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Institutional Issues

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Dear Mr Vassalos,

Thank you for your letter to the Secretariat General of the Commission in which you raise a series of concerns on the transparency and membership of expert groups.

I take this opportunity to thank you for having accepted to meet last 22 September for an informal discussion on the issues at stake. I believe our meeting was very fruitful and contributed to better understand each other's point of view.

During our meeting we tackled most of those issues. This letter aims to further clarify a number of key points concerning the six main questions included in your letter.

**1. Disclosure of membership in the Register of expert groups**

In your letter you claim that for 105<sup>1</sup> groups the disclosure of the membership is not ensured, *inter alia* because the list of members is not provided or because the Industry members are not disclosed. You also argue that the Register does not give accurate up to date information on which expert groups actually advise the Commission.

First of all, 44 of the expert groups identified by ALTER-EU as "groups with transparency problems" are exclusively composed of national authorities and/or organisations. On this point, I wish to clarify that the type of information published in the Register depends on the membership of the group, not on the presence of individuals at meetings<sup>2</sup>. This means that individual names are published when members are appointed

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<sup>1</sup> In fact, they are 103, as 2 of the groups concerned are repeated twice ("Intelligent Transport Systems" and "Multi Environmental Agreement").

<sup>2</sup> This concept was clearly pointed out in the letter from the Secretary General of the Commission, Catherine Day, to ALTER-EU of 19 September 2008, in the response from President Barroso of 6 March 2009 to a parliamentary question by MEP Erik Meijer, and in the letter from the Director responsible for institutional issues in the Secretariat General of the Commission, Jens Nymand-Christensen, of 9 March 2009.

in a nominative way. Instead, when members are organisations it is the name of the organisations concerned that is published and not the name of individuals attending meetings, as they are not actual members, but simply members' representatives who may vary according to the agenda. The same goes for Members States' administrations. In this case, the indication "competent national authorities" or "national administrations" in the composition field of the Register is sufficient<sup>3</sup>.

In 38 cases identified by ALTER-EU, the information presented in the Register needs to be corrected<sup>4</sup>. These are purely factual errors and we thank you for drawing our attention on them. In this respect, I would like to underline that the Register is a "living" instrument. In fact, currently there are around 1000 groups included in the Register, which are managed by many different Commission departments. These departments are responsible for encoding relevant data in the Register, under the supervision of the Secretariat General. Every week groups are created, removed or modified. Given the huge amount of information to be treated and the limited resources available, it is not possible to entirely avoid the occurrence of mistakes. We will work to remedy the above factual errors and to improve the reliability and presentation of data encoded in the current Register. Please note that in the course of 2010 we hope we could have a new version of the Register in place, which will improve the presentation of the information on expert groups. I would also like to underline that over the last few years the Commission has made great efforts concerning the publication of names of expert groups' members, by gradually making public relevant information on all expert groups - whether formally or informally established - thus going beyond its own commitment to publish the names of formal groups' members only, as stated in the framework for expert groups adopted in 2005<sup>5</sup>. We have also modified our internal rules, which now foresee that, in principle, a group is only validated in the Register when the names of members have been encoded.

In 20 cases, the allegations of Alter-EU are not justified in light of the current content of the Register, either because the list of members is actually provided or because the information contained in the Register does not allow to state that members represent Industry, thus there are no names of Industry members to be indicated.

For one expert group ("crime environmental") it is true that the list was not provided. In the meantime, this group has been removed from the Register, as it appeared to be not a real expert group but rather a series of one-off meetings.

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<sup>3</sup> In some cases, Commission departments go beyond the information related to the membership and also publish in the Register the names of officials normally attending meetings or the name of the specific national administration concerned.

<sup>4</sup> For example, there are some inconsistencies between the composition field and the list, as well as within the list. Furthermore, in some cases experts in a personal capacity are presented at the same time as representing organisations or enterprises. Finally, in a number of cases the lack of the number of members in the appropriate box, combined with the fact that data provided refer to members' representatives and not real members can make it difficult to understand how many members actually seat in the group.

<sup>5</sup> Framework for Commission's expert groups: horizontal rules and public register. C(2005)2817 of 27.7.2005

## **2. Issues related to the scope of the Commission documents "Principles and Guidelines on the collection and use of expertise by the Commission"(COM(2002)713), and "General principles and minimum standards for consultation" (COM(2002)704)**

The two above Commission documents clearly refer first and foremost to the policy-making cycle. In particular, the Communication on the collection and use of expertise states that its purpose is to "encapsulate and promote good practices related to the collection and use of expertise at all stages of Commission policy-making". Along the same lines, the Communication on general principles and minimum standards for consultation indicates that "for the purpose of this document 'consultations' means those processes through which the Commission wishes to trigger input from outside interested parties for the shaping of policy prior to a decision by the Commission" and that "when consulting on major policy initiatives the Commission will be guided by the general principles and minimum standards set out in this document".

