



Alliance for Lobbying Transparency and Ethics Regulation in the European Union (ALTER-EU), March 2008. **Author:** Yiorgos Vassalos. **Editing:** Clare Joy. **Thanks to** Kim Bizzarri, Paul de Clerck, Kenneth Haar, Peter Hardstaff, Olivier Hoedeman, Ulrich Müller, Giuseppina Pagano, Andy Rowell and Erik Wesselius. The research for this report was carried out by Corporate Europe Observatory, Friends of the Earth Europe, Food & Water Watch and Spinwatch. The Alliance for Lobbying Transparency and Ethics Regulation in the European Union (ALTER-EU) is an alliance of over 160 civil society organisations concerned with the increasing political power of corporations and the influence they exert in decision-making processes at European level. **More information** about ALTER-EU and its member groups is available on: www.alter-eu.org.

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executive summary

The European Commission's Expert Groups play an influential role in shaping policies at EU level in the crucial early stages. They are involved in drafting and commenting on EU legislation covering a wide range of policy issues, including, for example, energy and climate change, and the import/export of dangerous chemical substances. The composition of the Expert Groups, and the interests that are represented, will to a large degree, determine the outcome of the consultation. The input provided by such Expert Groups often forms the backbone of the Commission's proposals and through a process that often involves very little change, eventually become adopted as European legislation.¹

For example, currently, Expert Groups controlled by lobbyists representing commercial interests are playing a key role influencing critical policy-decisions such as the EU definition of 'clean coal' (a possible 'alternative' in order to reduce CO₂ emissions) and whether/how the EU should promote biotechnology or agrifuels.

So far, in spite of this crucial role, very little has been written about Expert Groups; their place in the decision-making process, their influence, composition and methods of operation.

It is clear from the Commission's own Register of Expert Groups that there are more than 1,200 Expert Groups advising the European Commission, but the exact number is likely to be far higher. The lack of transparency concerning their number, composition and meetings means that these powerful consultative bodies are able to operate away from the glare of public scrutiny.

The Commission's online register of Expert Groups has existed since 2005, but it fails to provide the names of the individual members and the organisations they represent, making it impossible to assess the balance in representation. The register moreover is neither up-to-date nor complete.

Therefore, concerned about improving the democratic quality of EU policy-making, ALTER-EU has conducted an analysis of a sample of 44 Expert Groups. The 44 Expert Groups were chosen based on a range of key policy areas identified by the ALTER-EU member groups carrying out the analysis as being of particular importance due both to the EU's legislative role and the need for the wider public interest to be reflected in policy-making.² These areas can be categorised as environment, energy, agriculture, consumers, health, water and biotechnology. In testing the legitimacy of Expert Groups according to their make-up, the analysis only focused on Expert Groups in which industry was represented and excluded those composed of only government representatives.³

The aim of this research is to provide an initial indication of the extent to which the composition of Expert Groups in key public interest policy areas provides a balanced representation of concerned stakeholders, or whether lack of transparency has allowed for certain interest groups to dominate and thereby benefit from privileged access to decision-making processes within European institutions.

As most of the information needed for analysing these questions is not in the Commission's register, nor anywhere else in the public domain, formal requests to the European Commission were made using the EU "access-to-documents" directive (1049/2001). The aim was to obtain the membership lists, reports and meeting minutes for these 44 Experts Groups, data which according to the "access-to-documents" directive should be available to EU citizens upon request. So additionally, this allowed an assessment of the effectiveness of this directive as a means of providing the public with policy-related information.

Unfortunately, this experience was not positive. In total, information was provided on 29 of the 44 expert groups investigated, with full details provided for just 14 of the groups (see also table 1). In many cases, no explanation was offered as to why the missing data had not been provided.

While in 60% of the cases the European Commission released the names of the Expert Groups' member organisations (25 of 42)⁴, only in 43% (18 out of 42) of the cases were the names of the individual members released in addition to the organisation names. The Commission used a range of flawed arguments for withholding the names of Expert Groups' members, including "commercial interests" and "personal data protection." Both the European Ombudsman and the European Court of First Instance have last year rejected the Commission's arguments for withholding lobbyist names and in unmistakable terms called upon the Commission to disclose names of lobbyist.

The Commission's failure to provide us with the requested information obviously also constituted a major hurdle for our research project, reducing the sample of expert groups whose composition we could include in our analysis.

¹ Between 1986 and 1995, 80% of the Commission proposals got adopted – Simon Hix, 'The Political System of the European Union', Palgrave 1999, p. 60

² Corporate Europe Observatory, Friends of the Earth Europe, Food & Water Watch and Spinwatch

³ For more information about the methodology for our research project, see page 10-12.

⁴ Two out of the 44 groups investigated have never been convoked and never had any members. Consequently, we do not count them here.

Table 1: Overview of the findings

On the effectiveness of the Access to Documents directive:

- In 34% of all cases, the European Commission failed to provide any information about the Expert Groups;
- In 34% of all cases the European Commission only provided partial information.
- The Commission only provided a complete and satisfactory response in 32% of the cases.
- In only 36% of the cases the European Commission provided information within the prescribed 15 working days.
- In only 43% of the cases the European Commission provided names of organisations and individuals that were represented in Expert Groups.

On the composition of the Expert Groups (based on the scant information provided by the Commission):

- Over 25% of Expert Groups appear to be controlled by corporate interests: more than half of all their members (including governments) are industry representatives.
- In 64% of the Expert Groups being studied, business interests appear to be over-represented: industry representatives make up more than 50% of the non-Commission and non-government members.
- Only 32% of the Expert Groups sampled appear to have a more balanced allocation of stakeholders.
- One Expert Group (4%) was unbalanced in favour of NGOs.

Basing conclusions on these sample findings, two major shortcomings with the EU decision-making process emerge. First is a serious lack of transparency surrounding key bodies involved in decisions-making and a very worrying degree of secrecy with the Commission seemingly reluctant to provide full and accurate information on the nature, composition and workings of Expert Groups. The problems encountered in obtaining relevant information amount to a systematic failure by the Commission to be open and transparent.

Another transparency failure confirmed by ALTER-EU's research is that the Commission's online register of Expert Groups is seriously incomplete and outdated. To add insult to injury, some of the Expert Groups that are listed in the register do not actually exist. They are included because one of the Commission's Directorates-General (DGs) asked for and got permission for establishing the group and a budget for its functioning, but the group was never actually established.

As table 1 shows, the composition of a significant number of Expert Groups in our sample proved to be seriously unbalanced. In a range of key public interest policy areas, Expert Groups appear to be dominated by representatives from the business sector. These findings raise serious concerns over the democratic quality of decision-making within the European Commission. On a number of pressing policy issues, such as biotechnology, textiles and climate change for instance, the European Commission is formulating European policies based almost exclusively on the advice of those stakeholders who have a direct commercial interest and whose judgment might not be the most objective or most suited to serving the common good.

Despite covering only a small sample of the Commission's expert groups, these cases of industry dominance are not only very serious in their own right: the findings are likely to be indicative of a broader problem which the Commission must take determined action to address. This could start by undertaking a broad review to identify which Expert Groups are controlled by industry (or by any other special interests), and result in dissolving Expert Groups with a seriously problematic unbalanced composition. Strong safeguard mechanisms against privileged access and unbalanced composition of Expert Groups must be developed. To help avoiding corporate capture of Expert Groups the Commission must provide full transparency around the creation of new Expert Groups and establishing an open and fair process for selecting Expert Group members.

In summer 2007, the European Commission on several occasions made clear its intention to improve transparency around the Expert Groups. For example, in June 2007, during the “third joint Parliamentary meeting on the future of Europe” EU Commission President Barroso said that a list of the organisations represented on the Expert Groups, as well as the names of the individuals that participate, would become publicly available in 2008.⁵ This statement was repeated by EU Commission Vice-president Kallas during a hearing in the European Parliament.⁶ Such statements are certainly encouraging and need to be followed by swift action, not only to provide this basic level of transparency but also to prevent commercial lobbyists from dominating the membership of Expert Groups.

