Parliament role

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

I. Introduction

European Parliament's role in the supervision of European agencies is mainly governed by the provisions of the constituent acts, Article 185 of the Financial Regulation 1605/2002 applicable to the general budget, the Framework Financial Regulation 2343/2002, and by Parliament's internal rules and guidelines in force\(^1\). These have developed in practice and can be looked at through traditional Parliament's roles and prerogatives: co-legislator, arm of the budgetary authority, nomination power, political supervision, user of expertise.

1. Co-legislator

When it is co-legislator:

- Parliament can **create or prevent the creation** of a new agency, although it has never prevented the creation of an agency so far.

- Parliament can influence the scope of tasks, competencies, activities, objectives, structures and accountability mechanisms of agencies, including possible parliamentary supervision.

2. Arm of the budgetary authority

a) Budget

The Lisbon Treaty puts the two arms of the budgetary authority on equal footing, for the whole budget. This includes the EU contribution to the agencies and the establishment plans which from now on will have to be agreed upon by Parliament and Council at the latest in conciliation. Currently 25 agencies\(^2\) are (fully or partially) funded by the EU budget\(^3\).

- Since the 2006 Inter-institutional Agreement on **budgetary discipline** (Article 47), Parliament can ensure that no agency is created before an agreement on its funding is reached.

- The **budgetary procedure boosts bilateral contacts** between Parliament's Committees on Budgets and on Budgetary Control (BUDG/CONT) and the agencies (see their annual meeting with agencies), as well as between the specialised committees and the agencies in order to identify and clarify budgetary needs of the agencies.

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\(^1\) Decision of the Conference of Presidents of 5 March 1998 concerning rules on the designation by the EP of members of the management board of the specialised agencies and bodies; Conference of Committee Chairs' "Guidelines on cooperation between the committees with competence concerning the decentralised Community agencies" of 14 July 1998; Rule 126 of the Rules of Procedures on requests to European Agencies.

\(^2\) ECHA has become fully self-financed as from 2010, on a temporary basis.

In the annual budget procedure, by putting a certain amount of agencies' budget in the reserve (as it did so in 2007 and 2009), it can possibly contain the evolution of their cost but also impose extra information requirements. In accordance with Articles 23 and 24 of the Financial Regulation applicable to the general budget, the Commission has to send a request for lifting the reserve to the Budgetary Authority. The reserve will only be released if BUDG agrees to such a request.

b) Discharge

The European Parliament, on a recommendation from the Council of the EU, gives the Commission a discharge for the implementation of the general budget pursuant to Article 319 TFEU. The discharge procedure applicable to the agencies' budget is laid down in the financial regulations and in the specific financial regulation of each agency.

These rules require Parliament to give a discharge to the decentralised agencies which actually receive grants charged to the EU budget. CONT monitors the implementation of the EU budget by the agencies through the discharge procedure.

During the discharge procedure CONT may organise hearings with the agencies' directors or ask them to answer written questions. The directors of the agencies are required to submit to Parliament any information required for the smooth application of the discharge procedure. In addition, the directors of the agencies must act on Parliament's and Council's observations accompanying the discharge decisions. At Parliament's request, they shall report on the measures taken. CONT regularly follows up on these observations in the next discharge exercise.

Through the discharge exercise CONT regularly highlights accountability issues such as the need for the publication of performance indicators and for regular evaluation of the agencies by the Commission.

c) Practical implementation of point 47 of the Inter-institutional Agreement on budgetary discipline: agency creation/modification – agreement on the financing

Point 47 of the Inter-institutional Agreement on budgetary discipline and sound financial management foresees a procedure for the two arms of the budgetary authority (Parliament and Council) to assess the budgetary impact of the creation of new agencies and to arrive at a timely agreement on the financing of the agency, as proposed by the Commission.

