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Subject INQUIRY INTO EXPERT GROUPS

Content Enclosed is Sacos response to the inquiry into expert groups. The response is based on a response developed by Austrian trade union confederation ÖGB, which Saco fully supports.

OMBUDSMAN OWN INITIATIVE INQUIRY INTO EXPERT GROUPS

Saco Response to Public Consultation

Saco is a Swedish trade union confederation of 22 affiliated associations which together have over 650 000 members. Members are university graduates or professionals with a college degree. The members include employees, students, researchers, self-employed people and retired professionals. Members include economists, lawyers, physiotherapists, graduate engineers, doctors, teachers and members of many other professions.

The Ombudsman is looking specifically at groups created between the end of September 2012 and now. However, it also mentions that if you have experiences from others, please include them (not just because the Commission has made a commitment to fix all groups, but also because the consultation looks at root causes, which requires looking at all groups).

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?

Many groups still have more than 50% of members representing corporate interests, which contravenes the condition set by the Parliament when it lifted the budget freeze in September 2012, stating no stakeholder should have a majority of seats¹. Trade unions are clearly underrepresented in all of the mentioned Expert Groups. Many groups completely lack trade union representatives.

The following groups have a lack of balanced representation and exclude trade union representatives: Expert Group on agricultural commodity derivatives and spot markets, Expert Group for Bio-based Products, European Unique Device Identification (UDI) Commission Expert Group, Data Retention Experts Group, Commission Expert Group on a European Insurance Contract Law, Expert group for the evaluation of the overall performance of the European Innovation Partnership (EIP) concept and approach, Expert Group on Intellectual Property Valuation, Expert Group on Retail Sector Innovation, Expert Group on Open Innovation and Knowledge Transfer, Expert Group on a Debt Redemption Fund and Eurobills, VAT Expert Group, EU VAT forum, High Level Group on the Future use of the UHF band, Community of Practice for Better Self- and Co-Regulation, Expert Group on the Review of the International Accountancy Standards Regulation.

The following groups include trade union representatives but still have more than 50% of their members representing corporate interests: High Level Group on Business Services, CARS 2020 Expert Group (& 4 subgroups), KETs High Level Commission expert group (& subgroup), High Level Group on Administrative Burdens, Platform for Tax Good Governance, Aggressive Tax Planning and Double Taxation, Strategic Policy Forum on Digital Entrepreneurship, High Level Group on Retail Competitiveness, High Level Group on Business Services.

¹ Many examples are taken from the November 2013 ALTER-EU report 'A Year of Broken Promises', which focuses on groups created between September 2012 and September 2013, with additions from supplementary research. The figures were to our best knowledge correct at time of researching the report, and any changes since September 2013 are not included (e.g. the Stoiber Group was updated between September and November 2013).

DG ENTR also formed an 'informal' Working Group for Technical Advice, parallel to the existing 'non-road mobile machinery' expert group, with the mandate “advising the commission in drafting the new legislative proposal”. This new informal group was completely industry dominated and undercut the ongoing work of the existing expert groups. When civil society groups complained, DG ENTR closed the group and claimed it was never an expert group.

The Expert Groups containing trade union members are highlighted.

DG	Group name	Members	Composition of interests / Reason lacks balanced representation
AGRI	Expert Group on agricultural commodity derivatives and spot markets	16	94% corporate interests; 6% farmers – no civil society interest with knowledge on food speculation
ENTR	High Level Group on Business Services	19	74% corporate interests; 11% academia; 5% NGO; 5% SME; 5% trade union
ENTR	CARS 2020 Expert Group (& 4 subgroups)	80 (16x5)	63% corporate interests (ALTER-EU classified the International Motorcycling Federation as corporate due to its funding and corporate events); 25% NGO; 13% Trade Union
ENTR	KETs High Level Commission expert group (& subgroup)	64	59% corporate interests; 25% Hybrid; 9% Academia; 3% SME; 3% Trade Union.
ENTR	Expert Group for Bio-based Products	26	58% corporate interests; 19% academia; 19% Hybrid; 4% NGO
SANCO	European Unique Device Identification (UDI) Commission Expert Group	17	53% corporate interests; 24% professional association; 6% Hybrid; 6% NGO
HOME	Data Retention Experts Group	7	100% corporate interests
JUST	Commission Expert Group on a European Insurance Contract Law	20	55% corporate interests; 20% academia; 5% hybrid; 5% NGO; 5% other; 5% professional association; 5% SME
RTD	Expert group for the evaluation of the overall performance of the European Innovation Partnership (EIP) concept and approach	5	80% corporate interests; 20% other
RTD	Expert Group on Intellectual Property Valuation	10	80% corporate interests; 20% academia
RTD	Expert Group on Retail Sector Innovation	11	64% corporate interests; 36% academia
RTD	Expert Group on Open Innovation and Knowledge Transfer	12	58% corporate interests; 25% academia; 17% hybrid
SG	Expert Group on a Debt Redemption Fund and Eurobills	10	70% corporate interests; 20% academia; 10% hybrid
SG	High Level Group on Administrative Burdens ²	15	60% corporate interests; 20% NGO; 13% SME; 7% trade union
TAXUD	VAT Expert Group	42	86% corporate interests; 5% NGO; 5% professional association; 2% academia; 2% SME
TAXUD	EU VAT forum	15	80% corporate interests; 13% professional association; SME
TAXUD	Platform for Tax Good Governance, Aggressive Tax Planning and Double Taxation	15	60% corporate interests; 27% NGO; 7% academia; 7% trade union

