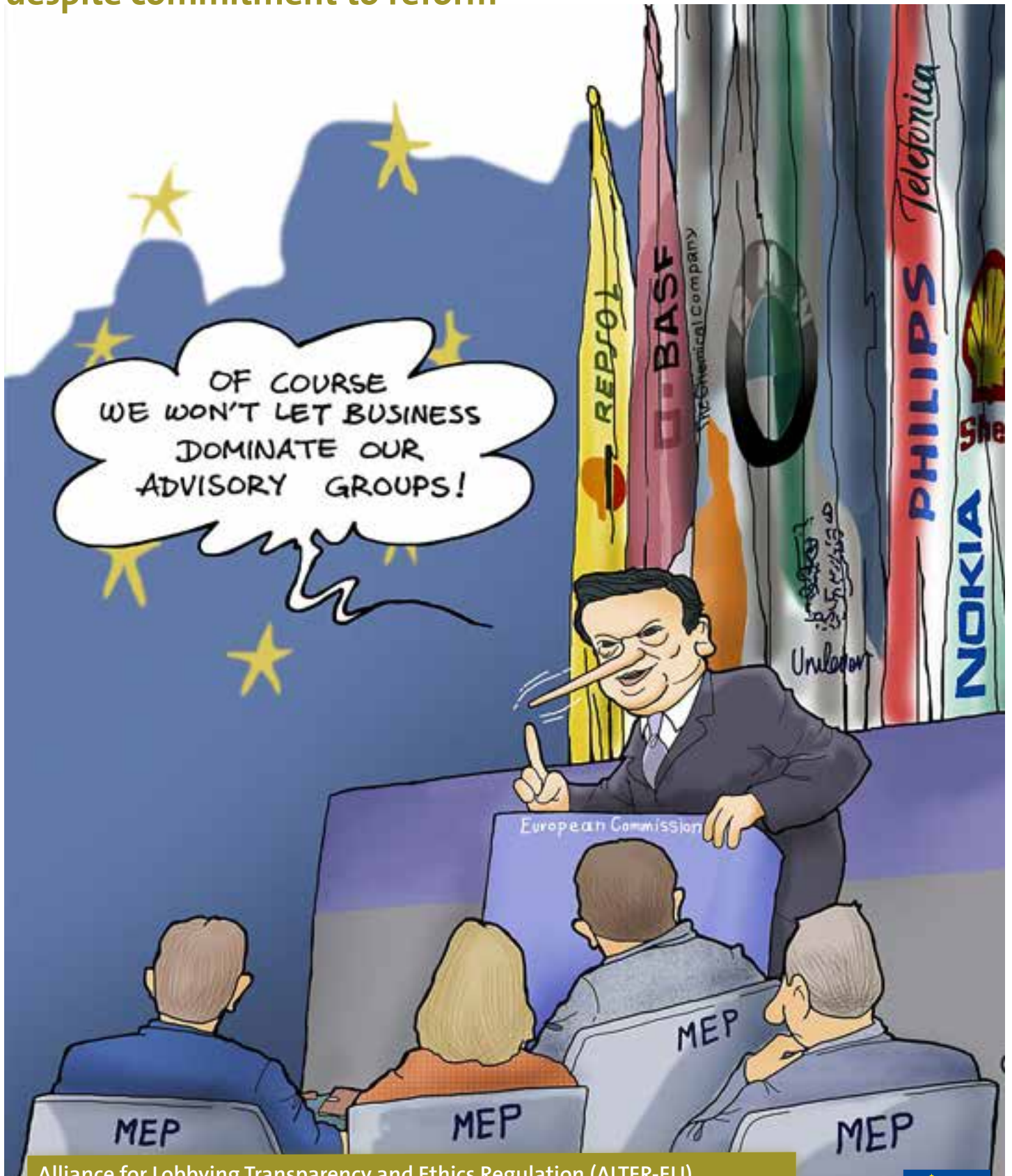


A Year of Broken Promises

Big business still put in charge of EU Expert Groups, despite commitment to reform



Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)

November 2013



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The Austrian Trade Union Federation (ÖGB) represents 1.2 million workers based on voluntary membership in Austria. The ÖGB Europabüro, its Brussels office, is part of the Austrian Permanent Representation to the EU.

The Austrian Federal Chamber of Labour (Arbeiterkammer) represents the interests of 3.4 million employees and consumers in Austria. AK EUROPA, its Brussels office, is part of the Austrian Permanent Representation to the EU.

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Executive Summary

Should speculators be given privileged access to dominate advice on financial regulation, beverage companies on alcohol policy, or fossil fuel companies on climate change? Worryingly for democracy, the European Commission is doing just that, despite promising it would not. Its Expert Groups, which play an influential role in advising on European legislation, continue to be dominated by big business interests, meaning corporate lobbyists and the vested interests they represent play a big role in shaping our laws and regulations. Concerns over the situation led the European Parliament to freeze the budget for Expert Groups in November 2011. MEPs set four conditions for reform: no corporate dominance; no lobbyists sitting in groups in an independent capacity; open calls for participation; and full transparency. Parliament released the budget in September 2012 on the understanding that Expert Groups would significantly improve based on these conditions and MEPs and the Commission would work together through an 'Informal Dialogue'.

This report looks at all new Expert Groups created in the past year to assess whether the Commission is living up to its commitments to reform, showing that to date the Informal Dialogue to oversee the process has not worked. Across the Commission many of the original problems have not been addressed, nor the conditions met, with certain key departments (Directorates-General, or DGs) particularly worrying: in DG Taxation and Customs Union (TAXUD), almost 80% of all stakeholders appointed in the last year who do not represent governments actually represent corporate interests, with only 3% representing small- and medium-sized enterprises (SMEs) and 1% representing trade unions; in the Secretariat-General (SG) corporate interests represent 64%; in DG Enterprise and Industry (ENTR), the figure is 62%. Meanwhile in the SG, over 73% of its 'independent' experts are actually directly linked to big business interests. Across all newly created Expert Groups, there are more corporate representatives than all other stakeholders combined. The implications are particularly troubling, as we show in several case studies, for example where tax dodgers advise on tax reform, giant telecommunications companies dominate the debate on data privacy, or a closed shop of pro-big business experts monopolise advice on tackling the eurocrisis.

At a time when trust in political institutions – national and European – is at an all-time low,¹ the Commission needs to ensure that Expert Groups are as democratic, transparent and accountable as possible, and not merely seen as doing corporations' bidding. To ensure improvements materialise, **the Commission should impose a moratorium on the creation of any new groups in the worst-performing DGs** until existing ones improve – and if there is no improvement by the next Parliament, MEPs should fulfil their threat and refreeze all Commission Expert Group budgets.

¹ Eurobarometer, Spring 2013, Standard Eurobarometer 79: Public Opinion in the European Union, First Results, available at http://ec.europa.eu/public_opinion/archives/eb/eb79/eb79_first_en.pdf

INTRODUCTION: Reform of Expert Groups – or Business as Usual?

The European Commission's advisory groups, known as Expert Groups, provide input from stakeholders in areas where the Commission lacks internal expertise. They are found across all Directorates-General (DGs) and play a vital role in shaping Commission thinking around new policies and legislation, be it regulation on chemicals or how to tackle tax havens.

However, research by ALTER-EU, a coalition of over 200 civil society groups, has shown that many of the Commission's Expert Groups are consistently dominated by big business interests, meaning the voices of other stakeholders, such as small- and medium-sized enterprises (SMEs), trade unions, consumer groups or NGOs, are largely unrepresented and unheard.

Expert Groups: Putting those who created the financial crisis in charge of solving it¹

The European Commission's response to the financial crisis was guided by the De Larosière Expert Group, named after its chair and senior banking industry figure, Jaques De Larosière.

Formally known as the High-Level Group on Financial Supervision in the EU, four of its eight members had close links with the same banks most implicated in the crisis (Goldman Sachs, Citigroup, Lehman Brothers, BNP Parisbas), while a fifth was a known advocate of deregulation and a sixth worked for the UK Financial Services Authority, described as systematically failing to predict or avoid the crisis.

The resulting Expert Group report claimed it would improve EU supervision over banks but – unsurprisingly given the makeup of the group – failed to address the fundamental question of whether banks could and should continue to regulate themselves or what to do with banks that were 'too big to fail', both key factors in the crash.

¹ ALTER-EU (2009) A Captive Commission: the role of the financial industry in shaping EU regulation. See <http://www.alter-eu.org/en/system/files/publications/CaptiveCommission.pdf>

This type of corporate domination is extremely problematic given that the final reports of Expert Groups often form the backbone of the Commission's legislative proposals.

Members of the European Parliament (MEPs) were so concerned by the Commission's unwillingness to fix the problem of corporate-dominated Expert Groups that they twice froze the Groups' budget, first in November 2011 and again in March 2012. The European Parliament finally approved the budget in September 2012 after the Secretariat-General, the Commission department responsible for Expert Groups, broadly agreed to implement four conditions:

- ▶ **No corporate domination of Expert Groups.**
- ▶ **No lobbyists sitting in Expert Groups in a personal capacity.**
- ▶ **Open call for public applications for all new groups.**
- ▶ **Full transparency of minutes, agendas and contributions by the Commission.**

As the formal review of Expert Group rules would not take place until 2015, MEPs and the Commission entered into an Informal Dialogue to make sure they found de facto ways of implementing the conditions without new rules. If the Informal Dialogue did not lead to the conditions being met, MEPs said, the budget would be refrozen.²

This report, which looks at Expert Groups created in the year proceeding the budget release (20 September 2012 until 20 September 2013), shows that the Informal Dialogue has to date not worked: in all four areas for improvement the Commission has been found wanting.

This report has identified Taxation and Customs Union and the Secretariat-General (in charge of overseeing Expert Group improvements) as the worst offenders, although other DGs are shown as also regularly breaking the conditions (e.g. DGs Agriculture and Rural Development, Enterprise and Industry, Home Affairs, Internal Market, Mobility and Transport,

² There was no time limit set by the Secretariat-General, although many DGs did outline timetables in the September 2012 Commission State of Play, available at <http://www.alter-eu.org/state-of-play-concerning-expert-groups>

Has the commission kept its promises?

► **No corporate dominance of Expert Groups?**

Corporate interests continue to dominate new Expert Groups of key DGs, such as DG Taxation and Customs Union (TAXUD, responsible for tackling tax havens), where almost 80% of all stakeholders appointed since September 2012 represent big business interests (64% in the Secretariat-General and 62% in DG Enterprise).

Across the Commission, there are more corporate representatives sitting in new Expert Groups (52%) than all other stakeholders combined, with SMEs and Trade Unions accounting for only 3% of seats each.

► **No lobbyists sitting in Expert Groups in a 'personal capacity'?**

Of the Commission's newly-appointed 'independent' experts, more than half are in fact representing big business interests, and have more seats than academics. In TAXUD, 93% of members

in a 'personal capacity' actually represent corporate interests.

► **Public calls for applications as standard?**

Almost 60% of all new groups failed to put out open calls for applications. DG Research and Innovation (8) and DG Health and Consumers (3) did not put out an open call for any of their newly-created groups.

► **Full Transparency?**

It was not possible to assess minutes, agendas and publishing of minority opinions as many Expert Groups are too-recently created, but looking at other measures of transparency, DGs Agriculture and Taxation were the worst culprits for not identifying organisations within their Groups as corporate representatives, while DG Internal Market has not entered any of its group members into the Expert Group Register.