In the past, the application of point 47 has not led to an in-depth discussion of the multi-annual impact of the creation of new agencies, which in turn has meant that the budgetary implications of the creation of new agencies have had to be solved during the respective

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4 Before releasing the reserve for the 2007 budget, BUDG required a positive evaluation of the specialised committees on the basis of agencies' work programmes; in this context, the Committee on Industry, Research and Energy (ITRE) required additional information from ENISA and GSA, and held an exchange of views with the Executive Directors in the frame of the ordinary committee meetings. Before considering releasing the reserve for the 2009 budget, the Committee on the Environment, Public Health and Food Safety (ENVI) required EFSA to provide evidence of full operability and efficient working methods; in this context, ENVI required additional information from EFSA, and held an exchange of views with the Executive Director in the frame of the ordinary committee meetings.

5 Council Regulation (EC, Euratom) No 1605/2002 applicable to the general budget, Article 185(2); Commission regulation No 2343/2002 on the Framework Financial Regulation for the bodies referred to in Article 185 of the Financial Regulation applicable to the general budget, Articles 94-96

annual budgetary procedures (and still less the cumulative impact of the creation of agencies over the years).

The three Institutions have clarified the practical application of point 47 in a joint declaration in November 2009, by applying three procedural steps to arrive at agreement. Accordingly, the Commission has proposed to include the text of the joint declaration in the Inter-institutional Agreement on cooperation in budgetary matters\(^7\), as follows:

- Firstly, the Commission will systematically present any proposal for setting up a new agency to the first trilogue following the adoption of its proposal, and will present the financial statement accompanying the legal act proposing the creation of the agency and illustrate its consequences for the remaining period of the financial programming;

- Secondly, taking into consideration the progress made in the legislative process, and provided that each arm of the budgetary authority is in a position to take a stance on the financial consequences of the proposal in advance of the adoption of the legal act, the creation of the new agency will be placed on the agenda of a subsequent trilogue (in urgent cases, in simplified form), in view of reaching an agreement on the financing;

- Thirdly, the agreement reached during a trilogue will be confirmed in a joint declaration, subject to the approval by each arm of the budgetary authority in accordance with its own rules of procedure.

Such an approach would offset the current weaknesses with regard to this aspect of implementation of point 47 of the above mentioned IIA.

3. Nomination power

a) Management Board

The rules and procedures for the nomination of Management Board members\(^8\) of regulatory agencies differ to a large extent\(^9\):

- The number, as well as the composition of Management Board members differ (for details, see *Fiche 5*).

- Parliament is involved in the nomination process of some (see below) members of the management boards of eight agencies (ACER, ETF, ECDC, EEA, EFSA, EMCDDA, EMEA, ECHA) which fall under the remit of four committees (LIBE\(^{10}\),EMPL\(^{11}\), ITRE and ENVI).

- Two members of ACER, EMCDDA, ECDC, ECHA, EEA and EMEA management board are directly designated by the European Parliament. For ETF, European Parliament appoints three non-voting experts to the "Governing Board". In addition, European Parliament is to be consulted in the nomination of all members of EFSA management board and of four specialist members of the EMEA management board.

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\(^8\) Terminology differs, e.g. use of the term "Governing Board" (ETF) or "Administrative Council" (CPVO) instead of "Management Board".

\(^9\) EUROFOUND shall transmit the rules of procedure of the Governing Board for information to the European Parliament.

\(^10\) Committee on Civil Liberties, Justice and Home Affairs

\(^11\) Committee on Employment and Social Affairs
• When negotiating EFSA's founding regulation, Parliament accepted to give up its nominees in the Management Board if the Member States dropped the usual practice of "one representative per Member State". **EFSA's board** is then composed of only **14 members** appointed by the Council in consultation with the European Parliament from a list drawn up by the Commission, plus a representative of the Commission.

Where the European Parliament is involved in the nomination of management board members¹²:

• As a principle, those members should never be "representatives" of the Parliament - in order not to commit *a priori* the EP in agencies' activities: they are **independent** and have no formal mandate.

• Committees may organise **hearings** of the candidates in order to select them and clarify Parliament's expectations.

• As the "eyes and ears" of Parliament, they constitute a valuable source of information for the competent committee (e.g. circulation of meeting documents, feedbacks).

• They may report about Parliament's positions inside the management board.

• They may be directly involved in EP's activities (e.g. presence or participation in hearings of experts, support to the organisation of a committee delegation to the agency).

• The more they are active in the board, the more they are a useful interlocutor for Parliament (for instance, the EP-nominee for the ECDC management board has been appointed vice chair of the management board).

