

2023

Rules of Procedure for the Scientific Committee of the Food Safety Authority of Ireland and its Related Bodies



The Rules of Procedure were updated and adopted by the FSAI Board on 12.09.23 (Version 2).

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Terms of Reference

[The Food Safety Authority of Ireland Act, 1998](#), as amended (hereafter referred to as the FSAI Act), requires the establishment of a Scientific Committee to advise the Board of the FSAI in relation to matters of a scientific nature referred to it by the Board. Without prejudice to this generality, the Scientific Committee shall advise the Board on matters relating to:

- Scientific and technical questions relating to food safety and hygiene;
- The implementation and administration of food inspection services, and;
- The nutritional value or content of food.

Purpose

The purpose of this document is to fulfil certain legal requirements laid down in the FSAI Act and allow for the efficient and effective operation of the Scientific Committee. Relevant sections of the Act governing these rules of procedure are as follows:

Section 34 (3) of the Act states that:

“The Scientific Committee shall adopt rules and procedures for the conduct of its meetings and its activities generally and shall submit such rules and procedures to the Board for its approval”.

Section 35 (1) of the Act states that:

“The Board or, as appropriate, the Scientific Committee may from time to time establish subcommittees to advise it in relation to the performance of its functions.”

Section 35 (5) of the Act states that:

“The acts of a subcommittee established under this section shall be subject to confirmation by the Board or Scientific Committee, as appropriate, unless the Board or Scientific Committee dispenses with the necessity for confirmation.”

Section 35(6) of the Act States that:

“The Board or Scientific Committee may regulate the procedure of a subcommittee established under this section, but, subject to any such regulation, a subcommittee established under this section may regulate its own procedure.”

Rules of Procedure

Induction of Members of the Scientific Committee and its Subcommittees and Working Groups

1. Members of the Scientific Committee and its subcommittees and working groups will be provided with a copy of these rules by the administrative secretariat on induction.
2. Members of the Scientific Committee and its subcommittees and working groups will be issued with a code of conduct and a confidentiality agreement by the administrative secretariat on induction, which members should read. The confidentiality agreement must be signed and returned to FSAI before commencement of work with FSAI. Penalties for breach of confidentiality are specified in the FSAI Act 1998 as amended.

3. Members of the Scientific Committee are required by the FSAI Act 1998 as amended and as specified by the Minister of Health, to submit a declaration of interest (DoI) form on appointment and then annually throughout their term of appointment. FSAI will send the DoI forms to the Department of Health for the attention of the Minister. DoI forms will be subject to scrutiny by the Minister who will inform the FSAI should any potential conflict of interests arise.
4. Members of the Subcommittees and working groups of the Scientific Committee are required by the FSAI Act 1998 as amended, to submit a declaration of interest (DoI) form on appointment and then, as directed by the FSAI Board, annually throughout their term of appointment. The FSAI will send the DoI forms to the Chair of the Board who will inform the Board and the Minister within 3 months of the interests declared and the name of the person declaring them. The Chair of the Board will raise any concerns over potential conflicts of interest with the FSAI executive and/or Chair of the Scientific Committee as appropriate.
5. Members will be required to complete, sign, and return DoI forms to continue to participate in the work of the Scientific Committee and/or its subcommittees and/or its working groups. Where potential conflicts of interest are identified they will be addressed.

Scientific Committee

1. The Scientific Committee consists of a Chair and 14 ordinary members appointed by the Minister of Health for a term determined by the Minister (usually 5 years).
2. The Chair of the Scientific Committee is a member of the FSAI Board and is responsible for communication between the Board and the Scientific Committee.
3. On completion of the term of the Scientific Committee all associated subcommittees and their working groups will also come to conclusion.

Meetings of the Scientific Committee

1. The intended minimum target for meeting frequency is at least two per year.
2. A quorum shall be established consisting of 50%¹ of the eligible members of the Committee. If a quorum of members is unavailable for a meeting the Chair will decide if the meeting should be cancelled.
3. Meetings of the Scientific Committee are conducted by the Chair of the Scientific Committee, assisted by an administrative and technical secretariat assigned by the FSAI Executive.
4. With the agreement of the Chair another member of the Scientific Committee may conduct a meeting of the Scientific Committee and, for the purpose of interpreting these rules, is the Chair for that meeting.
5. If members are unable to attend a meeting, they should send their apologies as soon as possible but not later than 48 hours before the meeting date unless otherwise unavoidable.

