



Subj: Open letter regarding conflicts of interest EFSA's  
management board  
To: Catherine Geslain-Lanéelle, Executive Director, EFSA  
CC: European Commissioner John Dalli  
Date: Brussels, March 4<sup>th</sup>, 2011

Dear Mrs. Catherine Geslain-Lanéelle,

Corporate Europe Observatory (CEO) last week highlighted in a report the fact that at least four members of EFSA's management board are employed by or otherwise linked with food industry lobby groups and other commercial interests, a situation that creates potential conflicts of interest.<sup>1</sup> 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).

EFSA's press officer responded by arguing 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".<sup>2</sup> She said that these four members are currently Matthias Horst (industry), Pieter Vanthemsche (farmers), Sue Davies (consumers) and Sinikka Turunen (consumers).

CEO does not find such a justification acceptable. 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".

CEO would also like to question the situation regarding Milan Kováč and Jiří Ruprich who were not listed as representing consumers or other interests, but who do have very clear links with the food industry.

On its website and in its response to CEO, EFSA highlights that its board members "do not, in any way, represent a government, organisation or sector".<sup>3</sup> 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".

CEO argues 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). These statements are not a solution to the obvious risk of conflicts of interest emerging from the board membership of Mr. Horst, Mr. Kováč, Mr. Ruprich and Mr. Vanthemsche.

<sup>1</sup> "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](http://www.corporateeurope.org/system/files/files/article/EFSA_board_conflict.pdf)

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

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

EFSA's chair of the management board, Diana Banati, 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 apply to management board member Milan Kováč, who is a key player in ILSI. Mr. Kováč is a director of ILSI Europe in Brussels and a trustee of ILSI Global in Washington. He also has a seat on the scientific advisory board of another controversial food industry-sponsored think tank, the Brussels-based European Food Information Council (EUFIC).

Mr. Kováč's membership of the EFSA management board cannot be justified with reference to the Founding Regulation, as he is not one of the four board members selected due to their background "in organisations representing consumers and other interests in the food chain". We would therefore argue that Mr. Kováč's membership of the management board should be terminated.

I was very surprised that EFSA, in its response to CEO's criticisms, claimed that the board "has no influence on EFSA's scientific advice". While it is correct that the board is not involved in making scientific assessments, the management board is a decision-making body with very significant powers, both directly and indirectly. This includes appointing the members of the Scientific Committee and Scientific Panels.

People employed by food industry lobby groups or with other conflicts of interest should not be involved in making such important decisions and should therefore not be on EFSA's management board.

This does not mean that EFSA should not relate to the food sector and society in general, but this should happen through other channels, for instance via the Stakeholder Consultative Platform. Seeking advice from stakeholders 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 therefore calls on you to initiate a change in EFSA's governing rules to secure independence and absence of conflicts of interest in the decision-making of the agency.

Yours sincerely,

A handwritten signature in black ink that reads "Olivier Hoedeman". The signature is written in a cursive style and is positioned above a horizontal line that tapers at both ends.

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