Monitoring the Commission expert groups: the EU’s Transparency Paradox.

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Abstract:
Criticism of the EU is frequently framed in terms of its supposed lack of accountability and the claim that it is out of touch with its citizens. To counter this, the EU makes increasing use of online systems to render its working practices visible, arguing that transparency is one of few means for the EU to connect with its citizens.

Drawing on interviews with EU officials, elected representatives, Brussels-based transparency campaigners and representatives of business interests, this paper is an empirical study of recent enhancements in EU transparency processes. The paper argues that new online transparency tools, designed and introduced to reduce a perceived gap between the EU and its citizens, have frequently been introduced without a reliable and consistent quality assurance process to ensure the accuracy of the information placed in the public domain. Moreover, the paper shows that this is a deliberate policy, with the European Commission openly acknowledging its reliance on public-control to police the information it provides through its transparency systems.

The paper demonstrates that this public-control is actually undertaken by proxy groups on behalf of the public. It argues that this creates a transparency paradox where the systems designed to increase public confidence in the institutions are used by campaigning groups to erode this confidence. It charts the involvement of two such groups that regularly monitor the Commission’s online registers, providing a first-hand account of the tactics they used to maximise the profile of any irregularities in pursuit of their wider campaigning goals. The paper argues that the transparency paradox, ultimately a function of the EU’s poor in-house quality control processes, constitutes a material weakness in the EU’s transparency regime.
Monitoring the Commission’s Expert Groups: the EU’s Transparency Paradox.

The purpose of this paper is to add to the continuing and growing dialogue between academics and practitioners concerning transparency in public life. Locating a study of transparency in an explicitly European Union (EU) context is particularly apposite in a period when the EU’s role is in a state of flux. Since its inception, hostility to the EU has frequently been framed in terms of its supposed lack of accountability and the claim that it is out of touch with its citizens. Fuelled by the recent economic and migration crises, this perception has become more widespread, creating a visceral and growing anti-EU sentiment amongst a significant proportion of EU citizens. In an attempt to counter this, the EU’s working practices are increasingly made visible to its citizens, often through the provision of online information. The EU’s view that transparency will help to reduce the gap between the institutions and the citizens is evident from a 2016 speech by Commission Vice President Frans Timmermans, who stated that ‘…transparency is one of the few tools we have to reconnect with citizens who are sceptical of our legislature’.

Drawing on 63 interviews with EU officials, elected representatives and Brussels-based campaigners, this paper is an empirical study of the recent enhancements in EU transparency processes. It shows that new transparency tools were designed and introduced to reduce a perceived gap between the EU and its citizens but that poor internal oversight has often led to inaccurate information being placed in the public domain. The paper argues that this has created a transparency paradox where the systems designed to increase public confidence in the institutions are used instead by campaigning groups to erode this confidence.

The paper proceeds as follows. The first section shows that both negative publicity and technological innovation have driven the introduction of new transparency processes in recent years. It demonstrates, however, that these systems have frequently been introduced without a reliable and consistent quality assurance process to ensure the accuracy of the information placed in the public domain. The paper shows that this was a deliberate policy, with the European Commission openly acknowledging its reliance on public-control to police the information provided through its transparency systems. The paper then explores the processes through which this public control operates, demonstrating that scrutiny of the information is chiefly undertaken by proxy groups on behalf of the public. It charts the involvement of two groups that regularly monitor the Commission’s online registers, and provides a first-hand account of the tactics the groups use to publicise irregularities in pursuit of their campaigning aims. The paper argues the resultant transparency paradox is a function of the EU’s poor in-house quality control processes and that this constitutes a material weakness in the EU’s transparency regime.
The evolution of EU transparency and the use of the online registers.

The evolution of EU transparency has long tended to be event driven, with new transparency innovations often introduced in response to scandal or - real or perceived - misconduct. To illustrate, scholars have noted that the resignation of the Santer Commission in 1999 created the impetus for the implementation of Kinnock’s ethical reforms introduced during the Prodi Commission (Cini, 2008; 2014; Nastase, 2013). Similarly, the European Parliament’s recognition that it urgently needed to regain public trust following the 2011 publication of the Sunday Times ‘cash for amendments’ story led to it introducing a Code of Conduct for MEPs within a few months of the story’s publication (Héritier and Reh, 2012; Field, 2013). In both cases, the EU institutions introduced measures to enhance transparency to counter public disquiet. Beyond this rationale, however, EU transparency enhancements have also tended to reflect technological developments, with most recent innovations using online transparency tools.