Other groups created since September 2012 (n.b. in no way exhaustive)

DG	Group name	Members	Composition of interests / Reason lacks balanced representation
CNECT	High Level Group on the Future use of the UHF band	20	70% corporate interests; 20% public sector; 5% NGO
CNECT	Community of Practice for Better Self- and Co- Regulation	50	68% corporate interests; 16% hybrid; 8% academia; 6% NGO; 2% other

²The Commission has since altered this group. Please see letters from the Secretariat General to the European Parliament regarding the new composition

ENTR	Strategic Policy Forum on Digital Entrepreneurship	31 (OECD = gov)	70% corporate interests; 13% academia; 7% SME; 3% hybrid; 3% NGO; 3% trade union
MARKT	High Level Group on Retail Competitiveness	20	85% corporate interests; 5% academia; 5% NGO; 5% trade union
MARKT	High Level Group on Business Services	19	67% corporate; 16% academia; 5% NGO; 5% SME; 5% trade union
MARKT	Expert Group on the Review of the International Accountancy Standards Regulation	10 (excluding gov)	90% corporate interests; 10% SME

The root causes are an institutional culture within the European Commission which privileges corporate interests, the lack of internal expertise by the Commission and the disparity in resources between trade unions and civil society organisations and those representing corporate interests.

Unfortunately the prevailing view is one in which corporate interests are equated with public interests, despite the clear divergence between what corporations want compared to SMEs, trade unions, consumer or environment groups.³ This bias can also be seen in the unwillingness of the Commission to tackle the problem of privileged access when highlighted by the Parliament or civil society, as well as an unwillingness to put effective rules in place to ensure the public interest is met, let alone enforce existing ones. Even though the different DGs have taken different approaches, the Secretariat General – which oversees all expert groups – has refused to see the domination of groups by corporate interests as a problem.

A lack of transparency regarding which interest members represent (see answer to question three) has also contributed to the Commission being able to continue creating groups that give undue influence to corporate interests, as it is far harder for the public to judge. This undue influence is also apparent when the Commission hand-picks expert groups, such as the Expert Group on a Debt Redemption Fund and Eurobills.

Another fundamental reason that groups are unbalanced is the lack of internal expertise, which – when combined with the institutional culture – means the Commission invites corporate interests to provide so-called technical advice (assuming that vested interests can be detached from technical expertise). However, collecting expert opinion (which is by its nature subjective rather than objective) does not have to equate to allowing all experts to take part in the drafting of reports or recommendations, or having any decision making capacity. If Expert Groups are very influential at the early stages of policy making, therefore the political aspect (i.e. decision making) needs to be held by a group representative of all stakeholders, including SMEs, trade unions and other parts of civil society if the outcome is to be in the public rather than narrow commercial interest.

Given the large number of Expert Groups in existence, the often large size of membership, and the disparity in resource between big business actors compared to others, it is no wonder there are more corporate members. Corporations have the resources to fund a staff member's involvement due to its importance to their commercial interests, while their trade associations and transversal business lobbies also prioritise involvement. However, for trade unions and civil society organisations with limited capacity and resources, taking part can be difficult.

³ Ironically, the short-termism that results from share-holder pressure and corporate governance structures mean corporations are undermining their own long-term interests which are served through sustainable social, environmental and economic policies that provide the environment within which they can operate.

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?

Personal Capacity

As the Commission considers those in a personal capacity to be independent and not representative of an interest, they are therefore excluded from any calculations on composition. This would be less problematic if the individuals were in fact independent experts or academics without corporate ties, but unfortunately the label 'personal capacity' has often been used for individuals who represent an interest (lobbyists), thereby skewing composition. Having lobbyists sitting in groups in a personal capacity can mean that advice the Commission may have believed was independent is in fact related to a particular interest and therefore strengthens that voice within the group, impacting public policy and privileging one section of stakeholders over the others.

