

Role of the European Parliament in promoting the use of independent expertise in the legislative process



EP-EUI Roundtable

Abstract

This report reflects on the role of European Parliament in promoting the use of independent expertise in the European legislative process.

The European Parliament has a unique model of involving independent expertise of universities and think tanks in the European legislative process to guarantee that its decisions are based on the best available evidence. The EP-EUI roundtable discussed the general framework, best practices and the way forward for involving independent expertise in the European legislative process.

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EXECUTIVE SUMMARY

Discussing **evidence-based policy** represents a challenge at a time when the importance of evidence is undermined by the phenomenon of fake news and growing uncertainty about what is really true. A crucial question for the European Parliament is how to ensure that the European legislative process relies on facts but also how it should address differences in interests and positions that are not supported by objective evidence and data. It is also important to understand how expertise can provide European legislators with inputs that bring **benefits for citizens**.

1. Linking European legislator, independent experts and society for the benefit of legitimacy and accountability of European legislation

With the globalisation of policies, evidence-based policy-making represents a key issue in the framework of governance beyond the State. This kind of reflection is of vital importance for the European Parliament, which acts as a continental-scale co-legislator – jointly with the Council – adopting laws for over 500 million European citizens, but also as budgetary authority and as the authority giving consent to all major international agreements.

Over the course of the last fifteen years, the European Parliament has dramatically changed its working methods and organisation, making a transition towards an evidence-based decision making process, which also uses all the tools of better law-making. The concept of better law-making, regulated in the first and second agreements on better law-making, encompasses the entire legislative cycle from agenda-setting, consultations, preparation of legislative files to implementation and scrutiny of the legislation adopted. The objective of better law-making is to deliver high quality Union legislation focusing on the areas where it is of the greatest added value for European citizens, in an efficient, effective, simple and clear way.

The European Parliament represents a very particular model, as expertise serves as a tool to inform the debate and reinforce accountability, not as a tool to replace democratic legitimacy.

The European Parliament's work is based on strong parliamentary committees, organised by policy area, which are responsible for most of the legislative and scrutiny work. Research support for the committees has to be independent and geared to a high level of knowledge, if it is to make a difference and add value.

Policy departments provide expertise that is scientific, non-partisan, independent of the institution and without stakeholder bias. The policy department model is based on research programmes that are driven by the parliamentary committees themselves. Committees decide what research they want, how they want it to be performed and when should it be delivered. The European Parliament's policy departments have small, dedicated research teams for each committee.

In addition to the in-house team, policy departments manage a budget that is used to hire external independent expertise. All of the major research products are prepared by external experts.

Independent experts are selected from among the best universities, think tanks and professional consultancies in Europe that are specialised in particular research topics.

Independent expertise offers real support and added value for experienced Members but also allows less experienced Members to engage effectively in specialist work. The smaller political groups and their Members can also draw on this expertise.

The model of independent expertise promoted by the European Parliament in the legislative process is an important step to reinforce legitimacy and accountability of European legislation. It is a new way of integrating expertise and science more deeply into the democratic debate.

2. Best practice

Even with budgets declining since 2015, the European Parliament's policy departments put out on average about a thousand expertise reports every year.

The **Digital Single Market** is the area with the **highest potential for delivering benefits** to the European citizens.

Independent experts have produced a number of studies, in particular on [performance based policy cycles](#), [smart Single Market regulation](#) and [reducing costs and barriers to trade](#), which have helped the European Parliament to identify the Digital Single Market as the **leading European policy** and to improve the European policy evaluation process.

A study prepared for the European Parliament in 2013 on [Discrimination of Consumers in the Digital Single Market](#) revealed **refusals on a massive scale to sell in online transactions (61% of consumers being refused at some point in the process of placing online order)** as well as numerous other forms of **online discrimination**. This led to a debate on the prohibition of geoblocking.

Independent experts also advised the European Parliament to [abolish roaming charges](#), leading to new legislation in this area.

Independent research systematically advises European Parliament about benefits that can be achieved through **e-government initiatives**, by providing both a [general review of opportunities on DSM](#) and addressing specific sectors such as [public procurement](#).

Following a number of studies delivered by independent experts, the European Parliament started to reflect on how to rebalance **economic and social policies in times of crisis with the aim of improving the legitimacy of policies and raising awareness of the social consequences of such policies**.

A study on [Austerity and poverty in the European Union](#) for the EMPL Committee stated that **fiscal consolidation had worsened the social situation**.

Another study on [European Social Fund policies as a mitigating factor during the crisis](#) assessed the way in which the ESF responded during the 2007-2013 period.

Numerous studies were produced for the European Parliament by independent experts looking at the consequences of Brexit in a **broad range of European policy areas e.g. [an assessment of the economic impact of Brexit on the EU 27](#), [EU customs law and free movement of goods](#), [free movement of services](#), [public procurement](#), [consumer protection](#)**.

3. Way forward

When considering the future, the question arises of whether the European Parliament's use of independent expertise in its decision making process could constitute a model for other legislators, such as the Council of the European Union or the parliaments of the Member States.

In order to turn expertise and evidence based policy into a model that can be implemented across jurisdictions, it has to be **transformed at European level from an ambition into a regular practice.** Independent expertise delivered to legislators should develop into a comprehensive system that evaluates the **entire policy making process from forecasting, to choosing strategies, selecting objectives, assessing the best mix of policies, enacting legislation and evaluating its consequences.** The data used in this process need to be as complete as possible and **regular ex-post evaluations must cover entire policy fields and feed into new policy objectives, thus completing the policy cycle.** European strategies need to be subject to assessments and should focus on **delivering results for citizens.**

Furthermore, it is crucial for the future of European Union that a **balance is struck between economic and social policies.**

Independent expertise provided to European Parliament has supported legislative work leading to policies that have generated billions of euros in benefits for the EU over the last decade, while costing a minor fraction of a percent of those benefits. Conversely, **policy decisions not based on evidence and expertise can generate annual losses of a substantial percentage of GDP.**

An important area for current and future consideration is the relationship between technology and expertise. **Artificial intelligence** is a typical subject where a bridge is necessary between scientists, academia and policy makers in order to address the potential ethical, legal, cultural, economic and social aspects of this rapidly developing technology. It poses challenges in terms of **affecting markets and political processes**, including elections. It can also, however, be a technology that **supports consumers, their freedom, their ability to make choices and as well as supporting consumer organisations in enforcing consumer law.**

Finally, consideration should be given to a future framework enabling closer links between the European Parliament and academia.

Experts participating in the roundtable proposed a number of initiatives:

- **a cycle of academic conferences in the European Parliament on the Future of Europe**, where independent researchers could propose upcoming topics with an anticipatory and forecasting approach in mind;
- extension of the EP-EUI roundtable into **an open framework agreement open to all European universities**,
- setting up **a network of independent experts and academics, research staff and political staff in order to disseminate best practice** across European institutions, regional and national parliaments and governments,
- setting up an **Artificial Intelligence Observatory in the European University Institute** under the auspices of European Parliament, with the initial aim of developing tools to address issues of consumer protection and prevention of technological influence over the election process.

WELCOME SPEECH by Mr Riccardo Ribera d'Alcalá, Director-General of the Directorate-General for Internal Policies, European Parliament



The roundtable was opened by **Mr Riccardo RIBERA D'ALCALÁ, Director-General (DG IPOL, European Parliament)**, who welcomed all participants to the roundtable. Mr RIBERA D'ALCALÁ thanked the **policy departments** and the **European University Institute** for the initiative of organising the **EP-EUI roundtable to discuss the role of independent expertise and how the European Parliament promotes it within its legislative work**. The roundtable was part of scientific cooperation between the European Parliament and the European University Institute.

Director-General said that the meeting was possible because of the special relationship established between the European Parliament and the European University Institute, which allows for a forum of discussion on important topics between **academia, the European legislator and society**.

Mr RIBERA D'ALCALÁ welcomed the distinguished academics **from various universities and think tanks** taking part in the meeting. In doing so, he recalled his participation at a High-Level Executive Seminar on the use of data indicators in policy-making organised in Florence earlier in April. The seminar, he said, had been an enriching and thought provoking exchange about the role expertise should play in politics.

Director-General indicated that discussing **evidence-based policy** represents a real challenge at a time when the importance of evidence is called into question and even seriously undermined, as shown by the fake news phenomenon. One of the crucial questions for us, as an administration supporting the legislative process, is whether and how, during the legislative process, a reliance on facts and figures can be guaranteed, and how we should address differences in interests and positions that are not supported by objective evidence and data. Furthermore, the question also arises of how the most relevant elements for the European legislator can be selected from the enormous amount of data available.

When supporting the legislator in its daily work, it is also important to understand how expertise can provide legislators with input that can bring **benefits for citizens**.

Mr RIBERA D'ALCALÁ said that he was glad to host the EP-EUI roundtable on independent expertise, in the hope that the discussion with academics and researchers would help to answer some of the above questions.

With the globalisation of policies, evidence-based policy-making represents a key issue as regards the question of **governance beyond the State**. The European University Institute, which is currently running the **Transnational School of Governance** project, is particularly familiar with this issue.

This kind of debate is of vital importance for the European Parliament, which acts as a continental-scale **co-legislator** – jointly with the Council – adopting laws for over 500 million EU citizens, but also in its various capacities as **budgetary authority**, as **authority giving consent to all major international agreements** and for its **oversight capacity**. All these roles have expanded considerably over the last ten years.

By way of example of an area where the European University Institute is providing the European Parliament with expertise, Mr RIBERA D'ALCALÁ pointed to **artificial intelligence**. The potential ethical, legal, cultural, economic and social issues raised by this rapidly evolving area mean that a bridge is necessary between scientists, academia and policy makers.

The European Parliament has rightly taken the initiative to start this debate and adopt major parliamentary resolutions on the **basis of various studies produced by its policy departments, in some cases with the support of European University Institute**.

“Because they have to know what they are doing” to quote an article published by a German scientist, the European Parliament has overhauled its working methods and organisation, to make greater use of evidence and also better law-making tools in its decision-making process. The concept of **better law-making** encompasses the entire legislative cycle from setting the **agenda, consultations, preparation of legislative files** to **implementation** and **scrutiny** of the legislation adopted. Mr RIBERA D'ALCALÁ referred to his experience in the negotiations on the first and the second **interinstitutional agreements between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making**. Expertise is very much on our mind in the European Parliament. Mr RIBERA D'ALCALÁ recalled as well the fact that the European Parliament represents a very particular model. In parliamentary activities we need to take into account other aspects, such as political sensitivities, national aspects and multidimensional policy aspects which in many cases are resolved in a compromise that balances the interactions between these elements. Mr RIBERA D'ALCALÁ stressed that in the European Parliament, **expertise serves as a tool to inform the debate and reinforce accountability, not as a tool to replace democratic legitimacy. Final decisions rest with democratically elected Members**.



Mr RIBERA D'ALCALÁ welcomed all participants from academia and think tanks, thanking in particular **Prof. Dr Giovanni SARTOR, Professor of legal informatics at the University of Bologna and Professor of Legal informatics and Legal Theory at the European University Institute of Florence, and Prof. Dr Hans MICKLITZ, Professor of Economic Law at the European University Institute** – both chairing the DSM session during the second panel - for their ongoing and fruitful cooperation

with the European Parliament. Director-General also welcomed **Prof. Dr Tobias STOLL from Georg-August-Universität, Göttingen**, the chair of the third and final panel.

