



**Comment to RTD
comment**

Brussels, 18-11-2019

Contact :



To: The Ombudsman

Concerning: Your letter of 4-11-2019, Complaint 560/2019/KR

Dear Ms. Ombudsman, with this letter we respectfully comment to **“Comments of the Commission on a request for information from the European Ombudsman regarding the Complaint by Mr [REDACTED] on behalf of [REDACTED], ref. 560/2019/TE”**.

1. Lack of transparency, lack of willingness to consider evidence, lack of a willingness to engage with stakeholders.

Our general comment is that Commission refused and keeps on refusing to take our very detailed evidence on conflicts of interests regarding the experts on the pesticide-report of the EU SAM-mechanism serious. May-be you should have asked Commission why they refuse to take our evidence into account and require them to reply in detail to the evidence presented?

For a range of experts we submitted detailed information on conflicts of interest and Commission didn't discuss even one the cases highlighted by [REDACTED]. They didn't do this in the letters we received from them and now, in their comment, it is the same.

General observations like *“[REDACTED] completed a declaration of interest prior to his involvement with the project, and this was not found to constitute a conflict of interest by the European Commission”* and *“the Group of Chief Scientific Advisors considers that [REDACTED] interests were appropriately managed”*, (Commission, Mr. Bray, 19 June 2018) is not reacting to our detailed evidence at all. It is a statement without any sign of proof. The current comment of Commission is more of the same, *“The Commission believes that the current practice adequately addresses the issue of conflicts of interest of external experts involved in the work of the Group of Chief Scientific Advisors”* which in fact again comes down to a refusal to discuss the evidence. The evidence is even not mentioned this time. Commission should discuss every single piece of evidence and state if they feel it is a conflict of interest and if not, why not. They should explain why they allow conflicts of interests in relation to Commission decision 3301 from 2016. But nothing. We are talking to a brick wall.

It is sad to note that Commission in the letter of Mr. Moedas writes that SAM *“aims for scientific advice of the highest scientific quality formulated in a completely independent*

manner". Science of the highest quality is in the first place assessing all the evidence. And exactly here the Commission failed. We put forward evidence and Commission simply ignored it.

2. Assessment of the Declarations of interest (Doi).

Commission's reaction is all very general. It seems like its comment has no relation to the actual complaint we submitted. They state that experts have to submit a Doi "*prior to the attendance of a meeting*". We showed that this theory is not maintained in practice, since for instance one of the Doi was signed months after the publication of the report, many months after the meeting. This shows already that the management of Commission is lacking.

The same on the Doi itself. Commission states they do an assessment of conflict of interest in three ways, "*the initial Internet search, the signed declaration of interests and an up-to-date CV*". The only thing we can say is that Commission did the internet search in an extremely sloppy way or not at all. We managed to find around 20 pieces of evidence of conflicts of interest on the internet for the different experts (see links in our original letter to Mr. Moedas on 6-12-2018). Many were so obvious that even one minute on the internet would have been enough to see the conflicts of interest. Type for instance [REDACTED]" and "conflict of interest" and you will find a range of documents with information on conflicts of interest.

And, indeed, the wording of the letter of Commission of January 2019, "*the Commission notes that it "is not bound to carry out background checks on these declarations of interests and it is possible that some of them are incomplete or could be perceived as misleading"*" tells the story. And now in this comment statement like "*are signed 'on honour'*" and "*relying on the self-declaration of interests*" clearly show the reluctance to assess Doi and the subsequent unwillingness to discuss the evidence put forward by [REDACTED]

3. Double standards.

Commission ends with, "*The Commission believes that the current practice adequately addresses the issue of conflicts of interest of external experts involved in the work of the Group of Chief Scientific Advisors*". It is sad to note that Commission on the one hand heralds SAM's excellent scientific qualities and expertise and at the same time in a very unscientific way disregards evidence when it comes from stakeholders and refuses to engage in a discussion. A textbook example of maladministration.

It is even more sad to note that Commission doesn't want to change for good, putting in place an effective control mechanism of Doi and stop selecting experts from pressure groups with one specific ideology.

Sincerely yours,

[REDACTED]

[Redacted]

[Redacted]