It is clearly necessary, given the strong influence of Expert Groups, for the European Commission to make changes in response to the situation uncovered by this research. In order to adhere to the EU’s own declarations on ‘good governance’ and ‘participatory democracy’,⁷ ALTER-EU recommends that the European Commission acts immediately to:

1. Disclose on internet the membership and key documents of all Expert Groups;
2. Ensure full transparency around the creation of new Expert Groups;
3. Ensure an open and fair process for selecting the Expert Groups’ membership;
4. Devise strong safeguard mechanisms against privileged access and unbalanced composition of Expert Groups;
5. Dissolve all Expert Groups that are controlled by industry or by any other special interests;
6. Conduct a broad review on the composition of all Expert Groups.

Table 2: The Corporate-Controlled Expert Groups revealed by the survey

1. Competitiveness in Biotechnology Advisory Group with Industry and Academia (CBAG)
2. High Level Group on Textiles and Clothing
3. Supervisory Group of the voluntary commitments of car manufacturers to reduce CO₂ emissions
4. Informing Consumer Behaviour Working Group
5. Coal Combustion Clean Coal and efficient coal technologies, CO₂ capture
6. Alternative fuels
7. Changement Climatique et Industrie



⁵ See MEP Jens-Peter Bonde's reaction to this announcement. http://www.bonde.com/index.php/bonde_uk/article/bonde24241

⁶ Discussion on the European Transparency Initiative in the European Parliament's AFCO committee, 16 July 2007. See also: <http://www.bonde.com/index.phtml?sid=487&aid=24241>

⁷ *The White Paper on European Governance* (latest version: 25.07.2001) proposes opening up the policymaking process to get more people and organisations involved in shaping and delivering EU policy. The White Paper promotes greater openness, accountability and responsibility for all those involved. The Commission underlines its intention to “reduce the risk of the policymakers just listening to one side of the argument or of particular groups getting privileged access [...]”. The importance of involving civil society organisations in consultation processes is explicitly stressed.

1.2. The influence of Expert Groups and the need for transparency

Since 2000, the total number of Expert Groups has increased by more than 40%. This shows how consultation through Expert Groups is increasingly an integral part of policy-making in the EU. Research shows that there is one Expert Group for every eight officials working in the European Commission,¹³ and that the total number of Expert Group members is over 50,000.¹⁴

Expert Groups enter the policy process at the very initial stage of legislative drafting. This offers those within Expert Groups an indisputable advantage over the rest of society in influencing decisions about policy development in relation to their own interests. However, despite the increasing influence of these groups in decision-making in Europe, the names of the Expert Group members, and the organisations they represent, remain outside of the public's scrutiny.

In 2005, under pressure from the European Parliament, the European Commission created an online register¹⁵ of Expert Groups listed by policy field and providing a general categorisation of their members (for example, scientists, academics, practitioners, industry representatives, NGOs, trade unions and national authorities...).¹⁶ Regrettably, the register fails to provide the names of the individual members and the organisations they represent, making it impossible to assess overall balance in representation.

It also became apparent, whilst conducting this research, that the register is not up-to-date or complete. For example, it lists 1214 groups, yet several academics, lobbyists and even EU officials have estimated a much higher figure.¹⁷

Despite the scant and unreliable nature of the data provided, the register still offers insight into the Expert Groups. From a simple count it appears that 562 Expert Groups (46.3% of the total) consist exclusively of national, regional and local government representatives. These Expert Groups have more legitimacy because their members represent democratically elected national, regional or local authorities. However, the majority of Expert Groups (652, or 53.7% of the total) include non-governmental members. Who are these people and what is their source of legitimacy? In one third (32%) of the Expert Groups in the register (which totals the majority of those with non-government participation) there are industry representatives.¹⁸

Table 3:

| | |
|--|-------------|
| Total number of Expert Groups | Unknown |
| Total number of Expert Groups in Commission's register | 1214 |
| Number with only government representatives | 562 (46.3%) |
| Number with non-government representatives | 652 (53.7%) |
| Number with industry representatives | 394 (32%) |

However, these numbers only present a partial picture so it is important to look more closely at Expert Groups in order to more accurately assess the nature and legitimacy of their role in policy-making.

At odds with the official line that Expert Groups provide the European Commission with essential expertise, a group of Swedish researchers concluded that: *"Expert Groups are more about the substance of policy and linkages with the interest groups and Member States"*.¹⁹ This suggests that the primary function of Expert Groups is not so much providing "neutral" expertise, as allowing the European Commission to develop policy proposals that are pre-approved by the member states and powerful interest groups.

This situation raises several concerns about the legitimacy and accountability of Expert Groups. There is a discrepancy between the Expert Groups' formally stated role and the role they play in practice. Furthermore, the current lack of transparency masks this and hinders positive change to this situation.

Given the influence that Expert Groups exert on policy-making in Europe, citizens have the right to know the identity of Expert Group members and the specific interests that are

¹³ Who Consults? The use of Expert Groups in the European Union, Ase Gornitzka and Ulf Svedrup, ARENA, University of Oslo, [draft was presented and discussed at the ARENA seminar May 8, 2007], p. 10.

¹⁴ "The In-Sourced Experts", Rinus van Schendelen, published in *The Unseen Hand – Unelected EU Legislators*, ed. by Van Schendelen and Roger Scully, London, 2003.

¹⁵ Register of Expert Groups, <http://ec.europa.eu/transparency/regexpert/>. See also the side box 'Bonde's Battle' in Corporate Europe Observatory's briefing paper *Lobbying the European Union by Committee*, July 2007 <http://www.corporateeurope.org/lobbyingbycommittee.html#note41>

¹⁶ See some examples here: <http://ec.europa.eu/transparency/regexpert/detail.cfm?ref=1519&l=B>

¹⁷ 'Who Consults?', 2007 lists 1,237 Expert Groups, p. 10, Swedish academics calculated the number to be 1,252 Expert Groups by including sub-groups in 2003: [<http://www.grondweteuropa.nl/9310000/d/europa/zwedneso.pdf>, p. 15]. In 2004, the Commission presented a list containing 3,094 consultative bodies, of which more than 1214 were Expert Groups. [<http://www.bonde.com/index.phtml?sid=741&aid=23450>]

¹⁸ We got these figures by going through the whole register checking the membership categories.

¹⁹ *Precooking in the European Union – The world of Expert Groups*, Torbjörn Larsson, Stockholm, 2003, p. 65

In those Expert Groups advising on policy areas in which EU competence is particularly important (such as enterprise, agriculture, research, internal market, competition, and environment) industry participation is much more widespread than in other Expert Groups. For example, while there is business presence in 32% of all the expert groups, there is industry representation in:

- 73% of the Expert Groups in the policy field of Enterprise;
- 56% of the Expert Groups in the policy field of Agriculture;
- 50.3% of the Expert Groups in the policy field of Research.²⁵

In contrast, Expert Groups with NGO participation and no industry representation tend to be advising in policy fields with low EU jurisdiction such as culture, where the prime competence is in the member states and not with the EU.²⁶ This suggests that political influence between interest groups not only differs in quantitative terms within Expert Groups, but also qualitatively between Expert Groups, i.e. the impact of some Expert Groups is clearly more far-reaching in policy terms.

