



Stockholm 13 October 2005

MINUTES OF THE THIRD MEETING OF THE ECDC MANAGEMENT BOARD

Stockholm, 26 May 2005

**EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL
MANAGEMENT BOARD**

**Minutes
26 May 2005**

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1. OPENING AND WELCOME (MB3/1)

The Chair, M. Sprenger, welcomed members and alternates to the third meeting of the Board. The new conference premises were excellent but it had, regrettably, not been possible to arrange for simultaneous interpretation. The minutes and decisions of the second meeting had been adopted on 3 March 2005 in written procedure and were available on the CIRCA site. He congratulated the Director on the comprehensive documentation for this meeting.

The representative of the Commission, F. Sauer, warmly welcomed the new Director, Zsuzsanna Jakab. He was pleased to announce the EEA Joint Committee's decision to allow the full participation in the Centre of the EEA EFTA Member States, Norway, Iceland and Liechtenstein.

The Director, Z. Jakab, thanked the Members for their confidence as well as the Commission and the Swedish authorities for their support. She greatly appreciated the secondment of national experts from Sweden, France and Germany in this early phase. Long working hours had compensated for the small number of staff.

2. PROXY STATEMENT

The member for Austria had, in accordance with Article 3.2 of the Rules of Procedure, transferred his vote to the representative of Germany.

3. ADOPTION OF AGENDA (MB3/2)

The agenda was adopted without change. No items were raised under AOB.

4. INFORMATION ON PROGRESS MADE AT THE CENTRE (MB3/3)

The Director reported that there were, currently, 15 staff in different categories working at the Centre. It was expected that the 29 established posts would be filled by the end of the year. Work on internal rules and controls was under way. The two priorities were recruitment and selection.

The Director presented the organisational chart of the Centre which included four units: the unit for Scientific Advice, the unit for Surveillance and Communication, the unit for Preparedness and Response, and the Management and Administration unit. Currently three of the four units were operational. The unit for Scientific Advice would start its activities as soon as the recruitment of the head of unit was completed.

Recruitment was under way. The heads of unit positions had been advertised and the recruitment process was completed. Senior experts at grade A*8 had been advertised and were being processed. Additional A*10 and A*5 positions would now be advertised. In the meantime "short-term" contracts were being drawn up.

Professional employment agencies had been used to fill administration and management positions. Recruitment of short-term (AA) positions would continue for human resources,

finances, accounting, information technology and secretarial support. Recruitment of temporary agent positions for the support function would start in the autumn.

By the end of 2005, the 29 budgeted posts would be filled. Fifty staff were foreseen by the end of the year with the inclusion of secondments and agents under short-term contracts. The Director stressed the fact that secondments had been vital and life-saving during this start-up phase. She expressed her gratitude to Sweden, France, Germany and Hungary. More secondments were being discussed, in particular with Portugal, Greece, Spain, UK, Italy and Ireland.

As of 1 July, financial responsibility would be transferred back from the Commission to the Centre and the Director would be the authorizing officer. A new financial system fully compatible with the Commission – SI2 – would be installed; plus an accounting system. A Finance Officer had been selected. EMEA had agreed to provide an accountant ad interim.

The information technology was functional but the internet quality poor. Phone problems had been solved by mobile phones. Premises were being provided, initially free of charge, by the municipality of Solna.

To match the priorities in this initial phase, funds had been transferred from infrastructure to staffing.

The Memorandum of Understanding between the Government of Sweden and the Centre would be ready for signature after comments from the Commission and approval by the Management Board. The tax-related issues had been clarified. The Ministry of Foreign Affairs had put together a “Welcome Package” containing information about the rights and responsibilities of the staff of the Centre, information about schools etc. A first draft of the Seat Agreement was under consideration by both Parties.

The Director was developing key partnerships by means of personal visits and attendance at meetings.

The Chair, complimenting the Centre on the new logo, expressed admiration for the energy demonstrated by the early achievements.

The representative of Germany welcomed the presentation, the speed of progress and the sense that the Director was really “going for it”.