Conflict of interest

Much of the above stems from an institutional attitude where potential conflicts of interest are not seen as problematic because the individuals themselves can be trusted to act independently in the public interest. This is damaging on two levels: firstly (as mentioned above) it gives privileged access to certain stakeholders that can lead to the capture of public policy making. Secondly, it undermines the public reputation of the European Commission, which is supposed to be both transparent and above suspicion in the way it forms policy in the public interest.

The Commission's response is that the problem is merely administrative – i.e. mislabelling of individuals in a personal capacity rather than as a 'representative of an interest', but this hides the pervading culture within the Commission (that of seeing growth, particularly of big business, as the single most important goal) and fails to recognise the vested interest that may be held by the individual expert, nor how that interest may not be compatible with the public interest.

See for example the following groups:

DG	Group Name	RoI/PC ⁴	
AGRI	High Level Steering Board for the European Innovation Partnership	2/10	[REDACTED]
BEPA	Science and Technology Advisory Council	7/15	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

⁴Members appointed in their personal capacity when in fact they should be a 'Representative of an Interest' compared to total number of members appointed in their Personal Capacity: RoI/PC

			[REDACTED]
			[REDACTED]
			[REDACTED]
CNECT	Young Advisors Expert Group on implementation of the Digital Agenda for Europe	20/25	[REDACTED]
CNECT	Community of Practice for Better Self- and Co-Regulation	10/15 (excl gov)	[REDACTED]
SANCO	Expert Panel to provide advice on effective ways of investing in health	1/11	[REDACTED]
HOME	Data Retention Experts Group	1/1	[REDACTED]
JUST	Commission Expert Group on a European Insurance Contract Law	1/7	[REDACTED]
RTD	EU Bioeconomy Panel	8/24	[REDACTED]

			<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
RTD	Expert Group on Retail Sector Innovation	7/11	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
RTD	Expert group for the evaluation of the overall performance of the European Innovation Partnership (EIP) concept and approach	5/5	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>

RTD	Expert Group on Intellectual Property Valuation	8/10	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
RTD	Expert Group on Open Innovation and Knowledge Transfer	9/12	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
RTD	Expert Group on Public Sector Innovation	3/9	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
RTD	Experts Group on the role of Universities and Research Centres in Smart Specialisation	2/7	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
SG	Expert Group on a debt redemption fund and	8/10	<p>[REDACTED]</p>

	eurobills		[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
SG	High Level Group on Administrative Burdens	1/1	[REDACTED]
TAXUD	VAT Expert Group	26/28	[REDACTED]

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?

We do not see 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, sufficient. In particular, the following problems regarding opacity of interests have been identified:

- The Register does not make clear the balance between stakeholders. In the 'Statistics' section it notes the number of types of members, e.g. personal capacity, organisation, but fails to mention numbers of members representing specific interests, which would give the public an ability to judge.
- Giving overall figures for interests represented would only work if organisations (and individuals) were properly labelled. There is currently great inconsistency among DGs and even within DGs as to which interest certain organisations belong to. The Register has the 'category' field, within which 'NGO', 'Trade Union', 'Association' etc. is filled out, but this is rarely consistent or accurate. For example, among groups created between September 2012 and 2013, more than 80% of organisations representing corporate interests were not labelled as such, with the worst culprits being TAXUD (who labelled most corporate interests 'Associations'), and DG AGRI (who labels all

stakeholders NGOs)⁵. Clear and accurate labelling needs to be systematised across all DGs, which could be done by linking their entry to the transparency register, as well as giving the public more information on the overall lobbying activities of members.

The labelling of individuals is also problematic:

- Particularly in light of previously mentioned concerns around conflicts of interest, if an individual is there in a personal capacity then a clear declaration of interest (DOI) should also be published to assure the public. This DOI should be thoroughly viewed by the Commission to ensure the independence of the individual expert. If it transpires that there are interests which the member has not declared, a fitting sanction (e.g. a ban for the individual and organisation from all groups for a set period of time) should be levied to ensure it works effectively as a mechanism.
- When an individual is not there in a personal capacity, i.e. when it is clear they represent an interest, then all information on that individual and which interest they represent should be made clear, which is currently not the case. This should firstly include which stakeholder group they represent (rather than which industry sector they have expertise on), who they work for and which organisations they have commercial ties to, e.g. board memberships. This would allow the public to be confident of the who they represented and allow a more comprehensive assessment of composition.

