

Euro-Ombudsman

From: Ariel Brunner <[REDACTED]>
Sent: 28 August 2014 14:12
To: Euro-Ombudsman
Subject: [EOWEB] European Ombudsman public consultation on composition of EC expert groups
Attachments: Ombuzman Consultation response BirdLife-EEB final.doc
Follow Up Flag: OI/6/2014/BEH CB 29.08
Flag Status: Flagged
Categories: FC to Complaint

Sender

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Date Thursday, August 28, 2014 2:12:01 PM CEST

Your data

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

Part 2 - Data

Subject European Ombudsman public consultation on composition of EC expert groups

Dear Ms O'Reilly,

Content please find attached a submission by BirdLife Europe and EEB to your consultation on the composition of Commission expert groups.

Kind regards, Ariel Brunner

Response to the European Ombudsman public consultation concerning the composition of European Commission expert groups

For more information contact: Ariel Brunner, Head of EU Policy, BirdLife Europe

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1. Which specific Commission expert groups do you consider to lack a balanced representation of relevant areas of expertise and interest in their membership?

Many groups have been highlighted as having 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 seats. Many examples are included in the November 2013 ALTER-EU report 'A Year of Broken Promises', which focuses on groups created between September 2012 and September 2013,¹ with additions in the Corporate Europe Observatory (CEO) submission to the present consultation. BirdLife Europe and EEB support the CEO submission and have been cooperating with CEO and other Civil Society organisations in tracking the process of expert groups reform across the DGs.

In this submission we have analysed the composition of the newly reformed DG Agri expert groups that were announced on the 18th of July 2014(civil dialogue groups)

The following groups have been established by DG Agri after September 2012 (Decision in December 2013, announcement of groups selection in July 2014 (http://ec.europa.eu/agriculture/civil-dialogue-groups/decision-composition_en.pdf))

DG	Group name	Members	Composition of interests / Reason lacks balanced representation
AGRI	Animal products	57	79% economic interests of which 28% COPA-COGECA; 18% civil society
AGRI	Arable crops	57	84% economic interests of which 25% COPA-COGECA; 16% civil society
AGRI	CAP	72	63% economic interests of which 17% COPA-COGECA; 36% civil society

¹ For a full explanation of the categories of interests, please see A Year of Broken Promises http://www.alter-eu.org/sites/default/files/documents/Broken_Promises_web.pdf

AGRI	Direct payments and greening	72	81% economic interests of which 39% COPA-COGECA; 19% civil society
AGRI	Environment and climate change	53	58% economic interests of which 13% COPA-COGECA; 40% civil society
AGRI	Forestry and cork	54	77% economic interest; of which 21% COPA-COGECA; 23% civil society
AGRI	Horticulture olives and spirits	53	85% economic interests of which 30% COPA-COGECA; 15% civil society
AGRI	International aspects of agriculture	72	72% economic interests of which 31% COPA-COGECA; 26% civil society
AGRI	Milk	53	92% economic interests of which 38% COPA-COGECA; 6% civil society
AGRI	Organic farmers		% economic interests of which % COPA-COGECA; % civil society
AGRI	Rural development	72	63% economic interests of which 25% COPA-COGECA; 35% civil society

This analysis has been made more difficult than needed by the fact that DG AGRI has published only organisations acronyms, rather than full names and details. In some cases the transparency register includes several entities with the same acronym.

As the table above shows, none of the groups respects a fair balance between commercial interests and non commercial/public interests. The most problematic case is the group on direct payments and greening which discusses the single biggest item in the EU budget-, representing around 30% of the entire EU expenditure. 39% of the experts on this group are provided by COPA-COGECA, the dominant farm unions' organisation that represents the direct beneficiaries of this EU expenditure. Adding the other farm unions' representatives, 50% of the experts represent the direct beneficiaries of CAP subsidies. Other groups are similarly dominated by industry interests.

This imbalance in the composition of the newly reformed groups is being made much worse by a clearly abusive setting up of the meetings schedule. While in the past each group would meet once or twice a year, the provisional calendar communicated by Dg Agri for 2014 includes a proliferation of meetings that cannot be justified by real consultation needs.