Mr RIBERA D'ALCALÁ wished everyone an interesting exchange of views in the framework of this EP-EUI roundtable.

PANEL 1 BETTER REGULATION, EUROPEAN PARLIAMENT AND INSTITUTIONAL CONTEXT

1.1. Rationale for linking the European legislator, independent experts and society - Mr Iain WATT, Head of Unit of the Policy Department for Structural and Cohesion Policy, Directorate-General for Internal Policies, European Parliament



Mr Iain WATT started his presentation by stressing the disadvantages of **general parliamentary research services for supporting the work of parliamentary committees**. The European Parliament relies on the work of strong parliamentary committees, which are organised by policy area and have the main responsibility for the European Parliament's legislative and scrutiny work. These **Committees are** the main engine of legislative work **and**

a long-term repository of Members' knowledge. This means, Mr Watt said, that the **research support has to be independent and geared to the committees' level of knowledge** if it is to make a difference and add value.

The work of the policy departments is based on a research programme that is driven by **parliamentary committees themselves**. The **committees decide what research they want, how they want it to be performed and when it should be delivered**. In contrast, the general research model is based on research services deciding on their own agenda.

Mr Watt explained that the European Parliament has **small research teams for each committee, located within the same directorate as the committee secretariats, and working in close cooperation with them**. Unlike general research services, **policy departments focus exclusively on responding to committee needs. In addition to its own in-house expertise team, policy departments manage a budget which allows for hiring of external expertise**. External experts prepare all of the major research products.

Mr Watt stressed that the advantage of external experts is that they can be precisely selected. **Independent experts are selected from universities, think tanks and professional consultancies that are specialised in the particular area of research**. General research services cannot match the range of topics and the depth of analysis that can be **offered by policy departments who can commission the best expertise available** for any particular topic. Such experts are much more up-to-date on the topic of their specialisation than a generic researcher. **The authoritative research provided by the best specialists hired by the European Parliament is crucial for the quality of its work**. Moreover, Mr Watt added, for the **European Parliament, what matters is not only high-quality research but also presenting this research in an authoritative and unbiased way**.

The use of **independent expertise also offers advantages in terms of quick delivery, as leading experts in the field can deliver their expertise within short deadlines. This system also makes it possible to run several complex projects in parallel**

Mr Watt explained that independent expertise offers real support and added value for experienced Members who have a network of support and specialised information sources that offer personalised briefings on specific subjects. Policy departments must be able to complement these existing sources with expertise that cuts directly through to the level of experienced Members. He also said that **expertise can support less experienced Members to engage effectively in specialist work. The smaller political groups can also draw on policy department expertise.**

Policy departments provide expertise that is scientific, non-partisan, independent from the institution and without stakeholder bias. In the last part of his presentation Mr Watt analysed the **link between the legislator, research and society. Policy departments have a role to inform the conversation between the Members and society. Policy departments** can provide content that can enrich and support the **communication between Members and citizens** in a growing fake news environment. In addition, as a part of their work, **Policy Departments are in contact with and communicate with the research community, think tanks, NGOs, stakeholders and interested citizens.** This covers a wide range of activities. First of all, policy departments can learn and stay up-to-date through listening, something which is often underestimated.

Secondly, the policy departments also disseminate the research prepared for the European Parliament. This effort is driven by the **transparency principle** requiring that the public should be able to consult the expertise that the European Parliament is using as evidence in its parliamentary work. **By making research available to the public, the European Parliament can get feedback and criticism.** This is **important in terms of scrutiny and quality**, Mr Watt added.

Finally, by pushing information out, policy departments can actually reach the Members: a study that is being discussed on Twitter or on a TV programme takes on a new significance.

The use of social media can potentially make **Members more aware of such research.**

In summary, **policy departments connect parliamentary committees with independent expertise in order to facilitate informed, transparent and democratic policy-making.** This is the policy departments' main mission.

The main areas of action are: **increasing the relevance and impact of expertise**, and **communicating expertise.** Policy departments are witnessing discussions on how science impacts policy making and, therefore, they need to move beyond some of the traditional approaches for the delivery and presentation of research.

By way of example, Mr Watt pointed out that the policy department that he heads is present on Twitter and on a **blog** where all its studies can be found, together with other relevant information.

1.2 Expertise and the European Commission: from legitimization to accountability? - Dr Marta Morvillo, Max Weber Fellow, European University Institute

Dr Marta MORVILLO, Max Weber Fellow at the European University Institute, made a presentation on legitimization and accountability of expertise. Dr Morvillo identified two extremes in approaching expertise. One is **anti-intellectualism which rejects experts, a view often associated with populism**. Another is the way in which **expertise is used as a source of legitimacy**, in cases where democratic legitimacy is weaker. Dr Morvillo pointed that both extremes are problematic. Therefore, Dr Morvillo's research focuses on trying to find **a new, third way of integrating the expertise and science more deeply into the democratic debate and embedding scientific expertise into the broader context of decision making, to increase the legitimacy and accountability of the measures adopted**.

In her research Dr Morvillo uses the **concept of "epistemic delegation" developed in the field of science and technology**, and defined as the power of a handful of experts in governing institutions to know for the many. Given the complexity of policy processes, it is unthinkable that everyone knows everything, therefore there is a need to delegate to the experts the power to know for the majority. **Expertise and, in particular, regulatory expertise is a compound of epistemic and political authority. Therefore, regulatory expertise has a dual system of reference: on the one hand, the epistemic community from which it stems and, on the other, the context of the policy for which it provides evidence and facts.**

If we see expertise as being at the crossroads of these two realms, the next step is the attempt to provide the accountability mechanisms and a structure capable of meeting the demands of epistemic and political robustness.

The challenge is to make expertise accountable both to the scientific and the political community.

Dr Morvillo raised the question of whether constitutional principles and law could root expertise in a deeper **accountability framework**.

Starting from the principles of **transparency, participation and good administration**, Dr Morvillo tries to explore whether these principles can be framed to the particularities of involving expertise in policy-making and decision-making processes.

The traditional view is that **parliamentary assemblies encounter an obstacle when highly technical measures are debated, and that complexity is an obstacle for political and legal accountability**. This is also the case with **courts, where legal accountability mechanisms are hindered when complex technical assessments are involved**. In this regard, the **doctrine of technical discretion states that** courts, when faced with highly technical measures, normally refer the final decision to the executive (at EU level, the European Commission; at national level, national governments).

The traditional view is that, when complex technical issues are involved, the matter is referred to executive. Therefore, **legislators and the judiciary normally play a secondary role when complex technical measures are involved**.

However, in the EU, we see **new approaches to complex technical measures being developed by both the European Parliament and the EU courts**.

There are interesting developments within the judicial review of science-based measures by the General Court and by the Court of Justice. The case-law is developing **new judicial tests and accountability mechanisms** based especially on the **principle of good administration** and the **duty of care** which translates into the **duty to collect all relevant evidence** and the **duty to take all evidence into consideration**, and even more, **the duty for the decision maker, the European Commission, to explain all reasons for adopting a science-based measure**.

A similar approach is being developed by the **European Ombudsman**, based in particular on **transparency** and **participation** principles.

Building on the principled review of science-based measures, especially in the courts, further debate and discussion may take place and potentially lead to a change in the way expertise is involved in decision-making. This would **benefit both the legitimacy and multiplicity of scientific voices embedded in the debate and decision-making process**.

This of course presents challenges, as the **boundaries of the technicalities of decision-making also reflect the boundaries of the separation of powers**. When parliaments or courts address the **technicalities of decision-making**, they may challenge the settled balance of powers with the executive.

Finally, Dr Morvillo indicated that, where applicable, it is important to recognise a **multitude of voices and opinions within academia**.

1.3 The role of advisory committees – the European Committee of the Regions – a local and regional perspective - Dr Svetlozar Andreev, Administrator, Directorate C – Legislative work, European Committee of the Regions



Dr Andreev pointed out that the **provision of independent expertise is a process which has a demand side, involving the Members, politicians, and a supply side, involving think tanks, academia and other sources**.

The 350 regular Members of the Committee of the Regions, as directly elected politicians, have a **legitimate mandate** derived from local communities. Members of the Committee of the Regions are sometimes

in both legislative and executive branches, and have **rich legislative and executive expertise**. Dr Andreev recalled that the Committee of the Regions has both a representative and a consultative character. It presents alternative **points of view** and provides **critical messages within the legislative cycle** and thus needs to be supported by a **rich, independent expertise basis**. The Committee of the Regions also delivers **territorial impact assessments** on certain files.

Dr Andreev noted that the **legislative cycle has become very short, dynamic and intense**. At the same time, there are many more stakeholders who have multi channelled access to Members. There is little time to process and verify facts and data.

Even if the Committee of the Regions produces expertise reports **there is little time to reach Members and staff with what is to be learnt from expertise nor to internalise that knowledge.**

In this regard, Dr Andreev said the **accelerated legislative process** can lead to the European Commission losing the connection with the reality on the ground. He also echoed criticisms from stakeholders and stated that the link with the citizens is sometimes lost because of the haste of the legislative process. Biased opinions, fake news and non-independent expertise further aggravate this problem.

To conclude, Dr Andreev stressed that there is a need for **more anticipatory thinking and foresight, including on inter-institutional level.**

In the discussion that followed, Mr Scott MARCUS brought up a point concerning the value contributed by think tanks and academia in providing European Parliament with expertise that is both **independent**, to a higher standard than the one that could be provided by in-house services, and of an **exceptional breadth in range and depth of knowledge.** **Mr WATT** referred to the example of the **Congressional Research Service (CRS) that employs around 600 staff in the production of expertise but does not directly serve congressional committees.** **The European Parliament has a model where more researchers in the EPRS produce rapid responses for individual Members demands, while the policy departments are involved in finding the best independent expertise where it is available, at the request of the committees of the European Parliament.**

Dr BUKOWSKI asked how expertise delivered to European institutions can be improved. **Dr ANDREEV** indicated that **reduced budgets make the process more difficult. Difficulties also arise from the obligation on officials to change sectors regularly, which causes loss of knowledge within institutions.**

Dr MORVILLO raised the issue of the **timing of expertise.** It needs to be responsive but at the same time respect the deliberative nature of the process.

Mr RIBERA D'ALCALA recalled the European Parliament's efforts to provide: (i) **tailor-made expertise on request for individual Members by the EPRS;** and (ii) **independent expertise provided by policy departments at the request of parliamentary committees.** He also referred to the steps taken to improve impact assessments involving an independent Regulatory Scrutiny Board, as well as work performed on foresight, in particular by the Science and Technology Options Assessment (STOA).

PANEL 2 INVOLVING INDEPENDENT EXPERTISE AT EUROPEAN LEVEL – BEST PRACTICES

Prof. Dr Sartor welcomed all participants to the EP-EUI Roundtable and reflected on his involvement in providing independent expertise to the European Parliament.

Prof. Dr Sartor started with a reference to his collaboration with the European Parliament on such issues as alternative dispute resolution, liability of online providers and artificial intelligence. This collaboration was much needed and it allowed him to be in **contact with actual policy initiatives and decision-makers** as well as to make a **useful contribution to the legislative process**.