Research and Innovation). Across Commission departments, corporate interests continue to dominate Expert Groups, which play a key role in advising on European legislation. This seriously risks our laws and regulations being made in the interest of big business and not Europe's 500 million citizens, despite parts of the Commission believing they are one and the same thing.

To show it is serious about taking the problem seriously, the Commission should impose a moratorium on the creation of any new groups within the worst-performing DGs until existing ones improve. Specific improvements on all four conditions will be an important step in restoring public confidence that the Commission is not merely doing the bidding of corporations. MEPs have shown good faith, but this must be the final wake-up call. If the situation remains the same at the start of the next Parliament, Expert Group budgets should be refrozen.

Methodology

This report looks at all the Expert Groups created in the one year since the European Parliament unfroze the budget³ and assesses whether the four conditions to improve them have been met. Each condition is taken separately and forms a section with illustrative data.

³ All groups that were created or had their mandates renewed between 20th September 2012 and 20th September 2013.

Interspersed case-studies serve to highlight in more detail the real-life impact and gravity of the issues at stake; the case-studies do not illustrate the failure to comply with any one single condition for reform, but are usually a complex mixture of a failure to meet several conditions.

The information presented in this report is derived from the Commission's own downloadable database of its Expert Groups Register.⁴ Analysis focuses on the 38 groups and subgroups created in the year following the budget release (20 September 2012) that contain members who are not representing government interests (referred to as 'stakeholders' in this report). Members, groups and DGs are assessed according to the four conditions set by MEPs:

- Categorising group members to assess balance of all stakeholders (see box on categorisation below).⁵
- Investigating all individuals appointed in a personal capacity that do not represent government interests, with a particular focus on potential conflicts of interest.
- Searching the on-line Expert Group Register for evidence of calls for applications.
- The final condition, full transparency, would ordinarily focus on whether agendas, minutes and

⁴ Entries from the extracted groups have been 'cleaned' by correcting inconsistencies in organisations' and individuals' names and providing them with a classification (see classification rationale).

⁵ This excludes all members appointed by national administrations (when asked by the Commission), as well as any government interests who have applied to join an Expert Group and been accepted.

members' contributions were published in the register. However, as all the targeted groups have been recently created, many have not yet had their first meetings and therefore cannot be assessed. Instead transparency will focus on whether corporate interests are labelled as such. This should not, however, reduce the pressure on the Commission to fulfil its promise of making all such information readily and easily available through the Register.

Directorates-General (DGs) have been ranked using percentages, as this allows relative comparison between departments with differing numbers of newly-created Expert Groups.

If citizens and policy makers are to understand whether Expert Groups are improving, first it is necessary to reveal which interests are sitting in those groups. For example, Business Europe – the most powerful business lobby group in Brussels who sits in 55 different Expert Groups – has been classified by the Commission on different occasions in the Expert Group Register as an NGO, a trade union, an association and as an international organisation, but only once as 'corporate'.⁶ In an attempt to gain a more accurate picture of who sits in Expert Groups, the key to how we have categorised different interests is below.

Which DG is responsible for what?

The European Commission is divided into several departments known as Directorates-General (DGs). The following DGs have created new Expert Groups in the year following the budget approval.

DG	Responsibility
AGRI	Agriculture and Rural Development
BEPA	Bureau of European Policy Advisors, linking civil society experts to policy-makers
CONNECT	Communications Networks, Content and Technology
ENTR	Enterprise and Industry
ECFIN	Economic and Financial Affairs
HOME	Home affairs
JUST	Justice
MARKT	Internal Market and Services
MOVE	Mobility and Transport
RTD	Research and Innovation
SANCO	Health and Consumers
SG	Secretariat-General – oversees other DGs
TAXUD	Taxation and Customs

KEY: how different interests in the Expert Groups have been categorised

1) Government sector:

- ▶ National ministries in member states, candidate countries and members of the European economic area.
- ▶ European Commission and other EU institutions and intergovernmental organisations.
- ▶ Public agencies funded and appointed by governments.
- ▶ Regional and local government.

2) Corporate Interests:

- ▶ Large companies (employing more than 250 people or with a turnover exceeding 50 million euros⁷).
- ▶ Trade associations with membership mainly from large companies.
- ▶ Organisations with membership mainly from large companies.
- ▶ Lobby consultancies, law firms and accountancies that represent large companies.
- ▶ Agribusiness, including industrial farmers and their trade associations.

3) Academia & non-profit research entities.

4) Hybrid organisations:

- ▶ Groups composed of both private and public sector entities.
- ▶ Standardisation bodies with large corporate membership.
- ▶ Think tanks and NGOs largely dependent on corporate funding and closely linked to industry groups.
- ▶ Research institutes with both public funding and income from contract work for the private sector.
- ▶ Employer organisations and enterprises which provide and/or serve public services and private companies (e.g. the European Centre for Employers and Enterprises Providing Public Services, CEEP).
- ▶ Private-public agencies 'promoting growth'.
- ▶ Multi-stakeholder fora.
- ▶ The European Investment Fund (a joint project between the European Central Bank and commercial banks).

5) NGOs:

- ▶ Environmental, social and/or consumer groups (including their standardisation bodies) whose core funding does not come from corporations.

6) Small and Medium Enterprises (SMEs):

- ▶ Companies employing fewer than 250 people and/or with an annual turnover lower than 50 million euros.
- ▶ Trade associations and standardisation bodies of SMEs.

7) Trade Unions.

8) Professional associations.

- ▶ Architects, geologists, doctors, nurses, pharmacists etc.
- ▶ Excluded from this group are professional associations whose main membership represent corporate interests, e.g. accounting.

9) Farmers excluding agribusiness.

10) Cooperatives:

- ▶ Organisations that are owned and run jointly by their members, who share the profits and/or benefits.

11) Other:

- ▶ Professions that do not fit under other categories, e.g. independent journalist.

12) Unknown:

- ▶ Not enough information was provided to make a judgement

When assessing newly-created groups, 'stakeholder' refers to members who do not represent government interests.

⁷ European Commission, 2005, The new SME definition, available at http://ec.europa.eu/enterprise/policies/sme/files/sme_definition/sme_user_guide_en.pdf

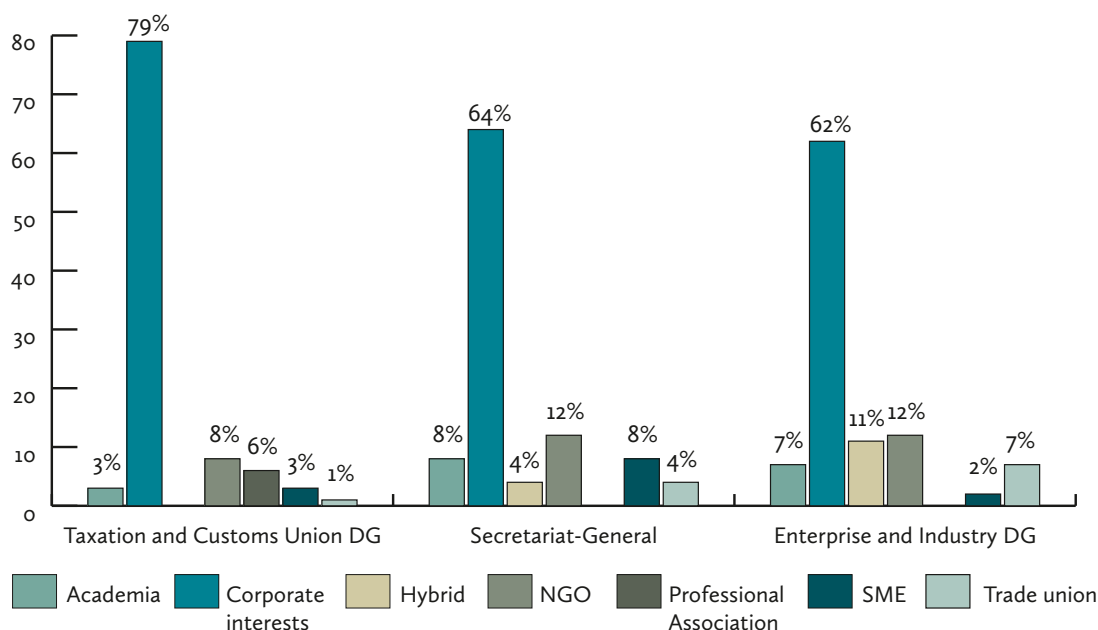
All new Expert Groups (incl. Subgroups) created between 20 September 2012 and 20 September 2013

Agriculture and Rural Development DG	Expert Group on agricultural commodity derivatives and spot markets High Level Steering Board for the European Innovation Partnership SUB: Sherpa Group on the European Innovation Partnership
Bureau of European Policy Advisers	Science and Technology Advisory Council
Communications Networks, Content and Technology DG	CONNECT Advisory Forum for Research and Innovation in ICT Young Advisors Expert Group on implementation of the Digital Agenda for Europe
Education and Culture DG	National Coordinators for Adult Learning
Enterprise and Industry DG	CARS 2020 Expert Group SUB: Clean vehicles SUB: Economic situation, industrial change and social issues SUB: Internal Market SUB: Trade and international harmonisation Expert Group for Bio-based Products High Level Group on Business Services KETs High Level Commission expert group SUB: Sherpa Group
Environment DG	Stakeholder Consultation on EU action on large carnivores
Health and Consumers DG	European Unique Device Identification (UDI) Commission expert group Expert Group on Online Dispute Resolution Expert Panel to provide advice on effective ways of investing in health
Home Affairs DG	Data Retention Experts Group Expert Group on the Policy Needs for Data on Crime (Crime Statistics) Illicit trafficking in firearms to safeguard the EU's internal security
Justice DG	Commission Expert Group on a European Insurance Contract Law
Mobility and Transport DG	Expert Group on TEN-T Financing
Research DG	EU Bioeconomy Panel Expert Group on Retail Sector Innovation Expert group for the evaluation of the overall performance of the European Innovation Partnership (EIP) concept and approach Expert group on evaluation of research intensive clusters as potential vehicles for smart specialisation in the European Region Expert Group on Intellectual Property Valuation Expert Group on Open Innovation and Knowledge Transfer Expert Group on Public Sector Innovation Expert Group on the role of Universities and Research Centres in Smart Specialisation
Secretariat-General	Expert Group on a debt redemption fund and eurobills High Level Group on Administrative Burdens
Taxation and Customs Union DG	EU VAT forum Platform for Tax Good Governance, Aggressive Tax Planning and Double Taxation VAT Expert Group

CONDITION ONE: Balance - no corporate domination of Expert Groups

- ▶ In DG TAXUD, charged with tackling tax dodging, almost 80% of stakeholders represent corporate interests compared to 3% for SMEs and just 1% for trade unions.
- ▶ There are more representatives of corporate interests than all other stakeholders combined, but this masks big differences across DGs

VERDICT: Key DGs are still dangerously imbalanced.



