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SECRETARIAT-GENERAL

Directorate E
Better Regulation and Institutional issues

The Director

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Mr. Erik WESSELIUS
Corporate Europe Observatory
De Wittenstraat 25
1052 AK Amsterdam
The Netherlands

Dear Mr. ~~Wesselius~~,

I am writing to you in reply to your letter to the Secretary-General of the Commission, Ms. Catherine DAY, of 16 December 2008. As already pointed out in Ms. DAY's letter to you of 5 February 2009, the Secretariat-General of the Commission has not formally received your above-mentioned letter, but is aware of it, as it was annexed to the Parliamentary Question E-7074/08 presented by the Honourable Member of the Parliament, Mr. Erik MEIJER.

Please find enclosed the Commission's reply to the above-mentioned parliamentary question which covers most of the issues raised in your letter.

Furthermore, I would like to underline that the disclosure of membership of expert groups in the public register was completed in January 2009. In this respect, please note that when members of expert groups are Member States administrations or organisations, it is the name of the Member States or of the organisations that is published and not the name of individuals attending meetings, as they are not actual members, but simply members' representatives who may vary according to the agenda.

Should you need additional information on individual expert groups, I would suggest you to contact the Commission's departments concerned.

Yours sincerely,

Jens Nymand Christensen

Attachment

E-7074/08EN

Answer given by Mr Barroso
on behalf of the Commission
(6.3.2009)

1. The Commission has not formally received the open letter by ALTER-EU of 16 December 2008 addressed to the Secretary General of the Commission, which the Honourable Member of the Parliament refers to. The Commission is aware of the above-mentioned letter because it was annexed to the present parliamentary question.

2. Concerning publication of names of expert groups' members in the Register of Expert Groups, as pointed out in its reply to questions E-6705/08 and E-6706/08, the Commission confirms that a member who opposes publication must provide valid grounds. If the Commission services consider that the objection put forward by members of expert groups to publish their names is not based on justified grounds, the Commission's practice is that the individuals concerned can no longer be members of expert groups. However, it is to be underlined that very often it is not individuals who are members of expert groups, but Member States administrations or organisations. In such cases, it is the name of the Member States or of the organisations that has to be published in the Register, and not the name of individuals attending meetings who may vary according to the agenda.

3. The Commission confirms that the principles and guidelines on the collection and use of expertise and the minimum standards for consultation of interested parties apply to expert groups involved in the different stages of the policy-making cycle, while those provisions are not relevant when expert groups address purely technical issues.

4. The Commission points out that five of the six expert groups referred to in point 3 of the present parliamentary question comply with the principles and guidelines on the collection and use of expertise and with minimum standards for consultation of interested parties. Further information on these groups can be found at the following addresses: http://ec.europa.eu/enterprise/environment/hlg/hlg_en.htm for the High Level Group on Competitiveness Energy and the Environment, http://ec.europa.eu/enterprise/security/doc/esrab_report_en.pdf for the European Security Research Advisory Board, http://ec.europa.eu/enterprise/chemicals/hlg/hlg2/hlg_index.htm for the High Level Group on the Competitiveness of the Chemical Industry, http://ec.europa.eu/enterprise/phabiocom/comp_biotech_networks_adv_gr.htm for the Competitiveness in Biotechnology Advisory Group. The expert group on the "Surveillance de la moyenne des émission spécifiques de CO2 dues aux véhicules particuliers neufs" has not met since 2004. It is expected to restart its work in the Spring 2009. A web page including relevant information on this group should be set up in April.

Concerning the expert group "Combustion, gazéification et technologies propres d'utilisation du charbon, capture du CO2/Coal combustion, clean and efficient coal technologies, CO2 capture", the principles and guidelines on the collection and use of expertise are not relevant, as this group does not deal with policy related aspects and its activities are of a purely technical nature. Moreover, minimum standards for consultation of interested parties do not apply, as this group is not involved in consultation processes. Information on this expert group can be found at the following address: http://cordis.europa.eu/coal-steel-rtd/home_en.html.

5. The Commission does not believe that there is a trade off between quality of expertise and diversity of viewpoints.

6. With respect to the statement by DG Health and Consumers that "the number of organisations is not considered as a benchmark for the balance of interests", the Commission points out that the comment was made in the context of the Advisory Group on the Food Chain, Animal and Plant Health and the Expert Group on Flavourings. In fact, in the case of the Advisory Group, depending on the subject discussed some interests in society are well represented by one organisation or a very small number of organisations whereas other interests have more fragmented representation and need several organisations to represent the whole spectrum of that particular interest. With regard to the balance of interest, the general feedback received from stakeholders on the functioning of the Advisory Group is positive and the Commission has not received any complaints. Concerning the Expert Group on Flavourings, its membership consists of representatives of national administrations. Further information can be found at this address: http://ec.europa.eu/food/committees/advisory/index_en.htm.

7. The Commission does not consider it necessary to draw up general selection criteria. In this respect, the Commission underlines, in particular, that the selection of experts - where the Commission seeks to obtain the best available expertise and to ensure a balanced representation of interests at stake - may depend on a number of different factors, such as the field concerned and the mandate of the group, and that, when it is the Commission which appoints experts in their personal capacity the selection is done, notably, through call for applications.