

To: Mrs Catherine Day  
European Commission – Secretary General  
Rue de la Loi / Wetstraat 200  
1049 Brussels – Belgium

Brussels, May 18<sup>th</sup> 2015

**Subject: European Science and Technology Network on Unconventional Hydrocarbon Extraction**

We are writing to you on behalf of Corporate Europe Observatory and Friends of the Earth Europe regarding, what we consider to be, a grave imbalance towards shale gas industry of the “European Science and Technology Network on Unconventional Hydrocarbon Extraction” (or Network) recently established by the European Commission.

Up until Wednesday 15 April, Friends of the Earth Europe (FoEE) accepted to take part to the activities of the Network. However, following an original letter of complaint (see Annex II) to the Joint Research Centre (JRC, who is managing the network, as part of a steering committee of numerous other DGs) and their unsatisfactory response (see Annex III), it was no longer tenable to remain in the group. FoEE conditioned its participation on the promise, received from the JRC, that the platform would allow a balanced exchange of views. However, the overwhelming representation of the shale gas industry’s interests (70% of non-government participants were pro-fracking, while less than 10% represent the public interest), the choice to appoint four chairs with known pro-fracking agendas, and the questionable mandate of the Network (that JRC refuses to call “advisory”) have pushed FoEE to reconsider its involvement in this expert group.

You can find below a more detailed description of our concerns (See Annex I).

For these reasons, we are calling on you to change the current configuration in order to guarantee a fair and fully balanced approach, which is particularly necessary for such a highly controversial issue. We believe that:

- Considering its concrete objectives, the Network should be recognized and labelled as an expert group and should therefore comply to the rules of official expert groups;
- The interests of all non-governmental members should be made clear via the online publication of their CVs;
- The group should be balanced between industry and non-industry stakeholders (taking into account the links to industry of many academic members);
- The composition of the panel of chairs needs to reflect the intended independence of the group, meaning it should be limited to:
  - The European Commission;
  - Civil society;
  - Independent academics or research institutes;
- The group should put out an open call for applications;
- Budget should be made available to make sure that knowledgeable civil society actors and community representatives can take part to these exchanges, but if necessary the number of industry-linked stakeholders should also be significantly reduced to ensure balance.

Until the moment these requirements are met, we request you to recommend the suspension of this group.

Thank you for your consideration and we look forward to hearing from you  
Yours sincerely,

Magda Stoczkiewicz  
Director - Friends of the Earth Europe

Pascoe Sabido  
Corporate Europe Observatory



## ANNEX I – List of concerns

The Network was originally announced in June 2014, with the core objective to “bring together all relevant stakeholders to foster a common understanding, share information on science and technology developments and review R&D results and needs.” In the first meeting in July 2014, it was stated that the mandate was unambiguously aimed at “ensuring a fair and balanced exchange of ideas.”<sup>1</sup> Considering the potential grave impacts of new unconventional hydrocarbon extraction technologies on citizens and the environment, a fair and balanced exchange would require a substantial and meaningful participation of civil society and citizens.

Before accepting the invitation to participate in this initiative, FOEE engaged in a discussion with the JRC to obtain clarifications about the functioning of this platform, and the balance of its members. The latter was a particular concern given the obvious advantages the oil and gas industry have in terms of resources and staff compared to civil society groups with an interest in the matter. FoEE received repeated verbal guarantees that the debate would be balanced. Based on these guarantees, it took the decision to contribute to this network, engage in the discussions in good faith and register according to the required process.

However, the first meeting of the two Working Groups that took place on February 23 and 24 raises fundamental questions about the promises initially made regarding the promised balanced approach.

### Imbalance

At the meeting, almost 80% of the participants appear to directly represent the industry, think tanks and academics working with the industry on research projects, or authorities from countries officially supporting shale gas development. Only six participants (less than 10%) represented civil society. Such a set-up in no way reflects the Network’s Rules of Procedure of a “fair and balanced exchange of ideas”.

