



Ms Catherine Geslain-Lanéelle  
Executive Director  
European Food Safety Authority  
Largo N. Palli 5/A  
43121 Parma  
Italy

CC: Mr John Dalli, Commissioner for Health and Consumer Policy  
Mr Maroš Šefčovič, Vice-President of the European Commission  
in charge of Inter-Institutional Relations and Administration  
Mr Eoin O'Shea, European Court of Auditors

Brussels / Paris, 13 September 2011

Dear Ms Geslain-Lanéelle,

Corporate Europe Observatory (CEO) and Réseau Environnement Santé (RES) have found that two of the newly-appointed members to the scientific panel on food additives and nutrient sources added to food (ANS panel) have failed to disclose consulting activities for the International Life Sciences Institute (ILSI), an international think tank and lobby group whose funders include Nestlé, Unilever, Kraft Foods, Danone, Mars, Coca-Cola, and Mc Donald's<sup>1</sup>.

ILSI Europe describes itself as "a key partner for European industry" and provides funding to "build science in regulatory areas"<sup>2</sup>. ILSI's main mission is to develop or revise standards and procedures for risk assessment for food, chemicals and biotech products, in order to make them least stringent and least costly as possible for industry<sup>3</sup>.

The ANS panel members Riccardo Crebelli, a research director at the Italian Institute of Health, and Ursula Gundert-Remy, a former medical expert at the German Institute for Risk Assessment, have both acted as advisers for ILSI in the past five years. Gundert-Remy was appointed a scientific adviser at the ILSI Research Foundation in Washington in 2005, and Crebelli was a member of a scientific committee on the safety of food packaging set up by ILSI in 2008.

According to EFSA's Guidance document on declarations of interest, these activities correspond to consultancy/advisory work and should have been declared<sup>4</sup>:

"Consultancy/Advice is to be interpreted as an activity in which the concerned person charges or does not charge a fee for providing advice or services in a particular field falling within EFSA's remit. Any contracts or collaborations with the EFSA falling outside the work of the Panel/Working Group/Scientific Committee as identified above should also be specified under this activity. The subject matter should only indicate the domain in which the consultancy is/has been active."

EFSA rules on conflicts of interest require members of its expert panels to report any work for industry in the past five years which could affect their independence<sup>5</sup>. Failure to disclose these links is considered as a "prima facie breach of trust towards EFSA" that could lead to these experts' dismissal<sup>6</sup>.



We therefore urge you to dismiss the two newly-appointed scientists for not having respected the obligation required. They have absolutely no excuse given that:

- (a) the former ANS panel rapporteur wrote CEO in June that “it was recently made clear by instruction from EFSA that [collaborations with ILSI] should be included in our declaration of interests”<sup>7</sup>;
- (b) four ANS panel members were exposed later in June by CEO precisely for not having declared active collaborations with ILSI<sup>8</sup>; and
- (c) the declarations of interest of these four experts were updated by EFSA a few days after the publication of CEO’s report – which clearly confirmed CEO’s claims.

It is deeply worrying that EFSA – despite widespread criticism earlier this year – has still not improved its practice when it comes to making its rules on declaration of interests respected by the members of its scientific panels.

In a separate letter, CEO and RES have asked Commissioner Šefčovič to initiate an update of EFSA’s founding regulation on several points, including:

- the **recruitment of experts**: EFSA (or another European institution) should proactively seek experts who are genuinely independent from industrial interests, rather than selecting experts among those who responded to a call for application; criteria for selection should clearly exclude experts who have done consultancy or advisory work on a paid or unpaid basis for food companies, food industry associations, and think tanks funded by the food industry.
- the **auditing of experts’ declarations of interests**: currently, it appears that no one at EFSA (or in another EU institution) verifies the accuracy and veracity of the declarations of interest of experts recruited by the EFSA. This problem also appears to exist in other EU agencies.
- the **transparency of internal procedures** to establish whether the omission of an interest by experts is a breach of trust vis-à-vis EFSA: the deliberations and detailed conclusions of these internal procedures at EFSA should be made public so that EU citizens and members of the European Parliament can understand the reasons why EFSA thinks or does not think that one of its experts has breached its trust.

As this process of updating EFSA’s founding regulation may take some time, and as we are convinced that you share with us the view that the reforms outlined above are needed to better guarantee the independence of EFSA, we urge you to quickly implement these principles in EFSA’s own internal rules and practices.

Yours faithfully,

Nina Holland  
Corporate Europe Observatory

André Cicoella  
Réseau Environnement Santé

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<sup>1</sup> Current ILSI Europe Members, ILSI website. <http://www.ilsi.org/Europe/Pages/currentmembers.aspx>

<sup>2</sup> ILSI Europe Membership, ILSI website. <http://www.ilsi.org/Europe/Pages/Membership.aspx>

<sup>3</sup> Europe's pesticide and food safety regulators – Who do they work for?, Earth Open Source, April 2011. <http://www.earthopensource.org/index.php/reports/10-europes-pesticide-and-food-safety-regulators-who-do-they-work-for>

<sup>4</sup> Implementing act to the policy on declaration of interests - Guidance document on declarations of interest, Catherine Geslain-Lanéelle, EFSA, 8 September 2009, page 4. <http://www.efsa.europa.eu/en/keydocs/docs/doiguuidance.pdf>

<sup>5</sup> Ibidem, page 4: “Past period is to be interpreted as meaning activities that are no longer ongoing and that have been completed in the five years preceding the filling in of the DoI.”

<sup>6</sup> Ibidem, page 6: “Failure to fulfil in a timely and complete manner any of the obligations outlined in this act will be considered as a prima facie breach of trust towards EFSA. Because of that failure, appropriate actions, including the dismissal of the concerned persons, might be taken by EFSA.”

<sup>7</sup> E-mail from Gerrit Speijers to CEO, 10 June 2011. The full quote is: “In its statutes ILSI states that it is not a lobby organisation, therefore I did not consider my participation was a conflicting interest. Actually that is still my opinion, but it was recently made clear by instruction from EFSA that this should be included in our declaration of interests”.

<sup>8</sup> Exposed: conflicts of interest among EFSA's experts on food additives, Corporate Europe Observatory, 15 June 2011. [http://www.corporateeurope.org/sites/default/files/publications/EFSA\\_ANS\\_panel.pdf](http://www.corporateeurope.org/sites/default/files/publications/EFSA_ANS_panel.pdf)