5. FIRST MEETING OF THE ADVISORY FORUM (MB3/4)

The Chair welcomed the minutes and rules of procedure, both in draft. He noted that there was still a need to appoint members representing the health professions, patient groups etc. The division of roles between the Commission services and the Centre was still an issue but the situation would be formalized in the coming weeks.

The Director said the intention was to involve the Advisory Forum closely in the work of the Centre. Flexibility would be achieved by means of the three working groups on: scientific advice; surveillance and communication – and health information; preparedness

and response. In the event of a public health crisis, communication between the Centre and the working groups would, inter alia, be maintained by video conferencing. Questioned whether all 25 members of the Advisory Forum would be able to provide video-conferencing facilities compatible with the Centre, she replied that those already available in the Member States would be used while the specifications for the Centre were still to be drawn up.

The Advisory Forum had not yet suggested priorities for the work plan – initially the emphasis had been on influenza pandemic preparedness, HIV/AIDS, tuberculosis, antimicrobial resistance and zoonoses.

As to whether the Centre would be in a position to evaluate the disease specific networks and whether there would be a budget for them, no decision had yet been taken but the Centre would present to the Management Board, in October, a strategy on the basis of the work of a consultation team, the first meeting of which had already been held.

In reply to a question from the Chair as to whether the Management Board would be involved in a crisis situation, the Director said that this was not envisaged as the Advisory Forum was the body directly concerned.

6. WORK PLAN FOR 2005 (MB3/5)

For the Commission, F. Sauer noted that, thanks to support from national institutions and the fast recruitment of a core staff, there had been progress over the last three months.

The Director said there had been a need to take advantage of the initial momentum. The work plan for 2005 was ambitious but would be fulfilled. She had already referred to the consultation process to produce a strategy paper on the future of surveillance systems. The first meeting had taken place on 18 May and had discussed key strategic measures. In June there would be face-to-face interviews followed, in July, by a web-based questionnaire. The intention was to make the Centre a one-stop-shop for communicable diseases. One IT staff member would be in place in June and a second in July. Discussions were under way with WHO/EURO on developing a unified database (CISID); EURO was also proposing the secondment of two staff members.

In relation to EWRS, two papers on outbreak preparedness and response, respectively, had been discussed in the Advisory Forum. An inventory of intelligence sources had been prepared. These sources were scanned on a daily basis. The Centre was now linked to the Early Warning and Response System of the European Commission and reviewed incoming messages. As of 27 May, the Centre can be reached 24 hours a day and 7 days a week for support to Member States and the Health Threat Unit of the European Commission.

Discussions had taken place with the WHO Regional Office for Europe as well as WHO Headquarters in Geneva to define procedures for joint epidemic intelligence activities. A letter of intent had been drafted. As of that very week, the ECDC had joined the WHO Global Alert and Response Network (GOARN) and received epidemic intelligence information from WHO.

A training strategy was being drafted in collaboration with the European Programme for Intervention Field Epidemiology Training (EPIET). This training strategy covered the future of the EPIET programme as well as other capacity-strengthening activities that were to be implemented by ECDC. It would be presented at the Advisory Forum meeting in October.

Terms of reference for the scientific panels and procedures for dealing with scientific questions were being prepared.

In July, more work would be done with the Commission and Member States on the crisis communication strategy. A media post for the Centre had been advertised and, meantime, a Commission colleague was assisting.

The Chair requested that the overheads be put on the web and that the national secondees responsible for work to date – Karl Ekdahl, Sweden; Denis Coulombier, France; and Andrea Ammon, Germany - be presented.

It was pointed out that the term “public health” should be defined more precisely in relation to the work of the Centre.

In reply to a question as to how far the national institutions, “hubs”, would accept the coordinating role of the Centre, it was stated that so far they had been very open to discussion and collaboration. The Management Board would eventually have to decide on the extent of centralization/decentralization.

As to whether the Centre would be able to apply direct for funding from the EU’s new public health plan, the representative of the Commission said that the Consumer and Health Programme would replace the present funding system and the Commission would select projects which might prove relevant to the Centre. The public health programme could not fund ECDC direct but only via third party projects in support of the work of ECDC. The ECDC’s own separate budget line was the only direct funding possibility.