Since 2012, the EU has provided a dedicated transparency portal on its Europa website. From this single point, users can search various database, contribute to public consultations, read Commission impact assessments, access the transparency and expert group registers and so forth. In interviews for this paper, Commission officials often cited the transparency portal as evidence of the EU’s commitment to openness and to the provision of information to its citizens. Importantly, they also acknowledged that the portal is chiefly used by specialists, rather than the general public.

- It’s completely underestimated, the level of transparency...you can see all the forms...you can follow all the debates. But hardly anyone does, in practice, which is not surprising. I think [for most people] the newspaper is enough [interview 24: Commission official].

- The decision-making process is very transparent. You can follow the legislative process...and this is used by organised civil society, by transparency groups...but, unfortunately, not always by the media and very little by the public [Interview 25: Commission official].

In the statements above, the officials acknowledged that the online registers introduced to provide EU citizens with a window on the activities of the EU institutions are only infrequently accessed by private citizens, with most perusal of the registers undertaken by organised groups.

Administration of the registers.

At around 38,000, the total number of staff at the European Commission is relatively small for a body representing half a billion citizens. With its complex arrangement of 28 Commissioners and 40 separate Departments (DGs) and specialised services, the Commission has long been portrayed as bureaucratically fragmented, with decisions made in silos (Bauer, 2008) and its DGs operating as independent fiefdoms (Kassim, 2008).
In an effort to address this fragmentation, the Commission has sought to ensure its processes are ‘steered’ from an executive centre, with its Presidency and Secretariat (DG-SG) at its heart (Trondal, 2012). Trondal found the success of this bureaucratic centre formation varied across DGs and services and showed that the Commission was broadening the role of DG-SG, placing increased reliance on it as a Commission-wide coordinating body. With a staff of 600, DG-SG has a wide remit. This includes ensuring the overall coherence of the Commission’s policy proposals, acting as the Commission’s interface with the other institutions and supporting the DGs in their contacts with civil society. Additionally, DG-SG has responsibility for Commission transparency, and it hosts a number of publicly available electronic registers which are administered through DG-SG’s Institutional and Administrative Policies Directorate (IAP). Importantly, however, the IAP’s responsibility for these registers is purely administrative with a single individual responsible for the maintenance and upkeep of the registers, but not for the accuracy of the information therein. In the case of the Commission’s expert group register, for example, the IAP does not check or scrutinise the information it adds to the register, and it has neither the duty nor the capacity to conduct any quality control. Instead, the onus for ensuring the accuracy of the data lies with the provider. Each of the 40 DGs has a nominated official with formal responsibility for providing IAP with the information used to populate the register. In practice, however, some DGs delegate this task to a fairly junior administrative assistant or sometimes to a temporary intern [Interview 24: Commission official]. As a result, the accuracy of the data received by IAP is rather patchy - a point underlined by an IAP official:

We do not certify the information correct - we don’t have the means to police it. Even if there was time, we could not check the content because only the DGs know about this. But some DGs don’t have the time or staff to check the data before sending it to us. So regarding accuracy of the registers…that is really for public-control…it is for the public to check the information [Interview 27: Commission official].

It seems clear that the Commission lacks the resources to provide a quality assurance process sufficiently robust to ensure the data placed on its electronic registers is accurate, with oversight and scrutiny of the registers left to ‘public control’. The next section explores this public control and shows that, in practice, it is actually exercised by organised groups of grassroots transparency campaigners. Drawing on insider and outsider group theory, the section argues that, by using high profile outsider tactics, these campaigning groups use the transparency tools in such a way as to undermine the citizen trust that the tools were intended to engender.

Delineation of transparency advocacy groups.
This section considers the role of campaigning groups and other transparency advocates in terms of the distinction between insider and outsider groups (Grant, 1995) and draws a distinction between groups that have EU transparency as a core demand and those that promote greater transparency as a means to further wider campaigning aims. Insider groups, Grant argues, develop a hierarchical and professional structure, mirroring that of governments and civil services. They use political skill to frame issues in a measured way using terminology familiar to policy-makers. Grant identifies three characteristics of an insider group:

i. that it is recognised by a government as legitimate in speaking for its members;

ii. that, as a consequence, it is allowed to engage in a dialogue

iii. that, in return, it implicitly agrees to present a well-researched and accurate case and be willing to accept the outcomes of the bargaining process.

