



**P. Nikiforos Diamandouros**  
European Ombudsman

Mr Yiorgos Vassalos  
Alliance for Lobbying Transparency and Ethics  
Regulation in the EU (ALTER-EU)  
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BELGIQUE

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Strasbourg, 25 -02- 2011

Complaint 1682/2010/ANA

Dear Mr Vassalos,

Please find enclosed the opinion that I received from the Commission concerning your above complaint.

If you wish to make any observations on the opinion, please send them to me before 31 March 2011. Please let me know if you require an extension of this deadline.

Please note that, if I do not receive any observations from you, I may close the case with a decision, based on the information you have already provided and the Commission's opinion.

Yours sincerely,

P. Nikiforos Diamandouros

Enclosure:

- Copy of the opinion submitted by the Commission

*José Manuel Barroso*  
*President of the European Commission*

Brussels, 22 FEB. 2011

**Subject: Complaint by Mr Yiorgos VASSALOS,  
ref.1682/2010/ANA**


*Dear Mr Diamandouros,*

*Thank you for your letter of 20 October 2010 regarding the above case.*

*I am pleased to transmit to you the enclosed comments of the Commission on the above-mentioned complaint.*

*Naturally, the Commission remains at your disposal for any further information you may require.*

*Yours sincerely,*

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a long horizontal stroke that curves upwards at the end.

*José Manuel BARROSO*

*Enclosures*

*Mr Nikiforos DIAMANDOUROS*  
*European Ombudsman*  
*1, avenue du Président Robert Schuman*  
*B.P. 403*  
*F-67001 STRASBOURG Cedex*

**Comments of the Commission on a request for information from the European Ombudsman**

**- Complaint by Mr Yiorgos VASSALOS, ref. 1682/2010/ANA**

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**I. Background**

The complaint in question was put forward on behalf of the "Alliance for Lobbying Transparency and Ethics Regulation in the EU" (ALTER-EU). Over the past few years, ALTER-EU has written to the Commission several times on expert groups' related issues. In its replies, the Commission has always provided ALTER-EU with relevant and detailed information (see list of enclosures). In addition, upon invitation of the Secretariat General of the Commission, the complainant and officials from the Commission met on 22 September 2009 for an informal discussion on some of the issues raised by ALTER-EU.

**II. The Complaint**

The complaint relates to the alleged Commission's refusal to act against the fact that, in the opinion of the complainant, expert groups are dominated by business interests. The complainant argues that the Commission's stance violates, *inter alia*, the Commission's Communications on consultation standards (COM (2002) 704) and the collection and use of expertise (COM (2002) 713). Specifically, the complainant refers to the Commission's letter to him of 23 October 2009 (annex 4).

**III. The Commissions' comments to the complainant's arguments**

**Allegations:**

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

**Commission's comments**

Over the last few years the Commission has made great efforts in order to ensure transparency in the area of expert groups. In July 2005 the Commission defined a new institutional framework for expert groups<sup>1</sup> providing for horizontal rules governing the creation and operation of expert groups and the setting up of an on-line public Register of these groups. In October 2005 the Commission launched this Register, which provided for valuable information on different aspects, such as groups' mission, tasks and composition. The content of the Register was regularly updated, as appropriate. In light of the huge amount of information to be treated and the limited resources available, it was not always possible to avoid the occurrence of factual mistakes or delays concerning the update of data encoded.

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<sup>1</sup> C (2005) 2817 and SEC(2005) 1004

Following the new framework for Commission expert groups<sup>2</sup> adopted in November 2010, in December 2010 the Commission set up a new, more accurate version of the Register<sup>3</sup> (for more information on the features of the new Register, see the Commission's comments below on claim n° 1).

Since 2007, the Commission has gradually published the names of expert groups' members - whether formally or informally established - thus going beyond its own commitment to publish the names of formal groups' members only, as stated in the framework for expert groups adopted in 2005. The disclosure of membership of expert groups in the Register was completed in January 2009. Thus, in principle, the names of all members of expert groups are available.

As already stated in previous correspondence with the complainant (annexes), the Commission wishes to clarify once again that the type of information published in the Register depends in the first place on the membership of the group, not on the presence of individuals at meetings. This means that individual names are to be published when members are appointed in a nominative way. Instead, when members are organisations it is the name of the organisations concerned that is to be 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. The same goes for Member States' administrations; in this case the Commission considers that the name of the Member State is sufficient. Sometimes, Commission departments go beyond the above arrangements and also publish the name of individuals representing organisations and Member States, although this is not mandatory, as it does not bring additional elements in terms of membership. Finally, Commission departments often publish the name of the Member States' authorities concerned. For further information, see also annex 1.

## **2. The Commission has failed to guarantee adequate transparency in the operation of the expert groups**

### Commission's comments

Over the years, in many cases competent Commission departments have provided on the Internet, via dedicated webpages, relevant information on expert groups' activities, including agendas, minutes and discussion documents, as well as on other initiatives taken by the Commission complementing the work of expert groups, to which stakeholders concerned participated. Further information on some of the many initiatives taken by individual Commission departments to ensure transparency on expert groups' activities can be found in annex 1. Furthermore, with its new framework for Commission expert groups the Commission has decided to further enhance transparency (see Commission's comments on claim n°2 for more details).

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<sup>2</sup> C(2010) 7649 and SEC(2010) 1360

<sup>3</sup> The Register is now named "Register of Commission expert groups and other similar entities", <http://ec.europa.eu/transparency/regexpert/index.cfm>

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

Commission's comments

Members of expert groups are selected primarily on the basis of the skills and expertise needed to fulfil in the most effective and efficient way the mandate of the specific group. In that respect, the participation of members coming from the industry can be sought in relation to the task that the group has to accomplish. Possible conflicts of interests are tackled either in the selection phase through an in-depth analysis of the past professional experience of candidates, including ethical conduct, and/or at the appointment through the mandatory disclosure of any interest that might prejudice the expert's independence and the formal commitment to act in the public interest. The Commission also pays attention to any possible conflict of interests that might arise in the course of groups' operations that could contaminate groups' objectives and jeopardize its effectiveness and efficiency.

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

Commission's comments

The Commission sets up expert groups when it needs to gather external expertise in order to perform its tasks. Thus, the selection of experts is done on a case by case basis in light of their specialist knowledge in a given field and taking into account the type of work to be carried out, which can vary to a great extent. In fact, many expert groups deal with rather technical issues linked, *inter alia*, to the implementation of existing EU legislation, while other groups provide the Commission with expertise in view of preparing new legislation or new policy initiatives. When it is the Commission which appoints experts in their personal capacity, the selection is done on the basis of experts' competences related to the policy concerned, *inter alia*, through calls for applications. When public authorities or organisations are members of expert groups, it is normally up to them to identify their representatives and to ensure that these representatives provide a high level of expertise<sup>4</sup>.

Contrary to what is stated in the complaint, the above is perfectly in line with the Communications on the collection and use of expertise and on minimum standards for consultation. Indeed, as already stated in previous correspondence with the complainant, the Communication on the collection and use of expertise states that "*arrangements for collecting and using expertise should be designed in proportion to the task in hand, taking account of the sector concerned, the issue in question and the stage in the policy cycle*"<sup>5</sup>. Furthermore, the Communication on minimum standards for consultation points out that the "*principle of proportionality ... must govern the Commission's*

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<sup>4</sup> C(2010) 7649, Rule 10 (1)

<sup>5</sup> COM(2002) 713, p.11

*administrative practice" and that "the Commission has to assess its consultation needs on a case-by-case basis in line with its right of initiative"*<sup>6</sup>.

This approach was confirmed in a recent Communication on Smart Regulation<sup>7</sup> in which the Commission pointed out that its engagement with civil society must be seen against the background of the full range of opportunities that citizens and other stakeholders have to contribute to the policy making process. Over the years, the Commission's Directorates General have developed regular dialogue with stakeholders in different formats, expert groups being just one of them (see annex 1 for more detailed information, including on groups managed by DG Internal Market, as specifically requested by the Ombudsman). These formats take into account the Commission's long standing policy of openness and inclusiveness and reflect wide differences in the policy fields and the diversity of stakeholders. On the basis of this broad experience, the Commission is not convinced of the potential added value of more stringent rules on interaction with civil society.

## **5. The Commission has failed to ensure a balanced composition of the expert groups**

### Commission's comments

Contrary to what is stated in the complaint, the Commission respects the letter and the spirit of the Communication on the collection and use of expertise. In fact, this Communication identifies three determinants of quality of advice: excellence; the extent to which experts act in an independent manner and pluralism<sup>8</sup>. In line with this approach, when selecting members of expert groups the Commission always strives to strike a balance between the above three aspects. The Commission has repeatedly provided the complainant with relevant and detailed information on how this was effectively ensured for a number of experts groups, as identified by the complainant in previous correspondence with the Commission (annexes 2 and 4).

Detailed and updated information on the rationale of the composition of many expert groups can be found in annex 1. This information shows that allegations from the complainant are largely groundless or inaccurate. For the sake of efficiency, the Commission is not in a position to undertake the lengthy and costly work that would be required to provide detailed information on each of the 111 expert groups included in the annex to the complaint.

### **Claims:**

## **1. The Commission should complete its register of expert groups by ensuring that it includes all experts and all expert groups**

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<sup>6</sup> COM(2002) 704, p.12

<sup>7</sup> COM(2010) 543 final

<sup>8</sup> C(2002) 713, p.10

### Commission's comments

The Commission considers that the Register is complete. The Commission is fully committed to ensure that all expert groups and all groups' members are published and to regularly update data encoded in the Register.

With the new version of the Register, set up in December 2010, the Commission has enhanced transparency in the area of expert groups by providing more accurate information, notably on the type of entities listed (Commission expert groups *versus* other similar entities), the groups' membership (with more detailed information on the individual members of each group) and the selection procedures used to select members and the activities carried out. The presentation and readability of data encoded has also been improved. Given the huge amount of information to be treated, the transition from the old to the new version of the Register is still ongoing, thus some of the data still need to be validated; transition should be completed over the next few months.

## **2. The Commission should 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**

### Commission's comments

The new framework for Commission expert groups intends to enhance transparency on expert groups. In particular, it foresees that Commission services shall ensure that information concerning the activities carried out by all these groups is made public directly in the Register or via a link from the Register to a dedicated website. The Commission is committed to ensure that this requirement is fulfilled correctly by all services concerned via the new version of the Register.

Concerning conflicts of interest, the Commission confirms that publishing in the Register the experts' written declarations to act in the public interest, together with declarations as to whether there is any interest which would prejudice their independence would not add valuable information, as experts usually signed standard declarations. In light of this, and given the very high number of experts concerned and the limited resources available, publication of the above declarations seems unnecessary and disproportionate from an administrative point of view. Furthermore, following the new framework for Commission expert groups such declarations are not mandatory anymore. However, according to the new rules<sup>9</sup>, the Commission services concerned shall inform experts who are appointed in their personal capacity that, by accepting to be members of the group, they commit themselves to act independently and in the public interest. Commission services shall also inform experts that they may be excluded from the group or a specific meeting thereof, should a conflict of interest arise. The Commission is committed to ensure that the new requirements are fulfilled by all services concerned.

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<sup>9</sup> C(2010) 7649, Rule 9 (1)

- 3. The Commission should 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**

Commission's comments

As pointed out above (see comments from the Commission on claim n°2), the new framework for Commission expert groups provide for clearer and stronger horizontal rules on how to manage conflicts of interest. These rules, which apply to all expert groups, constitute the Commission's policy on this matter. In this context, a reflection has been developed by DG SANCO on how to implement the above policy in the specific area falling within its remit. Contrary to what is stated in the complaint, the document from DG SANCO mentioned therein does not lay down the guidelines of this DG on conflicts of interest. Instead, it is a discussion document, which was drawn up in the framework of the work carried out by its Stakeholder Dialogue Group. The group discussed the issue of conflict of interest at its meeting on 24 April 2008. This document did not imply any specific follow-up. The paper served as a thought-starter and was not validated as a formal statement of DG SANCO's policy on conflict of interest. See the meeting's minutes: [http://ec.europa.eu/dgs/health\\_consumer/sdg/docs/240408\\_minutes\\_en.pdf](http://ec.europa.eu/dgs/health_consumer/sdg/docs/240408_minutes_en.pdf).

- 4. Develop and publicise general criteria for the selection of members of the expert groups**

Commission's comments

The Commission confirms that, in light of the diversity of circumstances in which expert groups operate, it does not consider appropriate to draw up general criteria for the selection of groups' members.

The new framework for Commission expert groups foresees that where the Commission appoints individual experts in their personal capacity, *"they shall be chosen according to a selection process that guarantees a high level of expertise and, as far as possible, geographical and gender balance, taking into account the specific tasks of the expert group and the type of expertise required. In addition, the selection of experts shall be carried out in such a way as to avoid any conflict of interests"*<sup>10</sup>. The new framework also states that *"without prejudice to specific selection procedures provided for by Commission decisions establishing expert groups, public calls for applications shall be used as far as reasonably practicable"* and that *"where a call for applications is not reasonably practicable (for example where very specific expertise is required), the choice of experts shall be made on the basis of objectively verifiable criteria"*. The Commission is committed to ensure that all these provisions are fully implemented.

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<sup>10</sup> C(2010) 7649, Rule 9 (1)

That being said, as indicated above the Commission intends to enhance transparency on the selection procedures used to select members of expert groups. To that end, the new framework for Commission expert groups foresees that the Register shall include information on those selection procedures. The Commission is committed to ensure that this is done via the new version of the Register.

## **5. Address the issue of unbalanced composition of expert groups**

### Commission's comments

The new framework for Commission expert groups foresees that, when defining the composition of these groups, services concerned shall aim at ensuring a balanced representation of relevant areas of expertise and areas of interest, while taking into account the work to be carried out and the specific expertise required. The Commission is fully committed to ensure that the above provisions are implemented and is ready to consider ways to enhance the balance in the composition of existing expert groups, if needed.

A first concrete example of the above commitment is the Communication towards a single market act<sup>11</sup> through which the Commission committed to increase consultation and dialogue with civil society in the preparation and implementation of texts, and to take into account the points of view of a wide range of stakeholders, in particular in relation to the work of expert groups where a wider range of stakeholder input is now envisaged. These groups will be extended, where feasible and/or appropriate, beyond business representatives, to incorporate the views of consumers, NGOs, trade unions, savers, users and local authorities.

Furthermore, Commissioner Barnier has fully acknowledged that a fair balance of non-industry stakeholders' representation in consultation processes has still to be achieved (see letter to Alter EU, annex 5). In that respect, the Commission is committed to seek an adequate presence of civil society representatives in its expert groups in the area of internal market, both in setting-up new groups and in re-arranging the composition of existing ones when appropriate. To achieve this, however, a certain degree of flexibility is needed, bearing in mind that there are expert groups of a very 'technical' nature, such as those in the area of wholesale services or in the payments field, for which it might not be optimal to have a majority of civil society representatives.

Finally, efforts will be made in the area of information society, with a view to ensuring a more balanced representation of relevant stakeholders as well as geographical and gender balance in all groups. For all new groups set up in this policy area selection of members will be done via public calls.

## **IV. Conclusions**

The Commission considers that the above comments show that its policy and practice on expert groups are in conformity with the letter and the spirit of the Commission's Communications on consultation standards and on the collection and use of expertise, although there is always room for improvement. In this respect, the Commission believes that the new framework for Commission expert groups provides for a more coherent and sound set of

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<sup>11</sup> COM (2010) 608, proposal n°48

provisions, which are designed to operate within the diversity of circumstances faced by these groups. As stated above, the Commission is committed to ensure full implementation of relevant provisions.

Finally, as already stated in its previous correspondence with the complainant, the Commission confirms that the above two Communications refer first and foremost to the policy-making cycle (see annex 4, p.3). That being said, the Commission confirms once again that the principles and standards included in those Communications can apply as well to expert groups dealing with issues which are not part of the policy-making cycle, provided they are tailored to the tasks to be carried out.<sup>12</sup>

### **Enclosures**

Annex 1: Specific information concerning expert groups managed by individual Commission departments.

Annex 2: Letter from the Secretary General of the Commission, Catherine Day, to ALTER-EU of 19 September 2008.

Annex 3: Letter from the Director responsible for better regulation and institutional issues in the Secretariat General of the Commission, Jens Nymand-Christensen, to ALTER-EU of 9 March 2009.

Annex 4: Letter from the Head of the Unit responsible for institutional issues in the Secretariat General of the Commission, Mário Tenreiro, to ALTER-EU of 23 October 2009.

Annex 5: Letter from Commissioner Barnier to ALTER-EU of 1.10.2010.

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<sup>12</sup> COM (2002) 704, p.16-17 – COM(2002) 713, p.3.

## **ANNEX 1**

### **Specific information concerning expert groups managed by individual Commission departments**

#### **1. EXPERT GROUPS MANAGED BY DG ENTERPRISE (ENTR)**

##### **➤ Transparency related issues and composition of expert groups**

As a general rule DG ENTR selects the members of expert groups appointed in their personal capacity through procedure aiming at ensuring the highest level of expertise, with regard to the specific tasks of the group and the type of expertise required, and avoiding any conflict of interest. Moreover, geographical and gender balance are taken in due account as far as possible. The use of public calls for applications is encouraged but is not always practicable due to peculiar expertise required.

#### **CARS 21**

The CARS 21 High Level Group was originally convened in 2005 which is also the year in which it adopted its final report. In addition, a mid-term review conference of CARS 21 was held in late 2008.

The CARS 21 group no longer advises the Commission on a broad range of automotive policy related issues. Rather, the members of its sherpa formation were convened urgently by the Commission services to provide an update on the situation relating to the economic crisis in the industry in early 2009. Due to the urgency of the matter, the contact base of CARS 21 was the most effective manner in which the Commission could attain relevant factual information.

As follow-up to CARS 21, the Commission in its Communication on "Responding to the crisis in the European automotive industry" (COM(2009)104) stated that: "The Commission will ensure that a coherent and co-ordinated forward-looking approach to future road transport and sustainable mobility requirements is adopted through the follow-up to CARS 21" as well as stating that "the Commission suggests that the CARS 21 process should be strengthened, with a round table with Member States, automotive industry (producers and suppliers) and trade unions. Its main aims should be to provide a platform of mutual information, dialogue and best practices. It should support the efforts of the sector to restructure so that it can compete in world markets with a strong focus on retaining skills in the industry, retraining workers for future tasks and for new jobs in this and other sectors.

