

Concerns over the European Commission's use of expert groups are misplaced

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*The European Commission has set up a number of expert groups to aid the development of European policies. As **John Moodie** writes, a balance is generally required between the gains in effectiveness and efficiency which expertise can provide for policymakers, and the democratic implications of relying too heavily on experts in the European policy process. He argues that while there are legitimate concerns over the use of Commission expert groups, there are adequate checks and balances in place to provide democratic safeguards.*



Winston Churchill's seductive, if somewhat simplistic, observation that "experts should be on tap, but not on top" has found a new generation of admirers in the debate about the role of expertise in contemporary policymaking. It is a manifestation of the growing tension in both political and academic circles about the accelerating speed and complexity of scientific and technological change transforming society and putting increasing pressure on all levels of governance. The root cause of this tension is the newly emerging research and technology driven knowledge economy which is generating an uneven distribution of knowledge between the expert and the generalist politician/administrator who lacks the prerequisite background knowledge to make decisions in technically sophisticated areas of policymaking.

One of the more interesting paradoxes in contemporary public policymaking is that while there is a growing dependence on experts there is increasing suspicion and a decline in public confidence about their role. Experts have become an easy target for politicians, journalists, lobby groups and citizens, with grievances about the rapidly changing nature of society. This expertise dependence challenges traditional democratic norms and has raised issues about accountability and legitimacy that have sparked a debate about the need to 'democratise' expertise through the introduction of more open and transparent processes that are accessible to all groups and citizens.

This debate has been particularly pronounced at the EU level, where the proliferation of European Commission experts groups has served to exacerbate the democratic deficit debate surrounding the technocratic nature of policymaking in the EU. The Commission's expert group system has become the target of criticism from lobbying groups, such as **Alter EU**, who regard them as closed, exclusive and dominated by small cliques of business and industrial elites. Working in collaboration with a small group of like-minded MEPs in the European parliament, led by the office of Denis de Jong MEP, Alter-EU has lobbied the Commission to make their expert groups more open and transparent, and in November 2011, the European Parliament withheld funding for Commission expert groups due to a perceived lack of progress in this endeavor. The ban was lifted in September 2012, but the threat of further financial restrictions in



Expert group on Social Investment for Growth and Cohesion, Credit: László Andor (CC-BY-SA-3.0)

the 2014 budget hangs over the Commission if advances in openness and transparency are perceived to be inadequate by the European Parliament.

The role of experts highlights a perpetual tension in EU policymaking between the need for an efficient and effective process underpinned by democratic norms. Indeed, much of the criticism has been about the Commission's failure to find an acceptable balance between the two. The Commission's sensitivity to this criticism is reflected in their adoption of the democratic lexicon of their critics within published documents setting out policy aims and objectives, rules and guidelines regarding the composition and role of expert groups designed to enhance the openness and transparency of their expert group system.

An analysis of Commission publications in relation to expertise consultation and expert groups, reveals there is evidence that the Commission does not find it easy to reconcile the need for specific expertise to help overcome the knowledge gap in complex policy areas. For example, the Commission is less than enthusiastic about opening up expert groups to citizen involvement; they make it clear that their focus is on selecting experts based on the specialist knowledge they can contribute to the debate. Furthermore, the Commission places emphasis on keeping group sizes to a small number of key members and they have rejected a one size fits all model aimed at ensuring the balanced representation of expert groups. They favour a bespoke model for each group that seeks to address the knowledge gap in different policy areas. The documents reflect Commission concerns that a more democratised system would lead to an unwieldy and inefficient process that would impact on the epistemic quality and effectiveness of policy outputs.

The documentary evidence indicates that policy effectiveness remains more fundamental to the Commission than the democratisation of their expert group system. The Commission has adopted a democratisation agenda that they are concerned is neither possible, nor desirable, in practice and will have a potentially negative impact on the efficiency and effectiveness of the policy process. The danger of this approach is that it creates the impression that the democratisation agenda is largely cosmetic.

While acknowledging the Commission's sensitivity and vulnerability to criticism grounded in the norms of representative democracy, it might have been more appropriate if it had engaged in an open debate about the challenges created by the uneven distribution of knowledge in a highly complex technology driven society. Expertise and knowledge have become a fundamental necessity in contemporary policymaking at all levels of governance. Access to the best available knowledge in relation to complex policy areas is not inherently undemocratic; indeed, it is a rational response to the problems arising from any knowledge gap faced by policymakers. It is only undemocratic if the process of policy development and initiation is not, at some stage, subject to democratic scrutiny and the glare of publicity.

The EU policy process requires the Commission to consult widely and publish policy initiatives; furthermore, once a policy initiative enters the legislative process it is subject to scrutiny and amendment by both the Council of Ministers and the European Parliament who carry out their own consultation process at the supranational and national level. It is important to remember that Commission expert groups represent only one source of information for the Commission in a much wider policy consultation process. Expert groups, therefore, cannot dominate the policymaking process and do not replace, but supplement, more direct forms of democratic legitimacy at the EU level.

It is also important to note that in pursuit of more openness and transparency the Commission has established a database of experts involved in the policy process and they have sought to ensure a balanced composition in the epistemic diversity of experts consulted. The need to ensure that expert groups do not become closed elitist shops, excluding competing ideas, is of paramount importance. Commission vigilance in constantly evaluating their expertise selection criteria and encouraging the development of knowledge plurality and balanced composition is vital in avoiding exclusivity.

If the Commission remains vigilant in ensuring that the system of checks and balances remains in place then a

citadel of expertise can be avoided and this will go a long way to diffusing much of the criticism about the technocratic nature of governance in the EU. Churchill's view that 'experts remain on tap, but not on top' provided little real insight into the complexity of policymaking when he made the observation in the 1950s, it makes even less sense today.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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