Outsider groups, by contrast, tend to have a more broad-based membership. Without the constraints imposed on insider groups, they are able to make more far-reaching demands but, as they have fewer access opportunities, these demands are less likely to be met. Lacking access to decision-makers, outsider group strategies often involve grassroots campaigns organised by a core of committed individuals. For Chalmers (2013), determining a group’s insider or outsider status is more nuanced. He instead distinguishes between insider and outsider tactics. The latter, Chalmers suggests, refer to a group that uses the media and organising events to inform and mobilise citizens outside the policy community, a criteria that is particularly relevant for this paper.

A number of Brussels-based societal groups have areas of activity which particularly focus on the relationship between the EU institutions and the corporate sector. For example, as part of the European Coalition for Corporate Justice (ECCJ) campaign for tighter regulation on financial disclosure by multi-national companies (ECCJ, 2015) the group identifies instances of multi-national company (MNC) representation on the EU’s advisory committees [Interview 16: Transparency campaigner].

In this regard, ECCJ is fairly typical of societal groups. It campaigns for greater transparency of EU policy-making, but sees this transparency in the context of its wider campaign aims – in this case, as a means to expose the institutional-corporate relationship around financial regulation. Generally, societal groups have limited resources and expertise to allocate to transparency activities, and so exercise this scrutiny function in one of two ways. For a few groups, a specific individual is responsible for overseeing activities in the institutions. For example, both the Madrid based Access Info Europe (AIE) and the Brussels based Transparency International (EU) (TI-EU) have, within a small team of eight to ten personnel, a single individual solely responsible for promoting and monitoring transparency at the EU institutions [Interview 29; Interview 30: Transparency campaigners].
Similarly, Brussels based *Friends of the Earth Europe* (FoEE) has a former Commission employee responsible only for monitoring the activities of, and liaising with, the Commission [interview 28: Transparency campaigner].

However, whilst each of these three groups campaign for greater EU transparency, there are some differences. FoEE - like ECCJ - campaigns for transparency as a means to further its Economic Justice campaign. In that sense, transparency is the group’s ancillary objective. By contrast, both AIE and TI-EU have transparency as a core campaigning aim, with the transparency specialist working across policy areas.

Even amongst the core transparency groups there are significant differences, as some work closely with the EU institutions, thus enjoying insider status. The Brussels chapter of Transparency International - its EU liaison office - consists of ten paid staff, augmented by a small number of volunteers (TI-EU, 2015). In 2013, approximately 40% of the funding for its EU office was provided by DG Education and Culture (DG EAC) and it has a presence on a small number of Commission EGs (TI-EU, 2015; European Commission, 2015). In 2012, TI-EU was selected as Brussels ‘NGO of the year’ by the European public affairs community (EPACA, 2015).

Despite having approximately the same number of staff as TI-EU, and with a very similar operating budget, the Brussels based core transparency group Corporate Europe Observatory (CEO) receives no EU funding. Describing itself as a research and campaign group, CEO’s structure differs from that of TI-EU, in that it appears to be a ‘stand-alone’ organisation, rather than one acting under an umbrella group. Interestingly, however, two of CEO’s six-person advisory board are members of the Amsterdam-based *Transnational Institute of Policy Studies* (TNI). TNI, established in 1974, describes itself as a group of ‘activist researchers’ committed to ‘confronting corporate globalisation’ (TNI, 2015).

Partially funded by DG EAC and represented on several Commission expert groups, TI-EU clearly enjoys the legitimacy of an insider group. By contrast, CEO receives no EU funding and has no direct presence on the Commission’s advisory groups, thus confirming its outsider status. Although only indicative, *figure i* below provides a typology of transparency advocacy groups. Here the indicator for insider status is financial support from the EU institutions and/or presence on a Commission expert advisory group. Groups with neither of these are deemed outsiders. The indicator for core status is having transparency as a direct campaigning goal whilst ancillary groups campaign for transparency to achieve wider goals.
The next section considers how outsider groups use the EU’s transparency tools instrumentally to advance their campaigning aims.

**Scrutiny by outsider groups.**

This section examines how a Brussels-based campaigning group - the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) - identified irregularities in the Commission’s online registers and successfully used outsider tactics to force the Commission to address these irregularities.