Finally, few remarks on the re-launch of CARS 21:

- the new CARS 21 group is now established on a formal basis by a Commission Decision (OJ C 280, 16.10.2010, pp. 32-34);
- this decision follows the new general template for expert groups of the SG, including the articles on the Register;
- the composition of the new CARS 21 group is more balanced than before (better balance between manufacturers and suppliers, more place for NGOs and users)

## **High Level Group on Competitiveness, Energy and the Environment (dissolved)**

The High Level Group on Competitiveness, Energy and the Environment was set up by Commission Decision of 23 December 2005. The group was given a 2-years mandate and completed its work end November 2007; its mandate wasn't renewed. The Commission's Communication "Towards a more integrated approach to industrial policy" provided the rationale to set up this group, suggesting its composition and identifying main items to be addressed. The work of the high level group was timely and relevant. The group's reports are, however, only one of several sources of information and related policy measures, notably the Climate and Energy Package, have followed established public consultation procedures.

The composition of the group was well balanced. Besides four Commissioners, four Ministers and representatives of environmental and social (trade unions) concerns, it included members with relevant experience as technology and environmental services providers, energy suppliers, basic and intermediate products manufacturers, market and environmental regulators. Presenting the views of its members as being pro or against industry or environmental concerns does not pay tribute to the constructive discussions which took place inside the group. In their report "Whose views count" of February 2009, Friends of the Earth Europe recognise that the high level group's recommendations were balanced and "not biased". High level group recommendations, building upon preparatory work by experts and sherpas, were always adopted after an open and constructive debate, occasionally on controversial subject matters, often informed by presentations by keynote speakers (e.g. Sir Stern, the UNFCCC Secretary General Yvo de Boer); they reflected a wide consensus among the members of the group, with the summary minutes of the meetings providing detailed information on other aspects of the debate.

The names of the members, sherpas, individual experts and keynote speakers who participated in preparatory work or formal HLG meetings, as well as extensive information on the issues addressed by experts, including slide presentations, agenda and outcome of the HLG meetings are publicly available on the Commission's web site. When the reports of the group were adopted there was an accompanying press release or memo.

## **High Level Group on the Competitiveness of the Chemical Industry**

The HLG has the following composition:

HLG on Chemicals – members

Member States	8
Industry	8
Other	5

(other: NGOs, Trade Union, Consumers, international organisation of public bodies, academia)

The full updated list of HLG members – with names and positions - has always been available on the EC website ([http://ec.europa.eu/enterprise/sectors/chemicals/files/hlg2/full\\_hlg\\_members\\_list\\_en.pdf](http://ec.europa.eu/enterprise/sectors/chemicals/files/hlg2/full_hlg_members_list_en.pdf))

- The Final Report of the HLG and all its Recommendations have been agreed upon by all members: no majority criteria has ever been adopted

As set out in Article 2 of the Commission Decision establishing this HLG the tasks were strongly focused on competitiveness and economic analysis of the sector. This topic is by its very nature of primary interest to industry and governments and Member States. The Commission repeatedly encouraged NGOs to increase their participation in the group, alas, with limited success. NGOs were always given the possibility to speak and intensively consulted on the final report adopted.

### **The Competitiveness in Biotechnology Advisory Group**

The Competitiveness in Biotechnology Advisory Group (CBAG) has been created in accordance with the Commission's 2002 Guidelines on the collection and use of expertise (COM(2002)713 of 11 December 2002) and the Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, Official Journal L 008, 12/01/2001 P. 0001 – 0022.

This expert group comprises representatives from academia and industry who assist the Commission in identifying issues related to the competitiveness of this sector. It has to be pointed out that the group's task is not to address ethical, societal or safety issues as these matters are already dealt with by the corresponding legislation and in the respective regulatory committees.

The unabridged reports from the CBAG as well the membership list are published on the Commission's web site. The latest report from CBAG was published in 2006. Since then the group has neither published reports, nor convened meetings.

Advice from CBAG is only one of several sources of information. The Commission's 2007 mid-term review of its Biotechnology Strategy and Action Plan were carried out on the basis of an open stakeholder consultation where all interested parties were invited to give their view on issues relating to European life sciences.

### **The Strategic Advisory Board on Competitiveness and Innovation**

The Strategic Advisory Board on Competitiveness and Innovation (STRABO) was established by Commission Decision C(2007)4644 of 22 October 2007, pursuant to article 48 of the legal base establishing the Competitiveness and Innovation Programme (CIP)<sup>1</sup>. Article 48 was introduced at the request of the co-legislators while negotiating the CIP legal base.

Article 48 of the CIP legal base already defines the scope and composition of this advisory group: "The Commission shall be advised by a Strategic Advisory Board on Competitiveness and Innovation composed of representatives of industry and business associations, including those representing SMEs, and other experts. Their expertise should be related to the sectors and issues addressed by the Framework Programme, including financing, ICT, energy and eco-innovation."

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<sup>1</sup> Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007 to 2013)  
OJ L 310/15, 09.11.2006

As requested by the co-legislator, the Strategic Advisory Board on Competitiveness and Innovation is composed of 20 representatives of industry and business associations, including those representing small and medium-sized enterprises (SMEs) and other experts. It is chaired by the Commission. The overall objective of the STRABO is to provide an expertise on the sectors and issues addressed by the Framework Programme, including enterprise development, access to finance for SMEs, information and communication technologies (ICT), energy and eco-innovation.

According to recital 65 of the CIP legal base, the STRABO was established in the interest of improving coherence between elements of the CIP and its overall effectiveness. Therefore, the STRABO is not involved in discussing any particular legislative initiative, work programmes or calls.

Articles 3.2 and 3.6 of the Decision C(2007)4644 establishing the STRABO state that: "3.2. The members shall be appointed in a personal capacity and shall advise the Commission independently of any outside influence." and "3.6. Members shall each year sign an undertaking to act in the public interest and a declaration indicating the absence or existence of any interest which may undermine their objectivity". STRABO members have fulfilled this obligation and the Commission services are regularly following up on the issue of potential conflicts of interest.

The names of the members of the STRABO are published on the Register of Expert Groups of the European Commission as well as on the official Internet site of the CIP: <http://ec.europa.eu/cip> .

### **Groupe Politique d'Enterprise (EPG)**

The Enterprise Policy Group (EPG) is a high-level consultative body that was established by Commission Decision C(2006)5188 of 8 November 2006 ([http://ec.europa.eu/enterprise/enterprise\\_policy/epg/doc/epg\\_commission\\_decision\\_adopted\\_v081106\\_en.pdf](http://ec.europa.eu/enterprise/enterprise_policy/epg/doc/epg_commission_decision_adopted_v081106_en.pdf)) in order to provide the European Commission with expertise on enterprise and industrial policy issues.

The group, which is chaired by the Commission, consists of two chambers, the first (EPG Directors-General Chamber) comprising senior Member State officials and the second, the EPG Business Chamber, comprising around 30 business people with real management experience from a broad range of sectors across the European Union. The overall aim of the Business Chamber is to advise the Commission on small and medium-sized enterprises (SMEs) and innovation policy issues. This group does not advise the Commission on any particular regulatory or financial/budgetary issue.

The members of the Business Chamber are appointed by the Commission (article 6.3 of the Decision) following an open call for applications. The members are appointed in a personal capacity and are expected to contribute their own views, based on their own professional experience, assisting the Commission independently of any outside influence. They are not supposed to represent the positions of any particular enterprise or business association.

Article 6.4 of the Decision establishing the EPG states: "Members appointed in their personal capacity shall each year sign an undertaking to act in the public interest. They shall inform the Commission in good time of any conflict of interests which might undermine their objectivity". EPG members have fulfilled this obligation and the Commission services are regularly following up on the issue of potential conflicts of interest.

The names of the members of the Business Chamber are published on the Register of Expert Groups. In addition, detailed information of their professional careers is also available on the Internet site of the Directorate-General for Enterprise and Industry: [http://ec.europa.eu/enterprise/enterprise\\_policy/epg/epg\\_bc\\_en.htm](http://ec.europa.eu/enterprise/enterprise_policy/epg/epg_bc_en.htm).

### **Galileo Signal Task Force**

The Galileo Signal Task Force met in the period from 2001 to 2008. It has been dissolved at the end of 2008.

Its participants were experts appointed by the Permanent Representations Ambassadors. The general rule was not to invite any representatives of the industry in order to avoid conflict of interests. In fact, the representatives of the industry were invited only for certain non sensitive meetings. They were invited by the Commission on the basis of their work for the Commission, the common enterprise or the European Space Agency. This work was carried out according to the framework contracts with these organisations.

## **2. EXPERT GROUPS MANAGED BY DG AGRICULTURE (AGRI)**

### **➤ Transparency related issues**

DG AGRI has more than 20 expert groups where members are representatives of local or national authorities. DG AGRI publishes meeting documents of some of these groups, e.g.:

- E02384 "High Level Expert Group on milk":

[http://ec.europa.eu/agriculture/markets/milk/hlg/index\\_en.htm](http://ec.europa.eu/agriculture/markets/milk/hlg/index_en.htm)

- E02173 Coordination committee of the European Network for Rural development and E02172 LEADER subcommittee of the European Network for Rural Development

[http://enrd.ec.europa.eu/en-rd-events-and-meetings/committees/en/committees\\_home\\_en.cfm](http://enrd.ec.europa.eu/en-rd-events-and-meetings/committees/en/committees_home_en.cfm)

- E02179 Expert Committee on Evaluation of Rural Development Programmes

[http://enrd.ec.europa.eu/evaluation/news/newsletter/en/newsletter\\_home\\_en.cfm](http://enrd.ec.europa.eu/evaluation/news/newsletter/en/newsletter_home_en.cfm)

DG AGRI also publishes names of national and local authorities participating in expert groups, e.g.:

- E02124 European Co-Existence Bureau Technical Working Group.

- E00123 Legislation on Organic Farming

- E00132 Poultry meat and eggs markets

- E00120 Simplification of the agricultural legislation

- E01676 "Groupe d'experts sur la gestion simplifiée des contingents d'importations agricoles".

DG AGRI has one active group where membership is based on the personal capacity of experts (E02522 - Expert group for technical advice on organic production). All meeting documents for this group will be published on the website.

[http://ec.europa.eu/agriculture/organic/eu-policy/expert-recommendations\\_en#group](http://ec.europa.eu/agriculture/organic/eu-policy/expert-recommendations_en#group)

Further 30 AGRI expert groups are advisory groups established by Commission Decision 2004/391/EC. In these cases, participation is granted to experts from stakeholders organisations established at the European Union's level. These organisations have access to all meeting documents via the CIRCA system. Moreover, summaries of all meetings of the advisory groups are put on the EUROPA website of the Commission. As regards transparency, the Commission's Decision provides for the mandatory registration of all participating NGOs in the European register of interest groups. All stakeholders are registered.

All DG AGRI expert groups are registered in the Commission Register of Expert groups and Other Similar Entities.

From 2011 on, DG AGRI will publish in the Register annual reports on activities of every expert group.

### ➤ **Composition of expert groups**

The Commission, in accordance with the Commission Decision 2004/391/EC, invites socio-economic organisations established at EU level and listed in the Commission's register of interest groups. These are:

- "agricultural producers and agricultural cooperatives,
- agricultural and food-manufacturing industries,
- agricultural products and foodstuffs trade,
- farm workers and workers in the food industry, consumers and environmentalists."

As stipulated in the Annex to the aforementioned Decision, the majority of seats are given to agricultural producers (farmers) and agricultural cooperatives, and they designate the experts who participate in the advisory groups.

With regard to experts groups with local or national representatives, the experts are appointed by local or national authorities.

In advisory groups and in groups comprised of Members States the experts change from one meeting to another.

Finally, the Expert group for technical advice on organic production (E02522) comprises of experts selected on the basis of an open call for applications published on the website and in the Official Journal. The same applies to the new AGRI expert group "Expert group EU School Fruit Scheme" which is under construction.

### **3. EXPERT GROUPS MANAGED BY DG INTERNAL MARKET (MARKT)**

#### **➤ Transparency related issues**

Usually the most relevant information concerning DG MARKT Experts Groups, i.e. composition, rules of procedure, minutes of meetings and/or presentations of experts) is made available through the dedicated webpage (in particular this is applicable to the EGFE, GEBI, PSMEG, ESME, CESAME, CESAME2, FISCO, LCG). More in general, the whole cycle concerning the policy initiatives in the area of the various groups has been carried out fully complying with the principles of better regulation giving all concerned stakeholders at various stages of the drafting of legislative proposals the opportunity to provide their inputs. For that purpose, besides consultation of stakeholders directly represented in Expert Groups, a wider involvement in financial services policy making has been pursued through other instruments. Amongst the more formal consultation mechanisms are public consultations on draft Commission initiatives. These consultations have been carried out through internet-based tools such as IPM<sup>2</sup>, or by inviting stakeholders to send submissions on Green Papers or other consultation documents<sup>3</sup>. Other instruments to collect stakeholders' views have included: bilateral information exchanges, bilateral or multi-stakeholder meetings in DG MARKT, events hosted by the Commission (e.g. conferences, hearings), participation by DG MARKT officials in events organised by stakeholders themselves, and other informal channels such as contacts on the margins of events.

#### **➤ Composition of expert groups**

Various procedures for selection of members of experts groups are in use in DG MARKT. Most of our groups are composed by national authorities and these experts are nominated by national authorities. For non-governmental experts (including the case of experts nominated in their personal capacity), DG MARKT guidelines recommend to Line Units to go thorough an open call for interest, but depending on various factors, including the time available, or the number of experts available in the area, or the nature of the groups concerned, experts can be selected directly by DG MARKT.

Selection criteria and procedure are always tailored to the specific task of each Group and are usually laid down by the act (in most cases a Commission decision) setting up the Group. In the case of groups made up of experts appointed in their own personal capacity, DG MARKT always seeks to select the candidates with the expertise necessary to maximize the outcome of the Groups and to strike, where possible, the right balance in terms of gender and geographical balance. Selections are most often done through open call for applications advertised on MARKT website and via other communication channels, both formal and informal. As regards the alleged over-representation of industry interests, it is worth mentioning that naturally consumers and other non-industry

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<sup>2</sup> Interactive Policy Making, a customisable web-based application used for the purpose of collecting and analysing reactions to public consultations.

<sup>3</sup> See, for instance, consultation and hearing on SEPA migration end-date ([http://ec.europa.eu/internal\\_market/payments/sepa/ec\\_en.htm](http://ec.europa.eu/internal_market/payments/sepa/ec_en.htm)) or on the access to basic payment accounts ([http://ec.europa.eu/internal\\_market/finservices-retail/inclusion\\_en.htm](http://ec.europa.eu/internal_market/finservices-retail/inclusion_en.htm)).

stakeholders are less numerous in those groups advising the Commission on very technical issues or dealing with wholesale financial issues where end users are not directly involved and on which user representatives have limited knowledge or less staff capacity/availability to apply for participating in all experts groups (despite the fact that DG MARKT has agreed to reimburse the travel and accommodation expenses of consumer representatives in order to facilitate their participation and counterbalance the economic power of the industry representatives). One should also bear in mind that in certain groups, like in the areas of payments services and of clearing and settlement, some of the 'industry' representatives embody the 'user' perspective (e.g., treasurers of big corporates attend in their capacity of representatives of payment service users) rather than that of the provider.

More specific information on individual groups follows:

## **EGFE**

The criteria followed in selecting the members were the following:

- Proven knowledge and expertise in current financial literacy issues;
- Recent practical experience, including at European or international level, in the area of financial education;
- The ability of the individual expert to define and shape the views of various stakeholder communities in respect of the matters covered by the mandate;
- The need to strike a balance within the group of experts in terms of representativeness of applicants, gender and geographical origin.

Concerning the professional background of the EGFE members it is useful to underline:

- the composition of the groups in terms of professional background reflects the state of play as regards the role of the different stakeholders in the provision of financial education in Member States;
- the majority of current members (12 out of 23) doesn't come from the financial services industry (i.e. Public Administration, Consumer organizations, Academia, Private consultants).

## **GEBI**

The criteria followed in selecting the members were the following:

- proven knowledge and capabilities in banking regulation, in particular related to issues covered by Directives 2006/48/EC and 2006/49/EC (collectively, the Capital Requirements Directive)
- proven knowledge, competence and experience, including at European or international level, in the field of banking regulation.
- commitment to European issues and the internal market in financial services, ability to talk to relevant industry and public entities, willingness to commit time, neutrality and fair judgement;
- interest in formulating policies in banking regulation to respond to the challenges created by the financial crisis;

- good knowledge of written and spoken English;

In view of the need to strike an appropriate balance of expertise and interests represented within the group, the gender, type of business, experience, interest group represented and geographical origin were also taken into account.

Out of the 42 members of GEBI, 28 come from financial institutions (savings banks, cooperative banks commercial banks, investment banks), 6 from consultant firms, 3 from Think Thanks/ universities, 2 from Trade unions, 2 from consumer organisation.

GEBI also has 9 observers: 5 from EU level industry associations plus ECB, CEBS, European Parliament and Transparency International.

We received only two applications from Trade unions and accepted both candidates and we received very few applications from the civil society. From these applicants, we have accepted almost all applications. Also we have included a member of Transparency international as a guarantee of the transparency of the proceedings.

We do not reimburse travel cost of industry representatives only those coming from the civil society.

All minutes and presentation from GEBI meeting have been posted on the Internet.

### **PSMEG (successor of PSMG)**

The criteria followed in selecting the members were the following:

- relevant demonstrable knowledge or competence in relation to the area covered by the mandate of the group;
- recent practical expertise or experience;
- proficiency in a language which is customary in the sphere of finance, at a level which allows the expert to participate in discussions and draft reports in that language.

These criteria were made public through the terms of reference available on DG MARKT website<sup>4</sup>. The list of the group members were made public on the same website prior to the commencement of its work<sup>5</sup>, as well as in the Register of Expert Groups of the European Commission.

