Basic information

2003/2089(INI) INI - Own-initiative procedure	Procedure completed
European governance: operating framework for the European regulatory agencies **Subject** 8 State and evolution of the Union 8.10 Revision of the Treaties, intergovernmental conferences	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFCO Constitutional Affairs	ALMEIDA GARRETT Teresa (PPE-DE)	23/04/2003

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	KUCKELKORN Wilfried (PSE)	17/06/2003
JURI Legal Affairs and Internal Market	MEDINA ORTEGA Manuel (PSE)	07/07/2003

European Commission

Commission DG	Commissioner
Secretariat-General	

Key events

Date	Event	Reference	Summary
01/12/2002	Non-legislative basic document published	COM(2002)0718	Summary
15/05/2003	Committee referral announced in Parliament		
01/12/2003	Vote in committee		Summary
01/12/2003	Committee report tabled for plenary	A5-0471/2003	
13/01/2004	Decision by Parliament	T5-0015/2004	Summary
13/01/2004	Debate in Parliament		
13/01/2004	End of procedure in Parliament		

Technical information	
Procedure reference	2003/2089(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/5/19531

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0471/2003	01/12/2003	
Text adopted by Parliament, single reading		T5-0015/2004 OJ C 092 16.04.2004, p. 0021-0119 E	13/01/2004	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2002)0718	01/12/2002	Summary

European governance: operating framework for the European regulatory agencies

2003/2089(INI) - 13/01/2004 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Teresa ALMEIDA GARRETT (EPP-ED, P) on the operating framework for the European Regulatory Agencies. (Please see the document of 01/12/03). Parliament stressed that the choice in favour of creating an agency must be justified in each case on the basis of an external cost-benefit assessment, taking account of the nature of the tasks to be allocated, the need for non-statutory specialised staff and the desired degree of decision-making autonomy. The structure of future agencies may be differentiated in line with the degree of communitarisation in a specific area. The aim must be establish clear chains of responsibility whilst guaranteeing that the agency enjoys the necessary autonomy and credibility. With regard to external scrutiny of the agencies, this must comprise the following elements: - judicial supervision; - financial and budgetary control exercised jointly by Parliament, the Council and the Court of Auditors when the budget is drawn up and adopted and during the discharge procedure; - political scrutiny exercised primarily by Parliament, in particular through informal monitoring of the agency's work by the specialised parliamentary committees, scrutiny by the European Ombudsman in order to ascertain that administration is in accordance with sound management principles, and supervision by the agency's 'users' and the general public.

European governance: operating framework for the European regulatory agencies

2003/2089(INI) - 01/12/2002 - Non-legislative basic document

PURPOSE : to present a communication from the Commission concerning the operating framework for the European Regulatory Agencies. CONTENT : within the EU's legal system, there are various decentralised organisations which can be grouped together under the general umbrella of European

agencies. These include 15 agencies created under the EC Treaty, one under the Euratom Treaty and four under the second and third pillars of the European Union. The creation of regulatory agencies in clearly defined areas of competence could help improve the way rules are applied and enforced across the EU. In the perspective of a growing role for regulatory agencies, the framework proposes detailed criteria concerning the creation of regulatory agencies, their functioning and control mechanisms. The aim is to enhance implementation and enforcement of Community rules while emphasising the unity and integrity of the executive function at the Community level. These agencies have certain formal characteristics in common: they were created by regulation in order to perform tasks clearly specified in their constituent Acts, all have legal personality and all have a certain degree of organisational and financial autonomy. However, their differences - in terms of internal structure, their relations with the institutions, responsibilities and powers - far outweigh their similarities. These differences arise from the fact that the agencies were created at different points in the past to meet specific requirements identified at the time. In other words, there is no single model for a European agency; there are several. In view of these great differences, some specialists have suggested that existing agencies be classified by various criteria, such as the institutional and legislative frame of reference, the tasks they have been delegated and the executive powers they have been given, etc. Each classification envisaged is made up of several categories of agencies. More pragmatic discussions conducted by the Commission have identified the profiles of two types of agencies: - Executive : Executive agencies are responsible for purely managerial tasks, i.e. assisting the Commission in implementing the Community's financial support programmes and are subject to strict supervision by it. The Commission has presented a proposal for a regulation to establish their general status in order to make it easier to set up an agency of this type whenever it is deemed to be suitable for implementing a specific programme. This proposal for a framework regulation is already at an advanced stage of examination by the Council after having elicited a favourable opinion from the European Parliament. - Regulatory ones : by contrast, regulatory agencies are required to be actively involved in the executive function by enacting instruments which help to regulate a specific sector. The majority of them are intended to make such regulation more consistent and effective by combining and networking at Community level activities which are initially a matter for the Member States. They are examined in detail in the White Paper on European Governance. The White Paper on European Governance proposes setting out aframework of conditions for the use of agencies, focusing on the regulatory agencies under the EC Treaty. There are many factors in favour of this proposal. Firstly, it is not possible to draw up a single framework covering all the prospective agencies, in view of the major differences between them. Nor is there any point in devising several different frameworks for the various categories of agencies. It is best therefore to concentrate on the above two types of agencies which are likely to play an important part at Community level in the immediate future in coping with the shortcomings the system is known to have. As mentioned above, a proposal for a regulation has accordingly been presented for the executive agencies but nothing of this nature is in the pipeline for the regulatory agencies as yet. Secondly, the conditions for the creation, operation and supervision of the regulatory agencies need to be more coherent and transparent than they are at present. At the moment, even within this fairly restricted category, there are differences in the internal structures, such as the composition and method of appointing the governing bodies; in their relations with the institutions, for example the role played by the Commission; and, especially, in their responsibilities and powers. Thirdly, criteria should be defined once and for all which guarantee greater effectiveness of the agencies' activities while ensuring that the agencies themselves fit in fully with the general scheme of the Treaty and its fundamental principles. In other words, an appropriate framework will make for a coherent approach to creating future regulatory agencies, by providing for an internal organisation which is up to the tasks the agency will be called upon to perform. It will also facilitate the decision-making process involved in the creation of each individual agency, by guaranteeing that its sound organisation and operation are not prejudiced by tactical considerations connected with particular sectors or interests. And, finally, use of agencies as an executive instrument will be governed by greater transparency vis-à-vis Europe's citizens. The Commission must ensure that the unity and integrity of the executive function at Community level is safeguarded.