Although formally separate from the longer-standing campaigning organisation CEO, ALTER-EU and CEO have always been closely linked. CEO itself was established in Amsterdam in 1997, but later moved to Brussels where it currently shares an office building with ALTER-EU. CEO also shares ALTER-EU’s campaigning aims, with a stated role to ‘expose and challenge the privileged access and influence enjoyed by corporations and their lobby groups’ (CEO, 2015). The apparent closeness of the two groups is borne out by analysis of the relevant entries on the EU’s Joint Transparency Register. The same individual is listed as the permanent person in charge of EU relations, whilst the financial disclosure section of ALTER-EU’s entry lists CEO as its largest funder, providing for more than fifty percent of its total budget (JTR, 2015).

Launched in 2005 and composed of approximately 200 societal groups, trade unions and academics, ALTER-EU represents members ‘concerned with the increasing influence exerted by corporate lobbyists on the political agenda in Europe’ (ALTER-EU, 2015). The organisation is open to any group or individual in broad sympathy with its campaigning aims. ALTER-EU has a coordinator who actively identifies and approaches potential members. Its membership is extremely broad and includes consumer organisations, environmental groups and groups supporting the rights of indigenous people. The obvious logic to this arrangement is that it provides mutual benefits. ALTER-EU is able to present itself as a representative of a broad membership whilst even the smallest constituent group has its voice amplified. For both, there are increased access opportunities as this

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**Figure i - Typology of transparency advocates.**

<table>
<thead>
<tr>
<th>Insider</th>
<th>Outsider</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Core</strong></td>
<td><strong>Outsider</strong></td>
</tr>
<tr>
<td>• Transparency International</td>
<td>• Access Info Europe</td>
</tr>
<tr>
<td>• Spinwatch</td>
<td>• CEO/ALTER-EU</td>
</tr>
<tr>
<td>• CEO/ALTER-EU</td>
<td>• Statewatch</td>
</tr>
<tr>
<td><strong>Ancillary</strong></td>
<td><strong>Ancillary</strong></td>
</tr>
<tr>
<td>• Friends of the Earth Europe</td>
<td>• Greenpeace</td>
</tr>
<tr>
<td>• CEE Bankwatch</td>
<td>• European Coalition for Corporate Justice</td>
</tr>
<tr>
<td>• Amnesty International (EU)</td>
<td>• Alternative Trade Mandate</td>
</tr>
</tbody>
</table>

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arrangement meets the Commission’s long established consultation principles whereby it prefers to engage with groups that can show that they represent a plurality of views (European Commission, 2002).

In the conduct of their roles both CEO and ALTER-EU adopt similar high-profile outsider tactics to publicise particular instances of perceived over-representation of the corporate sector in the policy forums. Both groups’ websites give access to reports with titles including *Towards more balanced Expert Groups; Block the revolving door* (ALTER-EU, 2015) and *Exposing the power of corporate lobbying in the EU* (CEO, 2015).

The nature of these reports and the close working relationship between CEO and ALTER-EU was raised by some participants during interviews for this paper.

> At first glance, their reports look interesting but then I notice that they have the same address, they double-hat at events...the same bunch of activists do the reports but they pass themselves off as a broad coalition [Interview 31: MEP].

Other participants - in particular those representing business interests - expressed extremely negative views about the CEO and ALTER-EU reports, questioning their impartiality and research methodology:

> If you read any [CEO] report, you’ll find it full of footnotes to make it look academic, but these just refer to other reports of theirs. It’s fascinating to see the circularity of this stuff. They present themselves as researchers but they don’t do objective research [Interview 12: business interest representative].

For some representing business interests, the hostility to CEO and ALTER-EU extended beyond questioning the integrity of their published reports, with one characterising CEO as ‘...anti-globalisers, and therefore fundamentally anti-European’ [Interview 14: business interest representative].

This view is expressed publicly by a Brussels-based interest representative and academic whose *Risk-Monger* blog has hosted an extremely active forum - *Corporate Europe Hypocrisy* - since 2010. The blog is publicly available on Euractiv, the European Media network, but the majority of forum entries are posted by members of the business interest community. The comments on this blog are overwhelmingly critical of the tactics and motives of CEO and, to a lesser degree, other core transparency groups. At a speech given at an industry event in late 2013 and subsequently made
available online\(^1\), the founder of Risk Monger - David Zaruk - captured the view of many of the forum’s contributors to the campaigning aims of outsider groups:

Groups like CEO, ALTER-EU, Friends of the Earth and Greenpeace are anti-globalisation...anti-international trade and the role of industry. What we are seeing today is the growing movement to de-normalise industry (Zaruk, 2013).