However, as the register fails to state the number of representatives per stakeholder group it is difficult to determine the amount of political influence exerted by interest groups within each Expert Group. To overcome this, we used the “access-to-documents” directive to access the list of members, minutes and reports of the 44 expert groups sampled.²⁷

It was obvious from the start that using the access to documents directive is more than simply tabling a request and waiting for an answer. Continuous correspondence and perseverance was needed in order to receive an answer. This experience highlights that the citizens’ legal right to information is restricted by the Commission’s own limited capacity to provide the information as well as by the restrictive interpretation of the rules. Accessing the information required several hours of work a week over a six month period. For the average citizen, and organisations with limited capacity this is an immensely high-level resource commitment. According to the official figures 40% of the access-to-documents requests are tabled by lawyers and lobbyists whilst 30% are submitted by “citizens.”²⁸ Of this 30%, it is not clear what connections may lie behind the request as it includes requests tabled by all those individuals “whose socio-professional profile is not indicated” and can again include lawyers and lobbyists who are not listing their profile as there is no obligation to do so.²⁹

The 44 Expert Groups in our sample were chosen based on a range of key policy areas identified by the ALTER-EU member groups carrying out the analysis as being of particularly important due both to the EU’s legislative role and the need for the wider public interest to be reflected in policy-making.³⁰ These areas can be categorised as environment, energy, agriculture, consumers, health, water and biotechnology. In testing the legitimacy of Expert Groups according to their make-up, the analysis therefore only focused on Expert Groups with industry [non-governmental] participation and excluded those composed of only government representatives (many of which deal with routine administration rather than crucial political issues).

For the following analysis, two key criteria were developed to assess the effectiveness of the “access to documents” directive as a tool for improving public access to information, and assessing the responses:

1. The timeframe within which the Commission reacted to the access to documents requests (according to the access-to-documents directive a reply must be provided within fifteen working days of receiving the request).³¹
2. The fullness of the responses (i.e. whether the replies responded to all points raised in the request: namely membership, reports and minutes).

A third criterion was then used as a guide to the legitimacy of the Expert Group:

Once the response is received the balance of participation within the Expert Group (the break-down between industry, academia, national administrations and NGOs.).

A summary of the responses can be found in the following section.

25 45% of Internal Market Expert Groups; 44% of Energy Expert Groups; 43% of Information Society Expert Groups; 41% of Environment Expert Groups; 38% of Competition Expert Groups.

26 We got the figures contained in the three last paragraphs by going through the whole register checking the membership categories.

27 REGULATION (EC) No 1049/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, 30 May 2001, regarding public access to the European Parliament, Council and Commission documents, http://eur-lex.europa.eu/LexUriServ/site/en/oj/2001/l_145/l_14520010531en00430048.pdf

28 The rest is by academics and journalists - Public Access to EU Documents - Presentation to the European Archives Group by Marc Maes, Secretariat-General of the European Commission - Brussels, 28 April 2006 http://ec.europa.eu/transparency/archival_policy/docs/eag/060428_access_doc_en.pdf, p. 16

29 REPORT FROM THE COMMISSION on the application in 2003 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents COM(2004) 347 final - http://europa.eu/eur-lex/en/com/rpt/2004/com2004_0347en01.pdf, p. 10

30 Corporate Europe Observatory, Friends of the Earth Europe, Food & Water Watch and Spinwatch

31 This may be extended by an additional 15 working days ‘provided that the applicant is notified in advance and that detailed reasons are given’ REGULATION (EC) No 1049/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, 30 May 2001, regarding public access to the European Parliament, Council and Commission documents, http://eur-lex.europa.eu/LexUriServ/site/en/oj/2001/l_145/l_14520010531en00430048.pdf, article 7, page 3

2

findings: an overview

From 6 March to 6 June 2007, 44 requests for access to documents were sent to the European Commission concerning 44 Expert Groups. A table of the responses can be found in the Appendix. In this section an overview is provided of the quality and content of the responses received to these submissions.

2.1. The quality of the register

The basic survey tool was the on-line Expert Group register. This work begins with an assessment of its quality.

Back in 2003, Swedish academics under the Ministry of Finance conducted a survey on Expert Groups. They came to the conclusion that information supplied to them by both the General Secretariat and the DGs (for example, DG Enterprise) 'did not match with reality' and 'proved to be very inaccurate'.³²

The 2005 'Framework agreement on relations between the European Parliament and the European Commission' notes, 'The Commission shall inform the European Parliament of the list of its Expert Groups set up in order to assist the Commission in the exercise of its right to initiative. That list shall be updated on a regular basis and made public'.³³ The Commission has since created a register of Expert Groups but subsequent academic research has pointed to the limitations in the register's reliability as a source of information.³⁴

This highlights the difficulty that the Commission's services have just collecting information about the thousands of expert groups that function under the Commission's jurisdiction using the Commission's own budget. Unfortunately, our survey only reinforces that this is the state of affairs as information in the register did not correspond with the responses received to the access to documents requests.

Firstly, groups are listed that do not exist, for example in our sample of 44 groups, the Expert Group on 'Transboundary Water Management' supposedly set up by DG Environment and the Expert Group on 'Integrated Micro- and Nanosystems' to be set up by DG Research. These Expert Groups were included in the Commission's official Expert Groups register by the time we sent the access to documents requests and long time after. That means that the mentioned DGs did apply for funds to the General Secretariat

of the Commission to support these Expert Groups and that the latter issued an approval. However, up to this point, they have not met or functioned in any other way. This highlights an important point about the working of Expert Groups. When a DG creates an Expert Group, whether on paper or in practice, it obtains a valuable policy instrument and a reason to request funds from the central administration. It is up to the DG to decide when to use it. As Swedish research notes: 'passive groups are not to be mistaken for groups that have been abolished'.³⁵ Yet while there is a chance that these groups could emerge in the future, groups that are not currently functioning, should not be in the register. In a similar vein, six of the groups included in the register and for which access requests were made, have long ceased to exist.³⁶ For example, the Expert Group 'Changement climatique et industrie' has not functioned since 2001.

Secondly, groups that do exist are not included in the register. Examples taken from our study include the EU Health Forum³⁷ and the EURATOM Supply Agency Advisory Committee³⁸, both of which function, but are not included in the register. The latter was in the register in March 2007 but has been removed for reasons unknown. The register is still out of date and unreliable, as it contains groups that do not exist while not listing those that do.

Furthermore, the fact the Commission did not reply at all to 34% of the tabled requests indicates an inability and/or unwillingness verify the accuracy of the data contained in the register. It is hard to conceive of any credible justification for this level of secrecy.

³² Larsson T. 2003. Precooking in the European Union—The world of expert groups. Rep. Ds 2003:16, Stockholm - www.grondwet.europa.nl/9310000/d/europa/zwedneso.pdf, p.66

³³ Framework agreement on relations between the European Parliament and the European Commission, 15.2.2005, page 5, point 16 - http://ec.europa.eu/dgs/secretariat_general/relation/relation_other/docs/framework_agreement_ep-ec_en.pdf

³⁴ Who Consults? The use of Expert groups in the European Union, Ase Gornitzka and Ulf Svendrup, ARENA, University of Oslo, [draft to be presented and discussed at the ARENA seminar May 8, 2007], p. 9-10

³⁵ Larsson T. 2003. Precooking in the European Union—The world of expert groups. Rep. Ds 2003:16, Stockholm - www.grondwet.europa.nl/9310000/d/europa/zwedneso.pdf, p.61

³⁶ 1.Commission Working Group for the Implementation of REACH, 2.Expert group to accompany the study on how to establish a helpdesk to support SMEs to fulfil their duties under REACH, 3.Advisory Group for FP7 on Food, Agriculture and Biotechnology, 4.Expert Group on Mainstreaming Corporate Social Responsibility (CSR) amongst SMEs, 5. Changement climatique et industrie, 6. ECCP working group on the integrated approach to reduce CO₂ from light duty vehicles