A main element of the recent reform of the groups has been to reflect the new structure of the CAP in which the old common market organizations (CMO) no longer exist since the single CMO has been established. The decision to hold so many meetings under the arable group, the animal products one and the horticulture, olives and spirits seems to ignore this. The arable crops group in fact is scheduled to meet 5 times in four months with two meetings being held the same week, but not consecutively. The animal products one is planned to meet 8 times and the horticulture one 6 times, again over a period of 4 months. In some cases it would mean sending a total of 192 farming experts for just one group over a period of four months.

This makes a mockery of the reform that has just been agreed, by reintroducing through the back door groups that have just been abolished. It also creates at the very least a strong suspicion that it is mostly a way to cover the costs of stakeholders lobby trips to Brussels, rather than as a way to allow efficient stakeholders dialogue and provision of expertise to the Commission, at a time when the EU overall and the CAP in particular is under severe public scrutiny.

One recommendation in light of this stark imbalance is that the groups should all be much smaller, allowing

more efficient working, a better balance of interests and significant cost savings. We would suggest that no group should have more than 53 representatives. Even more important is to keep the number of meetings limited and manageable (i.e. 1-2 meetings a year), avoiding a proliferation of meetings and de facto sub-groups that defeat the purpose the rationalisation of the system.

Do you have any extra examples where the Commission is creating groups that are not in the register?

No. See CEO submission

What, according to you, is the root cause of the unbalanced composition of the Commission expert groups identified by you?

Group composition has been decided by DG Agriculture so presumably it reflects their understanding of what a balanced representation means. It seems reasonable that the highly unbalanced composition of many of the groups is a direct result of the significant influence of industry on DG Agri decision making. Ahead of the decision we had warned the Commission about the need to resist political interference (see our letter to Commissioner Ciolos <http://corporateeurope.org/expert-groups/2014/01/open-letter-dg-agri-commissioner-ciolo>)

It is worth noting that civil society has a limited capacity to send high quality experts to Brussels. Artificially inflating the number of seats on the civil dialogue groups allows farm unions to field an unnecessarily high number of experts while civil society groups struggle to fill “their seats” legitimising a final imbalanced composition.

The bizarre scheduling of meetings that has followed the reform of the groups seems to suggest that ensuring frequent travelling of farm union lobbyists to Brussels might be an undeclared objective being pursued. It is also an open secret that COPA-COGECA uses the reimbursed travels as a way to fund their internal meetings, going as far as requesting the rescheduling of expert groups when these don’t match their internal meetings calendar.

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?

See CEO submission

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?

No major remarks on DG Agri civil dialogue groups. See CEO submission for other DGs.

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?

In the case of DG Agri civil dialogue groups the answer is yes. See CEO submission for other DGs.

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?

The call published by DG Agri was well drafted and inclusive. The problem is that the actual selection of organisation has not lived up to the promises made. In fact, selection criteria have not been disclosed and it is impossible to know to what extent the selection was based in rigorous criteria rather than on political interference.

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?

We have been accepted to the civil dialogue groups for which we have candidate and have not experienced particular problems. DG Agri civil dialogue groups are backed up by sufficient reimbursements. The problem now is the proliferation of meetings which would make our participation difficult to maintain.

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

The Commission should adhere to a rule of 50-50 split between commercial and non commercial interests. It should also have rules preventing a single organisation from dominating a group. We believe that one organisation should never control more than 25% of the seats. Inflating the size of groups to more than 50 persons, to accommodate a greater absolute number from particular organisations or interests, should also not be permitted. It is clear that better endowed stakeholders can field many more representatives. So increasing the size of groups beyond what is needed to accommodate all interested stakeholders will lead to over representation of the most powerful group. Finally, it is worth highlighting that in the case of DG Agri groups the treatment of COPA and COGECA as separate entities is spurious as the transparency register shows that the two organisations share their Secretary General, their offices, their website etc.

7. Do you have any other comments?

The situation before the recent reform of DG Agri advisory groups (under the 2004 decision) is described in this blog <http://corporateeurope.org/expert-groups/2014/01/will-public-trust-eu-be-sacrificed-keep-agribusiness-happy>