**b) Executive Director**

Usually the Executive Directors¹³ of the regulatory agencies are appointed by the management boards on the basis of a list of candidates proposed by the Commission. The founding acts of eleven agencies (ACER, BEREC, ETF, EFSA, ECDC, EMEA, ENISA, ECHA, EMCDDA, Gender Institute and FRA) however provide - with every time a comparable wording - that, before appointment, the candidate nominated by the Management Board shall be invited without delay to make a **statement before the European Parliament** and to answer questions put by members of this institution¹⁴. This presentation is generally without legal consequences except for the Director of the FRA where a so-called "**cooperation procedure**" is foreseen: on the basis of a list drawn up by the Commission, applicants are asked to address the Council and the competent EP committee. Parliament and Council then give their opinions and state their orders of preference, and the Management Board appoints the Director taking these opinions into account.

Parliamentary committees developed the practice to organize a formal **hearing** of the Executive Directors designated in order to give some political and parliamentary inputs to the

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¹² In relation to the following political approach see: "Decision of the Conference of Presidents of 5 March 1998 concerning rules on the designation by the EP of members of the management board of the specialised agencies and bodies".

¹³ Terminology differs, e.g. "President" (OHIM) instead of "Executive Director".

¹⁴ Some agencies have specific rules for reappointment of the Executive Director (e.g. FRA and ETF).
nomination procedure. Recent examples show that the hearing is not purely ceremonial (e.g. hearing of the nominated ECHA’s Executive Director or hearing of the newly appointed ENISA's Executive Director).

Parliament can indirectly and informally influence the nomination of an Executive Director when it has nominees in the Management Board.

c) Other agency bodies

Parliament also nominates two members of the Experts Forum of the Gender Institute and is consulted on the composition of the Scientific Committee of the FRA.

In some cases, European Parliament may also intervene in the nomination process of agency body members if this is not explicitly foreseen in the founding regulation but considered as being politically appropriate15.

4. Political supervision

Political supervision is based on practical arrangements between Parliament and the relevant agencies rather than on legal requirements:

- A general obligation to ensure information flow on a regular basis from the agencies to the relevant Committees in the Parliament;

- A "standing rapporteur" or "contact person" for agencies is appointed under the committee's responsibility (e.g. contact persons in ENVI for EMEA, EFSA, EEA, ECDC and ECHA, also ITRE opted to appoint standing rapporteurs for GSA and ENISA);

- Parliament administration gives a specific administrator the task of following-up one or several agencies;

- Sometimes Parliament formalises its relations to agencies through an exchange of letters (e.g. ENVI-EEA);

- Parliament generally receives agencies' work programmes and activity reports which are most often drawn up on an annual basis, although some agencies provide longer programmes or more frequent reporting. Such information to Parliament can be an obligation stemming from the founding regulation or rather a voluntary practice16;

- Parliamentary committees monitor agencies' activities but can also influence the agencies' working agenda, notably by an annual discussion with the Executive Directors17;

- Committees may win additional influence by linking the presentation of the work programmes to the budgetary procedure; the specialised committee assesses the annual programme and send an evaluation letter to the BUDG Committee;

15 In 2008, e.g., ENVI commented on the short list of candidates for the ECHA Board of Appeal.
16 See, e.g. legal requirements for EU-OSHA and CDT to send annual reports on Agency's activities to the European Parliament.
17 The Executive Director of EFSA may invite representatives of the European Parliament to take part in the work of the EFSA Advisory Forum.
• Committees may obtain the creation of an extra budget line to allow an agency to start work on a given topic (e.g. OSHA on the implementation of health and safety regulations in the SMEs);

• The FRA's founding regulation provides for Parliament's consultation on its 5-year multi-annual framework (which is adopted by Council). Such provision resulted in a LIBE report and a plenary resolution on 17 January 2008 proposing a number of amendments. In addition, the framework must take into account the EP resolutions in the field of fundamental rights;

• Parliamentary committees organise visits to agencies. Since January 2008, the revised rules on travel by committee delegations has extended to all agencies the possibility to send, every two years, a three-member delegation outside the quota normally available for committee delegations. Committees tend to consider these committee delegations as an important way to keep a link with their agencies18.

