organisations are food safety organisations (FSOs), i.e. “competent organisations designated by the member states which may assist [EFSA] with its mission”, the only condition under which sitting in an advisory body is allowed by EFSA¹¹. We had no reason, though, to consider that being an elected full member of The Royal Netherlands Academy of Sciences and Arts was a conflict of interest.

– **Kristen Sejrsen**, Chair of the panel on Additives and Products or Substances used in Animal Feed (FEEDAP), is the President of the European Federation of Animal Science (EEAP), and is member of the board of the Danish Dairy Research Foundation. As it happens, the Danish Dairy Research Foundation belongs to the Danish Agriculture

¹⁰ International Organization of Biological Control - Western Palaearctic Section (IOBC WPRS). Former meetings. <http://www.iobc-wprs.org/events/archives.html>

¹¹ EFSA. Article 36 list. <http://www.efsa.europa.eu/en/art36/art36list.htm>

& Food Council (Landbrug & Fødevarer), the lobby association for the Danish farming and food industry¹². Its office in Brussels¹³ declared between 200.000 and 250.000 € of “costs to the organisation directly related to representing interests to EU institutions” in 2012 in the EU's transparency register¹⁴. Mrs Sejrsen also declared a consultancy for Elanco AnimalHealth, the veterinary pharmaceutical branch of Eli Lilly.

– **Ambroise Martin**, Chair of the panel on Dietetic Products, Nutrition and Allergies (NDA), was presiding over the management board of the Institut Français pour la Nutrition (French Nutrition Institute - IFN) until May 2011. The now defunct IFN was an industry-funded organisation created by the French confederation of food and drink industries (Association Nationale des Industries Agroalimentaires - ANIA) and the Institut de Liaison et d'Études des Industries de Consommation ILEC¹⁵. Mr Martin is member of the scientific advisory board of Accorservices / Edenred, a private company selling pre-paid services. He consulted twice for the National Consumption Institute (Institut National de la Consommation - INC), a French consumers' organisation (in 2011-2012, and in 2013). He is the co-inventor of two patents co-

¹² Danish Agriculture & Food Council. The Danish Dairy Research Foundation. Accessed 9 September 2013.

http://www.agricultureandfood.dk/Research/The_Danish_Dairy_Research_Foundation/Call_for_Expressions_of_Interest_2011.aspx#.UimO6bxxAXQ

¹³ Danish Agriculture & Food Council. Our office in Brussels. Accessed 9 September 2013.

http://www.agricultureandfood.dk/About_us/our_office_in_brussels.aspx#.UimOZbxxAXS

¹⁴ Transparency register of the European Commission. Landbrug & Fødevarer - Danish Agriculture and Food Council. Accessed 9 September 2013.

<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=1634450483-86&locale=en#en>

¹⁵ Institut Français pour la Nutrition. Status. Wayback machine.

<http://web.archive.org/web/20120608081017/http://www.ifn.asso.fr/page/statuts/6.html>

owned by public research bodies and Biomérieux, a pharmaceutical company. We did not consider that consulting for a consumers' association constituted a conflict of interest.

– **John Joseph Strain**, Vice-Chair of the same panel, declared three consultancies – for KPMG and Pricewaterhouse Coopers, both audit, accounting and consulting firms; and for Procter & Gamble, a detergent and personal care products company. Mr Strain also owns current intellectual property rights for a patent. Also worthy of note: Mr Strain was member of ILSI Europe's Board of Directors – its most important leadership structure – from January 2007 until April 2010.

– **Iona Pratt**, Chair of the panel on Food Contact Materials, Enzymes, Flavours and Processing Aids (CEF), declared consultancy for the private consulting firm Milieu between 2005 and 2012. Also noteworthy too is Mrs Pratt's participation in two ILSI Europe activities (chair of an ILSI working group in 2008 and reviewer for an article to be published in a scientific journal until 2009).

– **Joe Perry**, Chair of the panel on Genetically Modified Organisms (GMO) is a consultant for Rothamsted Research, a public British agricultural research institute which is not on EFSA's food safety organisation list. Furthermore, Rothamsted has had several research partnerships with biotech firms in the last decade¹⁶, the latest one with Syngenta¹⁷.

– **Gijs Kleter**, Vice-Chair of the GMO panel, declared sitting on the scientific advisory body of the International Union of Pure and Applied

Chemistry (IUPAC). Mr Kleter is a "Project team leader, member, and secretary of the Committee on Crop Protection Chemistry" which gathers together several industry scientists¹⁸. He also declared attendance as an observer to meetings of the committee on legislation and regulation of the Dutch National Biotechnology Industry Association (NIABA) in the "Other membership or affiliation" (IX) category. NIABA is funded by more than 70 corporate members¹⁹. Had this activity been declared in the "Member of a scientific advisory body" (III) sector, this would have been considered a conflict of interest by EFSA.

