

MEPs call for transparency and information over the independence of the Commission's Regulatory Scrutiny Board

MEPs Lara Wolters, Heidi Hautala, Manon Aubry and Pascal Durand have today, 15th December 2021, sent an access to document request to the Commission, requesting access to the 2 opinions of the Commission's internal quality control body, the Regulatory Scrutiny Board (RSB) and communication between interest groups and the RSB on the Commission's Sustainable Corporate Governance initiative.

A specific industry stakeholder, Dansk Industri has publicly stated that it has conducted advocacy towards the RSB, and this advocacy work has borne fruit with a preferable outcome for the particular stakeholder, by delaying the legislation. This is a shocking revelation which calls into question the Regulatory Scrutiny Board's integrity and independence.

The Commission's Regulatory Scrutiny Board's task is to carry out an independent and objective quality check of the Commission's impact assessments. However, now it seems that the body has engaged in political decision-making. The RSB issued its first negative opinion on the SCG initiative in the summer of 2021. The recently revealed information also calls into question this first opinion and its impartiality, and the possible neglect of the principles of objectivity and independence of the RSB's work.

The Chair of the RSB, Ms Veronica Gaffey has not disclosed any (e-)meetings on the Sustainable Corporate Governance initiative in the course of 2021. In 2020 there is a single meeting disclosed on the Sustainable Corporate Governance Impact Assessment held between Ms Gaffey and the French Association of Large Companies (AFEP). We call on the Chair of the RSB to immediately provide an explanation on the fact that only one meeting, unrelated to the SCG initiative, and no SCG related meetings have been disclosed in the chair's transparency calendar, nor those of other members of the RSB, for the past 12 months.

A public disclosure of the RSB opinions serve public interest. It would help to resolve doubts about the integrity, objectivity, and transparency of the RSB's decision making, and is necessary in order for all stakeholders to have equal access to the relevant documents, and to ensure a balanced discussion on the legislative process that was initiated by the European Parliament in March 2021, with its Legislative Own Initiative Report on Corporate Due Diligence and Corporate Accountability. Public disclosure ensures that the co-legislators are duly informed, assuring that the decision-making process is balanced and transparent. Finally, it positions stakeholders on an equal footing ensuring no stakeholder is enjoying privileged access to information.