



March 2013

ALTER-EU Response to the Commission's February 2013 State of Play

On 28th February 2013, the European Commission produced a State of Play (28/02/2013) in advance of the Informal Dialogue on Expert Groups, in light of the initiatives taken by Commission services. The State of Play gives an update of where the Commission has got to since its last state of play in September (22/09/2012). The public has not been given access to the document, despite its clear public interest. However, ALTER-EU would like to comment on the document as it has now been made aware of its existence. This document is intended to be read alongside the original state of play produced by ALTER-EU in advance of the Informal Dialogues.

It is positive to see that the Commission is indeed undertaking tasks towards meeting the conditions set by MEPs when they lifted the reserve on committee budgets last September. However, the state of play reveals both a fundamental flaw in the way the Commission receives stakeholder expertise, as well as in what it sees as meeting the conditions as set by MEPs.

The Commission identifies three specific issues that it has chosen to address, despite the European Parliament outlining four conditions. MEPs should insist on all four conditions being met (the fourth being common selection criteria and public calls for applications).

1) Composition of groups

The Commission claims it has modified the composition of 13 groups across DGs. However, this has not significantly modified the composition of any group listed, in most cases adding a single member, and has failed to tackle the problem of industry dominance as outlined by MEPs. This suggests that the Commission fails to accept the need for rebalancing groups, and the importance of not allowing a single stakeholder to dominate an expert group.

In many groups, no extra members were appointed, either because there were no applicants, or the applicants were not deemed suitable. The Commission's answer – that MEPs provide the Commission with a shortlist of civil society organisations to be considered – shows a failure of the current system in reaching out to and attracting the appropriate expertise, but is also attempting to place the burden onto the European Parliament rather than accepting its own responsibility to reach out far further in its engagement with non-industry interests. Expecting the Parliament to do the job of the Commission in sourcing

expertise for a wide range of stakeholders is unacceptable, and needs to be taken up by MEPs.

The Commission's method of publicising the call is clearly insufficient. To publicise in OJEU and the Register is not going to attract groups except those with existing close relations to the Commission and Brussels, rather than the range of expertise needed. The method should be thoroughly examined to ensure it is effective, using the broad means of communication available.

The capacity of civil society groups in providing expertise is another factor behind the lack of applications. Even in cases where the Commission points to civil society involvement, such as European Coordination of Via Campesina in DG AGRI Advisory Groups, a lack of capacity severely restricts their ability to participate fully in all the groups they are members of, and therefore effectively provide a balanced set of expertise within Expert Groups.

For groups that have applied but have been denied access to the group, the Commission must give MEPs clear reasons why they were not accepted. In the case of DG AGRI's Expert Group on Agricultural Commodity Derivatives and Spot Markets, suitable civil society candidates with extensive expertise on the impacts of commodity derivatives and spot markets on small farmers and countries in the global South were refused membership. MEPs should insist that the Commission gives full justification as to why groups were deemed unsuitable.

It is important to bear in mind that rebalancing can also be achieved by removing existing members, not just by adding new ones.

Many of the groups reviewing their composition (DG EAC, DG MARE, DG RTD and DG AGRI) need to give clear timetables for when the review will begin and end, when an open call for applications will be circulated, what different approach the Commission will take to avoid the failure in attracting new applicants that DG ENTR experienced, and when new members will be in place. DG EAC claims this won't happen until 2014, which is unacceptable. DG AGRI claims it will happen in the second half of 2013, but meetings with the Commission have claimed it would not take place until CAP reform is finalised in 2015. The Commission must also guarantee that the review will lead to a genuine rebalancing, rather than modified compositions.

2) Groups where membership may need to be corrected on the Register

While the Commission has relabelled many individuals acting in a personal capacity, it continues to fail to see the conflict of interest in some groups. In the Mission Evolution Advisory Group, which the Commission referred to directly with regard to correct Register

entries, it has labelled Francesco Sciaudone an academic, despite also listing him as a practising lawyer in Grimaldi e Associati.

That all of these corrections are coming as a result of pressure from MEPs and civil society undermines the Commission's claim that it has independently reviewed these groups and the potential conflicts of interest of individuals within them.

3) **Transparency**

The Commission claims some groups should not adhere to the conditions laid out by MEPs as they are not expert groups. However, the Register is for Expert Groups "and Other Similar Entities". Therefore groups sharing many of the characteristics of expert groups should also be held to the same levels of accountability.

In other instances, the information provided by the Commission's recent state of play has not been publicly available in the Register. And nor is it possible to see what changes have been made, making it difficult to assess whether the Commission is fulfilling its promise. The register should include the date that members have been added, in order for the public to see changes in the groups.

The Commission's definition of transparency is also very narrow, focusing on the publishing of minutes and presence in the Register. ALTER-EU's own [State of Play](#) outlines the opaque nature of the Register and inconsistencies within it.

While the Commission has made efforts to review and modify groups, it is clear that it has not met the conditions set by MEPs in lifting the budget reserve. MEPs should demand a clear timetable and agenda for how and when the Commission will meet those conditions in a satisfactory manner, if the Commission is able to do so at all.