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From: Adam Schlosser [REDACTED]
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Subject: [EOWEB] Consultation Concerning the Composition of European Expert Groups
Attachments: US Chamber Comments on EU Expert Groups.pdf

Sender

Sender Adam Schlosser [REDACTED]
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Your data

Part 1 - Contact information

First name	Adam
Surname	Schlosser
Gender	Male
E-mail address	[REDACTED]

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

Part 2 - Data

Subject Consultation Concerning the Composition of European Expert Groups

Thank you for the opportunity to comment on the consultation concerning the composition of European expert groups. Attached are comments on behalf of the U.S. Chamber of Commerce. Please do not hesitate to reach out to me with any follow up questions.

Regards

Content

Adam Schlosser

Director, Center for Global Regulatory Cooperation

U.S. Chamber of Commerce



CENTER FOR GLOBAL REGULATORY COOPERATION

U.S. CHAMBER OF COMMERCE

U.S. CHAMBER OF COMMERCE COMMENTS ON THE COMPOSITION OF EUROPEAN COMMISSION EXPERT 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?

First, the term “expert” needs to be better defined. Expert groups should be used to provide and analyze objective evidence and scientific data for Commission decision-making, rather than trying to generate a pre-determined set of “balanced” political, economic, social or policy position viewpoints. The stakeholder consultation process should be used to collect balanced political inclinations, if appropriate.

When dealing with highly technical and specific types of knowledge, there needs to be an acknowledgement that only a small group of representatives may possess the required expertise. The Commission should consider that some issues may not need a “politically balanced” set of views, but may instead require data and evidence. The extent of technical expertise should be the main consideration for membership.

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?

Conflicts of interest can be avoided by relying on experts who possess specific technical expertise rather than choosing individuals to represent a general viewpoint. The best way to avoid the appearances of conflict is to rely on sound evidence.

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?

N/A

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?

When legislation or policy actions are proposed there should be an explicit reference to the formation of expert groups, including how to apply and the scope of responsibility. The expert groups should be more closely linked to other publicly available information.

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?

N/A

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

It is important to invite anyone with the relevant knowledge to serve in an expert group, but the Commission should also seek out technical experts who may be outside the scope of parties typically consulted. “Balance” should be achieved by relying on those with different types of technical experience, such as academic, scientific, manufacturing, etc., and different geographical locations, including parties outside of the Member States who are nonetheless significant actors and stakeholders in the EU market.

7. Do you have any other comments?

There needs to be a better clarification of the role of expert groups, whether formal or informal, versus the role opinions and evidence gathered during stakeholder consultation. If expert opinions carry extra weight in the preparation and implementation of legislation and policy initiatives, the source of those opinions needs to be better scrutinized and separated from other forms of stakeholder consultation. Therefore, expert groups should be limited to those containing demonstrable technical expertise.