



P. Nikiforos Diamandouros
European Ombudsman

Mr Christoph Then
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ALLEMAGNE

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Strasbourg, 19 -04- 2012

Complaint 622/2012/ANA

Dear Mr Then,

On 21 March 2012, acting on behalf of TestBiotech e.V., you submitted a complaint to the European Ombudsman against the European Food Safety Authority (EFSA), which concerns EFSA's handling of an alleged conflict of interest concerning the Chair of one of its scientific panels.

I have asked EFSA to submit an opinion on the following allegation and claims.

Allegation:

EFSA failed to address the conflict of interest concerning the Chair of one of its scientific panels.

Claims:

1. EFSA should acknowledge that it failed to address the conflict of interest concerning the Chair of one of its scientific panels.
2. EFSA should implement effective measures to prevent similar conflicts of interest in the future.

I note that in your complaint you have argued that EFSA has failed to address the question of conflict of interest at different stages spanning almost 12 years. I consider that it would not be useful to extend the temporal scope of the inquiry to the entire 12-year period for the following reasons: (a) although the EFSA Regulation and the principles of good administration apply



throughout, EFSA's internal rules which are currently in place and which govern the independence of scientific panel members apply since 2009; (b) you drew EFSA's attention to the alleged maladministration here concerned in December 2010; and (c) it is in the interest of the efficient handling of the Ombudsman's inquiry. In light of the above, the scope of the Ombudsman's inquiry should be limited to the manner in which EFSA handled the alleged conflict of interest communicated to it governing the last term of the Chair of the GMO Panel.

In accordance with Articles 2(2) and 3(1) of the Statute of the European Ombudsman, I informed the Executive Director of EFSA of your complaint and invited her to submit an opinion on the allegation and claims included in my inquiry by 31 July 2012.

As soon as I receive EFSA's opinion, I will forward it to you with an invitation to make observations. Any observations you wish to make should be submitted to my office within one month of receiving the opinion.

Once my office receives your observations, or the deadline has passed, the Legal Officer responsible for your case, Mr Antoniadis [+33 388 173768], will then examine your file. I will inform you if I need to inquire further into your complaint before making a decision on it.

Every effort is made to deal with cases as quickly as possible. I try to reach a preliminary conclusion in an inquiry on a complaint within one year of opening it.

Yours sincerely,

P. Nikiforos Diamandouros