This collaboration also benefited his **research and was useful for his teaching in academia both at undergraduate and Ph.D. level, showing the connection between academic research and practice**.

Prof. Dr Sartor stated that evidence-based policy is sometimes questioned but also much needed. **Decision-makers are responsible not only for having good intentions but also for the foreseeable outcome of their actions according to the best knowledge available**. Specialised expertise is especially needed in areas that are more complex and more distant from shared experience in society. The evidence needed for taking political decisions has to be **more stringent than required for setting out a scientific hypothesis or claim, something that is emerging from many debates on the precautionary principle**.

Prof. Dr Sartor noted that **scientific expertise is even more necessary precisely in areas where it is questioned**. The area of **artificial intelligence** is a good example. With numerous challenges of an existential nature which go to the core of the meaning of humanity and the core of the structure of society (such as impact on work, e-commerce, data-protection), it is very difficult to express justified opinions, but still it is necessary. The connection between **scientific evidence** and **accountability** is crucial.

2.1 Building the Digital Single Market - identifying most efficient policy areas

Chair: Prof. Dr Giovanni Sartor (EUI). Panelists: Mr Sion Jones (LE EUROPE), Prof. Dr Giovanni Sartor (EUI), Prof. Dr Hans-W. Micklitz (EUI), Prof. Dr Alexandre de Streel (University of Namur and CERRE), Mr Scott Marcus (Bruegel), Prof. Dr Schulte Noelke (Osnabrueck University), Prof. Dr Christopher Bovis (Hull University) and Prof. Dr Joerg Becker (Münster University).



Prof. Dr Sartor gave the floor to **Mr Sion Jones** asking how the research carried out by LE EUROPE in particular on [performance-based policy cycle](#), [Smart Single Market regulation](#) and [reducing costs and barriers to trade](#), helped the European Parliament to identify the Digital Single Market as the leading European policy and what were the key research points where he managed to make a difference, helping Members to improve European Commission

proposals. Prof. Dr Sartor referred in particular to research on findings and recommendations on the [European Single Point of Contact](#) and the [European Single Gateway](#).

Mr Sion Jones focused his presentation on suggestions on how to **improve governance by making better and more coordinated use of all available data in order to ensure more robust impact assessments and evaluations undertaken for policy proposals.**

In a study for the European Parliament's Committee on Internal Market and Consumer Protection (IMCO Committee) on Performance based policy, prepared in 2013, LE EUROPE reviewed 10 Digital Single Market initiatives and found that **only four of them used robust quantified data**. Moreover, **no detailed logic model or detailed evaluations were provided for any of the initiatives**. Building on this recommendation, LE EUROPE proposed an **improved governance framework for high performing policies** with greater focus on **better use of existing data, synergies between different policies** and **the use of a performance-based approach to high level strategic policies**. In subsequent work on Smart Single Market Regulation in 2015.

One particular aspect of a number of studies prepared by LE EUROPE for the European Parliament was the suggestion of **enabling better access to and more streamlining of information and services for citizens and businesses in the Single Market.**

In 2013 LE EUROPE undertook a study on the European single point of contact and identified **44 different EU level online assistance services** aimed at helping citizens to resolve problems related to the Single Market, such as Your Europe, Enterprise Europe, SOLVIT, etc. In addition to this rather large number of European services, according to Mr Jones, each Member State had their own services, **adding to substantive complexity and confusion.**

As a part of the study, LE EUROPE performed a survey with the participation of citizens and SMEs, which revealed that **92 % of respondents did not know of any of the EU level online services** aimed at helping them to resolve problems. LE EUROPE also interviewed a number of consumer organisations and even among them **awareness was low**.

In the study, LE EUROPE recommended the introduction of the **European single point of contact based on users' needs**.

Two years later, European Commission referred to the **Single Digital Gateway** project in its **Digital Single Market Strategy**.

LE EUROPE researchers made a number of further suggestions on how to **design the services according to the "digital by design" principle** so that user needs are taken into account when **cross-border e-government services are being developed**.

In 2017, the formal proposal for a Single Digital Gateway was submitted and LE EUROPE compared the European Commission's proposal to LE Europe's original 2013 recommendations. LE EUROPE found that **the Commission followed LE EUROPE recommendations to some extent but there were still overlaps between services and there was no streamlining of existing services**.

Prof. Dr Sartor spoke briefly about the research he did for the European Parliament in 2012 with **Prof. Dr Hans-W. Micklitz**, at the European University Institute [on the ADR Directive and ORD Regulations](#), in particular the work carried out on the extension of the scope of proposed European legislation. He spoke of the contribution made by **MEP Róża Thun** to move away from the minimalistic approach advocated at the time by the European Commission, to a more utilitarian approach, **putting the interest of the European consumer and functionality of European tools at the heart of European legislation**.

Prof. Dr Sartor also talked about more recent research on consumer laws and artificial intelligence, often perceived as a threat to consumers who are tracked, targeted and manipulated with personalised messages. Prof. Dr Sartor pointed out that artificial intelligence also brings opportunities: it can help consumers counter the risks that artificial intelligence presents through new software tools, new strategies, new methods of collecting information and thus lead to the empowerment of individuals and new legal measures. The first result was the development of **software tools to identify unlawful consumer contracts and classify violations of privacy policy**. This is an interdisciplinary domain of expertise merging different fields of knowledge and technology, computing, engineering, economics, law and politics. The EUI would like to **cooperate with the European Parliament in this regard**.

Prof. Dr Sartor gave the floor to **Prof. Dr Alexandre de Streel**, asking him about his experience as an expertise provider to the European Parliament on a number of occasions, most recently on the [Optimal regulatory model for telecommunication services](#).

Prof. Dr de Streel discussed his research on the **regulatory model for telecommunication services**, where he advocated in favour of a holistic approach covering the supply and demand sides of regulation.

Prof. Dr de Streel reflected also on the value of independent expertise and referred to the **complementarity between external and internal expertise** – which are not substitutes for each other but are complementary.

Firstly, the independence of expertise is important not only for external expertise but also internally.

An example is the Impact Assessment Scrutiny Board, which insures that the European Commission's expertise is checked internally. Each institution should have mechanisms to ensure that its own internal expertise is provided in an independent way.

The second point raised by Prof. Dr de Streel was the **choice of experts**, which he considers a complicated task. The aim is to get the best experts from all over Europe. This is not an easy task and internal experts should be able to spot the best independent experts all over Europe. It is also important how experts are hired, as cumbersome **procedures** can discourage some experts from applying. For instance, **OECD** has much more flexible procedures on hiring experts.

An option could be to put more **trust** in internal experts when they chose the best external expertise. Procedures will never replace trust and a solution could be also to have trusted flaggers who could point to the best external experts.

The third point raised by Prof. Dr de Streel was about the **relevance and impact of expertise**. The key to achieving this is good dialogue with internal experts and this dialogue requires excellent quality of internal expertise. Quite often policymaking advice requires a very **holistic approach**, while researchers produce very detailed research results. There is a tension between a very broad request and the limited data that experts obtain in the course of their research. The dialogue between internal and external experts helps to streamline this process and to agree on the best scope for the project and the methodologies to be applied. There are additional elements that enhance dialogue. Having hearings and workshops with MEPs is crucial.

Prof. Dr Sartor gave the floor to **Mr Scott Marcus**, who underlined the very good experience he had had in **cooperating with policy departments**, for example the way they involve external experts in the process and ensure contacts with MEPs, while insulating independent experts from external pressures that could interfere with the research process.

As an example of a study prepared for the European Parliament, Mr Marcus mentioned the expertise on [geoblocking](#), which examined the possibility of enlarging the scope of the proposal of the European Commission, in particular as regards copyrighted audio-visual content. The conclusion was that it would be beneficial to enlarge the scope of the proposal to copyrighted content, even if this presented some difficulties as a result of the structure of the audio-visual content industry. Mr Marcus emphasised that **the Council was so interested in this research that the research team was invited to present it at a Council Working Group**. This meant that good, unbiased expertise was available to both co-legislators.

Mr Marcus also mentioned the 2012 study prepared for the IMCO Committee on [mobile connectivity](#) which had contributed to a change of focus **from fixed connectivity to mobile connectivity**.

A study prepared for the ITRE Committee on [entertainment and broadband](#) also contributed to broadening the discussion on the goals of broadband related policy.

The mobile connectivity study refocused the policy orientation from high speed fixed broadband to mobile connectivity, not only as a substitute for fixed connectivity but also as a means of enabling mobility and ubiquity. This is now fully implemented through the 5G industrial policy. The broadband and entertainment study focused on demand side issues and its recommendations indicated a need to strike a better balance between supply and demand side promotion.

When advising on the Telecomms Single Market policy in 2013, Mr Marcus criticised the recommendations of the European Commission, and recommended instead that the focus be on net neutrality, roaming and spectrum provisions.

Mr Marcus concluded by stating that the European Parliament's model for the use of independent expertise is very useful as it creates a well- grounded, knowledgeable and independent basis for policy-making that touches on a broad range of issues.

Prof. Dr Sartor gave the floor to Prof. Dr Schulte Noelke, who recalled his long experience in providing independent expertise and indicated that the **cooperation with policy departments** was a success factor thanks to good and intense dialogue that resulted in good **quality studies**.

For Prof. Dr Schulte-Noelke, **independence must be the key feature of research** provided to legislators and it should also mean **personal financial independence**.

Prof. Dr Sartor passed the floor to **Prof. Dr Christopher Bovis**, who has advised the European Parliament on the modernisation of public procurement. In his research, Prof. Dr Bovis discussed the objectives of **strategic purchasing**, since European Parliament wanted to know if the existing legal framework could accommodate strategic objectives such as environmental protection, promotion of small and medium enterprises and the creation of an environment for growth.

The research carried out by Prof. Dr Bovis concluded that strategic procurement is indeed inherent to the EU legal system. Strategic procurement allows the purchaser to promote a range of activities that are associated with their domestic or European policies. This can happen at the pre-procurement stage.

Prof. Dr Bovis addressed the issue of how strategic procurement considerations can be accommodated in the **procurement process** – in selection and qualification but also in the drafting of the tender specifications. In fact, strategic procurement considerations are actively promoted by a variety of instruments and tools recently implemented.

Prof. Dr Bovis also noted that the flexibility that enables strategic procurement to be the driver of public procurement has been hampered by the Member States' obsession with **awarding contracts on the basis of the lowest price**.

The lowest price is not the only **criterion for awarding a contract**. Other criteria include environmental aspects, quality and socio-economic considerations. Prof. Dr Bovis recalled that this was not only the opinion of the European Commission and the European Parliament but also the opinion of the European Court of Justice, which confirmed on numerous occasions the ability of Member States to award contracts on the basis of socio-economic or environmental criteria. Member States have an obligation to seriously consider these criteria.

Prof. Dr Bovis' final recommendation was that the new legislative package (October 2017) should promote a notion of **professionalization of procurement**, which means that the public servant, the procurer across the European Union, needs not only to have up-to-date, professional competence equivalent to that found in the private sector, but must also take into account risk as well as the life-cycle of a product or a service, and the EU citizens' expectations in terms of modern public services.

Prof. Dr Bovis put a number of recommendations to the IMCO Committee aimed at modernising public procurement in the EU, pointing to the possibility of creating soft law that would allow Member States to take into account recent developments across the world (including in the WTO) that allow globalised public sector procurement to fulfil its obligations to deliver public services for the end users.

