Review of status of the Commission’s register of expert groups and their composition

Budgetary Affairs
Review of status of the Commission’s register of expert groups and their composition

STUDY

Abstract
This report aims to provide insights into the development, since 2016, of the European Commission’s system of Expert Groups, including the Register of Expert Groups, thus updating the European Parliament’s study ‘Composition of the Commission’s expert groups and the status of the register of expert groups’ (September 2015). The Update finds that the European Commission’s revised Horizontal Rules, introduced in May 2016, triggered important improvements in terms of balance of interests, transparency and gender balance. Notwithstanding, there is further room for enhancing the system, and this Update recommends: further strengthening balance with a specific focus on the Expert Groups that continue to experience imbalance; further enhance transparency of Expert Group deliberations; remind Expert Groups about the requirement for gender balance; for the European Commission to report on the system and evaluate the system’s performance; and to conduct further research on specific types of Expert Group members and the use of Expert Groups.
This document was requested by the European Parliament’s Committee on Budgetary Control. It designated its Member Mr Dennis De Jong to follow the study.

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LIST OF ABBREVIATIONS

DG  European Commission Directorate-General
EC  European Commission
EC SG  European Commission Secretariat-General
EG  European Commission Expert Group
EP  European Parliament
EU  European Union
EUR  Euro
OECD  Organisation for Economic Co-operation and Development
REG  European Commission Expert Group Register
ToR  Terms of reference
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EXECUTIVE SUMMARY

Introduction

This study aims to provide insights into the development, since 2016, of the European Commission’s (EC) system of Expert Groups, including the Register of Expert Groups, thus updating the European Parliament’s (EP) earlier study on the same topic: ‘Composition of the Commission’s expert groups and the status of the register of expert groups’ (September 2015). The EP’s Directorate for Budgetary Affairs requested Blomeyer & Sanz to conduct this research assignment between 11 July and 21 September 2018.

The EP’s Terms of Reference define the objective for this research assignment as follows ‘to inform Members of the CONT committee on the state of play of the composition of the Commissions expert groups and status of their register by means of quantitative analysis and by assessment of the Commission’s horizontal rules and their implementation across Commission’s DGs’.

The study was prepared on the basis of desk research and interviews.

Findings

This update finds the normative framework on Expert Groups to have improved significantly:

- The EC’s revised Horizontal Rules (2016) introduce new definitions (expert group and conflict of interest);
- The new Rules also introduce a new category of members (Type E members – other public entities);
- Gender balance in the composition of the expert groups is now an objective (minimum 40% of representatives of each gender in a group);
- The new Rules establish a link between the Register of Expert Groups for Type B and C members and the Transparency Register;
- Individuals need to submit a publicly available Declaration of Interests and an updated CV when applying to be appointed as Type A members;
- The new Rules make public calls mandatory when selecting members other than public authorities and representative bodies established by Union legislation;
- Organisations and self-employed individuals need to register in the Transparency Register when applying to become members of an Expert Group.

Looking at the existing general data on Expert Groups (as of July 2018), the main developments since the 2015 study can be noted as follows:

- A total of 775 Expert Groups are registered in the Register of Expert Groups, a decrease of 7% since April 2015; this update was not in a position to verify the causes explaining the drop in the number of Expert Groups between 2015 and 2018;
- The total number of unique members in all Expert Groups accounts for 10,332, up from 6,010 in 2015, an increase of 72%, explained by the reorganisation of the category for Member State
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authorities; the total number of non-unique members has decreased from 24,676 in 2015 to 15,515 in 2018 (decrease of 31%);

• Consistent naming of Expert Groups has significantly improved when comparing the data between 2015 and 2018;

• 421 Type A members (32% of all Type A members) have more than one professional profile (up to 14 profiles); the accuracy of the entries of individuals with multiple professional profiles requires further verification;

• The Register shows no information on the professional profile for 152 individual experts appointed in their personal capacity (~12% of all non-unique Type A members).

• Looking at the category of ‘Organisations’, the drop in the participation of the category ‘Corporate’ (from 31% in 2015 down to 13% in 2018) is worth noting; at the same time the category ‘Association’ has increased (from 9% in 2015 to 29% in 2018).

Turning to the Update’s interest in developments regarding the Balance/Imbalance of the Expert Group system, the main findings are:

• The revised Horizontal Rules fail to define the concept of “balanced composition” in each Expert Groups or “balance” in general;

• The EC rejects ‘quotas’ for specific categories of interest (economic and non-economic interests);

• 1,528 organisations (non-unique Type C members) have been classified as having an economic interest; 133 out of 179 Expert Groups (74%) that count at least one member with economic interest are characterised by imbalance (more members with economic interests than non-economic interests); 39 (22%) of them have no non-economic interest member at all, thus being classified as experiencing high imbalance; the number of Expert Groups experiencing high imbalance has decreased by 49% since 2015.

With regard to the criterion of Transparency, overall developments since 2015 have also been positive:

• 709 out of 775 Expert Groups (91%) provide at least one record on ‘activity report’;

• All 775 Expert Groups show information regarding their selection procedure;

• 774 out of 775 Expert Groups (100%) provide at least one record on ‘rules of procedure’;

• 267 out of 775 Expert Groups (34%) provide at least one record on ‘other information’;

• 296 out of 775 Expert Groups (38%) provide information on meetings;

• Looking at the 1,394 records on meetings across all Expert Groups, it appears that only five meetings were open to the public;¹ two meetings were web streamed.

Finally, with regard to the Horizontal Rules’ new emphasis on gender balance, this Update found:

• 60% of all Type A and B members are male (1,115 out of 1,851); in 67% of Expert Groups with Type A and B members (111 Expert Groups) male membership outbalances female membership; in 14% a gender balance was achieved;

¹ EC feedback covering data until September 2018 indicates that public meetings took place in 12 Expert Groups. EC replies of 23 October 2018 to questions by the author (see Annex 1 for the questions). Note that the figure is different from that available from the dataset for July 2018, used by this study, and which refers to only 5 public meetings.
• 66% of all Type C members are male (1,423 out of 2,151); In 73% of Expert Groups having Type C members (97 Expert Groups) male membership outbalances female membership, in 14% a gender balance was achieved;

• 58% of all Type D members are male (1,458 out of 2,526); In 59% of the Expert Groups with Type D members (76 Expert Groups) male membership outbalances female membership, in 3% a gender balance was achieved;

• Finally, concerning the number of Expert Groups that do not achieve the target of minimum 40% gender representation per Expert Group, for 107 groups (49% of all groups with members having disclosed their gender) female representation is less than 40%; in 22 groups (10%) male representation is less than 40%.

Recommendations

This Update issues five recommendations:

• Continue strengthening balance, with a specific focus on Expert Groups where the quantitative assessment indicates imbalance;

• Consider making all Expert Group deliberations public, e.g. by strengthening the use of web streaming of Expert Group meetings;

• The European Commission should ‘remind’ Expert Groups about the requirement of gender balance;

• The European Commission should regularly report on the implementation of the Horizontal Rules and conduct evaluations of the performance of the Expert Group system;

• Conduct further research on: developments with regard to specific types of Expert Group members, most notably Type C members (Organisations); Type A members with multiple profiles or showing no information; the general drop in the number of Expert Groups; and the use of sub-groups.
ZUSAMMENFASSUNG

Einleitung


Die Studie stützt sich auf Sekundärforschung und Befragungen.

Ergebnisse

Im Rahmen der Aktualisierung wurde eine maßgebliche Verbesserung des normativen Rahmens festgestellt:

- In den überarbeiteten horizontalen Bestimmungen (2016) der Kommission werden neue Begriffsbestimmungen eingeführt (Expertengruppe und Interessenkonflikt).
- Ferner wird in den neuen Bestimmungen eine neue Mitgliederkategorie eingeführt (Mitglieder des Typs E – andere öffentliche Einrichtungen).
- Hinsichtlich der Zusammensetzung der Expertengruppen gehört nunmehr ein ausgewogenes Verhältnis von Frauen und Männern zu den Zielvorgaben (in jeder Gruppe sollen die Geschlechter jeweils mit einem Anteil von mindestens 40 % vertreten sein).
- Mit den neuen Bestimmungen wird eine Verbindung zwischen dem Register der Expertengruppen für Mitglieder des Typs B und C und dem Transparenz-Register geschaffen.
- Bewerberinnen und Bewerber, die zum Mitglied des Typs A ernannt werden möchten, müssen eine öffentlich zugängliche Interessenerklärung zusammen mit einem aktuellen Lebenslauf einreichen.
- Nach den neuen Bestimmungen sind für die Auswahl von Mitgliedern, die keine Behörden bzw. durch Unionsvorschriften eingerichtete Vertretungsgremien repräsentieren, öffentliche Aufforderungen zwingend vorgeschrieben.
- Organisationen und selbständige Personen müssen sich im Rahmen ihrer Bewerbung um die Mitgliedschaft in einer Expertengruppe im Transparenz-Register eintragen lassen.
Mit Blick auf die vorliegenden allgemeinen Daten zu den Expertengruppen (Stand Juli 2018), lassen sich folgende wesentliche Entwicklungen seit der Studie von 2015 feststellen:

- In dem Register der Expertengruppen sind insgesamt 775 Expertengruppen eingetragen, was einem Rückgang von 7 % seit April 2015 entspricht. Im Rahmen der vorliegenden Aktualisierung konnten die Gründe für die abnehmende Zahl von Expertengruppen in dem Zeitraum zwischen 2015 und 2018 nicht geprüft werden.


- 421 Mitgliedern des Typs A (32 % aller Mitglieder des Typs A) ist mehr als ein Anforderungsprofil zugeordnet (bis zu 14 Profile). Die Richtigkeit der Angaben von Einzelpersonen mit mehreren Anforderungsprofilen muss noch weiter geprüft werden.

- In dem Register sind bei 152 ad personam ernannten Einzelsachverständigen (~12 % aller Nicht-Einzelmitglieder des Typs A) keine Angaben zum Anforderungsprofil enthalten.


Was die im Rahmen dieser Aktualisierung insbesondere untersuchten Entwicklungen bei der Ausgewogenheit/Unausgewogenheit des Systems der Expertengruppen betrifft, lauten die Ergebnisse wie folgt:


- Die Kommission lehnt „Quoten“ für bestimmte Interessenskategorien (wirtschaftliche und nicht-wirtschaftliche Interessen) ab.

- 1 528 Organisationen (Nicht-Einzelmitglieder des Typs C) wurden dahingehend eingestuft, dass ein wirtschaftliches Interesse bei ihnen vorliegt. 133 von 179 Expertengruppen (74 %), zu denen mindestens ein Mitglied mit einem wirtschaftlichen Interesse zählt, sind von Unausgewogenheit gekennzeichnet (dort gibt es mehr Mitglieder mit wirtschaftlichen Interessen als mit nicht-wirtschaftlichen Interessen), bei 39 (22 %) davon fehlen Mitglieder mit nicht-wirtschaftlichem Interesse ganz und gar, und sie erhalten daher die Einstufung, dass eine starke Unausgewogenheit vorliegt. Die Anzahl der Expertengruppen mit einer starken Unausgewogenheit ist seit 2015 um 49 % gesunken.
Im Hinblick auf das Transparenzkriterium erweisen sich die Entwicklungen seit 2015 insgesamt ebenfalls als positiv:

- Bei 709 von 775 Expertengruppen (91 %) liegt mindestens eine Angabe zu „Tätigkeitsbericht“ vor.
- Alle 775 Expertengruppen geben Informationen zu ihrem Auswahlverfahren an.
- Bei 774 der 775 Expertengruppen (100 %) liegt mindestens eine Angabe zu „Geschäftsordnung“ vor.
- Bei 267 der 775 Expertengruppen (34 %) liegt mindestens eine Angabe zu „Sonstige Informationen“ vor.
- 296 der 775 Expertengruppen (38 %) legen Informationen zu Sitzungen vor.
- Mit Blick auf die 1 394 Angaben von allen Expertengruppen zu den Sitzungen ist festzustellen, dass der Öffentlichkeit nur fünf davon zugänglich waren.\(^2\) Zwei Sitzungen wurden im Internet übertragen.

Was den neuen Schwerpunkt eines ausgewogenen Verhältnisses von Frauen und Männern in den horizontalen Bestimmungen betrifft, lauten die Erkenntnisse im Rahmen der Aktualisierung schließlich wie folgt:

- 60 % aller Mitglieder der Typen A und B sind männlich (1 115 von 1.851). In 67 % aller Expertengruppen mit Mitgliedern der Typen A und B (111 Expertengruppen) überwiegen die männlichen gegenüber den weiblichen Mitgliedern, in 14 % wurde ein ausgewogenes Verhältnis von Frauen und Männern erreicht.
- 66 % aller Mitglieder des Typs C sind männlich (1 423 von 2.151). In 73 % der Expertengruppen mit Mitgliedern des Typs C (97 Expertengruppen) überwiegen die männlichen gegenüber den weiblichen Mitgliedern, in 14 % wurde ein ausgewogenes Verhältnis von Frauen und Männern erreicht.
- 58 % aller Mitglieder des Typs D sind männlich (1 458 von 2.526). In 59 % der Expertengruppen mit Mitgliedern des Typs D (76 Expertengruppen) überwiegen die männlichen gegenüber den weiblichen Mitgliedern, in 3 % wurde ein ausgewogenes Verhältnis von Frauen und Männern erreicht.
- Schließlich beträgt im Hinblick auf die Anzahl von Expertengruppen, die das Mindestziel einer 40%igen Geschlechtervertretung pro Expertengruppe nicht erreichen, bei 107 Gruppen (49 % aller Gruppen mit Mitgliedern, die die Geschlechterverteilung offengelegt haben) der Frauenanteil weniger als 40 %. In 22 Gruppen (10 %) liegt der Männeranteil unter 40 %.