Analysis following the meeting of the Network’s 74 listed members shows that, excluding the 14 who work for the European Commission:

- Fewer than 10% are from civil society;
- More than 70% either represent or have financial links to the fracking industry;
- Two-thirds of academics and research organisations involved have links to the fracking industry.<sup>2</sup>

Unfortunately the European Commission’s response to the letter of complaint has not addressed the issue of imbalance, and instead emphasised that the Network “was open to all interested parties”, that it “is always open, and we intend to consider the enrolment of any further person that will express their willingness to get involved. The Commission is committed to not limiting the participation if the acceptance conditions are met.”<sup>3</sup> The blanket openness ignores the obvious advantages the oil and gas industry have in terms of resources and staff compared to civil society groups with an interest in the matter, and ignores the impact this will have on composition of the group and the ability to have a “fair and balanced exchange of ideas” given who is present. This point was stressed repeatedly by FoEE both in written correspondence and during the first meeting. The letter from the Commission did address the lack of civil society participation, securing financial support from DG RTD for 40-50 trips to attend meetings, but given there will be 12 meetings over three years, this means only 3-4 participants.

The appointment of four hand-picked chairs also undermines the Commission’s intended goal of a fair and balanced discussion. All of them are indeed fracking proponents, represent a fracking company (Cuadrilla), the administration of pro-fracking governments (Poland and UK) and a consultancy working for fracking companies (IFPEN). Some even lobbied against stronger safety rules<sup>4</sup>. The Commission does not find this problematic, and instead claims it will “closely follow the progress of the Working Groups”, by which time, in

<sup>1</sup> [https://ec.europa.eu/jrc/sites/default/files/Mandate\\_and\\_ROP\\_attached\\_to\\_note\\_to\\_JS.PDF](https://ec.europa.eu/jrc/sites/default/files/Mandate_and_ROP_attached_to_note_to_JS.PDF)

<sup>2</sup> [http://corporateeurope.org/sites/default/files/attachments/carte\\_blanche\\_for\\_fracking\\_final.pdf](http://corporateeurope.org/sites/default/files/attachments/carte_blanche_for_fracking_final.pdf)

<sup>3</sup> <https://cloud.foeeurope.org/index.php/s/qHDp7zd1AJppQp2>

<sup>4</sup> [http://corporateeurope.org/sites/default/files/attachments/carte\\_blanche\\_for\\_fracking\\_final.pdf](http://corporateeurope.org/sites/default/files/attachments/carte_blanche_for_fracking_final.pdf)

the opinion of the complainants, it will be too late. The concerns raised in the letter to the Commission also related to the role of the chairs, which the mandate declares to be to “*summarize, harmonize and approve*” the working groups’ output<sup>5</sup>. The fact that the chairs have such a crucial role makes the biased nature of the chairs’ identities even more problematic, yet the Commission’s response was to claim the reference is “*not correct*”, instead indicating that only the documents published in the website are the correct ones. In fact, these were the very same ones being referred to.

### Conflicts of Interest

The Commission is undermining its own integrity by appointing industry players with clear commercial interests in the expansion of fracking to a position of evaluating and making recommendations on the safety and ‘attractiveness’ of certain technologies for Europe.<sup>6</sup> Many of those involved in the assessment not only have a commercial stake in the outcome of the decision, but have been shown to have aggressively lobbied against tougher safety measures and sometimes have a track record of causing environmental and human rights abuses around the world, therefore questioning their ability to act in the public interest and therefore the ability of the group to objectively reach a “fair and balanced” conclusion.

### Network as Expert Group

The final point of contention is the role of the Network. On all appearances, it is an Expert Group. It is a multi-stakeholder group that provides expertise to the Commission on hydraulic fracturing technologies and experiences, and in Working Group II, “*Emerging Technologies for Well Stimulation*”, the official task is not just to analyse current technologies but to provide a “prioritization of the most attractive” ones,<sup>7</sup> i.e. providing clear advice. Additionally, the working group chair Grzegorz Pieńkowski has repeatedly and publicly called it “*an advisory body*”, stating its role is to “*advise the European Commission in the field of non-conventional hydrocarbons*”, and adds that “*the European Commission will base its future political decisions and regulations on the work of the advisory group*”.<sup>8</sup> But the European Commission has responded by claiming the Network “does not have an advisory role” and “only gathers, analyses and reviews information”. While civil society groups concerned by the role and the imbalance of the Network argue that it should conform to Expert Group rules, particularly the recent recommendations made by the Ombudsman,<sup>9</sup> the Commission sees “no need to change the rules and structure of the working groups or the chairs”.

This network appears to be part of a worrying trend in which groups ordinarily labelled as Expert Groups are able to side-step the rules by changing their name. The Network should both be in the Expert Groups register, as well as adhere to rules on balance, conflict of interest and transparency.