However, whilst those representing business interests expressed a view that the nature of the scrutiny provided by CEO and similar groups is selective and misleading, other actors, including MEPs and other campaigning groups, saw their role in scrutinising the institutions as essential.

I went the other month to an event [CEO] organised to launch a report into the arms industry. It [the report] seemed well researched...it showed the lobbying spend of all the big players here in Brussels...BAE, Lockheed, and so on [Interview 11: MEP].

The next section shows how ALTER-EU’s oversight of the electronic registers and use of outsider tactics forced one Commission Directorate to rebalance the membership of its expert advisory groups. It argues, however, that the Commission’s reliance on this type of scrutiny is ill-considered as it serves to create a transparency paradox, where the tactical use of high profile activity can serve to undermine citizen confidence in the institutions.

Case study: ALTER-EU’s oversight of DG Enterprise (DG ENTR).

In July 2010, ALTER-EU submitted a complaint to the European Ombudsman in which it argued that the high incidence of business interests within the Commission Expert Groups represented ‘regulatory capture’ by the corporate sector. To provide evidence for this claim, ALTER-EU presented a detailed analysis of the expert groups in a single directorate: DG Enterprise\(^2\) (DG ENTR). Subsequently, ALTER-EU published the data in a report sub-titled The dominance of corporate lobbyists in DG Enterprise’s expert groups. In its format, this report - with its catchy title and visually striking cover - resembled others published by ALTER-EU and CEO. The report contained analysis of the information ALTER-EU had gathered from the online Register of Expert Groups. The report stated that, of non-governmental expert advisers at DG ENTR, 482 were from the corporate sector compared to 255 from other non-government sectors. The complaint cited this data, and further argued that 32 of the 83 expert groups at DG ENTR were ‘dominated by big business’ (ALTER-EU, 2010).

To mark the launch of the report, ALTER-EU held a public event - attended by this paper’s author - at the Brussels headquarters of the Press Association. The event was co-organised with the Austrian

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\(^1\) ‘The Death of Dialogue’ - speech given at the PlasticsEurope industry event on 5 November 2013.

\(^2\) Since superseded by DG Internal Market, Entrepreneurship and SMEs (DG GROW).
Trade Union Federation (ÖGB) and took the form of a panel discussion of the report. The panel was chaired by Natacha Cingotti from the Economic Justice Unit of Friends of the Earth Europe - a campaign group represented on ALTER-EU’s steering committee. The three speakers were Yiorgos Vassalos from CEO, Denis De Jong MEP from the Nordic Green Left party and Lluis Prats from DG ENTR. Speakers were given a short time to present their organisations’ positions on the report, followed by a panel discussion and audience question and answers session.

In the initial presentations, all speakers - including the representative from DG ENTR - accepted the report’s general findings concerning an imbalance in the Expert Groups at DG ENTR. In the subsequent panel discussion, however, there was disagreement as to the reasons for - and extent of - this lack of balance. Vassalos cited the report’s finding that corporate interests dominated 32 of DG ENTR’s 49 expert groups meaning that “…twice as many members [represent] corporate interests as all other interest groups in society”. In his response, Prats suggested that the imbalance applied to 17, rather than 32, groups, and that these groups dealt with highly technical issues where expertise was only available within the relevant industry. He stated that earlier attempts to invite NGOs to take part in the Expert Groups had been declined. Vassalos’ reply, acknowledged that NGOs sometimes lacked the requisite expertise to participate in a technical area, but he also stated that some NGOs decline invitations to participate in an expert group precisely because the group concerned is seen as being dominated by corporate interests. At face value this appears a somewhat circular argument, but it perhaps speaks to one of the difficulties faced by a campaigning group invited to ‘rebalance’ an existing group. The group must weigh its wish to participate against the risk of acting as a ‘fig leaf’ for a Commission wishing present itself as consulting with a broad range of interests, whilst actually privileging the advice offered by the group’s longer-established industry members.