– **Bernadette Ossendorp**, Chair of the panel on Plant Protection Products and their Residues (PPR), declared one of her close family members was employed as a professor at Wageningen UR, a Dutch university and research centre, which is not on EFSA's Food safety organisation list. The same rules apply for close family members as for the expert herself: this is not allowed by EFSA. However, CEO does not consider this a conflict of interest

– **Tony Hardy**, Chair of the Scientific Committee, declared participating in an ILSI Europe Task Force between 2008 and 2010 in the "Consultancy" EFSA category (V) of the declaration of interest form.

¹⁶ "Research partners" section, Rothamsted Research website, version placed in web archive 20 Aug 2003, accessed in web archive 15 September 2013
<http://web.archive.org/web/20030820210307/http://www.rothamsted.bbsrc.ac.uk/corporate/partners/tpartners.html>

¹⁷ Rothamsted Research, Syngenta Agree £5M Partnership – The Crop Site, 24 July 2013, <http://www.thecropsite.com/news/14256/rothamsted-research-syngenta-agree-5m-partnership>

¹⁸ IUPAC. Subcommittee on Crop Protection Chemistry. Accessed 10 October 2013.
[http://www.iupac.org/nc/home/about/members-and-committees/db/division-committee.html?tx_wfqbe_pi1\[publicid\]=604](http://www.iupac.org/nc/home/about/members-and-committees/db/division-committee.html?tx_wfqbe_pi1[publicid]=604)

¹⁹ The Netherlands Biotech Industry Association. Accessed 10 October 2013.
http://www.niaba.nl/website/?page_id=106

Annex 5 | Interests omitted by five experts

Given the huge number of declarations of interests screened, it was impossible to track down potential omissions for 209 experts. We nevertheless explored the five cases discussed with EFSA on our visit day a bit further.

– **Alex BACH** (Panel on Additives and Products or Substances used in Animal Feed -FEEDAP) holds EFSA's record with an impressive figure of 24 conflicts of interests. Yet, quite a few undeclared activities appear on his curriculum vitae²⁰. Since 2007, Mr Bach is a board member of the Fundación Española para el Desarrollo de la Nutrición Animal (FEDNA), a private foundation sponsored by major feed companies²¹. He is member of the International Dairy Federation (IDFL), the world's organisation of the dairy industry, since 2006²². He wears more hats than he declared to EFSA at the American Dairy Science Association, an industry organisation²³. He is the inventor of four patents, one owned by Cargill, his former employer in 2001-2002. He gave several talks at conferences organised by industry associations he is member of, but also by companies such as Pfizer and Semex. Finally, he is a scientific reviewer for many journals totally or partly owned by industry. To name just a few, the "corporate sustaining members" of the *Journal of Animal Science* include Ajinomoto, Archer Daniels Midland or the National Pork Board²⁴. The *Journal of Dairy Science* is the official publication of

the aforementioned American Dairy Science Association, and has only corporate sustaining members²⁵. The *British Journal of Nutrition* is not an industry publication, but the Nutrition Society²⁶, which is sponsored by food companies and organisations such as Kraft Foods or Kellogg's²⁷, owns it.

– **Peter FARMER** (Panel on Contaminants in the food chain - CONTAM) did not declare interests that he yet officially declared to two UK committees²⁸: research support and conference attendance expenses from the American Chemistry Council, the lobby organisation for the American chemical industry; and research support from CEFIC, the lobby organisation for the European chemical industry. More precisely, he was member of the advisory group of a CEFIC funded project²⁹. In a World Health Organisation publication on Guidelines for indoor air quality, he reported "having received remuneration for consultancy from a commercial entity or other organization with an interest related to the subject of air pollution"³⁰. Because they go back

²⁵ About the Journal of Dairy Science. Accessed 9 September 2013.

<http://www.journalofdairyscience.org/content/aims-scope>

²⁶ The Nutrition Society. British Journal of Nutrition.

<http://www.nutrition-society.org/publications/nutrition-society-journals/british-journal-of-nutrition>

²⁷ The Nutrition Society. Current sponsors. Accessed 9 September 2013.

<http://www.nutrition-society.org/current-sponsors-0>

²⁸ Committees on Toxicity, Mutagenicity and Carcinogenicity of Chemicals in Food, Consumer Products and the Environment. Annual report 2009.

<http://cot.food.gov.uk/pdfs/cotcomcoreport2009.pdf>

²⁹ Framework for the development and application of environmental biological monitoring guidance values (LRI-HBM1-UCRA-0712). Final project report. Institute of Environment and Health, Cranfield University, April 2010. Accessed 9 September 2013.