Concerning the professional background of the PSMEG members it is useful to underline:

- leaving aside technical providers (6), over the rest of the members (46), almost half of the members (19) do not come from the financial services industry (i.e., payment service users such as corporates, merchants or consumers, telecom companies, academia or private consultants).

As stated in the press release issued at the time where this group was set up, "new and complex areas of activities, such as the prevention of payment fraud or the development of innovative payments, will also mean new needs for specialist expertise". For such

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<sup>4</sup> [http://ec.europa.eu/internal\\_market/payments/docs/psmeg/tor\\_en.pdf](http://ec.europa.eu/internal_market/payments/docs/psmeg/tor_en.pdf)

<sup>5</sup> [http://ec.europa.eu/internal\\_market/payments/docs/psmeg/members\\_en.pdf](http://ec.europa.eu/internal_market/payments/docs/psmeg/members_en.pdf)

complex areas, this so specific expertise is to be found, in most of the cases, within the payments industry, either coming from payment service providers or from card processors.

### **ESME (disbanded)**

The criteria followed in selecting the members were the following:

- proven expertise and recent practical experience, including at European or international level, in areas relevant to the investment services and securities industry and/or, in the impact of the EU securities directives in those areas;
- the ability of the individual expert to shape the views of the business and academic communities and civil society in respect of the matters covered by the mandate.
- the Commission services endeavoured to ensure that the group's composition spanned the range of functions within the investment services and securities industry which were relevant to the issues raised by the terms of reference for the group.
- the Commission also sought to ensure an appropriate multi-disciplinary mix within the group, and was guided by the need to ensure that, in addition to covering all main areas of expertise, the group had, to the greatest extent possible, a balanced geographical composition. However, the overriding criterion was the practical experience of individual experts in dealing with the securities related issues specified in the mandate.
- Members of the ESME group were appointed in a personal capacity, and were required to advise the Commission independently of any outside influence.

The members of the group were appointed for a 2 year renewable mandate. The mandate of the ESME group expired at the end of 2009 and was not renewed. The ESME group has been formally wound up by the Commission services.

In the areas covered by the work of the ESME Group, the Commission services have offered extensive consultation possibilities to other interest groups and civil society representatives to provide their views to the Commission, notably: 2 public hearings on the review of the Market Abuse Directive (MAD - 02.07.10 and 12.11.08), 2 public hearings on the review of the Markets in Financial Instruments Directive (MiFID - 30.07.2010 and 13.11.08), 2 public consultations on the review of the MAD (launched 28.06.10 and 20.04.09), a public consultation on the review of the MiFID (launched 08.12.2010), a public consultation on short selling (launched 14.06.10), a public consultation on the review of the Prospectus Directive (launched 09.01.09), a public consultation on the review of the Transparency Directive (launched 23.08.10), a public conference on the operation of the Transparency Directive (TD - 11.06.10), an invitation for public comment on a working document on the TD (launched 03.07), 2 public consultations on Credit Ratings Agencies (launched 31.07.08 and 05.11.10).

## **CESAME/CESAME2 and FISCO**

The selection criteria were the following:

- proven knowledge, competence and experience, including at European and/or international level, in areas relevant to market practice, processes, technical details, legal and/or fiscal matters pertaining to clearing and settlement and post-trading;
- leadership, ability to talk to relevant industry and public entities, willingness to commit time, neutrality and fair judgement;
- interest in dismantling the Giovannini barriers and other obstacles to a single post-trading market, support for the standing and findings of the CESAME II group, enhancing transparency
- good knowledge of written and spoken English;
- the need to strike a balance within the group of experts to the extent possible in terms of representativeness of applicants, gender and geographical origin.

The abovementioned selection criteria have been applied when selecting members for the CESAME, CESAME2 and FISCO groups. These groups mirror a balanced representation of stakeholders that have an interest in post trading of securities (e.g. issuers, trading venues, broker/dealers, custodian banks, central counterparties, central securities depositories, buy-side institutions).

## **LCG**

The selection criteria were the following:

- proven knowledge, competence and experience, including at European and/or international level, in areas relevant to legal matters pertaining to enforcement of securities transfers ;
- leadership, ability to talk to relevant industry and public entities, willingness to commit time, neutrality and fair judgement;
- interest in dismantling the legal Giovannini barriers to a single post-trading market, support for the standing and findings of the first and second advices of LCG enhancing legal certainty
- good knowledge of written and spoken English;
- the need to strike a balance within the group of experts to the extent possible in terms of representativeness of applicants, gender and geographical origin.

The abovementioned selection criteria have been applied when selecting members for the LCG group. This group mirrors a balanced representation of stakeholders that have an interest in legal certainty of securities transfers. One third of them were civil servants (from Governments, central banks or academics). Half of them, represented their respective governments in the negotiation of the draft Geneva Securities Convention adopted in 2009 (e.g. experts from prominent law firms, custodian banks, central counterparties and central securities depositories).

## **DERIVATIVES WORKING GROUP**

Selection procedure:

Following the signature in early-2009 of the letter of commitment on CCP clearing of Credit Default Swaps in Europe, the Commission services set up a Working Group (involving dealers, the buy-side (e.g. banks, insurance companies and funds), CCPs and supervisors) to monitor the actual implementation of the commitment, and to provide advice on the broader review on derivatives. Given the urgency of these issues, and in the light of the financial crisis, specific expertise was sought without delay and experts appointed without making use of an open call for expressions of interest. Before formulating its policy orientations, the European Commission launched public consultations and also held a public hearing, details of which can be found on the dedicated website at: [http://ec.europa.eu/internal\\_market/financial-markets/derivatives/index\\_en.htm](http://ec.europa.eu/internal_market/financial-markets/derivatives/index_en.htm)).

#### **4. EXPERT GROUPS MANAGED BY DG RESEARCH (RTD)**

##### **➤ Transparency related issues**

Regarding the Advisory Groups set up in the area of research policy to advise the Commission services on the draft work programmes of the Seventh Framework Programme for Research (2007-2013) ('FP7'), on top of the information appearing in the Register of expert groups, DG Research posts additional details such as the full mandate, and in many cases the written recommendations, on the EUROPA research site ([http://ec.europa.eu/research/fp7/index\\_en.cfm?pg=eag](http://ec.europa.eu/research/fp7/index_en.cfm?pg=eag)).

With regard to the technical groups within the framework of the Research Fund for Coal and Steel Programme (RFCS), their composition and relevant data are published on the CORDIS website ([http://cordis.europa.eu/coal-steel-rtd/manage\\_en.html](http://cordis.europa.eu/coal-steel-rtd/manage_en.html)), including the dates of the meetings. As these groups are monitoring ongoing projects, the information provided by the beneficiaries of the projects is confidential, thus it should not appear on a publicly accessible website.

Furthermore, DG Research often organises events of various sorts (e.g. conferences, meetings, forums, sounding boards) in the context of continuous communication and exchanges of views with all stakeholders on different aspects of research policy. Recent examples that relate to FP7 include internet consultations on ways to simplify its implementation, and on input to the expert group carrying out this Framework Programme's interim evaluation ([http://ec.europa.eu/research/consultations/list\\_en.html](http://ec.europa.eu/research/consultations/list_en.html))

##### **➤ Composition of expert groups**

DG Research ensures that the highest level of available expertise is represented, with an appropriate mix of competences, commensurate with the issue to be addressed. It also seeks an appropriate plurality in the membership (e.g. in terms of sector, geography) and strives to maintain an appropriate gender balance in line with Commission guidelines.

Members of expert groups are often selected from the expert database maintained by DG Research (as in the case of the Coal and Steel expert groups). Following an open call in the Official Journal, any individual with a relevant expertise may register in this database.

The Groups mentioned for DG Research (page 6 of the complaint) "advise the Commission on the monitoring of research and pilot or demonstration projects..." within the framework of the Research Fund for Coal and Steel Programme (RFCS) (see Council Decision 2008/376/EC of 29 April 2008, OJ L 130, 20.5.2008, p. 7). The RFCS policy is described in the legal basis. Any proposal in-line with the RFCS programme objectives defined in Articles 4 to 10 of the above mentioned decision is eligible for RFCS financial support. The main task of the experts in these technical groups is to monitor ongoing projects with the objective that the agreed scope of work is carried out in conformity with the grant agreement. It is not to advise on policy.

The composition of the Coal and Steel Technical Groups reflects the distribution between the different organizations (industry, academia, research centres...) of the experts registered in this database with an expertise in the coal or steel matters. This distribution is acknowledged each year by the Coal and Steel Committee (summary records of its meetings are made available through the comitology register to the

European Parliament, in accordance with the applicable provisions concerning comitology committees).

Furthermore, the Commission strives to ensure a balanced approach across all FP7 Advisory Groups with respect to expertise, geographical origin, sector of origin and gender. In this sense it is noted that the allegation regarding the composition of the FP7 Advisory Group on Transport is not correct. Current figures show 5 members coming from industry out of 24 members. The remaining 19 members come from different organisations, of which 9 come from universities. Thus, this does not comply with the figures mentioned in the complaint (6 members from industry/ 4 members from academia).

Concerning the FP7 Advisory Groups, the rules regarding confidentiality and conflict of interest are described in the mandates sent to each member with the invitation letter. Each member must sign a declaration of acceptance, which covers both issues.

## **5. EXPERT GROUPS MANAGED BY DG INFORMATION SOCIETY (INFSO)**

### **➤ Transparency related issues**

For most of its expert groups, DG INFSO provides relevant information on the Internet. Regarding the groups specifically mentioned in the complaint, which are managed by DG INFSO:

#### **ISTAG – Information Society Technology Advisory Group<sup>6</sup>**

The website<sup>7</sup> includes the full list of past and future members together with their organisations and their nationality. It also includes the mandate and the reports produced by the group.

#### **Intelligent Manufacturing Systems Industrial Advisory Group**

The IMS scheme is a global, industry-led multilateral cooperation scheme supported by the governments of the US, South Korea, Mexico, Switzerland and the European Union. The Commission services (DG INFSO jointly with DG RTD), which have established this industrial advisory group in order to facilitate the dialogue with industry, represent the EU within the IMS management scheme.

The website<sup>8</sup> provides information on IMS activities for R&D stakeholders from Member States of the European Union, Norway and Switzerland. Minutes from meetings and the Commission's reports on the status of IMS activities are available on request.

#### **eSafety Forum**

All relevant information is publicly available on two websites<sup>9</sup>, including the list of members as well as agendas and minutes of meetings, conclusions, presentations, action lists, reports, etc.

### **➤ Composition of expert groups**

The members of DG INFSO expert groups are selected on the basis of their representative status, experience in their relevant fields as well as recommendations from peers. Whenever possible, balanced geographical representation is also ensured. In addition, a number of members of DG INFSO expert groups were selected by their national administrations, based on similar criteria, following an invitation from the Commission.

More specific information on individual groups follows.

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<sup>6</sup> Information Society Technology Advisory Group and Information and Communication Technologies Advisory Group are the same body, whose mandate is renewed every two years.

<sup>7</sup> [http://cordis.europa.eu/fp7/ict/istag/home\\_en.html](http://cordis.europa.eu/fp7/ict/istag/home_en.html)

<sup>8</sup> [http://cordis.europa.eu/ims/home\\_en.html](http://cordis.europa.eu/ims/home_en.html)

<sup>9</sup> [http://ec.europa.eu/information\\_society/activities/esafety/index\\_en.htm](http://ec.europa.eu/information_society/activities/esafety/index_en.htm)  
<http://www.icarsupport.eu/> contain this information

## **ISTAG – Information Society Technology Advisory Group<sup>10</sup>**

ISTAG is a high level group with members nominated *ad personam*. Members are appointed based on their experience and knowledge as renowned researchers or their position as decision makers for ICT research. The members are not to act as pure representatives of, or lobbyist for, any given organisation or country. It is important to have the views of major industry players in this area and only industry representatives have this knowledge and experience.

The avoidance of conflict of interest is ensured in two ways. On the one hand, the experts are required not to take undue advantage of, or exercise undue influence on the implementation of the 7<sup>th</sup> Framework Programme (FP7). They must not be involved in any way in the evaluation or selection of proposals for funding under FP7 (Mandate for the Information and Communications Technologies Advisory Group). On the other hand, ISTAG's composition covers the different ICT fields where no single group has an upper hand and advice to the Commission is the result of discussions within the group. This advice is expected to represent consensus view of the group. Additionally, the members of ISTAG change every two years and no member can be on ISTAG longer than 4 years. ISTAG group for 2010-2012 includes 25 members of whom 12 come from industry and the remaining 13 from academia or research labs.

## **Intelligent Manufacturing Systems Industrial Advisory Group**

The 8 members of the group are industrial organisations/companies. The members were selected by the Commission services (INFSO and RTD) on the basis of the thematic orientation of the scheme (manufacturing) and according to the geographic spread of the industry. The members represent the industry because of the industrial scope of the group which is to encourage the formation of international research consortia to address 21<sup>st</sup> century manufacturing technologies.

## **eSafety Forum**

Membership is on a voluntary basis. Applications can be introduced via the website<sup>11</sup>. Acceptance is decided by the Steering Group. The group has currently 196 members who represent industry but also public administrations of Member States, user associations, universities and research bodies:

- 20% public authorities: governments and road operators;
- 16% service providers;
- 14% national/European associations;
- 12% vehicle manufacturers;
- 12% suppliers;
- 11% research bodies;

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<sup>10</sup> ISTAG Advisory Group and ISTAG Information and Communication Technologies are equivalent and refer to the same group, whose mandate is renewed every two years.

<sup>11</sup> <http://www.icarsupport.eu/esafety-forum/join-the-esafety-forum/?menu=8>

- 6% user's associations;
- 4% universities;
- 2% ITS associations;
- 3% other bodies.

The Steering Group of the eSafety Forum has 16 members representing all stakeholder sectors, as follows: Industry representatives: 4; Public Authorities: 3; Road Operators: 3; Research Organisations: 2; Users Organisations: 2; Commission: 1; Multistakeholder Association: 1

### **GÉANT Expert Group**

All experts attend in their individual capacity, on the basis of their particular expertise and not as representatives of their organisations. Out of 7 members, one participant works for a private company (Telecom Italia) but this company is not a beneficiary of the GEANT 3 project.

The other members represent the fields of research and academia. The panel of experts was selected according to the following criteria: (1) high level expertise on fields covering: research and education networking, policies in research infrastructures and innovation, networking technology; (2) sector balance: users, campus networking, national research and education networking and industry; (3) geographical balance. The experts list was drawn from the DG INFSO databases of available experts.

### **Language Technologies and Resources**

There are 34 members, all individuals participating in their personal capacity. This is a technical *ad hoc* forum whose members are selected based upon their reputation and achievements, and recommendations from their peers. They are mostly academics and researchers, although this may change in future. The composition of *ad-hoc* groups in general and this one in particular is quite volatile and tends to vary from year to year.

DG INFSO ensures a balanced representation - and rotation - of different domains, disciplines and interests, also from a geographical point of view, which ensures that no single view will be predominant. Additionally, any guidance given by the group is further filtered/re-interpreted by the EC, discussed and validated by MS representatives, within the relevant comitology channels.

The group provides one-off input and guidance on R&D state-of-the-art and directions in a specific domain. The outcomes of experts' meetings are published on the website, and quoted/referred to in public information sessions.

This group is by no means a single or preferred consultation mechanism, e.g. recently DG INFSO received valuable input following a broad online consultation.

### **Expert Group on ICT for Energy Efficiency**

The 6 experts of this group have been identified based on their unique dual competency in engineering (in particular ICT - information and communication technologies) and climate change / energy efficiency. There are 2 members who have executive functions in small UK-based consulting companies and cannot be considered as representatives of big industry.

## **6. EXPERT GROUPS MANAGED BY DG HEALTH AND CONSUMERS (SANCO)**

### **➤ Transparency related issues**

The extent to which transparency on expert groups' activities is ensured varies. Practice shows that for groups whose members are selected on the basis of a public call for expression of interest the degree of transparency is high, i.e. all operational documents are published on the DG page on Europa. For those groups where members are Member States' authorities, the general practice has been that proceedings and materials of the meetings are disseminated to its participants via CIRCA. This is a collaborative workspace which gives public access to a limited number of work documents and groups. DG SANCO is committed to further improve transparency, according to the policy in this area fixed by the new framework for Commission expert groups.

More specific information on individual groups follows.

### **Advisory Group on the Food Chain and Animal and Plant Health**

The Advisory Group has a dedicated webpage<sup>12</sup> where all relevant documents on its work and operation are available:

- (1) EC Decision of 06/08/2004 establishing the group.
- (2) EC Communication on the creation of the group and the establishment of a consultation procedure on the food chain and animal and plant health through representative European bodies.
- (3) Rules of procedure of the Advisory Group.
- (4) List of members of the Advisory Group.
- (5) (Draft) agendas and minutes of all the working group and plenary meetings of the Advisory Group.

Article 10 of the Rules of Procedure<sup>13</sup> of the Advisory Group stipulates:

*"The draft agenda, the minutes and all other working documents for each meeting shall be published on the Commission's website, subject to the confidentiality rules laid down by Article 5 of Decision 2004/613/EC."*

### **Animal health & animal welfare group**

Meeting of experts within the Animal health & animal welfare group have been organised calling on the experts and the stakeholders competent for the specific issues. Relevant outcomes have been reported to SCFCAH both for animal health and animal welfare issues. As a result, the follow-up and the reporting of the various expert meetings have been formally compiled in the minutes of the Standing Committee on the Food Chain and Animal Health (SCFCAH) available at: [http://ec.europa.eu/food/committees/regulatory/scfcah/animal\\_health/index\\_en.htm](http://ec.europa.eu/food/committees/regulatory/scfcah/animal_health/index_en.htm)

### **European Alcohol and Health Forum**

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<sup>12</sup> [http://ec.europa.eu/food/committees/advisory/index\\_en.htm](http://ec.europa.eu/food/committees/advisory/index_en.htm)

<sup>13</sup> [http://ec.europa.eu/food/committees/advisory/rules\\_procedure\\_en.pdf](http://ec.europa.eu/food/committees/advisory/rules_procedure_en.pdf)

All work proceedings such as agendas, reports and presentations during the Forum's plenary sessions are available on the DG SANCO website at: [http://ec.europa.eu/health/alcohol/events/index\\_en.htm#anchor2](http://ec.europa.eu/health/alcohol/events/index_en.htm#anchor2)

### **Working Group on clinical investigation & evaluation**

The calendar of the Working Group meetings is public and may be consulted at: [http://ec.europa.eu/consumers/sectors/medical-devices/links/agenda\\_en.htm](http://ec.europa.eu/consumers/sectors/medical-devices/links/agenda_en.htm)

Other work proceedings (agendas, minutes, etc.) are not public except for the guidelines developed by the working group to promote a common approach for the implementation of various features of the medical devices directives. The guidelines are published after endorsement by the MDEG and by SANCO B2 on the Commission Medical Devices website at:

[http://ec.europa.eu/consumers/sectors/medical-devices/documents/guidelines/index\\_en.htm](http://ec.europa.eu/consumers/sectors/medical-devices/documents/guidelines/index_en.htm) (see section 2.7 - Clinical investigation and evaluation)

#### **➤ Composition of expert groups**

DG SANCO considers it important to ensure that its expert groups are representative of all key interests in the relevant areas. When selecting the members of such groups the equilibrium between industry and civil society organisations is a central one. It is accompanied by other aspects such as the balance between new and old Member States, gender and age.