That being said, the above-mentioned principles and standards can apply as well to expert groups dealing with issues which are not part of the policy-making cycle, provided they are tailored to the tasks to be carried out. In particular, in its Communication on the collection and use of expertise, the Commission points out that "arrangements for collecting and using expertise should be designed in proportion to the task in hand, taking account of the sector concerned, the issue in question...". This means, for example, that there can be cases where the selection of members of expert groups is *de facto* strictly determined by the concrete work to be accomplished<sup>6</sup>. Reference to the principle of proportionality is made as well in the Communication on general principles and minimum standards for consultation.

## **3. Composition of expert groups**

In your letter you argue that many expert groups have a biased composition in favour of business interests or are completely controlled by business.

The membership of expert groups is determined, first of all, by the mandate/tasks of the group and the specific expertise required<sup>7</sup>. When it is the Commission which appoints

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<sup>6</sup> This has been the case, for example, of the expert group "Surveillance de la moyenne des émissions spécifiques de CO<sub>2</sub> dues aux véhicules particuliers neufs". Monitoring the CO<sub>2</sub> emissions from passenger cars is a technical implementation procedure and does not involve any policy development. The procedure involved governments (the data collectors) and car manufacturers (double-check and agreement on data collected). Given the specific nature of this procedure, the invitees to this expert group were restricted to the public authorities responsible for the registration of new vehicles, the representatives of the car manufacturers associations, and an independent consultancy firm, which together with the Commission services checked the data quality/consistency and produced the relevant analyses.

<sup>7</sup> For example, the "FP7 SME Advisory Group", which deals with research activities dedicated to Small and Medium-Sized Enterprises, comprises personalities from SMEs and SMEs associations, as they are the stakeholders concerned. Likewise, the Commission has created a "Groupe consultative européen des consommateurs", which is exclusively composed of consumer organisations at national and European level, because in this case the Commission only seeks their views. The members of the "ISTAG Group" (ICT related issues), are appointed on the basis of their experience and influence as renowned researchers or their position as decision makers for activities related to ICT research. In this case, NGOs and consumer associations are not among the stakeholders. The members of the "Expert Group on projects for fostering the development of employee involvement in undertaking in respect of

experts in their personal capacity the selection is done, notably, through call for applications<sup>8</sup>. Sometimes, the composition of expert groups is fixed by the legislator<sup>9</sup>.

Furthermore, as already pointed out in the note from the Secretary General to ALTER-EU of September 2008, expert groups are but one mode of collecting expertise or seeking the views from stakeholders. Indeed, the work of expert groups is often complemented by other instruments and processes, such as studies, public consultations, European agencies, Green papers and hearings<sup>10</sup>. Therefore, the degree of overall participation and involvement of stakeholders on a given matter should be assessed in light of all initiatives taken by the Commission, and not by simply looking at the composition of individual expert groups.

#### **4. General selection criteria for selecting members of expert groups**

In your letter you ask the Commission to develop general criteria and processes for selecting members for expert groups.

At this stage, we do not consider neither necessary nor appropriate to draw up such general selection criteria. In fact, as stated above, the selection of experts depends on a number of different factors, such as the field concerned, the mandate of the group, the specific expertise required, as well as possible selection procedures which may be fixed by the legislator when establishing expert groups. When it is the Commission which appoints experts in their personal capacity, we always seek to organise the selection process in such a way that guarantees a high level of expertise, and where possible geographical and gender balance, while avoiding any conflict of interests. As already pointed out, the selection is done, *inter alia*, through calls for applications. When public authorities or organisations are members of expert groups, it is normally up to them to identify their representatives, particularly where the composition of the group is likely to vary according to the agenda.

That being said, the Commission is committed to enhance transparency on the selection procedures applied and will consider further steps in this direction for any update of the framework on expert groups.

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information, consultation and participation" are the social partners only, because in this case they are the stakeholders.

<sup>8</sup> For example, the "Groupe Politique d'entreprise Chambre professionnelle" and the "EU Clearing and settlement Advisory and Monitoring Expert Group", which you make reference to.