³⁷ http://ec.europa.eu/health/ph_overview/health_forum/policy_forum_en.htm

³⁸ <http://europa.eu/scadplus/leg/en/lvb/l27052.htm>

2.2. The quality of the responses

In 34% of the cases (15 of the 44 requests) no information was provided via the “access to documents” directive. This highlights the inadequacy of the mechanism and a failure on the part of the European Commission to abide by its own rules. These 15 cases include:

- 11 Expert Groups where no answer was supplied, nor was any justification provided as to why this was the case; The Expert Groups in question are the following:
 1. Pesticides for non agricultural use
 2. FOCUS Steering
 3. Expert Group on Food Irradiation (Ir)
 4. Advisory Group on Food Quality and Safety
 5. Dangerous substances in construction products
 6. Import - export de certaines substances chimiques dangereuses (Import - export of certain dangerous chemical substances)
 7. European Technology Platform for Nanoelectronics
 8. CADDY Steering
 9. Pharmaceutical forum (High Level)
 10. High Level Group on Textiles and Clothing
 11. Advisory Group for FP7 on Food, Agriculture and Biotechnology
- 4 Expert Groups where acknowledgement of the request was received, but communication stopped there with no further replies. This was despite reminders being sent to the Commission. These Expert Groups are:
 1. Advice and Evaluation - Biotechnology, Agriculture and Food research
 2. Implications of patent law on biotechnology and genetic engineering - 16C

3. Commission Working Group for the Implementation of REACH (The Commission said in its acknowledgement letter it would provide access in the CIRCA database in order to find information about this group, but this did not happen)

4. Transport et Environnement (Transport and Environment)

- For 7 of the 15 Expert Groups where no reply was received, our own internet-based research contributed to this report’s analysis.
- For the remaining 29 Expert Groups, where a reply was issued by the European Commission only 14 of these were comprehensive replies. In 8 cases among the non-comprehensive replies reminders were issued in order to obtain the missing information.

2.3. Delayed response

Under the access to documents directive the European Commission has 15 working days to respond to requests for information.³⁹ In this research, only 16 requests (16/44)⁴⁰ were dealt with in this timeframe (36%). Furthermore, as already explained, for 15 Expert Groups no response was ever given. In the rest of the cases where a reply was received it took up to 80 working days before being issued.

In some of the cases this delay was justified on the grounds that a consultation with the Expert Groups’ members was necessary in order to release the documents requested.

In the case of the Expert Group “*Changement climatique et industrie*” there was “*confusion as to which of the services involved should be pursuing the dossier.*”⁴¹ This resulted in responsibility for this Expert Group being passed several times between DG Environment and DG Enterprise and a two and a half months delay in their response.⁴²

³⁹ This may be extended by an additional 15 working days ‘provided that the applicant is notified in advance and that detailed reasons are given’ REGULATION (EC) No 1049/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, Article 7 - http://eur-lex.europa.eu/LexUriServ/site/en/oj/2001/l_145/l_14520010531en00430048.pdf

⁴⁰ Including the two groups that have never been convoked

⁴¹ E-mail by Karin Füssl, European Commission - Enterprise and Industry Directorate-General - Unit R4 Communication and Information, 23/05/2007

⁴² DG Enterprise was eventually named as responsible.

2.4. Failure to provide a satisfactory answer

No reply was received for 34% of the sample (15 of 44) of Expert Groups under analysis.

For those Expert Groups for which a reply was issued, in 52% of the cases (15 of 29)⁴³ the Commission failed to supply information on all of the points raised in the access to documents request. So in 30 of 44 cases (68%) the Commission failed to provide any or all the requested documents, whilst a complete response was produced for only 32% of the sample (14 of 44).

Add this to the time-delay described earlier, and the conclusion is the European Commission only managed to produce a comprehensive response within the 15 working days limit for 23% of the sample (10/44). This is an appallingly low response rate.

2.5. Failure to be transparent

When considering transparency, the following paragraphs provide a brief overview of the quality of the information provided by the European Commission through the access to documents directive:

Expert Groups' membership In 59,5% of the cases the European Commission released the names of the Expert Groups' member organisations (25 of 42)⁴⁴ but only in 43% (18 out of 42) of the cases were the names of the individual members released in addition to the organisation names.

Expert Groups' reports In general there was less of a problem obtaining the reports issued by the Expert Groups. In 85% (23/27) of the cases in which there was some reply, all the reports were released.⁴⁵

Expert Groups' meetings' minutes In 30% (8/27) of the cases with a reply, the European Commission refused to release the minutes from Expert Group meetings. The reasons cited were based on "security confidentiality", the protection of the Expert Group members' "commercial interests" and "personal data protection". Minutes were made available for 45% of the sample (19 of 42).⁴⁶

⁴³ Including the two groups that have never been convoked and counting them as complete responses.

⁴⁴ We do not count the two that have never been convoked, so they never had any members.

⁴⁵ Where no reports were produced, we count it as a complete response.

⁴⁶ Where no minutes were produced we count it as a complete response.

Placing private interests before the public's right to transparency

In the case of the Expert Group on Coal combustion, clean and efficient coal technologies and CO₂ capture, it was judged that disclosure of certain sections of the minutes "would undoubtedly jeopardize the partners' legitimate commercial interests" and "in particular the intellectual property", for these parts contain "exchange of views between the experts relating to the status of the project and project deliverables as well as the scientific knowledge and know-how of the partners involved in the projects [...] information on the commercial development of certain products and substances, test results and their transfer to industrial applications as well as the methodology of these projects"⁴⁷ For further information see case studies in section 5.

In the case of Expert Groups dealing with nuclear energy issues it appears that secrecy over the groups' meetings is imposed for "security reasons" by article 194 the EURATOM Treaty. For this reasons minutes for the Scientific and Technical Committee of EURATOM and the Euratom Supply Agency Advisory Committee were not released.

2.6. Industry's overrepresentation in Expert Groups

Based on the information extracted from the Expert Groups' register and provided through the access to documents requests, the following classification in relation to membership make-up emerges:

1. Expert Groups whose membership is not weighted in favour of industry - where industry makes up less than 50% of the non-Commission and non-government members - are labelled with the term '**not industry dominated**'.
2. Expert Groups in which industry representatives makes up more than 50% of the non-commission and non-government members, labelled with the term '**unbalanced in favour of industry**'

However, it became apparent as data was being gathered that an additional sub-category was required under this heading. A number of Expert Groups' membership is completely dominated by industry representatives. These Expert Groups were classified as "corporate controlled".

⁴⁷ EUROPEAN COMMISSION, SECRETARIAT-GENERAL, The Secretary General - Brussels, 19 JUL 2007 SG/E/3/HP/ja D(2007)

Expert Groups in which industry makes up the absolute majority (more than 50%) of ALL the members or where the Commission consults only with industry, are labelled as **'corporate controlled'**

Table 4: Expert Group composition (total: 28)⁴⁸

| unbalanced in favour of industry classification | | | not industry dominated classification | | |
|---|------------|---------------|---------------------------------------|---------------|------------|
| no. of groups | percentage | no. of groups | percentage | no. of groups | percentage |
| unbalanced | 11 | 39 | relatively balanced | 4 | 14 |
| corporate controlled | 7 | 25 | dominated by academics | 5 | 18 |
| | | | dominated by NGOs | 1 | 4 |
| total | 18 | 64 | total | 10 | 36 |

As shown in table 5, of the 28 Expert Groups where information about composition was provided, 4 proved to have a fairly balanced composition of stakeholder interests, whereas 18 had a clear over-representation of business interest groups. It is interesting to note that there is only one group, the EU Health Forum, which shows a clear bias in favour of NGOs while 18 cases show bias favouring industry. The industry bias was so strong in 7 out of 28 Expert Groups that industry was effectively the sole consultant, clearly dominating and controlling the Expert Groups' agenda and outcome.