At the audience session, virtually every question was addressed to the Commission representative and related to detailed aspects of the report. Whilst it initially appeared surprising that audience members had been able to digest the report in the short time available, the author noted that most of the selected questioners were individuals associated with CEO and Friends of the Earth Europe. Although a number of mainstream journalists were present at the event, the only one selected to ask a question was the freelance journalist and transparency campaigner David Cronin. The questions directed to Prats were exclusively hostile in tone, with many employing the language used in the report, including the phrases “…puppet of big business” and “…corporate capture”. Here it seemed that the event conveners were systematically using outsider tactics in order not just to raise the profile of the report itself but also of its contents - to magnify the imbalance in the expert groups.
at DG ENTR. That notwithstanding, the formal rationale for the meeting was to launch the report issued to coincide with ALTER-EU’s complaint. The next section explores the response and impact of this complaint.

Response to complaint.

Following an initial investigation, the Ombudsman forwarded ALTER-EU’s complaint to the Commission, inviting it to submit an opinion concerning the specific allegations in the complaint. In the opening paragraph of its 75 page response - published on ALTER-EU’s website - the Commission’s letter stated:

"Over the past few years, ALTER-EU has written to the Commission several times on expert group related issues. In its replies, the Commission has always provided ALTER-EU with relevant and detailed information. In addition...the complainant and officials from the Commission met on 22 September 2009 for an informal discussion on some of the issues raised by ALTER-EU. (ALTER-EU, 2010).

The Commission’s letter seems to demonstrate an informal but ongoing dialogue between the Commission and ALTER-EU. It is interesting to note, then, that ALTER-EU’s complaint was raised ten months after the meeting described. In addressing the specific allegation of imbalance in the EGs at DG ENTR, the Commission stated that:

‘[The Commission] has fully acknowledged that a fair balance of non-industry stakeholders’ representation in consultation processes has still to be achieved. In that respect, the Commission is committed to seek an adequate presence of civil society representative in its EGs in the area of internal market, both in setting-up new groups and in re-arranging the composition of existing ones where appropriate (ALTER-EU, 2010).’

The Commission’s response alerted interested parties of the Commission’s apparent undertaking to address the composition of the expert groups at DG ENTR. During the summer of 2012, DG ENTR announced that the composition of thirteen groups would be modified through a single call for expressions of interest. This call was published in the Official Journal of the European Union (OJEU) on 1 September, and a link to the call was also published on the Register of Expert Groups. The deadline for applications was 31 October 2012.

The nature of the public registers are such that, within the public domain, there is no mechanism for identifying changes in the make-up of the expert groups, as updated details purge previous versions. However, a database established by this author before the Commission’s response to ALTER-EU - provided detailed information on the composition of the expert groups at DG ENTR at that time. By comparing this archival database with the later version of the register, it was apparent that there had been a number of changes in the composition of the expert groups at DG ENTR. Correspondence with the relevant official at DG ENTR provided information concerning the number..."
of responses to the call for expression of interest, broken down into the relevant groups. This information, combined with the comparison of the earlier database and the current register was used to create figure ii showing the changes in the composition of the expert groups at DG ENTR following ALTER-EU’s complaint to the Ombudsman:

**Figure ii - Responses to calls for expressions of interest.**

<table>
<thead>
<tr>
<th>Group name</th>
<th>Orig. no.</th>
<th>Applications received</th>
<th>No. of new appointees</th>
<th>Representing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural tractors</td>
<td>56</td>
<td>2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Motorcycles</td>
<td>57</td>
<td>5</td>
<td>2</td>
<td>1 x Consumer; 1 x Research</td>
</tr>
<tr>
<td>Motor vehicles</td>
<td>89</td>
<td>8</td>
<td>4</td>
<td>1 x Consumer; 1 x Research; 1 x Environment; 1 x Road safety</td>
</tr>
<tr>
<td>Gas appliances</td>
<td>52</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Forestry and forest industries</td>
<td>44</td>
<td>3</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Explosives</td>
<td>39</td>
<td>5</td>
<td>1</td>
<td>Research</td>
</tr>
<tr>
<td>Mission evolution</td>
<td>27</td>
<td>6</td>
<td>1</td>
<td>Consumer organisation</td>
</tr>
<tr>
<td>Fertilisers</td>
<td>55</td>
<td>1</td>
<td>1</td>
<td>Research</td>
</tr>
<tr>
<td>ICT standardisation</td>
<td>55</td>
<td>6</td>
<td>1</td>
<td>Disabled people</td>
</tr>
<tr>
<td>Raw materials supply</td>
<td>62</td>
<td>46</td>
<td>5</td>
<td>4 x Research + 1 x Trades union</td>
</tr>
<tr>
<td>Eco design</td>
<td>56</td>
<td>6</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Measuring instruments</td>
<td>47</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

As figure ii shows, in most cases very few applications were made. Where applications were received but without a subsequent appointment, the Commission had assessed that the applicants lacked the relevant experience. Just one group received a large number of applications, but most of these came from organisations that were already members of the group. In total, fifteen additional appointments from outside industry and the corporate sector were made to the expert groups at DG ENTR, representing a modest shift of 2.3 percent representation from business to non-business interests.

