

Journal of Contemporary European Research

Volume 16, Issue 3 (2020)

Research Article

Trust, Integrity and the Weaponising of Information: the EU's Transparency Paradox

Mark Field and Sue Roberts

Citation

Field, M. and Roberts, S. (2020). 'Trust, Integrity and the Weaponising of Information: the EU's Transparency Paradox' in, *Journal of Contemporary European Research* 16 (3): 276-292.
<https://doi.org/10.30950/jcer.v16i3.1109>

First published at: www.jcer.net

Abstract

One of the great issues for governments and related organisations everywhere is that of staying close to their citizens and maintaining accountability through the provision of accurate, trustworthy and complete information. The size of an organisation can often impede open and timely information delivery, and the complexity of government structures can cause frustration and suspicion. Given the size and complexity of the EU, it could be considered reasonable to suppose that the EU would have institutional barriers to the integrity of the information provided to the public. Indeed, 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 (Gehrke 2019). To counter this, the EU makes increasing use of online systems to render its working practices visible to the public to facilitate scrutiny and improve transparency. However, these online systems have frequently been introduced without reliable and consistent quality assurance (QA) processes to ensure the accuracy of the information in the public domain in order to promote the institutional trust that the EU seeks. Furthermore, the EU ministerial declaration of 2005 argues for promoting 'public confidence' in information provision for e-government. Confidence and trust are inextricably linked, as this article shows. Drawing on 22 qualitative interviews with EU officials and representatives of Civil Society Organisations (CSOs), this article demonstrates that low QA is in fact a deliberate policy, with the European Commission openly acknowledging its reliance on public control to police the information it provides through its online systems. This creates a transparency paradox by allowing CSOs to take advantage of the weakness in information QA to weaponise their information to attack the EU. This is a key consideration, not only for the EU but for all governments and non-governmental organisations across the world. A perceived weakness in information provision which subverts the building of trust, particularly political trust, increases the scope for individual or state actors to exploit the internet to weaken and undermine citizen participation. This article tackles the issue through primary research to demonstrate the dangers of weaponised information in the modern political arena.

Keywords

Transparency; Accountability; e-government; Trust; Civil Society

The 2016 Brexit referendum result reflected a crisis of trust in politics and politicians. Abrams and Travaglino (2018) show through their examination of low trust and fears about immigration in the run-up to the referendum that this appears to have driven voter choice. Trust is a significant factor in the way that citizens respond to public institutions and politicians. Political trust can be defined as the 'faith' that people have in their government or institution (Abrams and Travaglino 2018). If this type of trust is an essential part of the relationship between citizens, the state and its representatives, then any damage done to that relationship may be expected to cause disquiet among politicians and resentment on the part of citizens. Metlay (2013) argues that citizen trust provides political legitimacy for democratic organisations and Schafheitle, Weibel, Meidert and Leuffen (2019) state that citizen trust in political institutions is necessary for any political system to function: it is fundamental. Without it, citizen confidence in the quality and accuracy of the information disseminated by political organisations is both compromised and weakened. Schafheitle et al. go on to argue that 'unstable trust in European institutions threatens effective governance' (2019: 1). This is a key point and is further explored in this article by examining the governance processes through which the European Union (EU) provides online information to its citizens as a means of enhancing trust in the EU to strengthen its democratic legitimacy. The article goes on to analyse the unintended consequences of the EU's weak quality assurance (QA) processes, allowing the information produced to be weaponised against them, potentially weakening both trust and democratic legitimacy. In its analysis of the resultant transparency paradox, this article adds to a growing body of literature on political e-governance in large governmental organisations, a topic of increasing importance in the context of a fast-developing atmosphere of distrust in governments across the world (Bannister and Connolly 2012; Field 2019).

In the aftermath of the United Kingdom's (UK) 'Brexit' referendum result and in the context of anticipated electoral gains for far right parties across Europe, the Petitions Committee of the European Parliament convened a public hearing *Restoring citizen confidence and trust in the European Project* (European Ombudsman 2017): a title that could be seen to reflect concerns on the part of the EU to shore up any damage done to the organisation as a result of the events in Britain. Indeed, during the hearing, the European Ombudsman, Emily O'Reilly, urged the EU institutions to improve the transparency of law-making as a necessary condition for restoring public trust in the EU. In her comments, however, she acknowledged that the public appetite for detailed information about EU processes is limited:

The EU institutions need to be open not so that every single citizen can be fully informed all the time about the minutiae of what's going on, but rather that their elected representatives or civil society organisations can act in their interests (European Ombudsman 2017).