Empfehlungen

Im Rahmen dieser Aktualisierung werden fünf Empfehlungen ausgesprochen:

- Die Ausgewogenheit ist weiter zu stärken, wobei ein besonderer Schwerpunkt auf die Expertengruppen zu legen ist, bei denen die quantitative Bewertung auf eine Unausgewogenheit hindeutet.
- Es ist in Erwägung zu ziehen, alle Beratungen der Expertengruppen der Öffentlichkeit zugänglich zu machen, z.B. durch eine verstärkte Nutzung der Übertragung von Sitzungen der Expertengruppen im Internet.
- Die Kommission sollte die Expertengruppen an die Anforderung des ausgewogenen Verhältnisses von Frauen und Männern „erinnern“.
- Die Kommission sollte regelmäßig über die Umsetzung der horizontalen Bestimmungen Bericht erstatten und die Leistung des Systems der Expertengruppen bewerten.
SYNTHÈSE

Introduction


Le mandat donné par le Parlement européen définit l’objectif de cette mission de recherche de la manière suivante: «informer les membres de la commission CONT de l’état d’avancement de la composition des groupes d’experts de la Commission et de l’état de leur registre au moyen d’une analyse quantitative et d’une évaluation des règles horizontales de la Commission et de leur mise en œuvre dans l’ensemble des directions générales de la Commission».

L’étude a été réalisée à partir de recherches documentaires et d’entretiens.

Constatations

Ce réexamen révèle que le cadre normatif relatif aux groupes d’experts s’est sensiblement amélioré:

- les règles horizontales révisées par la Commission européenne en 2016 introduisent de nouvelles définitions («groupe d’experts» et «conflit d’intérêts»);
- les nouvelles règles établissent également une nouvelle catégorie de membres (membres de type E, «autres entités publiques»);
- l’équilibre hommes-femmes dans la composition des groupes d’experts est désormais un objectif (au moins 40 % de représentants de chaque sexe au sein d’un groupe);
- les nouvelles règles établissent un lien entre le registre des groupes d’experts pour les membres de types B et C et le registre de transparence;
- les particuliers doivent déposer une déclaration d’intérêts accessible au public et un CV mis à jour lorsqu’ils demandent à être nommés membres de type A;
- les nouvelles règles rendent obligatoires les appels à candidature publics lors de la séduction de membres autres que des autorités publiques et des organismes représentatifs instaurés par la législation de l’Union;
- les organisations et les consultants indépendants doivent s’inscrire au registre de transparence lorsqu’ils demandent à devenir membres d’un groupe d’experts.

En ce qui concerne les données générales actuellement disponibles au sujet des groupes d’experts (en juillet 2018), les principales évolutions qu’il convient de noter depuis l’étude de 2015 sont les suivantes:

- au total, 775 groupes d’experts sont inscrits au registre des groupes d’experts, ce qui représente une baisse de 7 % depuis avril 2015; le présent réexamen n’a pas permis de déterminer les raisons de la baisse du nombre de groupes d’experts entre 2015 et 2018;
• le nombre total de membres uniques dans l'ensemble des groupes d’experts s’élève à 10 332, contre 6 010 en 2015, soit une augmentation de 72 %, qui peut s’expliquer par la réorganisation de la catégorie des autorités des États membres; le nombre total de membres non uniques est passé de 24 676 en 2015 à 15 515 en 2018, soit une diminution de 31 %;
• si l’on compare les données de 2015 et de 2018, il apparaît que la désignation cohérente des groupes d’experts s’est considérablement améliorée;
• 421 membres de type A, soit 32 % du nombre total de membres de type A, ont plusieurs profils professionnels (jusqu’à 14 profils); l’exactitude des données saisies par les personnes ayant des profils professionnels multiples doit faire l’objet d’une vérification plus poussée;
• le registre ne fournit aucune information sur le profil professionnel de 152 experts nommés à titre individuel, qui représentent environ 12 % de tous les membres non uniques de type A;
• au sein de la catégorie des organisations, on observe une baisse de la participation de la sous-catégorie des entreprises (de 31 % en 2015 à 13 % en 2018); dans le même temps, la sous-catégorie des associations est passée de 9 % en 2015 à 29 % en 2018.

En ce qui concerne l’évolution de la question de l’équilibre au sein du système de groupes d’experts, les principales conclusions de l’étude sont les suivantes:
• les règles horizontales révisées ne définissent pas la notion de «composition équilibrée» d’un groupe d’experts ni celle d’«équilibre» en général;
• la Commission refuse d’adopter des «quotas» pour des catégories d’intérêts spécifiques (intérêts économiques et non économiques);
• 1 528 organisations (membres non uniques de type C) ont été classées parmi les membres ayant un intérêt économique; sur 179 groupes d’experts comportant au moins un membre ayant un intérêt économique, 133 groupes (74 %) affichent un déséquilibre (les membres ayant des intérêts économiques sont plus nombreux que les autres); 32 d’entre eux (22 %) ne comportent aucun membre ayant un intérêt non économique et sont donc classés parmi les groupes très déséquilibrés; le nombre de groupes d’experts connaissant un déséquilibre important a diminué de 49 % depuis 2015.

En ce qui concerne le critère de transparence, l’évolution générale depuis 2015 a également été positive:
• 709 des 775 groupes d’experts (91 %) ont fourni au moins un dossier dans la catégorie «rapport d’activité»;
• l’ensemble des 775 groupes d’experts ont fourni des informations concernant leur procédure de sélection;
• 774 des 775 groupes (100 %) ont fourni au moins un dossier dans la catégorie «règlement intérieur»;
• 267 des 775 groupes d’experts (34 %) ont fourni au moins un dossier dans la catégorie «autres informations»;
• 296 des 775 groupes d’experts (38 %) ont fourni des informations sur leurs réunions;
après examen des 1 394 procès-verbaux de réunions fournis par l'ensemble des groupes d'experts, il en ressort que seules cinq réunions étaient ouvertes au public;² deux réunions ont été diffusées en ligne.

Enfin, en ce qui concerne le nouvel objectif établi par les règles horizontales au sujet de l'équilibre hommes-femmes, le présent réexamen conclut que:

- 60 % des membres de type A et B, soit 1 115 membres sur 1 851, sont des hommes; dans 67 % des groupes d'experts comprenant des membres de type A et B, soit 111 groupes, les hommes sont plus nombreux que les femmes; 14 % des groupes affichent un équilibre entre hommes et femmes;
- 66 % des membres de type C, soit 1 423 membres sur 2 151, sont des hommes; dans 73 % des groupes d'experts comprenant des membres de type C, soit 97 groupes, les hommes sont plus nombreux que les femmes; 14 % des groupes affichent un équilibre entre hommes et femmes;
- 58 % des membres de type D, soit 1 458 sur 2 526, sont des hommes; dans 59 % des groupes d'experts comprenant des membres de type D, soit 76 groupes, les hommes sont plus nombreux que les femmes; 3 % des groupes affichent un équilibre entre hommes et femmes;
- enfin, en ce qui concerne l’objectif minimal de 40 %, 107 groupes (49 % des groupes dont les membres ont indiqué leur sexe) comprennent moins de 40 % de femmes; 22 groupes (10 %) comprennent moins de 40 % d’hommes.

Recommandations

Cinq recommandations sont formulées à la suite du présent réexamen:

- continuer de travailler à un meilleur équilibre au sein des groupes d’experts, en mettant plus particulièrement l’accent sur les groupes dont l’évaluation quantitative indique un déséquilibre;
- envisager de rendre publiques toutes les délibérations des groupes d’experts, en encourageant par exemple la diffusion des réunions en ligne;
- «rappeler» aux groupes d’experts qu’ils sont soumis à une exigence d’équilibre hommes-femmes;
- établir des rapports réguliers concernant la mise en œuvre des règles horizontales et conduire des évaluations des performances du système de groupes d’experts;
- mener de plus amples recherches sur l’évolution particulière de certains types de membres de groupes d’experts, en particulier les membres de type C (les organisations), sur les membres de type A qui ont des profils multiples ou qui ne fournissent aucune information, sur la baisse globale du nombre de groupes d’experts et sur l’utilisation de sous-groupes.

³ Le retour de la Commission sur les données collectées jusqu’en septembre 2018 indique que 12 groupes d’experts ont tenu des réunions publiques. Réponses de la Commission aux questions de l’auteur le 23 octobre 2018 (voir annexe 1). Il est à noter que ce chiffre diffère de celui obtenu à partir de l’ensemble de données disponible en juillet 2018 qui a été utilisé aux fins de cette étude et qui ne mentionne que cinq réunions publiques.
1. INTRODUCTION

The European Parliament’s (EP) Directorate for Budgetary Affairs requested Blomeyer & Sanz to conduct this update between 11 July and 21 September 2018. The introduction briefly presents the objectives and context of the update (Section 1.1), the methodology (Section 1.2), and the structure of this report (Section 1.3).

1.1. OBJECTIVES AND CONTEXT

1.1.1. Objectives

In line with the specific terms of reference (ToR), this update aims to provide insights into the development, since 2016, of the European Commission’s (EC) system of Expert Groups (EG), including the Register of Expert Groups (REG), thus updating the EP’s earlier study on the same topic: ‘Composition of the Commission’s expert groups and the status of the register of expert groups’ (September 2015).

The EC defines the EGs as ‘consultative bodies set up by the Commission or its departments for the purpose of providing them with advice and expertise’.4 In July 2018, 775 EGs were registered on the REG, counting some 15,000 members.

The EP’s ToR define the objective for this update as follows: ‘to inform Members of the CONT committee on the state of play of the composition of the Commissions expert groups and status of their register by means of quantitative analysis and by assessment of the Commission’s horizontal rules and their implementation across Commission’s DGs’. The focus of this update is quantitative, presenting comprehensive information on the current situation of the EGs on the basis of EC data of July 2018. The update thus helps to understand the extent of reform, most notably the effects of the revised horizontal rules on EGs, introduced by the EC in May 2016.

1.1.2. Context

To set the overall context for this study, this section provides a brief chronological overview of the development of the system of EGs over the past years.5

Chronological overview

- 2011: EP reserve on the EG budget;6
- 2012: the EC commits to transparency on EGs, issues its first ‘State of Play’ report on EGs, and the EP lifts the reserve on the EG budget;
- 2013: the EC issues its second and third ‘State of Play’ report on EGs;

5 Events in the years 2011 to 2015 are copied from the original study ‘Composition of the Commission’s expert groups and the status of the register of expert groups’ (September 2015).
6 EP (2011) Annex to texts adopted at the sitting of Wednesday, 26 October 2011, Amendments to the draft general budget of the European Union for the financial year 2012, PE 473.473
• 2014: the European Ombudsman launches an own-initiative inquiry on EGs, and the EP votes a EUR 3.9 million budget reserve for 2015;

• 2015: the European Ombudsman writes to the EC with findings from the inquiry and requests the EC to respond with an opinion by 30 April 2015;7 The EC issues its opinion on the Ombudsman inquiry, announcing reform in some areas, i.e., ‘in principle’ use of public calls for applications for EG membership, requiring specific types of EG members (i.e., organisations, individuals appointed as representatives of an interest) to be registered in the Transparency Register, and strengthened conflict of interest provisions for experts appointed in their personal capacity;8

• January 2016: The European Ombudsman issues a further two recommendations to the EC;

• April 2016: Institutional agreement between the EP, the Council of the European Union and the EC on better law-making: ‘Experts from the European Parliament and from the Council shall systematically have access to the meetings of Commission expert groups to which Member States’ experts are invited and which concern the preparation of delegated acts’;

• May 2016: Adoption of EC decision establishing horizontal rules on the creation and operation of Commission expert groups, called ‘revised horizontal rules’, and EC replies to the European Ombudsman’s recommendation in her strategic inquiry OI/6/2014/NF concerning the composition of Commission expert groups;

• August 2017: EC response to text adopted in plenary SP (2107)358 – EP’s resolution of 14 February 2017 on control of the Register and composition of the EGs;

• November 2017: European Ombudsman Decision OI/6/2014/NF concerning the composition and transparency of EGs.

1.2. METHODOLOGY

The update was prepared on the basis of desk research (Section 1.2.1) and stakeholder consultations (Section 1.2.2).

1.2.1. Desk research

This report’s quantitative analysis is based on the complete list of registered EGs including all its details in machine-readable format (in the programming language of ‘Extensible Markup Language’, XML) downloaded from the EC’s Register of Commission Expert Groups website on 13 July 2018.9 The list, available as a single XML dataset file, was later exported into a ‘MySQL database’ (SQL refers to the programming language of ‘Structured Query Language’) for further data processing, filtering and analysis by means of SQL query building.


9 http://ec.europa.eu/transparency/regexpert/index.cfm?do=transparency.showList
The following bullet points present the definitions, concepts and considerations that need to be taken into account to interpret the results from the data analysis.

- **EGs considered for the analysis**: unless stated otherwise, all categories of ‘EG Status’ (‘active’ and ‘on-hold’) and ‘Types’ (‘Formal’, ‘Informal’, ‘Permanent’, ‘Temporary’).

