

## MURANYI Erika

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**From:** Albert Vallejo [REDACTED]  
**Sent:** 19 August 2014 11:39  
**To:** Euro-Ombudsman  
**Subject:** [EOWEB] Contribution to Consultation on EU Expert Groups  
**Attachments:** Contribution to EU Ombudsman Consultation on Expert Groups 19 08 2014.doc

### Sender

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**Sender** Albert Vallejo [REDACTED]  
**Date** Tuesday, August 19, 2014 11:38:49 AM CEST

### Your data

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#### Part 1 - Contact information

|                       |            |
|-----------------------|------------|
| <b>First name</b>     | Albert     |
| <b>Surname</b>        | Vallejo    |
| <b>Gender</b>         | [REDACTED] |
| <b>E-mail address</b> | [REDACTED] |

Language you would like to receive an answer in en - English

#### Part 2 - Data

**Subject** Contribution to Consultation on EU Expert Groups  
**Content**



## **EU Ombudsman Consultation on Commission's Working Groups** **Contribution from the toy industry**

19 August 2014

Toy Industries of Europe (TIE) would like to thank the EU Ombudsman for the opportunity to comment on the organisation and functioning of expert groups. TIE actively participates in the EU Expert Group on Toy Safety and its Chemicals Working sub-Group. TIE also participates in other EU forums such as the ones of the Notified Bodies, the CEN TC52 and the CENELEC TC61 meetings to decide on the applicable standards and the discussions of PROSAFE aiming to improve the efficiency of market surveillance activities. TIE has just requested its involvement in the EU Trade Contact Group.

**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?**

TIE believes that the Chemicals Working sub-Group dealing with the chemical composition of toys could be improved by making its representation more balanced. Only around 10 of the 28 EU Member States (plus TIE, representing industry, and ANEC, representing the interests of consumers) participate in the discussions of this group, which are organised up to four times a year.

While experts from Norway (not an EU Member State) participate in the discussions and contribute to the orientations of the important debates of the Chemicals sub-Group, other Member States such as Spain or Poland with a big weight in all decision-making procedures do not participate. This is relevant since these technical discussions lead to proposals for preliminary decisions on which the 28 Member States will later vote every new legislation affecting the use or presence of chemicals in toys. This is precisely the most challenging part toy manufacturers have to comply with, and therefore decisions need to be as scientifically-based as balanced.

We understand this lack of participation may be due to three factors: the lack of expertise, the language used in meetings and the lack of resources. While we recognise that the technical level of the discussions is very high (and are only in English) and the group meets quite often, we think the Chemicals sub-Group is absolutely key and proposes many requirements affecting children's safety. The general EU Toy Safety Expert Group meeting is very well attended probably because it is organised less often (twice a year) and is held in several languages and with simultaneous interpretation, whilst the Chemicals Working sub-Group, which is differently organised to make it more dynamic, results in an under-represented forum.

**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?**



The above mentioned Chemicals Working sub-Group is attended by individual experts proposed by the different national Governments, and are in principle accepted without any problem by the Chair, which is the European Commission. It is the Member States (other than the ones already represented) who should be able to propose new candidates, real chemical experts from their administrations or agencies.

- 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?**

As a participant in these expert groups meetings, TIE does receive the draft and final agendas and minutes of the meetings. However, we believe that the names and contact details of the experts attending the EU Expert Group on Toy Safety and its Chemicals Working sub-Group should be published. In the past, the minutes of these expert groups contained those names, but in the last couple of years only the Ministries or Agencies represented have been listed.

- 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?**

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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?**

There was no problem. TIE was invited to participate in these expert groups and the European Commission accepted the experts we proposed. The Commission has offered to reimburse the fees related to our representation in these meetings but we decided to assume those costs.

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

As explained above, we think the unbalanced representation of these expert groups, the Chemicals Working sub-Group in particular, is probably linked to a lack of expertise in chemicals-in-toys-related matters, to the language used in the discussions and also to a lack of resources preventing some national experts from attending these regular meetings.



- a) We are aware that the Commission funds the participation of national experts by covering their expenses when they travel to Brussels. However, we are not sure how the absence of a national officer is perceived in his/her Member State if there is a staff shortage and the amount of work is such that travel is not affordable. This lack of time and/or resources could be solved by the use of technological devices allowing the experts' involvement in the discussions via video-conference. Related-costs could be perfectly covered by the European Commission.
- b) We are convinced all Member States have competent chemical experts but we ignore whether their (political/administrative) competences allow them to participate in toy safety-related meetings. The Commission should encourage their participation.
- c) If their absence is only due to the fact that these technical meetings are held in English, the Commission should foresee some simultaneous interpretation system, maybe 'à la carte' and depending on what experts plan to attend.

#### **7. Do you have any other comments?**

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#### **About TIE**

*Toy Industries of Europe (TIE) is the trade association for the European toy industry. The toy industry is highly international and is one of the most dynamic business sectors in Europe. Over 99% of the sector is composed of small and medium sized enterprises (SMEs), which have less than 50 employees. Members of TIE include corporate companies as well as national associations from Bulgaria, France, Germany, Italy, the Netherlands, Spain, Sweden, the UK and the Nordic region. TIE membership is open to both corporate companies with a presence in Europe and national associations from European Union Member States (including candidate countries).*

*Do you know how safe toys are? Watch this short [video](#) to find out!*