In this statement, O'Reilly recognises that, although having the means to access and analyse detailed and specific information about activity in the EU's institutions, relatively few citizens choose to do so. Rather, this role is exercised by civil society groups acting on behalf of the public, ostensibly in the interests of transparency, which O'Reilly suggests will promote public trust in the institutions. This article challenges this assumption by demonstrating that the increased availability of information can undermine, rather than increase citizen trust. The article also explores why and how civil society groups scrutinise the activities of the EU institutions on behalf of citizens. In doing this, the article adds to a continuing dialogue concerning the involvement of civil society in matters of transparency and accountability, while considering the notion of promoting trust through information provision (Abrams and Travaglino 2018) and governance (Fung 2015; Schafheitle et al. 2019). Furthermore, the article investigates why, despite a significant growth in the numbers and accessibility of online systems, independent analysis of the veracity of this information frequently identifies errors in both the accuracy of the information provided (Field 2013; Greenwood and Dreger 2013) and of information exposing non-compliant practices within the institutions. With the supposed relationship

between the openness of the EU institutions and public trust identified by the Ombudsman, this article essentially addresses two questions:

1. How does the practice of inviting informal public scrutiny of information enhance public trust?
2. To what extent does the provision of transparency through online provision of accurate and complete information enhance the trustworthiness and integrity of the EU?

Within both questions lie complexities around context and communication which makes informal public scrutiny of information and the idea of transparency through online platforms a complicated and difficult problem for many organisations, not just the EU (Stvilia 2008). Contextually, there are special issues for the EU which relate to its structure, its resources and its culture. It is a large, complex and well-resourced organisation, with some departments acting in what appear to be independent ways; a point acknowledged by Gornitzka and Sverdrup (2008) who identified 'sectoral differentiation': variations in working processes, norms and routines amongst the Commission directorates general (DGs). A number of scholars have argued that this issue is a function of EU institutional rivalry and administrative power struggles - a feature common to large institutions such as this, especially those with political leanings (Gornitzka and Sverdrup 2008; Ashkenas 2011; Bach, De Francesco, Maggetti and Ruffing 2016; Kassim 2008; Kortelainen and Koeppen 2018). The clear cultural distance between groups and departments causes fragmentation between the different sections of the organisation, which can lead to problems in the consistency of communication with the public. This is significant because inconsistency in information provision on the part of a governmental organisation can affect trust and the provision of information clearly demonstrates non-compliant practices. This may lead the public to question the veracity, and therefore the integrity, of that information. Accurate, timely and rule-compliant information provision is thus inextricably linked to trust. The integrity of the information placed in the public domain must be accurate in order for the public to invest their trust in it and in those providing it.

The notion of engaging with the public through an online platform seems itself to be a proxy for communicating with them directly. An early study by the Organisation of Economic Cooperation and Development (OECD) reported that it is not necessarily the case that e-government and the provision of information online will improve either public participation or transparency (Tolbert and Mossberger 2006). Merely providing information does not constitute communication. In fact, Habermas's notion of the public sphere characterises the environment in which the public can expect to engage with information provided by the state:

Autonomy from state and economic power. Discourse must be based on the concerns of citizens as a public rather than driven by the media of money and administrative power that facilitate the operations of the market and state (Habermas in Dahlberg 2001).

This reverses the premise that the state should provide information to the public irrespective of its needs. Communicating with the public could instead, and perhaps more profitably, be achieved by first addressing what it is the public wishes to know. It does not necessarily follow that the public will want, or indeed perceive the need, to engage with large amounts of information provided by a governmental institution.

This is an issue for both public bodies and those providers in the private sector that generate online information. Our desire to 'tell' in the interests of transparency is often not matched by the public's desire either to know or listen. The sheer quantity and complexity of information available from the EU is daunting, even to the most dedicated of public scrutineers, and can obfuscate rather than elucidate (Kassim in Featherstone and

Radaelli 2003: 85-86). An increase in transparency is not achieved simply through the provision of more information. Rather, it is achieved through improvements in the quality, accuracy, reliability and completeness of information. This allows for proper oversight of regulatory compliance and it is this that provides the integrity essential to the promotion of public trust (Kim, Dirks, Cooper and Ferrin 2006).

Carter and Belanger (2005: 9) note that trust and citizen confidence in electronic information are significant predictors of the willingness of citizens to engage with e-government and that integrity in such information is important in the development of trust. In the UK, for example, the obligations for good quality information upon public bodies derive from the Nolan Committee's Seven Principles of Public Life (HM Government 1995) that identify the importance of both integrity and accountability in information provision. In other words, there is a moral obligation upon public bodies in the UK and further afield to ensure the integrity of any information set out in the public domain. However, the European Commission's EU eGovernment Action Plan, 2016-2020 (European Commission 2016), contains no such direct imperative for the EU to conduct e-government morally or ethically, but states that the openness and transparency of information should enhance trustworthiness and accountability in the EU. The assumption, therefore, appears to be that by making the information available to be scrutinised through public engagement, trust in the EU and its information should naturally follow. This is a significant omission. Without the assurance of integrity, trust will *not* automatically follow and trust is a crucial element in e-government provision, given that '[e]mpirical evidence has also ascertained trust as a salient driver of e-government adoption' (Tan, Benbasat and Cenfetelli 2008:1). But if the information from government institutions is not of sufficient quality to provide integrity, low trust may result. Schaftheitle et al. (2019) point out that there must be a perceived congruence between citizens' and government's values (p.5) and that this congruence helps to promote trust. Hetherington (1998) argues that low levels of trust help to create a political environment in which it is much harder for any political leadership to succeed, and it is confidence in the integrity of information provision that helps support the development of political trust.