<sup>9</sup> This is the case, for example, of the 5 expert groups dealing with coal and steel issues, and of the group "Surveillance de la moyenne des émissions spécifiques de CO<sub>2</sub> dues aux véhicules particuliers neufs", which are mentioned in your letter.

<sup>10</sup> For example, the "Competitiveness in Biotechnology Advisory Group" (public consultation in addition to work carried out by expert group) and the "European Securities Markets Experts Group" (collection of expertise has been obtained from other sources as well), which are both mentioned in your letter.

**5. Publication in the Register of the number of unnamed experts for each group and the reason why their names are not provided.**

You ask the Commission to include the number of unnamed experts in each group and the reason why their names are not provided in the Register of expert groups.

First of all, there are very few cases where the names of individuals who are members of expert groups are not published. Currently, individuals who do not wish to have their names disclosed may submit a request to the Commission for that purpose. Derogation may only be granted if disclosure of the expert's name could endanger his or her security or integrity or unduly prejudice his or her privacy. Publishing in the Register the specific reason why experts are allowed to remain anonymous may lead to a risk of identification of the person concerned, which would go against his/her rights, and is likely to violate the expert's privacy and personal data.

**6. Corporate representatives participating in personal capacity - Publication of declarations on conflict of interest**

You claim that allowing corporate executives and industry lobbyists to advise on issues where they have a commercial interest creates a major contradiction with the fact that these experts act in a personal capacity and make a commitment to act in the public interest.

As stated above, the composition of expert groups is primarily determined on the basis of the tasks to be carried out and of the specific expertise required. Thus, the participation of members issued from Industry can be justified in light of the work to be accomplished. When they are appointed in personal capacity, they are bound to sign a written declaration to act in the public interest, together with a declaration as to whether there is any interest which would prejudice their independence. If the experts refuse to sign these declarations they are excluded from expert groups. For further information concerning the situation in individual groups, I would suggest that you contact the Commission departments concerned. In addition, I would like to stress that expert groups do not take decisions. They are first and foremost *fora* for discussion and brainstorming, the primary function of which is to provide the Commission with high-level technical expertise. The Commission and its departments remain fully independent regarding the way they take into account the expertise and views gathered and, when proposing a new policy or measure, they always aim at finding the best solution in the general interest of the European Union and its Member States.

You also argue that public scrutiny of this situation would not be possible as the above-mentioned written commitments to act in the public interest are not available to the public. In reality, publishing these commitments on the Register would not add valuable information, as experts usually sign standard declarations (see an example in annex). Furthermore, any natural or legal person may request Commission departments to have access to these commitments under the public access rules laid down in Regulation (EC) No 1049/2001. When requests are made under this Regulation, the Commission departments examine the documents in order to ascertain that their disclosure would not harm protected interests or that such interests are outweighed by an overriding public interest in disclosure.

I hope all these explanations will contribute to clarify the issues you raised. We attach great importance to transparency on expert groups and we are committed to improve the quality of data encoded in the Register.

You will find in annex detailed information provided by the relevant Commission departments on individual expert groups to which you explicitly refer in your letter. Should you have further specific questions on those groups or on other groups, I would suggest that you contact directly the Commission departments concerned.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Mário Tenreiro.

Mário TENREIRO  
Head of Unit

Annex

**Information concerning individual expert groups mentioned in the letter of  
ALTER-EU**

Expert groups managed by DG Enterprise

***CARS 21 High Level Group***

The CARS 21 High Level Group was originally convened in 2005 which is also the year in which it adopted its final report. In addition, a mid-term review conference of CARS 21 was held in late 2008.

The CARS 21 group no longer advises the Commission on a broad range of automotive policy related issues. Rather, the members of its sherpa formation were convened urgently by the Commission services to provide an update on the situation relating to the economic crisis in the industry in early 2009. Due to the urgency of the matter, the contact base of CARS 21 was the most effective manner in which the Commission could attain relevant factual information.

As follow-up to CARS 21, the Commission in its Communication on "Responding to the crisis in the European automotive industry" (COM(2009)104) stated that: "The Commission will ensure that a coherent and co-ordinated forward-looking approach to future road transport and sustainable mobility requirements is adopted through the follow-up to CARS 21" as well as stating that "the Commission suggests that the CARS 21 process should be strengthened, with a round table with Member States, automotive industry (producers and suppliers) and trade unions. Its main aims should be to provide a platform of mutual information, dialogue and best practices. It should support the efforts of the sector to restructure so that it can compete in world markets with a strong focus on retaining skills in the industry, retraining workers for future tasks and for new jobs in this and other sectors.

