The influence of industry “expertise” on EU health decisions

How has industry infiltrated advisory bodies concerned with health issues in the EU? That was the core question of a seminar on Health: questioning expertise, deficient evaluation & conflicts of interest for drugs, GMOs, pesticides and chemicals that took place in the European Parliament in early March[1]. Organised by three MEPs (Corinne Lepage, Frédérique Ries and Fiona Hall) it revealed how questionable industry ‘expertise’ can influence decisions at the EU level through a variety of means.

Damage done by corporate influence
Experts working for industry tend to approach data in a different way from scientists working independently, David Gee from the European Environment Agency explained. The result can be very different outcomes or conclusions.

Funding sources can also create a bias, according to Elena Pasca from the Fondation Sciences Citoyennes, who highlighted the example of medical journals funded exclusively by the pharmaceuticals industry[2].

Bad science, biased results or one-sided interpretations can lead to bad decisions, the seminar heard. The French molecular biologist Gilles-Eric Séralini pointed to the “scandalous” failings in the approval system for genetically modified organisms (GMOs), which had been released in to the wider environment, following decisions made by the European Food Safety Authority (EFSA)

“We have shown there were real problems in the assessments of commercialised GMOs because they are not really scientifically based”, Séralini said.

Monsanto’s GM maize, MON 863, for example, had been approved in the European Union on the basis of a flawed study based on very small number of rats having eaten the GM maize and only for a very short period in time, he explained. His evaluation of the study found that the experiment had been far too limited to provide any meaningful conclusions about the safety of the maize.

Séralini, accused EFSA of deliberately turning a blind eye to the evidence.

“We need transparency around the tests done on the animals fed with the GMO or pesticides in order to know the facts,” he said [3].

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1 http://www.alde.eu/en/details/news/seminar-health-questioning-expertise-deficient-evaluation-conflicts-of-interest/

2 Marcia Angell: ‘Industry-Sponsored Clinical Research. A Broken System’. JAMA. 2008;300(9):1096-1071

3 Seralini in ALDE interview, http://www.alde.eu/en/details/news/seminar-health-questioning-expertise-deficient-evaluation-conflicts-of-interest/

EuropaBio representative Filip Cnudde complained that GMOs were being treated more critically than organic agriculture. He claimed that "all GM products that were approved are safe" and that the EU approval procedure for GMOs was science-based and "the most rigorous in the world".

In France, a battle is also being waged against the herbicide, Roundup, which is another Monsanto product. Francois Veillerette of the Movement for the Rights and Respect for Future Generations (MDRGF) explained that the approval procedure for Roundup had not taken into account the impacts of the active substance POEA (polyoxyethylene amine), which is believed to acutely toxic. Two French laboratories have found POEA in Roundup formulations, but Monsanto, backed up by the French Ministry of Agriculture, says it is not an ingredient in Roundup[4].

Expert groups and Technology Platforms

The problem of industry-influence over expert bodies advising the EU is also built into the structure of decision making with the EU, as Nina Holland (Corporate Europe Observatory) highlighted. Expert groups and Technology Platforms set up by the Commission, give industry direct influence over policy decisions.

Around 1,000 expert groups give advice to the European Commission in the early stages of EU decision making. According to ALTER-EU's estimations, these advisory groups have around 35,000 members of which around 7,000 come from industry. Expert groups are listed, and in 2009 the Commission finally provided membership information.

DG Internal Market (especially on financial regulation issues) and DG Enterprise and Industry have the most corporate dominated expert groups. Research by ALTER-EU has found that the Commission has overall more than 100 corporate expert groups where industry members dominate[5]. In around 40 cases, industry even outnumbered other non-government *and* government members together.

DG SANCO has relatively less corporate-dominated expert groups, but also has stricter guidelines. According to the Commission's consumer policy department DG SANCO: "Someone who […] works for an organisation with a 'vested interest' on a particular policy issue […] should simply not be appointed" [as an adviser].[6] But DG SANCO does not respect its own guidelines, as it has four expert groups with unbalanced composition in favour of industry. Another case we think should be covered by those guidelines is the one where then Consumer Commissioner Kuneva appointed former EP President Pat Cox, who now lobbies for Microsoft, Pfizer and lobbying consultancy APCO, as her 'special adviser' on consumer affairs in 2006. A complaint to the Ombudsman has been filed on this case[7]. The newly appointed European Commissioners are in the process of appointing Special advisers.

Corporate dominated expert groups on health issues
1. Advisory Group on the Food Chain and Animal and Plant Health (25 of 36 represent

[4] Presentation of MDRGF at ALDE seminar, 4 March 2010

[5] We consider imbalanced every groups that more than half of its non-government members of an expert group comes from a single interest category, in this case industry.

