

Testbiotech e. V. | Frohschammerstraße 14 | 80807 München

The European Ombudsman  
P.Nikiforos Diamandouros  
1 Avenue du Président Robert Schuman  
B.P. 403  
FR- 67001 Strasbourg Cedex  
France

20August 2010

Dear Mr Diamandouros

Re: Complaint 775/2010/ANA/ S2010-124575

Thank you very much for sending EFSA's answer dated 23 July 2010 to Testbiotech. I would like to file the following observations:

EFSA states that Dr. Renckens was not making direct decisions on GMO market applications. Nevertheless, as a leading member of staff she would certainly have had many ways of influencing the work of the GMO panel ( preparing decisions, drafting guidelines, having meetings with stakeholders). Since there was no cooling off period after she resigned her post, her specific contacts and knowledge were exceedingly relevant for her new job. It is unacceptable for EFSA to downplay the role of Dr Renckens simply to escape criticism of their management decisions.

EFSA states that Dr. Renckens informed the authority on 19 May 2008, after she already was employed by Syngenta. This means that she started her new job without having gained EFSA approval. The authority did not react to this breach of obligations by Dr. Renckens. Only in November 2009, after Testbiotech made a public communication, did EFSA react and send some notes to Dr. Renckens

**TEST**  
**BIOTECH**

Testbiotech e. V.  
Institute for Independent  
Impact Assessment in  
Biotechnology

**Frohschammerstraße 14**  
80807 München  
Fon.: 0 89 - 35 89 92 76  
Fax: 0 89 - 359 66 22  
info@testbiotech.org  
www.testbiotech.org

**Executive Director:**  
Dr. Christoph Then

**Tax Number:**  
143/222/75510

**Registered Office:**  
Munich

**Registration Nr.:**  
Amtsgericht München  
VR 202119

**Bank Account:**  
Postgiro München  
BLZ 700 100 80  
Account-Nr. 525 88 08  
IBAN DE51 7001 0080  
0005 2588 08  
BIC PBNKDEFF

reminding her of her obligations. This was not appropriate or sufficient to satisfy either the legal requirements or the timing.

Testbiotech therefore believes that EFSA's answer is not sufficient to answer the claims and allegations set out in your letter of 25 May 2010 S2010-121389. On the contrary, we consider EFSA's answer to be more or less a confirmation that the authority failed to adequately address the issue of potential conflict of interest.

Our concerns have been heightened by the list provided by EFSA that shows a number of meetings between EFSA and biotechnology companies in which Dr. Renckens directly participated as a staff member for Syngenta. It seems that Dr. Renckens acted as a lobbyist at these meetings. (We also note that this list might be affected by failures since on 5 March 2009 two different meetings took place. It is not clear how Dr. Renckens managed to participate in both).

Dear Mr. Diamandouros, we are very happy to have the support of the European Ombudsman and we are aware that you have to deal with a complicated situation. We hope you will make a good decision on how to proceed with this case. We are concerned that the standards of transparency and independence of European institutions could be undermined if this case is considered to be normal procedure fulfilling all necessary requirements. Please let us know your further planning.

Thank you very much.

A handwritten signature in black ink, appearing to be 'C. R.', written in a cursive style.