***High Level Group on Competitiveness, Energy and the Environment***

The High Level Group on Competitiveness, Energy and the Environment was set up by Commission Decision of 23 December 2005. The group was given a 2-years mandate and completed its work at the end of November 2007; its mandate wasn't renewed. The group was removed from the Register of expert groups in July 2009. The Commission's Communication "Towards a more integrated approach to industrial policy" provided the rationale to set up this group, suggesting its composition and identifying main items to be addressed. The work of the high level group was timely and relevant. The group's reports are, however, only one of several sources of information, and related policy measures, notably the Climate and Energy Package, have followed public consultation procedures.

The composition of the group was well balanced. Besides four Commissioners, four Ministers and representatives of environmental and social (trade unions) concerns, it included members with relevant experience as technology and environmental services providers, energy suppliers, basic and intermediate products manufacturers, market and environmental regulators. The non-governmental members of the group were removed from the list of members included in the Register by mistake, when the group was not active anymore.

In their report “Whose views count” of February 2009, Friends of the Earth Europe recognise that the high level group’s recommendations were balanced and “not biased”. High level group recommendations, building upon preparatory work by experts and sherpas, were always adopted after an open and constructive debate, occasionally on controversial subject matters, often informed by presentations by keynote speakers (e.g. Sir Stern, the UNFCCC Secretary General Yvo de Boer); they reflected a wide consensus among the members of the group, with the summary minutes of the meetings providing detailed information on other aspects of the debate.

The names of the members, sherpas, individual experts and keynote speakers who participated in preparatory work or formal HLG meetings, as well as extensive information on the issues addressed by experts, including slide presentations, agenda and outcome of the HLG meetings are publicly available on the Commission’s web site <http://ec.europa.eu/enterprise/environment/hlg/whois.htm>.

### ***High Level Group on the Competitiveness of the Chemical Industry***

This group was set up by the Commission in 2007 to analyze the competitiveness of the chemicals industry in Europe and formulate a set of sector-specific policy recommendations that can be put into action by the Community, Member States, or by industry itself. As set out in Article 2 of the Commission Decision establishing the group, the tasks were strongly focused on competitiveness and economic analysis of the sector. This topic is by its very nature of primary interest to industry and Member States’ authorities. The Commission repeatedly encouraged NGOs to increase their participation in the group, alas, with limited success. NGOs were always given the possibility to speak and were intensively consulted on the final report adopted. The group ended its work in February 2009 and its final report and recommendations have been agreed upon by all members: no majority criteria were ever adopted. The final report is available at the following address:  
[http://ec.europa.eu/enterprise/sectors/chemicals/files/final\\_report/hlg\\_final\\_report\\_july09.pdf](http://ec.europa.eu/enterprise/sectors/chemicals/files/final_report/hlg_final_report_july09.pdf).

This group was removed from the Register of expert groups in September 2009, as it was not active anymore. The statement made by Alter-EU that “*the High Level Group on the Competitiveness of the Chemical Industry has 14 industry representatives, two representatives from consumer organisations, one NGO and one academic member*” is not correct. While active, the group had the following composition: eight Member States, eight members from Industry, five members from other stakeholders: NGOs, Trade Union, Consumers, international organisation of public bodies, and academia.

### ***The Competitiveness in Biotechnology Advisory Group (CBAG)***

The CBAG has been created in accordance with Action 10b of the strategy “Life sciences and biotechnology - A strategy for Europe”, COM(2002) 27, ([http://ec.europa.eu/enterprise/phabiocom/docs/com2002-27\\_en.pdf](http://ec.europa.eu/enterprise/phabiocom/docs/com2002-27_en.pdf)). This expert group comprises representatives from academia and Industry who assist the Commission in identifying issues related to the competitiveness of this sector. It has to be pointed out that the group’s task is not to address ethical, societal or safety issues as these matters are already dealt with by the corresponding legislation and in the respective regulatory committees.



The unabridged reports from the CBAG as well the membership list are published on the Commission's [web site](http://ec.europa.eu/enterprise/phabiocom/comp_biotech_networks_adv_gr.htm) ([http://ec.europa.eu/enterprise/phabiocom/comp\\_biotech\\_networks\\_adv\\_gr.htm](http://ec.europa.eu/enterprise/phabiocom/comp_biotech_networks_adv_gr.htm)). The list of members is also available on the Register of expert groups. The latest report from CBAG was published in 2006. Since then the group has neither published reports, nor convened meetings. Advice from CBAG is only one of several sources of information. The Commission's 2007 mid-term review of its Biotechnology Strategy and Action Plan was carried out on the basis of an open stakeholder consultation where all interested parties were invited to give their view on issues relating to European life sciences.

