

Letter from the European Ombudsman to the European Commission opening the inquiry into the alleged conflicts of interest of experts who participate in its Scientific Advice Mechanism

Correspondence - 06/06/2019

Case 560/2019/KR - Opened on 06/06/2019 - Decision on 30/03/2020 - Institution concerned European Commission (No maladministration found) |

Mr Jean-Claude Juncker
President
European Commission

Complaint 560/2019/TE

Subject: The policy on declarations of interest for invited experts of the European Commission's Scientific Advice Mechanism

Dear Mr President,

I have received a complaint against the European Commission from Mr X on behalf of X.

I have decided to open an inquiry into this complaint. The complaint is about the policy that the Commission's Scientific Advice Mechanism has in place on declarations of interest for experts nominated by the *Science Advice for Policy by European Academies* (SAPEA) consortium.

In particular, the complainant considers that the scientific opinion on “ *Authorisation processes of Plant Protection Products in Europe from a scientific point of view* ” [\[1\]](#) [\[Link\]](#), published by the Group of Chief Scientific Advisors in May 2018, does not rely on objective input due to conflicts of interest of several SAPEA experts.

For the purposes of my inquiry, it would be useful to receive a written reply from the Commission on the following concerns raised by the complainant:

1) Please explain the role of SAPEA experts, as part of ‘working groups’, ‘coordination groups’



and 'sounding boards', in the drafting of scientific advice (including related policy options) formally adopted by the Group of Chief Scientific Advisors. To what extent can the input of SAPEA experts be distinguished from the input of other experts [2] [Link] in the drafting of scientific advice by the Scientific Advice Mechanism?

2) Please outline the current policies on declarations of interest and conflicts of interest for SAPEA experts involved in the development of advice adopted by the Group of Chief Scientific Advisors as part of 'working groups', 'coordination groups' and 'sounding boards'. [3]

- At which stage in the development of scientific advice do invited SAPEA experts sign a declaration of interest?
- When does the Commission make declarations of interest of invited SAPEA experts publicly available?
- How does the Commission identify and avoid potential conflicts of interest situations of invited SAPEA experts?

3) Would the Commission be ready to put in place a more stringent policy of checking and possibly publishing declarations of interest of SAPEA experts involved in 'working groups', 'coordination groups' and 'sounding boards' within the Scientific Advice Mechanism?

If there is any additional information that the Commission believes would be helpful to my inquiry, please include it in the Commission's reply.

Please note that I am likely to send your reply and related enclosures to the complainant for comments.

If you wish to submit documents or information that you consider to be confidential, and which should not be disclosed to the complainant, please mark them 'Confidential' and send them through the relevant secure means most convenient to the Commission's services such as Ares, CIRCABC or equivalent. Please feel free to contact the case handler, Ms Tanja Ehnert, beforehand (+32 228 46768, anja.ehnert@ombudsman.europa.eu).

I would be grateful to receive the Commission's reply within three months of the date of this letter.

Attached to this e-mail, please find a copy of the complaint.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 06/06/2019

[1] [Link] Available here:

https://ec.europa.eu/research/sam/pdf/sam_ppp_report.pdf#view=fit&pagemode=none [Link]



[2] [Link] These other experts are members of a formal 'Commission expert group'. See Commission Decision C(2016) 3301 establishing horizontal rules on the creation and operation of Commission expert groups:

http://ec.europa.eu/transparency/regexpert/PDF/C_2016_3301_F1_COMMISSION_DECISION_EN.pdf
[Link]

[3] [Link] The Commission's [website](#) [Link] states that *"experts invited to participate in a co-ordination or sounding board meeting declare any interest which they may have in writing. The Commission assesses these declarations and, where relevant, takes measures to avoid that the independence of the work is compromised"*. However, in its letter to the complainant of 14 January 2019 (ARES(2018)6353185), the Commission notes that it *"is not bound to carry out background checks on these Dols and it is possible that some of them are incomplete or could be perceived as misleading"*.