Selection practices vary depending on the groups' type and mandates. Two main practices for selection of group members exist. One is the launching of public calls for expression of interest, followed by an evaluation by an internal panel, validation by the hierarchy and finally, publication of the list. Another way is inviting the competent authorities of the Member States to nominate members to the respective group, in which case the choice of candidates is a matter of their discretion. Subsequently, depending on the issue, our services either invite or involve other stakeholders upon their demand.

Alter-EU names five groups under DG SANCO responsibility, which in its opinion are dominated by industry, accusing the Commission of failure to ensure their balanced composition. The 5 groups are:

1. Advisory group on the food chain;
2. Animal health & animal welfare group;
3. European Alcohol & Health Forum;
4. Working Group on clinical investigation & evaluation;
5. Export - import of certain dangerous chemical substances.

In the Register of expert groups, the 5th group is listed under the responsibility of DG ENV (see information below). Therefore, DG SANCO is responding on the first four groups:

### **Advisory Group on the Food Chain and Animal and Plant Health**

The role of the Advisory Group is to provide the Commission with the views of the stakeholder organisations on the Commission work plan and draft policy and legislation in the area of the food chain. The Commission established the Group to facilitate the consultation of the primary stakeholders in the area of the safety of the food chain. It is composed of different stakeholder organisations with an interest in issues linked to the food chain: food and feed safety, animal health and welfare, plant health, nutrition, food labelling, seeds, etc.

This is reflected in Decision 2004/613/EC, Article 3 (1):

*"These bodies must have as their objective the protection of interests in the fields referred to in Article 2(1) and must meet the following criteria: general nature of the interests protected, representation covering all or most Member States and permanent existence at Community level with direct access to members' expertise to permit swift and coordinated reactions."*

Article 3 (4) states:

*"Each body selected shall ensure coordination of consultation and information activities within its own organisation so as to present views of the interests it represents which are as representative as possible."*

#### Selection of members of the Advisory Group

1. The current 36 members out of maximum 45 were selected in accordance with Art. 3 of Decision 2004/613/EC. To be eligible, organisations must have the objective to protect interests in the fields referred to in Article 2(1) and meet the following criteria: capability to protect at European level general interests connected with the food chain and animal and plant health; representation covering all or most Member States and permanent existence at EU level with direct access to members' expertise for swift and coordinated reactions.

After adopting the Decision, the Commission invited bodies to express their interest and explain how they met the criteria. It selected 36 organisations which most effectively met the criteria, and published the list in the Official Journal on 21/04/2005<sup>14</sup>.

2. On 14/07/2010 the Commission launched a call for expressions of interest in membership of the Advisory Group to fill the 9 empty slots, especially to include unrepresented sectors. The selection process is not yet finalised.
3. The Advisory Group meets in plenary meetings and in working groups. Plenary meetings are attended only by Advisory Group members. Working groups are technical meetings that gather specialised input from the sectors concerned. As per Art. 4 of the Decision and Art. 5 of the Rules of Procedure, the Commission invites experts or observers, including representative bodies from non-member states, where appropriate or necessary, to participate in the work of the group or working groups.

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<sup>14</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:097:0002:0002:EN:PDF>

### Alleged industry-dominated composition

The Advisory Group's 36 member organisations represent different interests in the food chain<sup>15</sup>. As it comprises EU-level groups, some interests are represented by a small number of horizontal organisations whilst others - by both horizontal and sectoral organisations. For example, consumer interests are represented at EU level by 2 organisations (BEUC, EUROCOOP); farmers' interests at EU level are mostly represented by COPA-COGECA; food distribution interests are mostly represented by horizontal organisations (EUROCOMMERCE, UGAL) with some organisations being more sector-oriented (COCERAL). On the other hand, interests of the processing food industries are represented at EU level both horizontally (CIAA) and by sector (poultry, meat, cereal, cold storage, dairy products, restaurants, seeds, etc).

This variety is essential for the Advisory group to fulfil its role of providing the views of all those concerned by a food chain draft policy/legislation. This ensures that a consultation on draft legislation on meat or on feed or on dairy products will reach the people concerned.

SANCO considers it important to ensure that this consultative Group is representative of all key interests in the relevant areas. On 14/07/2010 the Commission launched a call for expressions of interest in membership to fill the 9 empty slots, particularly to include any unrepresented sectors. Interested European-level organisations could apply by 30 September 2010. The selection process is not yet finalised.

- Decision 2004/613/EC of 06/08/2004 establishing the Advisory Group



Decision AG.pdf (46 KB)

- Rules of Procedure of the Advisory Group



rules\_procedure\_en.pdf (113 KB...)

- List of members of the Advisory Group



AG list of members.pdf (62 KB)

### **Animal health & animal welfare group**

Generally, members are selected on the basis on whether or not they have a stake in the issues concerned (stakeholders) or expertise. This is usually based on their previous involvement in creating, discussing, implementing EU or national law and non-legislative actions. New stakeholders and experts are also identified on an ongoing basis,

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<sup>15</sup> [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XC0421\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XC0421(01):EN:NOT)

e.g. if they provide input into a public consultation in the given area. Representatives of Member States' relevant competent authorities are often an obvious choice. As regards other stakeholders, EU level organisations that can represent the overall view of the whole sector are preferred over regional organisations (unless specific regional input is needed).

While 8 out of the 12 listed organisations group are claimed to be industry-dominated, in fact they are EU-level organisations representing sector national organisations (e.g. that of farmers, veterinarians, meat producers etc.). As such, they represent the views of all the national organisations comprising the platform, and not those of particular companies. Similarly, the NGOs for animal protection and welfare listed represent the views of their members (several national organisations acting in this field).

## **European Alcohol & Health Forum**

The European Alcohol and Health Forum<sup>16</sup> is a platform set up to generate action across society in implementing the goals and objectives of the EU strategy on reducing alcohol-related harm<sup>17</sup>. It is important to note that the platform is geared for "action" across society, and not for policy development in any way. It has a different character as it is set up as a self-regulatory initiative on the principles of the public/private partnership. Its peculiarity is that it is strictly action-oriented. Its members do not discuss policy. Potential members are expected to adhere to the Forum's Charter.

Members commit to the EC strategic objectives on reducing alcohol harm.

The Strategy announces the establishment of the Forum and its purpose. The principles of its governance are set out in a Charter<sup>18</sup>. Members who fulfil the criteria set out in the Charter can join the Forum on condition that they commit to taking additional action on alcohol-related harm. These commitments are public, and their operation is monitored and evaluated. They are accessible in a database. Annual monitoring reports are also published.

### Membership

In terms of membership, there is a balance across the areas of interest related to alcohol and health. The Charter sets out that Forum members should be 'umbrella' organisations operating at a European level, capable of playing an active role in reducing alcohol-related harm in the EU, and willing to engage in concrete and verifiable commitments towards this end. Organisations operating at national or sub-national level, or individual companies, can also be members of the Forum, if they are willing to engage in concrete and verifiable commitments under the Forum process and if their European-level umbrella organisation or federation is a member of the Forum.

When the Forum was established in June 2007, there were 40 founding members. Currently, membership is at 64. While it is difficult to subsume all organisations into 'categories', members can roughly be divided into the following groups European umbrellas/associated organisations:

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<sup>16</sup> [http://ec.europa.eu/health/alcohol/forum/index\\_en.htm](http://ec.europa.eu/health/alcohol/forum/index_en.htm)

<sup>17</sup> [COM \(2006\) 625 final](#)

<sup>18</sup> [http://ec.europa.eu/health/ph\\_determinants/life\\_style/alcohol/documents/Alcohol\\_charter2007.pdf](http://ec.europa.eu/health/ph_determinants/life_style/alcohol/documents/Alcohol_charter2007.pdf)

- NGOs - 26 (14/12)
- Alcohol producers - 18 (8/10)
- Retail and hospitality - 9 (3/6)
- Media and advertisers - 7 (7/0)
- Others (academia, sports) - 4 (3/1)

#### List of Forum members as of November 2010



EAHF - Forum  
Member List as of...

Representatives of Member States, WHO and OIV are invited as observers to the Forum.

#### **Working Group on clinical investigation & evaluation**

This group is a sub-group of the Medical Devices Expert Group (MDEG). It began to meet informally in 2000. Its current composition and objectives were endorsed in 2006. The WG was set up to assist the Commission in the development of common interpretation of existing regulatory requirements and in the development of new regulatory requirements on clinical investigation and evaluation. The WG forwards its suggestions to the Commission for consideration during the elaboration of guidelines and of a new legislative proposal.

Its objectives are<sup>19</sup>:

- To develop and promote homogenous interpretation and implementation of European Medical Device Directives with regard to clinical evaluation and investigation, incl. PMCF, and to enhance related cooperation between MSs.
- To explore whether Medical Device legislation on clinical evidence is appropriate/adequate/sufficient, to advice on eventual further development and to consider the need for/develop guidance on specific issues.
- To serve as European Mirror Group for GHTF SG 5.
- To monitor the relevant EU and international regulatory/normative environment and European/ISO Standardisation in the clinical area.
- To support the Strategic Development of the sector in the clinicals.
- To act as a forum for information on clinical investigations.

#### Current members

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<sup>19</sup> [http://ec.europa.eu/consumers/sectors/medical-devices/dialogue-parties/working-groups/index\\_en.htm](http://ec.europa.eu/consumers/sectors/medical-devices/dialogue-parties/working-groups/index_en.htm)

The control of clinical investigation and evaluation is the competence of the Member States. Each Competent Authority is responsible for the selection and nomination of national expert(s) in Working Groups. There are no selection or exclusion criteria. Experience shows that Competent Authorities are improving their expertise in clinical requirements and are sending the appropriate national experts who can contribute to the discussion at EU level.

(a) Representative of the National Competent Authorities:  
The Chairman of the WG is Dr Wolfgang Ecker (Head of Dept. III/3: Pharmaceuticals and Medical Devices, Federal Ministry of Health).

The members of the WG are generally the same as the clinical investigation contact points within the National Competent Authorities published at: [http://ec.europa.eu/consumers/sectors/medical-devices/links/cie\\_contact\\_points\\_en.htm](http://ec.europa.eu/consumers/sectors/medical-devices/links/cie_contact_points_en.htm)

(b) External stakeholders:

- representing EU Medical Devices manufacturers trade associations:

- > Eucomed: Dario Pirovano (Eucomed Clinical Expert), Philippe Auclair (Abbott, Chairman of the Eucomed Clinical Task Force)

- > Eurom VI: François Simondet (ALSI, Convenor Eurom VI WG2)

- representing the European Association of Authorized Representatives (EAAR): Jeremy Tinkler (Regulatory Affairs)

- representing the Notified Body Operation group (NBMED): Bos Gert (BSI)

- Individual ISO Expert: Danièle Giroud (WMDO, in charge of the revision of the ISO Norm on Clinical Investigation).

## **7. EXPERT GROUPS MANAGED BY DG MOBILITY AND TRANSPORT (MOVE)**

### **➤ Composition of expert groups**

Most of DG MOVE's expert groups are composed of national authorities who choose their own representatives in the groups. In general, where organisations participate, DG MOVE strives to identify the most representative and appropriate organisations at European level for the policy area in question. Usually the selected organisations then decide on their representatives. Occasionally experts are appointed on an individual basis, taking into account the suitability of their qualifications and the need for balance. DG MOVE does not consider that there have been any conflicts of interest so far.

The complaint refers to five groups which are supposedly the responsibility of DG MOVE on page 6 and in the annex. Of these groups:

- The Galileo Signal taskforce (annex of the complaint) is the responsibility of DG Enterprise;
- The expert group on alternative fuels (page 6) has not met for several years and has in fact been dissolved, and so is not relevant to a debate on the Commission's current administration of policies on expert groups;
- The Expert Group on Télépéages (electronic tolls) has not met for 4 years. It will be removed from the Register of expert groups;
- The Expert group on inland waterway transport (navigation intérieure) is basically composed of one-two representatives of the Member States' competent administrations, the relevant international organisations active in this field, and the two representative professional organisations existing at EU level. Already this composition shows that the group is not dominated by the inland waterway transport industry although it is dealing with matters exclusively related to this industry (inland waterway transport). The selection and delegation of the relevant experts to the group is left to the sole discretion of the respective national administration/organisation.
- The expert group on intermodality and logistics is basically composed of one-two representatives of the Member States' competent administrations, the relevant international organisations active in this field, and the representative professional organisations existing at EU level. In numerical terms the public bodies are more than 60, compared to around 30 international organisations representing industry as well as professions related to the logistics sector. Universities, customer platforms as well as trade unions are also included in the experts' list. This composition shows that the group is not dominated by the logistics industry, although it is dealing with matters predominantly related to this sector. The selection and delegation of the relevant experts to the group is left to the sole discretion of the respective national administration/organisation.

## 8. EXPERT GROUPS MANAGED BY DG TAXATION AND CUSTOMS UNION (TAXUD)

### ➤ Transparency related issues

In the new register DG TAXUD provides for each active and "on hold" group contact details, i.e. a functional mailbox of the unit, postal address, etc. The activities and on-going issues are published either via the public DG TAXUD website or via the topic-dedicated website. The minutes, agendas and participants lists are publicly available on the dedicated websites.

### ➤ Composition of expert groups

In particular, **in the area of customs policy**, concerning the **Trade Contact Group (TCG)**, independently of the Commission register, clear information on terms of reference and composition is available in DG TAXUD Website: ([http://ec.europa.eu/taxation\\_customs/customs/policy\\_issues/customs\\_trade\\_consultations/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/policy_issues/customs_trade_consultations/index_en.htm)).

DG TAXUD does not select the members of the TCG (Trade Contact Group). As indicated in the Terms of reference publically available, "The members of the TCG will be representatives of the main international associations involved in customs related activities at the European level." Any international association (European or world – wide) that requests to be a member of the TCG and proves its involvement in customs related activities at European level is accepted in the TCG (see publically available list of members, which is updated regularly). Independently from the general consultation requested by Article 13 of Decision 70/2008, whenever expertise from a specific area is necessary for a preparatory work, the TCG is requested to provide the most suitable experts. The Project Group to assist the development of the Modernized Customs Code implementing provisions/guidelines is an example of a working group settled to help the Commission and includes representatives of all Member States. Additionally some external experts can join those groups (but being tasked by the traders represented in the TCG).

**In the area of tax policy**, for the Excise Contact Group (ECG) and the Expert Group on Taxation of Savings "EUSD Group", please find below short overview:

The **Excise Contact Group (ECG)** is a forum for European Trade Federations that have an interest in the Excise Movement and Control System (EMCS) Project - movement of goods under duty suspension. The Expert Group Excise Contact Group (ECG) covers an area of work which is largely technical and very specific in nature and which raises no particular issues in sensitive areas, such as health, the environment, social policy, finance or (directly) taxation. The work of the project has no tendency to change this area of trade in a way which would disadvantage any of its stakeholders. Participants of the ECG are selected by the concerned trade federations themselves on the basis of invitations to a representative selection of trade federations (involved in alcohol, tobacco, energy, logistics, distribution and transport) as well as the Member States. No federation has ever complained about being 'left out'. Also, these federations are the 'natural' counterpart of the excise authorities of the Member States which guarantees representative and full coverage. EMCS is a technical project that will automate the control and monitoring of Excise movements under duty suspension. This work is pursued in order to improve the function of the Single Market and to help the fight against fiscal fraud. Therefore, it is

difficult to see which other stakeholders would be interested in participating in such a group.

The ECG Meetings are open to representatives of Member States who participate in the work of this project, who have speaking rights. The ECG has no decision making powers and solely acts as a forum to allow industry representatives to express their opinions about the various technical aspects of the EMCS projects. Minutes of all ECG Meetings are available on the Europa website:

[http://ec.europa.eu/taxation\\_customs/taxation/excise\\_duties/circulation\\_control/emcs\\_info\\_services/index\\_en.htm](http://ec.europa.eu/taxation_customs/taxation/excise_duties/circulation_control/emcs_info_services/index_en.htm)

EMCS info services can be found at the bottom of the page under title "The Excise Contact Group".

The Expert Group on Taxation of Savings "**EUSD Group**" (EUSD = "European Union Savings Directive") has been set up to assist the Commission's Services in their review of the functioning of the Savings Directive as provided in Article 18 of the Savings Directive<sup>20</sup>. The objective of the group is to provide the Commission with the viewpoint of the European Union market operators on the application of the Directive in Member States and, at the same time, facilitate a first scrutiny of the possible impact on markets of any amendments to the Directive. The EUSD Group consists of tax experts from banking, insurance, investment funds, asset management and related sectors of the European Union. A validation was then done by Commission services to ensure the experts were adequately qualified to participate in the EUSD group.

The composition of the EUSD Group, as well as the contributions from the experts in the group and the relevant Trade associations and summary records of meetings of the group are included in the web site for the review of the Savings Directive available at:

[http://ec.europa.eu/taxation\\_customs/taxation/personal\\_tax/savings\\_tax/savings\\_directive\\_review/index\\_en.htm](http://ec.europa.eu/taxation_customs/taxation/personal_tax/savings_tax/savings_directive_review/index_en.htm)

This page also includes the contributions of Member States to the working documents of the Commission through the work of Working Party IV and the expert group on administrative cooperation, both of which have experts representing the Member States.