Prof. Dr Joerg Becker noted that **EU GDP is about 15 trillion EUR** out of which **public procurement contributes 2,5 trillion EUR**, thus about 16% of GDP. However, **cross border public procurement contracts have a value of 18 billion EUR i.e. less than 1% of public procurement in the EU**. There is still a long way to go to before a real Single Market in public procurement is achieved.

In the past, a lot of research identified **shortcomings in public procurement**, for example costly and burdensome procedures, lack of competition, lack of access to cross-border tenders. A lot has been done to change the legal framework with directive 2014/24. However, the digitalisation of procurement is still lacking (e.g. **e-noticing, e-submission, e-decision, e-award, e-contract management, e-invoicing, e-payment, e-evaluation**).

There is a need for a platform offering **transparency** of all calls for tenders and for **SMEs**. **Interoperability** between systems and **integration of systems** need to be ensured, so SMEs can participate.

Such a framework needs to be included in IT systems, which should lead to an increase of the share of SMEs tendering. Legal certainty and stability of law are crucial so it is undesirable to come up with new frameworks every year.

On external expertise, Prof. Dr Becker noted that it is useful for the European Parliament to ensure that experts have **good data, interpret the data in the right way**, have **good ideas**, and are **part of the innovation process** (not only observers of innovation).

A discussion followed after these interventions.

Mr Mariusz Maciejewski, **EP-EUI Visiting Fellow** and administrator in policy department A (DG IPOL) from the European Parliament, took the floor to comment on **significant policy changes** recommended by research performed by independent researchers commissioned by the European Parliament. He pointed to the [research provided by Osnabrueck University](#) in 2013 which flagged up **discrimination** (massive in scale, and variable in form) of consumers in the Digital Single Market. This study triggered a process that resulted in the European Commission's proposal for a regulation prohibiting **geoblocking** and other forms of discrimination. A similar situation occurred when LE EUROPE presented the findings of their study proposing a **European Single Point of Contact** to the European Parliament. LE EUROPE research revealed a confusing and complex landscape of 44 European online advice portals and hundreds of such portals at national level. The research on **mobile connectivity** by Prof. Dr de Streel and Mr Marcus was another game changer that modified the policy approach of the European Parliament, moving the focus from fixed connectivity to mobile/ubiquitous connectivity. These are examples of how independent expertise delivered to the legislator can make a significant contribution to changing European policy.

Mr Maciejewski noted that these examples demonstrate how the European legislator can work with **independent expertise** and create **significant value** in a **short period of time**. The European Parliament's involvement with independent expertise changes the traditional view that **technical knowledge** is exclusively on the side of the executive.

2.2 European economic and social policy at a time of crisis - improving legitimacy and understanding of social consequences

Chair: Mr Georgi Pirinski (MEP). Panelists: Mr Willem De Groen (CEPS), Prof. Dr Zsolt Darvas (Bruegel), Ms Costanza Pagnini (FGB) , Prof. Dr Panu Poutvaara (University of Munich)

The discussion addressed the issue of how to **reconcile efficient economic policy with social protection**.

Mr Pirinski MEP opened the session by recalling that Article 3 of the Treaty on European Union, which provides that the Union shall work for the sustainable development of Europe based on balanced economic growth and price stability and a highly competitive social market economy, aiming at full employment and social progress. The Treaty requires that European policies balance economic growth, full employment and social progress. As the European Union, in 2018, is still recovering from the financial and economic crisis, today's discussion should help panelists to understand whether academic expertise could provide guidance in balancing economic and social aspects in a less politicised way, and whether the European decision making could be adjusted in a way that allows more objectivity and evidence to be the basis for EU policies.

While economic policy is a highly developed area with many competences at EU level, the area of **social policy** is an area of Member State competence.

Mr Pirinski MEP noted that the four topics selected for the panel were **extremely relevant** and that the studies, presentations and workshops organised by policy departments **foster wider discussion and new initiatives**. Mr Pirinski MEP further stated that a better balancing of economic and social challenges is fundamental for the very **existence and future of the European Union**. They touch upon issues of **legitimacy and sovereignty**, emerging as an important topic of political debate. He also recalled the importance of focussing on **solidarity and social justice**, which should also be addressed at Union level.

To kick off the discussion, Mr Pirinski MEP gave the floor to **Mr Willem de Groen, who discussed** two important studies prepared by CEPS in 2014, one for the ECON Committee, [on the need to enhance legitimacy in EMU governance](#); and the other, for the PANA Committee [on the role of advisors and intermediaries in the schemes revealed in the Panama Papers](#).

At the time of preparation of the research on the role of advisors and intermediaries in the schemes revealed in the Panama Papers, debate was rather scarce and based mainly on press articles. The paper delivered **evidence** of more than 200,000 individual entities and the added value was in **structuring the data** that was available, bringing not only expertise in terms of content but also in terms of **methodology and techniques for assessing the information**.

Mr De Groen indicated that In research there are generally three phases, namely the **scoping of the project**, the **execution phase** and the **outreach phase**. In the first phase, researchers balance the quality of the research team and the methodology, and they assess what kind of information is available.

The execution phase, was marked by **time constraints**, which are common in parliamentary work. During the outreach phase, CEPS was in contact with the rapporteur for the file, the secretariat of the PANA Committee and with the stakeholders who were very much interested in the study.

After drafting the report for the European Parliament, CEPS was asked for numerous presentations of the research in various places, which provided opportunities to produce executive summaries and infographics condensing information that were easily accessible both to those with a specific interest and to the public.

Mr Pirinski MEP gave the floor to **Dr Darvas** who prepared a study for the Employment and Social Affairs Committee of the European Parliament (EMPL Committee) in 2014 on [Austerity and poverty in EU](#).

In this research, Dr Darvas analysed social developments in Europe and considered the links between **fiscal consolidation measures** and **social developments** in the EU.

Dr Darvas said that a proper balance between economic and social principles is fundamental for the existence and functioning of the European Union. He mentioned a number of other studies where Bruegel was able to establish the **link between social hardship and extreme views in a number of European countries**. He referred to **Brexit in this regard**.

Bruegel was asked by the EMPL Committee to look at **fiscal consolidation in Europe and its impact on poverty**. One of the conclusions was that there is little knowledge about poverty in Europe, as we do not have **indicators** to measure poverty.

Dr Darvas said that poverty has worsened with **unemployment** which is the biggest social problem facing the European Union since the crisis started in 2008 and one that is having a lasting impact on the economy.

Bruegel's study highlighted the strong **polarisation** between the south and the north of Europe, the south being hit much harder by the crisis. Another major issue identified in the study was the worsening situation of young Europeans and children.

The study concluded that **fiscal consolidation worsened the social situation, with a direct impact such as public sector layoffs, cuts in social expenditure, and an indirect impact on the overall economic environment and other sectors not directly targeted by fiscal measures**.

Dr Darvas recalled that social policies are largely a matter of national competences, while **fiscal policies** are largely national, even if they are framed by **overall targets for fiscal policies**.

Spending on families, children and education were cut more significantly than spending on other areas, which had major impact on social outcomes in Europe

In another paper on the European Semester that Bruegel prepared in 2013/2014, Bruegel researchers compared recommendations made by the European Commission (and adopted by the European Council) with recommendations issued by the International Monetary Fund. Bruegel came to the conclusion that **IMF recommendations were much more in line with Bruegel's expert understanding of the economic situation in EU than those issued by the European Commission**.

These conclusions were presented at a **hearing of the Committee on Economic and Monetary Affairs of the European Parliament (ECON Committee)** and showed, among other things, that public investment in hard hit countries was the first to be reduced, partially because interest groups were not in a position to resist. Dr Darvas said that **cutting public investment during a deep crisis significantly worsens the economic situation and can have a lasting impact on economic outcomes**.

Dr Darvas also acknowledged that the role of the European Parliament is presently very limited. However, the European Parliament can express its views through **hearings, workshops** and dialogues within the framework of the **European Semester**.

Dr Darvos encouraged the European Parliament to pay more attention to social policies in Europe as the **balance between economy and social policy is fundamental for the future of the European Union**.

In this regard, Mr Pirinski MEP recalled that there is a strong awareness in the EMPL Committee about the limited role of the European Parliament in the area of social policy, but the European Parliament can and does adopt **own initiative reports in this area** on a regular basis. These reports can have an important impact with regard to the European pillar of social rights and within the European Semester, increasing awareness and introducing **indicators** on social issues.

Mr Pirinski MEP stressed the **value of the input from independent research provided to the European Parliament**. He also mentioned the structured dialogue with Commissioners, who come regularly to the European Parliament and answer questions which are frequently based on research provided by policy departments and independent experts.

Mr Pirinski MEP gave the floor to Dr **Constanza Pagnini** to discuss how the European Social Fund managed to mitigate the harsh social consequences of austerity policies.

Dr Pagnini focused her comments mainly on the role of **ESF as a mitigating factor**. The researchers' task was to assess the way in which the ESF responded to the crisis during the 2007-2013 period. The aim of the research was to support the work of the European Parliament in the current programming period but also in the **future**.

As the ESF is a shared fund, researchers analysed both the **main actions** undertaken by the European Commission during the crisis and **how Member States reacted and integrated those actions into their own activities**.

Starting from 2008 there were several initiatives, most importantly, the **European economy recovery plan**, further supported by **EU employment summits**. Strategic reactions went in three main directions: **acceleration, mobilisation of resources** and **redirection**. Acceleration and mobilisation were particularly important in the face of austerity measures that Member States applied not only in terms of funding of ordinary policies but even in terms of implementing ESF actions that depended on co-funding. Several measures were taken such as stepping up **advance payments**, increasing **co-funding**, as well non-financial measures such as **simplification of criteria** (e.g. flat rates and standard unit costs) with the aim of accelerating take-up of the funds.

The third dimension involved amending the existing programs, as the ESF has a relatively long programming period that started before the beginning of the crisis. It was very important to redirect and change the scope of the actions, by shifting the resources across different priorities. Dr **Pagnini** said that some actions were increasingly selective, e.g. in the field of access to employment and training actions, a very effective combination in times of crisis as it is based on structural and immediate needs.

All in all, Dr **Pagnini's** conclusion was that the ESF had provided a **relevant, consistent and timely response**.

Dr Pagnini indicated that researchers always appreciate working with the European Parliament, in particular because of the autonomy of research, as well as the feedback and follow-up on the research results.

Mr Pirinski gave the floor then to **Prof. Dr Panu Poutvaara** for his contribution on migration and the role of expertise in policy dialogue.

Prof. Dr Poutvaara pointed out that **migration is at the centre of today's political debate**, including the U.S. presidential elections and Brexit. Before 2016, concerns about migration fuelled the rise of populist parties.

The central challenge for independent expertise is to provide evidence to guide the political debate and to provide evidence-based analysis to underpin politically feasible solutions. Prof. Dr Poutvaara said that the main underlying fact behind migration, both as a challenge and opportunity, is the **demographic divergence** between Europe, Africa and the Middle East. While Europe has low fertility rates and a declining labour force, the challenge for Africa is a fast growing population and the lack of jobs. There is a major gap between the standard of living in Europe and neighbouring regions, which creates pressures for legal and illegal migration.

