

European Commission, administrative reform: management of Community programmes, statute of executive agencies

2000/0337(CNS) - 28/12/2001 - Modified legislative proposal

The Commission welcomed the changes proposed by the European Parliament and Court of Auditors noting that, by and large, they were in line with the Commission's own thinking. Nevertheless, a number of differences remain outstanding and in certain critical areas the Commission has been unable or unwilling to accept some Parliamentary amendments. Firstly, the Commission rejects Parliamentary attempts to place more restrictions, in terms of specialisation and duration, on the tasks likely to be entrusted to the agencies. Similarly, it rejects attempts to change the wording for the setting-up and winding-up of agencies. On the other hand, amendments to the conditions for setting up of an agency as regards the preparation of decisions to externalise tasks to an executive agency, have been accepted and incorporated into the revised text. Also accepted are changes to the recruitment and liability of staff as well as the location of these agencies. In terms of budgetary and financial arrangements the Commission has agreed to accept and incorporate requests that a specific statement be included in the work programme of the executive committee and that this then complies with budgetary decisions. Similarly, the establishment of a clearer definition as regards responsibility for the establishment of the budget have been found to be acceptable. On the matter of "administrative appropriations", the Commission has opted not to follow the Court of Auditors line where by an agency managing the operational appropriations that continue be entered in the general budget of the Commission, be appointed. Following a similar vein the Commission has decided to reject Parliament's request that discharge be given in respect of the administrative budgets of agencies when giving discharge in respect of the general budget. Also rejected are Parliamentary attempts to make the adoption of the agencies' financial regulation subject to consultation of both the Parliament and Council. Concerning the thorny issue of liability, the Commission states that it cannot accept the suggestion that it be declared liable in law for the acts of agencies. These agencies, the Commission argues, have their own legal personality for which the Commission expresses no desire to be liable for. The Commission does accept however that the procedures for monitoring the regularity of acts provide that the Commission may, of its own volition, review the acts of an agency and where necessary annul them. Decisions may subsequently be appealed to the Court of Justice. Finally, in terms of evaluation, the Commission has agreed with Parliamentary and Court requests that the agencies be evaluated every three years.