[6] MANAGING CONFLICT OF INTEREST IN SANCO - http://neuropathology/dgs/health_consumer/sdg/docs/conflict_interest_SANCO.pdf

[7] http://www.corporateeurope.org/lobbycracy/content/2010/02/complaint-ombudsman-re-pat-cox

big business)
2. Animal health and animal welfare (8 of 12 represents big business)
3. European Alcohol and Health Forum (15 of 25 represents big business)
4. Export - import of certain dangerous chemicals (governments plus 6 companies and only two public interest)

High Level Groups (HLGs) are expert groups which include company chief executives and Commissioners among their members. In 2006, the chairs of the political groups in the European Parliament decided that MEP's should not participate in HLGs because of their strong industry bias. There are several expert groups dealing with health-related issues, such as "HLG on Competitiveness of the Agro-food industry" (with 16 industry members out of 19 non-government members), and the "High Level Pharmaceutical Forum".

These High Level groups were set up by DG Enterprise and Industry and consequently SANCO's guidelines do not apply on them. Nevertheless, they deal with issues very much linked with public health and special safeguards against corporate capture should be taken.

How industry got to provide 'expertise' on the impact of pesticides on bees

The example of the EU's pesticides risk assessment shows how industry experts ended up providing the Commission with biased policy advice.

The European Beekeeping Coordination has been long concerned that the current pesticide risk assessment for bees only takes into account the impact of direct spraying with insecticides (acute toxic impact) and not the impact of slow, systemic exposure through applying insecticides to the seed coatings, which is taken up by the plants and reaches the bees when they feed on the plant flower's nectar and pollen.

As there was no bee expert in the Commission or in EFSA, DG SANCO approached the International Commission for Plant-Bee Relations (ICPBR), an academic institution. It set up three working groups. Out of the 17 working group members, six were from industry (some were in two working groups), including representatives from BASF, Syngenta, Bayer CropScience and Dow Chemicals.

Their input was dramatic. The draft proposals delivered to the Commission claimed that a pesticide can be considered "low risk" if less than 30 per cent of bee larvae die after exposure . Crucially, these 'experts' did not think it was necessary to assess the systemic exposure through nectar and pollen…

Conflicting interests within the EU's expert agencies?

Expert agencies like EFSA and EMEA (the European Medicines Agency) play a key role in advising the Commission whether food stuffs, pesticides, GMOs and medicines are safe enough for the EU market.

Several cases of conflicts of interest in EFSA's Panels have been identified. Recently, former head of the GMO Panel Suzy Renckens, moved to Syngenta, taking with her knowledge about competitor companies and contacts with the EFSA staff.

EMEA, the agency advising on market authorisation for medicines, has two corporate-funded patients' organisations on its Management Board. While its permanent experts appear to come from public institutions, little information is available about their backgrounds. EMEA also consults ad hoc experts who are not identified.The magazine Prescrire found that in one case, drug manufacturer Roche asked EMEA to review its decision after one of its drugs was refused a licence. The decision was then overturned. Prescrire investigated and eventually identified the ad hoc experts consulted in the review. Three of the four individuals were linked to Roche…

Prescrire also encountered great difficulties in obtaining documents from EMEA that give crucial information about the impacts of medicines on patients. For example, in the case of the failing drug against obesity Rimonabant (now withdrawn), a report by a Swedish agency was nearly entirely censored, including the date of the report! (see picture).

European Technology Platforms

The European Commission has set up and partially funds no less than 36 industry dominated 'Technology Platforms'. Their mission is to improve European industry's competitiveness by advising on research priorities and funding. This privileged access that is given to big industry on advising on the research budget planning results in large amounts of public funding ending up in the hands of industry. This results in public funding being spent on research into technologies which are seen as beneficial for companies, but which could, for example, have possible health impacts. These funds could also be spent on other things.

Examples of Technology Platforms include:
•ETP for Sustainable Chemistry (SusChem) (board: 16 total, 10 industry)
•Sustainable Nuclear Energy Technology Platform (board: 24 total, 14 industry)
•Plants for the Future (members: 14 total, 10 industry)
•European Biofuels Technology Platform (125 WG members, 1 NGO active)
•ETP for Water (WssTP): dropped Millennium Development Goals
•Zero Emissions Platform (promoting CCS; board 40 total, 28 industry)

Corporate Europe Observatory filed a complaint in April 2008 with the European Ombudsman against the European Biofuels Technology Platform and has called for it to be disbanded.

Discussions on the new framework program for EU research funding (FP8) are due to start soon. Nina Holland from CEO told the seminar that it was crucial that civil society organisations were ready to demand an end to the role of these industry-dominated Technology Platforms.

Call for Action

As Fondation Citoyenne concluded, transparency is not enough to resolve problems of conflicts of interest. One proposal put forward was that expert opinions should be published before a decision is made. Lepage stressed that public funding should be used in the public interest, to safeguard health and environment, not for commercial interests such as the development of new products. Both the Commission and EFSA had declined the invitation to attend.

Corporate Europe Observatory, April 2010