

RESOLUTION (EU) 2016/1523 OF THE EUROPEAN PARLIAMENT**of 28 April 2016****with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2014**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2014,
 - having regard to Rule 94 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0086/2016),
- A. whereas, according to its financial statements, the final budget of the European Food Safety Authority ('the Authority') for the financial year 2014 was EUR 79 701 222, representing an increase of 2,11 % compared to 2013; whereas the entire budget of the Authority derives from the Union budget;
- B. whereas the Court of Auditors ('the Court'), in its report on the annual accounts of the Authority for the financial year 2014 ('the Court's report'), has stated that it has obtained reasonable assurances that the Authority's annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes that the budget monitoring efforts during the financial year 2014 resulted in a budget implementation rate of 99,69 %, representing an increase of 0,86 % compared with 2013; notes, furthermore, that the payment appropriations execution rate was at 89,31 %, representing a decrease of 1,48 % compared with 2013;

Procurement and recruitment procedures

2. Notes that at the end of 2014, 449 posts were occupied out of the available 474, which included officials, temporary agents and contract agents as well as seconded national experts; notes that the yearly average post occupancy rate for the 2014 establishment plan (temporary agents and officials) is at 95,1 %, while that for contract agents is at 92,4 %;
3. Asks the Authority to apply strictly the measures pertaining to discretion and exclusion in public procurement, with proper background checks being carried out in every instance, and to apply the exclusion criteria so as to debar companies in the event of any conflict of interest, this being essential to protect the financial interests of the Union;
4. Reminds the Authority that the first objective of its independence policy should be its reputation and therefore to make sure that the Authority is free from real or perceived conflicts of interests, in particular with the economic sectors it is de facto regulating;
5. Notes that the Authority put in place a project to improve efficiency and compliance in transactional processing through a centralised strategy, the introduction of planning, monitoring and reporting processes and structure, as well as through centralised finance and procurement processes and structure; notes with satisfaction that this project will allow the Authority to deliver its mandate more efficiently, reducing the time needed to produce outputs and the number of people involved, resulting in a reduction of 14 full-time staff equivalents in 2015;
6. Welcomes the fact that, in 2014, the Authority put in place a talent management programme to optimise the use of its human resources (staff and experts);

7. Is especially aware of the public interest in the decision-making process within the Authority, which takes place within its legal role and responsibilities; highlights the fact that credible rules on integrity are essential and furthermore that communication and availability for the media are paramount; notes that the Authority is dedicating 74 % of its human resources to scientific activities, evaluation and data collection and communication; encourages the Authority to further progress on this path;