- **EG members considered for the analysis**: only members with the status of ‘Member’, thus excluding ‘Alternate’ or ‘Observer’. Unless stated otherwise, when we talk about members, we refer to ‘non-unique members’, in contrast to ‘unique members’. A unique member will count as just one member regardless of how many EGs the unique member belongs to.

- **Imbalance**: In the 2015 study, ‘Imbalance’ was defined as a higher number of members with economic interests (organisations classified as ‘Corporate’ or ‘Financial Institution’ and individual experts as ‘Banking’, ‘Industry’, ‘Public Affairs’ or ‘Insurance’) versus non-economic interests (organisations classified as ‘NGO’ and ‘Trade Union’ or individual experts as ‘Consumers’ or ‘Trade Union’)10. Since the typology of organisations and typology of EG members has changed slightly for the 2018 dataset (see Annex 3), we define a ‘member with economic interests’ as any entity falling under any of the categories listed below, (i) or (ii):

  (i) Type C member (organisation) classified as: ‘Banks/Financial Institutions’, ‘Companies/Groups’, ‘Law Firms’, ‘Professional Consultancies’, ‘Professionals/Associations’, or ‘Trade and business associations’;

  (ii) Type B member (Individual expert appointed as representative of a common interest) having as interest represented’ any of the following: ‘Finance’, ‘Industry’, ‘Professionals’, or ‘SMEs’.

On the other hand, a **non-economic interest member** is any entity that falls under any of the categories listed below, (iii) or (iv):

  (iii) Type C member that is either ‘NGOs’ or ‘Trade Unions’;

  (iv) Type B member that represents the interests of ‘Civil society’ or ‘Employees/workers’.

For the purpose of the assessment of economic versus non-economic interest, the following type of members are excluded: Type C members that are ‘Academia, Research Institute and Think Tanks’, ‘Candidate Countries’, ‘EU Agencies’, ‘EU Institutions/Bodies’, ‘International/Intergovernmental Organisations’, ‘Other entities’, ‘Other Organisations’, ‘Third Countries’; and, Type B members representing the interest of ‘Academia/Research’. In this context, we need to note an important caveat: this update was not in a position to verify the ‘non-economic’ character of Academia, Research Institutes and Think Tanks, e.g. by looking at their funding sources.

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10 Please note that the 2015 Study made use of the dichotomy ‘corporate versus non-corporate’, drawing on the use of this terminology by relevant EP Budget reserves concerning the EGs, and by the REG’s use of the organisational category ‘corporate’. In 2018, the REG no longer used this category. This Update decided to use the dichotomy ‘economic versus non-economic’ in alignment with the European Ombudsman’s 2017 Decision. See Decision of the European Ombudsman in her strategic inquiry OI/6/2014/NF concerning the composition and transparency of European Commission expert groups.
• **EG sub-groups**: The sub-groups have been excluded from the analysis after finding that only few members of sub-groups are not members of the corresponding EGs, and thus considering that this will only marginally affect the analysis: 6,178 non-unique EG members; 1,604 are EG sub-group members (1,207 also members of the corresponding EG, and 397 (25%) only appear as member of the sub-group and not of the EG owning that sub-group). 191 out of these 397, are economic interest members (12% of all sub-group members). 11

• **Comparison between 2015 and 2018**: As noted above, there are differences in the organisation of the datasets for 2015 and 2018. This has constrained comparison between 2015 and 2018 and the assessment of improvements since the introduction of revised rules (‘Horizontal Rules for Commission Expert Groups’, EC Decision C(2016) 3301 of 30 May 2016). However, this update has made attempts to render the data as comparable as possible, and relevant caveats are noted throughout the text.

1.2.2. **Consultations**

Consultations were conducted with the EP (17 July 2018), Corporate Europe Observatory (13 August 2018), Transparency International (14 September 2018) and the EC Secretariat General (22 August 2018, replies in writing on 23 October 2018). Annex 1 presents the questions put to the EC. Consultations aimed to validate findings from the desk research. In this context, a caveat needs to be noted. Information from the EC was received after the deadline for completing the research for this Update. Whilst the information was integrated in this report, there was no room for following up with the EC, e.g. to discuss some of the information or request clarifications, most notably in terms of the EC’s approach to managing information on the EGs and ensuring quality control. However, this could be addressed by future research.

1.3. **REPORT STRUCTURE**

Further to this introduction, the report is organised in two main sections:

• Section 2 ‘Findings’ discusses the findings on the EGs as in July 2018. Starting with an introduction to the EG system (Section 2.1), the section focuses on assessing the system’s balance, transparency and gender aspects (Section 2.2);

• Section 3 ‘Recommendations’ reflects on possible avenues for further reform.

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11 Queries/XLS: stored procedures: get_submembers_that_are_members(); and get_submembers_that_are_not_members(); get_organisation_info_of_submembers_that_are_not_members(). Excel: ‘query results - how many of the 397 entities that only appear as sub-group members are corporate versus non-corporate.xlsx’
2. FINDINGS

This section presents the findings from the assessment of REG data in July 2018. The first sub-section introduces the EGs (Section 2.1); Section 2.2 reviews the system’s balance and transparency and also considers gender aspects.

2.1. INTRODUCTION TO THE EXPERT GROUPS

KEY FINDINGS

Normative framework
- The EC’s revised Horizontal Rules (2016) introduce new definitions (expert group and conflict of interest);
- The new Rules also introduce a new category of members (Type E members – other public entities);
- Gender balance in the composition of the expert groups is now an objective (minimum 40% of representatives of each gender in a group);
- The new Rules establish a link between the Register of Expert Groups for Type B and C members and the Transparency Register;
- Individuals need to submit a publicly available Declaration of Interests and an updated CV when applying to be appointed as type A members;
- The new Rules make public calls mandatory when selecting members other than public authorities and representative bodies established by Union legislation;
- Organisations and self-employed individuals need to register in the Transparency Register when applying to become members of an Expert Group.

Data on Expert Groups (as of July 2018)
- A total of 775 Expert Groups are registered in the Register of Expert Groups, a decrease of 7% since April 2015; this update was not in a position to verify the causes explaining the drop in the number of EGs between 2015 and 2018;
- The total number of unique members in all Expert Groups accounts for 10,332, up from 6,010 in 2015, an increase of 72%, explained by the reorganisation of the category for Member State authorities; the total number of non-unique members has decreased from 24,676 in 2015 to 15,515 in 2018 (decrease of 31%);
- Consistent naming of Expert Groups has significantly improved when comparing the data between 2015 and 2018;
- 421 Type A members (32% of all Type A members) have more than one professional profile (up to 14 profiles); the accuracy of the entries of individuals with multiple professional profiles requires further verification;
- The Register shows no information on the professional profile for 152 individual experts appointed in their personal capacity (~12% of all non-unique Type A members).
- Looking at the category of ‘Organisations’, the drop in the participation of the category ‘Corporate’ (from 31% in 2015 down to 16% in 2018) is worth noting; at the same time the category ‘Association’ has increased (from 9% in 2015 to 36% in 2018).
This section introduces the EG system, comprising a presentation of the normative framework (section 2.1.1), and key data on the number and composition of the EGs (section 2.1.2).

2.1.1. Normative framework

This section briefly presents the normative framework governing the EGs since the last comprehensive revision of the framework in May 2016.

The ‘Horizontal Rules for Commission Expert Groups’ (‘EC Decision C(2016) 3301 of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups’) set out the normative framework on the establishment and operation of EGs. First introduced in 2010, the Horizontal Rules were substantially revised in 2016, aiming to improve the functioning of the EGs on the basis of the EC’s existing experience with the EGs, and addressing concerns voiced by the EP, the Ombudsman and different civil society organisations.

The main body of the Horizontal Rules is complemented by eight annexes. These replace the previous Commission Communication C(2010) 7649, the Commission Staff Working Document SEC (2010) 1360 together with Commission Decision C(2014) 2220. The annexes provide additional information and guidelines on the following issues:

- **Annex 1**: Standard Commission Decision setting up an expert group
- **Annex 2**: Standard call for applications for the selection of expert group members
- **Annex 3**: Standard rules of procedure for expert groups
- **Annex 4**: Standard declaration of interest (DOI) form for individuals applying to be appointed as members of expert groups or sub-groups in a personal capacity
- **Annex 5**: Guidance for filling in the declaration of interests (DOI) form by individuals applying to be appointed as members of expert groups or sub-groups in a personal capacity
- **Annex 6**: Standard declaration of interests (DOI) form for members of expert groups or sub-groups appointed in a personal capacity
- **Annex 7**: Guidance for filling in the declaration of interests (DOI) form for members of expert groups or sub-groups appointed in a personal capacity
- **Annex 8**: Standard classification form for Type B and C members appointed before the adoption of the revised horizontal rules

While most of the principles set out in the previous Horizontal Rules (2010) remain valid, several changes have been introduced in 2016:

- **Definitions**: EGs are now defined as ‘consultative bodies set up by the Commission or its departments for the purpose of providing them with advice and expertise as set out in Article 3, and which are foreseen to meet more than once’. The 2010 requirement that an EG has to count at least six members was dropped, and now these groups are also covered by the Horizontal Rules.13 In addition, the
2016 Rules (Article 2) now define a conflict of interest as ‘any situation where an individual had an interest that may compromise or be reasonably perceived to compromise the individual’s capacity to act independently and in the public interest when providing advice to the Commission in relation to the subject of the work performed by the expert group or sub-group in question’.

- **Types of membership:** The 2010 Rules allowed four types of members. The 2016 Rules modified the category ‘organisations’ since this grouped together various entities that were different in nature. Thus, the 2016 Rules ‘distinguish “organisations” such as companies, NGOs and trade unions (type C members) from “other public entities”, such as Union bodies, offices and agencies, thirds countries and international organisations, which are classified in a new category (type E members)”.

- **Balanced representation** remains optional: ‘When selecting the members of groups, Commission departments shall aim at ensuring, as far as possible, a high level of expertise, a geographical balance, as well as a balanced representation of relevant know-how and areas of interest’. Moreover, the 2016 Rules (Article 10) established that ‘Commission departments shall strive to achieve a gender balance in the composition of the expert groups with a medium-term aim of at least 40% of representatives of each gender in each expert group’.

- **Register of expert groups:** the 2016 Rules required the new ‘version’ of the REG to be linked with the Transparency Register. The link between the two registers should be provided for type B and C members as well as alternate members. The REG shall comprise all EGs together with their sub-groups.

- **Conflict of interest:** Besides the new definition of a conflict of interest, the 2016 Rules also introduced an obligation for individuals applying to be appointed as type A members of EGs or sub-groups to disclose any information that could be considered as creating a conflict of interest. Therefore, those individuals have an obligation to fill in and submit a declaration of interests (DOI) form (Annex 4 of the 2016 Rules) and their updated CV. These should be a necessary requirement for an individual wishing to apply as a member of an EG or sub-group in a personal capacity who are expected to act in the public interest (Article 11). Moreover, the DOI should be made publicly available on the REG.

- **Public calls** are now a general rule: Public calls for application are mandatory for the EC when selecting members other than public authorities and representative bodies established by Union legislation. In its exchanges with the Ombudsman, the EC has confirmed the mandatory nature of the public calls in case of selecting members other than public authorities.

- **Transparency:** all EGs are to be published in the REG, including names of individual experts appointed in their personal capacity, and of organisations; information on the EG activities is to be made public on the REG or on dedicated EG websites linked to the REG; information on the selection process is to be included in the REG. Moreover, registration of organisations and self-employed individuals in the Transparency Register is now a mandatory requirement in order to be appointed as member of an EG.

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16 Summary of the Decision OI/6/2014/NF concerning the composition and transparency of European Commission expert groups
2.1.2. **Key data on EG number and composition**

Drawing on the REG, this section presents key data on the EGs, showing where possible, developments between the 2015 study and July 2018.

Information is presented in the following order:

- Number of EGs: total numbers and number of EGs per DG (Section 2.1.2.1);
- EG members: total numbers and per member type (Section 2.1.2.2);
- Organisations: per organisation type (Section 2.1.2.3);
- Individual experts appointed in their personal capacity (Section 2.1.2.4);
- Individual experts appointed as representatives of an interest (Section 2.1.2.5).

2.1.2.1. **Number of EGs**

*Total number of EGs*

In July 2018, the REG counted 775 EGs, as compared to 830 in April 2015. Note that the number of EGs peaked in 2006 with over 1,300 EGs, and decreased since then.\(^{17}\) In this context, we note a caveat: this update was not in a position to verify the causes explaining the drop in the number of EGs between 2015 and 2018, e.g. is the drop explained by a more ‘efficient’ re-organisation of existing EGs or by the use of alternative more informal or ad hoc mechanisms?

**Figure 1: Number of EGs**\(^{18}\)

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\(^{18}\) Queries/XLS: Q1-Number of expert groups.sql
**EGs per EC Directorate General**

The following figure provides a breakdown of EGs per EC Directorate General (DG) in July 2018. The DG counting most EGs is ‘DG Internal Market, Industry, Entrepreneurship and SMEs’ with 97 EGs; on the other hand, four DGs are associated with only one EG, such as the ‘European Personnel Selection Office’.

**Figure 2: Number of EGs per EC DG**

![Bar chart showing the number of EGs per EC DG as described in the text](chart.png)

2.1.2.2. **EG members**

This section presents data on EG members.