On this page we also ask for comments from the public on the review process. A functional mailbox was specifically set up for this purpose ([taxud-savingsdirective\\_review@ec.europa.eu](mailto:taxud-savingsdirective_review@ec.europa.eu)).

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<sup>20</sup> Council Directive 2003/48/EC of 3 June 2003 on taxation of savings income in the form of interest payments.

## **9. EXPERT GROUPS MANAGED BY DG ENVIRONMENT (ENV)**

### **➤ Transparency related issues**

In the new Register DG Environment provides contact details for each active and "on hold"-group, i.e. a functional mailbox of the unit, postal address etc. DG ENV also publishes the activities and on-going issues either via the public DG ENV website on Europa or via dedicated website for the topic. The minutes, agendas and participants lists are publicly available on the dedicated websites. Many documents are also available via CIRCA.

More specific information on one expert group follows:

#### **Reach Competent Authorities**

The principles and conditions concerning public access to the group's documents are the same as laid down in Regulation (EC) No. 1049/2001. It is for the Commission to take a decision on requests for access to those documents. Without prejudice to the preceding, the group's documents, except those relating to closed sessions, may be made available to non-participants of CARACAL, once they have been endorsed. The group's deliberations are confidential. In agreement with the Commission, the group may decide to open its deliberations to the public.

At the meeting of March 2009, it was decided to make the meeting minutes available on the Commission's websites, starting with the minutes of the REACH CA meeting in December 2008. Please note, however, that the minutes will only be made available once they have been adopted by the group (normally at the following meeting).

The minutes appear on DG ENV website:

[http://ec.europa.eu/environment/chemicals/reach/authorities\\_en.htm](http://ec.europa.eu/environment/chemicals/reach/authorities_en.htm)

and on DG ENTR website:

[http://ec.europa.eu/enterprise/sectors/chemicals/reach/caracal/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/chemicals/reach/caracal/index_en.htm)

All the meeting documents are distributed before the meetings via CIRCA to the group members and observers.

### **➤ Composition of expert groups**

Most of the groups are composed of national authorities. Experts of other nature are being selected on a case-by-case basis, taking into account the specific tasks of the expert group and the type of expertise required. When appropriate, observers are invited from the relevant stakeholder organisations. Substitutes were occasionally provided by the members of the group.

More specific information on the four groups managed by DG ENV mentioned in the annex of the complaint follows.

## **Surveillance et contrôle des transferts de déchets**

This is a formal group (Art. 54 of Regulation (EC) No 1013/2006) and is composed of designates from the Member States and the Commission. Industry stakeholders are not members of this group and this has been accordingly corrected in the Register of Expert groups.

## **Reach Competent Authorities**

CARACAL (Competent Authorities for REACH and CLP) is an expert group which advises the European Commission and ECHA on questions related to REACH and CLP. The Group provides advice to the Commission on policy issues and to the Commission and the European Chemicals Agency (ECHA) on the implementation and the functioning of REACH and CLP. CARACAL carries out its activities in accordance with the prerogatives of the Commission and ECHA according to the REACH and CLP Regulations.

CARACAL is composed of representatives of Member States competent authorities for REACH and CLP, representatives from competent authorities of EEA-EFTA countries as well as a number of observers from non-EU countries, international organisations and stakeholders (industry and non-governmental organisations). The latter group can attend the meetings and participate in the discussions, however only with observer status. The minutes of the meetings show that the discussions are chaired by the Commission and ECHA, that the main contributors to the discussions are the Competent Authorities, Commission and ECHA. Observers contribute to the discussions usually after the members have spoken. Members take note of their contributions.

Some matters are discussed in a so-called closed session of the CARACAL members only without observers. The discussion in closed session is then reported to the full group with observers at the next session.

## **Information exchange Forum on best available techniques under legislation on industrial emissions**

Amongst the expert groups concerned, the Information Exchange Forum (IEF) on Best Available Techniques (BAT) is mentioned. This forum is part of the so-called 'Seville process', i.e. the exchange of information on BAT at European level resulting in the development and adoption of the BAT reference documents (BREFs) under Directive 2008/1/EC concerning integrated pollution prevention and control (the IPPC Directive).

Article 17(2) of the IPPC Directive requires the Commission to organise an exchange of information between Member States and the industries concerned on best available techniques, associated monitoring and developments in them. It should be noted that the Directive thus only refers to the involvement of industry. In order to coordinate the work under Article 17 the Commission has set up a forum consisting of representatives from Member States, industry and non-governmental organisations, and chaired by the Commission, which is known as the Information Exchange Forum (IEF)<sup>21</sup>. It needs to be pointed out that the different numbers of industry and NGO representatives are deriving

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<sup>21</sup> Art. 17(2) of the IPPC Directive only refers to industries by stating: "The Commission shall organise an exchange of information between Member States and the industries concerned on best available techniques, associated monitoring and developments in them."

from the fact that the scope of the IPPC Directive covers a wide range of industrial activities and consequently, a total number of 32 BREFs were adopted, each of these covering a different industrial sector (e.g. large combustion plants, cement and lime production, ceramic manufacturing, etc.) The different industries are represented by organisations specified in the particular industry in these cases, hence the large final number. The working methods of the European IPPC Bureau also reflect this fact by assigning separate BREF authors for different sectors.

### **Expert group on export and import of dangerous chemicals**

The large majority of experts in the expert group on export and import of dangerous chemicals are from the 27 Member States and from EFTA and candidate countries. In addition, seven interested parties are currently registered for this expert group: five interested parties represent the industry and two represent public interest. Considering that the group deals with issues that are mainly relevant for the public in third countries and of less importance for the public in the EU, it can be assumed that experts representing public interest have other priorities. In addition, it should be noted that experts from Member States are also representing public interest.

## 10. EXPERT GROUPS MANAGED BY DG ENERGY (ENER)

### ➤ Transparency related issues

#### **Group of Experts established according to Article 31 of the Euratom treaty (Article 31 - Group of Experts)**

Information on this group together with the rules of procedure, summary reports of all meetings, and opinions of the group are published on the Europa website under [http://ec.europa.eu/energy/nuclear/radiation\\_protection/article\\_31\\_en.htm](http://ec.europa.eu/energy/nuclear/radiation_protection/article_31_en.htm)

Membership of the group is published in the Commission's Register of Expert Groups (Group N° E01130). Les avis de la Commission basés sur les conclusions et avis du groupe d'experts consulté conformément aux dispositions de l'article 37 du traité Euratom sont publiés au JO (série C).

#### **The European High Level Group on Nuclear Safety and Waste Management (later renamed the European Nuclear Safety Regulators Group - acronym ENSREG)**

This group has a dedicated *Working Group dealing with transparency issues (WG3)*. Its main goal is to make nuclear safety information and the work of ENSREG in regulating nuclear safety information accessible to interested EU citizens.

To date, one of the main achievements of WG3 was the successful launch, in January 2010, of a *website* ([www.ensreg.eu](http://www.ensreg.eu)) dedicated to the activities of ENSREG. The ENSREG website is a tool that can allow the group to be closer to citizens and their concerns, and to ensure they are informed about how nuclear safety is regulated in their countries. While the content of the material presented on the ENSREG website is the responsibility of the Group, the European Commission has contributed to the realisation of the website by providing both financial and technical assistance for its establishment and by continuously supporting its development and improvement.

For the period 2010-2011, WG3 will focus on, among others, finalising a clear *guidance on transparency for national regulators* containing key principles.

Finally, an *European Nuclear Safety Conference* will be organised on 28-29 June 2011 in Brussels, under the auspices of ENSREG, aiming to increase the visibility of nuclear safety legislation and regulation at EU level and provide a forum for experience-sharing and exchange of good practices.

#### **The European Community Energy Star Board (established under Regulation (EC) 106/2008) to assist the Commission in the implementation of the "Energy Star" Programme.**

La transparence de l'activité de ce groupe est assurée par la publication des comptes rendus des réunions et des documents présentés lors des réunions sur le site [eu-energystar.org](http://eu-energystar.org).

#### **Comité Consultatif de l'Agence d'Approvisionnement d'Euratom**

Les compte rendus des réunions du Comité sont classifiées "EU-Restricted" en raison de la sensibilité sur le plan industriel et commercial des données échangées dans ce groupe.

## ➤ Composition of expert groups

### **Group of Experts established according to Article 31 of the Euratom treaty (Article 31 Group of Experts)**

The nomination procedure for members of the Article 31 Group of Experts and of the Article 37 Group of Experts is defined in Article 31 of the Euratom Treaty "...a group of persons appointed by the Scientific and Technical Committee ...". Every 5 years, the Secretariat of the Scientific and Technical Committee (STC) which is managed by DG Research asks the permanent representations of all Member States to nominate experts for the Article 31 Group of Experts and for the Article 37 Group of Experts. The STC selects the members of the groups and informs the selected experts as well as DG ENER about their nomination.

The group has adopted "Rules of procedure" which includes a "Code of Ethics". In this code of ethics, experts commit themselves, inter alia, to the following: In the performance of their duties, the experts shall act independently of all external explicit or implicit pressures, particularly in relation to national interests or those of their own institution or organisation. They shall inform the Commission of any possible conflict of interest and of any restriction of their freedom of expression.

### **Group of Experts Euratom Article 37**

The members of the Article 37 Group of Experts are not Member States' representatives as such but are nominated by the STC as independent experts (though some may hold position in a national authority having competence). Basically the modus operandi of the Group ensures that conflicts of interest are avoided. Indeed, the obligation for the Commission to consult the Group entails a collegial examination of the General Data submitted by a Member State. The Group's conclusions and opinion presented in their report (to the Commission) on the submitted General Data reflect the position of the Group in its entirety, not of an individual member or an unrepresentative group of members. The Group as such endorses its reports to the Commission. During plenary meetings, should it become necessary DG ENER reminds the members of the group that the proceedings should take place in accordance with common sense as regards impartiality. In the event of a member of the Group transgressing boundaries in defence of national interest, the chairperson will take up his responsibility and restore good order. Experience shows that the above is well understood by the individual members of the group. So far, it has never occurred that (an) expert (s) unduly opposed parts of the report or, for that matter, the conclusions and opinion where it concerned less favourable findings related to his/her/their national interests.

### **The European High Level Group on Nuclear Safety and Waste Management (later renamed the European Nuclear Safety Regulators Group - acronym ENSREG)**

The **Members** of ENSREG are nominated by each EU Member State (i.e. 1 Member and 1 Deputy Member from each Member State). They are senior officials from the national nuclear safety, radioactive waste safety or radiation protection regulatory authorities from all 27 Member States of the EU. Two representatives of the European Commission are also Members of the Group. The **Observers** to the Group represent the Council of the EU, the International Atomic Energy Agency (IAEA), Norway and Switzerland.

The ENSREG activity and membership is presented on the Commission Registry of expert groups. In this context, ENSREG Members are requested by the Commission to fill in a Privacy Statement.

**The European Community Energy Star Board (established under Regulation (EC) 106/2008) to assist the Commission in the implementation of the "Energy Star" Programme.**

Regulation (EC) No 106/2008, Article 8, point 2 stipulates that the Commission shall ensure that, to the extent possible in the conduct of its activities, the group observes, in respect of each office equipment product group, the balanced participation of all relevant interested parties concerned with that product group, such as manufacturers, retailers, importers, environmental protection groups and consumer organisations.

**Comité Consultatif de l'Agence d'Approvisionnement d'Euratom**

Le Traité Euratom dans son article 52 définit la mission centrale de l'Agence qui est d'assurer l'approvisionnement en minerais, matières brutes et matières fissiles spéciales selon le principe de l'égal accès aux ressources et par la poursuite d'une politique commune d'approvisionnement.

Dans la réalisation de cette mission, l'Agence d'Approvisionnement est, aux termes de ses Statuts, assistée d'un Comité Consultatif. Ce Comité selon l'article 11 des Statuts de l'Agence comprend 53 membres nommés par l'Agence, sur proposition des Etats membres et choisis parmi les organismes publics, des industriels, des utilisateurs. Les membres sont désignés pour 3 ans par leur Etat sur la base de leur degré d'expérience et d'expertise dans les domaines du commerce des matières nucléaires, des services du cycle du combustible nucléaire, de la production d'énergie nucléaire ou encore de la recherche et de la réglementation dans le domaine de l'énergie nucléaire.

Le mandat du Comité est de faciliter, par ses avis et ses informations, le bon accomplissement des missions de l'Agence. Le Comité Consultatif constitue en effet un forum de discussion permettant à l'Agence de connaître les évolutions du cycle du combustible nucléaire et de l'aider ainsi dans la conduite d'une politique d'approvisionnement en matières nucléaires. Ce comité d'expert est également une source réelle d'informations pour l'Agence en tant qu'observatoire du marché nucléaire.

Chaque année lors de la publication de son Rapport Annuel, l'Agence d'Approvisionnement fait état des travaux du Comité Consultatif.

Le Comité n'a aucun pouvoir décisionnel et ne peut qu'émettre l'avis d'un groupe d'experts ne représentant ni leur pays ni les organismes auxquels ils appartiennent. S'agissant d'un simple forum de discussion sans pouvoir décisionnel, les relations entre le Comité Consultatif et l'Agence ne peuvent donner lieu ni à l'émergence de conflits d'intérêts ni permettre à l'industrie d'avoir une action déterminante sur le fonctionnement de l'Agence.

**Expert Group on laboratory alignment for the measurement of tyre rolling resistance**

Article 11 of the rules of procedure of the group specifically addresses the issue of conflict of interest (copy of the relevant part below). These rules of procedure are enclosed in the 'Register of Commission Expert Groups and Other Similar Entities'.

1. Should a conflict of interest in relation to an expert arise, the Commission services may exclude this expert from the group or a particular meeting thereof or they may decide that the expert in question shall abstain from discussing the items on the agenda concerned and from any vote on these items.
2. At the start of each meeting, any expert whose participation in the group's work would raise a conflict of interest shall inform the Chair.
3. Conflicts of interest shall be reported in writing, e.g. in the summary minutes of the group's meeting.
4. Paragraphs 1, 2 and 3 shall also apply to deliberations taken by the group in written procedure.

### **Sûreté du transport de matières radioactives**

In order to support activities in this area the Commission, in 1982, at the request of the European Parliament, set up a Standing Working Group (SWG) of national experts with specific competence in the field of safe transport of radioactive materials. The members of the Group are nominated by the safety authorities responsible for transport of radioactive material in the Member States but advise the Commission as independent experts. In 2004, industrial representatives joined the group as observers. This group is only a platform for exchange of information.

## **11. EXPERT GROUPS MANAGED BY DG REGIONAL POLICY (REGIO)**

### **➤ Composition of expert groups**

DG REGIO selects experts on the basis of their experience and expertise. When a group of experts is created and composed by governmental experts, either the Member States or the Commission are in charge of designating the experts. DG REGIO has also established a list of experts in the field of evaluation following a call for expression of interest based on Article 91 of the financial regulation. Furthermore, DG REGIO is currently working on the possibility to set up a list of experts based on Article 179bis of the financial regulation.

### **Informations des partenaires sociaux sur les activités des Fonds structurels**

According to article 11 paragraph 3 of the Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 (Official Journal of the European Union, L 210, 31.7.2006, p.25), "Each year the Commission shall consult the organizations representing the economic and social partners at European level on assistance from the Funds." The annual consultation implies an exchange of views on the main topics of concern. The Commission considers this dialogue as an important element of cohesion policy, as partnership is a fundamental and constitutive character of the policy.

The members of this annual consultation<sup>22</sup> meeting are thus the economic and social partners' representatives at European level dealing with the implementation of cohesion policy programs or associated policies. Many of them are cross-industry organizations involved in the European social dialogue. The apparent over-representation of industry is due to the particularities of different employers organizations, as compared to the relative concentration of employees organizations mostly represented by ETUC. The Commission cannot be held responsible for the internal diversity of situations, but rather take into account the differences for the purpose of better articulation of policies. The last meeting took place on 9 July 2010.

In parallel to this regulatory requirement and in line with the Commission's commitment to widen opportunities for stakeholders to participate actively in EU policy-shaping, the Directorate General for Regional policy decided to strengthen its dialogue with civil society. A first informal Round Table has been organized in April 2010 with representatives at European level of civil society organizations whose members are involved in the implementation of cohesion policy programs. Another meeting in November, where both above-mentioned social partners and NGOs took part, was dedicated to debates on the future of cohesion policy. DG REGIO is planning to organise in 2011 another Round Table with civil society organisations to present and discuss in detail the Commission's proposal concerning the cohesion policy Regulations for the post-2013 period.

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<sup>22</sup> BusinessEurope, CEEP, CES, COPA-COGECA, Eurochambres, Europeche, Social Economy Europe and UEAPME.

## **12. EXPERT GROUPS MANAGED BY DG EUROSTAT (ESTAT)**

### **➤ Transparency related issues**

The FEBI-FEBS-BUSINESSEUROPE-EUROCHAMBRES-INS-EUROSTAT is a group which over the years, on average, met for information meetings more than twice a year, but with decreasing interest participation only once a year since 2008. All meeting documents and minutes of these meetings are available in Circa since 1997. Being a public access Circa Interest Group, requiring no registration from the user, the access to the Circa group is accessible to anybody who shows an interest in the topics concerned.

The membership of the group is open to any federation which shows interest in participating in the information meetings. The group has representatives from all sectors of the economy.

### **13. EXPERT GROUPS MANAGED BY DG ECONOMIC AND FINANCIAL AFFAIRS (ECFIN)**

#### **➤ Euro Cash User Group (ECUG)**

ECUG meetings have been organised by the Commission since 2003, mainly in order to inform the main users of euro cash in the private sector about developments concerning euro banknotes and coins, including counterfeits. It also provides an opportunity for participants to raise issues of interest to them and for an exchange of view with the Commission and the ECB. This group does however not replace consultation prior to and during preparation of legislative proposals in this area.

ECUG's members come from various areas in order to ensure a balanced composition of this experts' group and includes both representatives of professional cash users and of consumers.