POLITICAL AND INSTITUTIONAL TRUST

Van der Meer (2017) described political trust as citizens' support for an institution or parliament in the face of uncertainty about or vulnerability to the actions of both (p.1). This is a significant description of political trust because it includes elements of uncertainty and unpredictability: uncertainty on the part of the citizen and unpredictability on the part of both the institution and the citizen. Other scholars describe trust as something that includes 'faith' (Rosenburg 1956) and it is clear from Van der Meer's definition of political trust that a leap of faith is required on the part of citizens in the face of such uncertainty and unpredictability.

Grimsley and Mehan look at the issue of evaluating public e-information to promote public value and trust in governmental institutions (2007: 134). Public value (Moore 1995) refers to the positive contribution, or value, that an organisation makes to society. This is closely related to the need for communities and citizens to invest in a trusting relationship with the state to establish the 'faith' in government referred to above, and Abrams and Travaglino (2018) show that this relationship is a significant predictor of voter behaviour. In other words, the information produced by a governmental institution must have integrity in order to promote trust, and trust will be a reliable predictor of voter behaviour and preference.

It is trust as a commodity that most private sector companies value in terms of product integrity. Private sector e-companies Wikipedia, Amazon and many other providers rely on public involvement and scrutiny of information to validate their products and promote trust through inviting product or service customer reviews. It is well recognised in the private sector that trust is a cashable commodity, but for the public sector this has no relation to product. Government investment in information provision is related to transparency with a view to promoting public trust in the institution, but this cannot happen without information integrity. It is no exaggeration to say that this is an essential element in governance. Schwartz (in Van Thiel and Leeuw 2002) affirms that large amounts of evaluative information that lack integrity, credibility, accuracy and validity are unlikely to promote public trust.

The need for integrity in information provision has strong connections with both the EU and UK governments' duties to provide good quality information to the public in the interests of transparency, but it is only in relatively recent years that the public performance of institutions has been of any interest to the general public (Hood 2006; European Parliament 2008). Since the advent of New Public Management (NPM), greater transparency has been a fundamental requirement in terms of information provision from the state (Hood 1991; Pollitt and Bouckaert 2011). NPM seeks to advance the use of private sector practice in the public sector, which includes openness and transparency, both for performance and information provision. The issues discussed in this article review the involvement of non-governmental organisations (NGOs) in the activity of public scrutiny of information produced by the EU.

For the EU, the motive for increasing transparency is clearly rooted in an assumption that enhancing the provision of information available to citizens will result in gains in public trust. There is, however, little evidence that this trust gain is yielding dividends, with only 43 per cent of EU citizens expressing trust in the EU in the winter 2019 Eurobarometer data (Eurobarometer 2019). The article shows that, whilst new transparency tools have been designed and introduced to reduce a perceived gap between the EU and its citizens, poor internal oversight leads to either inaccurate information being placed in the public domain or, frequently, information that - whilst accurate - reveals non-compliant practices. Both create a transparency paradox where the systems designed to increase public confidence in the institutions can be systematically weaponised by outsider civil society organisations (CSOs) to erode this confidence and the trust that derives from it. We argue that this transparency paradox is a function of poor in-house quality control processes and that this constitutes a material weakness in the institutional transparency regime.

The article proceeds as follows. Following a short methodology section, the next section explores the administration and internal oversight arrangements for the EU's online information systems. Such a process is needed for two reasons. Firstly, it ensures the accuracy, and thus integrity, of material made available to EU citizens. Secondly, it acts as a check to ensure that this material does not expose a failure to comply with regulations and guidelines. The section shows that, whilst the EU has limited resources to oversee and check the quality of information, the lack of internal oversight reflects a conscious policy decision to delegate this task to EU citizens, reflected in the EU eGovernment Action Plan 2016-20, as a means of encouraging engagement with, and knowledge of, the EU. The third section discusses the role of civil society groups acting as a proxy for this public control, and shows that groups frequently use the EU institutions' transparency tools as a weapon in their wider campaigning aims. The nature of this weaponisation is explored in the third section's case study. This charts the involvement of two high profile CSOs that regularly monitor the EU's online registers on behalf of the public and explores the weaponisation tactics they employ to publicise irregularities in pursuit of their wider campaigning aims.