ALTER-EU's work over the past six years has shown that Expert Groups in key DGs have historically been imbalanced, allowing corporate representatives to dominate policy recommendations intended to be in the public interest. Following public campaigning and pressure from MEPs, some DGs have taken action. After repeated critical investigations, many corporate-dominated groups were abolished by DG MARKT, the DG responsible for regulating the single market.⁸ Following ALTER-EU's 2012 report, which showed two

thirds of Expert Groups were corporate-dominated in DG ENTR, (responsible for enterprise and industry),⁹ a new round of open calls for applications was issued for some problematic groups in what has proven an unsuccessful attempt at improving their balance.¹⁰

By broadly agreeing to the conditions outlined by the European Parliament when it lifted the budget reserve in September 2012, the Commission has accepted that corporate interests should not be allowed to dominate Expert Groups. However, the Commission appears

⁸ To better understand the problems surrounding Expert Groups in DG MARKT, see ALTER-EU, 2009, A captive Commission: the role of the financial industry in shaping EU regulation, available at <http://www.alter-eu.org/sites/default/files/documents/a-captive-commission-5-11-09.pdf> or Corporate Europe Observatory, 2011, 'DG Internal Market's Expert Groups: More needed to break financial industry's strong hold', available at <http://corporateeurope.org/lobbyocracy/2011/12/dg-internal-market-expert-groups-more-needed-break-financial-industry-stronghold>

⁹ To better understand the problems surrounding Expert Groups in DG MARKT, see ALTER-EU, 2012, Who's driving the agenda at DG Enterprise and Industry?, available at http://www.alter-eu.org/sites/default/files/documents/DGENTR-driving_0.pdf

¹⁰ ALTER-EU, March 2013, We Need to Talk About Expert Group: ALTER-EU State of Play (Revised), available at http://www.alter-eu.org/sites/default/files/documents/EG%20State%20of%20Play_March_Revised%20%281%29_0.pdf

to have broken its promise, with more members representing corporate interests in new groups than all other stakeholders combined. And studying the figures in more detail reveals key DGs are dangerously imbalanced.

Looking at the three most corporate-dominated DGs, Taxation and Customs Union (TAXUD), the Secretariat-General (SG) and DG Enterprise and Industry, there is a serious problem:

Tax dodgers in charge of tax policies

The worst offender is the DG responsible for taxation, DG TAXUD, where almost 80% of Expert Group stakeholders represent corporate interests. This is in contrast to only 3% from SMEs, the same from independent academic backgrounds, and just 1% from trade unions. Tax is an incredibly important and politically sensitive issue, particularly in light of the economic and eurozone crisis, which makes TAXUD's insistence on listening almost exclusively to big business – a group usually bent on keeping tax low – incredibly counter-productive. Case study 2 on the Platform for Tax Good Governance (see page 21) shows how TAXUD has invited tax dodgers to implement its plans on tackling tax evasion, a problem which if successfully tackled could save European Union member-states €1 trillion per year in lost revenues and pay-off the EU's public deficit in under nine years.¹¹

Secretariat-General flouts its own rules

The Secretariat-General (SG), which oversees all other DGs and ensures they run smoothly and transparently, is the second worst DG when it comes to corporate dominance. This undermines its claim that it is taking seriously the conditions outlined by MEPs, the *de facto* new rules,¹² and the Informal Dialogue to achieve them. As the department tasked with overseeing improvements across the Commission, if it is not implementing the conditions agreed with MEPs

itself, then how credible is its commitment to oversee reforms in other DGs? Its Expert Group on a Debt Redemption Fund and Eurobills is heavily dominated by corporate interests, as well as breaking almost all other conditions outlined by MEPs (see case study 3 on page 25). Its High-Level Group on Administrative Burdens (also known as the Stoiber Group, after its chair, Edmund Stoiber) also has more members representing corporate interests than all other stakeholders combined (9 out of 16), and has been the subject of widespread criticism for promoting pro-industry deregulatory agendas and ignoring the public interest.¹³ It appears that Commission President Barroso uses the Secretariat-General as his private DG, creating groups within it according to his own rules, rather than following those promoted across the Commission by the department itself.

DG Enterprise and Industry still driven by big business

DG ENTR committed to far-reaching action to end the dominance of big business within its Expert Groups following an ALTER-EU report. However, the measures have clearly not gone far enough, as corporate interests continue to occupy over 60% of seats across its four new groups. DG ENTR also claimed it had 'rebalanced' CARS 21, the Expert Group advising on the future of the automotive industry, including environmental impacts. Packed full of industry representatives, CARS21 helped water down and postpone legislation on tougher CO₂ standards which vehicle manufacturers saw as a threat to profits.¹⁴ Yet according to the on-line Expert Group Register, its new incarnation, 'CARS 2020', still has 10 out of 16 spots filled by corporate interests and the issue of emissions remains on the agenda.¹⁵

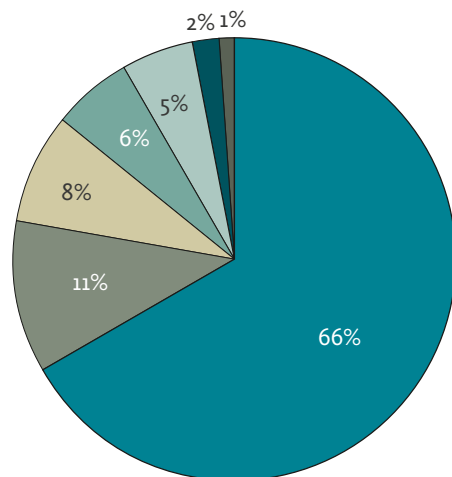
11 Richard Murphy FCA, 2012, Tax Research UK: Closing the Tax Gap – A report for Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, http://europeansforfinancialreform.org/en/system/files/3842_en_richard_murphy_eu_tax_gap_en_120229.pdf

12 When the budget was unfrozen in September 2012, it was in order to launch a process to implement the new conditions for Expert Groups without having to go through the difficult process of legally changing the rules; instead creating *de facto* new rules until they are systematically reviewed in 2015.

13 A recent example was the use of the group by its chair, Edmund Stoiber, to lobby for weaker tobacco regulation after being contacted by German tobacco manufacturers, see <http://www.foeeurope.org/Commission-must-clear-smoke-tobacco-lobbying-170113>

14 ALTER-EU, 2012, Who's Driving the agenda at DG Enterprise and Industry? See <http://corporateeurope.org/sites/default/files/dgentr-driving.pdf>

15 Four places are taken by NGOs and two by trade unions.

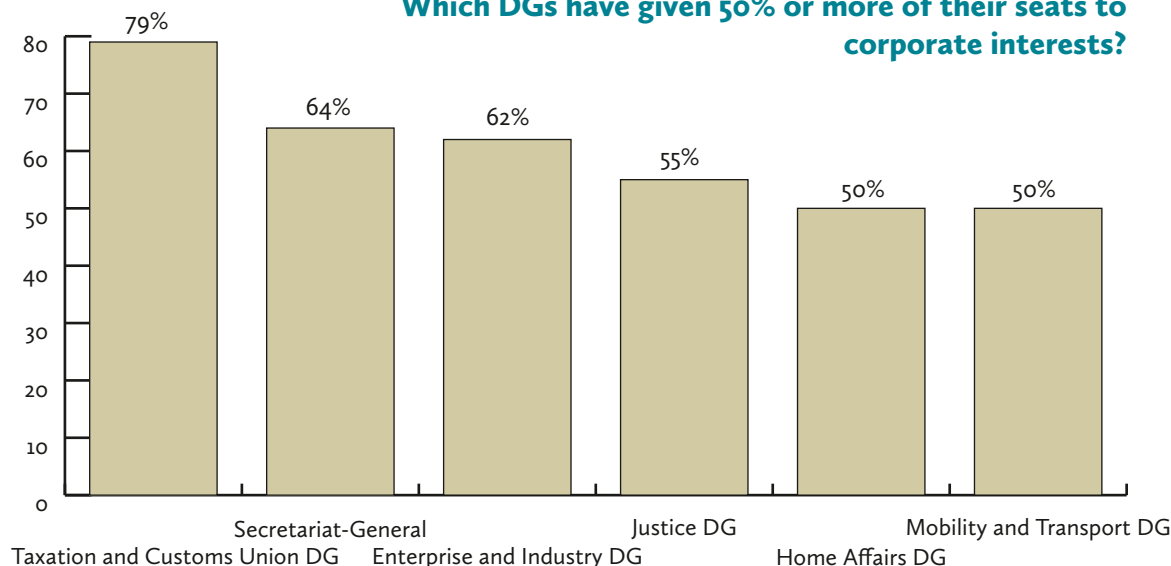


Combined Interests Across Worst 3 Corporate Dominated DGs

Who sits in DG TAXUD, SG and ENTR Expert Groups?



Which DGs have given 50% or more of their seats to corporate interests?



Who gets a say in key DGs?

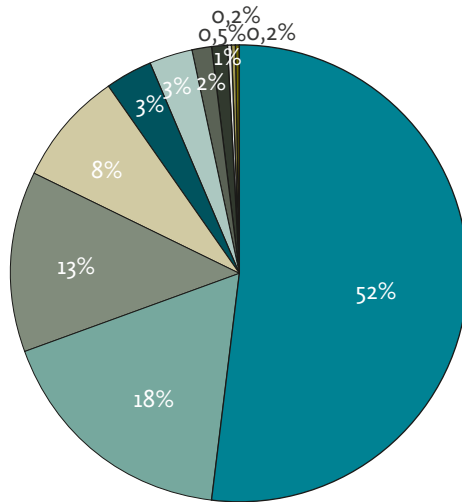
Taking an average of the three most dominated DGs (Taxation, Secretariat-General, Enterprise), the figures speak for themselves: big business occupies two-thirds of all seats not given to government representatives (66%), which is six times the number of seats for NGOs (11%), and more than 13 times the number for trade unions (5%). Despite employing two thirds of the European Union's workforce,¹⁶ stakeholders representing Small and Medium Enterprises (SMEs) make up only 2% of overall group membership, with 33 times fewer representatives than corporate interests.

More than a few rotten apples?

Corporate dominance is also a problem in other DGs, meaning that in areas like emissions standards, tax collection and how to transition towards a sustainable transport system, corporations are dominating Expert Groups and putting their own commercial interests before the public interest.

While many key DGs are problematic, there is also concern with the overall picture, where corporate interests occupy more than half of all seats within the 38 new groups and sub-groups (52%). This is more seats than all other stakeholders have combined, and even more worrying when viewed in addition to representatives of hybrid interests (who also have corporate links), rising to 60% of all places.

16 EUROSTAT, Structural Business Statistics Overview, October 2012, http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Structural_business_statistics_overview#Further_Eurostat_information



Corporate domination across the Commission

How are stakeholders represented across all new groups?



How different DGs consider 'balance'

Balance is perceived differently across DGs. In the Commission's February 2013 update on the reform of Expert Groups:¹⁷

- ▶ DG TAXUD, when justifying the balance of the EU Joint Transfer Pricing Forum (JTTF), crucial for tackling tax dodging, says "there is a balance in the representation of the relevant areas of expertise and areas of interest – 8 work in consultancy and 8 in multinational enterprises."
- ▶ DG ENTR says that its European Design Leadership Board, "has a fairly balanced membership", despite there being more representatives of industry interests (8) than all other members combined (7).

However, some DGs recognise that balance refers to not having Expert Groups dominated by one stakeholder category:

- ▶ DG EAC's ERASMUS MUNDUS Expert Group is balanced because "no single interest category (business, union or other) has a majority of the non-government and non-EU seats in the group."¹⁸

¹⁷ European Commission, State of Play February 2013, available http://www.alter-eu.org/sites/default/files/documents/COMMISSION_STATE%20OF%20PLAY%20_%20FEBRUARY%202013%20_%20FINAL_o.pdf

¹⁸ Education and Culture, May 2012, Review of Expert Groups, accessed as a result of a freedom to information request, available at http://www.asktheeu.org/en/request/review_of_expert_groups#incoming-1328

However, not all DGs have been creating Expert Groups dominated by big business since September:

Rank	DG	Members with corporate interests
1)	Bureau of European Policy Advisers	7%
2)	Environment DG	9%
3)	Education and Culture DG	10%

Averages can be deceiving

Presenting overall levels of corporate dominance in each DG can only provide a partial picture: within a DG, half of new groups may have no corporate members while the other half could be completely dominated. Looking behind the overall figures at individual groups gives a clearer picture of which DGs are not implementing the conditions laid down by MEPs.