Prof. Dr Poutvaara stated that migration based on **differences in productivity increases overall economic efficiency**. Still, migration creates winners and losers among natives in the labour market. Among the winners are the migrants and their compatriots who did not migrate, as there is less competition on the home labour market. Natives in receiving countries with different skills than migrants also win because of complementarity effects. Natives in receiving countries with the same skills as migrants face **increased competition**.

When it comes to migration and the public sector, the central question is whether migrants are **net payers or net recipients of public resources**. If migrants pay more in taxes than they get in public funds and services, then natives gain. If migrants receive more than they contribute, this may lead to tensions in receiving countries.

Prof. Dr Poutvaara underlined that in terms of the labour market there are big gaps in alignment between employment rates of natives and migrants. The **UK is interestingly an exception as the net contribution of migrants is positive**. Traditionally, we think about the United States, Canada or New Zealand when we talk about migration. However, EU countries have become countries of immigration over the past decades. Immigration in the U.S. in 1907 was at 1,5% of the population, while in 1910, 15,5% of the population was born abroad. In Germany, the immigration inflow in 2015 reached 1.9% of the population and in 2016 about 13,3% of German population was born abroad.

As regards the overall effect of immigration, Prof. Dr Poutvaara referred to one of his papers where he **integrated labour market analysis and public finance** analysis, while assessing the overall effect of immigration on the native labour force in 20 OECD countries, taking into account both highly-skilled and less-skilled workers.

The research found that in some countries both low skill and high skill work were gaining from immigration while in other countries there was a conflict. **Overall, the effects were positive**.

On independent expertise, Prof. Dr Poutvaara stated that to guarantee the **reliability** and therefore the **legitimacy of expertise** it is important that the **analysis is clearly documented and open for challenges**. The analyses in Prof. Dr Poutvaara paper were initially circulated as a discussion paper, presented in different conferences and seminars, subjected to criticism and finally published going through a scientific publication process. The assumptions of the paper are clearly documented and the document code is available for other researchers for the purposes of replication. Prof. Dr Poutvaara said that these requirements of documentation and openness for replication should be applied also to research commissioned by the European Parliament from independent experts.

Prof. Dr Poutvaara confirmed that as a researcher and a European citizen, he finds **interaction between independent researchers and policy-makers of utmost importance**.

In the discussion that followed a member from the public asked whether a researcher could apply a wider approach to **added value** created by migrants than just the net value of taxes paid to the budget as opposed to benefits received. Prof. Dr Poutvaara responded that the model he used was applied to a broad range of OECD countries, while complementarities between workers were taken into account and properly calibrated.

2.3 Consequences of Brexit - role of evidence and expertise in policy

Chair: Mr Migual Tell Cremades, Head of Unit of Policy Department for Citizens Rights and Constitutional Affairs in European Parliament.

Panelists: Prof. Dr Jacques Pelkmans (CEPS), Prof. Dr Friedmann Kainer (Mannheim University), Mr Scott Marcus (Bruegel), Prof. Dr Tobias Stoll (Georg-August-Universität Göttingen) and Prof. Dr Stefan Enchelmaier (Oxford University)

Mr Migual Tell Cremades, Head of Unit of Policy Department for Citizens Rights and Constitutional Affairs indicated that the discussion during this final session of this panel would focus on the research regarding the consequences of Brexit and the role of evidence and expertise with regard to Brexit.

Brexit has dominated the news ever since, on March 29th, 2017, the UK government invoked Article 50 of the Treaty on European Union.

The European Parliament is committed to defending the rights of European citizens in the Brexit process and has been particularly diligent in requesting independent expertise on the consequences of Brexit and possible further courses of action. Mr Tell Cremades stated that the main problem when requesting independent expertise was the ambiguity of the UK government positions, which required an analysis of different scenarios.



To start the discussion, Mr Tell Cremades gave the floor to **Prof Dr Jacques Pelkmans**. Prof. Pelkmans and his CEPS teams made an [economic assessment of Brexit](#). Mr Tell Cremades asked Prof. Dr Pelkmans to share the conclusions of his assessment of Brexit from an economic policy point of view.

Prof. Dr Pelkmans explained that the study had looked at four different models under different scenarios, which added to the complexity.

The identified range of GDP effects, all negative, varied from around 0% to 7,5% of GDP, depending on the model used.

This study, prepared for European Parliament's Committee on Internal Market and Consumer Protection (IMCO Committee), attracted so much attention that the CEPS team was invited to the **House of Commons** to give testimony in April 2018.

Prof. Dr Pelkmans noted that there were four economists speaking during the House of Commons session, two of whom do not work with a reliable model. For Prof. Dr Pelkmans this is an indication that the Brexit debate is vulnerable to bias and lies.

Prof. Dr Pelkmans noted that the **European Parliament should follow the most rigorous rules of independence of expertise**. Expertise results can still be different but at least we will know the reasons for differences and MEPs, being well informed, can take their decision.

Mr Tell Cremades turned to **Prof Dr Friedmann Kainer** and **Mr Scott Marcus**. In their research they looked at [rights and obligations of citizens and companies that may be affected by Brexit](#) as well as the [impact of Brexit on ICTs, research and innovation](#).



Prof. Dr Kainer pointed to a need to analyse **different scenarios** based on different free trade agreement (GATS, EU FTA with South Korea, CETA, and EU FTA with Turkey) and compare them with the EU and the EEA approach. It became clear that all alternatives to the Internal Market would deliberalise services between the EU and the UK considerably. The liberalisation of services requires more confidence and greater approximation in order to establish the country of origin principle as an effective instrument of liberalisation. In addition, services involve the temporary or permanent presence of branches, subsidiaries or even natural persons in the host country.

Prof. Dr Kainer expressed the hope that his research has convinced the European Parliament that **services** should constitute an important element of Brexit negotiations.

The services sector accounts for more than 80% of GDP of the UK and 70% of GDP of EU. The fact that the **services sector has been decoupled from the goods sector** is inappropriate and is likely to have unfavourable consequences for service providers from the EU, who in the future will be treated in the UK as providers from third countries. Without comprehensive provisions, trade between the UK and the EU will fall back to GATS level. Prof. Dr Kainer hoped that his research would **encourage the European Parliament to use its influence and political power to address the issue of services** and include services in the upcoming agreement with the UK.

Mr Scott Marcus pointed out that the first challenge of research on Brexit is that there is **ambiguity** among various potential scenarios and that research has to look into all of them.

There is a very wide range of potential options. With regard to ICT policy, assuming that the UK would not remain in the EU, the next best option would be that it would remain in the EEA.

In terms of telecommunications policy, breakages could happen because of Brexit, except if the UK joins the EEA. Roaming and transfers of personal data are likely to be problematic areas. Breakages could happen in other areas as well due to lack of coordination among regulators.

Another key set of issues concerns **Horizon 2020**. The UK is an important player in the area of EU research policy and a major participant in Horizon 2020. In this case, the decision on cooperation is largely independent from the various models for the future relation. There is the possibility to have associated status (e.g. Israel).

Generally, the UK is a big player in digital innovation with large number of start-ups, Mr Marcus said.

The impact will be greater on some areas than others. Artificial intelligence (AI) is a particularly important case. A lot of technical competence and innovation in AI is located in the United Kingdom, so the departure of the UK without agreement will have negative consequences in this area.

Prof. Dr Stoll addressed the topic of [the role and powers of the European Parliament in the Brexit process that he prepared for for IMCO Committee](#).

Prof. Dr Stoll provided the European Parliament with research on the role of legislators in the Brexit process. The first research question looked at the European Parliament. The role of the European Parliament in the Brexit process is quite clear on paper. However, a number of challenges remain as regards the role and work of the European Parliament in international agreements.

This is especially the case of **living agreements** that have a dynamic content and allow to some extent institutions built into such agreements to amend the agreement without ratification.

EU free trade agreements tend to be 'living' agreements. The question arises of what role the European Parliament should play in the implementation of such agreements. Prof. Dr Stoll advised the European Parliament to engage in the scrutiny of the implementation of these 'living' agreements.

Prof. Dr Stoll also raised the issue of the **cooperation between the European Parliament and the UK Parliament** and recommended an examination of how such parliamentary cooperation could be designed and structured.

Prof. Dr Stoll said that parliaments could come to a **common understanding about scientific expertise and the findings made available to them.**



Mr Tell Cremades passed the floor then to **Prof. Dr Stefan Enchelmaier**, for a discussion on expertise from the perspective of an academic who is teaching in the UK. Is the Brexit process an informed or disinformed process on the British side?

Prof. Dr Enchelmaier explained that British society suffers from a much older economic contraction than the one resulting from Brexit. The U.S. economy outgrew the U.K. economy in the '70s, while the German economy outgrew the British one in the '90s. The reasons why the UK is falling behind are: **lack of productivity, problems in integrating scientific discovery in industrial application** and a **major shortfall of trained workforce**. The only critical aspect that has been partially addressed by the UK is the cooperation

between industry and academia. However, problems also arise as a result of educational inequality and inadequate infrastructure, not only as regards the industrial economy but also the post-industrial service economy.

The question of leaving the EU was debated by a small fraction of the conservative party. What was new was that the Leave campaign managed to mobilise the **disenchanted part of the society**. Three million citizens who did not vote in the preceding elections turned out for the referendum, the vast majority voting to leave. Many of these voters came from Northern England and had suffered most from the above-mentioned shortcomings and benefited little from the City of London's economic monoculture.

Prof. Dr Enchelmaier concluded that Brexit has nothing to do with facts or knowledge or what experts can do.

PANEL 3 – WAY FORWARD

General discussion on legislators and independent expertise - the way forward in expertise based policy-making, including national parliaments – Chair: Prof. Dr Tobias Stoll (Georg-August-Universität Göttingen) - Panelists: Mr Sion Jones (LE EUROPE), Prof. Dr Margot Salomon (EUI and London School of Economics), Prof. Dr Giovanni Sartor (EUI), and Prof. Dr Tobias Stoll (Georg-August-Universität Göttingen)

The chair of this panel, **Prof. Dr Tobias Stoll**, reminded the participants that the concluding topic of this roundtable concerns the possible future of interaction between independent expertise and the legislative process.

Prof. Dr Tobias Stoll indicated that the panel would discuss whether the way the European Parliament uses independent expertise in its decision-making process could constitute a **model for national legislators. The relationship between technology and expertise and possible future frameworks for closer links between the European Parliament and academia were also open for discussion.**

First, Prof. Dr Stoll asked **Mr Sion Jones** to share his views on the place of independent expertise as part of a **model of optimal regulation** in the European Union.

Mr Sion Jones started with a reference to the role of ex-post evaluation in the smart policy cycle. LE EUROPE proposed as part of its advice to the European Parliament on Smart Single Market regulation a **performance-based policy cycle that involves developing strategies, choosing policies to best meet objectives, implementing those policies and evaluating their performance.**

A key part of this cycle, which often is missing in actual policy making, is the use of information from ex-post evaluation to improve policy in the future.