¹ Rounded up, e.g., 8 members of 15 eligible, 7 members of 14 eligible, 7 members of 13 eligible etc.

6. The administrative secretariat will aim to circulate an agenda, minutes of the last meeting and relevant additional documentation to members of the Committee at least one working week before a meeting, where possible.
7. Cancellation of meetings is a decision for the Chair of the Scientific Committee.
8. At the start of meetings, Scientific Committee members must be asked to declare any interests in specific items on the agenda in accordance with the code of conduct² and, where a disclosure is made, particulars of the disclosure shall be recorded in the minutes of the meeting concerned. The Chair shall decide how best to approach the meeting to avoid any conflict of interest.
9. The draft minutes of the meetings of the Scientific Committee will be recorded by the administrative secretariat, who will aim to circulate the draft minutes to members not later than two weeks after a scheduled meeting of the Committee, where possible. Comments on the draft minutes should be sent to the administrative secretariat by members within the requested timeframe. If another meeting of the Scientific Committee is not imminent, the Chair of the Scientific Committee can decide to sign off on the amended draft minutes electronically. The administrative secretariat will arrange to have minutes posted on the FSAI website as soon as possible after sign-off.

Advice of the Scientific Committee

1. Requests for advice may come directly from the Board or, more usually, from the Executive of the FSAI acting on behalf of the Board. A timescale and priority may be set for the provision of advice following consultation with the Chair of the Scientific Committee. The request for advice should be clear, contextualised and contain a clear risk question or questions that defines the scope of the advice requested.
2. The Scientific Committee may also initiate an investigation, assessment or examination of any matter related to food safety and hygiene as the Committee considers appropriate, but only after first informing the Board and establishing the budgetary and resource implications to the best of its ability.
3. The Scientific Committee may provide the advice itself, establish a subcommittee to draft advice for it to consider or engage external experts to either prepare draft advice or peer review draft advice, subject to FSAI rules on such matters and availability of funding, where appropriate.
4. Subcommittees established by the Scientific Committee may be standing (existing for the lifetime of the Scientific Committee) or ad hoc (existing for the duration of a specific task). The Chair of a subcommittee must be a member of the Scientific Committee.
5. The Scientific Committee is responsible for appointing all members of a subcommittee following recommendations from the technical secretariat in consultation with the Chair of the subcommittee. In doing so it shall have regard to an equitable balance between men and women in the composition of subcommittees. Members of a subcommittee should have a special knowledge

² Code of Conduct for Members of the Scientific Committee of the FSAI and its Subcommittees and Working Groups.

and experience related to the purposes of the subcommittee. Scientific Committee members are encouraged to serve on subcommittees compatible with their expertise.

6. The Scientific Committee shall define the terms of reference for a standing subcommittee before the first meeting of that subcommittee.
7. Draft advice from a subcommittee or other source must be adopted by the Scientific Committee unless the Scientific Committee dispenses with this requirement. The Chair should strive to enact an adoption procedure where all eligible members have an opportunity to participate. Generally, this should involve a minimum of one formal meeting with a quorum of members present where the advice is discussed in detail, substantive issues are addressed, and the advice is 'provisionally adopted'. As necessary, this may be followed, by an electronic final adoption procedure to address minor changes and comments. During electronic adoption, the Chair will decide if any suggested amendments provided by members are of such a substantial nature as to require suspension of the electronic adoption procedure and return of the draft advice to another formal meeting of the Scientific Committee. When the comments of members have been incorporated to their satisfaction, and the Chair is happy that nothing substantive has arisen, the Chair will confirm with the secretary by email that advice is 'formally adopted'.
8. Once formally adopted, the advice will be circulated by correspondence to all members of the Committee by the administrative secretariat. A period of one week will elapse after advice is formally adopted by the Committee in order to allow for reflection by members (stand still period). In the event of additional views being expressed by members during this period, the Chair of the Committee will decide on the status of the advice. In exceptional circumstances requiring urgent advice, the Chair of the Committee will decide if suspension of the one-week period is necessary.
9. The Scientific Committee should strive for unanimous agreement of its advice by its members. However, where this is not possible, advice must be adopted by at least a 2/3 majority of eligible members. In this latter event, members with minority views should be invited to briefly record their views and these should be noted in and appended to the minutes of the meeting.
10. Ordinarily the names of all members of the Scientific Committee will be included in any report.
11. The advice of the Scientific Committee shall be sent to the Board by the secretariat and presented to the Board by the Chair of the Scientific Committee. The Board will decide if it wishes to publish advice from the Scientific Committee at its discretion.
12. In the event of the publication of advice by the Board, the Chair of the Scientific Committee or his/her nominee may act as spokesperson for the Committee, if requested by the Executive of the FSAI. If requested, the FSAI can arrange media training for spokespersons for the Scientific Committee.