The 2015 study noted an important caveat concerning the number of EG members: ‘The real figures regarding the number of individual members may differ from the figures presented in this analysis. This is explained by inconsistencies in the naming of some organisations. For example, the REG data refers with different names to the European Consumer Organisation (BEUC), depending on the DG to which the EG comprising BEUC is associated. DGs AGRI, FISMA, GROW and JUST refer to ‘BEUC’, DG ENV to ‘BEUC (Bureau Européen des Unions de Consommateurs)’, DG SANTE to ‘BEUC - European Consumers’ Organisation’. DG GROW refers to BEUC in at least eight different ways depending on the EG concerned. The 2015 data set refers to BEUC in 25 different ways’.

The 2018 data set shows an important improvement in terms of consistent naming of EG members. For example, in the case of BEUC, the 2018 dataset refers to this organisation in two different ways, compared to 25 in 2015, namely, ‘Bureau Européen des Unions de Consommateurs (BEUC)’ and ‘BEUC - The European Consumers’ Organisation’.

**Number of EG members**

The 2018 data set shows 15,515 non-unique members and 10,323 unique members. Note that the comparison with 2015 may be misleading since in 2015, category ‘type D’ counted only 28 members.

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19 Queries/XLS: Q2-Number of active expert groups per lead DG.sql
(one per Member State), whilst the 2018 dataset counts 9,337 non-unique type D members and 6,242 unique members.

**Figure 3: Number of members**

Turning now to the EG data on unique members per category in July 2018, it is worth noting that the comparison with the 2015 data may result striking for some categories (even in relative or percentage terms). In 2015, there were 28 Type-D unique-members (Member State authorities) whilst in 2018 there are 6,242. This is explained by the EC re-organising the use of this category. Moreover, the 2018 dataset includes a new type (Type-E). It can be assumed that Type-C of 2015 has been split up in Type-C and Type-E for 2018.

**Figure 4: Number of unique members per category**

The following figure shows the data for non-unique members in July 2018.

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20 Queries/XLS: Q3-Number of members.sql
21 the total number of non-unique members per category is slightly higher (10,332) than the total number of non-unique members (10,323) shown in the previous section. This may be explained by the fact that nine members appear with two different membership types in the dataset. These are: 'EUROCITIES', 'European co-operation for Accreditation (EA)', 'European Committee for Electrotechnical Standardization (CENELEC)', 'European Committee for Standardization (CEN)', 'IBERDROLA (IBE)', 'Latvijas Brīvibas saviņu biedrība (LBAS)', 'Linder Astrid', and 'THIMANN Christian'. For example, 'EUROCITIES' appears as 'Type E - Other public entity' for the EG 'E02809', and as 'Type C - Organisation' for EGs 'E03226' and 'E03529'.
22 Queries/XLS: Q4-Number of members per type of membership.sql
Overall, the lower figures in 2018 for Type A and B members appear consistent with the lower number of EGs in 2018 as compared to 2015. The lower figures for Type C can not be fully explained with the re-organisation of categories (split of Type C into Type C and E).

2.1.2.3. Organisations

This sub-section presents data on organisation members (Type C) per type of organisation. Note that in the 2015 study there were 12 types of organisation; in 2018, there are 16 types. The field ‘organisation’ is only relevant for Type-C and Type-E members.

Table 1: Number of organisations per type

<table>
<thead>
<tr>
<th>Type of Organisation</th>
<th>Unique</th>
<th>Non-Unique</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academia, Research Institute and Think Tanks</td>
<td>181</td>
<td>227</td>
<td>C</td>
</tr>
<tr>
<td>Banks/Financial Institutions</td>
<td>44</td>
<td>47</td>
<td>C</td>
</tr>
<tr>
<td>Companies/Groups</td>
<td>373</td>
<td>451</td>
<td>C</td>
</tr>
<tr>
<td>Law Firms</td>
<td>12</td>
<td>12</td>
<td>C</td>
</tr>
<tr>
<td>NGOs</td>
<td>442</td>
<td>786</td>
<td>C</td>
</tr>
<tr>
<td>Other Organisations</td>
<td>192</td>
<td>226</td>
<td>C</td>
</tr>
<tr>
<td>Professional Consultancies</td>
<td>31</td>
<td>33</td>
<td>C</td>
</tr>
<tr>
<td>Professionals’ Associations</td>
<td>197</td>
<td>325</td>
<td>C</td>
</tr>
<tr>
<td>Trade and business associations</td>
<td>587</td>
<td>1309</td>
<td>C</td>
</tr>
<tr>
<td>Trade Unions</td>
<td>113</td>
<td>204</td>
<td>C</td>
</tr>
<tr>
<td>Candidate Countries</td>
<td>126</td>
<td>223</td>
<td>E</td>
</tr>
<tr>
<td>EU Agencies</td>
<td>58</td>
<td>94</td>
<td>E</td>
</tr>
<tr>
<td>EU Institutions/Bodies</td>
<td>45</td>
<td>62</td>
<td>E</td>
</tr>
<tr>
<td>International/Intergovernmental Organisations</td>
<td>99</td>
<td>141</td>
<td>E</td>
</tr>
<tr>
<td>Other entities</td>
<td>22</td>
<td>22</td>
<td>E</td>
</tr>
<tr>
<td>Third Countries</td>
<td>265</td>
<td>404</td>
<td>E</td>
</tr>
</tbody>
</table>
Note that the comparison between the 2018 and 2015 data can only be carried out partially. In 2015 there were 12 types of organisation whilst in 2018 there are 16. The following figure aims to match the two data sets. Note also that ‘Academia’ and ‘Research Institute’ are two different categories in 2015 but one single category in 2018. Moreover, two of the 2015 categories do not match directly any of the 2018 categories, i.e. ‘Association’, and ‘Corporate’. Likewise, in 2018 there are new categories that did not exist in 2015, i.e. ‘Companies/Groups’, ‘Law Firms’, ‘Other entities’, ‘Other Organisations’, ‘Professional Consultancies’, ‘Professionals’ Associations’, ‘Trade and business associations’.

The following figure shows the percentage of non-unique members that are organisations out of the total number of organisation that are non-unique members, for 2015 and for 2018. Note that the categories ‘Association’ and ‘Corporate’ in 2015, have been matched against several categories in 2018. In terms of the interest of this update in the theme of ‘balance’, the drop in the participation of the category ‘Corporate’ (from 31% in 2015 down to 16% in 2018) is worth noting; at the same time the category ‘Association’ has increased (from 9% in 2015 to 36% in 2018.).
Figure 6: Number of members change (%) per type of organisation

- Association (2015) or Trade and business associations; Professionals’ Associations (2018): 29% increase in 2018 compared to 9% in 2015.
- Corporate (2015) or Companies/Groups; Other Organisations; Professional Consultancies; Other entities; Law Firms (2018): 31% increase in 2018 compared to 13% in 2015.
- Banks/Financial Institutions: 1% increase in 2018 compared to 1% in 2015.
- EU Agencies: 2% increase in 2018 compared to 1% in 2015.
- EU Institutions/Bodies: 1% increase in 2018 compared to 1% in 2015.
- Trade Unions: 6% increase in 2018 compared to 6% in 2015.
- Academia, Research Institute and Think Tanks: 4% increase in 2018 compared to 6% in 2015.
- Candidate Countries: 2% increase in 2018 compared to 7% in 2015.
- Third Countries: 7% increase in 2018 compared to 7% in 2015.
- International/Intergovernmental Organisations: 3% increase in 2018 compared to 11% in 2015.
- NGOs: 14% increase in 2018 compared to 15% in 2015.

Queries/XLS: Q5-Number of members per organisation type.sql
2.1.2.4. **Individual experts appointed in their personal capacity**

This sub-section presents data on individual experts appointed in their personal capacity (Type A members) per DG, and per professional profile.

**Individual experts appointed in their personal capacity per DG**

Figure 7 shows that a few DGs concentrate most of the individual experts appointed in their personal capacity, namely, DGs RTD (587 experts), JUST (140), CNECT (75), SANTE (71) etc. The 2015 data set highlighted a ‘concentration’ of this type of member for DGs RTD (600 experts), JUST (154), EAC (107) and CNECT (107).

**Figure 7: Number of individuals in personal capacity by DG**

![Diagram showing the number of individuals in personal capacity by DG](image)

**Professional profiles of individual experts appointed in their personal capacity**

The datasets for the years 2013 to 2015 associated individuals appointed in their personal capacity with a set of 45 professional profiles. For an important number of individuals, the REG failed to indicate a professional profile (8% in 2015).

With regard to the 2018 data, note that the results refer to unique members (Type A). It is also worth noting that there are 154 unique members (Type A) having a blank profile (i.e. no value for professional profile). Two members of this group of 154, in addition to appearing with a blank profile, also appear with a non-blank profile. These members are ‘Member X’, and ‘Member Y’.

- Member X appears in two groups, namely, E03034 - Horizon 2020 Advisory Group on Gender, and E02951 - Horizon 2020 Advisory group [Europe in a changing world – inclusive, innovative and reflective societies]. In the first group the professional profile shown is 'Academia' whilst in the second, this is blank.

- Member Y also appears in two groups, namely, E02986 - Horizon 2020 Advisory Group 'Access to Risk Finance', and E03299 - European Commission Expert Group on Assessing the Investment Potential of SMEs Emerging from EU R&I programmes. The professional profile shown for the first group is 'Finance', and blank for the second.

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26 Queries/XLS: Q6-Number of individuals in personal capacity by criteria.sql
So, in reality, there are 152 unique members with no professional profile.

- It is worth noting that the concept of non-unique member here (Table 2) cannot be understood as in the rest of the analysis. Table 2 shows the number of unique members linked to each professional profile, including the number of unique members who appear with blank values for their professional profile. However, a unique member may be linked to one or many professional profiles. And in fact, the number of occurrences of the pair (unique member - professional profile) may be higher than the number of occurrences of (unique member - expert group). The latter is what we refer to as non-unique members in this report. This is the case, for example, for Type A member Z. Z belongs to three groups (640, 648, 674) which will add up three occurrences to the total number of non-unique members. But Z also has 14 different professional profiles. This explains why the aggregate of Table 2 sums 1911 Type A members (once aggregated could be considered non-unique members in the context of this table) which is higher than the number of non-unique Type A members (1,307) used in the rest of the report.

- Considering the above, the percentage shown in Table 2 below, indicates the number of members with that profile out of the total number of members with a profile (1,911).

The following table shows professional profiles linked to at least five members.

**Table 2: Number of individuals in personal capacity per professional profile**

<table>
<thead>
<tr>
<th>Professional profile</th>
<th>Type-A members</th>
<th>(number and %)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research</td>
<td>394</td>
<td>20,6%</td>
</tr>
<tr>
<td>Academia</td>
<td>284</td>
<td>14,9%</td>
</tr>
<tr>
<td>Science</td>
<td>171</td>
<td>8,9%</td>
</tr>
<tr>
<td>Industry</td>
<td>162</td>
<td>8,5%</td>
</tr>
<tr>
<td>[blank]</td>
<td>154</td>
<td>8,1%</td>
</tr>
<tr>
<td>Law (civil)</td>
<td>78</td>
<td>4,1%</td>
</tr>
<tr>
<td>Finance</td>
<td>77</td>
<td>4,0%</td>
</tr>
<tr>
<td>Public health</td>
<td>63</td>
<td>3,3%</td>
</tr>
<tr>
<td>Economy</td>
<td>50</td>
<td>2,6%</td>
</tr>
<tr>
<td>Agriculture</td>
<td>40</td>
<td>2,1%</td>
</tr>
<tr>
<td>Engineering (IT)</td>
<td>35</td>
<td>1,8%</td>
</tr>
<tr>
<td>Fisheries and aquaculture</td>
<td>33</td>
<td>1,7%</td>
</tr>
<tr>
<td>Civil service</td>
<td>29</td>
<td>1,5%</td>
</tr>
<tr>
<td>Law (corporate)</td>
<td>28</td>
<td>1,5%</td>
</tr>
<tr>
<td>Environment</td>
<td>27</td>
<td>1,4%</td>
</tr>
<tr>
<td>Public affairs</td>
<td>24</td>
<td>1,3%</td>
</tr>
<tr>
<td>Communication</td>
<td>20</td>
<td>1,0%</td>
</tr>
<tr>
<td>Climate</td>
<td>15</td>
<td>0,8%</td>
</tr>
<tr>
<td>Food safety</td>
<td>13</td>
<td>0,7%</td>
</tr>
<tr>
<td>Statistics</td>
<td>13</td>
<td>0,7%</td>
</tr>
<tr>
<td>Consumer</td>
<td>12</td>
<td>0,6%</td>
</tr>
</tbody>
</table>

27 Queries/XLS: Q6-Number of individuals in personal capacity by criteria.sql
In 2015, the REG showed some individual experts appointed in their personal capacity with more than one professional profile. Whilst most of the individuals in personal capacity appeared with just one profile (71% in 2015), around one quarter appeared with two to three profiles, and a small percentage appeared with four or more (5% in 2015). This raised questions over these members’ actual expertise, or the consistency of data entries.

The following figure shows the 2018 data. Note that results refer to unique members (Type-A). 421 Type-A members (32% of all Type-A) have more than one professional profile (up to 14 in one case). In aggregate, the 421 members account for 1,057 professional profiles. Whilst only a small number of individuals is affected by this, it might be worth verifying the accuracy of the entries for individuals with multiple professional profiles.