The mechanism to use those ex-post evaluations to assess future actions is largely **to include them in impact assessments.** As part of the better-regulation agenda, the European Commission applies the **‘evaluate first’ principle, which means that impact assessments should take into account the performance of existing legislation.**

In 2017, the Regulatory Scrutiny Board suggested that **75% of assessments did follow the ‘evaluation first’ principle**, increasing from **50% in 2016.**

LE EUROPE’s **research of previous practices in this area, prepared for the IMCO Committee, indicated that this figure was only 10% in 2010.**

This means according to Mr Jones that **25% of impact assessments in 2017 did not take into account the impact of the previous legislation.**

Another important point raised by Mr Jones as regards impact assessments and policy evaluations is that when an impact assessment is prepared, usually there are **no policy evaluations or very few that are relevant.** In such a situation, the quality of existing evaluations becomes even more important. The Regulatory Scrutiny Board in its latest report noted that the quality of evaluation is not as high as the quality of impact assessments.

Independent expertise plays a strong role in applying pressure to improve the quality of evaluation as well as in providing existing capacity for evaluation.

The **European Parliament and its committees can enhance this process of improving quality** and availability of evaluations just by putting pressure on the other institutions to look at those evaluations.

Research performed for the European Parliament indicates that the **dissemination of information on ex-post evaluations** is of vital importance. In its report on Smart Single Market regulation, LE EUROPE stressed the importance of such dissemination and different ways to disseminate evaluation results. They included the development of policy **data bases**, and **policy networks and 'what works' networks**. These do exist in some policy areas, e.g. cohesion policy where DG Regio manages an evaluation network for regional policies that comprises representatives of Member States, although it does not yet involve independent experts.

Another possibility for consideration could be the development of **'what works' networks to disseminate good practices across government**.

As evaluations are scarce there is potential for a coordinated approach through the EU where Member States in their own policy making could also benefit from others' evaluations.

Prof. Dr Tobias Stoll thanked the speaker and welcomed **Prof. Dr Margot Salomon**, who started her contribution on anchoring social values within the policy-making process by noting that **academics tend to be sceptical about terms like optimal and better regulation**. It is important to consider according to what values, what measures or in the light of what outcomes the regulation is deemed to be optimal.

Such terms as better or optimal regulation pose an important paradox as they become substantive in content only after they are defined. Something that is **optimal according to one set of standards, social policy or economic efficiency, is not according to another set of standards, e.g. redistribution**. Is financial or social sustainability more important and how can it be assessed e.g. debt sustainability resulting in people suffering hunger?

Prof. Dr Salomon said that the role of academics is to **question the tendency to take definitions and assumptions as facts**. There is always a dominant and privileged discourse and **despite decades of setting standards in the area of social policy and social rights, this effort has not rendered that particular discourse dominant**, despite its own epistemic community. The European Pillar of Social Rights is an example of a non-dominant discourse coming late to the policy mix and in a non-binding form.

Prof. Dr Salomon indicated that every level of legal governance, at international or regional level, moves within a normative framework that sets such standards and the fragmentation of this process has yet to be overcome.

Prof. Dr Salomon noted that, in the struggle between normative and legal considerations, the **EMU policy of recent years was implemented without taking into account social values, with ensuing consequences**. There was **a failure to recognise that the economy should serve people rather than having people serve the economy**.

Prof. Dr Salomon recalled that one of the most valuable reports on the failure to reconcile economic and social policies came from the European Parliament in 2014. It is important to recognise the dominant approach and **question dominant discourses**.

In this regard, Prof. Dr Salomon said that social rights and social policies should be embedded in the legislative process with a binding character for a variety of actors, including the EU institutions.

The idea of the division of labour that ends up alienating certain social discourses is a recurring theme. **Prof. Dr Salomon** quoted in this regard a report from the Independent Evaluation Office of the IMF on “IMF and social protection”, which shows that, after forty years, the prospect of better integrating the IMF mission with social policy remains quite remote.

With all these considerations in mind, Prof. Dr Salomon listed a number of questions to be addressed: What can human rights academics bring to the European Parliament? There is a long-standing movement in legal scholarship preoccupied with the questions of what law does, for whom and to whom? Which rights are enforced? How does the deployment of a particular policy endorse particular values? Which values are being advanced and with what implications for social rights? For instance, how maximising economic gain or private property are addressed, and is there inclusion of social justice, common good, solidarity? How interests of private economy can be reconciled with interests of local community, interests of employers with interests of employees? How does the law embed particular objectives: capital stimulation, profit maximisation over or before profit distribution? How to divide the economic pie? What sort of economic model do people actually want? Are social rights and human rights accounted for in the legal system? These are some of the considerations that come from legal academics on what the law really does and on its unintended consequences.

Prof. Dr Salomon made three concluding remarks noting, firstly, that law is not merely a set of rules and regulations. It encodes and legitimates particular values. It enfranchises certain actors and disenfranchises others. It constitutes legal reality. Therefore, when we ask questions about whether the law is optimal and efficient, these question need to ask whether the law is optimal and efficient in the light of social values.

Secondly, law plays an important redistributive function.

When discussing social policy and social rights we often talk of redistribution but it is also important to speak of predistribution, i.e. the rules on how the market distributes its awards in the first place and if such distribution is broad enough, e.g. with regard to the functioning of financial markets or remuneration of top executives. Also in these areas, independent expertise may be useful.

The final point raised by Prof. Dr Salomon was practical. The **input of independent expertise is certainly valuable for the legislative process** but such involvement is valuable as well for the **academic output**, as involvement in the legislative process reinforces quality on both sides.

Prof. Dr Tobias Stoll passed the floor then to **Prof. Dr Giovanni Sartor** for some comments on the relationship between rapidly changing technology and expertise.

Prof. Dr Sartor pointed that it would be particularly beneficial to establish cooperation between the European Parliament and independent experts in the domain of **artificial intelligence (AI)**, a topic at the centre of attention of stakeholders and decision makers in Europe, U.S. and China. AI has many aspects. It is not a single application. It means in general **producing technologies that have capacities that before only humans possessed**. These capacities can be deployed in all domains of human activities raising a number of different issues.

There are **existential threats** relating to AI, e.g. artificial intelligence becoming super intelligent and putting at risk humanity as we know it. Then, there are issues of **socially disruptive impacts** on work, with substitution of human work with artificial technology. There are some specific issues such as those related to **data protection** or **consumer protection**.

Prof. Dr Sartor expressed the view that AI is the area where there is a larger scope for political choice given alternative scenarios of technical development.

Prof. Dr Sartor presented some of the research done at the European University Institute (EUI) and talked about the potential for this research to contribute to policy making. The most relevant project is the joint project between Prof. Dr Sartor and Prof. Dr Micklitz on **artificial intelligence and consumer protection**. AI brings serious risks for European consumers through **algorithmic decision-making, consumer discrimination, price discrimination** and **other ways of discriminating against consumers** and possibilities of **manipulating consumers**.

Another set of problems is triggered where artificial intelligence can **interfere with elections and political choices**.

Prof. Dr Sartor pointed out that the EU should not focus exclusively on the risks of AI but look as well at the **opportunities** it creates. In other parts of the world, the U.S. and China, there is a more positive approach to artificial intelligence

The EUI focuses on the opportunities for AI technology to **support consumers**, their freedom, and their ability to make choices and support consumer organisations in enforcing consumer law. The collaboration with the European Parliament could be developed in the framework of this project to support consumers and their organisations in **using technology for their own empowerment**. This could help challenge the dominance of the supply-side.

Prof. Dr Stoll took then the floor and said that he can see a great variety of modalities of **involvement between independent expertise and policy makers**, in particular the European Parliament. The example of impact assessments is on one end of this possible cooperation spectrum, while on the other end, there could be discussion about what kind of questions would be relevant in the policy making process where academia could come forward and propose topics.

According to Prof. Dr Sartor the idea of focusing on **anticipatory studies looking to the future is something that should be developed**.

Prof. Dr Enchelmaier reflected on the **accountability of researchers** in making policy proposals as opposed to politicians that derive such accountability from their constituencies, while Prof. Pelkmans recalled that politicians are already exposed to numerous **pressures from lobbying**.

Prof. Dr Becker indicated that independent experts could **bring good ideas from academia to the European Parliament**.

Prof. Dr Bovis pointed that there must be a **balance between overflowing with information and doing nothing**. In his opinion, **academics are necessarily obliged to provide information to society**, and not only to students.

Prof. Dr Schulte-Noelke noted that it is **an obligation for academia and independent experts to share their ideas and convince decision-makers**, and not only on request.

Prof. Dr de Streel agreed that there is no shortage of supply of information but that there is a **shortage in supply of long-term vision**. **Academics have specific responsibility towards society and should be neutral**. They do not have the monopoly on knowing what to do but their role is to provide long-term thinking.

Mr Sion Jones noted that while the roundtable focused on academics, think tanks, and independent experts, we could also think of **consumers and citizens as experts and how this expertise, e.g. in their relations with public policy services, could be accessed**. Traditional consultations or lobbying does not give access to this kind of expertise.

Prof. Dr Stoll thanked all experts for their contributions, indicating that the roundtable presented **a very broad range of research commissioned by the European Parliament with amazing results delivered by independent experts supporting the legislative work of the EP.**

CONCLUSIONS

The EP-EUI roundtable constituted an excellent opportunity to engage in **dialogue with the academic world** on European Parliament practice in **promoting the use of independent expertise in the legislative process**. It provided an opportunity to present **best practice** and what has already been achieved in this area of cooperation as well as to **encourage academics to get more involved with the European Parliament** in the effort to ensure evidence- and expertise-based law-making.

Independent expertise has a particular role to play in engaging in a broader debate on policies. In a world that is constantly inundated with information noise, independent expertise can contribute to setting the **direction of the policy** more clearly.

A good example of well-designed and **highly effective policy based on the use of independent expertise** is the **Digital Single Market**.

Mr Maciejewski, EP-EUI Fellow, thanked all speakers for their participation in this exceptional event and expressed the hope that there would be further, more intense cooperation with the EUI in the future and similar cooperation extending to other universities as well.

ROUNDTABLE PROGRAMME

EP-EUI Roundtable

organised in the framework of scientific cooperation between
European Parliament and European University Institute

10 July 2018, 10.00 – 13.30

Room - Brussels: Altiero Spinelli A5E2

Room - Florence: EUI, Badia fiesolana, Seminar room 4

AGENDA

- 10.00-10.10** **Welcome and introduction** – European Parliament's engagement in better regulation:
Mr Riccardo Ribera d'Alcalá, Director General, DG IPOL, European Parliament
- Panel 1** **Better regulation, European Parliament and institutional context**
Chair: Mr Riccardo Ribera d'Alcalá, Director General, DG IPOL, European Parliament
- 10.10-10.20** **Rationale for linking European legislator, independent experts and society**
Mr Iain Watt, Head of Unit, Policy Department B, DG IPOL, European Parliament
- 10.20-10.30** **Public procurement aspects of providing expertise to parliamentary committees**
Ms Patricia Silveira da Cunha, Acting Director, Directorate for Resources, DG IPOL, European Parliament
- 10.30-10.40** **Expertise and the European Commission: from legitimization to accountability?**
Dr Marta Morvillo, Max Weber Fellow, European University Institute
- 10.40-10.50** **The role of advisory committees – the European Committee of the Regions – a local and regional perspective**
Dr Svetlozar Andreev, Administrator, Directorate C – Legislative work, European Committee of the Regions
- Q&A session**

Panel 2

Involving independent expertise on European level – best practices:

11.00-11.30

Building Digital Single Market - identifying most efficient policy areas

Chair: Prof. Dr Giovanni Sartor (EUI). Panelists: Mr Sion Jones (LE EUROPE), Prof. Dr Giovanni Sartor (EUI), Prof. Dr Hans-W. Micklitz (EUI), Prof. Dr Alexandre de Streel (University of Namur and CERRE), Mr Scott Marcus (Bruegel), Prof. Dr Schulte Noelke (Osnabrueck University), Prof. Dr Christopher Bovis (Hull University) and Prof. Dr Joerg Becker (Munster University).

