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Vice-President in charge of Inter-Institutional Relations and Administration  
European Commission  
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CC: Mr John Dalli, Commissioner for Health and Consumer Policy  
Mr Eoin O'Shea, European Court of Auditors  
Ms Catherine Day, European Commission Secretary General

Brussels / Paris, 13 September 2011

Dear Commissioner Šefčovič

We are writing to ask your attention for repeated cases of undisclosed industry ties by experts from the scientific panel on food additives and nutrient sources added to food (ANS panel) of the European Food Safety Authority (EFSA), and to call on you to consider updating EFSA's founding Regulation to curb the epidemic of conflicts of interest within EFSA.

Early July, five of the 19 members of EFSA's ANS panel have been replaced as their mandates had expired. Corporate Europe Observatory and Réseau Environnement Santé found that two of the five new ANS panel members have failed to disclose consulting activities for the International Life Sciences Institute (ILSI), an international think tank and lobby group funded by the food industry.

Riccardo Crebelli, a research director at the Italian Institute of Health, and Ursula Remy-Grundert, a former medical expert at the German Institute for Risk Assessment, had both acted as advisers for ILSI in the past five years. Gundert-Remy was a scientific adviser at the ILSI Research Foundation in Washington from 2005-2010 and Crebelli was a member of a scientific committee on the safety of food packaging of a symposium organised by ILSI in 2008.

ILSI Europe describes itself as "a key partner for European industry" and provides funding to "build science in regulatory areas"<sup>1</sup>. Its funders include Nestlé, Unilever, Kraft Foods, Danone, Mars, Coca-Cola, and Mc Donald's<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 the least stringent and costly as possible for industry<sup>3</sup>.

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. Under the current EFSA rules, failure to disclose "advice or services in a particular field falling within EFSA's remit" – even if unpaid – is considered as a "prima facie breach of trust towards EFSA" that could lead to these experts' dismissal.

However, so far EFSA has taken no action in this direction. The new evidence follows research published in June this year by Corporate Europe Observatory, showing that 11 members of the ANS panel have a conflict of interest, as defined by the Organisation for Economic Co-

operation and Development (OECD), and that four of them (John Christian Larsen, Gerrit Speijers, Iona Pratt, and Jürgen König) failed to declare advice or services for ILSI<sup>4</sup>.

We note that the declarations of interest of these four experts have been updated a few days after the publication of our June report. This clearly confirms CEO claims that these four experts were in breach of EFSA rules by having failed to declare collaborations with the food industry-sponsored scientific think tank ILSI Europe.

It is worrying that EFSA – despite broad critique three months ago – still fails to improve its practice when it comes to making its rules on declaration of interests respected by the members of its scientific panels. According to the EFSA's Guidance document on declarations of interest, EFSA should start internal procedures regarding the four cases exposed in June and the two new cases found in September<sup>5</sup>. These internal procedures should be transparent.

We are at the same time calling on EFSA to suspend the two newly-appointed scientists. We are certain that you share with us the view that EFSA should recruit independent experts for assessing food industry additives – and that experts' declarations of interest should be independently assessed.

Corporate Europe Observatory and Réseau Environnement Santé urge you to adopt much stricter rules to curb the epidemic of conflicts of interest within EFSA, specifically on the following points:

- the **recruitment of experts**: EFSA (or another European institution) should proactively seek experts independent from industrial interests, rather than selecting experts among those who responded to a call for application; criteria for selection should clearly exclude experts having 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 the declarations of interests** of experts: currently, 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 exists in all sister agencies of EFSA related to policies of the European Union (EMA, ECHA, EEA, etc.).
- the **transparency of internal procedures** to establish whether the omissions of interests 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 could understand the reasons why EFSA thinks or does not think that one of its experts has breached its trust.
- **sanctions for EFSA (or any other agency)** when the rules on the recruitment of experts, the rules on the auditing of their declarations of interests, or the rules on the transparency of their internal procedures to establish whether the omissions of interests by experts is a breach of trust vis-à-vis EFSA, are not properly enforced.

Our view is that these common sense principles should be laid down in EFSA's founding Regulation (EC) No 178/2002 of 28 January 2002.

Yours faithfully,

Nina Holland  
Corporate Europe Observatory

André Cicolella  
Réseau Environnement Santé

## Notes and references

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

<sup>2</sup> Current ILSI Europe Members, ILSI website. <http://www.ilsi.org/Europe/Pages/currentmembers.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> 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)

<sup>5</sup> Implementing act to the policy on declaration of interests - Guidance document on declarations of interest, EFSA, Catherine Geslain-Lanéelle, 8 September 2009. <http://www.efsa.europa.eu/en/keydocs/docs/doiguuidance.pdf>