Figure 8: Individuals ‘in personal capacity’ (%) appearing with more than one profile

2.1.2.5. Individual experts appointed as representatives of an interest

This sub-section presents the REG data on individual experts appointed as representatives of an interest (Type B members).

Individual experts appointed as representatives per DG

The 2015 study showed that a few DGs concentrated most of the individual experts appointed as representatives of an interest (Type-B), namely, DGs RTD (286 experts), CNECT (48), TAXUD (37), SANTE (36) and GROW (35). The 2018 data set shows substantial change; DG EMPL now counts the largest

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28 Queries/XLS: Q6-Number of individuals in personal capacity by criteria.sql
number of Type-B members (82). Note that data refers to non-unique members (Type-B). This update was not in a position to verify the causes of the changes.

**Figure 9: Number of individual as representatives by DG**

![Bar chart showing the number of individual representatives by DG]

**Professional profiles of individual experts appointed as representatives**

The dataset for 2015 associated a wide range of professional profiles to individuals ‘as representatives’ (80 to 88 profiles). However, an important number of individuals appeared to have no professional profile description at all in the source data set, accounting for 7% (2015) of all individual experts appointed as representatives of an interest.

Note that in the 2018 dataset, non-unique Type-B members do not show values for the field ‘professional profile’. We assume that this was replaced by a new field recording a link to the Transparency Register Profile for the member. Note that 24 out of 260 links to the Transparency Register are associated to two or more experts (up to six). This might be explained with the legal framework: according to Article 24.2, when a Type B member is not self-employed, then the link is to the organisation of which the Type B member is an employee.
Table 3: Transparency Register link\textsuperscript{30}

<table>
<thead>
<tr>
<th>Transparency Register Link</th>
</tr>
</thead>
</table>

\textsuperscript{30} Queries/XLS: Q7-Number of individuals as representatives by criteria
<table>
<thead>
<tr>
<th>Transparency Register Link</th>
<th>Type-B members</th>
</tr>
</thead>
</table>

There is only one Type-B member who has more than one link to the Transparency Register, namely, member XY has two links:


The 2018 data set was also reviewed for the presence of individual experts that are not registered in the EC’s Transparency Register. There are 19 Type B unique members without link to the Register and 291 with a link; and 25 Type C unique members without link to the Register and 1,884 with link (1884).\(^2\)

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\(^{31}\) Queries/XLS: Q7-Number of individuals as representatives by criteria

\(^{32}\) Queries/XLS: ‘Q14-Individual experts not registered in the EC Transparency Register.sql’
Finally, the 2018 data set was reviewed for individuals not disclosing their name (Article 23, point 2: Individuals can request to not have their name disclosed). All 1,582 unique-members of type A and B disclose their name. Moreover,

- 1,854 unique-members representing an organisation (Type C) disclose their name, and 1,909 do not.
- 2,494 Public Authority representatives (non-unique) (Type D) disclose their names, and 5,130 do not.

Figure 12: Disclosure of names by type of member

<table>
<thead>
<tr>
<th>Type</th>
<th>Members with name undisclosed</th>
<th>Members with name disclosed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A, B</td>
<td>100%</td>
<td>49%</td>
</tr>
<tr>
<td>Type C</td>
<td>51%</td>
<td>67%</td>
</tr>
<tr>
<td>Type D</td>
<td>33%</td>
<td>67%</td>
</tr>
</tbody>
</table>

33 Queries/XLS: Q7-Number of individuals as representatives by criteria
34 Queries/XLS: Q7-Number of individuals as representatives by criteria
35 Queries/XLS: ‘Q15-Individuals with Undisclosed names.sql’
2.2. BALANCE, TRANSPARENCY AND GENDER

### KEY FINDINGS

#### Balance/Imbalance
- The revised Horizontal Rules fail to define the concept of “balanced composition” in each Expert Group or “balance” in general;
- The EC rejects ‘quotas’ for specific categories of interest (economic and non-economic interests);
- 1,528 organisations (non-unique Type C members) have been classified as having an economic interest; 133 out of 179 Expert Groups that count at least one member with economic interest experience imbalance (more members with economic interest than non-economic ones); 39 of them have no non-economic interest member at all, thus being classified as experiencing high imbalance; the number of Expert Groups experiencing high imbalance has decreased by 49% since 2015.

#### Transparency
- 709 out of 775 Expert Groups provide at least one record on ‘activity report’;
- All 775 Expert Groups show information regarding their selection procedure;
- 774 out of 775 EGs provide at least one record on ‘rules of procedure’;
- 267 out of 775 EGs provide at least one record on ‘other information’;
- 296 out of 775 EGs provide information on meetings;
- Looking at the 1,394 records on meetings across all Expert Groups, it appears that only five meetings were open to public; two meetings were web streamed.

#### Gender
- 60% of all Type A and B members are male (1,115 out of 1,851); In 67% of Expert Groups with Type A and B members (111 Expert Groups) male membership outbalances female membership; in 14% a gender balance was achieved;
- 66% of all Type C members are male (1,423 out of 2,151); In 73% of Expert Groups having Type C members (97 Expert Groups) male membership outbalances female membership, in 14% a gender balance was achieved;
- 58% of all Type D members are male (1,458 out of 2,526); In 59% of the Expert Groups with Type D members (76 Expert Groups) male membership outbalances female membership, in 3% a gender balance was achieved;
- Finally, concerning the number of Expert Groups that do not achieve the target of minimum 40% gender representation per Expert Group, for 107 groups (49% of all groups with members having disclosed their gender) female representation is less than 40%; in 22 groups (10%) male representation is less than 40%.
This section presents findings from the assessment of the EG system in terms of balance (Section 2.2.1), transparency (Section 2.2.2) and gender (Section 2.2.3).

2.2.1. Balance

This section first reviews the EP-EC dialogue on EGs with a focus on the issue of ‘balance’, and then presents findings from the analysis of the REG.

2.2.1.1. EP-EC dialogue on EGs

The current normative framework does not provide for a definition of ‘balance’. The 2016 Rules note: ‘When selecting the members of groups, Commission departments shall aim at ensuring, as far as possible, a high level of expertise, a geographical balance as well as a balanced representation of relevant know how and areas of interest, taking into account the specific tasks of the expert group, the type of expertise and the response received to calls for application’.36

In the communication between the Ombudsman and the EC, the latter explains that it is not useful nor appropriate to define “a balanced composition” for every EG or create a general definition for “balance” for the following reasons:

- The business community is not a homogenous group with same views, and thus it cannot be considered as a cohesive category representing common interests; EP feedback on this point confirms that the business community is indeed not a homogeneous group. SMEs are normally under-represented in EGs and their interests can differ widely from the interests of bigger companies. Therefore, the distinction economic versus non-economic interests can be misleading. The same holds for trade unions: they are seen as representing non-economic interests, but in practice they represent the economic (and other) interests of workers and sometimes the self-employed.

- neither the quality of applications nor the actual interest during the selection process can be predicable and that is why they cannot be considered in a theoretical definition of “balance”;

- a definition of “balance” should rely on more aspects than just pure figures;

- introducing a definition of “balance” would create conceptual problems and administrative burden;

- a theoretical definition of “balance” would not guarantee effectiveness in practice.37

The EC considers that ‘quotas’ for specific categories of interest might ‘result in an artificial composition of groups, which would then be incapable of providing the Commission with added value it needs and why the group is set up.’38 The EC believes that the balanced composition should be achieved by making changes in other areas of the horizontal rules rather than by establishing a rigid definition of “balance”.

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36EC (2016) Commission decision of 30.5.2016 establishing horizontal rules on the creation and operation of Commission expert groups. Article 10, pp. 7-8
38 EC Correspondence from 31 May 2016. Commission's reply to the European Ombudsman's recommendation in her strategic inquiry OI/6/2014/NF concerning the composition of Commission expert groups. Pp.6
A more transparent and inclusive selection process achieved by ‘clearly outlining in public calls for application the relevant expertise and interests’ representation sought by the Commission and its services in relation to the work to be performed’ would be more useful in order to achieve a real balanced composition of an EG.39

Notwithstanding the EC’s position on optional balance, the correspondence between the EP and EC points to efforts to enhance balance:

- The EC response to the EP’s resolution of 14 February 2017 on control of the Register and composition of the Commission’s expert groups mentions the EC’s agreement with the EP to allow European NGOs to be represented by experts not directly working for them but by experts from their national member organisations.40

- The 2016 Rules introduced a new rule so that ‘members that voted against or abstained have the right to have a document summarising the reasons for their position annexed to the opinions and recommendations voted by the group. This is sufficient to illustrate the different positions expressed in the groups’.41

- The 2016 Rules stipulate that ‘remuneration may be granted in duly justified cases, and in compliance with the horizontal rules, only to experts appointed in a personal capacity who are deemed to act independently and in the public interests. The Commission considers it inappropriate to finance stakeholders, who by definition represent declared interests’.42

2.2.1.2. REG data analysis

This section first presents the REG data for EG members classified as having an economic interest, and then looks specifically at the issue of imbalance.

EG members with an economic interest

In 2015, ‘Corporate’, i.e., individual private sector companies, constituted one of the total of 12 organisation types used by the REG. In 2015, a total of 464 organisation members were classified as corporate, about 9% of the total number of organisation members.43 In 2015, three DGs concentrated most of the corporate organisations, i.e., CNECT (119 corporate members), GROW (122), and MOVE (51).

REG data for 2018 shows a total number of ‘economic interest’ Type C unique members of 1,112. Two ‘scenarios’ can be considered.

- Scenario 1: The number of ‘economic interest’ Type C non-unique members throughout all DGs is 1,528 (please note that in this case we ignore cases where the same member appears in more than

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41 Ibid. pp.4
43 Note that, as in preceding sections, the term ‘members’ refers to non-unique members.
one group for the same DG. For example, if economic interest Type C member ‘X’ sits in two groups for DG ‘Y’, it will only count one for the aggregation of economic interest members under DG ‘Y’.

- Scenario 2: The number of ‘economic interest’ Type C non-unique members throughout all DGs considering multiple groups is 2,177 (please note, that in this case – contrary to the previous case - if a member sits in more than one group for the same DG the number of occurrences will count for the DG aggregation. Following with the previous example, member ‘X’ will add two to DG ‘Y’ number of economic interest members.

The figure below shows the results for scenario 2. The figure shows that this type of organisation is most frequently associated with EGs corresponding to DG GROW and MOVE.

**Figure 13: Number of organisations classified as having an economic interest per DG**

The following figure looks at changes (%) in the number of organisations classified as having an ‘economic interest’ per DG (2015 vs. 2018). Note that results refer to non-unique members. It is also worth noting, that the types that define ‘economic interest’ for the 2015 dataset and the 2018 dataset have changed, as explained in the section on the methodology. In 2015, an organisation ‘with economic interest’ included those with types: ‘Corporate’ or ‘Financial Institution’. In 2018, it includes: ‘Banks/Financial Institutions’, ‘Companies/Groups’, ‘Law Firms’, ‘Professional Consultancies’, ‘Professionals\' Associations’, ‘Trade and business associations’. The figure shows that whilst DG GROW has experienced a reduction in the number of this type of organisation between 2015 and 2018, DG MOVE has experienced a substantial increase and DG CNECT a substantial decrease.

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44 Queries/XLS: Q8-Number of organisations classified as 'economic interest' per criteria.sql
Finally, the following tables / figures look at the ‘policy interests’ of organisations classified as having an economic interest.

In 2015, the data set analysed included 59 policy areas. In 2015, eight EGs showed no information regarding their policy area. The large majority of EGs were linked to one single (86%) or two (9%) policy areas. A small number of EGs showed up to four policy areas, and seven EGs showed five or more (up to 14). In 2015, corporate organisations were ‘only’ involved in 23 policy areas. A large number of organisations were involved in ‘Information society’ policy (111); ‘Enterprise’ (106); or ‘Internal Market’

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45 Queries/XLS: Q8-Number of organisations classified as ‘economic interest’ per criteria.sql
46 These groups are: X03082, E03299, E03077, E03010, E02812, E02750, E02691, E02037
(84). On the other hand, very few were involved in ‘Fisheries and Maritime Affairs’ (3), ‘Food safety’ (3), ‘Agriculture’ (3), or ‘Communication’ (2).

The following table shows the 2018 data. Note that results refer to non-unique economic-interest organisation members. The table shows a somewhat more balanced spread of interest across the different policy areas, however, with the five areas of ‘Transport’, ‘Enterprise’, ‘Agriculture’, ‘Environment’, ‘Internal Market’ accounting for nearly 50% of all members of this type.