The Centre’s participation in and future responsibility for the EWRS was discussed at length, as well as its role in the forthcoming simulation exercises. The importance of the Member States’ involvement was stressed. It was stated that the Management Board was the sole political arena for fine-tuning the relationship between the Member States and the Centre. Before any simulation exercise, a Communications Protocol should be drawn up with input from all the Member States and, during the exercise, the Commission should communicate direct with the Member States.

The Vice-Chair reminded the Board of the need to distinguish between risk assessment, evaluation and management.

The representatives of the Commission insisted that the legal texts clearly defined the roles of Commission, Centre and the networks of national surveillance institutions. Responsibility, with the appropriate resources, would be transferred to the Centre. The members of the Management Board exercised an administrative/supervisory role rather than a political one which belonged to Commissioners, Ministers and MEPs within the relevant EU institutions. The respective roles of the Member States, the Commission, the Centre and other bodies such as WHO, were compared to a national situation with three

levels of involvement – ministerial, risk management and risk assessment. In a crisis, the distinction tended to become blurred so a standard operating procedure must be devised and would then evolve – a process in which CDC Atlanta might be included.

Preparations for the forthcoming exercise(s) had begun a year ago but the Centre would be ready to play a part by October. The Commission would do its best to ensure compliance with the existing legal requirements. The Member States had been involved in the planning group; the controllers would not take part in the exercise because they knew the scenario.

The Director stated that the Centre's role had not yet been fully discussed but that the simulation exercises organized by the Commission would provide an opportunity for practice and feedback. It was anticipated that the Centre would act as planner and player in the exercise, in order to allow for a thorough evaluation of its role. The Centre's role, for example in relation to the Member States and WHO, would be discussed at the second meeting of the Advisory Forum in July. In addition, the Advisory Forum should create interfaces with other committees. The whole issue should be taken up at a future Board meeting - perhaps in the context of a case study – not least with a view to capacity planning.

In conclusion, the Chair asked that case studies based on experience be presented to the next meeting and that the Management Board be provided with a discussion paper on the division of responsibilities between the Centre, the Commission and the Member States.

7. HOUSING OPTIONS FOR A GROWING AGENCY (*MB3/6 plus Annexes*)

The representatives of Jones Lang LaSalle described the office accommodation situation in the Stockholm area and their search on behalf of the Centre to provide premises which would be suitable from the present day until the Centre was fully developed.

They had shortlisted six properties, three of which they described in some detail.

The Director, being asked to comment, stressed the need for an independent building where it would not be necessary to share conference facilities and where there would be enough space for a crisis room. She rated Tomtebodaskolan higher than the others also because of its proximity to the Karolinska complex. Parking facilities were good and tenders for the improvement of local transport could be invited. The opportunity to occupy only part of the building at present, and take over more space as and when it was required, was unique.

The representative of Italy liked the style of the Tomtebodaskolan. In reply to the question from the European Parliament representative as to why such excellent premises had remained vacant until the Centre showed interest, the consultants confirmed that the owners had been seeking a prestigious tenant such as the ECDC.

The Board decided in favour of Tomtebodaskolan and delegated the rent negotiations to the Director.

8. BUDGETARY MATTERS (MB3/7)

i. Appointment of Interim Accountant

In accordance with the Financial Regulations applicable to the general budget of the ECDC, an Interim Accountant would need to be appointed in order to ensure the necessary financial controls at the Centre until such time as a stable administrative staffing structure was in place, scheduled for July 2005.

The Management Board appointed Mr Gerard O'Malley as Interim Accountant for ECDC with immediate effect.

ii. Supplementary and Amending Budget for 2005

As foreseen by the Management Board in its second meeting in December 2004, certain transfers between budget titles and chapters would be required in 2005 in order to accommodate the necessary budget requirements for the Centre's initial recruitment drive.