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<sup>5</sup> <https://cloud.foeeurope.org/index.php/s/SU6ZTvfS8zYTBeL> <https://cloud.foeeurope.org/index.php/s/rIDyOSII9tvQkH4>

<sup>6</sup> [http://corporateeurope.org/sites/default/files/attachments/carte\\_blanche\\_for\\_fracking\\_final.pdf](http://corporateeurope.org/sites/default/files/attachments/carte_blanche_for_fracking_final.pdf)

<sup>7</sup> <https://cloud.foeeurope.org/index.php/s/rIDyOSII9tvQkH4>

<sup>8</sup> <http://gazlupkowy.pl/pienkowski-komisja-europejska-zmienia-zdanie-o-gazie-lupkowym/>

<sup>9</sup> <http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/58861/html.bookmark>

## **ANNEX II – Letter to the JRC**

To: Dr. Giovanni Federigo De Santi  
European Commission  
Joint Research Centre  
Institute for Energy and Transport  
P.O. Box 2  
1755 ZG Petten - The Netherlands

Brussels, February 27<sup>th</sup> 2015

**Subject: European Science and Technology Network on Unconventional Hydrocarbon Extraction**

In June 2014, the Joint Research Centre announced their intention to create a European Network on unconventional hydrocarbon extraction, with the support of the different DGs of the European Commission involved in this field.

The core objective of this platform was to “bring together all relevant stakeholders to foster a common understanding, share information on science & technology developments and review R&D results and needs”. As reaffirmed during the inaugural meeting in July 2014, the mandate of the network is unambiguously aimed at “ensuring a fair and balanced exchange of ideas”.<sup>1</sup>

As the leading organisations actively working at the European level to raise awareness on the dangers of fracking technology and unconventional fossil fuel extraction, Friends of the Earth Europe and Food & Water Europe were directly approached by your administration to take part to this debate and bring our own expertise and knowledge.

Before accepting the invitation to participate in this initiative, we engaged in a discussion with your colleagues, Mr Marcelo Masera in particular, to obtain clarifications about the functioning of this platform, and the balance of its members. The latter was a particular concern for us given the obvious advantages the oil and gas industry have in terms of resources and staff compared to civil society groups with an interest in the matter. We received repeated guarantees that the debate would be balanced.

Based on these guarantees, we took the decision to contribute to this network, engage in the discussions in good faith and register according to the required process.

However, the first meeting of the two Working Groups that took place this week on February 23<sup>rd</sup> and 24<sup>th</sup> raises fundamental questions about the promises initially made regarding the promised balanced approach.

Despite our repeated questions concerning the lack of financial resources of key members of civil society, we never received a clear answer about the possible support that the European Commission could bring in order to guarantee their presence as well as a true balance of interests among the participants. As a result, **almost 80% of the participants appear to directly represent the industry, think tanks and academics working with the industry on research projects, or authorities from countries officially supporting shale gas development.** Only six participants (less than 10%) represented civil society. **Such a set-up in no way reflects the Network’s Rules of Procedure of a “fair and balanced exchange of ideas”.**

An even more problematic issue concerns the announcement of the five chairs for these two working groups on February 23<sup>rd</sup>. With Polish and UK officials (two countries which advocate for shale gas), shale gas industry representatives (Cuadrilla, ConocoPhillips) and a representative from a French research agency which works closely with the oil and gas industry, the **promise to have a “fair and balanced” facilitation and coordination is not realised.** Civil society is underrepresented, and we also do not see any independent academics chairing any of the groups.

This is particularly troubling, as according to the mandate of the network, the chairs play an important role in the process: **any report of specific Task Force teams needs to be “summarized, harmonized and approved” by them**<sup>2</sup>. We understand the selection of chairs was based on their ability to access data where fracking is happening or may happen, but the lack of transparency of the selection process is not satisfactory at all in terms of the commitments on which we based our decision to participate.

<sup>1</sup> [https://ec.europa.eu/jrc/sites/default/files/Mandate\\_and\\_ROP\\_attached\\_to\\_note\\_to\\_JS.PDF](https://ec.europa.eu/jrc/sites/default/files/Mandate_and_ROP_attached_to_note_to_JS.PDF)

<sup>2</sup> Methods of work and task forces for working groups 1 and 2

In this context, we are deeply concerned how a balanced exchange of views would be able to occur.

These serious transparency and balance issues coincide with the clear reminder that the European Ombudsman made less than a month ago regarding the advisory groups that the European Commission oversees.<sup>3</sup> She raised concerns regarding the “*imbalance in favour of corporate interests in certain groups and potential conflicts of interest of experts*” and called on the Commission to establish a legally binding framework for all expert groups, including a definition of what balanced representation in different groups should look like.