### ***The Enterprise Policy Group (EPG)***

The Enterprise Policy Group (EPG) is a high-level consultative body that was established by Commission Decision C(2006)5188 of 8 November 2006 in order to provide the European Commission with expertise on enterprise and industrial policy issues.

The group, which is chaired by the Commission, consists of two chambers, the first (EPG Directors-General Chamber) comprising senior Member State officials, while the second, the EPG Business Chamber, comprising around 30 business people with real management experience from a broad range of sectors across the European Union. The overall aim of the Business Chamber is to advise the Commission on small and medium-sized enterprises (SMEs) and innovation policy issues. This group does not advise the Commission on any particular regulatory or financial/budgetary issue.

The members of the Business Chamber are appointed by the Commission (article 6.3 of the Decision) following an open call for applications. The members are appointed in a personal capacity and are expected to contribute their own views, based on their own professional experience, assisting the Commission independently of any outside influence. They are not supposed to represent the positions of any particular enterprise or business association. Article 6.4 of the Decision establishing the EPG states: "Members appointed in their personal capacity shall each year sign an undertaking to act in the public interest. They shall inform the Commission in good time of any conflict of interests which might undermine their objectivity". EPG members have fulfilled this obligation and the Commission services are regularly following up on the issue of potential conflicts of interest. The names of the members of the Business Chamber are published on the Register of Expert Groups. In addition, detailed information of their professional careers is also available on the Internet site of the Directorate-General for Enterprise [and Industry: http://ec.europa.eu/enterprise/enterprise\\_policy/epg/epg\\_bc\\_en.htm](http://ec.europa.eu/enterprise/enterprise_policy/epg/epg_bc_en.htm).

### ***The Strategic Advisory Board on Competitiveness and Innovation (STRABO)***

This group was established by Commission Decision C(2007)4644 of 22 October 2007, pursuant to article 48 of the legal base establishing the Competitiveness and Innovation Programme (CIP)<sup>11</sup>. Article 48 was introduced at the request of the co-legislators while

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<sup>11</sup> Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007 to 2013)

negotiating the CIP legal base. Article 48 of the CIP legal base already defines the scope and composition of this advisory group: "The Commission shall be advised by a Strategic Advisory Board on Competitiveness and Innovation composed of representatives of industry and business associations, including those representing SMEs, and other experts. Their expertise should be related to the sectors and issues addressed by the Framework Programme, including financing, ICT, energy and eco-innovation."

As requested by the co-legislator, the Strategic Advisory Board on Competitiveness and Innovation is composed of 20 representatives of industry and business associations, including those representing small and medium-sized enterprises (SMEs) and other experts. It is chaired by the Commission.

The overall objective of the group is to provide expertise on the sectors and issues addressed by the Framework Programme, including enterprise development, access to finance for SMEs, information and communication technologies (ICT), energy and eco-innovation. According to recital 65 of the CIP legal base, the STRABO was established in the interest of improving coherence between elements of the CIP and its overall effectiveness. Therefore, the STRABO is not involved in discussing any particular legislative initiative, work programmes or calls.

Articles 3.2 and 3.6 of the Decision establishing the STRABO state that: "3.2. The members shall be appointed in a personal capacity and shall advise the Commission independently of any outside influence." and "3.6. Members shall each year sign an undertaking to act in the public interest and a declaration indicating the absence or existence of any interest which may undermine their objectivity". STRABO members have fulfilled this obligation and the Commission services are regularly following up on the issue of potential conflicts of interest. The names of the members of the STRABO are published on the Register of Expert Groups of the European Commission as well as on the official Internet site of the CIP: <http://ec.europa.eu/cip>.

#### Expert groups managed by DG Research

***Ore agglomeration and Ironmaking - Contrôle des installations, problèmes sociaux et environnementaux/Factory-wide control, social and environmental issues – Coal combustion, clean and efficient coal technologies, CO2 capture - Casting, reheating and direct rolling - Coal preparation, conversion and upgrading***

The five expert groups mentioned in the letter from Alter EU belong to the twelve Coal and Steel Technical Groups established under Article 24 of the Council Decision of 29 April 2008 on the adoption of the Research Programme of the Research Fund for Coal and Steel and on the multiannual technical guidelines for this programme (2008/376/EC – OJ L 130, 20.5.2008, p. 7-17). The role of these technical groups is, as stated in this Decision, to "advise the Commission on the monitoring of research and pilot or demonstration projects...". These groups "neither advise the Commission on the selection of projects, nor on policy in this area".