Prevention and management of conflicts of interest and transparency

8. Acknowledges that the Authority launched a project to modify the way it screens and processes the annual declarations of interest in order to ensure better coherence and overall compliance with its rules on declarations of interest; notes, furthermore, that this new system, scheduled to be completed in the course of 2016, foresees centralised screening of the annual declarations of interest and transfer of responsibility from the Authority's scientific departments to its legal and regulatory department;
9. Notes that in order to attain both working with the top academics in the industry and having the most effective conflicts of interest policy possible, the Authority uses a system to assess the experts' interests, which takes into account the role of the experts and the mandate of the scientific working group or panel of which the expert would be a member against a number of different criteria; notes, furthermore, that in 2016 the Authority will undertake an examination of the systems it has in place to detect conflicts of interest as part of the regular cycle of review of its independence policy; asks the Authority to inform the discharge authority about the outcomes of the review and the necessary adjustments to the procedures for selecting experts and checking their credentials;
10. Calls on those Union institutions and agencies which have introduced codes of conduct, including the Parliament, to step up their implementation measures, such as checks of declarations of financial interests;
11. Reiterates its call for the Authority to apply a two-year cooling-off period; does not accept the Authority's justification for its refusal to implement the discharge authority's repeated demands of establishing such a two-year cooling-off period on all material interests related to the companies it regulates;
12. Welcomes the fact that, in order to improve its independence and conflicts of interest policy concerning expert groups, the Authority performed in 2014 an *ex post* analysis of its rules on declarations of interests; notes that this analysis led to a review and the adoption of a new, simpler and more sophisticated version of these rules; calls on the Authority to perform analyses of its policies at a regular basis to ensure the constant development of its independence;
13. Reminds the Authority of the European Ombudsman's ruling stating that the Authority 'should revise its conflict of interest rules' to ensure that those experts who work for academia declare all relevant information to the Authority; is of the opinion that if this would affect around one third of the experts as stated by the Authority, then the Authority should dedicate special attention to the issue and work on specific measures together with the concerned academic institutions to safeguard the integrity of both institutions;
14. Takes note that a pilot project was developed in 2015 aimed at exploring the best way to implement the recommendation of the discharge authority to centralise the validation process of the declarations of interest; observes that this pilot project was successfully concluded in the same year and that full centralisation was expected to be implemented by the end of first semester of 2016; calls on the Authority to inform the discharge authority on the successful implementation of this centralisation;
15. Observes that during 2014 the Authority received a number of contributions on independence-related issues from stakeholders and non-governmental organisations; notes, furthermore, that these contributed to the review of implementing rules for the independence policy;
16. Calls for an overall improvement in the prevention of, and the fight against, corruption through a holistic approach, commencing with better public access to documents and more stringent rules on conflicts of interest, the introduction or strengthening of transparency registers and the provision of sufficient resources for law enforcement measures, and also through improved cooperation among Member States and with relevant third countries;
17. Encourages the Authority further to raise awareness of the conflict-of-interest policy among its staff, alongside ongoing awareness-raising activities and the inclusion of integrity and transparency as an obligatory item to be discussed during recruitment procedures and performance reviews;

18. Points out that several Union rules, including amongst others the Charter of Fundamental Rights of the European Union, give individuals the right to access public documents; reminds the Authority that scientific rigour is ensured best by transparency and accountability of the results; highlights that the Authority should make therefore all data used to reach any scientific conclusions public in a machine-readable format so as to enable scientific scrutiny and constant progress;
19. Acknowledges the Authority's efforts to improve the transparency of its work as well as the data it uses for that work; acknowledges the existing legal limitations it faces for increasing data transparency; stresses that the aim of the disclosure is to make reproducibility of the Authority's work possible and therefore the steps taken towards process transparency in risk-assessment are a welcome first step, but that data transparency should also be ensured; welcomes, in this respect, the launch, in January 2013, of the transparency initiative; welcomes, in this context, the improved presentation and accessibility of information and documents on the Authority's homepage and other action taken, such as risk assessment opinions and the impact they have on Union citizens, towards an 'open EFSA'; encourages the Authority to further progress on this path;
20. Takes note that the Authority's staff are legally bound to comply with the Staff Regulations regarding future employment; notes, in addition, that the assessment of staff's future employment occurs on a systematic basis, and that if the employment is considered to be a potential conflict of interest no appointment should be made until that potential conflict has been resolved on the basis of clear, transparent and verifiable criteria; points out that in 2013, of the 29 statutory staff members that left the employment at the Authority, three went to the chemical/pharmaceutical sector with a range of restrictions put in place for these individuals; acknowledges that the Authority considers that a clear legal and governance framework on revolving doors is already in place;
21. Acknowledges that the Authority carried out an internal exercise to assess the impact of removing the possibility for experts to anonymise certain interests in their declarations of interest; notes from the Authority that the practice of anonymising interests has been used on very few occasions in the past; notes furthermore that for the latest renewal of panel members in 2015, no scientific experts chose to anonymise their interests; notes with satisfaction that the Authority no longer accepts anonymised interests and has withdrawn this option for experts when completing their declaration of interests; asks the Authority to check the declarations submitted by experts who were appointed before 2015 and who took advantage of the option of anonymising their interests;
22. Requests that the Authority implement Article 16 of the Staff Regulations by publishing information about senior officials who have left the service and a list of conflicts of interest on an annual basis;
23. Is looking forward to results of the Authority's systemic review of its policy on independence and scientific decision-making process in 2016; welcomes the Authority's commitment to consider the publication of remunerations for experts' declared activities;
24. Calls on the Authority to make more extensive use of a new status for hearing experts following the example of the invited experts from World Health Organisation's International Agency for Research Against Cancer; calls on the Authority to report to the discharge authority on making use of hearing experts;
25. Stresses that experts in regulatory agencies must be paid for their work so as to enable their independence from the sector they regulate; calls on the Commission to provide the financial means for the Authority to pay external experts and develop in-house research to ensure independence;
26. Asks the responsible body of the Authority to implement the anti-fraud strategy as soon as possible;