Interestingly, the industry bias appears to be overwhelming strongest in those Expert Groups whose remit is to advise on particularly controversial, pressing and topical issues:

⁴⁸ The total of 28 consists of all the Expert Groups of which we know the composition; 24 provided by the Commission and 4 found by own research on the internet. The Commission provided info on the membership of 25 Expert Groups but the Expert Group 'Tobacco Control Stakeholder Consultation' has no fixed composition so it cannot be categorised.

⁴⁹ 1.TREMOVE Contact Expert Group, 2. Advisory Group for FP7 on Food, Agriculture and Biotechnology, 3. Scientific and Technical Committee EURATOM, 4. Expert Group - European Technology Platform on NanoMedicine, 5. Advisory Group on Energy

Table 5: The Corporate-Controlled Expert Groups revealed by the survey

1. Competitiveness in Biotechnology Advisory Group with Industry and Academia (CBAG)
2. High Level Group on Textiles and Clothing
3. Supervisory Group of the voluntary commitments of car manufacturers to reduce CO₂ emissions
4. Informing Consumer Behaviour Working Group
5. Coal Combustion Clean Coal and efficient coal technologies, CO₂ capture
6. Alternative fuels
7. Changement Climatique et Industrie

These findings raise serious concerns over the democratic quality of decision-making within the European Commission. On a number of important policy issues, such as biotechnology, textiles and climate change for instance, the European Commission is formulating European policies based almost exclusively on the advice of those stakeholders who have a direct commercial interest and whose judgement might not be the most objective or most suited to serving the common good.

Unbalanced representation in favour of NGOs was found in just one group of the 28 for which we managed to obtain info on their membership, namely the EU Health Forum. This has 27 NGOs and 20 representatives from other categories (companies, trade unions, research, practitioners, and ad hoc experts).

In 5 Expert Groups dominant participation was from academics, scientists and research institutions.⁴⁹ This is the case in 18% of the groups (5/28). There is clearly a case for focused consultation between the European Commission and academia when seeking policy outcomes based on scientific knowledge. Indeed this is a key channel for work done by universities and research institutes. So, we do not think there is a problematic bias here.

In 4 cases, representation by different stakeholders appears relatively balanced. These are named as, the 'Globally Harmonised System of Classification and Labelling of Chemicals', the 'Water Framework Directive and Agriculture', the 'High Level Pharmaceutical Forum' and the 'EU Platform for Action on Diet, Physical Activity and Health'.

With regard to overall composition, these last 9 cases could be considered fairly balanced, demonstrating that this is not impossible. Unfortunately, they represent only 32% of all groups (9/28) for which research was possible.

In a recent ruling by the European Ombudsman, it was stated that, “*the practice of systematically blanking out names of lobbyists is wrong*” and that “*the public interest should overrule any potential wish for secrecy by the lobby groups and their representatives.*”⁵⁶ In November, the European Court of First Instance ruled that it was wrong for the European Commission to refuse to name lobbyists attending meetings in a case involving the beer industry. Tackling the lobbyist argument for ‘personal data protection’ the judges said: “*The court takes the view that the mere participation of a representative of a collective body in a meeting held with a community institution does not fall within the sphere of that person’s private life.*”⁵⁷ Following pressure exerted by the European Parliament, Commission President Barroso and Commission Vice-President Kallas have promised to make the names of Expert Group participants’ public in 2008.⁵⁸ Publishing the names of all the Expert Groups’ participants should not be delayed.

Exemptions based on commercial confidentiality and security reasons should be the exception and not a general rule. Transparency must be the rule for policy groupings like Expert Groups, whose official aim is to bring along expertise and not act as a clandestine mechanism for sectional influence.

Public exposure and pressure will help to correct the unbalanced make-up of Expert Groups. As a result of our access to documents exercise, previously undisclosed information has been published on-line. For example, after submitting the request for access to documents related to the ‘Expert Group on Coal combustion, clean and efficient coal technologies and CO₂ capture’, the membership of the group was published on the European Commission’s website.⁵⁹ Also, the two in-existent Expert Groups were removed from the register.

To allow genuine public scrutiny, the European Commission must ensure full transparency of the Expert Groups; this should encompass maintaining an accurate register and more effectively managing the “access to documents” directive.

The 2005 “Framework agreement on relations between the European Parliament and the European Commission”⁶⁰ obliges the European Commission to maintain an up to date Expert Group register. Yet this research highlights a discrepancy between the information available on the register and that which was provided via the European Commission through the access to documents directive.

This discrepancy had been pointed out in previous academic research, which concluded that the Expert Groups register’s reliability as a source of information was limited.⁶¹ Furthermore, in 2003, prior to the publication of the register, research conducted by the Swedish Ministry of Finance found discrepancies between the information provided about Expert Groups by different departments of the European Commission services.⁶² This confusion is not a recent phenomenon and it is high time to do something about it.

The Commission’s failure to adequately reply to 68% of the requests for access to documents suggests a problematic lack of political will to provide transparency, but also may indicate that the European Commission’s services are not equipped to both verify the accuracy of the data contained in the register and keep up with the thousands of Expert Groups operating under the Commission’s authority and budget.

⁵⁶ Decision of the European Ombudsman on complaint 3269/2005/TN against the European Commission - <http://www.ombudsman.europa.eu/decision/en/053269.htm>

⁵⁷ Court hits at Brussels secrecy, by Andy Bounds, FT Europe - November 8 2007, http://www.ft.com/cms/s/0/a10a6458-8e2b-11dc-8591-0000779fd2ac,dwp_uuid=70662e7c-3027-11da-ba9f-00000e2511c8.html

⁵⁸ Kallas made this promise during the discussion on the European Transparency Initiative in the European Parliament’s AFCO committee 16.07.2007. For Mr Barroso’s statement see MEP Jens-Peter Bonde’s reaction to this announcement. <http://www.bonde.com/index.phtml?sid=487&aid=24241>

⁵⁹ Expert Group ‘Coal combustion, clean and efficient coal technologies, CO₂ capture’ membership, <http://cordis.europa.eu/coal-steel-rtd/coal/tech.htm>

⁶⁰ Framework agreement on relations between the European Parliament and the European Commission, 15.2.2005, page 5, point 16 - http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/docs/framework_agreement_ep-ec_en.pdf

⁶¹ Who Consults? The use of Expert groups in the European Union, Ase Gornitzka and Ulf Svedrup, ARENA, University of Oslo, [draft to be presented and discussed at the ARENA seminar May 8, 2007], p. 9-10

⁶² Larsson T. 2003. Precooking in the European Union – The world of expert groups. Rep. Ds 2003:16, Stockholm - <http://www.grondweteuropa.nl/9310000/d/europa/zwedenso.pdf>, p. 66

4

conclusions & recommendations

From the information collected on a sample of 44 Expert Groups via the European Commission's Expert Groups' register and the access to documents' requests submitted to the European Commission, this report found that:

- In 34% of all cases, the European Commission failed to provide any information about the Expert Groups;
- In 34% of all cases the European Commission only provided partial information.
- The Commission only provided a complete and satisfactory response in 32% of the cases.
- In only 36% of the cases the European Commission provided information within the prescribed 15 working days.
- In only 43% of the cases the European Commission provided names of organisations and individuals that were represented in Expert Groups.

It is therefore possible to conclude that the access to documents directive offers a poor tool for European citizens to exert their right to scrutinize the ways in which public funds are used by the European institutions. In this case the funding of Expert Groups. The findings of this report also reveal a very worrying degree of secrecy, with the Commission seemingly reluctant to provide full and accurate information on the nature, composition and workings of Expert Groups. The problems encountered in obtaining relevant information point to a conclusion that the Commission is systematically failing to be open and transparent.