5. User of agencies' expertise

Some founding regulations explicitly require agencies to provide the EU institutions with scientific or technical advice (e.g. EMEA, EFSA and ECHA), whereas other agencies' tasks are mainly focussed on data collection or comparable functions. Parliament may be a direct beneficiary of agencies' expertise:

• Parliament may use the information (e.g. reports, studies, scientific opinions) published by the agencies in the framework of its usual activities;

• Parliament may submit requests to agencies, where the founding regulation provides for it (e.g. EFSA and ECHA) and pursuant to Rule 126 of the Rules of Procedure. In practice, Parliament's requests are also expressed where it does not formally have this right, and they can be formulated in a different manner, for instance in the context of a debate on an agency's work programme (see point 4 above);

• Executive Directors may come to committee meetings for an exchange of views on a report published by their agency;

• Agency experts may be invited to address the committee during hearings or seminars on a particular topic. They can also be invited to brief a rapporteur in the context of an ongoing parliamentary procedure;

• Individual MEPs may be associated to an agency's activity in specific circumstances (e.g. internal working groups on disease surveillance networks within the ECDC).

2) Critical analysis of the issue at hand

Practical implementation of point 47 of the Inter-institutional Agreement on budgetary discipline: agency modification – budgetary impact

18 ITRE, e.g., visited ENISA with a delegation in 2008 when the legislative proposal on extending the mandate of the agency was being discussed in the committee in order to gather an in-depth view on the functioning of the agency. This delegation visit took place under the special quota set aside for visiting agencies.
Point 47 of the above-mentioned Inter-institutional Agreement, taken literally, applies to the "creation of a new agency". However, a modification of the founding regulation of an existing agency may also have a budgetary impact, for instance when new tasks are added to the tasks initially assigned to the agency.

The joint declaration of Parliament and Council of 13 July 2007\(^\text{19}\) refers, in the context of the Inter-institutional Agreement, explicitly to "the creation or modification of the scope of an agency".

However, the broader interpretation given to point 47 of the Inter-institutional Agreement in the joint declaration of 2007 has in practice not been applied systematically. In order to do so, the scope of the changes to the mandate of an agency which are required to trigger the procedure foreseen in point 47 would need to be clarified. In particular, it should be reflected whether in the future this procedure should also be applied to:

- All changes to the basic act;
- Extension of the mandate (= additional tasks) only, or also to a (geographic / thematic) shift of activities, or to a reduction of activities;
- Requests for additional posts for (partially) self-financed agencies, which are to be covered by additional revenue from fees, as a result of which no additional EU funding would be required;
- Requests for additional posts for EU funded agencies which do not see an extension of their mandate, for instance due to additional workload.

### Budgetary procedure

Parliament's attitude in the context of budgetary procedure is described in fiche 22. Parliament notably considers agencies initial budgetary requests to define its position and introduced the consideration of assigned revenue to determine the year's EU budget contribution, with the exception of fee collecting agencies. The draft Parliament report on priorities for the 2011 Budget (voted in the March 2010 Plenary) suggests that Parliament's position on decentralised agencies will remain generally unchanged.

The decision to put part of agencies' budget in the reserve in 2007 and 2009 (see part 1) fits into the more general use that Parliament makes of reserves (also for the Commission, for example); that is, to use (part of) the appropriations foreseen for an agency as a leverage to obtain more information on a certain topic. However, the actual use of agency reserves has remained exceptional, limited to some individual cases.

One important modification introduced by the entry into force of the Lisbon Treaty is that the Parliament will not have the last say on agencies' budget any more, since it will have to agree on both former 'compulsory' and 'non compulsory' expenditure with the Council.

### Discharge

The key role of the Parliament, as discharge authority acting on a recommendation from the Council, is clearly defined in the Treaty. As mentioned in fiche 28, however, the practice of giving discharge to (a growing number of) agencies individually does not always enable the

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\(^{19}\) Joint statements, ECOFIN (Budget) Council of 13 July 2007, doc. DS 605/1/07 REV 1.
Parliament to make an in-depth analysis of individual cases, beyond an examination of the Court's reports.