While the three worst overall DGs (Taxation, Secretariat-General and Enterprise) have a strong presence, we can also see from the table that Home Affairs (DG HOME), Agriculture (DG AGRI) and Research (DG RTD) – all three with an average corporate presence under 50% – have been ignoring the agreement between Parliament and the Commission.

- ▶ DG HOME's Data Retention Experts Group touches on the very sensitive issue of data privacy, yet the group is composed exclusively of members representing or closely linked to the biggest players in Europe's telecommunications industry (see case-study 1 on page 14). Issues of such public

New Expert Groups with more than 50% corporate membership

DG	Group Name	Total members	Corporate interests
Home Affairs DG	Data Retention Experts Group	7	100%
Agriculture and Rural Development DG	Expert Group on agricultural commodity derivatives and spot markets	16	94%
Taxation and Customs Union DG	VAT Expert Group	42	86%
Research DG	Expert group for the evaluation of the overall performance of the European Innovation Partnership (EIP) concept and approach	5	80%
Research DG	Expert Group on Intellectual Property Valuation	10	80%
Taxation and Customs Union DG	EU VAT forum	15	80%
Enterprise and Industry DG	High Level Group on Business Services	19	74%
Secretariat-General	Expert Group on a debt redemption fund and eurobills	10	70%
Health and Consumers DG	European Unique Device Identification (UDI) Commission Expert Group	17	65%
Research DG	Expert Group on Retail Sector Innovation	11	64%
Enterprise and Industry DG	CARS 2020 Expert Group (incl subgroups)	80	63%
Secretariat-General	High Level Group on Administrative Burdens	15	60%
Taxation and Customs Union DG	Platform for Tax Good Governance, Aggressive Tax Planning and Double Taxation	15	60%
Enterprise and Industry DG	KETs High Level Commission expert group (incl subgroups)	64	59%
Research DG	Expert Group on Open Innovation and Knowledge Transfer	12	58%
Enterprise and Industry DG	Expert Group for Bio-based Products	26	58%
Justice DG	Commission Expert Group on a European Insurance Contract Law	20	55%

importance should not be decided upon by corporations alone.

- In DG AGRI's Expert Group on Agricultural Commodity Derivatives and Spot Markets, 94% of members represent corporate interests – including agribusiness¹⁹ and the retail food industry – while the other 6% represent farmers. No seats have gone to NGOs who work on the issue of food speculation and its devastating effects on food prices and land grabbing, despite qualified NGOs applying.²⁰

¹⁹ COPA-COGECA, the European Association for Farmers and Agri-cooperatives, has been labelled as a corporate interest due to the domination of agribusiness in the positions it takes and the stakeholder views it represents.

²⁰ Dutch NGO SOMO and German NGO WEED, who work on food speculation, both applied and were both rejected.

One year on – what's changed?

It is clear that some DGs have no intention of listening to a broad range of stakeholders, and are instead continuing in the same pattern as before the budget freeze was lifted. The Commission's damaging ideological belief that what is good for big business is good for Europe's citizens is as robust as ever. The corporate dominance in many groups created since September both undermines the ongoing Informal Dialogue between the European Parliament and the Commission to fix Expert Groups, and also calls into question the Commission's own commitment to improve them. Particularly worrying is the Secretariat-General (SG), who is supposed to be overseeing other DGs within Commission. If the Parliament and the SG are serious about ending corporate dominated Expert Groups, then they need to look beyond the Informal Dialogue.

Case Study 1

Data Privacy: censoring the debate

When whistle-blower Edward Snowden revealed in June 2013 that the top-secret US PRISM programme was collecting phone and internet records of European citizens, the reaction from the Commission was forceful. The US justified the programme on grounds of security, but Viviane Reding, Vice-President of the Commission as well as EU Commissioner for Justice at the time, stated that “the data protection rights of EU citizens are non-negotiable.”²¹ However, looking at the recent Expert Group established by DG HOME on the topic of data retention, this statement sounds less convincing.

What Ms Reding failed to mention was that the European Commission has had its own highly-controversial Data Retention Directive (DRD) in place since 2006, a year before PRISM came into being. The Directive equates to blanket and indiscriminate retention of all telecommunications, holding them for a minimum of six months up to two years, and has been heavily criticised by human rights and privacy campaigners.

According to AK Vorratt, the German Working Group on Data Retention, the DRD is “the most privacy-invasive instrument and the least popular surveillance measure ever adopted by the EU”, with almost 70% of EU citizens against it.²² It has also been shown to obstruct a free press as investigative journalists working on sensitive public interest issues are unable to use confidential communication channels (Deutsche Telekom was caught using the private data to spy on critical journalists),²³ while the safety of potential whistle-blowers is also greatly reduced. The Commission’s justification – that it is necessary to tackle serious organised crime – has also been disproven, as no country to implement the Directive has seen a statistically significant impact on crime

clearance rates.²⁴ Ironically, the Dutch Government has actually found many of its own telecoms corporations illegally using the private data for commercial purposes.²⁵ And in fact, the blanket collection and retention of citizens’ personal information has been ruled incompatible with the European Convention on Human Rights, with the European Court of Justice expected to annul the Directive, making a final ruling at the beginning of July 2014. Discussing PRISM, Commissioner Reding evidently failed to see the contradiction when claiming earlier this year that “it is very essential that even if it is a national security issue it cannot be at the expense of EU citizens.”²⁶

Yet despite the Directive’s controversial scope and its impact on citizens, as well as the current *de facto* rules surrounding Expert Groups, the newly created Data Retention Experts Group is dominated by the telecommunications industry, has individuals representing corporate interests sitting in a personal capacity and has no civil society representatives. Those aware of the group’s incredibly controversial predecessor, the Platform for Electronic Data Retention for the Investigation, Detection and Prosecution of Serious Crime – in which among other problems, all seats not given to government interests went to representatives of big business interests, namely the telecommunications industry,²⁷ and attempts to open it up to civil society organisations were repeatedly rejected – will not be surprised at the features of its latest incarnation.

Among the seven members not representing government interests, all five of the organisations (Cable Europe; EuroISPA; European Competitive Telecommunications Association, ECTA; European Telecommunications Network Operators Association,

21 European Commission, Speech by Viviane Reding 14/06/2013, PRISM Scandal: the data protection rights of EU citizens are non-negotiable, available at http://europa.eu/rapid/press-release_SPEECH-13-536_en.htm

22 Arbeitskreis Vorratsdatenspeicherung, 2011, Background information and facts: Evaluation of the Data Retention Directive 2006/24/EC, available at http://www.vorratsdatenspeicherung.de/images/akvorratt_evaluation_backgrounder_2011-04-17.pdf

23 Arbeitskreis Vorratsdatenspeicherung, 2011, There is No Such Thing as Secure Data: Refuting the myths of secure IT systems, available at http://wiki.vorratsdatenspeicherung.de/images/Heft_-_es_gibt_keine_sicheren_daten_en.pdf

24 Arbeitskreis Vorratsdatenspeicherung, 2011, Background information and facts: Evaluation of the Data Retention Directive 2006/24/EC, available at http://www.vorratsdatenspeicherung.de/images/akvorratt_evaluation_backgrounder_2011-04-17.pdf

25 ComputerWorldUK, 15 October 2013, ‘Dutch Telecoms Firms Abused Data Retention Law for Marketing Purposes’, available at <http://www.computerworlduk.com/news/it-business/3473656/dutch-telecoms-firms-abused-data-retention-law-for-marketing-purposes/>

26 European Commission, Speech by Viviane Reding 14/06/2013, PRISM Scandal: the data protection rights of EU citizens are non-negotiable, available at http://europa.eu/rapid/press-release_SPEECH-13-536_en.htm

27 For full membership of the now-closed group, see <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail&groupDetail&groupID=2230>

ETNOA; GSM Association) are there on behalf of telecommunications giants. Gerald McQuaid, the sole “representative of an interest” – a category given by the Commission to members sitting in an individual capacity but who are not independent – is listed in the Register as Chair of the European Telecommunications Standards Institute Lawful Interception and Data Retention Committee, an industry standardisation body, but it fails to mention he is a senior manager at Vodafone. Incidentally, Vodafone is also a member of EuroISPA (via national associations) and ECTA, and more worryingly, was also fined €76 million after its data retention mechanisms in Greece (i.e. wire taps) were hacked with the phones of the Prime Minister and many of his cabinet members being bugged.²⁸ Completing the group is Christopher Kuner, Senior Of Counsel in the Brussels office of corporate law firm Wilson Sonsini Goodrich & Rosati, wrongly listed as there in a personal capacity. As well as advising corporate clients how to operate around privacy legislation while staying within the letter of the law, he is also the Chairman of the International Chamber of Commerce Task Force on Privacy and the Protection of Personal Data – not a role that can be considered independent.

While big business gets to ensure the Data Retention Directive is implemented to its liking (in the US, the telecommunications industry has been handsomely compensated by the US government for providing data²⁹), voices of civil society groups have been purposefully excluded. This may be explained by the call for applications: while open (although not in the Register), it explicitly states that members must have “a genuine commitment to efficient and effective implementation of the Data Retention Directive,”³⁰ and if selected, “help ensure that the Directive continues to fulfil its intended aims.”³¹ Not only does this undermine the role of Expert Groups in providing diverse stakeholder input and excludes genuine expertise on the topic, it also ensures those selected will be unable to answer the group’s own mandated question of whether

the directive is fulfilling its ‘intended aims’. The intentionally-narrow and technical focus is being used to mask the broader political questions still unresolved by its predecessor.

In light of PRISM, the evidence on DRD and the importance of data privacy, it appears the Commission – DG HOME in particular – is using this Expert Group to censor debate (only listening to industry and not civil society opponents) while providing false legitimacy through claiming to involve ‘stakeholders’. If Commission Vice-President Reding wants us to believe, as she claims, that “the data protection rights of EU citizens are non-negotiable,” DG HOME needs to open the group, follow the European Parliament’s recommendations regarding corporate dominance, loosen the conditions for entry and genuinely explore how DRD’s ‘intended aim’ of tackling serious crime can be achieved.

28 IEEE Spectrum, June 2007, ‘The Athens Affair’, available at <http://spectrum.ieee.org/telecom/security/the-athens-affair>

29 The Guardian, August 2013, ‘NSA Paid Millions to Cover Prism Compliance Costs for Tech Companies’, available at <http://www.theguardian.com/world/2013/aug/23/nsa-prism-costs-tech-companies-paid>

30 European Commission, April 2013, Commission Decision of 18.4.2013 on setting up an experts group on best practice in the implementation of electronic communications data retention for the investigation, detection and prosecution of serious crime (‘the data retention experts group’), available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/police-cooperation/data-retention/docs/20130418_data_retention_expert_group_decision_en.pdf

31 Ibid. p.6

CONDITION TWO: No lobbyists sitting in a personal capacity (conflicts of interest)

Looking at groups created since September:

- ▶ More than half of all stakeholders sitting in a 'personal capacity' are not independent.
- ▶ There are more corporate representatives sitting in a 'personal capacity' than independent academics.
- ▶ More than 90% of DG Taxation and Customs Union's stakeholders sitting in a 'personal capacity' actually represent corporate interests.

VERDICT: Lobbyists – particularly representing corporate interests – are still being labelled as 'independent' in Expert Groups.