In terms of the composition of the Expert Groups, the analysis reveals that:

- Over 25% of Expert Groups are subject to corporate control. More than half of their members are industry representatives.
- In 64% of the Expert Groups sampled big business interests were over-represented (industry representatives make up more than 50% of the non-commission and non-government members);
- 32% of the Expert Groups under study contain a participation balance which can be considered non-problematic for a wider-range of public interest concerns.
- One Expert Group (4%) was unbalanced in favour of NGOs.

These findings raise substantial concerns about decision-making in Europe because the process lacks transparency, the mechanism is unbalanced in terms of participation and the ability of European citizens to scrutinise the process is minimal.

Based on the findings of this study the authors make the following recommendations to the European Commission.

The European Commission ought to reform the mechanisms by which it accesses expertise. It should ensure such mechanisms are both transparent and operate fairly. For the latter to be the case, different points of view must be balanced against one another where impartial scientific advice is sought in an atmosphere immune from corporate capture. Taking the following steps in relation to the Expert Groups would be a long overdue move in this direction:

1. Disclosure of Expert Group membership and key documents;
2. Full transparency around the launch of new Expert Groups;
3. Open and fair processes around the application for and selection of membership;
4. Strong safeguards against privileged access and unbalanced composition of these groups;
5. Dissolution of all Expert Groups controlled by industry (or any other special interests);
6. A broad review on the composition of all Expert Groups by the Commission's Secretariat General

5

expert groups case studies



The Competitiveness in Biotechnology Advisory Group with Industry and Academia (CBAG)

This Expert Group was appointed by the Commission in 2003. This is in accordance with the strategy outlined in the Communication “Life sciences and biotechnology – A strategy for Europe”. In that Communication the Commission outlines a strategy how to capitalize on biotechnology. The Competitiveness in Biotechnology Advisory Group (CBAG) counts 20 industry representatives, compared to just six academics.⁶³ There are no representatives from NGOs.

This complete lack of balance is reflected in the group’s Strategy document, which is unashamedly pro-biotechnology. It argues that Europeans are likely to become “major beneficiaries” of solutions offered by life sciences and biotechnology, which it labels the “next wave of the knowledge-based economy, creating new opportunities for our societies and economies.” These technologies, the Expert Group states, offer “opportunities to address many of the global needs relating to health, ageing, food and the environment, and to sustainable development.”⁶⁴

Although the 2002 Communication said that “ethical and societal implications and concerns must be addressed”, and recommended that a “biotechnology advisory group with industry and academia” be set up, CBAG is overwhelmingly pro-biotech.

CBAG did chose not to include academics who are experts in the ethical or societal risks of biotechnology. In fact the reverse is the case. Some academics on CBAG have a clear financial interest in the promotion of the technology and its applications. For example, Dr Chris Lowe is the Director of the Institute of Biotechnology and Professor of Biotechnology at the University of Cambridge. According to his website, some of his work “has significant commercial applications” and has led to the establishment of 7 spin-out companies, and 40 patents.⁶⁵

CBAG’s reports are aggressively and vehemently pro-biotech, anti-regulation and anti-ecological protection. Its report in January 2005 argues that “Entrepreneurship in biotechnology needs to be encouraged if Europe is to remain competitive.” To do this “the regulatory framework for all areas of biotechnology must not be over-stringent”. Actions of some Member States and regions to establish “disproportional and discriminatory ‘coexistence’ rules”, that discourage GM crops, “is contrary to both established EU law, and to the Lisbon Strategy.”⁶⁶

Its second report, in October 2006, supported the “urgent need to find ways to stimulate entrepreneurship and product development to achieve the economic and social benefits Biotechnology makes possible”. CBAG also, “regrets that the development of the extensive set of rules and regulations has not convinced decision makers that GMOs are fully acceptable for food or feed.”⁶⁷ This totally ignores evidence that GMOs pose significant health and ecological risks.

In the Commission’s staff working document prepared for its Mid Term Review of the *Strategy on Life Sciences and Biotechnology* in April 2007, it acknowledged that CBAG’s three reports “have served as input for the Commission’s annual progress reports on the biotechnology strategy and action plan,” and that its “relevant policy advice on competitiveness issues .. have served as input for the mid term review.”⁶⁸

The Mid-Term Review, presented by President Barroso and Commissioners Verheugen and Potocnik, called for a “refocus of actions to promote a competitive and sustainable European knowledge based Bio-Economy.” It called for Europe to be at the “forefront” of life sciences and biotechnology that offered “the prospects of new and renewable bio resources, lower energy and water consumption, reduction of greenhouse gas emissions and reduced dependence on petroleum.” Commission Vice-President Verheugen said: “Biotechnology is an important means to promote growth, jobs and competitiveness in the EU.”⁶⁹ They were words that could have come straight from CBAG.

63 http://ec.europa.eu/enterprise/phabiocom/docs/cbag_members_20060106.pdf

64 http://ec.europa.eu/enterprise/phabiocom/docs/com2002-27_en.pdf

65 <http://www.biotech.cam.ac.uk/crl/crl1.html>

66 http://ec.europa.eu/enterprise/phabiocom/docs/cbag_2004_report_2005-01-21_final_version.pdf

67 http://ec.europa.eu/enterprise/phabiocom/docs/cbag_2006_final_version.pdf

68 Commission Staff Working Document, On the Mid Term Review of the Strategy on Life Sciences and Biotechnology, Document Accompanying the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Brussels, 10 April, 2007; http://ec.europa.eu/biotechnology/docs/commission_staff_working_document_sec_2007_441_en.pdf

69 Europa, “EU Puts Emphasis On Innovation In The Field Of Biotechnology”, Press Release, Brussels, 11 April 2007 <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/484&format=HTML&aged=0&language=EN>

Expert Group on ‘Coal combustion, clean and efficient coal technologies, CO₂ capture’

Upon our access to documents requests for this group, DG Research initially refused to provide any documents, saying this was ‘confidential information about [...] projects that are currently running’.⁷⁰ ALTER-EU challenged this decision in a letter dated 21 May 2007 addressed to the Secretary General of the Commission, Catherine Day. Subsequently, documents which were not protected by ‘the exception to protect commercial interests’ were received from the Secretary General dated 19 July 2007.⁷¹

That included the membership of the expert group and a selection of minutes. When weighed against the basic demand for transparency it seems ridiculous that DG Research initially claimed that the members’ list was confidential information. Defining the names of companies to be confidential information is at odds with basic standards of transparency.

The expert group is largely dominated by industry with ten private companies, three universities or research units, one international organization and one individual. There are no NGOs. Represented companies include the energy giants ALSTOM, SIEMENS, EDF, ENEL and RWE, all with big stakes in the coal industry (other business members are VGB Power, KEMA Nederland, and VTT PROCESSES).⁷²

‘Clean coal technologies’, namely technologies allowing production of energy from coal while emitting much less CO₂ than today, are touted by the European Union as one of the key ways to address the need to reduce CO₂ emissions. This is set against a backdrop of concern and warning by environmental groups about the dangers. An important share of the EU’s energy research budget is being spent on this ‘alternative’.⁷³ The mission of this Technical Group includes assisting the Commission in monitoring research and pilot/demonstration projects around the development of ‘clean coal technologies’.⁷⁴ These plants are supposed to show how the new technologies are functioning in practice and test their viability before entering in the market and being applied on a large scale. The group has held three meetings since February 2003 on 2 June 2005, 1 June 2006 and on 5 June 2007.

In the Council’s decision on the Energy Package (March 2007), the agreement was to build 12 demonstration plants by 2015.⁷⁵ This Expert Group is key to the construction of these plants as it will determine the technologies used. The companies participating in the expert groups will almost certainly be involved in the construction of the demonstration plants. This guarantees to them financial rewards and a central place in the new and potentially growing market of ‘clean coal’.