**Discussion.**

At one level, the case examined above shows that an intervention by an outsider campaigning group can affect institutional change. ALTER-EU’s complaint to the European Ombudsman resulted in DG ENTR introducing changes to the composition of its EGs and addressing inaccurate entries on the registers. The nature of this intervention is significant, however. ALTER-EU’s complaint to the Ombudsman followed its analysis of the composition of the Commission Expert Groups at DG ENTR only. In its public response, DG ENTR acknowledged that there was a degree of imbalance in these groups, although it argued that earlier invitations issued to NGOs to participate in its Expert Groups
had not been taken up. This, coupled with the fact that DG ENTR’s *raison d’etre* was to be ‘the voice of industry and enterprise in European policy making’ (DG ENTR, 2014), perhaps goes some way to explain its reliance on business representatives within its expert groups.

In terms of the extent to which the monitoring groups conduct oversight, it is clear such groups have limited resources, so the degree of scrutiny they can undertake is necessarily selective. In itself, selective scrutiny is neither unusual nor problematic, and it can be an effective tool to modify behaviour or ensure compliance with regulation - a company that has a random drug testing regime or employs monthly spot checks of expense claims, for example. For the campaigning groups in this case, however, there is a crucial difference: the selective scrutiny is not random. Particular Directorates and policy areas are singled out for attention, with this choice reflecting the groups’ campaigning interests. Thus, with a logo that includes the words *Exposing the power of corporate lobbying in the EU*, it is unsurprising that CEO’s institutional oversight tends to focus on those DGs where corporate influence is most likely. Beyond this disproportionate focus on certain Directorates, the publicity-maximising tactics used by the monitoring groups coupled with the EU’s poor internal quality assurance processes creates a transparency paradox.

In the management of the public event at the ÖGB, and particularly in the selection and tone of the questions, it was evident that the main purpose of the report’s launch event - arguably, of the report itself - was to provide an opportunity for supporters of CEO and ALTER-EU to maximise the impact of the latter’s complaint to the European Ombudsman. Significantly, the group had used the publicly available online Register of Expert Groups to gather the information for its report. As one of a number of registers hosted on the transparency portal, it was one of those cited by Commission Officials as a means of enhancing citizen confidence in the institutions. In this case, however, the transparency portal provided the means for ALTER-EU to select data that would reinforce its charge of ‘corporate capture’ and so maximise the reputational damage to the Commission.

**Conclusion.**

This paper has demonstrated that the EU’s transparency processes are hampered by a lack of internal quality checks that allows inaccurate data to find its way into the public domain. The data provided through the transparency mechanisms are not routinely inspected for accuracy before publication, neither is a spot-check regime in place. By neglecting to apply this standard management practice, the EU has abdicated responsibility for ensuring that the data it provides on the registers is correct, instead leaving this function to the checks and balances of public control. This paper has shown that this public control is chiefly conducted by proxy groups with a
campaigning interest in publicising inconsistencies and irregularities. The paper has argued throughout that this has created a transparency paradox where the systems designed to enhance citizen confidence in the EU institutions are used instead by campaigning groups to erode this confidence.

The case study discussed in this paper identifies two aspects to this transparency paradox. Firstly, whilst the case shows that the scrutiny of public control by a campaigning group can be effective, the selective nature of this scrutiny coupled with the limited resources available to the groups means that there is no oversight of areas which do not meet the groups’ campaigning aims. As such, some DGs are virtually exempt from outside scrutiny and so have little incentive to ensure the accuracy of the information they place in the public domain. Secondly, the delegation of responsibility for scrutiny to public control provides an opportunity for campaigning groups to identify fairly minor transgressions, but to then adopt high profile measures to publicise these. In this way, the absence of an in-house quality assurance process allows the transparency tools that were introduced to engender public trust in the EU to be used to undermine that trust. Given that the EU consistently links transparency to public confidence, this appears something of an own goal. As such, it seems clear that the lack of an in-house scrutiny process to oversee the quality of the information provided is a material weakness in the EU’s transparency regime.

References.