The practice of putting minutes and agendas on line is improving, however there are some key improvements to be made:

- Minutes and agendas should be added to the register rather than linking to another website.
- Agendas should be placed on line *before* a meeting, not afterwards.
- Minutes of a meeting should be placed on line as promptly as possible
- The minutes should clearly show which stakeholders have agreed or proposed which views, in order to allow the public a clear idea of which interests are pushing for what. There is no agreement of secrecy within the Commission, and all DGs should have to do this – despite some such as TAXUD protesting.

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?

The selection criteria within calls are often broad enough to justify the selection of any member. However, while mentioning all stakeholders within the call, as well as the need for balance, often a lack of definition of what balance means can make it difficult to hold the Commission to account. It should be explicit when mentioning a need for balance between commercial and non-economic actors, as well as clearly stating – as the European Parliament has demanded – that no single stakeholder should have a majority. Ensuring diversity across stakeholders should also go beyond stating it in the call for applications:

- The Platform for Tax Good Governance stated the need for diverse stakeholders, yet appointed five

⁵ ALTER-EU, 2013, A Year of Broken Promises, available at http://www.alter-eu.org/sites/default/files/documents/Broken_Promises_web.pdf

closely-linked employers federations (the International Chamber of Commerce and the American Chamber of Commerce; BusinessEurope and its German and French members), four closely-linked accountancies (Confédération Fiscale Européenne is joined by its Dutch member, while the Fédération des Experts Comptables Européens is joined by its UK member) and three similar overseas development NGOs (Christian Aid, Oxfam, CIDSE), despite the call asking for 'International, preferably European level' representatives and claiming to strike a balance between different interests.

There is no agreed period for calls for applications, which should be set at six weeks to allow organisations with wide membership to consult, as well as allowing those beyond Brussels time to hear about it and inquire. But for this to be effective, other complimentary steps should be taken that ensure a wider pool of experts is reached, for example: using social media; targeting specific sectors through trade magazines and websites; asking civil society organisations active in the field to publicise it among their networks; identifying areas where there are fewer applicants and reaching out in a more targeted way.

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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?

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

Acceptance of the problem

The Commission needs to first accept that corporate-dominated Expert Groups are not acceptable when it is a public interest institution and introduce horizontal rules that ensure no single stakeholder has a majority. There are already positive examples in certain DGs who have correctly interpreted as being between different economic and non-economic actors.

- DG ENTR has pledged to stop creating groups in which corporations have more than 50% of the seats
- DG AGRI's decision for its new 'Civil Society Groups' to compliment the Common Agricultural Policy explicitly mentions balance between economic and non-economic actors and a balance between stakeholders (although this is now under threat after aggressive industry lobbying).⁶
- DG EAC believes its Erasmus Mundus Expert Group is balanced because "no single interests (business, trade union or otherwise) has a majority of the non-government and non-EU seats in the group".⁷

⁶<http://corporateeurope.org/expert-groups/2014/01/will-public-trust-eu-be-sacrificed-keep-agribusiness-happy>

⁷Education and Culture, May 2012, Review of Expert Groups, accessed as a result of a freedom to information request, available at http://www.asktheeu.org/en/request/review_of_expert_groups#incoming-1328

But in order to assess composition, full transparency is needed regarding classification of interests and declarations of interest, something which should be included in the horizontal rules. This would prevent the Commission being able to falsely claim a balanced composition.

Responding to capacity limitations

If the difference in capacity makes it impossible to ever have enough civil society actors and trade unions for a balanced composition (as DG ENTR has experienced when trying to attract more civil society actors), then the number of other stakeholders should be reduced. The fear of losing expertise can be overcome through the Expert Group in question inviting said expert for a hearing or to submit a paper, rather than giving them a permanent seat and decision making powers. This is an approach taken by the World Health Organisation's International Agency for Research on Cancer (IARC).⁸ Equally, as the Commission continues to point out when civil society asks for greater representation, there are other channels for expertise and opinion to be collected, such as through consultations.

Paying for civil society and trade union working time is also more likely to increase participation, although only if groups feel it is a worthwhile undertaking. It would be useful to have clear financial reimbursement schemes for all non-profit organisations that would enable more participants from European trade unions and civil society organisations to attend to meetings.

Horizontal rules

The rules on Expert Groups differ among the Directorate Generals of the European Commission and make it difficult to keep an overview of all the groups. It would be extremely important to have clear and transparent rules on the composition and the application as well as the mandate of Expert Groups. These rules need to apply horizontally to all Expert Groups and need to aim at a balanced composition of the Groups.