The Commission should not be party to a pact with companies in the policy-making arena where corporate self-interest is so obvious. These are companies with a clear profit motive when it comes to defining the concept of ‘clean coal’ and how it can be developed. This is a hugely controversial environmental and social issue. A truly objective and indeed all-round effective Expert Group should comprise of a large portion of independent scientists, research institutions, national administrations and environmental groups. These actors, with companies from the sector would be more likely to assess the real capabilities and limits of the ‘clean coal alternative’ as a means of addressing global warming.

The current composition of this Expert Group is not acceptable. The Commission should dissolve it and form a new one. The onus is on the Commission to inform the public about the role played by this group so far.

⁷⁰ 27 Apr 2007 [33 days after our request] Response (2007)A/111252 by Ms Diana DELBEKE - RTD ACCESS DOCUMENTS

⁷¹ EUROPEAN COMMISSION, SECRETARIAT-GENERAL, The Secretary General, Brussels, 19 JUL 2007 SG/E/3/HP/ja D(2007)

⁷² The list of members is now available in the register of expert groups on the following website: ftp://ftp.cordis.europa.eu/pub/coal-steel-rtd/docs/tech_group_coal_2007.pdf

⁷³ Research Budget - Cooperation Energy (08 05) – http://eur-lex.europa.eu/budget/data/D2007_VOL4/EN/nmc-titleN14D4B/nmc-chapterN60721037309-14/articles/index.html#N60721037315-15

⁷⁴ 27 Apr 2007, Response (2007)A/111252 by Ms Diana DELBEKE - RTD ACCESS DOCUMENTS

⁷⁵ BRUSSELS EUROPEAN COUNCIL, 8/9 MARCH 2007, Presidency’s Conclusions, page 22 http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/93135.pdf

appendix – table summarizing the responses

In the column listing the composition of Expert Groups, three identification categories emerge from this research:

- Expert Groups whose membership is not weighted in favour of industry (industry makes up less than 50% of the non-Commission and non-government members) are labelled as **'not industry dominated'**.
- Expert Groups in which industry representatives make up more than 50% of the non-commission and non-government members, are termed **'unbalanced in favour of industry'**
- Expert Groups in which industry makes up the absolute majority (more than 50%) of the members or where the Commission consults only with industry, are labelled as **'corporate controlled'**.

| DG | expert group [+ serial no.] | date when first significant reply received (where our initial sending date is not mentioned read 15/03/07) | membership disclosure | | composition (three categories): - not industry dominated - unbalanced in favour of industry - corporate controlled | documents disclosure | | information already on line & comments |
|---|---|---|------------------------|------------------|--|----------------------|---------|--|
| | | | organisations named | persons named | | reports | minutes | |
| info provided by the european commission | | | | | | | | |
| ENTR | [1] Changement climatique et industrie | 30/05/2007 | yes | yes | corporate controlled commission 13 industry 30 regional 1 universities 4 NGOs 3 | not all of them | no | http://ec.europa.eu/environment/climat/pdf/eccp_longreport_0106.pdf |
| ENTR | [2] Globally harmonised system of classification & labelling of chemicals | 23/03/2007 | yes | yes | not industry dominated commission 19 gvt (ministries) 35 public agencies, research units, academia etc. 139 industry 62 individuals 47 trade union 1 | yes | yes | Information can be found at: http://ecb.jrc.it/classification-labelling/MEETINGS/public.htm Participation is in the following order; mainly governments, followed by industry and a few scientific representatives. |

| DG | expert group [+ serial no.] | date when first significant reply received (where our initial sending date is not mentioned read 15/03/07) | membership disclosure | | composition (three categories): - not industry dominated - unbalanced in favour of industry - corporate controlled | documents disclosure | | information already on line & comments |
|------|---|---|------------------------|------------------|---|----------------------|---------|--|
| | | | organisations named | persons named | | reports | minutes | |
| ENTR | [3] Expert group to accompany the study on how to establish a helpdesk to support SMEs to fulfil their duties under REACH | 30/03/2007 | yes | yes | unbalanced in favour of industry governments 16 EU 4 industry 10 research 2 (limits between what is public and what private are sometimes blurred as many agencies are set up by both the public sector and companies) | yes | yes | Documents are available at http://ec.europa.eu/enterprise/reach/sherper_report_en.htm (including a list of Sherper members at page 53). |
| ENTR | [4] Biotechnology | Sent 09/03/2007 Rec. 19/03/2007 | yes | yes | corporate controlled company 20 research 6 | yes | no | http://ec.europa.eu/enterprise/phabiocom/comp_biotech_commit.htm |
| ENTR | [5] Expert group on main- streaming corporate social responsibility (CSR) amongst SMEs | Sent 12/03/2007 Rec. 14/03/2007 | yes | yes | unbalanced in favour of industry companies 17 NGOs 4 research 1 government 19 unknown 3 trade union 1 (Includes observers of the group) | yes | yes | http://ec.europa.eu/enterprise/csr/ms_sme_index.htm |
| ENTR | [6] Expert group on combined products (medical devices & pharmaceuticals) | Sent 09/03/2007 Rec. 17/04/2007 | yes | yes | unbalanced in favour of industry member state 25 EFTA 3 commission 1 industry 7 | yes | no | http://ec.europa.eu/enterprise/medical_devices/meddev/index.htm |

| DG | expert group [+ serial no.] | date when first significant reply received (where our initial sending date is not mentioned read 15/03/07) | membership disclosure | | composition (three categories): - not industry dominated - unbalanced in favour of industry - corporate controlled | documents disclosure | | information already on line & comments |
|------|--|---|------------------------|------------------|---|----------------------|---------|---|
| | | | organisations named | persons named | | reports | minutes | |
| ENTR | [7] European security research advisory board | Sent 12/03/2004 Rec. 03/04/2007 | yes | yes | unbalanced in favour of industry company 18 government 17 nato 1 research 11 NGO 2 | most | most | http://ec.europa.eu/enterprise/security/documents_en.htm |
| ENVI | [8] Water framework directive & agriculture | 29/03/2007 | yes | yes | not industry dominated gvt + public agencies 62 commission 15 european agency 2 industry 8 int. organisation 2 NGOs 4 individuals 8 | yes | yes | All info available at: http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/thematic_documents/wfd_agriculture&vm=detailed&sb=Title |
| ENVI | [9] ECCP working group on the integrated approach to reduce CO ₂ from light duty vehicles. | 02/04/2007 | yes | no | unbalanced in favour of industry member states 8 trade associations 8 civil society organis. 4 | yes | yes | All info available at: http://circa.europa.eu/Public/irc/env/eccp_2/library?l=/light-duty_vehicles/ |
| ENVI | [10] Surveillance de la moyenne des émissions spécifiques de CO ₂ dues aux véhicules particuliers neufs | 27/04/2007 | yes | no | unbalanced in favour of industry (commission, member states, ACEA, KAMA, JAMA) | yes | yes | Related info: http://europa.eu/scadplus/leg/en/lvb/l28055.htm |