11.30-12.00

European economic and social policy in times of crisis - improving legitimacy and understanding of social consequences - Chair: Mr Georgi Pirinski (MEP).

Panelists: Mr Willem De Groen (CEPS), Prof. Dr Zsolt Darvas (Bruegel), Ms Costanza Pagnini (FGB),

12.00-12.30

Consequences of Brexit - role of evidence and expertise in policy

Chair: Mr Michael Speiser, Director, Directorate for Citizens Rights and Constitutional Affairs, European Parliament. Panelists: Prof. Dr Jacques Pelkmans (CEPS), Prof. Dr Friedmann Kainer (Mannheim University), Mr Scott Marcus (Bruegel), Prof. Dr Tobias Stoll (Georg-August-Universität Göttingen), Prof. Dr Stefan Enchelmaier (Oxford University), Mr Pekka Hakala, Head of Unit, Policy Department of DG EXPO.

Panel 3

Way forward

12.30-13.20

General discussion on legislators and independent expertise - the way forward in expertise based policy-making, including national parliaments

Chair: Prof. Dr Tobias Stoll (Georg-August-Universität Göttingen) - Panelists: Mr Sion Jones (LE EUROPE), Prof. Dr Margot Salomon (EUI and London School of Economics)), Prof. Dr Giovanni Sartor (EUI), Prof. Dr Hans-W. Micklitz (EUI), Prof. Dr Tobias Stoll (Georg-August-Universität Göttingen).

13.20-13.30

Conclusions

The roundtable constitutes an opportunity to engage into dialogue with academic society on the European Parliament's practice in promoting evidence-based and expertise-based policy, present the achievements of this involvement and encourage academic society to involve more with European Parliament in the effort to provide for such law-making.

SHORT BIOGRAPHIES OF EXPERTS

Mr Riccardo Ribera D'Alcalà



Mr Riccardo RIBERA D'ALCALÁ is the Director-General of the Directorate-General for Internal Policies in the European Parliament. The Directorate-General managed by Mr RIBERA D'ALCALÁ organises the work and coordinates the activities of around 20 permanent and special committees dealing mostly with legislative, institutional and budgetary issues in the internal policy areas of the European Union.

Mr RIBERA D'ALCALA graduated in Law with 110/110 cum Laude from Federico II University of Naples with a thesis on the evolution of the external competence of the EC, postgraduating in International Law and European Law. After an initial experience as researcher in international relations at the University of Florence, he joined in the early 1980s the European Commission and then the European Parliament, where he covered different posts.

He was Counsellor for International Relations for EP President Egon Klepsch (1992-1994), Head of Cabinet of President Nicole Fontaine (1999-2002) and Cabinet Director of President Pat Cox (2002-2004). From 2004 to 2007, he was Director for Legislative Coordination in DG Internal Policies dealing with the horizontal coordination of legislative matters and better lawmaking. He is the author of various articles on EU related matters, and has participated as a speaker in a variety of Conferences and Seminars.

Fluent in French, English, German, Spanish and Italian (mother tongue). Knowledge of Dutch and Portuguese. Mr RIBERA D'ALCALA is EP observer member of High Council of the European University Institute (Florence) and is a member of the Board of Jean Monnet Foundation.

Mr Iain Watt



Head of the Policy Department for Structural & Cohesion Policies, DG IPOL, European Parliament. He was previously Chief of the Dag Hammarskjöld Library of the United Nations in New York and was for several years the Head of Service of the Library of the European Parliament, where he led a reform process that developed information research and analytical services, online services, use of social media and infographics. Before joining the EU, he managed a major reform programme as Head of the Reader Services

Department of the Public Record Office (UK national archive) and served in UK local government. Iain has been an active member of the global organisation of parliamentary research and library services since 2000 and has delivered several conference papers on service management issues. He studied politics at the University of Edinburgh and London School of Economics and has an MBA from the Open University.

Dr Marta Morvillo



Dr Marta Morvillo's research interests are rooted in the field of Constitutional law, at both a national and a European level.

She pursued her studies in law at the University of Bologna, where she graduated in 2011, and at King's College London, where she obtained an LLM in public law and global governance in 2012. She was awarded a PhD in Constitutional Law by the University of Bologna in 2015 and was a visiting researcher at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg in 2014 and 2017.

Since 2015 she has been working as a postdoctoral researcher at the University of Bologna, under the mentorship of Professor Andrea Morrone and Professor Tommaso Giupponi.

Marta's research focuses on the interaction between technical and democratic legitimacy, and in particular on the role of experts and technical knowledge in constitutionally relevant decision-making processes.

In her doctoral thesis, titled 'Who decides on technical legislation? Analysing the dialogue between politics and expertise in drafting and applying technical legislation', she focused on the genetic aspects of such legal rules, trying to outline the paradigms according to which technical contents influence legislative processes.

As a next step, Marta is now interested in understanding how law, and judicial reasoning in particular, can shape experts' involvement in technically complex policy fields, with a view to addressing the legitimacy problems it poses.

As a Max Weber Fellow, she therefore intends to investigate the role of EU constitutional principles, as interpreted and applied by the CJEU, in fostering the inclusiveness and accountability of expert-intensive decision making at EU level.

Dr Svetlozar Andreev



Dr Svetlozar Andreev is an administrator in Directorate C – Legislative work in the European Committee of the Regions.

Mr Sion Jones



Siôn Jones has wide experience of advising both on public policy and on competition and regulation in the network industries in the UK and elsewhere in Europe. He leads London Economic's Regulatory Economics team and our Social Care team. Siôn Jones also sits on the All Wales Programme Monitoring Committee for the EU structural funds 2007-13 and is a member the Welsh European Funding Office's Evaluation Advisory Group.

Prior to joining London Economics, Siôn was an economic advisor at HM Treasury in the UK, an advisor in the water team of another leading economics consultancy, and he led work on telecom pricing and competition issues at the Commission for Communications Regulation in Ireland. He has spent periods on secondment at the European Commission and at a water company in the UK.

Siôn Jones has a M.Sc. in Economics and a B.Sc. in Accounting & Economics, both from the University of Southampton in the UK.

Prof. Dr Hans-W. Micklitz



Since 2007 Professor for Economic Law at the European University Institute, Jean Monnet Chair of Private Law and European Economic Law at the University of Bamberg (emeritus). Head of the Institute of European and Consumer Law (VIEW) in Bamberg. Studies of law and sociology in Mainz, Lausanne/Geneva (Switzerland), Giessen and Hamburg. Consultancies for OECD in Paris, UNEP Geneva Switzerland/Nairobi Kenya and CI (Consumers International) Den Haag Netherlands/Penang Malaysia. Study visits at the University of Michigan, Ann Arbor, Jean Monnet Fellow at the European University Institute Florence, Italy, visiting professor at the Somerville College at the University of Oxford, co-founder of the Centre of Excellence at the University of Helsinki. Holder of an ERC Grant 2011-2016 on European Regulatory Private Law. Finland Distinguished Professor of the Academy of Finland 2016-2020, Consultancies for ministries in Austria, Germany, the UK, the European Commission, OECD, UNEP, GIZ, non-governmental organisations.

Prof. Dr Giovanni Sartor



Giovanni Sartor is part-time professor in legal informatics at the University of Bologna and part-time professor in Legal informatics and Legal Theory at the European University Institute of Florence. He obtained a Ph.D. at the European University Institute (Florence), worked at the Court of Justice of the European Union (Luxembourg), was a researcher at the Italian National Council of Research (ITTIG, Florence), held the chair in Jurisprudence at Queen's University of Belfast (where he now is honorary professor), and was Marie-Curie professor at the European University of Florence. He has been President of the International Association for Artificial Intelligence and Law. He has published widely in legal philosophy, computational logic, legislation technique, and computer law.

Prof. Dr Alexandre de Streel



Alexandre de Streel is Professor of European law at the Universities of Namur and Louvain in Belgium and the Director of the Research Centre for Information, Law and Society (CRIDS), focusing his research on Regulation and Competition Law in the network industries. He is also Joint Academic Director at the Centre on Regulation in Europe (CERRE) in Brussels, member of the Scientific Committee of the Florence School of Regulation (FSR) at the European University Institute in Florence, Research Fellow at European Institute of Public Administration (EIPA) in Maastricht. Alexandre regularly advises international organisations (such as the European Commission, European Parliament, OECD, EBRD) and national regulatory authorities on regulatory and competition issues in network industries. He is also an Assessor (member of the decisional body) at the Belgian Competition Authority.

Mr Scott Marcus



J. Scott Marcus is a Senior Fellow at Bruegel, a Brussels-based economics think tank, and also works as an independent consultant dealing with policy and regulatory policy regarding electronic communications. His work is interdisciplinary and entails economics, political science / public administration, policy analysis, and engineering.

From 2005 to 2015, he served as a Director for WIK-Consult GmbH (the consulting arm of the WIK, a German research institute in regulatory economics for network industries). From 2001 to 2005, he served as Senior Advisor for Internet Technology for the United States Federal Communications Commission (FCC), as a peer to the Chief Economist and Chief Technologist. In 2004, the FCC seconded Mr. Marcus to the European Commission (to what was then DG INFSO) under a grant from the German Marshall Fund of the United States. Prior to working for the FCC, he was the Chief Technology Officer (CTO) of Genuity, Inc. (GTE Internetworking), one of the world's largest backbone internet service providers.

Mr. Marcus is a member of the Scientific Committee of the Communications and Media program at the Florence School of Regulation (FSR), a unit of the European University Institute (EUI). He is also a Fellow of GLOCOM (the Center for Global Communications, a research institute of the International University of Japan). He is a Senior Member of the IEEE; has served as co-editor for public policy and regulation for IEEE Communications Magazine; served on the Meetings and Conference Board of the IEEE Communications Society from 2001 through 2005; and was Vice Chair and then Acting Chair of IEEE CNOM. He served on the board of the American Registry of Internet Numbers (ARIN) from 2000 to 2002.

Marcus is the author of numerous papers, a book on data network design. He either led or served as first author for numerous studies for the European Parliament, the European Commission, and national governments and regulatory authorities around the world.

Marcus holds a B.A. in Political Science (Public Administration) from the City College of New York (CCNY), and an M.S. from the School of Engineering, Columbia University.

Prof. Dr Schulte Noelke



Prof. H. (Hans) Schulte-Nölke (Olsberg, 1963) has been appointed as a Professor of German Law at the Faculty of Law of the Radboud University Nijmegen on 1 September 2013. Prof. Schulte-Nölke is a professor at the University of Osnabrück and Director of the European Legal Studies Institute Osnabrück.

Prof. Schulte-Nölke is a member of the European Commission's Expert Group on Contract Law, which is working on the proposal for a Common European Sales Law. He is a founding member and member of the Council of the European Law Institute. Prof. Schulte-Nölke has been coordinating international research projects such as the European Research Group on Existing EC Private Law (Aquis Group) and the Consumer Law Compendium Project of the European Commission. He is also a member of various advisory bodies, amongst others, of the American Law Institute (Restatement on Consumer Contracts) several ministries, international organisations and the Nijmegen School of Law.