Subcommittees of the Scientific Committee

1. Subcommittees are established and their members appointed by the Scientific Committee. They may be standing (existing for the lifetime of the Scientific Committee) or ad hoc (existing for the duration of a specific task).

2. Member of subcommittees must not be employees of a Food Business Operator³.
3. All activities and outputs of a subcommittee must be confirmed by the Scientific Committee unless the Scientific Committee dispenses with this requirement. Therefore, members need to be aware that their draft advice may be amended by the Scientific Committee before adoption without further reference to the subcommittee, unless the Scientific Committee deems otherwise.
4. The Chair of each subcommittee shall be a serving member of the Scientific Committee. Chairs of the subcommittees will be responsible for managing meetings according to the rules of procedure, following any directions from the Scientific Committee and reporting on the activities of the subcommittee at each meeting of the Scientific Committee.

Meetings of the Subcommittees

1. There shall be as many meetings of a subcommittee per year as are necessary for it to carry out its functions.
2. Meetings of a subcommittee will be conducted by the Chair of the subcommittee, assisted by an administrative and technical secretariat provided by the FSAI.
3. With the agreement of the subcommittee Chair, another member of the subcommittee may conduct a meeting of the subcommittee and, for the purpose of interpreting these rules, is the subcommittee Chair for that meeting.
4. If members are unable to attend a scheduled meeting, they should send their apologies as soon as possible but not later than 48 hours before the meeting date unless circumstances are unavoidable.
5. The administrative secretariat will aim to circulate an agenda, the updated draft meeting note of the last meeting and relevant additional documentation to members of the subcommittee at least one working week before a meeting, where possible.
6. Cancellation of meetings is a decision for the Chair of the subcommittee concerned.
7. At the start of meetings, subcommittee members must be asked to declare any interests in specific items on the agenda in accordance with the code of conduct⁴. Where a disclosure is made, particulars of the disclosure shall be recorded in the meeting note of the meeting concerned. The Chair shall decide how best to approach the meeting to avoid any conflict of interest.
10. A draft meeting note will be recorded by the administrative secretariat and approved by the Chair prior to circulation. The administrative secretariat will aim to circulate the meeting note to members not later than two working weeks after a scheduled meeting of the subcommittee, where possible. Comments on the draft meeting note should be sent by members to the administrative secretariat within the requested timeframe. The updated draft meeting note will be submitted for adoption by the subcommittee at its next meeting, whereupon the administrative secretariat will

³ A food business operator is the legal or natural person(s) responsible for ensuring that the requirements of food law are met within the food business under their control. A food business is any undertaking whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing, and distribution of food.

⁴ Code of Conduct for Members of the Scientific Committee of the FSAI and its Subcommittees and Working Groups.

mark it as ‘Agreed’ and put it on file. Meeting notes will not be published but are subject to freedom of information requests.

Draft Advice of the Subcommittees

1. Advice from subcommittees is regarded as ‘draft advice’ until its adoption, with or without amendment by the Scientific Committee.
2. Requests for draft advice will be made by the Scientific Committee who will set indicative timescales and priority for the provision of draft advice in agreement with the Chair of the subcommittee.
3. The subcommittee may develop the draft advice itself or form working groups to progress drafting of advice, subject to agreement of the FSAI. When a subcommittee forms a working group, it must appoint a Chairperson from among its members. It is the responsibility of the subcommittee, in consultation with the FSAI technical secretariat, to select and appoint the members of the working group and to set clear terms of reference. Subcommittee members are encouraged to be on working groups as appropriate.
4. The Chair of the subcommittee should strive to enact a sign-off procedure for draft advice where all eligible members have an opportunity to participate. Generally, this should involve a minimum of one formal meeting with at least 50% of members present where the draft advice is discussed in detail, substantive issues are addressed, and the draft advice is ‘provisionally signed off’. As necessary, this may be followed, by an electronic sign-off procedure to address minor changes and comments. During electronic sign-off, the Chair of the subcommittee will decide if any suggested amendments provided by members are of such a substantial nature as to require return of the draft advice to another formal meeting of the subcommittee. When the comments of members have been incorporated to their satisfaction and the Chair is happy that nothing substantive has arisen, the Chair will confirm with the technical and administrative secretariat by email that the draft advice is ‘signed off’.
5. Sign-off on draft advice by a subcommittee should be recorded by the administrative secretariat in the meeting note. The administrative secretariat will then forward the draft advice to the Scientific Committee for discussion and adoption. Sometimes, draft advice may be returned to the subcommittee for further development following discussion by the Scientific Committee.
6. A subcommittee should strive for unanimous agreement of its advice. However, where this is not possible, draft advice must be signed off by at least a 2/3 majority of eligible members present. In this latter event, members with minority views should be invited to briefly record their views and these should be noted in, and appended to, the meeting note and made available to the Scientific Committee.
7. The signed off draft advice of a subcommittee will be communicated to the Scientific Committee by the Chair of the subcommittee. All subcommittee members should be aware that the Scientific Committee may adopt, amend or reject draft advice, with or without referring amendments back to the subcommittee as it sees fit. In the event of adoption of draft advice with changes, the amended version will be circulated for information to the members of the subcommittee by the secretariat.