METHODOLOGY

This research project draws on a total of 22 semi-structured interviews conducted: three with officials at the European Parliament, seven with officials at the European Commission and 12 with representatives of a range of EU CSOs. The interviews with EU officials explored the workings of the administrative and oversight arrangements of the electronic registers and captured the institutional view as to the purpose and workings of transparency in policymaking, as well as the links between transparency and related ideas of trust and accountability. The CSO interviews were all with representatives of groups that campaign for increased transparency of EU institutional processes. These interviews were conducted with both insider and outsider groups and investigated the different tactics used by these groups to further their transparency campaigning aims. All interviews were conducted in Brussels between 2012-2015.

ADMINISTRATION AND INTERNAL OVERSIGHT OF THE ONLINE TRANSPARENCY PORTAL

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 (now 27) Commissioners and 53 Departments (DGs) and executive agencies, 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 overall responsibility for Commission transparency, including the information provided to the public through the transparency portal: an online citizen resource administered by DG-SG's Institutional and Administrative Policies (IAP) Directorate and accessible through the 'Europa' website.

In order to understand the process of rendering information available through the online transparency portal, seven interviews were undertaken: three with senior personnel at the European Parliament Secretariat and four with the administrative team of the IAP Directorate of the European Commission's DG-SG. These interviews revealed that at both institutions the upkeep of online registers is undertaken by a single individual. At the Commission, the overall responsibility lies with IAP, with the routine maintenance and upkeep of this register conducted by a single administrative assistant within the unit, whilst at the European Parliament, responsibility for the registers lies with the Members' Administration Unit, but with the routine work again undertaken by a single administrative assistant. Shapiro (1999) warned of this, drawing attention to organisations' reliance on a single individual, sometimes through pressure of work, to filter information via the internet, especially in government (p.7). This, he says, is a danger; one that can undermine the integrity and trust crucial for governmental institutions. Information may be viewed as more robust and trustworthy if it were overseen by an independent body or group of people tasked with ensuring accuracy. Credibility is an essential resource for organisations, especially those in government who bear an ethical responsibility for the accuracy and integrity of information. Establishing this credibility helps to develop a reputation for providing correct information (Keohane and Nye 1998: 89). Accuracy encourages and supports the development of trust on the part of the public. The fragility

of relying on a single individual seems therefore imprudent and risky and the issue of trust in that single individual on the part of the organisation is doubly important. Moreover, using an individual to produce, police and update information for an organisation bestows control, and potentially power, upon that individual.

Initial questions to interview participants sought to understand how the portal is administered and the degree of institutional oversight to ensure the data published on the registers is accurate and compliant with institutional regulations and guidance. In each case, participants asserted that their organisations lacked both the capacity and resources to conduct regulatory compliance oversight or to test data for accuracy, stating that responsibility for these issues lay with the individual registrants at the Parliament, and with the *chef de cabinet* of the relevant DG at the Commission.

In addition to this resource issue, Parliament officials mobilised legal arguments to explain the lack of any institutional oversight of the register.

We do not certify the information correct. We cannot. We do not have the means to police it and there is no legal basis for us to do so - we rely on self-control and public control (Parliament secretariat official).

For those involved specifically with the Commission's online registers, the resource issue was again raised, but here there was a view that responsibility for ensuring the accuracy of the data and regulatory compliance lay with the institutions, but at DG level, rather than centrally.

It is for each DG to ensure the information is correct. Even if there was time, we could not check the content because only the DGs know about [their expert groups] ... and there are nearly a thousand groups across all the DGs (Commission policy officer).

However, discussion concerning the routine administration of the Commission's Register of Expert Groups revealed an important factor relating to accuracy and compliance of the register. Three interview participants within the IAP Directorate commented that, although responsibility for checking the data provided in the register lay with the individual groups' parent DGs, variations in directorates' internal processes produced uneven results. To illustrate, whilst institutional arrangements require each DG to have a nominated individual with responsibility for the register, DGs interpret this role and its functions differently. As a result, day to day responsibility for the online register may lie with a fairly senior policy officer or coordinator, a relatively junior administrative assistant or, in some cases, a temporary intern (Commission administrative officer). As discussed, trust and accuracy in information provision are inextricable. If the EU desire for increased trust is to be believed, the dislocation between this desire and the inability to 'police' the information will always preclude the development of trust in the organisation. This must be addressed if the EU truly wishes to enhance trust in their organisation.

This is not unusual, particularly in modern public services in the UK and where resources are scarce, but the lack of resources available to 'police' accuracy in information provision in the EU is interesting given the serious implications of producing inaccurate information. When the UK began to consider the possibility of public scrutiny of its information, safeguards, checks and balances were put in place. Yet accurate information provision and its integrity are highly valued commodities, particularly in the private sector, for the purpose of bolstering company integrity with potential customers. Reputation online is valuable, and this view is echoed in the EU eGovernment Action Plan, 2016-2020 (European Commission 2016). A further question is why the EU should *not* elect to put more resources into checking or policing its information provision at this level, especially when the EU itself began the move in 1999 to bring its information to everyone in Europe via the internet (Irani, Love, Elliman, Jones et. al. 2005: 62).