Table 4: Number of organisations classified as economic-interest per policy area 47

<table>
<thead>
<tr>
<th>Policy Area</th>
<th>Economic-interest organisations</th>
<th>(num, %)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport</td>
<td>412</td>
<td>14,6%</td>
</tr>
<tr>
<td>Enterprise</td>
<td>312</td>
<td>11,0%</td>
</tr>
<tr>
<td>Agriculture</td>
<td>242</td>
<td>8,6%</td>
</tr>
<tr>
<td>Environment</td>
<td>217</td>
<td>7,7%</td>
</tr>
<tr>
<td>Internal Market</td>
<td>162</td>
<td>5,7%</td>
</tr>
<tr>
<td>Public Health</td>
<td>124</td>
<td>4,4%</td>
</tr>
<tr>
<td>Food Safety</td>
<td>114</td>
<td>4,0%</td>
</tr>
<tr>
<td>Climate</td>
<td>112</td>
<td>4,0%</td>
</tr>
<tr>
<td>Customs</td>
<td>101</td>
<td>3,6%</td>
</tr>
<tr>
<td>Information Society</td>
<td>100</td>
<td>3,5%</td>
</tr>
<tr>
<td>Taxation</td>
<td>94</td>
<td>3,3%</td>
</tr>
<tr>
<td>Employment and Social Affairs</td>
<td>93</td>
<td>3,3%</td>
</tr>
<tr>
<td>Research and Innovation</td>
<td>93</td>
<td>3,3%</td>
</tr>
<tr>
<td>Education</td>
<td>88</td>
<td>3,1%</td>
</tr>
<tr>
<td>Energy</td>
<td>77</td>
<td>2,7%</td>
</tr>
<tr>
<td>Justice and Home Affairs</td>
<td>77</td>
<td>2,7%</td>
</tr>
<tr>
<td>Consumer affairs</td>
<td>72</td>
<td>2,5%</td>
</tr>
<tr>
<td>Fisheries and Maritime Affairs</td>
<td>50</td>
<td>1,8%</td>
</tr>
<tr>
<td>Economic and Monetary Affairs</td>
<td>44</td>
<td>1,6%</td>
</tr>
<tr>
<td>Audiovisual</td>
<td>27</td>
<td>1,0%</td>
</tr>
<tr>
<td>Human rights</td>
<td>23</td>
<td>0,8%</td>
</tr>
<tr>
<td>Regional Policy</td>
<td>22</td>
<td>0,8%</td>
</tr>
<tr>
<td>Other (Food waste prevention)</td>
<td>20</td>
<td>0,7%</td>
</tr>
<tr>
<td>Communication</td>
<td>18</td>
<td>0,6%</td>
</tr>
<tr>
<td>Other (animal welfare, animal health)</td>
<td>17</td>
<td>0,6%</td>
</tr>
<tr>
<td>Other (Circular Economy)</td>
<td>15</td>
<td>0,5%</td>
</tr>
<tr>
<td>Other (Rural Development, Innovation)</td>
<td>15</td>
<td>0,5%</td>
</tr>
<tr>
<td>External Trade</td>
<td>14</td>
<td>0,5%</td>
</tr>
<tr>
<td>Other (liability and new technologies)</td>
<td>14</td>
<td>0,5%</td>
</tr>
<tr>
<td>Other (Financial)</td>
<td>13</td>
<td>0,5%</td>
</tr>
<tr>
<td>Training</td>
<td>11</td>
<td>0,4%</td>
</tr>
</tbody>
</table>

47 Queries/XLS: Q8-Number of organisations classified as ‘economic interest’ per criteria.sql
Finally, the 2018 dataset was explored to ascertain the number of organisations classified as ‘economic interest’ per interest represented. This query is new to the update and was not conducted for the 2015 study. Note that results refer to non-unique organisation (Type-C members) with economic interest. It is also worth noting that:

- A Type C organisation with economic interest may have zero, one, or more interests represented. In fact, for the couple [EG - economic interest organisation], there is no information on interest represented in 2,177 cases.

- Some organisations show ‘Other (xxx)’ as interest represented, where (xxx) refers to a large variety of ‘Other’ typology.

In order to answer this question, we have conducted two queries (and present the corresponding figures), which correspond to two scenarios:

**Scenario I: Type C Non-unique members**

Note that the concept of ‘non-unique’ here is slightly wider that in the rest of the report. Suppose that member ‘X’ sits in EG-1 and EG-2. Also, this member appears with the same interest represented, e.g. ‘Industry’, in both groups. This situation will add up two to the total number of members representing under ‘Industry’. Moreover, since a member, not only may sit in more than one group, but also have many interests represented for each group, there are situations where the number of members counted for an interest, e.g. ‘Industry’ is higher (1,552) than the total number of non-unique members (1,528). The same logic explains why the number of members with no value for interest represented accounts for 2,177. We now provide an example to illustrate this point: Type C member 'BUSINESS EUROPE' shows 87 occurrences for the different combinations of [Interest represented - EG]. Out of this, in 39 cases, there is no value for interest represented, and for the remaining 48 cases, the organisation appears with different interests represented, namely, ‘Civil society’, ‘Employees/workers’, ‘Finance’, ‘Industry’, ‘Professionals’, or ‘SMEs’. This member, for example, has ‘Industry’ as interest represented in 28 groups. The figure below shows scenario I.
Scenario II – Unique members

In this case, we only count once a given member within a particular interest represented, regardless of the number of groups in which the member appears with that interest represented. For example, if a member ‘X’ sits in EG-1 and EG-2 and in both groups appears with the interest represented ‘Industry’, then, this will add ‘only’ one to the aggregate of members under interest represented ‘Industry’. However, if the same member ‘X’ appears in these, or other groups, with additional interest(s) represented, this interest(s) will count - applying the same logic - for the aggregate of the corresponding interest represented. The figure below shows scenario II.

Figure 16: Organisations classified as economic interest per interest represented (scenario II)^49

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^48 Queries/XLS: Q8-Number of organisations classified as ‘economic interest’ per criteria.sql
^49 Queries/XLS: Q8-Number of organisations classified as ‘economic interest’ per criteria.sql
**Imbalance**

To set the context for the analysis of the 2018 dataset, we briefly recall the main findings from the 2015 study. The 2015 study defined imbalance as a higher number of members with economic interests (organisations classified as ‘Corporate’ or ‘Financial Institution’ and individual experts classified as ‘Banking’, ‘Industry’, ‘Public Affairs’ or ‘Insurance’ – ‘Cs’ in the following text) versus non-economic interests (organisations classified as ‘NGO’ and ‘Trade Union’ or individual experts classified as ‘Consumers’ or ‘Trade Union’ – ‘NCs’ in the following text). In 2015, 72 EGs were found to present an imbalance to the detriment of non-economic interests (out of the 72 EGs, for 54 EGs the degree of imbalance was found to be high).

Turning now to the 2018 dataset, the following notes apply to all the various types of analysis concerning imbalance for this and the following sub-sections.

- The 2015 study used the terms ‘*corporate interest*’ and ‘*non-corporate interest*’. These have been replaced in the present study with ‘*economic interest*’ (‘Econ’ or ‘Economic’) and ‘*non-economic interest*’ (‘NonEcon’).

- Since the typology of organisations has changed slightly in the 2018 dataset vis-a-vis the 2015 dataset, we need to redefine economic and non-economic interest members.

- In the 2015 study, ‘*corporate interest*’ meant organisations that are ‘corporate’ or ‘financial institutions’ as well as individual experts whose profile is ‘Banking’, ‘Industry’, ‘Public Affairs’, or ‘Insurance’. On the other hand, ‘*non-corporate interest*’ meant organisations that are ‘trade unions’ or ‘NGOs’ as well as individual experts whose profile is ‘Consumers’ or ‘Trade Unions’.

- In this study, ‘*economic interest*’ include organisations (Type-C members) that are ‘Banks/Financial Institutions’, ‘Companies/Groups’, ‘Law Firms’, ‘Professional Consultancies’, ‘Professionals’/’Associations’, or ‘Trade and business associations’, as well as individual experts appointed as representative of a common interest (Type-B) having as interest represented ‘Finance’, ‘Industry’, ‘Professionals’, or ‘SMEs’. And non-economic interest include organisations (Type-C) that are ‘NGOs’ or ‘Trade Unions’, as well as individual experts appointed as representative of a common interest (Type-B) having as interest represented ‘Civil society’ or ‘Employees/workers’.

- ‘*Imbalance*’ refers to situations where the number of economic interest member (Econ) is greater than the number of non-economic interest members (NonEcon); and unless stated otherwise, the analysis of imbalance only considers EGs where there is at least one economic interest member.

Coming to the results, 179 EGs count at least one ‘Econ’ member. Out of this group, **133 EGs experience imbalance in the form of Econ members outnumbering NonEcon members.**
Turning to the level of imbalance, looking at the 179 EGs counting at least one ‘Econ’ member, we distinguish between four levels, high (EGs having no NonEcon member), medium (EGs having between 1% to 24% of NonEcon members), low (EG having between 25% to 49% of NonEcon members) and ‘none’ (EG count the same number of Econ and NonEcon members). The 2018 dataset shows imbalance to be high for 39, medium for 79, and low 37 EGs.

Looking at the changes in the degree of imbalance between 2015 and 2018, it is worth noting the reduction in the number of EGs representing a high degree of imbalance.

Queries/XLS: ‘query Q9 - Number of EGs presenting imbalance.xlsx’.
Queries/XLS: ‘Q-9 Number of EGs presenting imbalance.sql’.
2.2.2. Transparency

This section first reviews the EP-EC dialogue on EGs with a focus on the issue of ‘transparency’ (Section 2.2.2.1), and then presents findings from the analysis of the REG (Section 2.2.2.2).

2.2.2.1. EP-EC dialogue on EGs

Public calls

Prior to the 2016 Rules, public calls for the selection of EG members were not mandatory. Referring specifically to the selection of individual experts appointed in their own capacity, the use of public calls was (only) recommended: ‘public calls for applications shall be used as far as reasonably practicable’. The 2016 Rules made the public calls mandatory in order ‘to select EG members other than public authorities and representative bodies established by Union legislation’. Thus, public calls are mandatory when selecting expert group members others than type D, E or representative bodies established by Union legislation. The 2016 Rules (Article 10) further specify that the ‘calls for application shall be published on the Register of expert groups. In addition, they may be published through other means, including on dedicated websites. Calls shall clearly outline the selection criteria, including the required expertise and, where existing, the interests to be represented in relation to the work to be performed. The minimum deadline for application shall be four weeks’. Notwithstanding, the Rules’ Article 10 (point 4) allows the EC to decide that a public call is not a suitable instrument for the selection of EG members. However, to date the EC has only made use of this provision for two EGs and one sub-group: the ‘EU Platform for action on diet, physical activity and health’ (only one Type C member was appointed by direct invitation); the ‘Sub-group on administrative cooperation between Member States and Businesses in the field of VAT fraud’, cooperative compliance and e-Commerce; and the ‘C2020 CPG/135 - UCC Centralised Clearance Import Design Project Group’ (This group is now closed).

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Footnotes:

[52] Queries/XLS: ‘Q-9 Number of EGs presenting imbalance.sql’.
[55] EC replies of 23 October 2018 to questions by the author (see Annex 1 for the questions).
EG outputs

Concerning the transparency of EG outputs, the 2016 Rules (Article 22) require that ‘all Commission expert groups and other similar entities including their sub-groups shall be registered in the Register of expert groups’.

As far as the synergy between the Register of expert groups and the Transparency Register is concerned, the 2016 Rules (Article 24) only require type B and C members as well as alternate members of EGs and sub-groups to have a link between the REG and their profiles in the Transparency Register.

Moreover, the 2016 Rules (Article 26) require all relevant documents such as agendas, meaningful and complete minutes and the participants’ submissions to be made available either on the REG or on a dedicated website (with the link published in the REG). The EC defines the notion “meaningful and complete minutes” by explaining that minutes ‘should allow for thorough comprehension of the topic on the agenda, as well as of the position expressed by participants in relation to those topics, although a verbatim is not required. Minutes should also include comprehensive information on possible conclusions reached, recommendations formulated and the outcome of a vote, as appropriate. Finally, minutes should provide sufficient information on next steps, as agreed during the meeting in question’. As far as deliberations of the expert groups are concerned, it remains up to the EG in question to decide whether its deliberations would be made public. The decision is made by simple majority and in agreement with the competent EC department (Article 13, point 6). By September 2018, 12 EGs had made use of this possibility (public meetings). Finally, the Rules’ Article 26 (point 2) allow for exceptions to the publication of EG documents. EC feedback on this point notes that 66 EGs were affected.

Transparency Register and the Register of expert groups

The 2016 Rules (Article 23) stipulate that only ‘interest represented by Type B and C members shall be indicated’ in the REG. Since the type B members represent individuals appointed to represent common interests, the related condition expressed in the Ombudsman’s recommendations has been met.

The EC rejected to use the Transparency Register’s categorisation in the REG because it considers the two registers very different in nature and purpose. However, many categories currently used in the Transparency register will be used also in the new Register of expert groups, thus ensuring a high degree of harmonisation.

Similarly, in relation to the systematic checks of registrants’ sign-ups into the right section of the Transparency register, the EC does not vet the new registrants. Nevertheless, registrants are bound by the Transparency Register’s Code of Conduct to ‘ensure that to the best of their knowledge the information they provide is complete, up-to-date and not misleading’. Moreover, an eligibility check

57 Ibid.
58 EC replies of 23 October 2018 to questions by the author (see Annex 1 for the questions).
59 Ibid.
assessing whether the section of the Transparency group is appropriate for the registrant on the basis of its profile and activities is in place.60

As of 31 May 2016, the redefinition of the statistics tab on the REG had not taken place due to complexity and amount of resources needed for the release of the new version of the REG. However, this was to be reconsidered in the future.61

Conflicts of interest

Finally, concerning conflicts of interest, the 2016 Rules (Article 11) introduced a new policy, requiring that ‘individuals applying to be appointed as Type A members of expert groups or sub-groups shall disclose any circumstances that could give rise to a conflict of interest. An interest shall be considered to be insignificant or minimal where it is unlikely to compromise or to be reasonably perceived as compromising the experts’ capacity to act independently and in the public interest when advising the Commission. In the case that an individual’s interest may compromise his/her capacity to act independently and in line with the public interest, the individual’s membership in the given expert group should be withdrawn. In particular, all Commission departments shall require those individuals to submit a declaration of interests (DOI) form on the basis on the standard DOI form, as set out in Annex 4, together with an updated CV, as part of their application to become members of an expert group or sub-group’. Article 11 further specifies that such a declaration is not required from invited experts since they are not considered as permanent group members. ‘Individuals invited as independent experts shall however be required to inform the competent Commission department before the meeting of any interest which may compromise their capacity to act independently and in the public interest when advising the Commission’.