#### Sectors represented in ECUG

The industrial sector : e.g. EVA (European Vending Industry) representing the interests of the whole European vending industry vis-à-vis the European Institutions and other relevant authorities or bodies, EUROMAT (European Gaming and Amusement Federation), its members ranging from operators, manufacturers, distributors and owners of amusement equipment, EURICPA (European Intelligent Cash Protection Association), representing the European manufacturers of solutions for secure cash transportation by staining technologies, European Security Transport Association (ESTA), UEAPME (Union Européenne de Associations de PME) etc

The banking and financial sector: e.g. several associations as the European Savings Banks Group (ESBG) which is a European banking association with a specific focus on retail banking issues, Associazione Bancaria Italiana, European Association of Co-operative Banks, European Banking Federation, Febelfin etc

The trade sector: EuroCommerce representing the retail, wholesale and international trade sectors in Europe

Consumers: e.g. BEUC, the European Consumers' Organisation, representing independent national consumer organisations from 31 European countries (EU, EEA and applicant countries), the European Association of Consumer Cooperatives comprising the national organisations of consumer co-operatives in 17 European countries.



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

Brussels, 19 September 2008  
SG.E.1/MSZ/ptp - D(2008) 7434

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

Dear Mr. Wesselius,

Thank you for your open letter to President Barroso and Vice-President Kallas in which you raise a series of concerns over the transparency and membership of the Commission's expert groups. I also refer to your letters to Vice-President Verheugen, Commissioners Dimas, Potocnik, Vassiliou and Piebalgs on specific expert groups.

The President and the other Commissioners have asked me to answer on their behalf. I take this opportunity to clarify a number of issues related to the transparency exercise in relation to expert groups. Annexed to this letter you will find specific data on the groups to which you refer in your correspondence.

As you know, President Barroso and Vice-President Kallas have put transparency at the forefront of the Commission's strategic agenda through the European Transparency Initiative. The latest development is the launch of an on-line register on interest representation after wide-ranging consultations to which Alter-EU actively contributed. Another step forward in transparency was the creation of a register of on-line expert groups in 2005, providing access to all these groups, together with some basic information on each responsible DG and the mission, tasks, possible founding act, composition, etc. of the groups. At the same time, the Commission adopted a transparent set of horizontal rules (SEC(2005)1004) to be followed by all its services when creating an expert group, appointing its experts and organising its meetings. In 2006, President Barroso committed to further enhancing transparency by having the names of the members of these groups published on the register site.

So as to allay any misconception as to the role and membership of these groups, I take the opportunity of your open letters to clarify a number of important issues:

**1. Expert groups' primary function is to provide high-level technical expertise - not interest representation - to the Commission services.** This explains why individual experts are selected by the Commission first and foremost on the basis of their specialist knowledge in a given field, although they may also represent specific interests. As mentioned in the horizontal rules, the number of members in the groups should remain limited to guarantee their effective operation and the quality of expertise. The quality of

expertise prevails over interest representation and it is not uncommon to find that a particularly authoritative expert in a specialist field finds support from other group members of a very different background.

2. **Many expert groups represent a privileged channel for collaboration and partnership with the Member States.** This is why nearly half of the existing expert groups are exclusively composed of representatives of national administrations. In this case, the individual experts present in any particular meeting are normally selected by the national administrations themselves and usually vary from one meeting to another according to the issues to be discussed.

3. Most of the groups which are not exclusively composed by experts sent by national administrations **have a mixed composition.** They often include academics/scientists appointed in a personal capacity, together with public officials and representatives of NGOs and the business sector. When civil society organisations participate, the members of the group can either be the organisations themselves (it is then up to them to decide who will be sent to each meeting), or individual experts appointed by the Commission on basis of proposals by different stakeholder organisations.

4. **The overall composition of all expert groups, seen as a whole, appears fairly balanced:** NGOs and trade unions can be found in slightly more than 25% of all groups; the same figure applies to the business sector, while academics and scientists are members of 30% of all existing groups and public practitioners 70%. This breakdown is not static; it varies according to the removal of existing groups and the creation of new ones. In this respect, it is worth noting that the number of expert groups has decreased from 1,400 in 2006 to less than 1,200 today.

5. On the expert groups you mentioned in your letters to the five Commissioners responsible for different policy areas, you will find annexed the information provided by their services. **When looking at a specific expert group composition,** I would however urge you to take the following factors into consideration:

(i) **the composition depends on the particular objective/mandate of a group.** Some groups may have a wider composition in view of the subjects on which they are consulted and the spectrum of expertise needed;

(ii) **expert groups do not take decisions.** Groups are first and foremost fora of discussion and brainstorming. Thus, the level and quality of the individual experts presented in each meeting is often more important than the number of experts representing different interests;

(iii) **there could be several groups consulted for any single proposal** prepared by the Commission;

(iv) **expert groups are but one mode of collecting expertise or seeking the views from different stakeholders.** The Commission often uses many other complementary or alternative means of gathering expertise and/or interest representation, such as studies, European agencies, Green papers, hearings, etc.

6. I can confirm that the Commission is fully committed to publishing the names of members of its expert groups. The **type of information published depends on the**

**membership of the group, not on the presence of individuals in each meeting.** Therefore, individual names are published wherever members are appointed in a nominative way, whether on a personal capacity or in representing a given organisation/interest. If members are organisations, and the organisations decide who will attend each meeting on the basis of the agenda, it is the name of each organisation that is published in the register. Our aim and commitment is to reinforce transparency whilst avoiding creating a disproportionate administrative burden. As mentioned above, many groups have a mixed composition. This is, of course, reflected when providing information on the members.

7. This **process of collecting and publishing individual names takes time and, contrary to what was initially foreseen, cannot be completed by September.** According to the rules on data protection, the publication of names needs the prior consent of each member of all of the groups concerned. As opposed to newly established expert groups, for which names are – whenever relevant – systematically published on the register site upon creation, the Commission services have requested thousands of group members to give their consent. For each group, lists are being uploaded into the website as soon as this exercise is completed. At the time of writing, the names of the members of 120 expert groups have been published and by the end of this month, a significantly higher number should have been published. All DGs with expert groups are fully engaged in this process and committed to overcome any practical difficulties. I can therefore assure you that the process of publication of names, as described above, is well under way and should be finalised before the end of the year.

8. Finally, the Commission is currently conducting an evaluation of the horizontal rules governing its expert groups, notably from the transparency angle, to assess if any further improvements could be made. The outcome of this horizontal evaluation should be available in the first half of next year. We will also strive to **continue to enhance transparency** by introducing new functionalities to the expert group register, including an advance research tool which will enable search by type of member, origin, affiliated organisation etc.

As mentioned above, in response to your specific queries, I enclose the sectoral information provided by the relevant services under the authority of the Commissioners to whom you wrote.

I trust all these explanations will help clarify the issues you raised.

Yours sincerely,



Catherine Day

## **ANNEX I: Technical information concerning certain groups under the remit of DG Enterprise and Industry, DG Environment, DG Research, DG Transport and Energy, and DG Health and Consumers**

### **EXPERT GROUPS MANAGED BY DG ENTERPRISE AND INDUSTRY**

#### ***The Competitiveness in Biotechnology Advisory Group (CBAG)***

CBAG has been created in accordance with Action 10b of the Strategy (“Life sciences and biotechnology – A strategy for Europe”<sup>1</sup>). The Commission set up a group with representatives from academia and industry to assist in the identification of competitiveness issues. The group's task is not to address ethical, societal or safety issues. These issues are already dealt with by the corresponding legislation and in the respective regulatory committees. The unabridged reports from the CBAG as well the membership list are published on the Commission's web site<sup>2</sup>. The Commission's 2007 mid-term review of its Biotechnology Strategy and Action Plan was carried out on the basis of an open stakeholder consultation where all interested parties were invited to give their view on issues relating to European life sciences.

An expert group on combined products (medical devices and pharmaceuticals) was foreseen and registered in the Commission's database, but has never been convened. It will be removed from the register.

#### ***High Level Group on Competitiveness of the European Chemicals Industry***

This group was set up by the Commission in 2007 to analyze the competitiveness of the chemicals industry in Europe and formulate a set of sector-specific policy recommendations that can be put into action by the Community, Member States, or by industry itself. A full list of its members is published on the Europa website, where the official documents produced by the Group and all relevant working material can also be found.<sup>3</sup>

#### ***High Level Group on Textiles and Clothing***

The group has fulfilled its mandate and does not function anymore. It will be removed from the register.

The other expert groups referred to in the letter have received specific mandates and carry out their work accordingly. The names of the groups and their missions have been registered in the Commission's database and are thus publicly available.

### **EXPERT GROUPS MANAGED BY DG ENVIRONMENT**

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<sup>1</sup> [http://europa.eu.int/comm/biotechnology/pdf/com2002-27\\_en.pdf](http://europa.eu.int/comm/biotechnology/pdf/com2002-27_en.pdf)

<sup>2</sup> [http://ec.europa.eu/enterprise/phabiocom/comp\\_biotech\\_commit.htm](http://ec.europa.eu/enterprise/phabiocom/comp_biotech_commit.htm)

<sup>3</sup> [http://ec.europa.eu/enterprise/chemicals/hlg/hlg\\_members\\_final\\_list.pdf](http://ec.europa.eu/enterprise/chemicals/hlg/hlg_members_final_list.pdf)

***Supervisory group of the voluntary commitments of car manufacturers to reduce CO2 emissions from new passenger cars placed on the EU market)***

The group has fulfilled its mandate and does not function anymore. It has been removed from the register.

***Surveillance de la moyenne des émissions spécifiques de CO2 dues aux véhicules particuliers neufs***

Part of the previous policy on CO2 emissions from cars was a monitoring mechanism for assessing manufacturers' performance, as laid down in Decision 1753/2000/EC. The purpose of the corresponding expert group has been to ensure that the data collection and reporting works as intended. Thus it has the nature of a technical/statistical group, composed of experts nominated by Member States and participating organisations. The experts come from national authorities responsible for collecting and reporting the data, contractors who help in the data management and the industry associations whose CO2 emission levels are being monitored.

New legislation on the CO2 emissions from cars is proposed by the Commission, providing for assessing the compliance of individual manufacturers on the basis of monitoring data. This proposed new legislation will, in 2010, repeal Decision 1753/2000/EC and replace it with new, more detailed monitoring requirements. The Commission intends to maintain the existing expert group until the repeal of Decision 1753/2000/EC, keeping the membership unchanged. Once the new legislation is in force, a new expert group will be created and the Commission will then consider including a wider scope of stakeholders in that group.

**Transparency:** the exercise is ongoing and at present the privacy statements from the experts are being collected. The lists of members are expected to be uploaded by the end of October.

**EXPERT GROUPS MANAGED BY DG RESEARCH**

***Coal combustion, clean and efficient coal technologies, CO<sub>2</sub> capture***

This group is one of the 12 Technical Groups set up according to the legal basis of the Research Fund for Coal and Steel (RFCS)<sup>4</sup> programme. Their role is to "*advise the Commission on the monitoring of research and pilot or demonstration projects...*". The groups neither advise the Commission on the selection of projects, nor on policy in this area.

The legal basis of the RFCS explicitly states that *members of the Technical Groups shall be appointed by the Commission and shall come from the sectors related to the coal and steel industry, research organisations or user industries where they shall have responsibility for research strategy, management or production.*

The group both conforms to the requirements set by the legislator, and is fit for the purpose for which it was established.

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<sup>4</sup> Council Decision 2003/76/EC, 2003/77/EC, 2003/78/EC of 1 February 2003, published in the Official Journal of 5 February 2003 ref. OJ L 29/22, OJ L 29/25, OJ L 29/28. These have been replaced in the meantime by Council Decision 2008/376/EC of 29 April 2008, published in the Official Journal of 20 May 2008 ref. OJ L 130/7.

All relevant summary data of ongoing RFCS projects are publicly available on the RFCS website<sup>5</sup>. The list of members of the Technical Groups of the RFCS programme is regularly updated and published on the RFCS website<sup>6</sup> (there may sometimes be a delay in this information being copied over to the central on-line register).

Once the projects are completed, the final report on every research project is made public through the EU Bookshop.

**Transparency:** To this date the percentage of groups in the research domain where membership details are complete has risen from 17 % (as suggested in your letter) to 39 %. In the current Framework Programme for research, through the theme "Science in Society", DG Research supports the development of tools and techniques for the involving a wide range of actors, including civil society groups, in research activities. A new funding scheme specifically aimed at helping civil society groups define research agendas in areas related to public policy has also been instigated.

## **EXPERT GROUPS MANAGED BY DG TRANSPORT AND ENERGY**

### ***The alternative fuels group***

This group is dormant and has not met since 2003. It will be removed from the register.

### ***The Euratom Supply Agency advisory committee***

This committee has a formal legal basis under chapter 3 of Council Decision 2008/114 ( OJ L41 of 15.02.2008). Members of the Committee are appointed by the member States within their allocation of seats and lists of members are published by the Council.

Information about the committee can be found on the ESA page on the Europa website.  
[http://ec.europa.eu/euratom/index\\_en.html](http://ec.europa.eu/euratom/index_en.html)

### ***The European Energy and Transport Forum***

The legal basis for this group is Commission Decision 2001/546.

The above-mentioned Commission Decision sets out the allocation of Committee seats among different categories. The Forum membership is well balanced to represent all interested parties within the energy and transport sectors in accordance with this Commission Decision. Balance is also required by the decision in terms of gender and geographical representation. Membership is selected on the basis of an open call for applications published in the OJ, which provides an opportunity for all interested organisations and individuals to apply. Therefore the Forum fully respects the Commission's code of conduct on consultations and use of expertise.

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<sup>5</sup> [ftp://ftp.cordis.europa.eu/pub/coal-steel-rtd/docs/coal\\_steel\\_synopsis\\_2007\\_def\\_en.pdf](ftp://ftp.cordis.europa.eu/pub/coal-steel-rtd/docs/coal_steel_synopsis_2007_def_en.pdf)

<sup>6</sup> [ftp://ftp.cordis.europa.eu/pub/coal-steel-rtd/docs/members\\_list\\_tgc\\_2008.pdf](ftp://ftp.cordis.europa.eu/pub/coal-steel-rtd/docs/members_list_tgc_2008.pdf)

The Forum has not met since March 2007 following the expiry of the current membership's mandate. However, the Commission is currently going through the procedure for the renewal of the Forum's membership.

**Transparency:** The membership and opinions of the Forum are published on the Europa website: [http://ec.europa.eu/dgs/energy\\_transport/forum/index\\_en.htm](http://ec.europa.eu/dgs/energy_transport/forum/index_en.htm)

## **EXPERT GROUPS FORMED BY DG HEALTH AND CONSUMERS**

### ***Advisory Group on the Food Chain and Animal and Plant Health and Expert Group on Flavourings***

In the case of both groups, 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 thus several organisations to represent the whole spectrum of that particular interest. As a consequence the number of organisations is not considered as a benchmark for the balance of interests.

In the context of the Better Regulation Initiative DG SANCO tries to ensure that at least the main or the most important stakeholders, are part of its expert groups. In this context the DG launched in 2007 the "Stakeholder Dialogue Group" which is an initiative to identify and establish best /good practices in terms of stakeholder consultation including stakeholder representation and representativeness.

The members of the Advisory Group on the Food Chain and Animal and Plant Health are organisations and the experts do not sit in personal capacity. The list of members is available at the website of DG SANCO ([http://ec.europa.eu/food/committees/advisory/index\\_en.htm](http://ec.europa.eu/food/committees/advisory/index_en.htm)). The members were selected following publication in the Official Journal of a call for expressions of interest (ref.: OJ C 97/2 of 21/04/2005).

The Expert Group on Flavourings is a working group of the Standing Committee on the Food Chain and Animal Health, and as such its membership consists of representatives of national administrations. The actual representative is nominated by the Member State, and can vary according to the points on the agenda. In particular cases, representatives of other stakeholders can be invited for specific topics, but this is only on an ad hoc basis and relates more to a targeted stakeholder consultation. The representatives of the stakeholder associations are deemed to represent their full membership. They are not considered to be members of the expert group. This will be properly reflected in the register.



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate E  
Better Regulation and Institutional issues

The Director

Brussels, **09 MARS 2009**  
AM/ptp D(2009)590 - 0/1918

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 Mymand 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](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](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](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](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 émissions spécifiques de CO<sub>2</sub> 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 CO<sub>2</sub>/Coal combustion, clean and efficient coal technologies, CO<sub>2</sub> 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](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](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.



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate E  
SG-E-1  
Institutional Issues

Brussels, **23 OCT. 2009**  
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Mr Yiorgos VASSALOS  
ALTER-EU  
c/o Corporate Europe Observatory  
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Dear Mr Vassalos,

Thank you for your letter to the Secretariat General of the Commission in which you raise a series of concerns on the transparency and membership of expert groups.

I take this opportunity to thank you for having accepted to meet last 22 September for an informal discussion on the issues at stake. I believe our meeting was very fruitful and contributed to better understand each other's point of view.

During our meeting we tackled most of those issues. This letter aims to further clarify a number of key points concerning the six main questions included in your letter.

**1. Disclosure of membership in the Register of expert groups**

In your letter you claim that for 105<sup>1</sup> groups the disclosure of the membership is not ensured, *inter alia* because the list of members is not provided or because the Industry members are not disclosed. You also argue that the Register does not give accurate up to date information on which expert groups actually advise the Commission.

First of all, 44 of the expert groups identified by ALTER-EU as "groups with transparency problems" are exclusively composed of national authorities and/or organisations. On this point, I wish to clarify that the type of information published in the Register depends on the membership of the group, not on the presence of individuals at meetings<sup>2</sup>. This means that individual names are published when members are appointed

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<sup>1</sup> In fact, they are 103, as 2 of the groups concerned are repeated twice ("Intelligent Transport Systems" and "Multi Environmental Agreement").

<sup>2</sup> This concept was clearly pointed out in the letter from the Secretary General of the Commission, Catherine Day, to ALTER-EU of 19 September 2008, in the response from President Barroso of 6 March 2009 to a parliamentary question by MEP Erik Meijer, and in the letter from the Director responsible for institutional issues in the Secretariat General of the Commission, Jens Nymand-Christensen, of 9 March 2009.

in a nominative way. Instead, when members are organisations it is the name of the organisations concerned 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. The same goes for Members States' administrations. In this case, the indication "competent national authorities" or "national administrations" in the composition field of the Register is sufficient<sup>3</sup>.

