

Dear Mr Zaruk,

Please find here below EFSA's replies to your questions

**Does EFSA have a policy towards Conflicts of Interest for NGO activists who get their way onto EFSA scientific working groups or other bodies?**

EFSA's policy on independence and its rules on declarations of interest do not differentiate between interests held in for-profit or not-for-profit entities, such as non-governmental organisations. As a matter of course, a legal entity such as an NGO with a clear interest in a matter of relevance to EFSA's activities is considered and treated in the same manner as a food business operator with an interest in the same issue. What really matters is what the interest and activity are about, whether they overlap with the activities of the EFSA scientific group in question (in this case a Working Group), and the kind of relationship between the food business operator and the expert. Detailed rules and screening criteria are available on EFSA's website here:

<http://www.efsa.europa.eu/sites/default/files/assets/independencerules2014.pdf>

**Has anything been done to correct the situation caused by Arnold and Sgolastra?**

On Mr. Arnold, the information you bring to light seem to indicate that this expert neglected to declare upfront his involvement in an organisation of relevance to one of the tasks of the EFSA WG.

To establish if such an omission actually happened, procedures aimed at verifying possible "breaches of the rules" have been triggered pursuant to Articles 14 and 15 of EFSA's rules on Declarations of Interest (available here:

<http://www.efsa.europa.eu/sites/default/files/assets/independencerules2014.pdf>.

In this context, upon EFSA's request, the expert clarified that no meeting was held by the Apimondia working Group during the time he was cooperating with the Authority. After receiving this explanation from the expert, EFSA can confirm that although from a purely formalistic point of view an omission of a relevant activity has occurred, this did not result in a "breach of trust" since the activity actually did not take place, and as such could not be liable of creating a conflict of interest with Mr Arnold's role in EFSA.

On the information shared with respect to Mr. Sgolastra, expressing a personal opinion on a given matter in a publication, article, letter etc. is considered by EFSA to be consistent with the fundamental right of expression and freedom of thought recognised in the Charter of Fundamental Rights of the European Union. It follows that such activity is not a CoI.

**Given how the Draft Bee Guidance Document has been corrupted by such conflicts of interest, shouldn't EFSA withdraw it rather than continue to use it to invalidate good available research?**

First, I should clarify that I disagree with the premiss of your reasoning: in EFSA's view, no conflict of interest occurred for the reasons briefly outlined above.

Furthermore, even if one considered that such conflict existed, due account should be taken of the fact that the Guidance Document you refer to was developed and drafted by EFSA's staff. The Working Group, to which Mr Sgolastra and Mr Arnold contributed as external experts supported EFSA staff in this activity.

This means that although the experts in question provided their knowledge and expertise to the process, their input was under the control of fulltime EFSA staff, subject to the EU Staff Regulations and the rules in place concerning impartiality.

Against this background, I am very confident that the content of the guidance document has not been unduly influenced by any conflict of interest, or improper conduct of experts.

This notwithstanding, as there is the risk the situation you describe may be perceived by external onlookers as an issue of wrongdoing, EFSA carried out an additional, internal check, as a result of which I am in a position to reassure you that the guidance document was not unduly affected by Mr Sgolastra or Mr Arnold.

**And from that, would EFSA then reconsider (withdraw) its advice in 2013 on the three neonicotinoids, which led to an EU-wide ban that has had such a negative effect on farmers, consumers and, sadly, on bee health?**

Given that the EFSA conclusions on the three neonicotinoids were developed entirely by EFSA staff without the input of external experts, I do not consider the information you bring to light to undermine their validity.

I trust this addresses your concerns with respect to the above.

With kindest regards,

**Dirk Detken**  
Head of the Legal and Regulatory Affairs Unit  
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**Subject: My question to you at today's event in the European Parliament (published online)**

Please note that because of EU transparency policy, this letter was also published online at: <http://risk-monger.blogactiv.eu/2015/09/23/activist-creep-also-matters-an-open-letter-to-efsa-director-hubert-deluyker/>  
- I will insert your reply so those who follow the Risk-Monger blog will be able to have your position.

Dear Dr Deluyker

Today at the Corporate Europe Observatory event in the European Parliament entitled Science vs Lobbying, I asked you a question that you declined to answer. I am not sure whether you had forgotten the question or if EFSA does not yet have a policy on this issue. As I think it is valid question, I thought I would use this open forum to ask it again.

**“Of the five members on the EFSA Bee Risk Assessment Working Group, two** had no experience conducting bee field test trials and two others had serious conflicts of interest. Gérard Arnold was the chief scientist for Apimondia which campaigns against pesticides and Fabio Sgolastra has been involved with several Italian NGOs and signed the Pesticide Action Network North America letter to President Obama demanding a ban on neonicotinoids. This EFSA Bee Working Group drafted the (until now not approved) EFSA Bee Guidance document on how to conduct field trials to assess the risk of pesticides on bees. This guidance document was so demanding that it invalidated all of **the industry field test trials and led to the EU's precautionary ban** on three neonicotinoid pesticides (due obviously to the lack of acceptable data). I know that today we are here to bash industry and for many it is good fun, but does EFSA have a policy when members of **their Working Groups have clear conflicts of interest with environmental NGOs?**”

Given that time was tight at the event, allow me to expand my question with a few further points:

Both Arnold and Sgolastra, while they were involved with writing the draft Bee Guidance document, were also publishing papers on the need for the EU to change the risk assessment approach. You can find the links and the evidence of their undeclared conflicts of interest in the [last of a three-part blog](#) I had written last December. I understand this issue was discussed in Parma and Brussels as my research had attracted some attention then in **what had become known as “Bee-gate”**.

The EFSA Draft Bee Guidance Document has still not been approved by the Member States for the main reason that its conditions for legitimate field trials is simply impossible (it would require tracking bees over the equivalent of over 31,000 football pitches and assuming a mortality rate below the average baseline). But still, EFSA just this summer insisted on using this failed guidance document to discredit all industry field tests to draw similar conclusions for risks to bees from foliar uses of neonicotinoids. Please see my [blog](#) on that problematic where I tried to understand why you are continuing to push a failed, corrupted guidance document (especially given there is an ongoing court case against the European Commission on this).

So I suppose it comes down to several questions I would like you (or someone in EFSA with responsibility) to answer:

- ? Does EFSA have a policy towards Conflicts of Interest for NGO activists who get their way onto EFSA scientific working groups or other bodies?
- ? Has anything been done to correct the situation caused by Arnold and Sgolastra?
- ? Given how the Draft Bee Guidance Document has been corrupted by such conflicts of interest, **shouldn't EFSA withdraw it rather than continue to use it to invalidate good available research?**
- ? And from that, would EFSA then reconsider (withdraw) its advice in 2013 on the three neonicotinoids, which led to an EU-wide ban that has had such a negative effect on farmers, consumers and, sadly, on bee health?

I am very sorry to have to ask you these questions in such a manner, but given the demands of transparency, if I had sent this only by private email, groups like CEO or ALTER-EU would attack you for collusion (you see, ten years ago I worked for industry which makes me persona non grata at agencies like

EFSA). Also, I must confess that I do feel a little bit of frustrated. EFSA responds immediately when loud-mouthed activists scream and yell about some insignificant industry conflict of interest (like a project partially funded by industry), and we saw today how good they are, and how much money they have to swing their dead cat in all directions, but if an academic with no budget or funding presents evidence that **shows serious issues at EFSA, he can easily be ignored. I don't think that is fair or right ... so at least you can offer me the politeness of answering my questions.** I will insert it at the bottom of my blog.

Thank you

David Zaruk

The Risk-Monger