Due to the unavoidable time required for the processing and selection process, as well as notice periods to existing employers, it was not likely that a stable staff contingent of temporary agents would be in place at ECDC before September –October 2005. In the meantime, extensive use of the Auxiliary/Contract agent option had to be resorted to in order to make the Centre operational as from May 2005.

A detailed costing of all current and projected staff costs and allowances was presented to the Management Board, amounting to Euros 1.347.000. In addition an estimated Euros 200.000 was needed during the year for secondments and exchanges of experts.

In order to cover these projected staffing expenditures, certain transfers of funds was required from budget lines which were over-budgeted as far as 2005 was concerned, i.e. from Buildings, Equipment and Misc. Operating Expenditures.

In accordance with Article 23 of the Financial Regulation adopted by the Management Board at its 2nd meeting, the Director of the ECDC could in her own authority make transfers between titles and chapters of 10 % of the appropriations for the financial year. The Board was informed of the Director's decision to shift Euros 470.000 accordingly.

In addition, the Management Board approved a further transfer of Euros 267.000 for the same purpose.

In accordance with Article 47 of Chapter 2, part 1 of the Financial Regulations applicable to the general budget of the European Communities, the Management Board also approved the re-classification of 3 posts in the establishment plan for 2005, in order to better match the grading structure to actual staffing needs.

iii. 2007-2013 New Financial Perspective

The provisional budget estimations for ECDC for 2007 – 2013, as elaborated by SANCO, were presented to the Management Board for information.

The need to interpret such figures as indicative only at this stage was stressed.

9. SELECTION AND RECRUITMENT OF TEMPORARY AGENTS DURING ECDC'S START-UP PHASE (MB3/8)

In accordance with the Centre's establishment plan, approved by the Management Board during its second meeting in December 2004, 29 temporary agent posts are foreseen for 2005.

The Board was presented an Internal Guideline setting out the selection and recruitment process of temporary agents which the ECDC would be following in the years ahead. The Board endorsed the proposed process.

In accordance with Article 8 of the Conditions of service of Other Servants of the European Communities, the Board also approved the Director's request to offer fixed 5 year renewable contracts to all temporary agents employed by the Centre.

The Board was informed that a slightly modified selection process had become unavoidable for the initial start-up phase of the Centre. As a rule, selection committee members should be staff members at least at the same grade as the post under recruitment. This was, however, a requirement which simply could not be fulfilled for the initial batch of recruitments of Unit Heads, and all members of the selection committee had, therefore, been drawn from outside the Centre. The immediate start-up phase of the Centre had also necessitated a shortcut in the screening procedure, whereby a preliminary screening of prospective candidates for the Unit Head posts had been undertaken jointly by the Director and the Chairman of the Selection Committee in order to save time. Finally, the Board was also appraised of the need for flexibility with regard to age limits for short-term auxiliary contracts, when candidates had unique skills required for the start-up phase.

The Board endorsed these temporary and minor modifications to the Centre's recruitment procedures.

In conclusion, the Director presented the newly selected Unit Heads to the Board, which together with herself and her advisers would constitute the ECDC's management team, as follows:

Head of Unit: Scientific Advice

Professor Johan Giesecke

Head of Unit: Preparedness and Response

Dr Denis Coulombier

Head of Unit: Surveillance and Communication

Dr Andrea Ammon

Head of Unit: Administration and Management Support

Mr Jef Maes

10. CONFLICT OF INTEREST (MB3/9)

The Management Board reviewed a guidance document on conflict of interest which had been drawn up with the active collaboration of the internal audit in DG SANCO.

From the first MB meeting onwards the item of potential conflicts-of-interest of MB and Advisory Forum members, has been a serious concern for the EP-representatives in the Board. The issue has been brought up several times. As the matter remained unclear also during the following MB-meeting, the EP-representatives turned to the ENVI Committee of the EP which delegated them into the MB, in order to hear from them what position they were expected to take on this sensitive matter.