The 2016 Rules (Article 24) do not require Type B and C members as well as alternate members to submit a DOI since they do not represent an individual interest. Nevertheless, the common interest they represent should be stated in the Transparency Register. According to the Rules’ Article 8 (point 2, 1st paragraph), Type B and C members shall be excluded from the expert groups if they fail to register in the Transparency Register by end 2016. In this context, the EC excluded nine Type B and 111 Type C members.62 Moreover, the Rules’ Article 8 (point 2, sentence 3, 3rd paragraph) stipulates that Type B and Type C members shall be suspended from the expert groups if they are suspended from the Transparency Register, and removed from the expert groups if they don’t re-establish the registration in the Transparency Register. The EC clarified practice on this point as follows: ‘The Commission had designed the Registers in such a way as to allow the public to monitor expert group members’ entries in the Transparency Register. It has also put in place internal procedures to ensure the correct implementation of article 8.4 of the horizontal rules. Whenever a member of an expert group is suspended or removed from the Transparency Register, this is automatically notified to the Directorate General responsible for any expert group the person or the organisation in question may be a member of. In these cases, the notification reminds the responsible service to stop sending relevant expert group documents and invitations to the member in question as long as the registration in the Transparency Register is not re-established. Experience

61 Ibid. Pp. 7
62 EC replies of 23 October 2018 to questions by the author (see Annex 1 for the questions).
shows that most cases are due to a failure to update or correct entries within the required deadline. However, registrations in the Transparency Register are usually re-established rather quickly, often before there is an actual need to withheld sending a document or an invitation.63 The Rules’ Article 9 (point 3, 3rd paragraph) allows the EC to reject nominated representatives of Type C members. However, to date the EC has not made use of this possibility.64 Finally, concerning Type A members, the Rules’ Article 11 (point 3) refers to the handling of Type A member applications with conflicts of interest. In this context, the EC did not retain applications from 50 individuals to be appointed as Type A member because of a conflict of interests; whilst 47 Type A members were subject to restrictions because of a conflict of interests; No individuals applying to be appointed as a Type A member were appointed as Type B member because of a conflict of interests.65 Similarly, the Rules’ Article 11 (point 4) refers to the handling of Type A members already in place when the Rules entered into force in 2016. In this context, the EC excluded one Type A member because of a conflict of interests; whilst 153 Type A members were made subject to restrictions because of a conflict of interests.66

2.2.2.2. REG data analysis

To set the context, we briefly recall the main findings from the 2015 study:

- **EG selection procedure**: The REG fails to provide systematic information on the EG selection procedure, i.e., the database does not include any specific field indicating whether an EG was established on the basis of a public call or via any other selection mechanism. The REG comprises a textual description of the selection procedure under the field ‘selection procedure’ (nearly all EGs provide information for the field ‘selection procedure’; between 20-25% refer to additional external sources).

- **EG outputs**: Nearly all EGs provide information on their activities through the field ‘activity report’.67 Moreover, in 2015, 55% of all EGs also provided additional information on their activities through the field ‘link’ (referring to an EG website). In 2015, 38% of all EGs list reports for one single activity; 44% list reports for between 1 and 10 activities; 15% list reports for between 11 to 30 activities. The reporting activity shows a positive trend, i.e., more EGs show more than one activity report in 2015 than in 2013. In 2013 one EG issued on average 3.85 reports, reaching 6.85 reports per EG in 2015.

Turning to 2018, the 2018 dataset allows to assess the EGs’ reporting activity broken down in four categories: Activity report; Information on the selection procedure; Rules of procedure; and Other information.

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63 Ibid.
64 Ibid.
65 Ibid.
66 Ibid.
67 By “provide information” we mean that there is at least one activity recorded.
Activity reports

The information provided by the REG in relation to ‘Activity reports’ may include miscellaneous information regarding the Agenda and minutes of a meeting; Resolutions adopted; Confirmation of meeting place and date; Report of the Steering Committee Meeting, etc. 709 EGs (out of 775) provide at least one record on Activity Report Info.

Figure 20: Number of activity reports per EG

Selection procedure

The 2018 dataset comprises several ‘fields’ of information related to the selection of EG members, namely, general information on the selection procedure and its correspondent selection procedure document(s) information fields, including the document(s) title, size, link to the document at the REG website, and type of document (e.g. pdf, ms-word, ms-excel). All 775 EGs show information regarding their selection procedure, and 35 of them provide more than one record on selection procedure (e.g. Payment Systems Market Expert Group, E02287, shows ten records for selection procedure information).68

However, as already mentioned in the 2015 study, ‘the database does not include any specific field indicating whether an EG was established on the basis of a public call or via any other selection mechanism. The REG comprises a textual description of the selection procedure under the field ‘selection procedure’ (nearly all EGs provide information for the field ‘selection procedure’ for 2013 - 2015; between 20-25% refer to additional external sources). However, for the purpose of this analysis, the related information is not sufficient for two reasons:

68 PSMEG establishment - 08 January 2009 - Call for Expression of Interest
PSMEG establishment - 20 April 2009 - List of Experts
PSMEG recast - 07 September 2011 - Call for applications
PSMEG recast - 11 January 2016 - Call for applications
PSMEG recast - 19 October 2016 - List of Experts
PSMEG recast - 29 August 2011 - Commission Decision setting up a Payment Systems Market Expert Group (recast), 2011/830/EC
PSMEG recast - updated list of Experts
The group of experts shall consist of 40 members appointed in accordance with Article 4 of the Decision of 29 August 2011...
A systematic assessment of the selection procedure would require a ‘manual’ screening of all REG records;

Even a ‘manual’ screening would not guarantee a conclusive assessment since the level of detail of the REG’s data field ‘selection procedure’ varies from one record to another.’

Figure 21: Information on the selection procedure

![Bar chart](image)

**Rules of procedure**

This field includes information related to the rules of procedure of the EG. Its content is somewhat open, in some cases it provides concrete information on rules, e.g. for EG E00602 it reads ‘The present group is operated without rules of procedure being adopted, in accordance with Article 17.2 of the Commission Decision C (2016) 3301 which specifies that “Expert groups and sub-groups existing at the time of adoption of this Decision may continue operating without rules of procedure being adopted’. In other cases, it refers to an attached document or external link, e.g. EG E00382 reads ‘The rules and procedures of the network are set out in a Framework document which is made publicly available on the network’s website’.

Similar to the fields on the ‘Selection procedure’ and the ‘Activity report’, the field ‘Rules of procedure’ may have several fields related, namely, general information on the rules of procedure and its correspondent document(s) information fields, including the document(s) title, size, link to the document at the REG website, and type of document (e.g. pdf, ms-word, ms-excel). 774 EGs (out of 775) provide at least one record on Rules of Procedure.

Figure 22: Information on the rules of procedure

![Bar chart](image)

**Other Info**

This field includes miscellaneous information. For example, for E00382, it reads ‘The network favours the use of videoconferencing instead of physical meetings as far as possible, which works well’, or for E00604, ‘Documents and links uploaded to this section do not concern the regular meetings of this group, which are technical in character, but rather the meetings concerning the group’s political guidelines and steering’. 267 EGs (out of 775) provide at least one record on Other Info.
Transparency regarding meetings

The 2018 dataset provides information on the meeting(s) held by an EG. Information regarding the meeting includes, among others: start and end date and time; place; open to public; web streamed; url stream. Moreover, each meeting may have several meeting documents associated including information about document title; type (e.g. pdf, ms-word...); size; and link. 296 EGs provide information on meetings.

Figure 24: Number of EG that provide information on meetings, by range of number of publications

The figure below presents the percentage of EGs -on average- that publish information on meetings per DG (note, that for this analysis it is enough for an EG to have published just one record with information on a meeting). Over 50% of EGs associated with nine DGs (JUST, AGRI, MOVE, OLAF, ENV, RTD, CLIMA, DGT, and EPSO) have published information on meetings. On the other hand, under 20% of the EGs associated with DGs ESTAT, DEVCO, ECFIN have published information on meetings.

Figure 25: EGs that provide information on meetings per DG

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69 Queries/XLS: ‘Q-10 Transparency I.sql’
70 Queries/XLS: ‘Q-12 Transparency III – Meetings.sql’
As of July 2018, the dataset shows 1,394 records on meetings across all EGs. However, only five meetings have been open to the public (flag Meeting Open to Public = ‘TRUE’)

**Figure 26: Meetings open to the public**

Table 5: Meetings open to the public

<table>
<thead>
<tr>
<th>Expert Group</th>
<th>Meeting Title</th>
<th>Lead DG</th>
</tr>
</thead>
<tbody>
<tr>
<td>E02450</td>
<td>HLIG meeting 23/01/2018</td>
<td>CNECT</td>
</tr>
<tr>
<td>E02733</td>
<td>Annual Controls Seminar for EU Member States</td>
<td>AGRI</td>
</tr>
<tr>
<td>E02853</td>
<td>36th meeting of the Expert Group on Delegated and Implementing Acts for the European Structural and Investment Funds</td>
<td>REGIO</td>
</tr>
<tr>
<td>E03280</td>
<td>DTLF SG2 Meeting</td>
<td>MOVE</td>
</tr>
<tr>
<td>E03475</td>
<td>Stakeholder meeting - Web Accessibility Directive</td>
<td>CNECT</td>
</tr>
</tbody>
</table>

Only two meetings were web streamed, one of them also being open to the public, i.e. the ‘Annual Controls Seminar for EU Member States’ meeting. The table below shows the two meetings that were web streamed.

Table 6: Meetings making use of webstreaming

<table>
<thead>
<tr>
<th>Group</th>
<th>Meeting Title</th>
<th>Lead DG</th>
<th>URL</th>
<th>Open to Public</th>
</tr>
</thead>
</table>

Queries/XLS: ‘Q-12 Transparency III – Meetings.sql’
Finally, the figure below shows the number of EGs with no record for the field ‘Activity Report information’ per DG. The REG does not allow to verify whether this is explained with the ‘exemption’ of publishing information (Article 26, point 2: Publication of expert group documents). Annex 3 provides the list of 66 EGs that have not published Activity Report information record.

**Figure 27: Number of EGs per DG that have not published Activity Report information records**

![Figure 27: Number of EGs per DG that have not published Activity Report information records](image)

2.2.3. **Gender**

This section assesses the 2018 data with regard to the target of ‘40% of representatives of each gender in each expert group’ set out by the 2016 Rules (Article 10, point 6: The EC shall strive to achieve a gender balance for Type A and B members).

Gender balance analysis is presented at two levels, namely looking at (i) membership type A, B, C, and D; and (ii) aggregate of all types per DG. Note that for this analysis, members refer to non-unique members, i.e. a female individual belonging to two groups will sum as two females to the overall count.

Looking first at gender balance per membership type, and focusing on the 111 EGs having individual members (either Type A, or B) we find that 60% of all members are male (1,115 out of 1,851) and 40% female (736); In 67% of the 111 EGs, male members outbalance female members; In 21% of the EGs, female outbalance male; and in 14% there is full balance.

Focusing on the 97 EG having organisation representative members (Type C), 66% of all members are male (1,423 out of 2,151) and 34% female (728); In 73% of the 97 EGs, male members outbalance female members; In 12% of the EGs, female outbalance male; and in 14% there is full balance.

Turning to the 76 EG having public authority representatives (Type D), 58% of all members are male (1,458 out of 2,526) and 42% female (1,068); In 59% of the 76 EGs, male members outbalance female members; In 38% of the EGs, female outbalance male; and in 3% there is full balance.
Looking at gender balance by DG, when considering the 27 DGs having EGs whose members are, among others, Type A, B, C, or D, we find that in 85% of DGs there is a majority of male members, and in 15% female are majority; The DGs where the majority of male is more outstanding include AGRI, BUDG, CLIMA, COMP, ECHO, ECFIN, and MOVE; The DGs where female members are a majority include EAC, EMPL, DEVCO, and HOME.

Figure 29: Gender balance by DG

[Graph showing gender balance by DG, illustrating the proportion of male and female members across different DGs.]
Finally, the following figure presents the number of EGs that do not achieve the target of minimum 40% gender representation per EG. For 107 EGs (49% of all groups, i.e. 219, having members disclosing their gender) female representation is less than 40%. On the other hand, in 22 groups (10%) male representation is less than 40%.

**Figure 30: The 40% gender target**
3. RECOMMENDATIONS

**Recommendations**

- Continue strengthening balance, with a specific focus on Expert Groups where the quantitative assessment indicates imbalance.
- Consider making all Expert Group deliberations public, e.g. by strengthening the use of web streaming of Expert Group meetings.
- The European Commission should ‘remind’ Expert Groups about the requirement of gender balance.
- The European Commission should regularly report on the implementation of the Horizontal Rules and conduct evaluations of the performance of the Expert Group system.
- Conduct further research on: developments with regard to specific types of Expert Group members, most notably Type C members (Organisations); Type A members with multiple profiles or showing no information; the general drop in the number of Expert Groups; and the use of sub-groups.

