European governance: operating framework for the European regulatory agencies

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The committee adopted the own-initiative report drawn up by Teresa ALMEIDA GARRETT (EPP-ED, P) in response to the Commission communication. It called on the Commission to define the framework conditions for the use of regulatory agencies by adopting a framework regulation, as it had done for 'executive agencies', which should be preceded by an interinstitutional agreement spelling out common guidelines. MEPs stressed that the creation of such agencies, in contrast to 'executive' agencies, required a legislative act and should be confined to the codecision procedure, with use of the procedure under Article 308 of the EC Treaty being reserved for strictly exceptional cases. They added that decisions on the location of any future regulatory agencies should form an integral and vital part of the basic instruments establishing them and that the seats of the agencies should be near those of the authorities which are to supervise them. The report also stressed that the Financial Regulation and the Staff Regulations should apply to the regulatory agencies and proposed that use be made of sunset clauses whenever the continuity of an agency's tasks was not guaranteed. The Commission was urged, before submitting a legislative proposal to set up regulatory agencies, to submit an assessment of the budgetary implications and the viability of such agencies in comparison with centralised and similar activities, and to make specific proposals for restructuring administrative and staff resources with a view to avoiding additional operational costs. The committee said that the task of selecting and appointing the executive body of an agency, generally the director, should be left to the Commission, which bears "ultimate political responsibility" for the management of Community activities. The candidate chosen by the Commission should be invited to make a statement before the competent parliamentary committee and reply to questions by MEPs. On the committee's recommendation, Parliament should deliver an opinion on the proposed candidate. This 'ex-ante' political scrutiny by Parliament would be the natural complement to the 'ex-post' political scrutiny in the form of the discharge for the implementation of the budget. In addition to such political scrutiny, MEPs wanted the legality of the agency's acts to be easily scrutinised, and recommended that this be dealt with "clearly and comprehensibly" by the inclusion of specific clauses in the instrument establishing a regulatory agency. Lastly, the report said that the Commission should conduct a review of all the existing agencies with a view to proposing possible amendments to their basic instruments so as to adapt them to the models to be defined for the future regulatory framework.