| DG | expert group [+ serial no.] | date when first significant reply received (where our initial sending date is not mentioned read 15/03/07) | membership disclosure | | composition (three categories): - not industry dominated - unbalanced in favour of industry - corporate controlled | documents disclosure | | information already on line & comments |
|-------|---|---|------------------------|------------------|---|----------------------|--|---|
| | | | organisations named | persons named | | reports | minutes | |
| ENVI | [11] Super-visory group of the voluntary commitments of car manufacturers to reduce CO ₂ emissions | 27/04/2007 | yes | yes | corporate controlled (commission, member states, ACEA, KAMA, JAMA) | yes | yes Except the contribution of Koran manufacturers (KAMA) | no |
| ENVI | [12] | Rec. 23/03/2007 | yes | yes | not industry dominated each meeting had different membership. Apart from Commission and government representatives, membership is mainly drawn from academia with some Industry representatives | yes | yes | This group no longer exists. Their last meeting was 5-6 March 2007. All info on meetings of the group can be found at: http://www.tremove.org/meetings/index.htm Most meetings have a participants list in the minutes. |
| SANCO | [13] Expert group on flavourings | Sent 06/06/2007 Rec. 04/07/2007 | yes | no | unbalanced in favour of industry gvt 20 trade associations 10 consumer organization 1 | yes | yes | none |
| SANCO | [14] EU health forum | Sent 06/06/2007 Rec. 26/06/2007 | yes | no | not industry dominated [or unbalanced in favour of NGOs] company 6 NGO 27 research 2 doctor 10 EU 1 trade union 1 unknown 1 | yes | yes | http://ec.europa.eu/health/ph_overview/health_forum/policy_forum_en.htm |

| DG | expert group [+ serial no.] | date when first significant reply received (where our initial sending date is not mentioned read 15/03/07) | membership disclosure | | composition (three categories): - not industry dominated - unbalanced in favour of industry - corporate controlled | documents disclosure | | information already on line & comments |
|-------|--|---|------------------------|---------------------|--|----------------------|--------------------|--|
| | | | organisations named | persons named | | reports | minutes | |
| SANCO | [15] Informing consumer behaviour working group | Sent 13/03/2007 Rec. 26/06/2007 | yes | no | corporate controlled companies 14 NGOs 7 Doctors 1 Commission 2 UN 2 | yes | summary reports | |
| SANCO | [16] EU platform for action on diet, physical activity & health | March 2007 | yes | yes | not industry dominated | yes | yes | http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/platform_en.htm |
| SANCO | [17] Stakeholder involvement - peer review group | Sent 13/03/2007 Rec. 06/06/2007 | yes | yes | unbalanced in favour of industry companies 33 NGOs 18 think tanks 5 research 2 member states 20 regions 2 china 1 WHO 1 | yes | yes | http://www.sanco-stakeholderinvolvement.eu/ |
| SANCO | [18] Technical expert group on new & existing substances | Rec. 16/05/2007 | yes indicatively | yes indicatively | unbalanced in favour of industry governments 52 EU 20 industry 40; independent 2 No information on names was provided but we received a list of participants for a meeting | yes | yes | The European Central Bank (ECB) will make documents available on a website. There is no fixed list of members of this group. National authorities invite the participants. ECB had refused to give names and organisations for reason of 'protection of privacy'. Industry and NGOs can take part as observers. We have (not via ECB) received a participants list of a specific meeting, where there was huge industry participation. |

| DG | expert group [+ serial no.] | date when first significant reply received (where our initial sending date is not mentioned read 15/03/07) | membership disclosure | | composition (three categories): - not industry dominated - unbalanced in favour of industry - corporate controlled | documents disclosure | | information already on line & comments |
|----------|--|---|--|------------------|--|------------------------|------------------------|---|
| | | | organisations named | persons named | | reports | minutes | |
| RESEARCH | [19] Scientific & technical committee EURATOM | Sent 08/03/2007 Rec. 06/07/2007 | yes | no | not industry dominated company 7 research 20 government 8 unknown 2 | secret | secret | none |
| RESEARCH | [20] Expert group - European technology platform on nanomedicine | Sent 09/03/2007 Rec. 18/06/2007 | yes published in the back of a report | yes | not industry dominated from its 5 working groups only 1 is corporate dominated (Intellectual property and regulatory aspects) companies 23 research / uni 27 doctor 1 | no | no | http://cordis.europa.eu/nanotechnology/nanomedicine.htm |
| RESEARCH | [21] Advisory group on energy | March 2007 | yes | yes | not industry dominated public research institutes and universities 15 companies or private (profit driven) research institutes 9 independent scientists 3 | yes | no reports produced | Two reports available at: http://cordis.europa.eu/fp6/eags.htm |
| RESEARCH | [22] Coal combustion, clean & efficient coal technologies, CO ₂ capture | 19/07/2007 | yes | yes | corporate controlled industry 6 universities - research 3 JRC (commission) 1 international org 1 non reimbursed members: industry 4 individual 1 | no reports produced | not all of them | no |
| TREN | [23] Alternative fuels | 20/04/2007 | yes | yes | corporate controlled research institutes 10 NGOs 2 companies, for profit research units & trade associations 29 | yes | yes | no |

| DG | expert group [+ serial no.] | date when first significant reply received (where our initial sending date is not mentioned read 15/03/07) | membership disclosure | | composition (three categories): - not industry dominated - unbalanced in favour of industry - corporate controlled | documents disclosure | | information already on line & comments |
|------|---|---|------------------------|------------------|--|----------------------|---------|---|
| | | | organisations named | persons named | | reports | minutes | |
| TREN | [24] Euratom supply agency advisory committee | Sent 06/03/2007 Rec. 27/03/2007 | yes | yes | unbalanced in favour of industry [not that simple as some are state owned nuclear companies] government 35 company 27 research organizations 7 | yes | no | http://ec.europa.eu/euratom/docs/task_force_2005.pdf |

membership unknown

| | | | | | | | | |
|----------|--|--|-----|----|-----------------------------|-----------------------|-------------|--|
| SANCO | [25] Tobacco control stakeholder consultation expert group | Sent 13/03/2007 Rec. 28/03/2007 | yes | no | no fixed composition | no papers produced | no meetings | |
| SANCO | [26] Tobacco control expert group | Sent 06/06/2007 Rec. 25/06/2007 | no | no | composition unknown | no papers produced | yes | |
| RESEARCH | [27] Technical committee on classification & labelling of dangerous substances | Rec. 16/05/2007 | no | no | composition unknown | yes | yes | The European Central Bank (ECB) will make documents available on a website. There is no fixed list of members of the groups. National authorities invite the participants. ECB refused in the beginning to give names and organisations for reason of 'protection of privacy'. Industry and NGOs can take part as observers. |

| DG | expert group [+ serial no.] | date when first significant reply received (where our initial sending date is not mentioned read 15/03/07) | membership disclosure | | composition (three categories): - not industry dominated - unbalanced in favour of industry - corporate controlled | documents disclosure | | information already on line & comments |
|----|--------------------------------|---|------------------------|------------------|--|----------------------|---------|--|
| | | | organisations named | persons named | | reports | minutes | |

information found on the web

| | | | | | | | | |
|----------------|--|---|-----|-----|--|-----|-----|---|
| ENVI | [28] Import - export de certaines substances chimiques dangereuses | - | yes | no | unbalanced in favour of industry member states 15 EEA countries 3 industry 5 NGOs 2 (last update 2003) | no | no | http://www.eu.nl/civil_society/coneccc/organisations_consultatif/detail_cb.cfm?CL=fr&GROUPE_ID=62 |
| RESEARCH | [29] Advisory group for FP7 on food, agriculture & biotechnology | - | yes | yes | not industry dominated academics 13 industry 6 government 6 NGOs 1 | no | no | http://ec.europa.eu/research/fp7/pdf/advisory-groups/fafb-kbbe-members.pdf#page=none |
| ENTR | [30] High level group on textiles & clothing | - | yes | yes | corporate controlled commission 4 member states 5 MEPs 2 industry 17 trade unions 2 regions 1 | yes | yes | http://ec.europa.eu/enterprise/textile/high_level_group.htm |
| HEALTH ENTR | [31] Pharmaceutical forum (high level) | - | yes | no | not industry dominated commission 2 member states 27 Eur. parliament 3 industry 5 NGO 1 practitioners 2 social authorities 2 | yes | no | http://ec.europa.eu/health/ph_overview/other_policies/pharmaceutical/forum_en.htm |



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