<http://www.cranfield.ac.uk/health/researchareas/environmentalhealth/ieh/finalreportframework%20for%20the%20development%20and%20application%20of%20environmental%20biological%20monitoring%20guidance%20values.pdf>

³⁰ WHO Guidelines for indoor air quality. Selected pollutants. World Health Organisation

²⁰ Alex Bach. Accessed 9 September 2013. <http://www.irta.cat/ca-ES/Persones/Documents/3440.pdf>

²¹ FEDNA. Patrocinadores y Colaboradores. Accessed 9 September 2013.

<http://www.fundacionfedna.org/patrocinadores-y-colaboradores>

²² International Dairy Federation. About us. Accessed 9 September 2013. <http://www.fil-idf.org/Public/TextFlowPage.php?ID=23084>

²³ American Dairy Science Association. About ADSA. Accessed 9 September 2013.

<http://www.adsa.org/AboutADSA/AboutADSA.aspx>

²⁴ About Journal of Animal Science. Accessed 9 September 2013.

<http://www.journalofanimalscience.org/site/misc/about.xhtml>

much more than 5 years, Mr Farmer had no obligation to declare his past links with the Tobacco industry. In 1995-1996, he received a grant from British American Tobacco's "Scientific Research Group" in support of two PhDs³¹. In 2000-2001, a Philip Morris document mentions him in a proposed project of a review of the literature "on the analytical methods to determine the extent of formation of 8-hydroxy-2'-deoxyguanosine (8-HDG) (oxidative damage to DNA allegedly caused by exposure to [Environmental Tobacco Smoke]"³².

– **Susan FAIRWEATHER-TAIT** (Panel on Dietetic Products, Nutrition and Allergies - NDA) declared three consultancy activities to EFSA with the mention "CONFIDENTIAL". Yet, as a member of the working group for the revision of the Nordic Nutrition Recommendations (NNR5), she provided a more detailed declaration of interest. According to the matching dates, she consulted for Unilever (04/2007 - 06/2009), Danone (01/2009), GlaxoSmithKline (03/2008)³³. Why would this information be there and not here? Same thing for her Coca-Cola interest. "This project investigated the effect of consuming an acid drink on iron absorption from a meal. 09/2006 - 08/2008", she declared to EFSA. To NNR5, she explained she was a principal investigator on two projects, one on the effect of pH of beverage on iron absorption from a meal (2006-2008); the other on measuring iron absorption from apple juice (2006-2007). Mrs Fairweather-Tait also discloses she was a principal investigator on a project measuring absorption of different forms of calcium in ice cream for Unilever

Regional office for Europe, 2010.

http://www.euro.who.int/_data/assets/pdf_file/0009/128169/e94535.pdf

³¹ Lee P. *et al.* Summary of Research Projects Funded by the SRG in 1995. Budget. May 1995. British American Tobacco. Bates no. 400728760-400728765. Available at <http://legacy.library.ucsf.edu/tid/wnc00a99>. Accessed 9 September 2013.

³² Carmines E *et al.* WSA Proposed Projects 20000000. Form. 3 February 2000. Philip Morris. Bates no. 2074169228-9419. Available at <http://legacy.library.ucsf.edu/tid/gzq01h00>. Accessed 9 September 2013.

³³ Susan Fairweather-Tait. Declaration of interest, 12 April 2010. <http://www.slv.se/upload/NNR5/DoI%20Susan%20Fairweather-Tait.pdf>

(2005-2007). In the EFSA form, she thoroughly recorded her recent ILSI activities; she was not required to mention her participation to an ILSI publication back in 1997³⁴. She is a member of the American Society for Nutrition, whose long list of corporate "sustaining partners" includes Mars, PepsiCo, or Kraft Foods³⁵. Finally, Mrs Fairweather-Tait is member of the Council of the International Society for Trace Element Research in Humans (ISTERH), whose 2011 conference was sponsored by private companies³⁶.

– **Roland FRANZ** (Panel on Food Contact Materials, Enzymes, Flavourings and Processing Aids - CEF) is head of the Product safety and analytics Scientific Department at the Fraunhofer Institute IVV (Germany). As the Fraunhofer provides paid consultancy and services to the private sector, he described at length what this position consists of in his declaration of interests to EFSA, and wrote: "I see a conflict of interest with CEF Panel: Considering the large number of dossiers on [Polyethylene Terephthalate, or PET] recycling we have prepared and filed to EFSA, I have to declare PET recycling a general conflict of interest." In the institute's last annual report, though, he is mentioned as a leader for two projects that are not declared to EFSA³⁷. Both (entitled "Research and harmonisation activities in support of EU legislation in the field of packaging of foodstuffs", 2011 and 2012) are financed by the Industry Association for Food Technology and Packaging (Industrievereinigung für Lebensmitteltechnologie und Verpackung e.