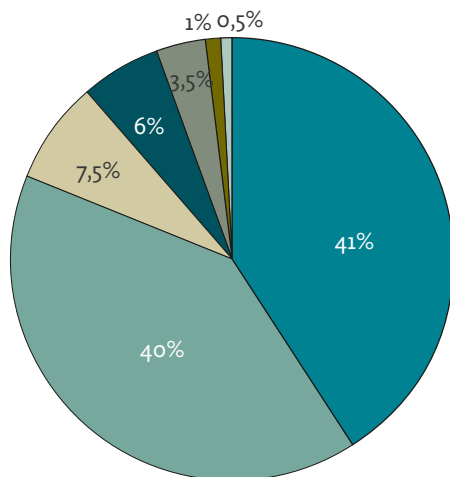
The Commission agreed with the European Parliament in September 2012 that no lobbyist would sit in Expert Groups in a 'personal capacity', as it would conflict with serving the public interest. However, representatives of corporate interests continue to be appointed in a personal capacity. Whether the conflict of interest is actively affecting the group member's decisions or not, the mere fact these affiliations exist is damaging to the reputation of the Commission when these experts are supposed to be independent. This is aside from the question of whether tax dodgers should be advising on tax havens, beverage companies on alcohol policy, or fossil fuel companies on climate change. Combined with the imbalance in the last chapter, the Commission gives the impression of government by corporate lobbyists, or a 'lobbycracy'.

The privilege of being in a group in a personal capacity should only be for those who are independent, such as academics or individual experts not linked to a specific stakeholder. However, among the Commission's new Expert Groups, there are more corporate interests in an 'independent' capacity than there are academics, with some DGs particularly bad offenders.

'Independent' corporate interests?

The domination of corporate interests appearing in a 'personal capacity' within key DGs is particularly worrying, although not all DGs follow this trend:

- ▶ DG Taxation and Customs Union (TAXUD), in charge of clamping down on tax dodging, is again one of the worst offenders: out of 28 individuals appointed in their personal capacity, only two can

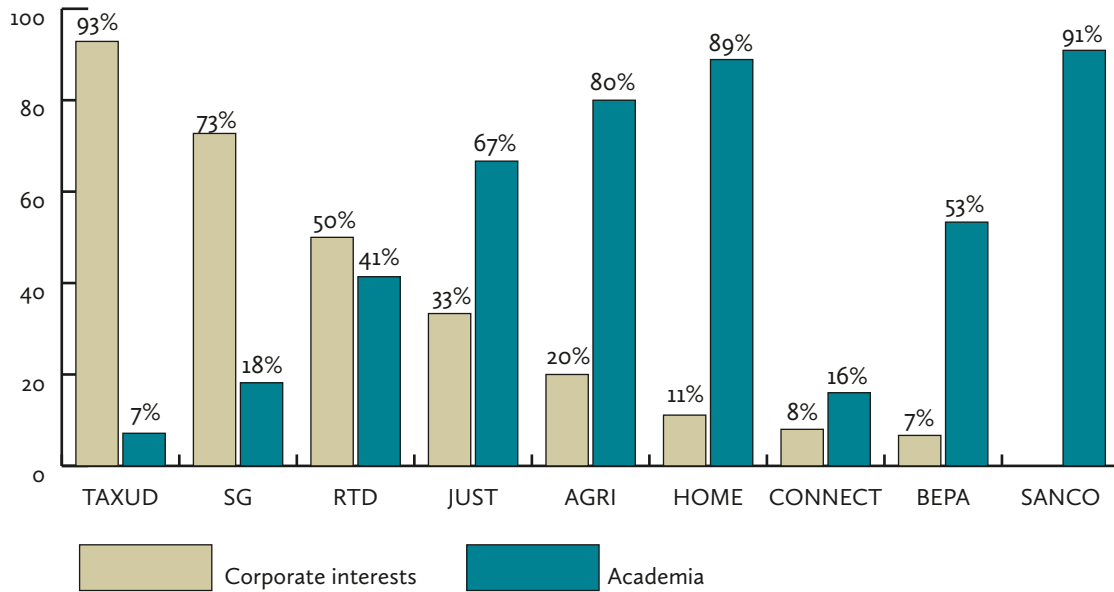


'Independent' corporate interests?
Who sits in Expert Groups in a 'personal capacity'?



Which independent experts are in our Expert Groups?

Corporate vs Academic representation



be classified as independent academics, while the other 26 have potential conflicts of interest. These range from working directly for a corporation,³² advising them on how to reduce their tax bills,³³ being employed by international law firms whose main clients are corporations,³⁴ or academics who work closely with big business (either academically or as consultants).³⁵

- In the Secretariat-General, which oversees all DGs and is in charge of transparency across the Commission, 73% of the individuals it has labelled in a personal capacity since September are in fact linked to big business. The others represent academia and hybrid interests, such as Lithuania's Central Bank (see case study 3 on page 25).
- The Bureaus for European Policy Advisors (BEPA), which according to its website, "Forges links between the European Commission and think tanks, academia, civil society, churches and communities of conviction", has only 7% of its 'personal capacity' members representing a corporate interest,³⁶ while

over 50% are independent academics. However, 40% are 'hybrid', meaning while not strictly representing corporate interests, they are linked.³⁷

- Conversely, in DG Health and Consumers (SANCO), over 90% of individuals in a personal capacity come from academia, although one individual now works as a private consultant without disclosing client names.³⁸

³² For example Christian Bürgler of Deloitte and Herman Van Kesteren of PwC.

³³ For example Andrea Parolini of MDDP Tax Consultancy or Krzysztof Lasinski-Sulecki of Lasinski consultants.

³⁴ For example Elisabeth Ashworth of CMS or Carlos Gómez Barrero of Garrigues.

³⁵ For example Julie Kajus. Joachim Englisch and Paolo Arginelli are both academics as well as private tax consultants specialising in corporate law.

³⁶ In BEPA's Science and Advisory Council, the only group it has created since September 2012, Ferdinando Becalli-Falco is the President and CEO of General Electric Europe and Senior Vice-President of General Electric.

³⁷ In this case, Alan Atkisson is CEO of the AtKisson Group, whose consultancy works with corporations like Ernst & Young, Nike and Volvo, as well as governments and regions; Susan Gasser is the Director of the Friedrich Miescher Institute for Biomedical Research at the University of Basel, affiliated to biotech giant Novartis, as well as being on the Nestlé Nutrition Council; Soren Molin is Director of the Novo Nordisk Centre for Biosustainability, which is commercially focused and continuously produces new spin-off companies; Alexandre Tiedtke Quintanilha works for the government-funded but commercially-focused Institute of Biomedical Research in Oporto; Pat Sandra is Founder and President of the for-profit Research Institute for Chromatography; Roberta Sessoli is an Associate Professor at the University of Florence but since 2007 has been coordinating an industrial collaboration with Italian energy giant Eni.

³⁸ In the *Expert Panel to Provide Advice on Effective Ways of Investing in Health*, Dr. Dorjan Marušič has a distinguished career working in public health but now also works as a private consultant, not disclosing who his clients are.

Worst groups for appointing corporate interests in a personal capacity*

DG	Group Name	Non-governmental Individuals in personal capacity	Corporate Interests
Taxation and Customs Union DG	VAT Expert Group	28	93%
Research DG	Expert Group on Intellectual Property Valuation	10	80%
Research DG	Expert group for the evaluation of the overall performance of the European Innovation Partnership (EIP) concept and approach	5	80%
Secretariat-General	Expert Group on a debt redemption fund and eurobills	10	70%
Research DG	Expert Group on Retail Sector Innovation	11	64%
Research DG	Expert Group on Open Innovation and Knowledge Transfer	12	58%

* The total number of individuals in a personal capacity also includes alternate members

Worst groups

As already stated, it is important to look not just at DGs as a whole but at individual groups in assessing whether MEPs' conditions are being applied.

The VAT Expert Group, under the DG responsible for tax, is dominated by corporate interests: not only is it packed full of large corporations sitting in the group in an organisational capacity, over 90% of the individuals appointed in a personal capacity also represent corporate interests. Worryingly, some of these 'independent' experts actually work for the same corporations who are in there as member-organisations, including Deloitte (two individuals in a personal capacity), Ernst & Young and KPMG (one individual each),³⁹ greatly increasing their influence over what happens in the group.

Looking at individual groups in DG RTD, responsible for research and innovation, it is clear that it is one of the worst offenders for mislabelling corporate interests in a personal capacity, although this is hidden by an average figure of 44% across the DG. A closer look at the 38 stakeholders across the four worst groups reveals a lot: there are almost three times as many 'independent' representatives of corporate interests (68%) than academics (24%). A further 5% are also hybrid,

³⁹ All three organisations are members of the group, as well as being represented in a personal capacity by Jean-Claude Bouchard (Deloitte), Odile Courjon (Taj Lawfirms, a member of Deloitte), Gwenaëlle Bernier (Ernst & Young) and Stefan Maunz (KPMG).

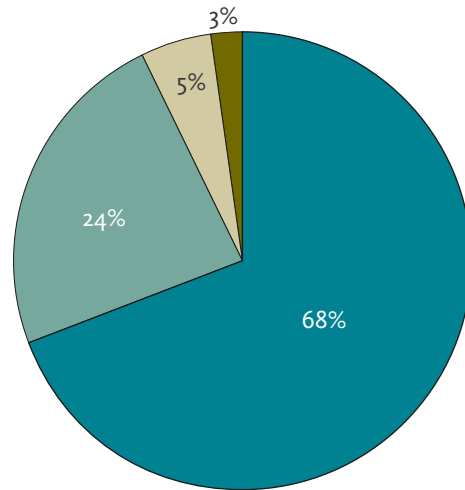
therefore still linked to corporate interests,⁴⁰ with one individual unclassifiable as 'other'. In fact RTD occupies four of the top six spots for worst groups.⁴¹ Given that DG RTD is supposed to be leading the Commission on research and innovation, including areas of important public interest, it is extremely troubling to see the how many corporate interests are wrongly labelled as independent.

Is mislabelling of big business just a "technical error"?

The European Commission agrees that it is not appropriate for representatives of corporate interests or any lobbyist for that matter to sit in an Expert Group in a 'personal capacity', i.e. as an independent expert (for example, as an academic might). It sees the problem as administrative – that interests have been labelled wrongly (i.e. in a personal capacity), when in fact they should be labelled as a stakeholder, i.e. a non-independent representative of an interest. It is true that correctly labelling stakeholders will end the current dishonest practice and allow the public to

⁴⁰ Birgitte Andersen is Director of Big Innovation Centre, a not for profit that "brings together some of the world's leading companies with key institutions from across the policy landscape... It will carry out business-oriented research, taking emerging ideas and backing them with evidence" <http://www.biginnovationcentre.com/Aboutus>; Alf Rehn is Chair of Organisation and Management at Abo Akademi University, but also owns Alfrigg AB (consulting/public speaking) and Chairman of the Board of advertising agency Satumaa Ltd.

⁴¹ DG HOME has been excluded as it only had one individual in a personal capacity – although they do represent a corporate interest (see case-study on page 14).



'Independent' corporate interests dominating DG Research and Innovation who is represented across the 4 worst groups?

■ Corporate interests ■ Academia ■ Hybrid ■ Other

see which interests are actually being represented in Expert Groups. However, this must then lead to groups being rebalanced if it becomes apparent that corporate interests are dominating. This is especially relevant given that two-thirds of all mislabelled individuals are in fact representatives of corporate interests, with the figure rising to 100% in DG TAXUD.