The Chair of the subcommittee is responsible for informing the members about progress of the draft advice through the Scientific Committee.

8. Subcommittee members may not engage in correspondence with third parties regarding advice to the Scientific Committee unless requested to do so by the Scientific Committee.
9. The members of the subcommittee will be recognised in any report adopted by the Scientific Committee unless they expressly request otherwise.

Working Groups of the Subcommittees

1. Working groups are formed by a subcommittee, as necessary, to perform a specific function and thereby progress the work of the subcommittee.
2. The Chair of a working group shall be a member of the parent subcommittee. The Chair of the working group is responsible for managing meetings according to the rules of procedure, following any directions from the parent subcommittee and for reporting on the work of the working group to the parent subcommittee.
3. The Chair of a working group, following discussion with members, will decide when the task given by the subcommittee is complete. This will be recorded in the meeting note by the administrative secretariat who will then forward the completed work to the subcommittee for discussion and further progression.
4. When the completed work is accepted by the subcommittee the working group will be deemed to have concluded its function and cease to exist.
5. Working groups may include external experts who are not members of the subcommittee subject to prior agreement with FSAI, in line with FSAI rules on such matters and availability of funding, where necessary. External experts with obvious conflicts of interest e.g., employees of food business operators⁵, may participate in an ‘observer’ capacity. They may contribute factual information but will not have responsibility for the content and approval of the report. External experts with obvious conflicts of interest will be requested to withdraw from meetings prior to discussions leading to adoption of the draft advice.

Meetings of Working Groups

1. There shall be as many meetings of a working group as are necessary for it to carry out its functions.
2. Meetings of a working group will be conducted by the Chair of the working group, assisted by an administrative and technical secretariat provided by the FSAI.

⁵ A food business operator is the legal or natural person(s) responsible for ensuring that the requirements of food law are met within the food business under their control. A food business is any undertaking whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing, and distribution of food.

3. With the agreement of the working group Chair, another member of the working group may conduct a meeting and, for the purpose of interpreting these rules, is the working group Chair for that meeting.
4. The administrative secretariat will aim to circulate an agenda, the updated draft meeting note of the last meeting and relevant additional documentation to members of the working group at least one working week before a meeting, where possible.
5. At the start of meetings, working group members will be asked to declare any interests in specific items on the agenda. In accordance with the code of conduct⁶, where a disclosure is made, particulars of the disclosure shall be recorded in the meeting note of the meeting concerned. The Chair shall decide how best to conduct the meeting to avoid any conflict of interest.
6. A draft meeting note will be recorded by the administrative secretariat and approved by the Chair prior to circulation. The draft meeting note will be circulated to members by the administrative secretariat not later than two working weeks after a scheduled meeting of the working group, where possible. Comments on the draft meeting note should be sent to the administrative secretariat by members within the requested timeframe. The updated draft meeting note will be submitted for adoption at the next meeting of the working group, whereupon the administrative secretariat will mark it as 'Agreed' and place it on file. Meeting notes will not be published but are subject to freedom of information requests.
7. Working group members should be aware that their work will be subject to approval and amendment by its parent subcommittee and by the Scientific Committee without reference back to the working group.
8. Working group members will be recognised in any report adopted by the Scientific Committee unless they expressly request otherwise.

⁶ Code of Conduct for Members of the Scientific Committee of the FSAI and its Subcommittees and Working Groups.