



**P. Nikiforos Diamandouros**  
European Ombudsman

Mr Yiorgos Vassalos  
Alliance for Lobbying Transparency and Ethics  
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Strasbourg, 20 -10- 2010

Complaint 1682/2010/ANA

Dear Mr Vassalos

On 28 July 2010, you submitted a complaint to the European Ombudsman against the European Commission concerning the question of whether Expert Groups which advise the European Commission comply with the Commission's relevant written rules (among others, the Communications on Collection and Use of Expertise and the Minimum Standards for Consultation), and with general principles of good administration.

I have asked the Commission to submit an opinion on the following allegations and claims.

**Allegations:**

**1.** The Commission has failed to provide a complete Register of Expert Groups.

In support of this allegation, the complainant argues that the membership of a number of expert groups remains unclear. Moreover, there are expert groups that are not included in the Register at all.

**2.** The Commission has failed to guarantee adequate transparency in the operation of the Expert Groups.

In support of this allegation, the complainant argues that (i) the Commission does not provide the public with the information needed to assess the overall participation and involvement of stakeholders on a given matter; (ii) the Commission does not publish a comprehensive overview of the meetings and



does not have a webpage compiling all the consultation and expertise-seeking activities for the different policy and legislative initiatives and (iii) for the vast majority of expert groups, agendas and minutes are not available on line via links from the Expert Groups Register to the respective DG's web pages.

**3.** The Commission has failed uniformly to adopt best practices concerning industry representatives who are appointed to Expert Groups in a personal capacity.

In support of this allegation, the complainant argues that (i) the Commission does not adequately take into account the potential conflict of interest of industry representatives acting in a personal capacity; (ii) that a (potential) conflict of interest cannot be offset by a declaration of commitment to the public interest.

**4.** The Commission has failed to provide convincing reasons for not developing general criteria for the selection of members of Expert Groups.

In support of this allegation, the complainant argues that the current selection process is incompatible with the Guidelines for the Collection and Use of Expertise and Minimum Standards for Consultation Communications.

**5.** The Commission has failed to ensure a balanced composition of the Expert Groups.

In support of this allegation, the complainant argues that, in the majority of the expert groups identified by the complainant, the representatives of the industry form the majority while all other stakeholders such as consumer groups, academics and the civil society are underrepresented.

#### **Claims:**

The Commission should:

- 1.** Complete its Register of Expert Groups by ensuring that it includes all experts and all Expert Groups;
- 2.** Ensure appropriate transparency in the work of Expert Groups by publicising meetings held, and providing links to agendas and minutes and other relevant information, such as public interest and conflict of interest declarations;
- 3.** Apply in all other DGs the principle contained in DG SANCO's Guidelines on Conflict of Interest consistently that someone who is known to work for an organisation with a vested interest in a particular policy issue should not be appointed to give advice to the Commission;
- 4.** Develop and publicise general criteria for the selection of members of the Expert Groups;
- 5.** Address the issue of unbalanced composition of Expert Groups.

In accordance with Articles 2(2) and 3(1) of the Statute of the European Ombudsman, I informed the President of the Commission of your complaint



and invited him to submit an opinion on the allegations and claims included in my inquiry by 31 January 2011.

After I have received the Commission's opinion, I will forward it to you with an invitation to make observations and submit them to my office within one month of receiving the opinion.

Once my office receives your observations, or the deadline has passed, the Legal Officer responsible for your case, Dr Antonios Antoniadis, tel. +33 388 173768, will then examine your file. I will inform you if I need to inquire further into your complaint before making a decision on it.

Every effort is made to deal with cases as quickly as possible. I try to reach a preliminary conclusion in an inquiry on a complaint within one year of opening it.

Yours sincerely,

P. Nikiforos Diamandouros