It seems clear then, that the internal QA procedure for the online registers is - at best - inconsistent, reflecting the limited resources available. Generally, however, there is little public engagement with these electronic registers (Field 2013), suggesting that reliance on 'public control' to ensure the integrity of a large and varied array of information is rather ambitious, a point supported by Keohane and Nye's observation that '[a] plenitude of information leads to poverty of attention' (1998: 89). Given this, the role undertaken by those civil society groups that monitor and police the online registers is clearly important in terms of providing a check on the accuracy of the registers. Importantly, however, these groups have limited resources to undertake this monitoring and they are therefore selective in the scrutiny they undertake on behalf of EU citizens, an issue explored in the next section.

CIVIL SOCIETY GROUPS AS A PROXY FOR PUBLIC CONTROL OF INFORMATION

As the European Ombudsman acknowledged in her speech at the European Parliament, in practical terms, the EU institutions' transparency processes are generally used by civil society groups acting on behalf of EU citizens. This section considers the role of civil society groups as both transparency monitors and advocates.

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, the group *European Coalition for Corporate Justice* (ECCJ) campaigns for tighter regulation on financial disclosure by multi-national companies (ECCJ 2019). To monitor this, ECCJ campaigns for greater transparency of the EU policymaking process. In that sense, transparency is a tool to meet its wider campaign aim to expose the institutional-corporate relationship around financial regulation. Generally, civil society 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. Similarly, the 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.

However, whilst each of these three groups campaigns 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: a means to an end. By contrast, both AIE and TI-EU have transparency as a core campaigning aim - an end in itself - 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. The Brussels chapter of Transparency International - its EU liaison office - consists of ten paid staff, augmented by a small number of volunteers (TI-EU 2016). In 2013, approximately 40 per cent 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 expert advisory groups (TI-EU 2016). 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).

It seems clear that these proxy groups have their own agendas in relation to information scrutiny. This creates a transparency paradox as this agenda is at odds with the clear intention expressed in the European Commission's Action Plan (European Commission 2016): that EU citizens should have the opportunity to scrutinise and correct the information provided in order to ensure accuracy, openness and transparency (2:4), which should promote trust. The next section considers this transparency paradox in practice, by exploring how one such group uses the EU's transparency tools to weaponise information in pursuit of its wider campaigning aims.

CASE STUDY: CIVIL SOCIETY GROUPS' OVERSIGHT OF DG ENTERPRISE (DG ENTR)

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 register of expert groups and successfully used high profile 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 power of corporate lobbying over European Union policy-making' (CEO 2019). The apparent closeness of the two groups is borne out by analysis of the relevant entries on the EU's Joint Transparency Register (JTR). 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 per cent of its total operating budget (JTR 2016).

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 2019). 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 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.

In the conduct of their roles, both CEO and ALTER-EU adopt similar high-profile 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 such as *Corporate Capture in Europe* (CEO 2018).

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 (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 which showed both non-compliance with Commission guidelines on balanced expert groups and inaccurate information through non-provision of information. 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, arguing that the information provided showed 32 of the 83 expert groups at DG ENTR to be 'dominated by big business'; a finding that it said was probably an underestimate because data on several of DG ENTR's expert groups was missing entirely from the Commission's register (ALTER-EU 2016).

To mark the launch of the report, ALTER-EU held a public event (attended by one of this article's authors) at the Brussels headquarters of the Press Association. The event was co-organised with the Austrian Trade Union Federation (ÖGB) and took the form of a panel discussion of the report. The panel was chaired by a senior activist 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 Lluís 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 answer session.

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, it was apparent that those selected for questions tended to be 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 tended to be 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 sought not just to raise the profile of the report itself but also to weaponise its contents by magnifying both the imbalance in the expert groups at DG ENTR and the information missing from the report that had led to ALTER-EU's complaint to the Ombudsman.

Following the complaint, 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 2016).

The Commission's letter seems to demonstrate an informal but ongoing dialogue between the Commission and ALTER-EU, although the expert group complaint discussed above was actually submitted ten months after the meeting described in the Commission's response. In addressing the particular 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 2016).

The Commission's response alerted interested parties to 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.

By comparing the archival database with the later version of the register, it is clear that limited changes were introduced 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 expressions of interest, broken down into the relevant groups. Table 1 shows the changes in the composition of the expert groups at DG ENTR following ALTER-EU's complaint to the Ombudsman:

Table 1 - Responses to calls for expressions of interest

Group Name	Orig. No.	Applications Received	No. of New Appointees	Representing
Agricultural Tractors	56	2	0	
Motorcycles	57	5	2	1 x Consumer; 1 x Research
Motor Vehicles	89	8	4	1 x Consumer; 1 x Research; 1 x Environment; 1 x Road Safety
Gas Appliances	52	1	0	
Forestry and Forest Industries	44	3	0	
Explosives	39	5	1	Research
Mission Evolution	27	6	1	Consumer Organisation
Fertilizers	55	1	1	Research
ICT Standardisation	55	6	1	Disabled People
Raw Materials Supply	62	46	5	4 x Research; 1 x Trade Unions
Eco Design	56	6	0	
Measuring Instruments	47	0	0	

As Table 1 shows, in most cases very few applications were made. Where applications were received but without a subsequent appointment, the Commission considered that the applicant 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 per cent representation from business to non-business interests.