Prof Dr Jorg Becker, University of Münster



Prof Dr Jörg Becker is spokesperson for WWU Center of Europe, a visiting professor in a number of universities and Managing Director of the Institute for Information Systems at the University of Münster as well as Full Professor for Information Systems and Information Management at the University of Münster. His areas of interest are Information Modelling, Hybrid Value Creation, Business Process Management, E-Government and Retail Information Systems. He received doctoral degrees honoris causa from the University of Turku and Voronezh State University. He authored several articles and publications on his various fields of interest. He studied management at Saarland University and business administration and economics at University of Michigan. He received a diploma in Business Administration at Saarland University and received his doctoral degree from the same university. In 1997 he received his habilitation and *venia legendi*

in Business Administration at Saarland University.

Prof Dr Christopher Bovis, University of Hull



Professor Christopher Bovis JD, MPhil, LL.M., FRSA is Professor of International and European Business at the University of Hull.

Professor Bovis is an international leading authority in public procurement and public-private partnerships. He specializes in all areas of European Business Law, anti-trust law and policy, with particular emphasis on public sector management.

He advises national governments in public sector reforms and he has acted on behalf of public sector and industry on numerous high profile projects. He has been instrumental in structuring flagship public-private partnerships in the UK, EU and overseas. He has published extensively in international legal and management journals and has produced numerous monographs and articles on European and international business subjects. He is Editor in Chief of *European Procurement and Public-Private Partnerships Law Review*, published by Lexxion Verlagsgesellschaft. He is the author of *The Law of EU Public Procurement*, by Oxford University Press, *Public Procurement: Case Law and Regulation*, by Oxford University Press, *The Research Handbook on EU Public Procurement Law* by Elgar, and *Public Private Partnerships in the EU*, Routledge. His academic work has been translated into different languages, including Chinese, French, Russian and German.

Mr Willem De Groen



Willem De Groen is a Research Fellow & Heading the Financial Markets and Institutions Unit at the Centre for European Policy Studies (CEPS) in Brussels and an associate researcher at the International Research Centre on Cooperative Finance (IRCCF) of HEC Montréal. He has (co)-authored studies and coordinated projects on EU and Near East financial institutions regulation, diversity in bank ownership and business models, retail financial services and financial instruments. Moreover, he also works on small and medium-sized enterprises obstacles to growth and access to finance as well as collaborative economy and taxation. As an associate researcher of the IRCCF, Willem Pieter contributes to research on financial systems.

Dr Zsolt Darvas



Joined Bruegel as a Visiting Fellow in September 2008 and continued his work at Bruegel as a Research Fellow from January 2009, before being appointed Senior Fellow from September 2013. He is also a Senior Research Fellow at the Corvinus University of Budapest.

From 2005 to 2008, he was the Research Advisor of the Argenta Financial Research Group in Budapest. Before that, he worked at the research unit of the Central Bank of Hungary (1994-2005) where he served as Deputy Head.

Zsolt holds a Ph.D. in Economics from Corvinus University of Budapest where he teaches courses in Econometrics but also at other institutions since 1994. His research interests include

macroeconomics, international economics, central banking and time series analysis.

Ms Constanza Pagnini

Ms Constanza Pagnini is an economist and project manager at Fondazione Giacomo Brodolini in the field of gender, employment and social inclusion.

Prof. Dr Stefan Enchelmaier



Studied law, philosophy, and Latin at the Universities of Cologne, Hamburg, and Edinburgh; obtained his doctorate from the University of Bonn with a thesis on European competition law, and his habilitation from the University of Munich with a thesis on comparative Anglo-German personal property law. After a stint in practice, he held posts in Oxford (1997-2003); Max-Planck-Institute for Intellectual Property and Competition Law, Munich (2003-2008); and York (2008-2013). His research interests are in comparative corporate insolvency, comparative company law, and European Union economic law. He is also involved in the teaching of company

and corporate insolvency law, European Union law, Roman law, and contract law.

Professor Enchelmaier's research focuses on the European Union's internal market, especially the customs union and free movement. He has also written and spoken extensively on constitutional and procedural aspects of European Union law.

Prof. Dr Panu Poutvaara



Panu Poutvaara is Professor of Economics at the University of Munich and Director of the Ifo Center for International Institutional Comparisons and Migration Research.

Poutvaara received his doctorate in 2002 from the University of Helsinki. In 1999-2000, he was Visiting Fellow at Harvard University through Fulbright Program. He worked as Research Fellow at CEBR in Denmark from 2002 to 2005, and as professor at the University of Helsinki from 2005 until September 2010.

Poutvaara's main research interests are in public economics, political economics and labor economics. His main research topics are migration, education, social security, and electoral competition, including the role of beauty in politics. His work has been published in the Journal of the European Economic Association, Economic Journal, European Economic Review,

Journal of Public Economics, Journal of Health Economics, and Journal of Experimental Social Psychology, among other journals. His work has been covered in different media outlets, including the Economist, New York Times, Newsweek, the Atlantic, Washington Post, Huffington Post, Frankfurter Allgemeine Zeitung, and der Spiegel.

Poutvaara is the managing editor of the CESifo Economic Studies.

Prof Dr Friedmann Kainer



Professor at University of Mannheim (Chair of Civil Law, German and European Economic and Labor Law, senior member of the Mannheim Center for Competition and Innovation (MaCCI), director of the Mannheim University Institute for Law of Companies (IURUM). He studied law at University of Heidelberg, earned a PhD at the Heidelberg Institute for German and European Company and Business Law in 2002 (thesis: Takeovers and Mergers in the Law of the Internal Market – Effects of the Fundamental Freedoms on Private Law – awarded with the Fritz Grunebaum Prize), was Senior Researcher and Lecturer (Wissenschaftlicher Assistent) until 2011. Habilitation in 2012 (thesis: Equal treatment in Private Law). Visiting lecturer at Universities of Krakow, Belgrade and Cluj, visiting researcher in Belfast (2008). Expert in numerous missions in Eastern Europe for the German Foundation for Legal Cooperation (now: GIZ). Fields of research: law of the single market, European cartel and business law, labor law.

Prof Dr Jacques Pelkmans



Jacques Pelkmans is Senior Fellow at CEPS in Brussels and visiting professor at the College of Europe in Bruges. Between 2001 and August 2012 he was Jan Tinbergen Chair and Director of the Economics dept at the College. A Ph. D. in economics from Tilburg University, he has been associate professor of economics at the European University Institute in Florence, professor of Economics at the European Institute of Public Administration (Maastricht) and professor for European Economic Integration at Maastricht University. He has held a part-time position at the WRR (think-tank of the Dutch Prime minister), is founding Director of the European Institute of Asian Studies in Brussels and was professor in 'Business & Europe' at the Vlerick Business School (Gent, Leuven, Beijing, St. Petersburg). Dr. Pelkmans has been advisor to the European Commission, the OECD, the World Bank, UNIDO, ASEAN and governments in Europe and Asia. He was a member of the Eminent

Persons Group of ASEAN reporting to the ASEAN leaders in the Singapore Summit of January 1992, and co-chair of the Indonesia/EU High Level Group preparing a trade and economic partnership and FTA (2010/11). In 2015, he was a member of the High Level Group on the Single Market Strategy appointed by the European Parliament. His research interests comprise several specialized areas in European economic integration (e.g. EU regulation, the internal market, network industries, European standards, regulatory impact assessment, EU trade and investment policy, incl. TTIP and CETA) besides design and technical aspects of ASEAN economic integration (esp. the AEC), plus ASEM.

Prof Dr Tobias Stoll



Tobias Stoll is a Professor for public and public international law at Göttingen University and the Executive Director of the Institute for International Law and European Law, where he heads the Department for International Economic and Environmental Law. He is also the German Director of the Sino-German Institute for Legal Studies of the Universities of Nanjing and Göttingen at Nanjing University. He co-chairs the ESIL Interest Group on International Economic Law and the Study Group on Preferential Trade Agreements of the International Law Association. His research focus is on international economic and environmental law. He studied law in Hamburg, Lausanne and Bonn and thereafter joined the Walther-Schücking-Institute at Kiel University, where he obtained his Dr. iur. Kiel in 1993. He has been a senior research fellow at the Max-Planck-Institute for Comparative Public and International Law in Heidelberg, where he passed his habilitation in 2001.

Prof Dr Margot Salomon



Margot Salomon is Associate Professor in the Law Department and directs the multidisciplinary Lab (Laboratory for Advanced Research on the Global Economy) at LSE Human Rights. Her research focuses on a range of issues under the broad theme of global economic justice including legal dimensions of world poverty; development and international law; and human rights and economic governance. Drawing inspiration from a range of disciplines and approaches to international law, her scholarship explores the contribution and limits of international (human rights) law, concepts and mechanisms under conditions of globalisation. At present Dr Salomon is completing a collaborative book project that examines the role of international law in constituting and sustaining injustice in the international economic order. During the academic year 2017-18 she will be a Visiting Scholar at the Robert Schuman Centre for Advanced Studies, European University Institute working on an EU funded project entitled: 'Legal rights and the political economy of debt and austerity in Europe' [read more about this project].

Dr Salomon has been a consultant to the Office of the UN High Commissioner for Human Rights on extreme poverty and human rights (2009) and the World Bank's Nordic Trust Fund on human rights and economics (2011); Advisor to the UN High-level Task Force on the Right to Development (2004-2009); and a member of the International Law Association's Committee on the Rights of Indigenous Peoples (2008-2012). She was on the Drafting Committee of the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (2009-2011) and from 2009-2017 was Vice-Chair of the Association of Human Rights Institutes. In 2015 she was invited by the Speaker of the Greek Parliament to provide legal advice on socio-economic rights and international conditionality.

At LSE Dr Salomon sits on the Management Committee of the Centre for the Study of Human Rights and hosts a termly cross-departmental Lab Supper Club. She is a Member of LSE's Scholars at Risk Steering Committee and its Ethics Policy Committee. During the academic year 2014-2015 she was Acting Director of the Centre. Prior to joining LSE in 2004, Dr Salomon was representative to the United Nations and to the African Commission on Human and Peoples' Rights of Minority Rights Group International.

She supervises PhD candidates in areas such as socio-economic rights, globalisation and law, international governance, and environmental rights, in particular conceptual and critically-engaged approaches to these subjects, and is happy to consider establishing cross-disciplinary supervisory teams. Dr Salomon convenes the LLM courses World Poverty and Human Rights and Foundations of International Human Rights Law, the Executive LLM course International Human Rights: Concepts, Law and Practice, and co-convenes the MSc Human Rights course Approaches to Human Rights. She holds a PhD in International Law from LSE, an LLM in International Human Rights Law from University College London and an MA in Comparative European Social Studies from the University of Amsterdam. Her BA was received from Concordia University in Montreal.

This report reflects on the efforts and role of European Parliament in promoting the use of independent expertise in European legislative process.

The European Parliament has a unique model of involving the independent expertise of universities and think tanks in the European legislative process to guarantee that its decisions are based on the best available evidence. The EP-EUI Roundtable discussed the general framework, best practices and the way forward for involving independent expertise in the European legislative process.

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