Agencies' internal bodies coordinating relations with national authorities

1) State of play *de jure and in practice*

Sixteen agencies' constituent acts establish networks comprising various actors from participating Member States.\(^1\)

The founding regulation of CFCA includes a provision on the establishment of the information network consisting of the Commission, the agency and the competent authorities of the Member States, in order to exchange relevant information available regarding joint control and inspection activities within Community and international waters.

CPVO may entrust national agencies of Member States with the exercise of specific administrative functions of the agency, or establish its own sub-offices for that purpose in the Member States, subject to their consent.

EASA's founding regulation foresees that the Commission, the agency, and the national aviation authorities shall exchange any information available to them in the context of the application of the founding regulation and its implementing rules. Entities entrusted with the investigation of civil aviation accidents and incidents, or with the analysis of occurrences, are entitled to access to that information.

EASO national contact points are responsible for communication with the agency on all matters pertaining to the asylum support teams.

The founding regulation of ECDC tasks the agency to support and coordinate the European networking of bodies operating in the fields falling within the agency's mission, including networks arising from public health activities supported by the Commission and operating the dedicated surveillance networks.

Within ECHA operates a Forum for Exchange of Information on Enforcement which is tasked to coordinate a network of Member States authorities responsible for enforcement of the agency's founding regulation.

Concerning EEA, the European environment information and observation network (Eionet) is not an internal body of the agency, but rather a partnership network of the EEA and its member and cooperating countries involving approximately 900 experts and more than 300 national institutions. The network supports the collection and organisation of data and the development and dissemination of information concerning Europe’s environment.

The founding regulation of EFSA foresees an Advisory Forum, which advises the agency's Executive Director on drawing up a proposal for the agency's work programme, on the prioritisation of requests for scientific opinions, on a mechanism of exchange of information, and on a networking system and avoidance of duplication of work programmes. The founding regulation also tasks the agency to coordinate the European networking of bodies operating in the fields within the agency's mission.

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\(^1\) CFCA, CPVO, EASA, EASO, ECDC, ECHA, EEA, EFSA, EIGE, EMCDDA, ERA, EU-OSHA, FRONTEX, CEPOL, EUROJUST
The Experts’ Forum of EIGE supports the Director in ensuring the excellence and independence of activities of the Institute. The Experts’ Forum constitutes a mechanism for an exchange of information in relation to gender equality issues and the pooling of knowledge. It ensures close cooperation between the Institute and competent bodies in the Member States.

The founding regulation of the EMCDDA establishes the European Information Network on Drugs and Drug Addiction (Reitox), consisting of focal points in the Member States and in each country which has concluded an agreement with EMCDDA, and a focal point for the Commission. They contribute, *inter alia*, to the establishment of key indicators and data, including guidelines for their implementation with a view to obtaining reliable and comparable information at European Union level. Bringing together experiences from different sectors, in cooperation with experts and national organisations active in the field of drugs policy, they collect and analyse all relevant information on drugs and drug addiction, as well as on policies and solutions applied.

The ERA’s founding regulation stipulates that the agency shall establish a network with the national authorities responsible for safety and with the national authorities responsible for the accident and incident investigations. These networks facilitate the cooperation between these national authorities and allow active exchanges of experience for the purpose of harmonizing national authorities’ decision making criteria across the Community. The ERA’s founding regulation also stipulates that representatives of national safety authorities shall be appointed within ERA’s working parties established to support ERA’s developments.

The founding regulation of the EU-OSHA sets up a network comprising: (1) the main component elements of the national information networks, including the national social partners’ organisations, according to national legislation and/or practice, (2) the national focal points as well as (3) any future topic centres². Member States regularly inform the agency of the main components of their national health and safety at work information networks, including any institution which in their judgement could contribute to the work of the agency, taking into account the need to ensure the fullest possible coverage of their territory. The competent national authorities or a national institution designated by them as a national focal point shall coordinate and/or transmit the information to be supplied at national level to the agency, in the framework of an agreement between each focal point and the agency on the basis of the work programme adopted by the agency.

The Central FRONTEX Point of Contact (CFoPOC) is responsible for communication with the National FRONTEX Points of Contact (NFoPOC) on all matters pertaining to FRONTEX. The FRONTEX Situation Centre (FSC) carries out the CFoPOC function, including the registration of all incoming and outgoing documents.

