



Subj: Open letter regarding conflicts of interest EFSA's management board

To: European Commissioner John Dalli

CC: Catherine Geslain-Lanéelle, Executive Director, EFSA

Date: Brussels, March 15th, 2011

Dear Mr. Dalli,

Corporate Europe Observatory (CEO) last month highlighted the fact that at least four members of EFSA's management board are employed by or otherwise linked to food industry lobby groups or other commercial interests, a situation that creates potential conflicts of interest.¹ These board members are: Matthias Horst (director general of the German food industry lobby BVE), Milan Kováč (director of International Life Sciences Institute Europe), Jiří Ruprich (Danone Institute) and Piet Vanthemsche (farmers' lobby COPA and Agri Investment Fund).

We are aware that according to EFSA's Founding Regulation, four of the 15 Management Board members "shall have their background in organisations representing consumers and other interests in the food chain"² and that these four members are currently Matthias Horst (industry), Pieter Vanthemsche (farmers), Sue Davies (consumers) and Sinikka Turunen (consumers).

On March 4th, CEO wrote to Catherine Geslain-Lanéelle, Executive Director, EFSA, arguing that the Founding Regulation does not provide a justification for the obvious risk of conflicts of interest emerging from the board membership of Mr. Horst, Mr. Kováč, Mr. Ruprich and Mr. Vanthemsche. Being the chief lobbyist for the German food industry (as in Matthias Horst's case) is not the same as having a "background in organisations representing consumers and other interests in the food chain", as EFSA's founding regulation state. We also questioned the situation regarding Milan Kováč and Jiří Ruprich who are not listed as representing consumers or other interests, but who do have very clear links with the food industry.

On 8 March, Mrs. Geslain-Lanéelle sent us a very brief response in which she again referred to the Founding Regulation which stipulates that four board members should "have their background in organisations representing consumers and other interests in the food chain". She also said that EFSA "does not play any role in the appointment of the Management Board members", but that this is done by the Council in consultation with the Parliament from a list drawn up by the Commission. Her letter does not respond to the key points of our substantive criticism and the concrete proposals raised in our letter. It is against this background that we write to you. We would be very grateful if you could clearly respond to the following questions:

1. Do you agree that the board membership of Mr. Horst, Mr. Kováč, Mr. Ruprich and Mr. Vanthemsche could lead to conflicts of interest as they are employed by or otherwise linked with food industry lobby groups and other commercial interests, and that this could undermine the independence of EFSA?

2. Do you agree that Jiří Ruprich's and Milan Kováč's membership of the EFSA management board are not justified by the Founding Regulation, as they are not among the four board

¹ "Serial conflicts of interest on EFSA's management board", Corporate Europe Observatory, 23 February 2011. http://www.corporateeurope.org/system/files/files/article/EFSA_board_conflict.pdf

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:031:0001:0024:EN:PDF>

members selected due to their background “in organisations representing consumers and other interests in the food chain”?

3. EFSA's chair of the management board, Diána Bánáti, resigned from the board of the controversial food industry-sponsored International Life Sciences Institute (ILSI) in the autumn of 2010 after the potential conflicts of interest arising from these double roles provoked criticism. Similar potential conflicts of interest exist in the case of Milan Kováč, who is a director of ILSI Europe in Brussels and a trustee of ILSI Global in Washington. Do you agree that the only logical conclusion would be that action must be taken to resolve this conflict of interest?

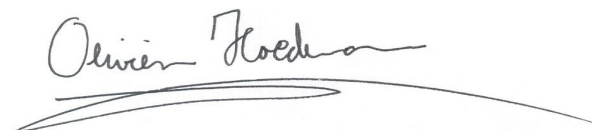
4. On its website EFSA highlights that its board members “do not, in any way, represent a government, organisation or sector”³. A press officer from the European Council – the institution which approves candidate members of EFSA's management board – told CEO that board members are appointed *intuitu personae* (“personal capacity”) and “shall act in the public interest”. Do you agree that it is not credible to claim that people employed by or otherwise directly linked with organisations with vested commercial interests, do not represent their employers or organisations, or to claim that they can be trusted to act in the public interest (rather than that of these organisations)?

EFSA's management board is a decision-making body with very significant powers, both directly and indirectly. This includes setting EFSA's budget, approving the annual work programme, and appointing the members of the Scientific Committee and Scientific Panels. People employed by food industry lobby groups or with other potential conflicts of interest should not be involved in making such important decisions and should therefore not be on EFSA's management board. Seeking advice from stakeholders should happen through other channels, for instance via the EFSA Stakeholder Consultative Platform, and should clearly be separated from the agency's internal decision-making processes, including the functioning of the management board.

Disclosing the declarations of interests for EFSA board members online is crucial to allow EU citizens to assess whether board members are really independent from vested interests. Such transparency is indispensable, but clearly not in itself a remedy against conflicts of interest.

CEO believes a comprehensive overhaul of EFSA's governing rules is needed to remedy the high risk of conflicts of interest among members of its management board. I urge you to act to initiate such an overhaul to ensure that the rules will guarantee independence and the absence of conflicts of interest from decision-making at the agency.

Yours sincerely,



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³ <http://www.efsa.europa.eu/en/mb/role.htm>