

Commission seeks common approach on the future governance of European Agencies

The European Commission today called for a new approach to looking at the role and governance of European agencies. In recent years, using agencies to implement key tasks has become an established part of the way the European Union does its business. The communication calls on the European Parliament and the Council to give a new momentum to the need to develop a clear and coherent vision on the place of agencies in European governance. The Commission calls for the establishment of an inter-institutional working group to allow the key issues facing agencies to be set out as ground rules to apply to all.

The President of the European Commission José Manuel Barroso stated: "The time has come to re-launch a debate on the role of agencies and the service they provide to the EU. European agencies have proved their worth – but the outstanding governance issues need to be addressed by our three institutions together. With a consistent political approach to agencies we can promote the transparency and effectiveness of an important part of EU's architecture."

To agree on conditions for the creation, operation and control of agencies, the Commission proposed in 2005 an inter-institutional agreement for a framework on European regulatory agencies. Despite general support from the European Parliament, negotiations on this draft agreement unfortunately stalled in the Council. However, the issues which the inter-institutional agreement sought to address remain.

As the proposed inter-institutional agreement has not been able to make progress, the Commission intends to withdraw its proposal and to replace it by an invitation to an inter-institutional discussion which should lead to a common approach. An inter-institutional working group would allow the key issues facing agencies to be set out as ground rules to apply to all. At the same time, the Commission intends to:

- Undertake a horizontal evaluation of regulatory agencies, to report by the end of 2009;
- Refrain from proposing new regulatory agencies until the work of the evaluation is complete;
- Undertake a review of the Commission's own internal systems governing its relations with agencies, as well as the methodology for conducting impact assessment of agencies.
- The effective delivery of services by agencies can make a real contribution to the implementation of EU policy. The Commission believes that the three institutions should agree to work together to develop a clear and coherent vision for the future place of agencies in the Union's governance.

Background

There are two broad types of agency - regulatory and executive - each with different characteristics and raising different issues. "Regulatory" or "traditional" agencies have a variety of specific roles, set out in their own legal basis, case-by-case. They are independent bodies, with their own legal personality. Most are funded by the EU budget - as well as, in some cases, by the direct receipt of fees or payments. There are no general rules governing the creation and operation of these agencies. On the contrary, executive agencies are set up under a Council regulation adopted in 2002 with the much more narrowly defined task of helping to manage Community programmes. They are under full responsibility of the Commission.

European regulatory agencies have been set up in successive waves in order to meet specific needs on a case-by-case basis. They are typified by their diversity. These agencies have been set up in an uncoordinated manner, without a common framework. The Commission believes that these agencies can bring real added value to the Union's governance structures. Their work is particularly relevant in field of shared competences, when the implementation of new policies at Community level needs to be accompanied by close cooperation between the Member States and the EU. At present, however, this potential is being held back by the lack of a common vision about the role and functions of regulatory agencies.