At the same time the issue had also been raised by the European Parliament in January 2005 during the hearing of the Director ECDC. In turn, the Director had approached Internal Audit, SANCO immediately on being appointed. The internal audit gave very useful guidance on this matter which formed the basis of the document submitted to the 3rd MB meeting., At the same time the European Parliament representatives had turned to the ENVI coordinators for written advice which had been received from the Chair of ENVI based on the advice of the legal service. He had stated that it was not contrary to Community law for the official heads of national institutions to be members of the Management Board. However, in order to avoid any risk of conflict of interest, the Management Board should ensure that it operated strictly within the existing rules. I.e. members should both register interests annually and declare relevant interests at every meeting. Furthermore, the declaration of interest forms should be filled in transparently. The EP should be regularly informed on this matter about the proceeding on this matter and wishes to extend its control function at all stages on this important issue.

Discussing the definition of conflict of interest and how and when a situation of conflict could arise reference was made to Article 19 of Regulation No 851/2004 of the European Parliament and of the Council of 21 April 2004, establishing the Centre. A conflict of interest would exist when a person appointed to a function had a personal or vested interest in the outcome of decisions resulting from that function. The Regulation stated inter alia: *“The members of the Management Board, the Director, the members of the Advisory Forum, as well as external experts participating in scientific panels shall make a declaration of commitment and a declaration of interest indicating either the absence of any interest which might be considered prejudicial to their independence or any direct or indirect interest which might be considered prejudicial to their independence. Those declarations shall be made annually in writing.”*

Based on advice by Internal Audit, DG SANCO, there was no risk of conflict of interest for past and present projects supported by DG SANCO, since for those there was no longer any possibility of influencing the decision-making process. For future projects a potential conflict could arise and it was, therefore, important that a transparent process of declaration of interest be instituted, covering not only members of the Board and the Advisory Forum, but also their Alternates and Advisers to the extent that they also participated in meetings where funding decisions of projects might be taken.

The Management Board endorsed the Director’s proposals on how to deal with potential conflict of interest situation linked to the future funding of projects from the ECDC to institutions represented on the Board, as follows:

- The new form for conflict of interest should in all cases be filled in;
- Members of the Management Board should undertake to avoid any exertion of influence outside their individual voting powers;

- Members of the Management Board which have an involvement or role in any institution receiving funding from ECDC should abstain from the related discussions and voting in the Board;
- A sub-committee of the Board, composed of non-involved members, could furthermore be set up to advise on how certain issues should be approached, when some members had an involvement or role linked to institutions under discussion.

In conclusion, the Management Board also decided:

- That the form of Declaration of Interest should be reviewed by the Audit Committee with a view to making it more practical (e.g. the requirement for information covering the previous 5 years might be excessive);
- That a revised form should subsequently be reviewed by the next Management Board, scheduled for 27-28 October 2005.
- That, for the sake of full transparency, all completed forms of declaration of interest, as well as Minutes of the Management Board, should be put on the ECDC's web page.

11. INTERNAL AUDIT ARRANGEMENTS FOR ECDC (MB3/10)

In view of the resource constraints of the internal audit function of DG SANCO, a full audit programme vis-à-vis the agencies has become impractical, and an internal audit function within the ECDC has therefore been recommended. At the same time, it is questionable if a full-time internal auditor could be meaningfully employed by the Centre alone.

In the light of this situation, the Management Board endorsed the Director's proposal to share an internal auditor function 50/50 with the European Environment Agency in Copenhagen.

The Board also approved the establishment of an Audit Committee for the Centre with the following composition:

- Director ECDC;
- 5 Members of the Management Board, of which:
 - Denmark, Estonia and Spain would represent the Council;
 - Mr J. Scheres would represent the European Parliament;
 - The Internal Auditor of DG SANCO would represent the Commission.

12. FUTURE MEETINGS OF THE MANAGEMENT BOARD

The Management Board approved the generous invitation of the Minister of Health of Hungary to exceptionally convene the 4th meeting of the Board in Budapest.

The Board decided that the 4th meeting would take place on 27 and 28 October 2005.

13. CLOSURE OF THE MEETING

Noting that there were no further outstanding issues, the Chairman of the Board declared the meeting closed.