The Commission's claim that the problem is purely administrative also downplays the highly political nature of the problem: that the Commission has been accepting supposedly-impartial advice from big business. How was this allowed to happen – where was the conflict of interest policy that ensured independent experts were actually independent? It is worrying to see that current conflict of interest policies allow representatives of the Big 4 accountancy firms, who specialise in finding ways for corporations to pay less tax, to sit in Expert Groups on tax in an independent capacity. In contrast, DG Agriculture's Expert Group for Technical Advice on Organic Production puts members declarations of interest and CVs on-line, as well as systematically assessing independence in relation to links with industry and lobbying on agenda items. However, the default policy across groups is for individuals to sign a declaration of independence and then pro-actively alert the Expert Group chair if they feel they have a conflict of interest. This voluntary self-regulation is woefully inadequate and damaging to the reputation of the Commission, whether the conflict of interest is compromising someone's decisions or not.

Should commercial interests be in Expert Groups at all?

Even if previously 'independent' stakeholders are relabelled, this ignores the question of whether they should legitimately be in the Expert Group making policy recommendations in the first place, given the clear conflict between commercial interests and public interests. In the field of tobacco regulation, the World Health Organisation (WHO) has drawn up strict guidelines, Article 5.3 of the WHO Framework Convention on Tobacco Control,⁴² which severely limit the contact between policy makers and lobbyists and ensure any contact is fully disclosed. Its internationally accepted that the interests of the tobacco industry are *de facto* never going to be in the interest of public health. This argument is applicable beyond the tobacco industry: should the dirty energy industry have a say on climate policy or risky investment bankers on financial regulation?

The Commission's reputation is being undermined by the continued impression that by inviting big business into Expert Groups, commercial interests are being placed over those of the public and regulation is being watered down. One reason this conflict of interest has not been addressed is because the Commission relies on external expertise to compensate for its own internal deficit, and therefore claims it must invite industry experts. However, the WHO's International Agency for Research on Cancer (IARC) is an effective example of how to balance the need for expertise with

42 World Health Organisation, 2008, Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control, http://www.who.int/fctc/guidelines/article_5_3.pdf

avoiding potential conflicts of interest: it banned all experts with potential conflicts of interest from its Expert Groups,⁴³ and instead created a new category of ‘invited specialists’, members who could share their wisdom but were excluded from drafting text or voting. This ensured political decisions remained in the control of those representing the public interest, while still benefiting from any external knowledge. Given the importance of the work conducted by Expert Groups and the real and apparent conflicts of interest of some members, such a policy would clearly serve the public good.

The impression of a ‘lobbyocracy’ – government by lobbyists – is a condition that both the Commission and the US government suffer from, but Washington is taking the problem more seriously. In 2010, US President Obama banned all registered lobbyists from sitting in advisory committees as his Administration is “committed to reducing the undue influence of special interests that for too long has shaped the national agenda and drowned out the voices of ordinary Americans”.⁴⁴ While big business has tried repeatedly to find ways around it, Obama has succeeded in removing hundreds of professional lobbyists from White House advisory groups.⁴⁵ The Commission would do well to see the underlying wisdom in Obama and his Administration’s belief that big business should not receive privileged access to decision makers over other stakeholders, as opposed to the tired – and long-disproven – mantra that what is good for big business is automatically good for citizens.

One year on – what’s changed?

Despite the European Parliament clearly stating that no lobbyists should sit in Expert Groups in a personal capacity some DGs are continuing to appoint corporate representatives with clear conflicts of interest in independent roles (notably TAXUD, RTD and the Secretariat-General). While the Commission dismissing this issue as merely one of mislabelling underestimates the significance of the problem, even the first step of correctly labelling lobbyists is proving impossible for some. The practice of lobbyists sitting in Expert Groups in a personal capacity needs to end immediately, but while corporate interests should be correctly labelled, the Commission must also ensure they are not in a majority within Expert Groups. Examples from the US also show that the need for external expertise can be balanced with avoiding conflicts of interest, but it requires strong political will.

43 David Michaels, 2008, *Doubt is their Product*, Oxford University Press, p. 255-57

44 The White House, June 2010, Presidential Memorandum--Lobbyists on Agency Boards and Commissions, available at <http://www.whitehouse.gov/the-press-office/presidential-memorandum-lobbyists-agency-boards-and-commissions>

45 Common Cause, Democracy 21, League of Women Voters and U.S. PIRG, 2010, A Report Card from Reform Groups on the Obama Administration’s Executive Branch Lobbying, Ethics and Transparency Reforms in 2009, available at <http://www.democracy21.org/archives/whats-new/a-report-card-from-reform-groups-on-the-obama-administrations-executive-branch-lobbying-ethics-and-transparency-reforms-in-2009/>

Case Study 2

Tax dodging: the foxes are in charge of the henhouse

Tax dodging by big business and wealthy individuals costs EU member-states €1 trillion every year, more than the EU's combined public health care budgets.⁴⁶ If the money was recouped, it could pay off the EU's public deficit within nine years and end the justification for austerity policies which are dismantling public services, undermining labour rights and widening inequality across the continent, throwing millions of Europeans into poverty.

TAXUD's Commissioner Algirdas Šemeta has outlined tough plans to tackle the problem and assembled an Expert Group – the Platform for Tax Good Governance (the 'Platform') – to help implement them. However, by packing the Platform with organisations that actively promote tax dodging – as well as those who advise clients on new ways to get away with it – TAXUD is putting the foxes in charge of the henhouse. Given such a situation, the chances of recouping the €1 trillion and avoiding harsh austerity measures look slim.

The imbalance in the group breaks the first condition laid down by MEPs. Out of 15 positions not given to governments, nine are taken up by employers federations (5) and corporate tax advisors (4), four by NGOs (CIDSE, Oxfam, Christian Aid, Tax Justice Network), one by academics (European Association of Tax Law Professors) and one by the European Public Services Union, a trade union.

There is also a clear conflict of interest: the employers associations such as BusinessEurope and the Federation of German Industries (BDI), have consistently argued for lower corporate taxes as a way of tackling tax evasion,⁴⁷ while the American Chamber

of Commerce successfully lobbied Ireland to weaken its tax code, allowing royalty payments for intellectual property to be funnelled offshore.⁴⁸

Meanwhile the tax advisers in the Platform all represent the Big 4 accountancy firms – Deloitte, Ernst & Young, KPMG, PwC – who are directly involved in channelling profits through tax havens,⁴⁹ and many of their senior management previously held or currently still hold posts in these firms.⁵⁰ This makes it unlikely any of them will be enthusiastic about ending tax evasion and avoidance.

While there was an open call for applications, it was only two weeks rather than the usual month or more, which meant less centralised networks or those not acquainted with the 'Brussels Bubble' were unable to apply in time. However, judging by the composition of the group, the public call was not a major determinant in what followed:

- ▶ The "need to strike a balance between [...] the different interests represented by stakeholders"⁵¹ is ignored by appointing five closely linked employers associations: the American Chamber of Commerce is a member of the International Chamber of Commerce, while BusinessEurope is joined by its German and French members, BDI and Medef respectively. This is despite stating that applying organisations must represent "an international, preferably European level". Conversely, only one trade union was appointed despite many applying.
- ▶ Similarly among the associations of private firms advising on tax avoidance, Confédération Fiscale

46 Richard Murphy FCA, 2012, Tax Research UK: Closing the Tax Gap – A report for Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, http://europeansforfinancialreform.org/en/system/files/3842_en_richard_murphy_eu_tax_gap_en_120229.pdf

47 See for example their recent letter to David Cameron and the G8, which states "Pro-growth tax reform that lowers rates, broadens the tax base, simplifies the system and ensures compliance is a priority throughout the G8" <http://www.belfasttelegraph.co.uk/business/business-news/g8-should-clamp-down-on-tax-avoidance-29286110.htm>; while in March 2013, President of Business Europe and former President of BDI stated "To help reduce overall tax burdens, fiscal consolidation should focus primarily on reductions in current public expenditure protecting investment, not tax rises." <http://www.euractiv.com/specialreport-eps/thumann-EU-must-cut-green-tape-519718>

48 <http://www.ft.com/intl/cms/s/o/ee6c1b64-c1f2-11e2-ab66-00144feab7de.html>

49 See Richard Murphy, 'The Big 4, tax havens and tax avoidance', <http://www.taxresearch.org.uk/Blog/2012/12/05/the-big-4-tax-havens-and-tax-avoidance/>

50 The Deputy President of Fédération des Experts Comptables Européens is a partner in PwC while its Chief Executive is a former Director; the Vice-President of the Confédération Fiscale Européenne was a partner of KPMG from 1998-2008, while the chairman of its Professional Affairs Committee (one of only two committees) is still a tax lawyer at KPMG.

51 European Commission, 2013, Platform for Tax Good Governance, Aggressive Tax Planning and Double Taxation Call for applications for the selection of members, available at http://ec.europa.eu/taxation_customs/resources/documents/taxation/tax_fraud_evasion/platform_call-applications_en.pdf

Européenne (CFE) is joined by its Dutch member, NOB, and Fédération des Experts Comptables Européens (FEE) is joined by its UK member ACCA. The close ties between organisations goes further: the chair of CFE's Fiscal Committee is also a member of BusinessEurope's Tax Policy Working Group, while the chair of CFE's Professional Affairs Committee is also the Chairman of the Formal Law Section and a member of the Professional Affairs Committee at NOB.

The group is also failing on transparency, with minutes from the first meeting in June still not in the Register on the 20 September,⁵² and the agenda was added only in mid-July, long after the meeting had taken place. Even more worrying, according to one member who was present at the first meeting there was also an attempt by one unnamed participant to change the rules of procedure to ensure no minutes were recorded, which would have been in clear breach of the condition of transparency. Fortunately it was not carried forward. However, the meetings are still conducted under Chatham House rules, which means no statements can be attributed to an individual or an organisation. This prevents organisations who are serious about ending tax dodging from blowing the whistle on those, such as BusinessEurope, who have repeatedly blocked constructive measures.

Several ALTER-EU members, alongside Austrian Chamber of Labour (AK) and Austrian Trade Union Federation (ÖGB), submitted a complaint⁵³ to Commissioner Šemeta, while several MEPs also tabled a Parliamentary question.⁵⁴ Disappointingly, the response ignored all of the claims made and dismissed the suggestion that there was a problem. However, following continued pressure from civil society members inside the Platform, the Commission has confirmed there will be a review of the Platform's composition.

Given the public's interest in tackling tax avoidance and evasion, one would expect TAXUD to take civil society concerns more seriously and ensure that members with a clear interest in the practice of tax dodging are not shaping the agenda and outcome of a group intended to tackle the problem. This should not exclude listening to them, and as the Commission has reserved the right to "invite outside experts to participate on an ad hoc basis if they have specific expertise",⁵⁵ not giving them membership should not prove problematic. Hopefully the membership review will take this into account.