DISCUSSION

At one level, the case examined above shows that a high-profile intervention by a 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 expert groups and addressing inaccurate and non-compliant 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'être* was to be 'the voice of industry and enterprise in European policy making' 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. This, coupled with the lack of resources in DGs themselves, creates a structural inability to police and scrutinise the large quantity of information produced by the EU. As a result, the aspiration of public scrutiny and correction set out in the Action Plan (European Commission 2016: 4) has not been achieved to date; a situation that seems likely to persist in the context of the ongoing tight fiscal constraints around resource allocation. In itself, with adequate resources, 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 strapline *We expose the power of corporate lobbying in the EU*, it is unsurprising that CEO's institutional oversight tends to focus on those directorates where corporate influence is most likely. Beyond this disproportionate focus on certain directorates, the publicity-maximising tactics by the monitoring groups facilitated by the EU's poor internal QA processes creates a transparency paradox: the information provided by the EU institutions can be weaponised by those accessing this information.

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 a forum 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 and to identify instances where information was missing from the register. 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. The expressed intention for citizens and businesses to correct and control their own information (European

Commission 2016: 4) seems naïve in view of the 'weaponisation' of information for the exclusive ends of campaigning groups. Instead of increasing trust in the EU, this weaponisation has allowed the EU to be subject to targeted and focused attacks, largely as a result of having pursued a policy of laissez-faire governance in relation to accuracy and completeness of information through the online registers.

CONCLUSION

This article has demonstrated that the EU's transparency processes are severely hampered by a lack of resources and internal quality checks allowing inaccurate or incomplete data to find its way into the public domain. This is likely to compromise any attempt to promote public trust, which relies upon the integrity, accuracy and veracity of information provision. It follows that any demonstration that information put out by the EU is unreliable, questionable or inconsistent will not lend credence to any bid for greater trust and integrity. The data provided through the transparency mechanisms are not routinely inspected for accuracy before publication, neither is a spot-check regime in place. Furthermore, citizens are not routinely engaging with EU information either to check or correct it in a way that seems to have been anticipated in the strategies and action plans published by the EU about e-information provision. The EU's desire to tell is not matched by the citizens' desire to listen, and certainly not by an eagerness to check for accuracy and compliance with complex regulations and guidelines. Moreover, the reliance on single individuals to generate and correct information within DGs leaves the institution vulnerable to both abuse and risk. By neglecting to apply standard regulatory management practice in information provision, the EU has abdicated responsibility for ensuring that the data it provides on the registers is accurate, instead leaving this function to the unreliable and unregulated checks and balances of public control. This shows a clear dislocation between the EU's stated wish to enhance public trust and its ability to provide accurate, complete - and therefore trustworthy - information. The article has shown that public checking and control of the information is chiefly conducted by proxy groups with a campaigning interest in publicising inconsistencies and irregularities. The article adds to the existing scholarship on transparency by identifying that placing information in the public domain needs careful management to avoid diminishing, rather than enhancing, public trust. As the case study shows, any transparency breach can be used by campaigning groups to create a transparency paradox. Here, the systems designed to enhance citizen confidence in the EU institutions are instead used by campaigning groups, with the information provided weaponised by these groups to erode public confidence and trust in the organisation.

The case study discussed in this article identifies two aspects to this transparency paradox. Firstly, whilst the case study 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. This leaves some directorates and policy areas virtually exempt from scrutiny and so there is little incentive to ensure the accuracy and completeness of the information placed in the public domain. This challenges the clear intention of the EU to provide good quality information that enhances public trust and EU transparency. Secondly, the delegation of responsibility for scrutiny to public control provides an opportunity for campaigning groups to identify and then amplify what might otherwise be considered fairly minor transgressions. In this way, the absence of an in-house QA 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 in general - and the European Ombudsman in particular - link transparency to the restoration of citizen confidence and trust, the provision of inaccurate and incomplete information 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 constitutes a material weakness in the

EU's transparency regime, and a salutary lesson to governments that reliance on public scrutiny of online information can be potentially damaging.

ACKNOWLEDGEMENTS

This work was supported by the Economic and Social Research Council [grant number ES/1026460/1].

AUTHOR DETAILS

Mark Field, University of Portsmouth

Sue Roberts, University of Portsmouth

Corresponding author: Mark Field, University of Portsmouth, Milldam Building, Burnaby Road, Portsmouth, PO1 4AS [mark.field@port.ac.uk].

