Resolution on the draft interinstitutional agreement presented by the Commission on the operating framework for the European regulatory agencies

2005/2641(RSP) - 01/12/2005 - Text adopted by Parliament, topical subjects

In this resolution adopted at Plenary, the European Parliament welcomes the presentation of the draft text by the Commission. However, it regrets the fact that the Council is not prepared to begin negotiations with a view to concluding an agreement on the basis of the Commission's draft text. It calls on the Commission to continue its efforts to prevail upon the Council to change its mind.

Parliament point out that, when examining future proposals for setting up agencies, it will take the following principles, in particular, as a basis:

- the setting up of an agency should come under the normal legislative procedure, i.e., as a rule, the codecision procedure, and recourse to the procedure under Article 308 of the Treaty should be confined to exceptional cases where the Treaty provisions relating to the subject in issue do not constitute an adequate legal basis;

- any proposal for setting up an agency should be accompanied by a cost-benefit assessment and by a thorough impact assessment showing that the agency option is more cost-effective than having the relevant tasks performed by the Commission departments themselves;

- the way in which the role of the Commission in selecting and appointing the executive body, generally the director, is fulfilled must reflect this requirement for political responsibility and accountability;

- Parliament should exercise 'ex-ante scrutiny' in the form of hearings of the candidate(s) for the office of director, 'ex-post scrutiny' in the form of the discharge for the implementation of the budget and ongoing scrutiny through monitoring of the agency's activities by its specialised committees; a decision to extend the term of office of a director should be taken solely by the board of directors, on the basis of an evaluation of the director's first term of office;

- the Council should nominate to the supervisory body, the board of directors, representatives with acknowledged expertise, whom the Parliament may invite to a hearing prior to their appointment, if it deems it appropriate; the number of such representatives should be in reasonable proportion to the tasks and importance of the agency, with the aim in the longer term of reducing the size of the board of directors for reasons of efficiency; as long as the number of representatives on the board of directors corresponds to the number of Member States, Parliament, for its part, should designate two members of the board of directors;

- an administrative appeal against an agency's acts which have legal effect vis-à-vis third parties may be lodged with the Commission, which may remedy them; the Commission's decision may be challenged before the courts;

Lastly, Parliament calls, unlike the draft text, for the interinstitutional agreement gradually to be applied to existing agencies. The Conference of Committee Chairmen is called upon to review cooperation between the standing committees with responsibility for agencies, the Committee on Budgets and the Committee

on Budgetary Control in monitoring agencies' activities, and to update the 'guidelines' adopted in July 1998.