52 The Summary Record of the 1st Meeting of the Platform for Tax Good Governance is now available online, but fails to mention minority opinions, despite report-backs from members who were present of highly divergent views. http://ec.europa.eu/taxation_customs/resources/documents/taxation/tax_fraud_evasion/platform_summary_record.pdf

53 See <http://corporateeurope.org/news/letter-commissioner-semeta-tax-good-governance-platform>

54 The question was tabled by Nessa Childers (S&D), Sven Giegold and Bas Eickhout (Greens), Sylvie Goulard (ALDE) and Monica Macovei (EPP), see full text here <http://corporateeurope.org/financial-lobby/2013/06/meps-ask-serious-questions-about-commissions-tax-haven-strategy>

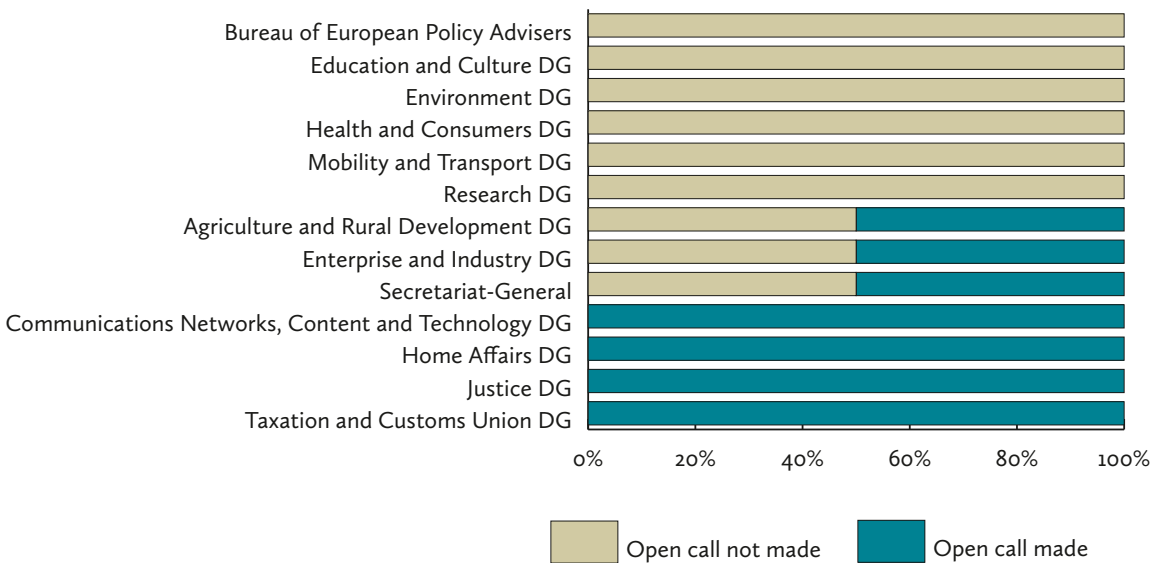
55 European Commission, 2013, Platform for Tax Good Governance, Aggressive Tax Planning and Double Taxation Call for applications for the selection of members, available at http://ec.europa.eu/taxation_customs/resources/documents/taxation/tax_fraud_evasion/platform_call-applications_en.pdf

CONDITION THREE: Public calls for applications

- ▶ Across all new groups, almost 60% failed to put out open calls for applications.
- ▶ DG Research and Innovation (8) and DG Health and Consumers (3) did not put out an open call for any of their groups.

VERDICT: Only a minority are complying with MEP conditions.

Which DGs have put out open calls for applications?



Expert Groups were traditionally chosen by the responsible DG, meaning only those close to the DG or known to its staff would be invited. This created closed groups with limited stakeholders and perspectives and meant policy recommendations that would affect all parts of society were made without representative voices.

However, in 2012 the Commission agreed to open calls for applications – although with the caveat that they would be used “as far as reasonably practicable”.⁵⁶ As with other conditions, the picture is mixed across all DGs, with some seeing the benefit of open calls for applications and others continuing not to. Across the 32 new groups (as subgroups are created by the Expert Group), only 41% had open calls for applications.

Worst in class

- ▶ DG RTD, which focuses on research and innovation, is a serial offender, not issuing a call for any of its eight new groups and instead appointing them from its list of registered experts. This limits those who can be in the group to those who are already aware of its register. Despite having clear selection criteria in their Register entry, in the case of the Expert Group on Retail Sector Innovation – where the entry calls for representation from SMEs and those aware of consumer needs – no consumer nor SME representative is in the group. With open calls for applications, DG RTD would be more likely to meet its own selection criteria.
- ▶ DG SANCO, responsible for health and consumers, did not issue a public call for any of its three new groups, , worrying given the publicly important scope of its groups, advising on issues like medical devices and health spending. DG BEPA (which is supposed to connect policy-makers with civil society), EAC (education and culture), ENVI

⁵⁶ European Commission, September 2012, State of Play Concerning the Conditions Set by the European Parliament to Lift the Reserve in the 2012 Budget With Regard To Groups of Experts (EUR 2 Million)

(environment) and MOVE (transport) failed to issue calls for any of their new groups, instead making political appointments.

DGs who put out no calls	No. of groups
Research DG	8
Health and Consumers DG	3
Bureau of European Policy Advisers	1
Education and Culture DG	1
Environment DG	1
Mobility and Transport DG	1

- ▶ DG AGRI, responsible for the EU's agricultural policy, failed to make a public call for its High Level Steering Board for the European Innovation Partnership, which aims to 'foster a competitive and sustainable agriculture and forestry'⁵⁷, despite the European Council's Conclusions explicitly asking it to "ensure a transparent process for appointing members of the Steering Group".⁵⁸ Instead, it hand-picked members guided by its own criteria.
- ▶ The Secretariat-General has created two groups since September 2012 – the High Level Group on Administrative Burdens (the Stoiber Group) and the Expert Group on a Debt Redemption Fund and Eurobills. The latter had no open call for application, with the reason given that it was not seen as 'appropriate' given the 'importance' of the subject matter.⁵⁹ Instead it appears the group has been hand-picked by Commission President José Manuel Barroso and his Vice-President and champion of austerity, Olli Rehn. The Stoiber Group did have an open call for applications when it renewed its mandate at the beginning of 2013. However, it led to only one additional civil society member being appointed, meaning there are now four civil society members compared to nine representing corporate interests.

Among the best in class – but TAXUD still far from perfect

Some DGs, such as CONNECT (communications networks and technology) and HOME, have fared better, making open calls for all of their groups created since September 2012. Notably, unlike elsewhere in this report, TAXUD is one of the better DGs, having issued a public call for all three of its new groups. However, for the Platform for Tax Good Governance (see case study 2 on page 20), the length of the call was only two weeks, meaning less-centralised networks were not able to apply in time while those not inhabiting the 'Brussels Bubble' may also have struggled. But even with open – if sometimes brief – calls for applications, this has not led to more diverse and balanced stakeholders being included in the group.

One year on – what's changed?

Not putting out an open call goes against the conditions the European Parliament set for Expert Groups and is a serious challenge to transparency and democracy. The Commission needs to shake off the image that it only involves those in an inner circle, or those it knows and trusts, by ensuring an open and sufficiently lengthy call for all groups as well as proactive outreach when calls are announced. This will avoid the situation that DG Enterprise found itself in when putting out open calls for its imbalanced groups: not enough suitable applicants.⁶⁰

57 Entry in the Expert Groups Register, available at <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2844>

58 European Commission, 2012, Establishment of a High Level Steering Board for the European Innovation Partnership (EIP) - Agricultural Productivity and Sustainability, available at <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=6688&no=1>

59 Entry in the Expert Groups Register, available at <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2935>

60 As well as the insulated nature of the Brussels Bubble, there are other more structural reasons why not enough suitable candidates apply, such as lack of resources (financial and time) and lack of faith that expending large amounts of time contributing to Expert Groups will impact eventual outcomes, due to the demonstrated imbalances within groups.

Case Study 3

'Experts' on the European debt crisis: no need to apply, we'll pick you

(so long as you agree with the Commission's pro-big business 'competitiveness and growth' agenda)

Three years into the European debt crisis, which has ravaged the economies of eurozone periphery countries like Portugal, Ireland and Greece, the Commission is exploring a possible solution: 'mutualise' the debt by sharing the burden and borrowing costs across all member states, including the stronger German economy. The two proposed mechanisms are a debt redemption fund and eurobills, but on such an important issue, the devil is in the detail. How people in the most indebted countries will be affected by such mechanisms depends entirely on what rules they should be governed by.

A redemption fund and eurobills could either provide real relief to populations who have paid the highest price for the eurocrisis, or, if designed as such, could see a deepening of austerity-like measures (privatisation, labour flexibility, reduced sovereignty over economic policy) as a condition for any beleaguered country wanting to use the mechanism. This would increase the misery on already suffering populations (for a full explanation of both mechanisms, see CEO's article).⁶¹

The Commission seems to be leaning towards the latter model, and to flesh-out the details, Commission President Barroso publicly announced the creation of a new Expert Group on Debt Redemption Fund and Eurobills.⁶² However, despite MEPs stipulating that all groups should have an open call for applications, this one was undemocratically hand-picked by Barroso and his Vice-President and DG Economic and Financial Affairs (ECFIN) Commissioner Olli Rehn, as "the complexity but also the overarching nature of the topics... and their importance," meant "it was not appropriate to issue a call".⁶³

The lack of an open call explains the imbalance of the group among stakeholders, with seven representing corporate interests, two academia and one hybrid interests (Ingrida Šimonytė, Deputy Chair of Lithuania's independent central bank). Chairperson Gertrude Tumpel-Gugerell is on the Board of Directors of Germany's second-largest banking group, Commerzbank, while Beatrice Weder di Mauro is on the Board of Directors of the Swiss bank UBS. Among the other 'experts' are CEOs of big corporations⁶⁴ and a former advisor to the pro-big business and free markets Commissioner Rehn, who now represents the interests of Finnish industry.⁶⁵

Despite Barroso's claim that members come from "varied background",⁶⁶ there is not one 'expert' in the group who goes against the Commission's pro-big business 'competitiveness and growth' agenda that has seen the imposition of austerity and privatisation across Europe. The lack of open call has excluded economists who might challenge this viewpoint as well as others representing the interests of already suffering citizens, such as trade unions, consumers organisations or NGOs.

The group breaks every single condition agreed between MEPs and the Commission: as well as balance and open calls for applications, 80% of members are wrongly labelled in a personal capacity with no conflict of interest policy in place other than the explanatory document stating the members were appointed after the Commission had "satisfied itself that none of

61 CEO, July 2013, Eurobills: Not a progressive solution for the European debt crisis, available at <http://corporateeurope.org/eu-crisis/2013/07/eurobills-not-progressive-solution-european-debt-crisis>

62 European Commission, July 2013, Press Release: President Barroso, in agreement with Vice-President Rehn, launches Expert Group on debt redemption fund and eurobills http://europa.eu/rapid/press-release_MEMO-13-635_en.htm

63 Entry in the Expert Group Register, available at <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail&groupDetail&groupID=2935>

64 Belén Romana is the CEO of Spain's 'bad bank', Sareb, set-up by the government to absorb the toxic property assets of newly-nationalised banks; Vitor Bento is CEO of SIBS Forward Payment Solutions (inter-banking lending systems).

65 Vesa Vihriälä is Managing Director of the Economic Research Institute of the Finnish Economy ETLA and the Finnish Business and Policy Forum EVA, whose Board of Directors consists of 25 business leaders including the Confederation of Finnish Industries, the Confederation of Finnish Industry and Employers Foundation and General Employers' Associations of Service Industries.

66 European Commission, July 2013, Press Release: President Barroso, in agreement with Vice-President Rehn, launches Expert Group on debt redemption fund and eurobills http://europa.eu/rapid/press-release_MEMO-13-635_en.htm

them would have a conflict of interest,” and that all “are committed to work independently and only in the general interest of the Union”.⁶⁷ It also fails on other measures of transparency: many of the commercial interests held by members such as board memberships are not declared in the Register. Upcoming meetings are mentioned, but there is no agenda.