REFERENCES

- Abrams, D., and G. Travaglino (2018). Immigration, political trust, and Brexit: Testing an aversion amplification hypothesis. *British Journal of Social Psychology*, 57(2): 310-326. <https://doi.org/10.1111/bjso.12233>
- ALTER-EU (Alliance for Lobbying Transparency and Ethics) (2017). *Complaint to European Ombudsman about Maladministration*. Online: http://www.alter-eu.org/sites/default/files/documents/complaint.egs_28.07.10.pdf [accessed 14 September 2018].
- ALTER-EU (Alliance for Lobbying Transparency and Ethics) (2019). *Founding Statement*. Online: http://www.alter-eu.org/sites/default/files/documents/Statement_English.pdf [accessed 14 July 2019].
- Ashkenas, R. (2011). 'Your Communications May Not Be Communicating'. *Harvard Business Review*, February 15, 2011. Online: https://hbr.org/2011/02/your-communications-may-not-be?referral=03759&cm_vc=rr_item_page.bottom [accessed 17 July 2019].
- Bach, T., F. De Francesco, M. Maggetti and E. Ruffing (2016). Transnational Bureaucratic Politics: An Institutional Rivalry Perspective on EU Network Governance. *Public Administration*, 94(1): 9-24. <https://doi.org/10.1111/padm.12252>
- Bannister, F, and R. Connolly (2012) Forward to the past? Lessons for the future of e-government from the story so far. *Information Polity*, 17(3): 211-226.
- Bauer, M. (2008). Organizational change, management reform and EU policy-making. *Journal of European Public Policy*, 15(5): 627-647. <https://doi.org/10.1080/13501760802133138>
- Carter, L and F. Belanger (2005). The utilization of e-government services: citizen trust, innovation and acceptance factors. *Information Systems*, 15(1): 5-25.
- CEO (Corporate Europe Observatory) (2019). *Who we are*. Online: <https://corporateeurope.org/en/who-we-are>. [accessed 1 May 2019].
- CEO (Corporate Europe Observatory) (2018). *Corporate Capture in Europe*. Online: <https://corporateeurope.org/en/power-lobbies/2018/09/corporate-capture-europe> [accessed 1 Nov 2018].
- Dahlberg, L. (2001). Computer-Mediated Communication and the Public Sphere: a Critical Analysis. *Journal of Computer-Mediated Communication*, 7(1): 18-34.
- ECCJ (European Coalition for Corporate Justice) (2019). *Publications and Activities*. Online: <https://corporatejustice.org/media-centre/eccj-publications> [accessed 19 September 2019].

- EPACA (European Public Affairs Consultancies Association) (2015). *About EPACA*. Online: <https://epaca.org/about-epaca/> [accessed 6 March 2015].
- Eurobarometer (2019). *Public Opinion in the European Union*. Online: <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2180> [accessed 1 March 2019].
- European Commission (2016) *EU eGovernment Action Plan 2016-2020*. Online: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0179&from=EN> [accessed 15 May 2019].
- European Council (2005). *EU: Manchester Ministerial Declaration 2005*. Online: <https://joinup.ec.europa.eu/collection/egovernment/document/eu-manchester-ministerial-declaration-2005> [accessed 29 May 2020].
- European Ombudsman (2017). *Restoring Citizens Trust in the European Project*. Online: <https://www.ombudsman.europa.eu/en/activities/speeches.faces> [accessed 25 August 2017].
- European Parliament (2008). *Guide to the obligations of officials and other servants of the European parliament. Code of Conduct*. Online: http://www.europarl.europa.eu/RegData/PDF/406411_EN.pdf [accessed 12 July 2018].
- Featherstone, K. and C. Radaelli (eds) (2003). *The Politics of Europeanisation*. Oxford: Oxford University Press.
- Field, M. (2019). How European Union policy actors use and assess the effectiveness of e-transparency. *Public Policy and Administration*, 34(1), 42-61. <https://doi.org/10.1177/0952076717725576>
- Field, M. (2013). The Anatomy of EU policy-making. *European Integration Online Papers*, 17(7). <https://doi.org/10.1695/2013007>
- Fung, A. (2015). Putting the public back into governance: the challenges of citizen participation and its future. *Public Administration Review*, 75(4): 513-522. <https://doi.org/10.1111/puar.12361>
- Gehrke, L. (2019). *EU citizens' verdict on Brussels: Good for peace but out of touch*. *Politico*. Online: <https://www.politico.eu/article/eu-approval-rating-survey-democracy-refugees-brexit/> [accessed 3 June 2019].
- Gornitzka, A. and U. Sverdrup (2008). Who Consults? The Configuration of Expert Groups in the European Commission. *West European Politics*, 31(4): 725-750. <https://doi.org/10.1080/01402380801905991>
- Greenwood J. and J. Dreger (2013). The Transparency Register: A European vanguard of strong lobby regulation? *Interest Groups and Advocacy*, 2: 139-162. <https://doi.org/10.1057/iga.2013.3>
- Grimsley, M. and A. Meehan (2007). e-Government information systems: Evaluation-led design for public value and client trust. *European Journal of Information Systems*, 16: 134-148.
- Hetherington, M.J. (1998). The Political Relevance of Political Trust. *The American Political Science Review*, 92(4): 791-808. <https://doi.org/10.2307/2586304>
- HM Government (1995). *Nolan Committee: the 7 Principles of Public Life*. Online: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2> [accessed 23 July 2018].
- Hood, C. (2006). 'Transparency in Historical Perspective'. In Christopher Hood and David Heald (eds), *Transparency: The key to better governance?* Oxford: Oxford University Press: 3-23.
- Hood, C. (1991). A Public Management for All Seasons? *Public Administration*, 69(1): 3-19.
- Irani, A., P. Love, T. Elliman, S. Jones and M. Themistocleous (2005). Evaluating e-Government: learning from the experiences of two UK local authorities. *Info Systems*, 15(1): 61-82.
- JTR (Joint Transparency Register) (2016). *Transparency and the EU*. Online: <http://ec.europa.eu/transparencyregister/public/homePage.do> [accessed 4 November 2016].
- Kassim, H. (2008). Mission impossible, but mission accomplished: the Kinnock reforms and the European Commission. *Journal of European Public Policy*, 15(5): 648-668. <https://doi.org/10.1080/13501760802133146>