The composition of these groups is fixed in the above mentioned Council Decision. The experts "shall come from the sectors related to the coal and steel industry, research organisations or user industries where they have the responsibility for the research strategy, management or production". The composition of the groups on the SG register is regularly updated. It may be accessed either via the SG register by clicking on "List"

under the item "Member list" or via the RFCS web-site ([http://cordis.europa.eu/coal-steel-rtd/home\\_en.html](http://cordis.europa.eu/coal-steel-rtd/home_en.html)).

A clear examination of the composition of all of these technical groups reveals that the experts not only come from the coal and steel industry but also from research organisations (research centres or universities) and user industries. Consequently, the groups both conform to the requirements set by the legislator, and are fit for the purpose for which they were established, that is to provide technical expertise for the monitoring of research projects selected by the Commission. This technical expertise is described more precisely under Articles 1 and 4 of the Rules of Procedure for the Coal and Steel Technical Groups. This document is provided to all experts when they are nominated by the Commission. Moreover Article 3 of these Rules states that "the Chairperson and the experts are appointed by the Commission to serve in their personal capacity for a period of 5 years". Article 9 of the Rules of Procedure and the signature of the Declaration of Confidentiality ensure confidentiality of the work of the technical groups. This Declaration is filled by each expert as soon as he is nominated.

### ***FP7 SME Advisory Group***

This group advises the Commission on the set-up and implementation of research activities dedicated to Small and Medium-Sized Enterprises under the 7<sup>th</sup> R&D Framework Programme.

The group's mandate is strictly limited to the research activities and does not interfere with industrial policy activities, which are not within the portfolio of DG Research. All members of the group were invited on a personal capacity and have signed legal declaration on that sense. The members do not participate in management or steering activities of the programmes, like for instance evaluation of proposals.

As with all civil society groups, the members of the SME Advisory Group must have an expertise in the area and, therefore, logically they have also an interest those areas. On the one hand, the Advisory Group is composed of experts in the fields of management, innovation, and entrepreneurship and similar. They shall ensure that our programmes correspond to modern understanding of the relations underlying the programmes and shall inform the Commission of new knowledge in the areas. On the other hand, taking into account that SMEs are a minority population in the research programmes with specific vulnerabilities and needs, the Advisory Group shall provide feedback to the Commission whether sufficiently care is taken of these small actors and whether the programmes are efficient and effective with respect to the group they are dedicated to, i.e. SMEs. It seems natural that the interest of the SMEs is best represented by the actors themselves; therefore the group comprises personalities from SMEs and SME associations.

### **Expert groups managed by DG Internal Market**

#### ***European Securities Markets Experts Group***

The European Securities Markets Experts Group (ESME) has been set up as a group of securities markets practitioners. The aim of the group is to provide technical expertise concerning very much specialised field of securities markets, and not to represent interest of businesses. The Decision creating the group states that it is to be composed of practitioners having legal experience or direct commercial presence in businesses

operating in the securities markets. Only practitioners have technical knowledge of operation of highly specialised financial markets and instruments.

Moreover, the Commission services are collecting expertise from different groups and sources, and an industry expert group is only one of them. Among others there are regulators (Committee of European Securities Regulators), Member States representatives (European Securities Committee) and consumers (e.g. FIN-USE).

### ***EU Clearing & Settlement Advisory and Monitoring Expert Group 2 ("CESAME2")***

In its Communication on Clearing and Settlement of April 2004, the European Commission set up the first Clearing and Settlement Advisory and Monitoring Expert Group ("CESAME"), which met thirteen times between July 2004 and June 2008. In order to ensure correct implementation and monitoring of the work initiated by the CESAME Group, and to achieve its goal of successfully dismantling all obstacles in the cross-border post-trading area (the so-called "Giovannini barriers"), the European Commission set up a new expert group ("CESAME2"), which held its first meeting in October 2008. This follow-up group, which was given a renewed mandate incorporating more monitoring tasks, consists of qualified high-level individuals selected by the Commission on the basis of their proven knowledge and capabilities in the area of post-trading issues, in particular related to obstacles to clearing and settlement. The group is chaired by the Commission and meets about three times per year.