**Parliament's information on agencies**

A general issue affecting the exercise of Parliament's roles towards agencies is the access to relevant and updated information on agencies. In this respect, information at Parliament's disposal is not always harmonized and of easy access. The grouping of all relevant documents on the inter-agency website would significantly facilitate the exercise of Parliament's prerogatives (see also fiche n°30).

**Nomination power**

In cases where the European Parliament has to be consulted in the nomination process of Directors, the lists of candidates drawn up by the Commission tend to be too short to allow sufficient margin for manoeuvre for MEPs, although the founding acts foresee that such list "includes a number of candidates substantially higher than the number of members to be appointed".
## ANNEX I TO ANALYTICAL FICHE N°32

<table>
<thead>
<tr>
<th>EC, EURATOM and EU decentralised agencies</th>
<th>Founding act</th>
<th>Contribution from EU budget</th>
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<th>Nominees in the Board</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1 European Centre for the Development of Vocational Training (CEDEFOP)</td>
<td>10.02.1975</td>
<td>Yes</td>
<td>Yes</td>
<td>No/No</td>
<td>Thessalonique</td>
<td>EMPL</td>
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<td>2 European Foundation for the Improvement of Living and Working Conditions (EUROFOUND)</td>
<td>26.05.1975</td>
<td>Yes</td>
<td>Yes</td>
<td>No/No</td>
<td>Dublin</td>
<td>EMPL</td>
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<td>3 European Environment Agency (EEA)</td>
<td>07.05.1990</td>
<td>Yes</td>
<td>Yes</td>
<td>No/Yes</td>
<td>Copenhague</td>
<td>ENVI</td>
<td>2</td>
<td>No</td>
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<td>4 European Training Foundation (ETF)</td>
<td>07.05.1990</td>
<td>Yes</td>
<td>Yes</td>
<td>No/Yes</td>
<td>Turin</td>
<td>EMPL</td>
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<td>5 European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)</td>
<td>08.02.1993</td>
<td>Yes</td>
<td>Yes</td>
<td>No/Yes</td>
<td>Lisbonne</td>
<td>LIBE</td>
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<td>Yes</td>
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<td>6 European Medicines Agency (EMA)</td>
<td>22.07.1993</td>
<td>Yes</td>
<td>Yes</td>
<td>No/Yes</td>
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<td>ENVI</td>
<td>2/(4)</td>
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<td>7 Office for Harmonisation in the Internal Market (OHIM)</td>
<td>20.12.1993</td>
<td>No</td>
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<td>No/No</td>
<td>Alicante</td>
<td>JURI</td>
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<td>8 European Agency for Health and Safety at Work (EU-OSHA)</td>
<td>18.07.1994</td>
<td>Yes</td>
<td>Yes</td>
<td>No/No</td>
<td>Bilbao</td>
<td>EMPL</td>
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<td>9 Community Plant Variety Office (CPVO)</td>
<td>27.07.1994</td>
<td>No</td>
<td>No</td>
<td>No/No</td>
<td>Angers</td>
<td>AGRI</td>
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<td>10 Translation Centre for the Bodies of the European Union (CdT)</td>
<td>28.11.1994</td>
<td>No</td>
<td>Yes</td>
<td>No/No</td>
<td>Luxembourg</td>
<td>-</td>
<td>-</td>
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<td>11 European Police Office (Europol)</td>
<td>18.07.1995 and 6 April 2009(^{21})</td>
<td>No/ Yes(^{22})</td>
<td>No/Yes(^{23})</td>
<td>No</td>
<td>The Hague</td>
<td>LIBE</td>
<td>1(^{24})</td>
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</table>

