Report on a strategy for the future settlement of the institutional aspects of regulatory agencies

2008/2103(INI) - 21/10/2008 - Text adopted by Parliament, single reading

The European Parliament adopted by 619 votes to 25 with 40 abstentions, a resolution on a strategy for the future settlement of the institutional aspects of Regulatory Agencies.

The own-initiative report had been tabled for consideration in plenary by Georgios **PAPASTAMKOS** (EPP-ED, EL) on behalf of the Committee on Constitutional Affairs.

The resolution notes that the efforts of the Parliament and the Commission to establish a legally binding framework for the operation of the European regulatory agencies have proved fruitless. It also stresses that the draft interinstitutional agreement of 2005 has made no substantial progress owing to the Council's institutional and political opposition, and that the Commission decided to withdraw the proposal for an interinstitutional agreement and to replace it with an invitation to take part in an interinstitutional dialogue, which will result in a common approach. The Commission proposes the setting-up of an interinstitutional working group to draw up a common framework for the regulatory agencies and to define the competence of each of the institutions of the European Union vis-à-vis those agencies.

MEPs consider that the Commission's proposal is a commendable initiative but they also consider that the **'common approach' falls short of its expectations of achieving an interinstitutional agreement**.

Regretting the absence of a general strategy for the creation of EU agencies, the resolution invites the Council and the Commission to work jointly with Parliament to produce a clear, common and coherent framework for the future position of the agencies in the scheme of EU governance. MEPs believe that the priority of the 'common framework' for interinstitutional understanding should be to rationalise the operation and maximise the added value of the regulatory agencies by creating greater transparency, visible democratic control and improved efficiency.

The resolution stresses the need to establish **parliamentary control** over the formation and operation of regulatory agencies, which should consist principally in: (i) submission to Parliament of the annual report by the agencies themselves; (ii) possibly inviting the director of each agency to appear before the competent parliamentary committee during the appointment process; (iii) Parliament granting discharge for the execution of the budgets of those agencies which receive Community funding.

The Council and the Commission are called upon to draw up jointly with Parliament the work programme for the interinstitutional working group, as soon as possible, so that it can begin its work in **autumn 2008**. In their opinion, Parliament should be represented in that group by the chairs or rapporteurs of the Committee on Constitutional Affairs, the Committee on Budgets and two other committees with practical experience of oversight of the work of regulatory agencies.

Parliament considers that the work programme of the interinstitutional working group should, inter alia, encompass the following points:

- a statement of the areas on which the horizontal evaluation to be carried out by the Commission by the end of 2009 is to focus;
- the setting of objective criteria for assessing the need for the agencies, taking into account possible alternative solutions;

- an assessment, regularly and in a coordinated and coherent manner, of the work and the performance of the agencies, including an external assessment, in particular by means of cost-benefit analyses;
- an evaluation of whether the agency option is more cost-effective than having the relevant tasks performed by the Commission departments themselves;
- an assessment of possible benefits lost through having certain activities performed by the regulatory agencies instead of by the Commission's departments;
- the taking of measures to increase the transparency of the agencies;
- the setting of boundaries in relation to the independence and supervision of the agencies;
- the appointment of representatives to the supervisory bodies for the agencies from the Council and the Commission and the interviewing of candidates by the competent parliamentary committee;
- the appointment of the executive bodies of the agencies, in particular their director, and defining the role of Parliament in this respect;
- the need for a standard approach among the agencies with regard to the presentation of their activities during the financial year in question, and of their accounts and reports on budgetary and financial management;
- a standard requirement for directors of all agencies to draw up and sign a declaration of assurance, including reservations where necessary.