



16 October 2012

ALTER-EU comments on the Commission's state of play document on expert groups

When the European Parliament imposed the budget reserve in November last year, it asked the Commission to "[modify the rules on expert groups](#)" regarding four different aspects. The Commission still hasn't explicitly committed itself to do that.

In their conclusions of the meeting with the Commission (5/9/2012) the MEPs noted: "Since revising the horizontal rules themselves may prove to be a lengthy process, involving the entire college of the Commission, MEPs agreed that during the informal dialogue complementary ways may be explored, as long as the necessary changes and clarifications are being implemented by all DGs of the EC."

In the process of the informal dialogue with the Commission, ALTER-EU believes the MEPs should agree with the Commission a set of new guidelines that should be included in a Memorandum of Understanding between the Parliament and the Commission. We have made some concrete proposals in the [annex of our letter](#) sent to MEPs on 4/9/2012. These guidelines should then be integrated in the horizontal rules on expert groups when those get revised (probably in 2015).

ALTER-EU would like to comment on the specific current situation in expert groups as presented by the Commission in its latest state of play (06/09/2012) and propose concrete steps to improve the situation regarding the four conditions set by the Parliament.

Condition No1: Balanced composition

The Commission still hasn't provide MEPs and the public with a list of all expert groups which are not exclusively composed of public authorities. This should be easy to do as it has just reviewed them.

The Commission should also provide us with a clear list of the "more than fifty groups" that is currently rebalancing.

There are 14 groups with industry over-representation that are missing from the Commission's list on DG ENTR:

1. European Business Organisations Worldwide Network (23 industry only)
2. Electromagnetic Compatibility Working Party (24 industry, 3 academia, 2 NGOs)
3. European design leadership board (8 industry, 2 academia, 1 SMEs)
4. Expert Group on the cross-border matching of innovative firms with suitable investors (6 industry, 1 SMEs, 1 academia)
5. FP7 Security Advisory Group (9 industry, 4 others)
6. Group of National Coordinators to prepare the European SME Week (16 industry, 11 SMEs)

7. Key Enabling Technologies (18 industry, 2 academia, 1 SMEs)
8. Low Voltage Directive Working Party (11 industry, 2 NGOs, 1 academia)
9. National Bankruptcy Coordinators (Clifford Chance but no civil society)
10. Preparatory Group for Standing Committee on Construction (5 industry, 1 SMEs, 1 professionals)
11. Tourism Sustainable Group (9 industry, 3 academia, 3 NGOs , 1 trade union)
12. Working Group for Non Road Mobile Machinery (around 12 industry, no civil society)
13. Working Group Pressure Equipment (4 industry, no civil society)
14. Working Group on Pyrotechnic Articles (2 industry, 1 consumers)

The Expert group on the revision of the LeaderSHIP strategy as it appears in the register today is still characterised by industry over-representation. Adding international organisations and regional authorities is good but doesn't solve the issue of the lack of balance among different kinds of non-governmental actors.

These groups should definitely be included in the process of re-balancing which is expected to be completed by the start of 2013. All subgroups of the Raw Materials Supply Group should be included in this process.

Regarding the four groups about which the Commission recognised there was industry over-representation but will finish their work in the following months (STRABO, CARS 21, High Level Forum for a better functioning of the food supply chain and the Ferrous and non-ferrous metals competitiveness expert group), the Commission should present in which ways it will collect input from non industry civil society groups to counterbalance the biased advice that it got from these four groups.

In DG MARKT the Insolvency Law Group of Experts (full of law firms and other industry representatives) should also be rebalanced.

The Commission should publish a detailed list of all the "more than fifty groups" that it wants to rebalance in order to permit civil society and MEPs to propose more groups if needed. ALTER-EU will come up soon with examples of problematic groups in other DGs that are not mentioned in the state of play document presented by the Commission.

Condition No2: Ban lobbyists sitting in expert groups in a 'personal capacity'

This ban should be clearly included in a Memorandum of Understanding between the Parliament and the Commission.

There are more groups where members should be recognised as stakeholders and not individual experts than the ones mentioned in annex 2 of the most recent state of play document presented by the Commission. For DG ENTR these groups are:

1. Raw Materials Supply Group
2. Key Enabling Technologies
3. Mission Evolution Advisory Group

ALTER-EU could check whether there are such cases in other DGs too.

Condition No3: Always do a public call for applications (common selection criteria)

The Commission remains unconvinced to engage in always selecting experts with an open process.

This should be a priority for the Parliament in the informal dialogue. A clear mandate and selection criteria should be published each time together with the call for applications. The Commission should be able to explain afterwards its selection among the applications.

Today, there are dozens of groups created without a public call.

Condition No4 : Full transparency

There are still groups that continue their work but are not included in the register. Here are two examples:

1. the FP7 Security Advisory Group is supposed to finish its work in [2013](#).
2. The High Level Group on CSR

Agendas and minutes are still missing for many groups (Accounting guide for SMEs - experts group, Ad-hoc Advisory Group on Non-Annex I Products, Commission expert Group of Members States' TBT notification points, Commission Expert Group on Textile Names and Labelling...)

For many groups there are minutes but not agendas (European Business Organisations Worldwide Network, Advisory Committee on Tourism, Detergents Working Group...)

Contributions of expert groups members are only very rarely published at the moment (for instance in CARS 21).

Some other considerations

Expert groups should not be replaced by corporate dominated workshops as it happened when preparing the revision of the Markets on Financial Instruments regulation (see for example the [list of workshops](#) with industry on page 280)

The Commission should also start publishing information for groups that have less than six members and don't fall under the scope of the current expert groups rules.

Monitoring procedure

We will continue to regularly communicate specific problems with expert groups to MEPs.

We welcome the will of MEPs to have regular meetings to reflect on the progress made and discuss next steps. The Commission should establish an appeals system in which we can directly report problems and see them solved after the end of the informal dialogue with MEPs.