³⁴ ILSI. Assessment of the Bioavailability of Micronutrients. Editors: M.J. Jackson, S.J. Fairweather-Tait, H. van den Berg, W. Cohn. ILSI Europe workshop. Published in *European Journal of Clinical Nutrition*, Vol. 51, Suppl. 1, pp. S01-S90. 1997. Accessed 9 September 2013. <http://tinyurl.com/nvdbzqu>

³⁵ ASN Sustaining Partners. Accessed 9 September 2013. <https://www.nutrition.org/our-members/corporate-members/our-sustaining-members/>

³⁶ International Society for Trace Element Research in Humans. **2011 Sponsors**. http://www.isterh.com/2011_sponsors

³⁷ Fraunhofer Institute IVV. Annual report 2012-2013. http://www.ivv.fraunhofer.de/no_html/jahresbericht_2012_2013_englisch.pdf

V. – IVLV)³⁸. As part of his job, Mr Franz gives talks at industry conferences. In June 2009, he made a presentation about the “European Food Safety Authority’s (EFSA) Guidelines on Recycling” at a Society of the plastics industry symposium³⁹. Six months later, he was in Zürich to talk at the “Polyester 2009” conference⁴⁰. Note that EFSA does not require the experts to declare their participations or attendances to conferences in a dedicated box.

– **Marina HEINONEN** (Panel on Dietetic Products, Nutrition and Allergies - NDA) [REF DOI] forgot to record she has been the chair of the Nordic Lipid forum since 2011⁴¹. This organisation is member of the European federation for the science and technology of lipids (Euro Fed Lipid), which president and vice-president are employees of the oil industry⁴². Euro Fed Lipid’s 2013 annual congress was sponsored by private companies and organisations⁴³, including the Malaysian Palm Oil Board, a palm oil trade organisation⁴⁴. According to her on-line curriculum vitae, Mrs Heinonen was a member of the International scientific advisory board of the EU-funded research project ISAFRUIT

³⁸ IVLV. Member companies. Accessed 9 September 2013.

<http://www.ivlv.org/en/network/member-companies/>

³⁹ SPI symposium. Food, Drug, and Cosmetic Packaging Materials Committee International Symposium on Worldwide Regulation of Food Packaging. June 11-12, 2009. Accessed 9 September 2013.

http://spi.files.cms-plus.com/about/fdcpmc/Revised_FDCPMC_International_Symposium_Program20090526.pdf

⁴⁰ IHS Chemical Week. Polyester and PET Chain 14th World Congress 2009.

<http://store.chemweek.com/brand/5/81.html>

⁴¹ Euro Fed Lipid. Newsletter April 2013. Accessed 9 September 2013.

http://www.eurofedlipid.org/news/2013_04/newsletter_2013_04.html

⁴² Euro Fed Lipid. Board. Term 2012-2013. Accessed 9 September 2013.

<http://www.eurofedlipid.org/council/index.php>

⁴³ Euro Fed Lipid. 11th Euro Fed Lipid Congress and 30th ISF lecture series "Oils, Fats and Lipids: New Strategies for a High Quality Future" Antalya, Turkey, 27-30 October 2013. <http://www.eurofedlipid.org/meetings/antalya/index.php#expo>

⁴⁴ Malaysian Palm Oil Board. About us. <http://www.mpob.gov.my/en/about-us/about>

from 2006 to 2010⁴⁵. More than €13.7 of the 21,4 millions were provided by the EU. The European Commission’s database on the Framework Programme Projects does not provide any information about the other part⁴⁶. Mrs Heinonen gave a talk at a Unilever product launch event in 2008. She is also a reviewer for several journals. Two should be mentioned. The *Journal of Food Science* is owned by the The Institute of Food Technologists (IFT), a heavily industry-sponsored organisation⁴⁷ whose current president, John Ruff, worked 36 years for Kraft Foods, and is a former president of ILSI⁴⁸. The second is the *Journal of the Science of Food and Agriculture*, a publication of the Society of the Chemical Industry (SCI), which logo claims: “Where science meets business”⁴⁹.

⁴⁵ Marina Heinonen. Curriculum vitae.

<https://tuhat.halvi.helsinki.fi/portal/en/persons/marina-heinonen%280d552988-bed7-4558-8a24-1033da847cf2%29.html>

⁴⁶ Cordis. ISAFRUIT. http://cordis.europa.eu/projects/rcn/79817_en.html

⁴⁷ IFT wishes to thank the following sponsors (As of June 28, 2013). Accessed 9 September 2013.

<http://www.am-fe.ift.org/pdfs/2013/Sponsor%20Thank%20You%20as%20of%206-28-13%207.6%20x%208.pdf>

⁴⁸ IFT. John Ruff - President. Accessed 9 September 2013. <http://www.ift.org/About-Us/Our-Leadership/John-Ruff.aspx>

⁴⁹ Journal of the Science of Food and Agriculture.

<http://onlinelibrary.wiley.com/journal/10.1002/%28ISSN%291097-0010>