



Submission by the Alliance for Lobbying Transparency and Ethics Regulation in the EU (ALTER-EU) to the European Ombudsman's public consultation on the composition of Commission expert groups

Brussels, 29 August 2014

1. Which specific Commission expert groups do you consider to lack a balanced representation of relevant areas of expertise and interest in their membership? What, according to you, is the root cause of the unbalanced composition of the Commission expert groups identified by you?

The Alliance for Lobbying Transparency and Ethics Regulation in the EU (ALTER-EU) has always advocated ending the corporate bias in European Commission Expert Groups, starting with our [founding statement](#) of 1 June 2005:

3. The Commission must terminate cases of privileged access and undue influence granted to corporate lobbyists, for instance:
 - Joint taskforces in which corporate interests are represented while public interest NGOs are not (such as Cars 21 which consists of Commission officials, CEOs and lobbyists from the automobile industry, but no environmental NGOs);

and in our [Ten steps towards ending corporate lobbying privileges and secrecy](#) (June 2010)

2. Full transparency and safeguards against corporate capture of Commission advisory groups

The Commission must deliver full transparency regarding the membership of its Expert Groups and introduce effective safeguards against corporate capture of these and other Commission advisory groups. Similar reforms are needed for the Commission's Technology Platforms (advising on spending of EU research funding) and the EU's agencies, including those for food safety and medicines.

ALTER-EU has published several in-depth reports, highlighting problems around Commission Expert Groups and proposing ways forward to deal with those problems, most recently the November 2013 report [A Year of Broken Promises: Big business still put in charge of EU Expert Groups, despite commitment to reform](#)

See also the chronology including all relevant ALTER-EU publications on expert groups appended at the end of this document.

Many Expert Groups have more than 50% of their members representing corporate interests, which contravenes the condition set by the Parliament when it lifted the budget freeze in September 2012, stating no stakeholder should have a majority of seats. For a list of imbalanced Expert Groups, see the submission to this consultation that was made by Corporate Europe Observatory (CEO).

2. The Commission's horizontal rules on expert groups allow for the Commission to appoint individual experts in their personal capacity. In your experience, does this possibility give rise to concern in terms of the balanced composition of expert groups and/or conflicts of interest?

For examples, see Corporate Europe Observatory's submission to this consultation.

3. Do you consider that the current level of transparency regarding the composition of Commission expert groups, in particular through the Register of Commission Expert Groups and Other Similar Entities, is sufficient? In particular, does the information made available by the Commission allow you to ascertain which interests are represented by the members of Commission expert groups? If not, where do you see room for improvement? Do you consider that the current level of transparency regarding the work of expert groups, in particular through the publication of agendas and minutes, is sufficient?

See Corporate Europe Observatory's submission to this consultation.

4. Where the Commission publishes calls for application for membership in expert groups, do you consider that these calls provide for selection criteria which sufficiently take into account the need for a balanced composition of expert groups? If not, where do you see room for improvement? In your view, could the Commission do more to raise awareness about these calls, with a view to encouraging applications? If so, what concrete steps could it take in this regard?

See Corporate Europe Observatory's submission to this consultation.

5. Do you have any experience in applying for membership in a Commission expert group? If so, did you face any problems in the application process? If not, are you aware of any such problems faced by civil society organisations? Based on your experience, do the costs inherent in participation/the lack of comprehensive reimbursement schemes discourage civil society organisations from applying for membership?

ALTER-EU has not participated in any Expert Group.

6. Please give us your views on which measures could contribute to a more balanced composition of Commission expert groups.

The Commission needs to ensure that Expert Groups are as democratic, transparent and accountable as possible, and prevent capture by corporate interests.

The Commission should

- bring all new and existing Expert Groups in line with the conditions that the European Parliament set in 2012 when lifting the freeze of the Expert Groups budget (no corporate dominance; no lobbyists sitting in groups in an independent capacity; open calls for

participation; full transparency);

- develop clear rules preventing a single interest having a majority of seats in any Expert Group;
- clearly and consistently label all organisations and individuals participating in Expert Groups, particularly the interest they represent;
- implement effective and transparent conflict of interest policies across all DGs;
- proactively circulate all open calls for application to reach as many potential experts ;
- put all relevant documents related to Expert Groups on the Expert Groups Register website and not somewhere on the DGs' own sites.

7. Do you have any other comments?

See Corporate Europe Observatory's submission to this consultation.

Chronology of work on expert groups by ALTER-EU

October 2005 – After sustained pressure from the EP and in particular MEP Jens-Peter Bonde, the Commission launches an online public register of expert groups

19 February 2008 – European Parliament adopts resolution on transparency in financial matters ([2007/2141\(INI\)](#)), calling upon the Commission to conduct a thorough review of the composition of its expert groups before the end of 2008 and to take action to ensure a balanced representation of interest groups in the membership of expert groups and to develop an open, transparent and inclusive process for selecting members of new expert groups before the end of 2008.

25 March 2008 – [Secrecy and corporate dominance – a study on the composition and transparency of European Commission Expert Groups](#), Yiorgos Vassalos, ALTER-EU.

12 February 2009 – [Whose Views Count? Business influence and the European Commission's High Level Groups](#). Report by Friends of the Earth Europe. Accompanying [press release](#).

5 November 2009 – [A captive Commission: the role of the financial industry in shaping EU regulation](#), ALTER-EU report.

28 July 2010 – ALTER EU files [a complaint at the EU Ombudsman](#) about the European Commission's refusal to act against the fact that a number of its expert groups are dominated by business interests.

See also: <http://www.ombudsman.europa.eu/cases/decision.faces/en/52942/html.bookmark>

November 2010 – European Commission adopts new “[Horizontal Rules on Expert Groups](#)”
See also: [COMMISSION STAFF WORKING DOCUMENT](#) Accompanying document to the COMMUNICATION FROM THE PRESIDENT TO THE COMMISSION FRAMEWORK FOR COMMISSION EXPERT GROUPS: HORIZONTAL RULES AND PUBLIC REGISTER {C(2010) 7649 final}, 10 November 2010.

10 January 2011 – ALTER-EU issues a [statement on the new framework on Expert Groups](#)

17 February 2011 – [Debate in EP](#) with Commissioner Kallas (replacing Sefcovic) on the revision of the framework for Commission expert groups and balanced representation and transparency.

November 2011 – The European Parliament votes in favour of freezing EUR 2 million of the expert groups budget.

10 July 2012 – [Who's driving the agenda at DG Enterprise and Industry?](#) ALTER-EU report.

6 September 2012 – [Commission 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).

16 October 2012 – [ALTER-EU note for MEPs](#) on the Commission's state of play document on expert groups.

6 November 2013 – [A Year of Broken Promises: Big business still put in charge of EU Expert Groups, despite commitment to reform](#), ALTER-EU report.