CEPOL national contact points ensure effective cooperation between CEPOL and the training institutes. The national contact points are also involved in the delivery of CEPOL activities in the Member States. After the adoption of the work programme by the CEPOL Governing Board, the national contact points of the nominated Member States are responsible to plan, deliver and administer the activity in close cooperation with the supporting national contact points and the CEPOL Secretariat. They are also responsible for the selection and nomination of participants for the different CEPOL activities. The national contact points shall also actively implement CEPOL products and tools, e.g. Common Curricula and e-learning modules.

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² Topic Centres are consortia of national safety and health institutions under contract to collect and analyse existing national data to support key areas of EU-OSHA work.
According to the new EUROJUST Decision amending the founding legal act, every Member State has to set up a "EUROJUST national coordination system" which facilitates, within the Member State, the carrying out of the tasks of EUROJUST, in particular by ensuring that the Case Management System of EUROJUST receives information related to the Member State in an efficient and reliable manner and by assisting in determining whether a case should be dealt with the assistance of EUROJUST or of the European Judicial Network.

With regard to EUROPOL and even if they cannot be defined as internal bodies coordinating relations with national authorities, it is appropriate to mention that the EUROPOL Council Decision foresees the mandatory establishment of national units of the Member States that act as the liaison bodies between Europol and the competent authorities of the Member States. Moreover each National Unit seconds at least one liaison officer to EUROPOL. The Liaison Officers represent the interest of the national units within EUROPOL.

FRA has no internal bodies coordinating relations with national authorities as such. Cooperation with Member States is ensured by the National Liaison Officers (NLOs), as foreseen in the agency's founding regulation. The NLOs do not constitute a body of FRA.3

2) Critical analysis of the issue at hand

Work carried out by agencies' internal bodies

When looking at the work carried out by agencies' internal bodies, the assessment is overall quite positive, although in some cases there may be room for improvement. In particular, these bodies proved to be a key tool to ensuring valuable cooperation between agencies and competent national authorities, especially concerning implementation of EU law. In a number of cases, over the years these bodies have been perceived as an essential part of the agency, without which the aim of the agency could not be achieved. Difficulties encountered in a limited number of agencies were caused by various factors, including uneven degree of commitment of Member States in terms of number and quality of the staff assigned by them, as well as uneven levels of efficiency of the information flows between the different authorities concerned at national level. Given the differences between the various internal bodies in terms of functioning and added value to the agencies work, it is worthwhile to examine them individually.

Concerning the CFCA, the information network has been functioning well and increased its efficiency in 2009 with the setting-up of a capacity building within the CFCA, aiming at achieving a uniform and effective application of the CFP rules through cooperation between Member States in the areas of data monitoring and training. Together with the newly created unit in charge of data bases within DG MARE, it should be possible to create over the next few years a data exchange highway involving all Member States and multiple references data.

In the case of ECHA, the Forum for Exchange of Information on Enforcement co-ordinates Member States enforcement activities and helps to establish good co-operation, co-ordination and exchange of information between the Member States, ECHA and the Commission regarding enforcement. Considering the relatively short lifespan of the agency and thus also of the Forum, to date, the Forum has carried out its functions well. However, it will not be

3 The Racism and Xenophobia European Network (Raxen Network) is integrated by national focal points collecting data on racism, xenophobia and related intolerance issues. An additional network, Fundamental Rights Agency Legal Experts (Fralex), provides for information by country on legal issues concerning fundamental rights.
until after the first substances registration deadline at the end of 2010 that the real issues for
enforcement will become evident, and will have to be discussed in the Forum.

As regards EU-OSHA, the general functioning of the network set up by article 4 of the
Regulation establishing this agency can be considered as very satisfactory. This network is an
essential part of the agency, and its smooth operation is essential for achieving the aim of the
agency: collecting and disseminating relevant information on health and safety at work. The
number of meetings per year of the national focal points might be, in certain cases, not fully
justified in light of the type of issues to be discussed. In fact, some of these issues, in
particular those regarding minor technical and administrative points, could be easily
addressed by written procedure, in order to simplify and reduce the administrative burden and
possibly reduce the number of meetings.

With regard to ECDC, the existing advisory forum, composed of members from competent
bodies in the Member States, has been contributing to ensuring an efficient cooperation with
the national authorities.

