

EXECUTIVE DIRECTOR

Parma **04 DEC 2015**
Ref. BU/DD/SG/lm (2015) – out-14886008

Dr Hans Hoogeveen, JD MPA
Director General, Agro and Nature
Plant Supply Chain and Food Quality Dpt
P.O. Box 20401
2500 EK The Hague
The Netherlands

Subject/Re: Request about new EFSA members

Ref.: DGAN – PAV / 15145396

Dear Dr Hoogeveen,

Thank you for your letter of 29 October 2015, in which you bring to my attention certain information regarding members of the Scientific Panel on Genetically Modified Organisms (GMO) of the European Food Safety Authority (EFSA).

In this letter, you refer to a press release issued by Testbiotech e.V.¹ criticising the Authority for having reappointed three former members of this Panel “after an absence of several years”, and affirming that even more members of EFSA’s GMO Panel would have “proven links with industry”.

In this respect, I would like to clarify that EFSA’s regulatory framework requires that experts do not serve for more than three consecutive terms in the same Panel.² Having concluded their third mandate in the GMO Panel in June 2012, Mr Sweet, Mr Davies and Mr Wal could not be appointed for a further mandate. Hence, the fact they weren’t members of the GMO Panel during the term 2012-2015 was due to regulatory requirements.

For what concerns the potential conflicts of interest allegedly identified by Testbiotech, please be reassured that EFSA takes very seriously the question at issue. As a matter of fact, EFSA has put in place a multi-layered system composed of several processes, procedures and guarantees implementing thorough standards to ensure the independence of its scientific outputs and the absence of conflicts of interest among its experts.³

In accordance with its policy, scientific publications and experimental studies considered by EFSA are assessed by the members of the EFSA GMO Panel and its competent Working Group(s) with the involvement of EFSA staff. The experts are selected against pre-set criteria and in application of a transparent procedure subject to quality checks by observers from other institutions and external

¹ Currently available online At the following address: <http://www.testbiotech.org/en/node/1273>

² Article 1(4) of mb 15 03 12 – Rules of Procedure of the Scientific Committee, of the Scientific Panels and their Working Groups – ADOPTED.

³ MB 15 12 11 – Policy on independence and scientific decision making process – ADOPTED, and Decision of the Executive Director on Declarations of interest of 31 July 2014.

scientists.⁴ Finally, the interests declared by the experts are screened by EFSA staff at several moments in time, and before each meeting takes place to ensure that no conflict of interest occurs.

It follows that the possibility that a single expert may exercise an undue influence on the final output of the EFSA GMO Panel is greatly reduced, if not prevented altogether.

Against this background, as also Testbiotech notes, according to EFSA not all professional activities related to GMOs carried out by experts necessarily result in a conflict of interest (CoI) for the concerned scientists. As you can also appreciate, possessing a multitude of interests in a given subject may be also indicative of a high level of proficiency, expertise or recognition by the scientific community.

Annexed to this letter, you may find the reasoning as to why EFSA considers that no conflict of interest exists with respect to the experts singled out by Testbiotech. However, I would like to conclude by highlighting that in view of the subjective considerations and sensibilities linked to ethics and integrity matters, I acknowledge that some interested parties may keep disagreeing with EFSA's positions. This notwithstanding, I consider that these reflect a proportionate and fit for purpose approach to the prevention of conflict of interest among EFSA's external scientific experts.

I trust this addresses your concerns and remain at your disposal to provide any further information you might need.

Yours sincerely,

(w.g.)

Bernhard Url

Encl: Individual responses to Testbiotech's statements

cc: Mr R. van Gorcom; S. Yamadjako; D. Detken; E. Waigmann.

⁴ Decision of the Executive Director concerning the selection of members of the Scientific Committee the Scientific Panels, and the selection of external experts to assist EFSA with its scientific work, EFSA/SCER/DEC/14562383/2015.

Individual responses to Testbiotech's statements

Expert Testbiotech position

The expert is active in various industry-related organisations, including the "International Society for Biosafety Research", which is close to the industry-funded think tank International Life Sciences Institute (ILSI);

Jeremy Sweet

EFSA position

According to their website, the mission of ISBR is to promote the practice and application of science in the fields of agricultural biotechnology and environmental risk analysis.

In the past, the expert used to be member of the ISBR Board and to organise scientific symposia for the learned society. Currently, the expert is a member of this international learned society. According to EFSA's rules, membership in learned societies promoting science and research does not result in a conflict of interest incompatible with the relevant panel's membership.

For personal reasons, Mr Davies resigned from his position of GMO Panel member closely after his appointment by the EFSA Management Board. Currently, he is not involved in any activity of EFSA.

Irrespective of Mr Davies' current involvement, EFSA considers that being an author of a publication is part of the normal range of activities performed by a scientist, even if this is published, or funded, by industry supported organisations. EFSA considers that this does not result in a conflict of interest that would disqualify an expert from Panel membership. According to EFSA's rules, experts are not required to systematically declare in their Annual Declaration of Interest their scientific publications.

Instead, EFSA experts are required to declare this kind of interests in their Specific Declaration of Interest before each meeting takes place, if the Panel would be discussing his publications. Should have ever this been the case, according to the principle that the experts cannot assess their own work, Mr Davies would have been excluded from any meetings where his publications were discussed.

Howard Davies

The expert is involved in ILSI publications

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 organised by ILSI.

EFSA considers participation in conferences and workshops ect. as being part of the normal range of activities performed by a scientist which includes presentation and publication of the scientific work. Regarding the participation to events organised by ILSI during the last 5 years, the expert either presented his research performed at INRA (a French public research institute) or the EFSA approach to allergenicity assessment. The participation to such activities resulted in 2 peer-reviewed publications (Ladics et al, 2014; Ladics et al. 2015). As clarified above, EFSA considers that being an author of a publication, even if published or funded by an industry supported organisation, does not result in a conflict of interest that disqualifies an expert from Panel membership.

The reasoning outlined with regard to the Specific Declaration of Interest of Mr Davies would be applicable also to Mr Wal.

Jean-
Michel
Wal
The expert worked for ILSI

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 an industry supported organisation, does not result in a conflict of interest that disqualifies an expert from Panel membership. According to EFSA's rules, experts are not requested to systematically declare their scientific publications in their Annual Declaration of Interest. In any case, the expert would be excluded from those meetings where her publications contributed to the discussion.

The reasoning outlined with regard to the Specific Declaration of Interest of Mr Davies would be applicable also to Ms De Schrijver.

Adinda
De
Schrijver
The expert co-authored
several ILSI publications

Expert Testbiotech position

EFSA position

Mr Nogueu declares in his ADoI having contributed to the invention registered in Patent WO/2006/134496 title: Homologous Recombination In Msh2 Inactivated Plants Or Cells Thereof, Topic covered by the granted right: Gene modification through homologous recombination techniques.

Fabien involved in a patent on
Nogueu genetically modified plant

The patent concerns a generic technique and is declared as having been withdrawn in January 2013. In other words, this co-inventorship is a past interest that is considered as not representing a conflict of interest due to its timeframe, nature and lack of financial benefits. Only if the patent were discussed by the Panel, Mr Nogueu would be excluded from the discussion at Specific Declaration of Interest level.