
EU DEFENCE GROUPS UNDER FIRE FOR OPACITY

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The European Commission has implied it will improve the transparency of defence research advisory groups - following criticism from the European Ombudsman - but has stopped short of giving exact details.

The ombudsman concluded two investigations this year relating to such groups.

The first was into the now-abolished Group of Personalities, a working group that provided the foundation for the European Defence Action Plan, which includes a European Defence Fund.

The group included CEOs of defence companies, but also politicians, such as the EU's foreign policy chief Federica Mogherini, former Swedish prime minister Carl Bildt, and former Polish defence minister Bogdan Klich.

The European Network Against Arms Trade had filed a complaint with the ombudsman, because the group was not registered as an 'expert group' □ which would have required the publication of meeting agendas and minutes.

The ombudsman said in a decision earlier this month that the commission was correct not register this group as 'expert group', because it included politicians.

"However, the ombudsman notes that the Group of Personalities provided advice in relation to the preparation of a policy initiative, in the same way as an expert group, and that an appropriate level of transparency should have applied to its work," the ombudsman decision said.

"The ombudsman suggests that an appropriate level of transparency, in relation to this group, be ensured retrospectively by the commission," it continued.

Conflict of interest?

The group of personalities included companies which later received money from the fund the group advised to set up.

"Transparency in this regard should have been especially important in the case of the Group of Personalities, given that companies represented within the group could be eligible for funding under the programmes that it was advising on. In fact it is the case that companies represented within the group did subsequently receive such funding," confirmed the ombudsman.

Ombudsman Emily O'Reilly also suggested that future working groups similar to the Group of Personalities should follow the same level of transparency as expert groups.

"Information to be provided about such groups should include, in particular, membership, agendas and minutes of meetings, as well as the criteria for the selection of their non-political members and the measures taken to ensure a balance of relevant stakeholders," she noted.

'Taken note' of no note taking

The commission told EUobserver in a written comment that it "has taken note" of the ombudsman's decision.

"We are currently analysing the recommendations proposed in this decision and will inform the ombudsman of possible follow-up actions within the required timeframe," a commission spokeswoman said.

Another case on which the ombudsman recently made an announcement, was on the so-called As-If Programme Committee for Defence Research.

The committee has the peculiar name because it operates 'as if' the group was already a formal programme committee.

It provides advice for the commission's Preparatory Action on Defence Research – a [] programme that tests the ground for investing in pan-EU defence projects, as a trial run for the future, much larger, European Defence Fund.

Last March, the Belgian peace campaign group Vredesactie filed a complaint to the ombudsman, because the commission had neglected to publish minutes and agendas about the As-If committee's meetings – as required by its own rules.

A few months later, the ombudsman announced that it was "unsatisfactory" that while the committee had been operational for longer than a year, the commission had by then only published a draft agenda of its first meeting.

'Cannot be easily justified'

"While the ombudsman understands that delays in updating the register may occur in periods of increased workload, she considers that the extent of the specific delay cannot be easily justified on these grounds," she said.

In a formal reply to the ombudsman, the commission acknowledged that there had been "a serious backlog" in keeping the register up-to-date.

Since then, it has published the agendas and minutes for almost all meetings.

The commission also stressed that it had to take into account "the sensitivities of the defence matters"

When asked how the commission would prevent any future backlog of minutes-publishing, the response was not detailed.

"The commission has already taken concrete measures to take into account the European ombudsman's recommendations on the backlog of information regarding the so called "as if" programme committee (DR AIPC) for defence research. These include making available the agendas and minutes of their meetings since the group was first convened in March 2017," a spokeswoman said.

When asked for a more detailed response taking into account the reason of the backlog, the commission spokeswoman gave a response that is open to interpretation.

"The Juncker Commission is making unprecedented efforts to build a Europe that defends and protects its citizens," she said.

"Our services have been working full throttle to step up the EU's role as a security and defence provider," she added - in what could be a very diplomatic way of saying that the commission suffered from a work overload.

Despite its lukewarm promises, the commission is already falling behind again.

Although the register of the As-If committee was last updated on 21 September, there are still no minutes online for the most recent meeting, which took place on 5 June – almost four months ago, stretching the commission's own requirement of "timely publication of minutes".

Maladministration

The two NGOs that filed the complaints to the ombudsman told EUobserver in a joint statement that the commission suffered from a "structural transparency deficit" when it came to defence matters.

Peace campaigner Bram Vranken, speaking on behalf of both NGOs, pointed to a third ombudsman case this year, related to an access to documents request his group filed.

The commission took three months to answer the request, and another six months to reply to an appeal.

The ombudsman said in July "that the egregious delay in the commission's response to the complainant's request for documents constitutes a clear case of maladministration".

"Defence has become a priority of the Juncker commission in recent years. The least we could expect is that transparency about that policy receives equal priority," said Vranken.

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