In order to ensure full transparency in the selection of members, an open call for expressions of interest was organised when setting up the new group. The selection criteria used for membership were:

- proven knowledge, competence and experience, including at European and/or international level, in areas relevant to market practice, processes, technical details, legal and/or fiscal matters pertaining to clearing and settlement and post-trading;
- leadership, ability to talk to relevant industry and public entities, willingness to commit time, neutrality and fair judgement;
- interest in dismantling the "Giovannini" barriers and other obstacles to a single post-trading market, support for the standing and findings of the CESAME II group, enhancing transparency;
- good knowledge of written and spoken English.

A total of 48 applications were received, 17 of which were rejected by the evaluation committee. During the evaluation it was deemed necessary, in order to strike the correct balance within the group, to take into consideration the "representativeness" of applicants, their gender and their geographical origin. The selection was made as follows:

<i>Applicants working in</i>	<i>received</i>	<i>selected</i>	<i>rejected</i>
Stock exchanges	2	2	0
Central Securities Depositories	4	3	1
Central Counterparties	3	1	2
Banks	19	13	6
Representative associations	13	9	4
Central banks	1	0	1
Derivatives industry	1	1	0
Data industry	1	1	0
Investment funds	1	1	0
Lawyers' cabinet	1	0	1
Consultancy firms	2	0	2

It can be seen that the group comprises a wide range of represented fields from across the EU, and that selection was made more or less proportionally to the number of applications received in each field. The balance within the CESAME2 group reflects, therefore, the balance of the applications received. As regards gender balance, it should be noted that all female candidates who applied were selected.

Members of the CESAME2 group are appointed in a personal capacity. In the call for expressions of interest, it was emphasised that members shall give the Commission "an independent opinion free from outside influence". Members of the group have each signed a declaration affirming their commitment to act in the public interest, and certifying the absence of conflict of interests. This declaration will be renewed on an annual basis.

#### Expert groups managed by DG Environment

##### ***Expert group on the "Surveillance de la moyenne des émissions spécifiques de CO2 dues aux véhicules particuliers neufs"***

This expert group was concerned with the organisation of monitoring of vehicles CO2 emissions carried out by governmental institutions according to Decision 1753/2000/EC. The voluntary agreement with car manufacturers associations (ACEA, JAMA and KAMA) was to lower CO2 emission levels from new passenger cars by 2008/2009. Article 8 of Decision 1753/2000 states that: *"the data collected under the monitoring system from the year 2003 onward shall serve as the basis for monitoring voluntary obligations to reduce emissions of CO2 from motor vehicles agreed between the Commission and the automobile industry and, where necessary, for their revision"*.

Monitoring the CO<sub>2</sub> emissions from passenger cars is a technical implementation procedure and does not involve any policy development. The procedure involves governments (the data collectors) and car manufacturers (double-check and agreement on data collected). Given the specific nature of this procedure, the invitees were restricted to the public authorities responsible for the registration of new vehicles, the representatives of the car manufacturers associations and an independent consultancy firm, which together with the Commission services checked the data quality/consistency and produced the relevant analyses. The Commission produced an annual summary of the collated data, which is available on its website ([http://ec.europa.eu/environment/air/transport/co2/co2\\_monitoring.htm](http://ec.europa.eu/environment/air/transport/co2/co2_monitoring.htm)).

The expert group has been silent since 2004, although it met for one last time in March 2009 to inform the participants on the new monitoring regime that will take place from 2010 onward. In fact, the Decision 1753/2000 will be repealed in 2010 by the Regulation 443/2009. This Regulation, which was prepared following a far-reaching consultation process (see: [http://ec.europa.eu/reducing\\_co2\\_emissions\\_from\\_cars/index\\_en.htm](http://ec.europa.eu/reducing_co2_emissions_from_cars/index_en.htm)), foresees that a Committee (based on Decision 1999/468/EC) will give an opinion on the rules for the monitoring and reporting of average CO<sub>2</sub> emissions. Thus, the expert group is no longer required; it was removed from the Register in June 2009.

#### Expert groups managed by DG Information Society

##### ***Information and Communication Technologies Advisory Group (ISTAG)***

The Advisory Group for the ICT theme in FP7 (ISTAG) was last time renewed in September 2007 with a mandate which spans a two year period (until the end of 2009). ISTAG's main objectives for this period were to provide orientations for the elaboration of the ICT Work Programmes 2009-2013 and provide input on ICT research and innovation policy actions for Europe. ISTAG's added value is that it provides an overall view on the development of ICT that is neutral, objective and not directly linked to a particular domain. It therefore complements the views expressed by the ETPs and other particular industrial or research communities. It also provides interaction channels at the highest level with industry, academia and policy makers.