The fact that this group does not fall under the responsibility of DG ECFIN but rather the Secretariat-General (SG) is particularly worrying, especially as the SG is supposed to be leading the process to improve Expert Groups. It gives an indication as to how little political support the process of cleaning up Expert Groups has at the level of the Commission Presidency.

The Expert Group on Debt Redemption Fund and Eurobills is a clear example of how the Commission – and the SG in particular – ignores Parliaments’ will, undermines the progress by other DGs and highlights how Expert Groups can still be wielded as a blunt undemocratic tool to carry out the political will of those at the top. Unfortunately, it is the people of Europe who will suffer, especially those already vulnerable within periphery countries, as Barroso and Rehn use their Expert Group to strengthen their destructive economic mission of austerity. If the rules on Expert Groups are to be respected and followed, an enforcement mechanism with sanctions is needed, similar to the original budget freeze, lifted in September 2012.

67 See the mandate (and reference to independence) of the group, available at <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=9455&no=3>

CONDITION FOUR: Full transparency

- ▶ More than 80% of all organisations representing corporate interests have not been labelled as such, with DGs AGRI and TAXUD the worst culprits for mislabelling.
- ▶ DG MARKT has not entered any of its new group members into the Expert Groups Register.

VERDICT: Lack of transparency is misleading the public.

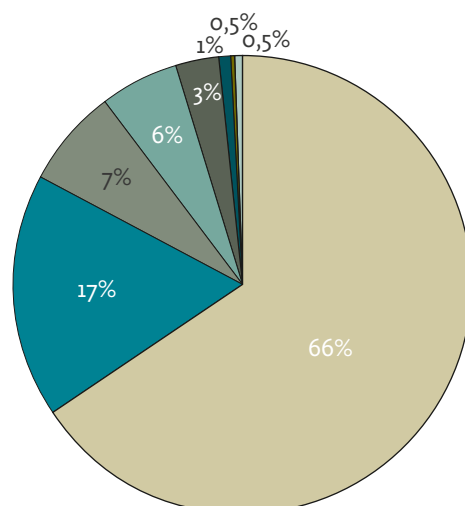
Transparency has been slow to arrive among the Commission’s Expert Groups. What’s discussed during meetings, whose opinions are reflected in the final report, and whether all members – if their identity is known – are happy with the outcome: all this is shrouded in secrecy.

The creation of the Register of Expert Groups and Other Similar Entities in 2005⁶⁸ and its gradual improvement has allowed the public to know more about Expert Groups, with pressure from civil society and MEPs prompting the Commission to promise to upload all relevant documents to the Register, including agendas, minutes and contributions during meetings. However, assessing to what extent new groups are fulfilling this promise is not possible as many have not yet had their first meetings or produced minutes and recommendations. But its omission in this report is not a seal of approval: while there have been definite improvements, major discrepancies and examples of failure over transparency remain.

Indeed, there are important transparency problems which are currently very obvious. Similarly to individuals (see chapter 2), the corporate identity of organisations is also being hidden by the Commission.

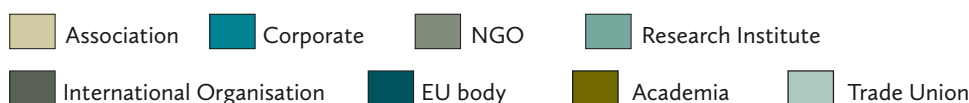
Corporations in disguise

Since the Commission agreed to meet the conditions for Expert Groups in September 2012, only 17% of all organisations representing corporate interests have been labelled as ‘Corporate’, meaning over 80% have not. The majority – 66% – have been labelled an ‘Association’, a term which gives no indication to either citizens or policy makers of what interests the organisation in question may represent, particularly difficult when one considers the labyrinthine world of acronyms that constitutes organisational names in the Brussels bubble.



So when is an corporate interest a corporate interest?

The various labels given to corporate interests



68 See <http://ec.europa.eu/transparency/regexpert/index.cfm>

'Association' becomes a particularly misleading label if one considers it is also given to interests representing NGOs, trade unions, farmers (big and small) and cooperatives. Another similarly vague and all-encompassing label used for corporate interests (and all organisations) is 'International Organisation'. The worst offenders for not indicating corporate interests are:

Rank	DG	Corporate interests correctly labelled	What corporates actually labelled as
1)	DG AGRI	6%	Association (49%); NGO (46%)
2)	DG TAXUD	4%	Association (85%); International organisation (9%)
3)	DG SANCO	0%	Association (100%)
-	DG HOME	0%	Association (100%)
-	DG MOVE	0%	International organisation (100%)

While DG AGRI managed to label 6% of its corporate interests as such, it also labelled almost half of them as NGOs, particularly misleading. DG TAXUD comes second for the sheer quantity, mislabelling 59 corporate interests as Associations or International Organisations, including Siemens and Hewlett Packard. DG SANCO (health and consumers), DG HOME (home affairs) and DG MOVE (transport) stuck to the vague, all-encompassing 'Association' and/or 'International Organisation' for their corporate interests.

Flying in the face of history?

Aside from the labelling of members, another misleading area is the date groups are created. Some groups are being mislabelled as having existed for a very long time, such as the Expert Group on Air Transport Statistics. The group is listed as being active since 12 June 1905,⁶⁹ which coincides with the first successful flights of the Wright brothers, but pre-dates the creation of EUROSTAT, responsible for compiling such figures, by 48 years. Unfortunately this is the case in many groups, and stops the public being able to see how long groups have actually been operating for.

One year on – what's changed?

This chapter highlights that numerous problems still exists across many DGs, and the Commission is still a long way from the full transparency demanded by MEPs. The credibility of the information in the Register is essential for transparency, as it is the only source of information on Expert Groups the public has. Therefore extra pressure needs to be placed on the laggards within the Commission, while the promise of making all documents, agendas, minutes and contributions – including minority opinions – public needs to be fulfilled as quickly as possible.

Wolves in sheep's clothing?

Some of Brussels' biggest corporate lobbyists are also passing under the radar unnoticed:

- ▶ European Business Roundtable (EBRT) was considered an NGO by DG ENTR.
- ▶ BusinessEurope, arguably the most influential corporate lobby outfit in Europe and sitting in all three of TAXUD's new groups, was labelled a trade union by DG EAC.

Since September 2012, European Association of Craft, Small and Medium-sized Enterprises (UEAPME) has been labelled an 'Association', an 'EU Body' and a 'Trade Union'. In groups created before September, UEAPME has even enjoyed the pleasure of being labelled 'Corporate' by DG Economic and Financial Affairs (ECFIN), despite representing SMEs.

⁶⁹ See <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=1504>

The Digital Agenda avoids regulation and the Register

DG MARKT created a series of Expert Groups, called Licences for Europe, to develop “market-based solutions to improve the availability of digital content in the EU”,⁷⁰ in other words asking the audio-visual industry to write its own rules on issues like copyright, thereby avoiding legislation and the involvement of the European Parliament and other stakeholders.

► The group is under the direction of Maria Martin-Prat, who has travelled through the revolving door between regulator and regulated in both directions. Originally at the Commission, she then became Deputy General Counsel and Director of Legal Policy and Regulatory Affairs for the International Federation of the Phonographic Industry (IFPI), a trade association for recorded music publishers. While there she strongly defended industry interests around copyright and interestingly, was technically still employed by the Commission but was ‘on leave’.⁷¹

- DG MARKT has failed to list any of the group and subgroup members in the Register due to the “large number of participants.” Aside from clearly breaching the rules, this has not prevented other DGs listing their members for equally large groups. DG MARKT instead lists the names of those invited to participate (which suggests there was no call for applications) and those who attended meetings, but not who the members actually are and no information beyond organisational names.
- The Expert Group is dominated by corporate interests. For example, in the ‘User-generated content and licensing’ working group, one of four subgroups, 78% of participants represent the copyright industry, while 13% represent civil society. Of the 20 additional observers, 90% are industry representatives.⁷²

⁷⁰ Licence for Europe (L4E) Register of Expert Groups and Other Similar Entities entry, available at <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2926>

⁷¹ Knowledge Ecology International, March 2011, Maria Martin-Prat reported to replace Tilman Lueder as Head of Unit for Copyright at European Commission, available at <http://www.keionline.org/node/1105>

⁷² La Quadrature du Net Wiki, EN: Licences for Europe – Participants available at http://www.laquadrature.net/wiki/EN:Licences_for_Europe_-_participants

CONCLUSION: One Year On – Commission commitments currently just hot air

The European Commission – and the Secretariat-General in particular, being in charge of overseeing the improvement of Expert Groups – has failed to ensure that groups created since the budget freeze was lifted abide by the conditions it agreed with MEPs. The Informal Dialogue launched between MEPs and the Commission to ensure the conditions were being implemented has not delivered in any of the four areas. However, certain DGs have been identified as the worst offenders, such as Taxation and Customs Union for unrivalled corporate dominance of its groups, and the Secretariat-General for appointing corporate interests in an ‘independent’ capacity. But this should not hide the fact that many other DGs have also failed to comply with the four conditions, for example Agriculture and Rural Development, Enterprise and Industry, Home Affairs, Internal Market, Mobility and Transport, Research and Innovation. Furthermore, there are more corporate interests in new groups than all other stakeholders combined, while SMEs and trade unions have only 3% of new seats each. This means that corporate interests continue to dominate in many of the key DGs and Expert Groups that shape European legislation, greatly increasing the risk that policy will be made in the interest of big business and not Europe’s 500 million citizens.

Commission needs to act fast if it is to live up to its promises

The Informal Dialogue is clearly failing. The Commission needs to take drastic action if it is to re-instil confidence in MEPs and the public that it is serious about fixing Expert Groups and implementing the four conditions.

- ▶ A moratorium should be called on the creation of any new Expert Group within Taxation and Customs Union DG and the Secretariat-General until their existing Expert Groups are brought into line. This could provide the effective stick to motivate improvements, where so far only the budget freeze has succeeded, as well as stimulating action among other poorly performing DGs to avoid a wider budget freeze being imposed by MEPs next year.

To help citizens see if the Commission is complying with the conditions, it needs to ensure:

- ▶ All organisations and individuals are clearly and consistently labelled, particularly the interest they represent.
- ▶ Effective and transparent conflict of interest policies are implemented across all DGs.
- ▶ All open calls for application are proactively circulated to reach as many potential experts and stakeholders as possible, which will improve balance.
- ▶ All eligible documents are promptly placed on the Register website and not only on DGs’ own sites.

MEPs must ensure this is the last chance saloon for Commission action on Expert Groups

The European Parliament showed good faith when unfreezing the Expert Groups budget in September 2012 and entering into the Informal Dialogue. However, while giving the Commission a last chance to improve Expert Groups, they have also made it clear that business as usual is not acceptable by placing a resolution on the 2014 Expert Groups budget, asking that it is spent by the worst offenders on achieving balance.

- ▶ If the desired results are not seen by the start of the next Parliament, then refreezing the budget should be the only viable option in order to coerce the Commission into meeting the four conditions.
- ▶ A final report by the European Parliament on Expert Groups should provide further motivation, and ensure that the corporate capture of the European Commission remains a potent issue during the upcoming European Parliamentary elections.
- ▶ MEPs must ensure that the support for overhauling Expert Groups shown by the current Parliament is continued into the next, as well as making compliance with the Parliament’s four demands a condition of appointment for incoming commissioners in late 2014.

The European Commission must ensure this is the last broken promise made on Expert Groups if it wants to restore a reputation tarnished by an over-reliance on advice from corporate interests.



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