7. Do you have any other comments?

Balanced outcome more than balanced composition

Equal representation may not necessarily lead to more balanced outcomes. A difference in resources means a difference in preparation, such as producing research or position papers for meetings. Equally, having half a group made up of corporate interests means that to balance it out all other interests (SMEs, trade unions, consumers, environmental groups) would have to want exactly the same thing.

When thinking about Expert Group reform, we have to be careful not to assume balanced composition means balanced influence. This is also determined by the member states present in some groups, as well as the Commission itself and how it plans and conducts meetings (who presents, who gets the floor etc.).

But we also need to ask the question of what ultimately do we want – balanced groups or public interest policy making? Corporate interests rarely conform to public interests, while corporations only employ one third of the population (the other two-thirds are employed by SMEs). Equally, economic activity and impact on business is only one consideration when making public policy. Therefore to give corporate interests undue influence over public policy making will only serve to narrow the parameters that our public officials are supposed to operate within.

⁸David Michaels, 2008, *Doubt is their Product*, Oxford University Press, p. 255-57

Additionally we must not forget that Expert Groups as such are not democratically elected entities with decision making power. Expert Groups have been gaining more importance which we see as highly problematical. Trade Unions as well as those representing corporate interests already participate in the legislation process through clearly defined structures, such as the Social Dialog. It is therefore unclear why Expert Groups are needed to begin with. As Trade Unions, we see the proliferation of Expert Groups as undermining the existing democratic channels of the European Union.

Fundamental conflicts of interest?

The relabelling of experts in their personal capacity into 'representatives of an interest' brings up a more fundamental issue: should certain interests be allowed to sit in Expert Groups at all? Are the commercial interests of some organisations inherently opposed to the public interest? In the field of tobacco regulation, the WHO has drawn up strict guidelines, Article 5.3 of the WHO Framework Convention on Tobacco Control,⁹ which severely limit the contact between policy makers and lobbyists and ensure any contact is fully disclosed. It is internationally accepted that the interests of the tobacco industry are *de facto* never going to be in the interest of public health. This argument is applicable beyond the tobacco industry: should the dirty energy industry have a say on climate policy or risky investment bankers on financial regulation?

The argument that the Commission lacks expertise can be dealt with by ensuring that the core group with decision making and report drafting powers is one made up members who strictly represent the public interest or are truly independent. However, they would be charged with collecting information from external experts, including those who represent specific commercial interests. This would allow political oversight of technical information and ensure its inherent political nature did not inadvertently guide policy, while still benefiting from the expertise held by commercial interests. Given the importance of the work conducted by Expert Groups and the real and apparent conflicts of interest of some members, such a policy would clearly serve the public good.

Commission moving away from Expert Groups?

Worryingly, there are increasing examples whereby DGs are not using the Register and instead creating groups which appear to share many of the same characteristics but are not officially Expert Groups. For example:

- DG MARKT created a series of groups focused on self-regulatory outcomes, none of which are in the register

✎ The *CEO Coalition to Make the Internet a Better Place for Kids* in December 2011, a voluntary scheme for corporations to sign-up to in which the coalition forms a workplan with deadlines and performance indicators, as well as making recommendations;

✎ The *Safer Networking Taskforce*, formed in 2008, brought together social networks, researchers and child welfare organisations to develop a set of voluntary guidelines;

✎ The *European Framework for Safer Mobile Use by Younger Teenagers and Children* came out of a High Level Group discussion and sets out voluntary principles;

- As listed above, DG ENTR also created a corporate-dominated group that was not in the register but rather ran parallel to a group which was in the Register, but was cancelled after complaints;
- DG ENTR has also created the European Rare Earths Competency Network (ERECN), comprising experts in three working groups, which have the same goal and form as Expert Groups but are not in the register. Worryingly, the groups consist of (technical experts sometimes,) business leaders

⁹World Health Organisation, 2008, *Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control*, http://www.who.int/fctc/guidelines/article_5_3.pdf

and policy makers, which suggests an imbalance in composition.

- 'Workshops' (sometimes identified in the Impact Assessments) are also being used as a substitute for Expert Groups, giving industry a privileged channel to influence legislation in a space beyond public scrutiny.

The European Supervisory Authority

The stakeholder groups within the ESA are also very problematic, from both a finance industry dominance perspective as well as the question of whether we should be asking the same banks who crashed the financial system in 2008 to be guiding our recovery. Again, a more formal way of collecting expertise while retaining political control could be beneficial.

Law-breaking corporations

Surprisingly, corporations who are found guilty of break either a member-state or EU-level law are allowed to continue advising the Commission, even if the misdemeanour directly relates to the remit of the Expert Group. This should not be seen as acceptable.