- Keohane, R.O. and J. Nye (1998). Power and Interdependence in the Information Age. *Foreign Affairs*, 77(5): 81-90.
- Kim, P.H., K. Dirks, C. Cooper and D. Ferrin (2006). When more blame is better than less: The implications of internal vs. external attributions for the repair of trust after a competence- vs. integrity-based trust violation. *Organizational Behaviour and Human Decision Processes*, 99(1): 49-65. <https://doi.org/10.1016/j.obhdp.2005.07.002>.
- Kortelainen, J. and B. Koeppen (2018). The EU-Quarter as a political place: Investigating fluid assemblages in EU policy making. *European Urban and Regional Studies*, 25(1): 40-53. <https://doi.org/10.1177/0969776416677622>
- Metlay, D. (2013). 'Institutional Trust and Confidence: A Journey into a Conceptual Quagmire'. In G. Cvetkovich and R. E. Löfstedt (eds), *Social Trust and the Management of Risk*. Abingdon: Earthscan: 100-116.
- Moore, M.H. (1995). *Creating Public Value: Strategic Management in Government*. Cambridge, Mass., US: Harvard University Press.
- Pollitt, C. and G. Bouckaert (2011). *Public Management Reform: A Comparative Analysis – New Public Management, Governance, and the Neo-Weberian State*. Oxford: Oxford University Press.
- Rosenburg, M. (1956). Misanthropy and Political Ideology. *American Sociological Review*, 21(6): 690-695.
- Schafheitle, S., A. Weibel, N. Meidert and D. Leuffen (2019). The Road to Trust. A Vignette Study on the Determinants of Citizens' Trust in the European Commission. *Journal of Common Market Studies*, 58(2): 1-20. <https://doi.org/10.1111/jcms.12901>
- Shapiro, A. L. (1999). *The Control Revolution: How the Internet is Putting Individuals in Charge and Changing the World*. Reading, Mass.: Perseus Books.
- Stvilia, B. (2008). Information Quality Work Organisation in Wikipedia. *Journal of the American Society for Information Science and Technology*, 59(6): 983-1001.
- Tan, C.W. I., Benbasat, and R. Cenfetelli (2008). *Building Citizen Trust towards e-Government Services: Do High Quality Websites Matter?* (Proceedings of the 41st Hawaii International Conference on System Sciences). Online: <https://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=4438921> [accessed 2 August 2018].
- TI-EU (Transparency International Europe) (2016). *European Office Organisation*. Online: <https://transparency.eu/about/> [accessed 21 September 2016].
- TNI (Transnational Institute for Policy Studies) (2015). *Mission and Vision of the Transnational Institute*. Online: <http://www.tni.org/page/mission-and-vision-transnational-institute> [accessed 6 March 2015].
- Tolbert, C. and K. Mossberger (2006). *The Effects of E-Government on Trust and Confidence in Government*. *Public Administration Review*, 66(3): 354-369. <https://doi.org/10.1111/j.1540-6210.2006.00594.x>
- Trondal, J. (2012). On bureaucratic centre formation in government institutions: lessons from the European Commission. *International Review of Administrative Sciences*, 78(3): 425-446. <https://doi.org/10.1177/0020852312445021>
- Van der Meer, T. (2017). Political Trust and the "Crisis of Democracy". *Oxford Research Encyclopedia, Politics*. <https://doi.org/10.1093/acrefore/9780190228637.013.77>
- Van Thiel, S. and F. Leeuw (2002). The Performance Paradox in the Public Sector. *Public Performance and Management Review*, 25(3): 267-281. <https://doi.org/10.1080/15309576.2002.11643661>