



Emily O'Reilly
European Ombudsman

Mr José Manuel Barroso
President
European Commission
1049 BRUSSELS
BELGIQUE

Strasbourg, 12/05/2014

Own-initiative inquiry OI/6/2014/BEH concerning the composition of
Commission expert groups

Dear Mr President,

On 19 December 2013, I closed my inquiry into complaint
1682/2010/BEH concerning, among other things, the issue of the balanced
composition of Commission expert groups.

In following-up on my commitment to keep a watchful eye on the
situation, I have decided to open an own-initiative inquiry into the composition
of Commission expert groups.

The own-initiative inquiry aims at encouraging and supporting efforts
towards achieving a more balanced composition of Commission expert groups.

In order to give all stakeholders taking an interest in the issue an
opportunity to make their views known, thus allowing me to take these views
into account, I have decided to launch a public consultation as the first step of
my own-initiative inquiry. The consultation will be in all 24 official languages
of the EU. Receiving stakeholders' views will allow me further to shape my
inquiry so as to focus on real life problems of direct concern to interested
parties and, as a second step, to address the Commission regarding the matter.

I do not, therefore, at this stage, ask the Commission for any information
regarding the matter.

For your information, please find enclosed the call for contributions
launching the public consultation.



I will, in due course, ask for the Commission's opinion on the contributions I receive from interested parties.

Yours sincerely,

Emily O'Reilly

Enclosure (sent by e-mail):

- Copy of call for contributions launching the public consultation



European Ombudsman launches public consultation concerning the composition of European Commission expert groups

Background

On 19 December 2013, the Ombudsman closed her inquiry into complaint 1682/2010/BEH concerning, among other things, the issue of the balanced composition of Commission expert groups¹. It emerges from the Ombudsman's inquiry, the reports of civil society organisations, and the exchanges in the framework of the informal dialogue on expert groups between the Commission and certain Members of Parliament (MEPs) that progress has been made. However, these accounts also evidence persisting problems in achieving a balanced composition, with concerns having been raised particularly as regards expert groups set up from September 2012 onwards.

Decision to launch an own-initiative inquiry

In following-up on her commitment to keep a watchful eye on the situation, the Ombudsman has decided to open an own-initiative inquiry into the composition of Commission expert groups.

Focus and aim of the own-initiative inquiry

The present own-initiative inquiry concerns the composition of Commission expert groups but does not extend to assessing the output of these groups.

While the focus of the own-initiative inquiry is on active Commission expert groups set up from September 2012 onwards, this does not preclude the Ombudsman from looking into the composition of groups set up at an earlier date, should she find reasons to do so.

The own-initiative inquiry concerns systemic issues. It is therefore not intended to solve individual cases, such as, for instance, cases concerning the non-admission of a particular civil society organisation to a Commission expert group. However, such cases can of course be submitted to the Ombudsman through individual complaints.

The own-initiative inquiry aims at encouraging and supporting efforts towards achieving a more balanced composition of Commission expert groups.

¹ <http://www.ombudsman.europa.eu/cases/decision.faces/en/52942/html.bookmark>



In December 2013, the Commission set up a novel framework for civil dialogue in matters covered by the common agricultural policy (Commission Decision 2013/767/EU). Given that the selection of members of 14 civil dialogue groups hosted by the Commission's DG Agriculture is currently on-going on this basis, it is imperative for the Ombudsman to monitor the selection process with the utmost care. The Ombudsman has therefore decided to launch a separate simultaneous own-initiative inquiry (OI/7/2014/BEH) into the issue of the balanced composition of civil dialogue groups hosted by DG Agriculture. It follows that the latter groups are not covered by the present own-initiative inquiry.

Public consultation - invitation to submit contributions

In order to give all stakeholders taking an interest in the issue an opportunity to make their views known, thus allowing the Ombudsman to take these views into account, the Ombudsman has decided to launch a public consultation as the first step of her own-initiative inquiry. Receiving stakeholders' views will allow the Ombudsman further to shape her inquiry so as to focus on real life problems of direct concern to interested parties and, as a second step, to address the Commission regarding the matter.

The public consultation will be in all 24 official languages of the EU.

What the Ombudsman is looking for

Building on the issues which the Ombudsman addressed in the framework of complaint 1682/2010/BEH and harnessing the reports of civil society organisations and the informal dialogue on expert groups between the Commission and certain MEPs, the Ombudsman invites all stakeholders taking an interest in the issue to submit comments on the following list of questions:

- 1.** Which specific Commission expert groups do you consider to lack a balanced representation of relevant areas of expertise and interest in their membership? What, according to you, is the root cause of the unbalanced composition of the Commission expert groups identified by you?
- 2.** The Commission's horizontal rules on expert groups allow for the Commission to appoint individual experts in their personal capacity. In your experience, does this possibility give rise to concern in terms of the balanced composition of expert groups and/or conflicts of interest?
- 3.** Do you consider that the current level of transparency regarding the composition of Commission expert groups, in particular through the Register of Commission Expert Groups and Other Similar Entities, is sufficient? In particular, does the information made available by the Commission allow you to ascertain which interests are represented by the members of Commission expert groups? If not, where do you see room for improvement? Do you consider that the current level of transparency regarding the work of expert groups, in particular through the publication of agendas and minutes, is sufficient?



4. Where the Commission publishes calls for application for membership in expert groups, do you consider that these calls provide for selection criteria which sufficiently take into account the need for a balanced composition of expert groups? If not, where do you see room for improvement? In your view, could the Commission do more to raise awareness about these calls, with a view to encouraging applications? If so, what concrete steps could it take in this regard?

5. Do you have any experience in applying for membership in a Commission expert group? If so, did you face any problems in the application process? If not, are you aware of any such problems faced by civil society organisations? Based on your experience, do the costs inherent in participation/the lack of comprehensive reimbursement schemes discourage civil society organisations from applying for membership?

6. Please give us your views on which measures could contribute to a more balanced composition of Commission expert groups.

7. Do you have any other comments?

How to contribute

Contributions should be sent to the Ombudsman by **31 August 2014**.

By letter: European Ombudsman, 1 avenue du Président Robert Schuman, CS 30403, F - 67001 Strasbourg Cedex, France;

By fax: +33 (0)3 88 17 90 62;

By e-mail: <http://www.ombudsman.europa.eu/shortcuts/contacts.faces>

Contributions can be submitted in any of the 24 official languages of the EU.

The Ombudsman intends to forward the comments received from contributors to the Commission and may decide to publish them online. Contributors who consider that their name should not be published and/or that their comments should not be made publicly available, should state so and explain the reasons why. In the latter case, contributors are invited to submit a non-confidential summary which will be forwarded to the Commission and may be published on the Ombudsman's website.