In 38 cases identified by ALTER-EU, the information presented in the Register needs to be corrected<sup>4</sup>. These are purely factual errors and we thank you for drawing our attention on them. In this respect, I would like to underline that the Register is a "living" instrument. In fact, currently there are around 1000 groups included in the Register, which are managed by many different Commission departments. These departments are responsible for encoding relevant data in the Register, under the supervision of the Secretariat General. Every week groups are created, removed or modified. Given the huge amount of information to be treated and the limited resources available, it is not possible to entirely avoid the occurrence of mistakes. We will work to remedy the above factual errors and to improve the reliability and presentation of data encoded in the current Register. Please note that in the course of 2010 we hope we could have a new version of the Register in place, which will improve the presentation of the information on expert groups. I would also like to underline that over the last few years the Commission has made great efforts concerning the publication of names of expert groups' members, by gradually making public relevant information on all expert groups - whether formally or informally established - thus going beyond its own commitment to publish the names of formal groups' members only, as stated in the framework for expert groups adopted in 2005<sup>5</sup>. We have also modified our internal rules, which now foresee that, in principle, a group is only validated in the Register when the names of members have been encoded.

In 20 cases, the allegations of Alter-EU are not justified in light of the current content of the Register, either because the list of members is actually provided or because the information contained in the Register does not allow to state that members represent Industry, thus there are no names of Industry members to be indicated.

For one expert group ("crime environmental") it is true that the list was not provided. In the meantime, this group has been removed from the Register, as it appeared to be not a real expert group but rather a series of one-off meetings.

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<sup>3</sup> In some cases, Commission departments go beyond the information related to the membership and also publish in the Register the names of officials normally attending meetings or the name of the specific national administration concerned.

<sup>4</sup> For example, there are some inconsistencies between the composition field and the list, as well as within the list. Furthermore, in some cases experts in a personal capacity are presented at the same time as representing organisations or enterprises. Finally, in a number of cases the lack of the number of members in the appropriate box, combined with the fact that data provided refer to members' representatives and not real members can make it difficult to understand how many members actually seat in the group.

<sup>5</sup> Framework for Commission's expert groups: horizontal rules and public register. C(2005)2817 of 27.7.2005

## **2. Issues related to the scope of the Commission documents "Principles and Guidelines on the collection and use of expertise by the Commission"(COM(2002)713), and "General principles and minimum standards for consultation" (COM(2002)704)**

The two above Commission documents clearly refer first and foremost to the policy-making cycle. In particular, the Communication on the collection and use of expertise states that its purpose is to "encapsulate and promote good practices related to the collection and use of expertise at all stages of Commission policy-making". Along the same lines, the Communication on general principles and minimum standards for consultation indicates that "for the purpose of this document 'consultations' means those processes through which the Commission wishes to trigger input from outside interested parties for the shaping of policy prior to a decision by the Commission" and that "when consulting on major policy initiatives the Commission will be guided by the general principles and minimum standards set out in this document".

That being said, the above-mentioned principles and standards can apply as well to expert groups dealing with issues which are not part of the policy-making cycle, provided they are tailored to the tasks to be carried out. In particular, in its Communication on the collection and use of expertise, the Commission points out that "arrangements for collecting and using expertise should be designed in proportion to the task in hand, taking account of the sector concerned, the issue in question...". This means, for example, that there can be cases where the selection of members of expert groups is *de facto* strictly determined by the concrete work to be accomplished<sup>6</sup>. Reference to the principle of proportionality is made as well in the Communication on general principles and minimum standards for consultation.

## **3. Composition of expert groups**

In your letter you argue that many expert groups have a biased composition in favour of business interests or are completely controlled by business.

The membership of expert groups is determined, first of all, by the mandate/tasks of the group and the specific expertise required<sup>7</sup>. When it is the Commission which appoints

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<sup>6</sup> This has been the case, for example, of the expert group "Surveillance de la moyenne des émissions spécifiques de CO<sub>2</sub> dues aux véhicules particuliers neufs". Monitoring the CO<sub>2</sub> emissions from passenger cars is a technical implementation procedure and does not involve any policy development. The procedure involved governments (the data collectors) and car manufacturers (double-check and agreement on data collected). Given the specific nature of this procedure, the invitees to this expert group were restricted to the public authorities responsible for the registration of new vehicles, the representatives of the car manufacturers associations, and an independent consultancy firm, which together with the Commission services checked the data quality/consistency and produced the relevant analyses.

<sup>7</sup> For example, the "FP7 SME Advisory Group", which deals with research activities dedicated to Small and Medium-Sized Enterprises, comprises personalities from SMEs and SMEs associations, as they are the stakeholders concerned. Likewise, the Commission has created a "Groupe consultative européen des consommateurs", which is exclusively composed of consumer organisations at national and European level, because in this case the Commission only seeks their views. The members of the "ISTAG Group" (ICT related issues), are appointed on the basis of their experience and influence as renowned researchers or their position as decision makers for activities related to ICT research. In this case, NGOs and consumer associations are not among the stakeholders. The members of the "Expert Group on projects for fostering the development of employee involvement in undertaking in respect of

experts in their personal capacity the selection is done, notably, through call for applications<sup>8</sup>. Sometimes, the composition of expert groups is fixed by the legislator<sup>9</sup>.

Furthermore, as already pointed out in the note from the Secretary General to ALTER-EU of September 2008, expert groups are but one mode of collecting expertise or seeking the views from stakeholders. Indeed, the work of expert groups is often complemented by other instruments and processes, such as studies, public consultations, European agencies, Green papers and hearings<sup>10</sup>. Therefore, the degree of overall participation and involvement of stakeholders on a given matter should be assessed in light of all initiatives taken by the Commission, and not by simply looking at the composition of individual expert groups.

#### **4. General selection criteria for selecting members of expert groups**

In your letter you ask the Commission to develop general criteria and processes for selecting members for expert groups.

At this stage, we do not consider neither necessary nor appropriate to draw up such general selection criteria. In fact, as stated above, the selection of experts depends on a number of different factors, such as the field concerned, the mandate of the group, the specific expertise required, as well as possible selection procedures which may be fixed by the legislator when establishing expert groups. When it is the Commission which appoints experts in their personal capacity, we always seek to organise the selection process in such a way that guarantees a high level of expertise, and where possible geographical and gender balance, while avoiding any conflict of interests. As already pointed out, the selection is done, *inter alia*, through calls for applications. When public authorities or organisations are members of expert groups, it is normally up to them to identify their representatives, particularly where the composition of the group is likely to vary according to the agenda.

That being said, the Commission is committed to enhance transparency on the selection procedures applied and will consider further steps in this direction for any update of the framework on expert groups.

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information, consultation and participation" are the social partners only, because in this case they are the stakeholders.

<sup>8</sup> For example, the "Groupe Politique d'entreprise Chambre professionnelle" and the "EU Clearing and settlement Advisory and Monitoring Expert Group", which you make reference to.

<sup>9</sup> This is the case, for example, of the 5 expert groups dealing with coal and steel issues, and of the group "Surveillance de la moyenne des émissions spécifiques de CO<sub>2</sub> dues aux véhicules particuliers neufs", which are mentioned in your letter.

<sup>10</sup> For example, the "Competitiveness in Biotechnology Advisory Group" (public consultation in addition to work carried out by expert group) and the "European Securities Markets Experts Group" (collection of expertise has been obtained from other sources as well), which are both mentioned in your letter.

**5. Publication in the Register of the number of unnamed experts for each group and the reason why their names are not provided.**

You ask the Commission to include the number of unnamed experts in each group and the reason why their names are not provided in the Register of expert groups.

First of all, there are very few cases where the names of individuals who are members of expert groups are not published. Currently, individuals who do not wish to have their names disclosed may submit a request to the Commission for that purpose. Derogation may only be granted if disclosure of the expert's name could endanger his or her security or integrity or unduly prejudice his or her privacy. Publishing in the Register the specific reason why experts are allowed to remain anonymous may lead to a risk of identification of the person concerned, which would go against his/her rights, and is likely to violate the expert's privacy and personal data.

**6. Corporate representatives participating in personal capacity - Publication of declarations on conflict of interest**

You claim that allowing corporate executives and industry lobbyists to advise on issues where they have a commercial interest creates a major contradiction with the fact that these experts act in a personal capacity and make a commitment to act in the public interest.

As stated above, the composition of expert groups is primarily determined on the basis of the tasks to be carried out and of the specific expertise required. Thus, the participation of members issued from Industry can be justified in light of the work to be accomplished. When they are appointed in personal capacity, they are bound to sign a written declaration to act in the public interest, together with a declaration as to whether there is any interest which would prejudice their independence. If the experts refuse to sign these declarations they are excluded from expert groups. For further information concerning the situation in individual groups, I would suggest that you contact the Commission departments concerned. In addition, I would like to stress that expert groups do not take decisions. They are first and foremost *fora* for discussion and brainstorming, the primary function of which is to provide the Commission with high-level technical expertise. The Commission and its departments remain fully independent regarding the way they take into account the expertise and views gathered and, when proposing a new policy or measure, they always aim at finding the best solution in the general interest of the European Union and its Member States.

You also argue that public scrutiny of this situation would not be possible as the above-mentioned written commitments to act in the public interest are not available to the public. In reality, publishing these commitments on the Register would not add valuable information, as experts usually sign standard declarations (see an example in annex). Furthermore, any natural or legal person may request Commission departments to have access to these commitments under the public access rules laid down in Regulation (EC) No 1049/2001. When requests are made under this Regulation, the Commission departments examine the documents in order to ascertain that their disclosure would not harm protected interests or that such interests are outweighed by an overriding public interest in disclosure.

I hope all these explanations will contribute to clarify the issues you raised. We attach great importance to transparency on expert groups and we are committed to improve the quality of data encoded in the Register.

You will find in annex detailed information provided by the relevant Commission departments on individual expert groups to which you explicitly refer in your letter. Should you have further specific questions on those groups or on other groups, I would suggest that you contact directly the Commission departments concerned.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Mário Tenreiro.

Mário TENREIRO  
Head of Unit

Annex

**Information concerning individual expert groups mentioned in the letter of  
ALTER-EU**

Expert groups managed by DG Enterprise

***CARS 21 High Level Group***

The CARS 21 High Level Group was originally convened in 2005 which is also the year in which it adopted its final report. In addition, a mid-term review conference of CARS 21 was held in late 2008.

The CARS 21 group no longer advises the Commission on a broad range of automotive policy related issues. Rather, the members of its sherpa formation were convened urgently by the Commission services to provide an update on the situation relating to the economic crisis in the industry in early 2009. Due to the urgency of the matter, the contact base of CARS 21 was the most effective manner in which the Commission could attain relevant factual information.

As follow-up to CARS 21, the Commission in its Communication on "Responding to the crisis in the European automotive industry" (COM(2009)104) stated that: "The Commission will ensure that a coherent and co-ordinated forward-looking approach to future road transport and sustainable mobility requirements is adopted through the follow-up to CARS 21" as well as stating that "the Commission suggests that the CARS 21 process should be strengthened, with a round table with Member States, automotive industry (producers and suppliers) and trade unions. Its main aims should be to provide a platform of mutual information, dialogue and best practices. It should support the efforts of the sector to restructure so that it can compete in world markets with a strong focus on retaining skills in the industry, retraining workers for future tasks and for new jobs in this and other sectors.

***High Level Group on Competitiveness, Energy and the Environment***

The High Level Group on Competitiveness, Energy and the Environment was set up by Commission Decision of 23 December 2005. The group was given a 2-years mandate and completed its work at the end of November 2007; its mandate wasn't renewed. The group was removed from the Register of expert groups in July 2009. The Commission's Communication "Towards a more integrated approach to industrial policy" provided the rationale to set up this group, suggesting its composition and identifying main items to be addressed. The work of the high level group was timely and relevant. The group's reports are, however, only one of several sources of information, and related policy measures, notably the Climate and Energy Package, have followed public consultation procedures.

The composition of the group was well balanced. Besides four Commissioners, four Ministers and representatives of environmental and social (trade unions) concerns, it included members with relevant experience as technology and environmental services providers, energy suppliers, basic and intermediate products manufacturers, market and environmental regulators. The non-governmental members of the group were removed from the list of members included in the Register by mistake, when the group was not active anymore.

In their report “Whose views count” of February 2009, Friends of the Earth Europe recognise that the high level group’s recommendations were balanced and “not biased”. High level group recommendations, building upon preparatory work by experts and sherpas, were always adopted after an open and constructive debate, occasionally on controversial subject matters, often informed by presentations by keynote speakers (e.g. Sir Stern, the UNFCCC Secretary General Yvo de Boer); they reflected a wide consensus among the members of the group, with the summary minutes of the meetings providing detailed information on other aspects of the debate.

The names of the members, sherpas, individual experts and keynote speakers who participated in preparatory work or formal HLG meetings, as well as extensive information on the issues addressed by experts, including slide presentations, agenda and outcome of the HLG meetings are publicly available on the Commission’s web site <http://ec.europa.eu/enterprise/environment/hlg/whois.htm>.

### ***High Level Group on the Competitiveness of the Chemical Industry***

This group was set up by the Commission in 2007 to analyze the competitiveness of the chemicals industry in Europe and formulate a set of sector-specific policy recommendations that can be put into action by the Community, Member States, or by industry itself. As set out in Article 2 of the Commission Decision establishing the group, the tasks were strongly focused on competitiveness and economic analysis of the sector. This topic is by its very nature of primary interest to industry and Member States’ authorities. The Commission repeatedly encouraged NGOs to increase their participation in the group, alas, with limited success. NGOs were always given the possibility to speak and were intensively consulted on the final report adopted. The group ended its work in February 2009 and its final report and recommendations have been agreed upon by all members: no majority criteria were ever adopted. The final report is available at the following address:  
[http://ec.europa.eu/enterprise/sectors/chemicals/files/final\\_report/hlg\\_final\\_report\\_july09.pdf](http://ec.europa.eu/enterprise/sectors/chemicals/files/final_report/hlg_final_report_july09.pdf).

This group was removed from the Register of expert groups in September 2009, as it was not active anymore. The statement made by Alter-EU that “*the High Level Group on the Competitiveness of the Chemical Industry has 14 industry representatives, two representatives from consumer organisations, one NGO and one academic member*” is not correct. While active, the group had the following composition: eight Member States, eight members from Industry, five members from other stakeholders: NGOs, Trade Union, Consumers, international organisation of public bodies, and academia.

### ***The Competitiveness in Biotechnology Advisory Group (CBAG)***

The CBAG has been created in accordance with Action 10b of the strategy “Life sciences and biotechnology - A strategy for Europe”, COM(2002) 27, ([http://ec.europa.eu/enterprise/phabiocom/docs/com2002-27\\_en.pdf](http://ec.europa.eu/enterprise/phabiocom/docs/com2002-27_en.pdf)). This expert group comprises representatives from academia and Industry who assist the Commission in identifying issues related to the competitiveness of this sector. It has to be pointed out that the group’s task is not to address ethical, societal or safety issues as these matters are already dealt with by the corresponding legislation and in the respective regulatory committees.

The unabridged reports from the CBAG as well the membership list are published on the Commission's [web site](http://ec.europa.eu/enterprise/phabiocom/comp_biotech_networks_adv_gr.htm) ([http://ec.europa.eu/enterprise/phabiocom/comp\\_biotech\\_networks\\_adv\\_gr.htm](http://ec.europa.eu/enterprise/phabiocom/comp_biotech_networks_adv_gr.htm)). The list of members is also available on the Register of expert groups. The latest report from CBAG was published in 2006. Since then the group has neither published reports, nor convened meetings. Advice from CBAG is only one of several sources of information. The Commission's 2007 mid-term review of its Biotechnology Strategy and Action Plan was carried out on the basis of an open stakeholder consultation where all interested parties were invited to give their view on issues relating to European life sciences.

### ***The Enterprise Policy Group (EPG)***

The Enterprise Policy Group (EPG) is a high-level consultative body that was established by Commission Decision C(2006)5188 of 8 November 2006 in order to provide the European Commission with expertise on enterprise and industrial policy issues.

The group, which is chaired by the Commission, consists of two chambers, the first (EPG Directors-General Chamber) comprising senior Member State officials, while the second, the EPG Business Chamber, comprising around 30 business people with real management experience from a broad range of sectors across the European Union. The overall aim of the Business Chamber is to advise the Commission on small and medium-sized enterprises (SMEs) and innovation policy issues. This group does not advise the Commission on any particular regulatory or financial/budgetary issue.

The members of the Business Chamber are appointed by the Commission (article 6.3 of the Decision) following an open call for applications. The members are appointed in a personal capacity and are expected to contribute their own views, based on their own professional experience, assisting the Commission independently of any outside influence. They are not supposed to represent the positions of any particular enterprise or business association. Article 6.4 of the Decision establishing the EPG states: "Members appointed in their personal capacity shall each year sign an undertaking to act in the public interest. They shall inform the Commission in good time of any conflict of interests which might undermine their objectivity". EPG members have fulfilled this obligation and the Commission services are regularly following up on the issue of potential conflicts of interest. The names of the members of the Business Chamber are published on the Register of Expert Groups. In addition, detailed information of their professional careers is also available on the Internet site of the Directorate-General for Enterprise [and Industry: http://ec.europa.eu/enterprise/enterprise\\_policy/epg/epg\\_bc\\_en.htm](http://ec.europa.eu/enterprise/enterprise_policy/epg/epg_bc_en.htm).

### ***The Strategic Advisory Board on Competitiveness and Innovation (STRABO)***

This group was established by Commission Decision C(2007)4644 of 22 October 2007, pursuant to article 48 of the legal base establishing the Competitiveness and Innovation Programme (CIP)<sup>11</sup>. Article 48 was introduced at the request of the co-legislators while

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<sup>11</sup> Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007 to 2013)

negotiating the CIP legal base. Article 48 of the CIP legal base already defines the scope and composition of this advisory group: "The Commission shall be advised by a Strategic Advisory Board on Competitiveness and Innovation composed of representatives of industry and business associations, including those representing SMEs, and other experts. Their expertise should be related to the sectors and issues addressed by the Framework Programme, including financing, ICT, energy and eco-innovation."