The following considerations have been taken into account when selecting ISTAG members:

- ISTAG is a high level group with members **nominated “ad personam”**. Members should be appointed based on their experience and influence as renowned researchers or their position as decision makers for activities related to ICT research. The members should not act as pure representatives of, or lobbyists for, any given organisation or country.
- Members should have the appropriate **status and experience**. They should be at the level of vice president for research in large organisations, managing directors or CEOs of SMEs, the head of important research institutions or responsible for large national research initiatives.
- ISTAG's composition should **reflect the composition of DG INFSO's constituency**:
  - Coverage of the different ICT fields, including the crossover between technologies and disciplines. In FP6, areas like media, content, robotics and cognition were not adequately represented. The same applies to application areas such as health, environment and inclusion.

- Representation of the European Technology Platforms in the ICT domain, which ensures to a certain extent, coordination between the ETPs and the implementation of the FP.
- Coverage of non technological expertise such as ICT economics, standardisation or access to finance can be valuable.
- **Country coverage** should not necessarily include all Member or Associated States. However some geographical balance should be ensured.
- The renewal should be done with a view to ensuring **continuity** to a certain extent.

Based on suggestions received from the Directorates of DG INFSO for new ISTAG members, and using the selection considerations set out above, a proposed list of members for the new ISTAG was set up ([http://cordis.europa.eu/fp7/ict/istag/membership-2007-2009\\_en.html](http://cordis.europa.eu/fp7/ict/istag/membership-2007-2009_en.html)).

On the issue of **continuity**, the renewed ISTAG retained 16 out of the 29 members of the previous composition (55%). The other 13 members were not retained due to the fact that they have been in ISTAG for 4 years or more, due to change of post, or due to limited availability.

Regarding **country coverage**, the renewed ISTAG includes representatives from 16 countries providing adequate geographical spread in Europe.

The wealth of **expertise** of the current ISTAG spans all challenges of the current ICT Work Programme and corresponds well to the budget distribution among the challenges.

Key **organisations** are represented from each country. 24 members (61%) come from industry, with SMEs representing 25% (6 members) of these. 15 members (39%) come from academia or research labs.

#### Expert groups managed by DG Transport and Energy

##### ***Expert Group on alternative fuels***

This expert group was established in 2002 and produced a report in December 2003, which was published by the Commission ([http://ec.europa.eu/transport/urban/vehicles/road/road\\_en.htm](http://ec.europa.eu/transport/urban/vehicles/road/road_en.htm)). The group has been kept dormant since then in order to have the possibility of rapid access to broad and balanced expert advice on the long-term relevant topic of alternative fuels in transport. In fact, an overall assessment of the whole area of alternative fuels may be required for policy development in energy and transport, such as in the follow-up to the Future of Transport Communication (COM(2009)279), which sets out strategic scenarios with a time perspective of 2050.

The group was removed from the register in September 2009. Its membership will be renewed by an open call to the participating organisations when resuming activity.

# ANNUAL DECLARATION of INTERESTS OF MEMBERS

## Scientific Committee on Consumer Products

Name:

☒ In accordance with Article 14(2) of Commission Decision 2004/210/EC of 3 March 2004, I hereby notify the Commission that I have the following economic or ethical interests<sup>1</sup> which might be considered prejudicial to my independence:

Direct interest (for example related to employment, contracted work, investments, fees etc.):

Nil

Indirect interests e.g. grants, sponsorships, or other kind of benefits such as gifts, invitations and honarariums.

Nil

Interests deriving from the professional activities of the applicant or his/her close family members:

Nil

Any membership role or affiliation that you have in organizations/bodies/club with an interest in the work of the Scientific Committees:

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<sup>1</sup> Links which could be considered interests might include:  
– one's job (university, institute, public service, enterprise)  
– being a member of a board of directors, board of management or any other supervisory body within a company, association, etc.  
– having carried out scientific research or provided an expert opinion at the request of a company, public service, etc.



Nil

Other interests or facts that the undersigned considers pertinent as a member of an independent Scientific Committee:

Nil

**Declaration**

I declare that the information provided above is true and complete.

I shall immediately and explicitly inform the Scientific Committee of any specific interest<sup>2</sup> concerning any question submitted by the Commission on the occasion of the meeting at which the relevant question is to be examined by the Committee. I shall inform the Commission of any change with regard to my interests which could be prejudicial to my independence.

Signature

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<sup>2</sup> See previous footnote 1: a special interest could, in particular, comprise any prior activity concerning the subject of the question.