This section briefly provides an overall assessment of the continuing validity of the recommendations issued by the 2015 study.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>Balance</strong></td>
<td><strong>Balance</strong></td>
</tr>
<tr>
<td>‘it is recommended that the EC ensures civil society representation on all EGs, and defines balance for each EG in line with EG requirements (balance can be defined in the decision establishing the EG or in the call for applications).’</td>
<td>Whilst the 2018 dataset shows notable reduction in the number of Expert Groups experiencing imbalance, this recommendation remains valid since no definition of “balance” or “balanced composition” has been introduced.</td>
</tr>
<tr>
<td><strong>Transparency</strong></td>
<td><strong>Transparency</strong></td>
</tr>
<tr>
<td>‘the EC should systematically promote the publication of all EG agendas, minutes of meetings, decisions and reports and other outputs. For EGs that have decided not to open their deliberations to the public, the EC should explain why they feel transparency would be detrimental, thus allowing for public scrutiny to focus on these groups (the REG should allow a search for EGs not publishing all detail of their work).’</td>
<td>Article 26 of the 2016 Rules now specifies that all relevant documents such as agendas, meaningful and complete minutes and the participants’ submissions should be made available.</td>
</tr>
<tr>
<td>‘the EC should consider strengthening its open door policy. For example, it might be useful for the EC to centralise all future meetings in one EG agenda schedule in order to allow organisations to request access to these meetings in a timely manner’</td>
<td>Expert Groups can decide whether deliberations are to be public. The 2015 recommendation on this issue remains valid.</td>
</tr>
<tr>
<td>‘Concerning individual experts appointed in their personal capacity, the emphasis should be on comprehensive declarations of interests to ensure that these experts are really acting in their personal capacity. Note that the EC declined considering registration of these experts in the Transparency Register: ‘Registration in the Transparency Register of self-employed individuals because of their sole appointment to a given expert group in their’</td>
<td>A submission of a Declaration of Interest (DoI) together with an updated CV is now a mandatory requirement for individuals applying to become members appointed in their personal capacity (Type A members).</td>
</tr>
<tr>
<td></td>
<td>There is a specific conflict of interest assessment that should be performed by the EC on the basis of the information provided in the DoI.</td>
</tr>
<tr>
<td></td>
<td>Registration of organisations and self-employed individuals in the Transparency Register is now a mandatory requirement in order to be appointed to an Expert Group. Individual experts appointed in their personal capacity are excluded from this requirement.</td>
</tr>
<tr>
<td></td>
<td>A new DoI of an existing Expert Group member is required to be resubmitted only if there is a relevant change of an information provided before. The recommendation to introduce annual updates of DoI thus remains valid.</td>
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| *personal capacity would be inappropriate, because these experts are required to act independently and in the public interest*.⁷⁴<sup>⁷⁴</sup>  
‘concerning the declarations of interest, the EC does not follow the Ombudsman recommendation of annual updates, but, noting administrative burden, considers an update of the declaration in case of a change of information sufficient. Again, it might be worth reconsidering this position. Experience with declarations of interests underlines the importance of annual updating since the exercise of completing the form raises awareness on conflicts of interest; moreover, administrative burden should be limited since the task of conflict of interest assessment and verification will be spread across all DGs.’ |  |

**Efficiency**  
‘Whilst the EC has already noted its commitment to a more systematic revision of the REG, it is recommended that this be accompanied with more substantial resources for oversight and enforcement (by the SG). DGs failing to comply with SG instructions on specific EGs should be sanctioned with the suspension of the concerned EGs. Moreover, the SG should be tasked with regular reporting on the EG system and evaluation at regular intervals, e.g. every four years, building on individual EG’s annual performance reviews.’  

**Efficiency**  
The EC has confirmed its commitment to enhance the implementation of the Rules.  
The new version of the REG provides more detailed information on Expert Groups than in the past.  
The REG is now linked to the Transparency Register. However, this link only applies to Type B and C members.  
The 2015 recommendation on regular reporting on the system by the Secretariat general remains valid.

<table>
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<tr>
<td><strong>Evaluate performance</strong>&lt;br&gt;‘Findings also support a more systematic approach to the review of the performance of the EG system, both at the level of the EG system, and at the level of individual EGs. Whilst the overall system would benefit of evaluation every four years, individual EGs should be evaluated on an annual basis. Evaluation should also draw on comparative research, thus allowing the development of the EG system to benefit from experience in countries with a more long-standing experience of expert groups, whilst also taking into account the specific circumstances of the EC and the EU legislative process.’&lt;br&gt;‘Finally, there is a need for clear targets and indicators to facilitate the evaluation of performance – as noted in the introduction to this report the EP conditions were drafted in a way that did not always allow for easy verification of compliance, and were not accompanied by clear targets.’</td>
<td><strong>Evaluate performance</strong>&lt;br&gt;All recommendations with regard to the evaluation of performance remain valid. There is a need for more appropriate targets and indicators to facilitate the evaluation of performance.</td>
</tr>
<tr>
<td><strong>Follow-up research</strong>&lt;br&gt;‘Use of the membership category ‘association’. As discussed with regard to imbalance, the category of ‘association’ was excluded from the analysis, since the REG does not provide detail on the economic or non-economic interests of Associations. However, ‘association’ is the most popular category of organisational membership, with REG figures showing the growing importance of this category. In this context there is a need for follow-up research on the association members.’</td>
<td><strong>Follow-up research</strong>&lt;br&gt;It is not clear why Type A members can be registered with multiple profiles or show no information.&lt;br&gt;A new category of membership was introduced since “organisations” represented a very heterogeneous group. Now, there are Type C (organisation in the broad sense of the word) and Type E members (other public entities).&lt;br&gt;There has been a drop in the number of Type C members. Future research into the reasons why there are lower figures for Type C members is recommended.</td>
</tr>
</tbody>
</table>
Recommendation (2015)

‘Use of external expertise by EU Agencies. Some expert groups have been merged into EU agencies, such as the Scientific Committee on Food, which has been merged into the EFSA. Interesting in this regard is the increase in EG members from EU agencies.’

‘There has been a substantial decrease in the number of EGs, from some 1,600 EGs in 2006 to 830 in 2015. This study has explained this decrease with EC efforts to address EP and civil society concerns. However, it could also be that the EC, avoiding the EP and civil society focus on EGs, has turned to other ways of inserting external input and expertise/information than through establishing EGs. This could be considered a hidden ‘cost’ of too much regulation and formalisation of EGs, i.e., that for instance more informal contacts/ single person reports, professional think tanks etc. become the functional equivalent of EGs and that these are even less balanced and transparent than EGs.’

Continuing validity (2018)

Looking at the category of ‘Organisations’, the drop in the participation of the category ‘Corporate’ (from 31% in 2015 down to 13% in 2018) is worth noting; at the same time the category ‘Association’ has increased (from 9% in 2015 to 29% in 2018). Further research is required into the causes of these variations.

There has been a drop in the EG members from EU agencies between 2015 and 2018.

There has been a continuous decrease in the number of EGs since 2015. Future research into the reasons behind this drop is recommended.
Annex 1 – Questions for European Commission

This annex notes the questions put to the European Commission.

The following questions are based on an initial review of Commission Decision C(2016) 3301 final of 30 May 2016, establishing horizontal rules on the creation and operation of Commission expert groups.

1. **Article 8, point 2, 1st paragraph**: Type B and C members shall be excluded from the expert groups if they fail to register in the Transparency Register by end 2016. How many Type B members were excluded? How many Type C members were excluded?

2. **Article 8, point 2, sentence 3, 3rd paragraph**: Type B and Type C members shall be suspended from the expert groups if they are suspended from the Transparency Register, and removed from the expert groups if they don’t re-establish the registration in the Transparency Register. How many Type B members were suspended? How many Type C members were suspended? How many Type B members were removed? How many Type C members were removed?

3. **Article 9, point 3, 3rd paragraph**: The EC can reject nominated representatives of Type C members. How many representatives were rejected and why?

4. **Article 10, point 4**: The EC can decide that a public call is not a suitable instrument for the selection of expert group members. Which expert groups were affected by this exception since the entry into force of this Decision?

5. **Article 10, point 6**: The EC shall strive to achieve a gender balance for Type A and B members. What are current gender statistics?

6. **Article 11, point 3**: Handling Type A member applications with conflicts of interest: How may Type A applications were not retained because of a conflict of interest (paragraph 2a)? How may Type A members were made subject to restrictions because of a conflict of interest (paragraph 2b)? How may Type A members were ‘reclassified’ as Type B because of a conflict of interest (paragraph 2c)?

7. **Article 11, point 4**: Handling Type A members that became members before the entry into force of the Decision. How may Type A members were removed because of a conflict of interest? How may Type A members were made subject to restrictions because of a conflict of interest? How may Type A members were ‘reclassified’ as Type B because of a conflict of interest?

8. **Article 13, point 6**: Expert groups can decide by simple majority for their deliberations to be public. How many expert groups decided for their deliberations to be public? (Please provide a list of the concerned groups)

9. **Article 21**: In ‘exceptional cases’ expert group members can be paid a special allowance. What is the volume of special allowances paid in the years 2016, 2017, 2018? Which expert groups / members were concerned?
10. **Article 23, point 2:** Individuals can request to not have their name disclosed. How many expert group members are affected by this per type of member?

11. **Article 26, point 2:** Publication of expert group documents. How many expert groups (and which groups) were affected by exceptions to the publication of documents?
Annex 2 – Changes in the Register of Expert Groups

This annex shows the changes introduced in the REG, comparing the 2015 and 2018 datasets.

Dataset values for

Member Type:

- **In 2015:**
  - ‘Individual expert appointed in his/her personal capacity’
  - ‘Individual expert appointed as representative of an interest’
  - ‘Organisation’
  - ‘National administrations’

- **In 2018**
  - ‘Type A - Individual expert appointed in his/her personal capacity’
  - ‘Type B - Individual expert appointed as representative of a common interest’
  - ‘Type C - Organisation’
  - ‘Type D - Member State Authority’
  - ‘Type E - Other public entity’

Organisation Type:

- **In 2015:**
  - ‘Academia’
  - ‘Association’
  - ‘Candidate country’
  - ‘Corporate’
  - ‘EU agency’
  - ‘EU body’
  - ‘Financial Institution’
  - ‘International organization’
  - ‘NGO’
  - ‘Research Institute’
  - ‘Third Country’
  - ‘Trade Union’

- **In 2018:**
  - ‘Academia, Research Institute and Think Tanks’
  - ‘Banks/Financial Institutions’
  - ‘Candidate Countries’
  - ‘Companies/Groups’
  - ‘EU Agencies’
  - ‘EU Institutions/Bodies’
    - ‘International/Intergovernmental Organisations’
    - ‘Law Firms’
    - ‘NGOs’
    - ‘Other entities’
    - ‘Other Organisations’
    - ‘Professional Consultancies’
    - ‘Professionals\’ Associations’
    - ‘Third Countries’
    - ‘Trade and business associations’
    - ‘Trade Unions’
Member Interest Represented:

- In 2018:
  - ‘Academia/Research’
  - ‘Civil society’
  - ‘Employees/workers’
  - ‘Finance’
  - ‘Industry’
  - ‘Professionals’
  - ‘SMEs’
  - ‘Other (xxx)’ → Note that there are 48 different types of ‘Other’
Annex 3 – List of EGs without record on Activity Report

The following table provides the full list of 66 EGs that have not published any Activity Report information record.

Table 7: EGs that have not published any activity report

<table>
<thead>
<tr>
<th>Expert Group</th>
<th>Group Name</th>
<th>Lead DG</th>
</tr>
</thead>
<tbody>
<tr>
<td>E00612</td>
<td>Contact Group - Dublin III</td>
<td>HOME</td>
</tr>
<tr>
<td>E00849</td>
<td>European Consumer Consultative Group</td>
<td>JUST</td>
</tr>
<tr>
<td>E01781</td>
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Annex 4 – Data model

This annex shows the Entity Relationship Model produced by the author drawing from the data extracted from the 2018 XML file, downloaded as of July 2018. Note that the model is shown for illustrative purposes only. It has helped the author better understand the relationship among different pieces of information stored in the REG, as well as to build the subsequent SQL queries to process the data and obtain results.

The names of entities (boxes), and fields attached to them have been exclusively produced by the author for the reasons mentioned above and do not intend to be an exact replica of the data model kept by the EC.
Review of status of the Commission’s register of expert groups and their composition
This report aims to provide insights into the development, since 2016, of the European Commission's system of Expert Groups, including the Register of Expert Groups, thus updating the European Parliament’s study ‘Composition of the Commission’s expert groups and the status of the register of expert groups’ (September 2015). The Update finds that the European Commission’s revised Horizontal Rules, introduced in May 2016, triggered important improvements in terms of balance of interests, transparency and gender balance. Notwithstanding, there is further room for enhancing the system, and this Update recommends: further strengthening balance with a specific focus on the Expert Groups that continue to experience imbalance; further enhance transparency of Expert Group deliberations; remind Expert Groups about the requirement for gender balance; for the European Commission to report on the system and evaluate the system’s performance; and to conduct further research on specific types of Expert Group members and the use of Expert Groups.

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