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Participation of Member State experts in active substance peer-review process under Regulation 1107/2009

Dear Dr de Seze

In our presentation to the EFSA Pesticide Steering Network (PSN) meeting on 12 June 2018 we mentioned the participation of Member State staff in the EFSA peer-review. We highlighted our concerns that decisions in the peer review meetings are often made with the involvement of a limited number of Member State experts together with EFSA. We understand that in many cases less than five Member States have participated and in some this has been as few as two. We have indicated our support for the proposals included in the EFSA *Action plan for improving the peer review process*¹ and as discussed in the PSN meeting on 14-15 February 2018². Those proposals included: a yearly plan of substances (section 2.2.2), new procedures for DAR/RAR commenting (section 2.2.3), the clarification of expectations for Member State experts (section 2.2.4) and the possibility for earlier circulation of materials (revised RAR, LoEP, Reporting table and Evaluation table).

Despite these steps as well as EFSA frequently highlighting that active participation is essential, it is apparent that there is still limited attendance of Member State staff in the expert meetings. We understand that some Member States do not have the necessary resources to attend, engage with or even correspond with expert meetings during the peer-review process. And while we acknowledge the difficulties in ensuring greater participation, it remains an issue of critical concern to us that the peer-review process is not being supported by the full range of expertise available in the EU.

The EFSA action plan mentioned above notes that “...*the proposals focus on short-term solutions considering the current Regulations. The implementation has followed a stepwise approach, starting with identification of those actions that can be implemented immediately, without the need for additional resources or further consideration by risk managers in the PAFF Standing Committee*”. Given the clear ongoing challenge we would like to understand whether EFSA intend to take any further steps to improve Member State participation in the peer-review process, and in particular in the expert meetings.

It would also be useful to understand whether the changes put forward under the Commission's proposed amendments to the General Food Law (Regulation 178/2002) offer an opportunity to enhance Member State participation. One of the stated objectives of the proposal (page 2) is to “...*strengthen the scientific cooperation of Member States with, and their involvement in,*

¹ <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/sp.efsa.2017.EN-1349>

² https://www.efsa.europa.eu/sites/default/files/event/170214-m_0.pdf

the EFSA". The proposal (page 17) further highlights that *"The system has thus to be strengthened and Member States should take a more active role to ensure that a sufficient pool of experts is available to meet the needs of the Union risk assessment system in terms of high level of scientific expertise, independence and multidisciplinary expertise."* In particular, we note the changes proposed in Articles 28 of Regulation 178/2002 related to Member State cooperation in EFSA's activities. While these proposals are focused on the scientific panels of EFSA, the principles and current challenges in securing the input of experts from Member States are equally applicable to the peer-review process managed by the Pesticide Peer Review unit.

As a general consideration we would also welcome any steps to increase transparency of the peer-review expert meetings to Applicants. Consistent with the Commission's proposed changes in the General Food Law, we would welcome the timely publication of the minutes of those meetings, including details of the critical issues discussed, majority and minority views as well as a record of participants or participating organisations. This is essential to provide Applicants with an understanding of any key areas of concern identified in the (risk assessment) peer-review process (e.g. if endpoints have been changed) and which may need to be addressed before a final risk management decision is taken.

Naturally also we would welcome any recommendations for how industry can improve our input to help support the efficiency and functioning of the peer-review process.

We would welcome an opportunity to meet to discuss this issue further and will make contact shortly to request such a meeting. In the meantime, if you have any questions regarding any of the points mentioned above, please do not hesitate to contact me.

Yours sincerely



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Cc: Manuela Tiramani (EFSA)
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