

Dear Member of Parliament,

*****Supporting Expert Group budget freeze on 29 September-1 October*****

We are writing to you as concerned civil society organisations and trade unions about the very important matter of European Commission advisory groups, and how actions you can take now and over the next year can ensure they serve the public interest.

Sunday 31st August, saw the close of the European Ombudsman's public consultation on the topic of advisory groups, formally known as 'Expert Groups'. It is part of Ombudsman O'Reilly's first Own Initiative Inquiry on the topic, and one that all the signatories of this letter have contributed evidence to, in light of their importance.

Expert Groups are often formed at the beginning of the Commission's legislative process to provide expert opinion and guidance. However, of these influential groups, many have traditionally been dominated by industry interests to the detriment of the public interest, including in policy areas as important as banking regulation, taxation and emissions reductions.

Expert Groups have been consistently and heavily criticised by the European Parliament, trade unions and civil society alike, with the Parliament even freezing the groups' budget in November 2011 after the Commission repeatedly failed to act. A year later the freeze was lifted under the agreement that the Parliament's following four conditions to fix the groups would be met:

1. no corporate domination in Groups;
2. no lobbyist sitting in Groups in a 'personal capacity' (i.e. pretending to be independent);
3. public calls for application for all new Groups;
4. full transparency

Two years on, these conditions have yet to be met by EC Expert Groups, which is highly problematic.

The direct experiences of many who have signed this letter, as well as research from transparency organisations, highlight how the most economically and politically important Expert Groups continue to be dominated by industry stakeholders, despite the Parliament stipulating that no single stakeholder would hold a majority and the Commission also stating it is committed to balance.¹

Instead, non-industry public interest stakeholders remain minority voices, which has been suggested reflects an institutional culture within the Commission. Other serious issues raised in the public consultation include:

- Many experts being appointed to a group as 'independent' when they either have clear conflicts of interest such as ongoing financial links to an organisation directly affected by the remit of the group, or is even a paid lobbyist by that industry. This is in due to the complete absence of a conflicts of interest policy and these 'independent' experts also serve to further mask industry domination.
- A lack of transparency in the Expert Group Register making it difficult for the public to know which interests are being represented. Equally, there is no information given on individuals who are appointed to groups to represent an interest – often not even the stakeholder group they are supposed to represent, let alone who they work for or what other financial ties they might have.

¹ European Commission, 'Expert Groups Explained', *Register of Expert Groups and Other Similar Entities*, available at <http://ec.europa.eu/transparency/regexpert/index.cfm?do=faq.faq&aide=2>

- The Parliament has called on the Commission to publicly announce all calls for new groups, yet it has not. But even when it has, the criteria it sets out for membership often ignore balance between industry and non-industry interests, and is sometimes ignored.

As well as highlighting outstanding and often fundamental problems with European Commission Expert Groups, our public consultation submissions have also suggested concrete reforms to improve them, including and going beyond the demands made by Parliament in November 2011. However, recent developments jeopardise the chances of these recommendations being realised:

- The informal arrangement to review the horizontal rules for Expert Groups in 2015, which many MEPs and civil society groups saw as the next chance to improve the groups as they had been periodically reviewed every five years, has been rebutted by the Commission, who “does not consider it necessary”.²
- The Commission now also denies any agreement was made with the Parliament when lifting the budget freeze in September 2012, and therefore does not need to fulfil the conditions set.³
- The recently concluded process of reforming expert groups within the Directorate-General for Agriculture and Rural Development has resulted in industry dominated groups, rather than recognising a balance between stakeholders as was stated in the official decision.⁴ The Ombudsman has also launched an own initiative inquiry into these groups after being alerted to heavy industry lobbying against changes to the status-quo.⁵

When lifting the budget freeze in September 2012, Parliament gave the warning that if its conditions were not met during the 'informal dialogue' that followed, the Expert Groups budget would be refrozen. Two years have passed and unfortunately not only has the informal dialogue crumbled, but the budget freeze remains the only tool to have elicited action from the Commission.⁶

The Commission’s current position makes a thorough review of the horizontal rules in 2015 unlikely.

Given the importance of Expert Groups in public interest policy making and potential for change in 2015, it would appear the right political moment for a new Parliament to take action once more. We call on you, as Parliamentarians, to freeze the Expert Groups budgets for 2015 and to urge the Ombudsman to make the necessary bold recommendations for improving Expert Groups and reviewing the horizontal rules, which the Eu Commission must take up swiftly and fully.

Yours sincerely,

Austrian Trade Union Federation, **ÖGB**

Austrian Federal Chamber of Labour, Europabüro, **AK**

² In email correspondence between the secretariat of the Expert Group Register and Corporate Europe Observatory, the secretariat states “The Commission has never stated that it would carry out an overall review of its rules on expert groups in 2015 and does not consider it necessary”.

³ This is stated in recent correspondence with the Commission since the start of 2014. See for example the letter sent by DG Agriculture Commissioner Ciolos to MEPs in March 2014, available at http://corporateeurope.org/sites/default/files/ciolos_to_meps_march_2014.pdf

⁴ Commission Decision of 16 December 2013 setting up a framework for civil dialogue in matters covered by the common agricultural policy and repealing Decision 2004/391/EC, (2013/767/EU)

⁵ See <http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/54297/html.bookmark>

⁶ During the budget freeze the Commission reviewed all existing groups and agreed to a series of reforms, some of which were implemented.

The Alliance for Lobby Transparency, **Alter-EU**

Belgian Confederation of Christian Trade Unions, **ACV – CSC**

Belgian General Confederation of Liberal Trade Unions, **CGSLB-ACLVB**

Belgian General Federation of Labour, **FGTB-ABVV**

BirdLife International

CAN Europe

CEE Bankwatch

Confederation of German Trade Unions, **DGB**

Council of European Professional Managerial Staff, **Eurocadres**

Danish Confederation of Trade Unions, **LO-DK**

European Environmental Bureau

European Federation of Public Services Unions, **EPSU**

European Trade Union Federation, Skills and Service Sectors, **UNI Europa**

Friends of the Earth Europe

GMB General Union, United Kingdom

Greenpeace

Health and Environment Alliance

NatureFriends International

Swedish Confederation for Professional Employees, **TCO**

Swedish Confederation of Professional Associations, **Saco**

Swedish Trade Union Confederation, **LO -Sweden**

Transport & Environment