This new network is no different from the advisory groups targeted by the Ombudsman. It should therefore urgently take these reminders in consideration and take measures to ensure a balanced composition of the network and key roles within it.

We are calling on you to change the current setup in order to guarantee a fair and balanced approach, which is particularly necessary for such a highly controversial issue:

- The composition of the panel of chairs needs to be adapted in order to guarantee a real balance at every level of the decision-making process. We believe that the following groups should be represented at this level:
  - The European Commission
  - Civil society
  - Independent academics or research institutes
- A budget needs to be secured to make sure that a reasonable number of knowledgeable civil society actors and community representatives can take part to these exchanges.
- A civil society representative in each task force of at least WG 1 should be guaranteed

Our participation in the network will depend on the steps you take in response to these urgent matters.

Thank you in advance for addressing your answer to this email address: [antoine.simon@foeeurope.org](mailto:antoine.simon@foeeurope.org)

Yours sincerely,

Magda Stoczkiewicz  
Director - Friends of the Earth Europe

Geert de Cock  
Director EU Affairs - Food & Water Europe



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<sup>3</sup> <http://www.ombudsman.europa.eu/en/press/release.faces/en/58870/html.bookmark>

## **ANNEX III – Reply from the JRC**



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
JOINT RESEARCH CENTRE  
Institute for Energy and Transport  
Institute Director

Petten, 17 March 2015  
DIR/F00/GDS/ARES (2015)

To: Magda Stoczkiewicz, Director – Friends of the Earth Europe  
Geert de Cock, Director EU Affairs – Food & Water Europe

Dear Ms. Stoczkiewicz and Mr. de Cock,

We are pleased that you considered taking part in the first steps of the European Science & Technology Network on Unconventional Hydrocarbon Extraction, and we hope that you will provide a fruitful contribution.

From the inception of the concept of the S&T Network, its presentation last year, and the launch event of the Working groups, two main points were emphasized repeatedly: firstly, it is about science and technology, gathering facts and evidence, and identifying points where there is consensus or not; secondly, the network was open to all interested parties sharing the goals of the network.

The period from September 2014 to February 2015 was rich of interactions with a multitude of stakeholders, including your organization. We appreciated very much the opportunity to exchange ideas and understand the concerns and interests of all of them. Our main conclusion was that the two principles (scientific and technological standpoint, and openness) were accepted and understood as essential for fulfilling the mandate of the Network.

Regarding financial resources that could be used in support of the participation of civil society, I can mention that in the last weeks we signed an Agreement with the Commission's DG Research and Innovation that includes funding for the network functioning. Although limited, these funds (actually available in the following days) will be entirely devoted to the purpose of inviting civil society participants for meetings and conferences in the next 24 months. We estimate to be able to support about 40/50 trips, depending on their costs.

The current Network participants are those persons that manifested their interest. The registration is always open, and we intend to consider the enrolment of any further person that will express their willingness to get involved. The Commission is committed to not limiting the participation if the acceptance conditions are met. The only limitations (in very few cases) were people with only political or journalistic concerns, that didn't intend to contribute to the working groups and the objectives of the Network by:

- a. contributing with evidence based knowledge to the network's analysis and assessment
- b. providing views but not contributing to the scientific and technical work per se

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E-mail: Giovanni.de-santi@ec.europa.eu

The chairs of the working group were chosen by the Steering Committee of the Network (Directorate Generals Energy, Environment and JRC) among the participants based on their knowledge of the topics chosen for the Working Groups. The departure point is that all participants should aim for a “fair and balanced exchange of ideas”, in a spirit of open dialogue and collaboration. Therefore we will closely follow the progress of the Working Groups, and promptly intervene if that principle is not respected.

Moreover, the final voice regarding reports is with the European Commission. Your reference to reports being "summarized, harmonized and approved" by the Chairs is not correct. We invite you to exclusively use as reference the documents published in the Network's web site.

Regarding the nature of the Network, it is clear that it does not have an advisory role. As very clearly indicated in the mandate, the Network only gathers, analyses and reviews information through a structured dialogue among stakeholders. For the moment, and based on the first meeting, we see no need to change the rules and structure of the working groups or the chairs. And we will continue fostering the participation of civil society. For instance, we are looking for leaders of the Task Forces "Comparative assessment of project specific environmental data gathered" in WG 1, and on "Pros and Cons of new technologies" in WG2. We will welcome any suggestion you might have in this respect.

Best regards,

Giovanni De Santi  
Director JRC-IET