As requested by the co-legislator, the Strategic Advisory Board on Competitiveness and Innovation is composed of 20 representatives of industry and business associations, including those representing small and medium-sized enterprises (SMEs) and other experts. It is chaired by the Commission.

The overall objective of the group is to provide expertise on the sectors and issues addressed by the Framework Programme, including enterprise development, access to finance for SMEs, information and communication technologies (ICT), energy and eco-innovation. According to recital 65 of the CIP legal base, the STRABO was established in the interest of improving coherence between elements of the CIP and its overall effectiveness. Therefore, the STRABO is not involved in discussing any particular legislative initiative, work programmes or calls.

Articles 3.2 and 3.6 of the Decision establishing the STRABO state that: "3.2. The members shall be appointed in a personal capacity and shall advise the Commission independently of any outside influence." and "3.6. Members shall each year sign an undertaking to act in the public interest and a declaration indicating the absence or existence of any interest which may undermine their objectivity". STRABO members have fulfilled this obligation and the Commission services are regularly following up on the issue of potential conflicts of interest. The names of the members of the STRABO are published on the Register of Expert Groups of the European Commission as well as on the official Internet site of the CIP: <http://ec.europa.eu/cip>.

#### Expert groups managed by DG Research

***Ore agglomeration and Ironmaking - Contrôle des installations, problèmes sociaux et environnementaux/Factory-wide control, social and environmental issues – Coal combustion, clean and efficient coal technologies, CO2 capture - Casting, reheating and direct rolling - Coal preparation, conversion and upgrading***

The five expert groups mentioned in the letter from Alter EU belong to the twelve Coal and Steel Technical Groups established under Article 24 of the Council Decision of 29 April 2008 on the adoption of the Research Programme of the Research Fund for Coal and Steel and on the multiannual technical guidelines for this programme (2008/376/EC – OJ L 130, 20.5.2008, p. 7-17). The role of these technical groups is, as stated in this Decision, to "advise the Commission on the monitoring of research and pilot or demonstration projects...". These groups "neither advise the Commission on the selection of projects, nor on policy in this area".

The composition of these groups is fixed in the above mentioned Council Decision. The experts "shall come from the sectors related to the coal and steel industry, research organisations or user industries where they have the responsibility for the research strategy, management or production". The composition of the groups on the SG register is regularly updated. It may be accessed either via the SG register by clicking on "List"

under the item "Member list" or via the RFCS web-site ([http://cordis.europa.eu/coal-steel-rtd/home\\_en.html](http://cordis.europa.eu/coal-steel-rtd/home_en.html)).

A clear examination of the composition of all of these technical groups reveals that the experts not only come from the coal and steel industry but also from research organisations (research centres or universities) and user industries. Consequently, the groups both conform to the requirements set by the legislator, and are fit for the purpose for which they were established, that is to provide technical expertise for the monitoring of research projects selected by the Commission. This technical expertise is described more precisely under Articles 1 and 4 of the Rules of Procedure for the Coal and Steel Technical Groups. This document is provided to all experts when they are nominated by the Commission. Moreover Article 3 of these Rules states that "the Chairperson and the experts are appointed by the Commission to serve in their personal capacity for a period of 5 years". Article 9 of the Rules of Procedure and the signature of the Declaration of Confidentiality ensure confidentiality of the work of the technical groups. This Declaration is filled by each expert as soon as he is nominated.

### ***FP7 SME Advisory Group***

This group advises the Commission on the set-up and implementation of research activities dedicated to Small and Medium-Sized Enterprises under the 7<sup>th</sup> R&D Framework Programme.

The group's mandate is strictly limited to the research activities and does not interfere with industrial policy activities, which are not within the portfolio of DG Research. All members of the group were invited on a personal capacity and have signed legal declaration on that sense. The members do not participate in management or steering activities of the programmes, like for instance evaluation of proposals.

As with all civil society groups, the members of the SME Advisory Group must have an expertise in the area and, therefore, logically they have also an interest those areas. On the one hand, the Advisory Group is composed of experts in the fields of management, innovation, and entrepreneurship and similar. They shall ensure that our programmes correspond to modern understanding of the relations underlying the programmes and shall inform the Commission of new knowledge in the areas. On the other hand, taking into account that SMEs are a minority population in the research programmes with specific vulnerabilities and needs, the Advisory Group shall provide feedback to the Commission whether sufficiently care is taken of these small actors and whether the programmes are efficient and effective with respect to the group they are dedicated to, i.e. SMEs. It seems natural that the interest of the SMEs is best represented by the actors themselves; therefore the group comprises personalities from SMEs and SME associations.

### **Expert groups managed by DG Internal Market**

#### ***European Securities Markets Experts Group***

The European Securities Markets Experts Group (ESME) has been set up as a group of securities markets practitioners. The aim of the group is to provide technical expertise concerning very much specialised field of securities markets, and not to represent interest of businesses. The Decision creating the group states that it is to be composed of practitioners having legal experience or direct commercial presence in businesses

operating in the securities markets. Only practitioners have technical knowledge of operation of highly specialised financial markets and instruments.

Moreover, the Commission services are collecting expertise from different groups and sources, and an industry expert group is only one of them. Among others there are regulators (Committee of European Securities Regulators), Member States representatives (European Securities Committee) and consumers (e.g. FIN-USE).

### ***EU Clearing & Settlement Advisory and Monitoring Expert Group 2 ("CESAME2")***

In its Communication on Clearing and Settlement of April 2004, the European Commission set up the first Clearing and Settlement Advisory and Monitoring Expert Group ("CESAME"), which met thirteen times between July 2004 and June 2008. In order to ensure correct implementation and monitoring of the work initiated by the CESAME Group, and to achieve its goal of successfully dismantling all obstacles in the cross-border post-trading area (the so-called "Giovannini barriers"), the European Commission set up a new expert group ("CESAME2"), which held its first meeting in October 2008. This follow-up group, which was given a renewed mandate incorporating more monitoring tasks, consists of qualified high-level individuals selected by the Commission on the basis of their proven knowledge and capabilities in the area of post-trading issues, in particular related to obstacles to clearing and settlement. The group is chaired by the Commission and meets about three times per year.

In order to ensure full transparency in the selection of members, an open call for expressions of interest was organised when setting up the new group. The selection criteria used for membership were:

- proven knowledge, competence and experience, including at European and/or international level, in areas relevant to market practice, processes, technical details, legal and/or fiscal matters pertaining to clearing and settlement and post-trading;
- leadership, ability to talk to relevant industry and public entities, willingness to commit time, neutrality and fair judgement;
- interest in dismantling the "Giovannini" barriers and other obstacles to a single post-trading market, support for the standing and findings of the CESAME II group, enhancing transparency;
- good knowledge of written and spoken English.

A total of 48 applications were received, 17 of which were rejected by the evaluation committee. During the evaluation it was deemed necessary, in order to strike the correct balance within the group, to take into consideration the "representativeness" of applicants, their gender and their geographical origin. The selection was made as follows:

<i>Applicants working in</i>	<i>received</i>	<i>selected</i>	<i>rejected</i>
Stock exchanges	2	2	0
Central Securities Depositories	4	3	1
Central Counterparties	3	1	2
Banks	19	13	6
Representative associations	13	9	4
Central banks	1	0	1
Derivatives industry	1	1	0
Data industry	1	1	0
Investment funds	1	1	0
Lawyers' cabinet	1	0	1
Consultancy firms	2	0	2

It can be seen that the group comprises a wide range of represented fields from across the EU, and that selection was made more or less proportionally to the number of applications received in each field. The balance within the CESAME2 group reflects, therefore, the balance of the applications received. As regards gender balance, it should be noted that all female candidates who applied were selected.

Members of the CESAME2 group are appointed in a personal capacity. In the call for expressions of interest, it was emphasised that members shall give the Commission "an independent opinion free from outside influence". Members of the group have each signed a declaration affirming their commitment to act in the public interest, and certifying the absence of conflict of interests. This declaration will be renewed on an annual basis.

#### Expert groups managed by DG Environment

##### ***Expert group on the "Surveillance de la moyenne des émissions spécifiques de CO2 dues aux véhicules particuliers neufs"***

This expert group was concerned with the organisation of monitoring of vehicles CO2 emissions carried out by governmental institutions according to Decision 1753/2000/EC. The voluntary agreement with car manufacturers associations (ACEA, JAMA and KAMA) was to lower CO2 emission levels from new passenger cars by 2008/2009. Article 8 of Decision 1753/2000 states that: *"the data collected under the monitoring system from the year 2003 onward shall serve as the basis for monitoring voluntary obligations to reduce emissions of CO2 from motor vehicles agreed between the Commission and the automobile industry and, where necessary, for their revision"*.

Monitoring the CO<sub>2</sub> emissions from passenger cars is a technical implementation procedure and does not involve any policy development. The procedure involves governments (the data collectors) and car manufacturers (double-check and agreement on data collected). Given the specific nature of this procedure, the invitees were restricted to the public authorities responsible for the registration of new vehicles, the representatives of the car manufacturers associations and an independent consultancy firm, which together with the Commission services checked the data quality/consistency and produced the relevant analyses. The Commission produced an annual summary of the collated data, which is available on its website ([http://ec.europa.eu/environment/air/transport/co2/co2\\_monitoring.htm](http://ec.europa.eu/environment/air/transport/co2/co2_monitoring.htm)).

The expert group has been silent since 2004, although it met for one last time in March 2009 to inform the participants on the new monitoring regime that will take place from 2010 onward. In fact, the Decision 1753/2000 will be repealed in 2010 by the Regulation 443/2009. This Regulation, which was prepared following a far-reaching consultation process (see: [http://ec.europa.eu/reducing\\_co2\\_emissions\\_from\\_cars/index\\_en.htm](http://ec.europa.eu/reducing_co2_emissions_from_cars/index_en.htm)), foresees that a Committee (based on Decision 1999/468/EC) will give an opinion on the rules for the monitoring and reporting of average CO<sub>2</sub> emissions. Thus, the expert group is no longer required; it was removed from the Register in June 2009.

#### Expert groups managed by DG Information Society

##### ***Information and Communication Technologies Advisory Group (ISTAG)***

The Advisory Group for the ICT theme in FP7 (ISTAG) was last time renewed in September 2007 with a mandate which spans a two year period (until the end of 2009). ISTAG's main objectives for this period were to provide orientations for the elaboration of the ICT Work Programmes 2009-2013 and provide input on ICT research and innovation policy actions for Europe. ISTAG's added value is that it provides an overall view on the development of ICT that is neutral, objective and not directly linked to a particular domain. It therefore complements the views expressed by the ETPs and other particular industrial or research communities. It also provides interaction channels at the highest level with industry, academia and policy makers.

The following considerations have been taken into account when selecting ISTAG members:

- ISTAG is a high level group with members **nominated “ad personam”**. Members should be appointed based on their experience and influence as renowned researchers or their position as decision makers for activities related to ICT research. The members should not act as pure representatives of, or lobbyists for, any given organisation or country.
- Members should have the appropriate **status and experience**. They should be at the level of vice president for research in large organisations, managing directors or CEOs of SMEs, the head of important research institutions or responsible for large national research initiatives.
- ISTAG's composition should **reflect the composition of DG INFSO's constituency**:
  - Coverage of the different ICT fields, including the crossover between technologies and disciplines. In FP6, areas like media, content, robotics and cognition were not adequately represented. The same applies to application areas such as health, environment and inclusion.

- Representation of the European Technology Platforms in the ICT domain, which ensures to a certain extent, coordination between the ETPs and the implementation of the FP.
- Coverage of non technological expertise such as ICT economics, standardisation or access to finance can be valuable.
- **Country coverage** should not necessarily include all Member or Associated States. However some geographical balance should be ensured.
- The renewal should be done with a view to ensuring **continuity** to a certain extent.

Based on suggestions received from the Directorates of DG INFSO for new ISTAG members, and using the selection considerations set out above, a proposed list of members for the new ISTAG was set up ([http://cordis.europa.eu/fp7/ict/istag/membership-2007-2009\\_en.html](http://cordis.europa.eu/fp7/ict/istag/membership-2007-2009_en.html)).

On the issue of **continuity**, the renewed ISTAG retained 16 out of the 29 members of the previous composition (55%). The other 13 members were not retained due to the fact that they have been in ISTAG for 4 years or more, due to change of post, or due to limited availability.

Regarding **country coverage**, the renewed ISTAG includes representatives from 16 countries providing adequate geographical spread in Europe.

The wealth of **expertise** of the current ISTAG spans all challenges of the current ICT Work Programme and corresponds well to the budget distribution among the challenges.

Key **organisations** are represented from each country. 24 members (61%) come from industry, with SMEs representing 25% (6 members) of these. 15 members (39%) come from academia or research labs.

#### Expert groups managed by DG Transport and Energy

##### ***Expert Group on alternative fuels***

This expert group was established in 2002 and produced a report in December 2003, which was published by the Commission ([http://ec.europa.eu/transport/urban/vehicles/road/road\\_en.htm](http://ec.europa.eu/transport/urban/vehicles/road/road_en.htm)). The group has been kept dormant since then in order to have the possibility of rapid access to broad and balanced expert advice on the long-term relevant topic of alternative fuels in transport. In fact, an overall assessment of the whole area of alternative fuels may be required for policy development in energy and transport, such as in the follow-up to the Future of Transport Communication (COM(2009)279), which sets out strategic scenarios with a time perspective of 2050.

The group was removed from the register in September 2009. Its membership will be renewed by an open call to the participating organisations when resuming activity.

# ANNUAL DECLARATION of INTERESTS OF MEMBERS

## Scientific Committee on Consumer Products

Name:

☒ In accordance with Article 14(2) of Commission Decision 2004/210/EC of 3 March 2004, I hereby notify the Commission that I have the following economic or ethical interests<sup>1</sup> which might be considered prejudicial to my independence:

Direct interest (for example related to employment, contracted work, investments, fees etc.):

Nil

Indirect interests e.g. grants, sponsorships, or other kind of benefits such as gifts, invitations and honarariums.

Nil

Interests deriving from the professional activities of the applicant or his/her close family members:

Nil

Any membership role or affiliation that you have in organizations/bodies/club with an interest in the work of the Scientific Committees:

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<sup>1</sup> Links which could be considered interests might include:  
– one's job (university, institute, public service, enterprise)  
– being a member of a board of directors, board of management or any other supervisory body within a company, association, etc.  
– having carried out scientific research or provided an expert opinion at the request of a company, public service, etc.

Nil

Other interests or facts that the undersigned considers pertinent as a member of an independent Scientific Committee:

Nil

**Declaration**

I declare that the information provided above is true and complete.

I shall immediately and explicitly inform the Scientific Committee of any specific interest<sup>2</sup> concerning any question submitted by the Commission on the occasion of the meeting at which the relevant question is to be examined by the Committee. I shall inform the Commission of any change with regard to my interests which could be prejudicial to my independence.

Signature

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<sup>2</sup> See previous footnote 1: a special interest could, in particular, comprise any prior activity concerning the subject of the question.

MICHEL BARNIER

*Membre de la Commission européenne*

01 -10- 2010

Brussels,

PD/cq D(2010) 1658- A(2010)292620

Dear Sirs,

I would like to thank you for sending me your views on the possible measures to strengthen the involvement of civil society organisations in EU policymaking in the area of financial services, particularly as regards their fair representation in expert groups advising the Commission in that domain.

The Commission has fully acknowledged on various occasions the importance of civil society organizations in giving voice to the concerns of the citizens and offering them a structured channel to contribute to EU policy shaping. As you know, the consultation of a wide range of stakeholders is at the heart of our 'better regulation' strategy, and civil society organisations play an essential and unique role in assessing whether proposed policies would deliver tangible benefits for EU citizens.

For this reason, I recently decided to include an additional expert representing the trade unions in our newly established Group of Experts on Banking Issues (GEBI).

I am aware that the financial and economic crisis has significantly shaken the confidence of consumers, retail investors and SMEs in the regulations that are meant to protect them from failings in the financial system. Therefore, it is more essential than ever that the concerns of end-users and other non-industry stakeholders are taken into account when the Commission designs initiatives that aim to restore citizens' confidence in the soundness of the financial sector and in the ability of financial integration to deliver concrete benefits to them.

The Commission has already taken some initiatives which will improve significantly our consultation procedures in the area of financial services policy.

First of all, I would like to mention the establishment of the Financial Services User Group, which is designed to streamline and further improve the quality of the input to the Commission's policy work in the area of financial services from consumers, retail investors and micro-enterprises. I would warmly invite you and the organisations you represent to forward the invitation to participate in the related calls for expression of interest to all potentially interested persons. Information can be found under the following link: [http://ec.europa.eu/internal\\_market/financeservices-retail/users/index\\_en.htm](http://ec.europa.eu/internal_market/financeservices-retail/users/index_en.htm). Deadline for applications is set to 30 September 2010.

Moreover, the proposed reforms of the financial supervision system will also facilitate the involvement of stakeholders, including civil society representatives, in European financial services policymaking. The new European Supervisory Authorities will be required to consult interested parties on draft technical standards, guidelines and recommendations, and provide them with the opportunity to comment on proposed measures. Separate Stakeholder Groups will be established for that purpose, representing in balanced proportions the various stakeholders.

However, I remain convinced that more needs to be done to enhance the active participation of civil society organisations in Internal Market policymaking in order to fully achieve a fair balance of non-industry stakeholders' representation in our consultation processes.

To this end, I have started with my services an internal reflection process in order to identify the most appropriate measures in order to ensure appropriate and direct representation of consumers, retail investors, SMEs, trade unions and other civil society representatives in all advisory groups assisting the Commission in the development of concrete policy initiatives. We are also examining possible ways of facilitating the capacity-building of civil society organisations to represent their interests in financial services policies at EU level and exploring ways of raising awareness of on-going formal and informal consultations.

Your letter and your suggestions are therefore very timely and we will take full account of them in our internal reflection work. Given the on-going work, I am not in a position to comment in detail on all the ideas mentioned in your letter. However, I will certainly inform you of the outcome of our current reflections and about the concrete measures we envisage to take.

My Cabinet and my services remain at your disposal to discuss these matters further and I look forward to continuing our co-operation.

Yours sincerely, *Michel Barnier*



Michel BARNIER

The Steering Committee  
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