Concerning EFSA, the networking with national scientific bodies responsible for risk
assessment is essential. In fact, EFSA functions by pooling the scientific expertise existing in
Member States, without which the agency would not be able to produce its scientific outputs.
In this context, there is a need to promote the role and work of the national agencies, all the
more as networking contributes to avoiding scientific divergences, preventing duplications
and promoting synergies between the actors involved. The EFSA Advisory Forum, that
includes representatives of national bodies undertaking similar tasks as EFSA, plays well its
coordinating role on scientific cooperation between EFSA and national scientific bodies.4

As EIGE has become operational only in Spring 2010, and since its Experts' Forum was
established at the end of 2009, it is premature to give any evaluation of the functioning of this
body.

CPVO organizes each year a meeting with the entrusted National Agencies to co-ordinate and
liaise with them on technical, administrative and financial items. The coordination with the
Member States is more than satisfactory; the main question is to find an equitable and well
balanced remuneration for all the entrusted National Agencies and to divide in an equitable
manner between them the technical and administrative tasks to be done for the CPVO.

The EMCDDA's REITOX network functions well, although the capacities/resources
obviously vary between the Member States. The quality of the information on the drug
situation in the EU is highly rated by experts. A major problem is that, mainly for economic
reasons, a number of Member States are not providing the full matching funding to obtain an
EMCDDA grant for their operations. This has an impact on the overall operational capacity.
Also it means that the Reitox funding of the EMCDDA is underspent each year.

As regards FRONTEX, the CFoPOC (Central Frontex Point of Contact) proved to be working
rather well, and aimed at playing a prominent role concerning situational awareness in the
context of managing operational cooperation among Member States at the external borders of
the EU. Difficulties encountered concerning the functioning of the CFoPOC could be linked
more to the Member States than to FRONTEX itself. In fact, it is up to Member States to

4 Experience demonstrates that the following tools have a good potential to promote good collaboration with
national counterparts: contacts and grants as financial incentives to promote scientific cooperation on projects of
common interest; establishment of working groups and networks in particular for data collection; national focal
points supporting the work on cooperation).
decide which national authority acts as NFoPOC (National FRONTEX Point of Contact). This authority is not necessarily the same represented on the board of the agency for a given Member State. Lack of efficient information flows between the different authorities concerned at national level may hinder the coordination/communication vis-à-vis FRONTEX.

As pointed out in part 1 of this fiche, the new EUROJUST decision introduced several important features regarding the relations with national authorities. No experience on the implementation of these new features has been gained so far, as the deadline for implementation is June 2011.

The fundamental issue that CEPOL faces is that the establishment of the agency foresees that CEPOL shall function as a network. Thus, rather than having a coordinating role, the agency is often viewed as having a supporting or administrative role. This view is substantiated by the fact that the agency per se is referred to as the Secretariat. The actual functioning of the National Contact Points has suffered from a number of factors: lack of appropriate procedures, especially financial ones; differences in the level of contact points' understanding and knowledge of the agency's procedures, usually caused by frequent job rotation, and uneven degree of commitment of Member States in terms of number and quality of the staff assigned by them.

The functioning and management of the NSAs and NIBs Networks of ERA is considered to be satisfactory. The meetings are convened on a regular basis with high participation of the Member States representatives. In addition to the effective fulfilment of their main objectives, both Networks proved to be valuable in identifying and solving at early stages possible problems with development and implementation of the EU legislation in the railway field. The agency sends on a regular basis the reports covering the activities of both Networks to the Commission. Due to practical constraints of managing an effective discussion at a plenary meeting, a number of Task Forces were established. The functioning and outputs of those bodies proved to be satisfactory. From a practical point of view, it is worth noting that the administrative procedure regarding the reimbursement of travel expenses of the participants is heavy and quite troublesome for the Agency.

One of the first decisions taken by the management board of EASA was the creation of an Advisory Group of National Authorities (AGNA). The main role of this body is to assist the Agency in its rulemaking tasks. The same exists with the representatives of the Agency's stakeholders. There is thus a good cooperation with national authorities, which is important for having a good knowledge input. This body is quite active and is meeting several times a year.

Concerning EEA, the partnership network Eionet has been working fairly well, by providing relevant data to the agency.

In the case of FRA, the National Liaison Officers have proven to constitute a mutually beneficial mechanism.