Internal audit

27. Notes that six recommendations issued by the Commission's Internal Audit Service (IAS) and marked as 'Very important' were open at the beginning of 2014; acknowledges that four of the very important recommendations were reported as implemented by the Authority and are currently awaiting a follow-up by the IAS; observes that the remaining two were closed by IAS following the introduction of the new Staff Regulations in the financial year 2014; looks forward to the next IAS' review on the status of implemented recommendations;

28. Acknowledges that the Authority carried out a simulation to assess the impact of applying a two-year cooling-off period for certain interests of experts working in the Authority's panels; notes with satisfaction that the Authority is to introduce two-year cooling-off periods in relation to the abovementioned interests in time for the next panel renewal; takes note that with regard to cooling-off periods for research funding, the Authority already has a system in place that limits private sourcing of research funding to a maximum of 25 % of the total research budget under control of an Authority's expert;

Internal controls

29. Acknowledges that the review of the Authority's Internal Control Standards carried out in 2014 concluded that its internal control system is compliant with those standards; notes, however, that there are areas where improvements could be achieved to enhance the quality of the internal control system, in particular regarding the staff evaluation and development, operational structure and evaluation of activities; calls on the Authority to provide the discharge authority with a report on the actions planned to tackle this issue and the progress made in this regard;
30. Ascertains that the Authority's Internal Audit Capability (IAC) considers that the internal control system in place provides reasonable assurance regarding the achievement of the business objectives set up for the processes audited, except for the monitoring of user access rights granted in the ABAC accounting system and the formal nomination of financial actors; calls on the Authority to inform the discharge authority on the advancements made in this regard;
31. Notes that the IAC followed up on all outstanding corrective actions in the areas of data management, business continuity and IT security; notes in particular that actions concerning data management and IT security have been fully implemented; takes note that, regarding business continuity, the majority of actions have been implemented and the remaining actions are planned to be implemented by the end of 2016;

Other comments

32. Notes from the Court's report that, following the amendment of the Staff Regulations in 2004 by Council Regulation (EC, Euratom) No 723/2004 ⁽¹⁾, these included provisions that future remuneration of officials recruited before 1 May 2004 should not be less than under the previous Staff Regulations; observes that the Court's audit revealed this was not complied with and, in the case of eight out of the 71 officials employed at the time, this led to an underpayment of EUR 87 000 for the period of years 2005-2014; notes that the Authority will undertake the necessary actions to remedy this issue in due course;
33. Notes with satisfaction that the Authority has developed a number of measures to support openness and transparency goals as well as dialogue with stakeholders, including representatives of civil society; takes note that the Authority launched new initiatives to further engage society in the Authority's risk assessment process such as plenary meetings in Brussels with a dedicated session to interact with observers and stakeholders, public consultations of scoping papers of guidance documents, public consultations on draft opinions followed by dedicated stakeholder meetings and presence on social media;
34. Acknowledges that a large part of the difficulties the Authority is facing in securing its independence comes from the fact that the Commission consistently refuses to allocate it sufficient means of operation to work at defending food safety for Union citizens independently of the regulated industry's influence;
35. Welcomes the Authority's efforts to implement corrective actions following the previous comments by the Court, particularly the improvements made to its annual work programme to include more details on planned procurements and grants;
36. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 28 April 2016 ⁽²⁾ on the performance, financial management and control of the agencies.

⁽¹⁾ Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 amending the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities (OJ L 124, 27.4.2004, p. 1).

⁽²⁾ Texts adopted, P8_TA(2016)0159 (see page 447 of this Official Journal).