\(^{20}\) Committee responsible as set out by Annex VI of the Rules of Procedure


\(^{22}\) As from 2010.
<table>
<thead>
<tr>
<th>EC, Euratom and EU decentralised agencies</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Fundamental Rights Agency (FRA)</td>
<td>15.02.2007</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Vienne</td>
<td>LIBE</td>
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<td>European Police College (CEPOL)</td>
<td>22.12.2000</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Bramshill</td>
<td>LIBE</td>
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<td>European Institute for Security Studies (ISS)</td>
<td>20.07.2001</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Paris</td>
<td>AFET</td>
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<td>European Union Satellite Centre (EUSC)</td>
<td>20.07.2001</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Madrid</td>
<td>AFET</td>
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<td>European Food Safety Authority (EFSA)</td>
<td>28.01.2002</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Parme</td>
<td>ENVI</td>
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<td>Judicial Cooperation Unit (Eurojust)</td>
<td>28.02.2002</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>The Hague</td>
<td>LIBE</td>
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<td>European Maritime Safety Agency (EMSA)</td>
<td>26.06.2002</td>
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<td>TRAN</td>
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<td>15.07.2002</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Cologne</td>
<td>TRAN</td>
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<td>European Network and Information Security Agency (ENISA)</td>
<td>10.03.2004</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Héraklion</td>
<td>ITRE</td>
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<td>European Centre for Disease Prevention and Control (ECDC)</td>
<td>21.04.2004</td>
<td>Yes</td>
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<td>Stockholm</td>
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<td>TRAN</td>
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<td>European Global Navigation Satellite System Supervisory Authority (GSA)</td>
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<td>ITRE</td>
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<td>AFET</td>
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<td>European Agency for the Management of Operational Coordination at the External Borders of the</td>
<td>26.10.2004</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Varsovie</td>
<td>LIBE</td>
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</tbody>
</table>

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23 As from 2010
24 As from 2010.
25 European Monitoring Centre on Racism and Xenophobia prior to 28.02.2007.
26 An agreement on the revision of the founding regulation was reached during the summer 2010. At the time of writing, a formal adoption was still pending. Except for the date, information provided in this annex takes into account the new legal framework.
27 EP has the right to nominate a non-voting representative to the Administrative Board.
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Member States of the European Union (FRONTEX)</td>
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<td>26 Community Fisheries Control Agency (CFCA)</td>
<td>26.04.2005</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Bruxelles (provisoire) - Vigo</td>
<td>PECH</td>
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<td>27 European Chemicals Agency (ECHA)</td>
<td>18.12.2006</td>
<td>Yes$^{28}$</td>
<td>Yes</td>
<td>Yes</td>
<td>Helsinki</td>
<td>ENVI</td>
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<td>28 European Institute for Gender Equality (EIGE)</td>
<td>20.12.2006</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Vilnius</td>
<td>FEMM</td>
<td>-</td>
<td>Yes</td>
</tr>
<tr>
<td>29 European Agency for the Cooperation of Energy regulators (ACER)</td>
<td>13.07.2009</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Ljubljana</td>
<td>ITRE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 Body of European regulators for Electronic Communications (BEREC) and the Office</td>
<td>25.11.2009</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Riga</td>
<td>ITRE</td>
<td>-</td>
<td>Yes</td>
</tr>
<tr>
<td>31 European Support Office for Asylum$^{29}$ (EASO)</td>
<td>19.05.2010</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Valletta</td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

$^{28}$ While ECHA has been partially self-financed since its creation, it became fully self-financed as from 2010, on a temporary basis. It will receive Union contribution to its budget for the period 2013-2014, thus becoming partially self-financed again.

$^{29}$
Rule 126: Requests to European Agencies

1. In cases where Parliament has a right to submit a request to a European Agency, any Member may submit such a request in writing to the President of Parliament. Such requests shall be on matters falling within the mission of the Agency concerned and shall be accompanied by background information explaining the issue and the Union interest.

2. The President shall, after consulting the committee responsible, either forward the request to the Agency or take any other appropriate course of action. The Member submitting the request shall be notified immediately. Any request sent by the President to an Agency shall include a time limit for response.

3. If the Agency considers that it is unable to respond to the request as formulated, or seeks to have it modified, it shall forthwith inform the President, who shall take any appropriate action, after consulting the committee responsible as necessary.
ANNEX III TO ANALYTICAL FICHE N°32

RULES ON THE DESIGNATION BY THE EUROPEAN PARLIAMENT OF MEMBERS OF THE MANAGEMENT BOARDS OF THE SPECIALISED AGENCIES AND BODIES

DECISION OF THE CONFERENCE OF PRESIDENTS

OF 5 MARCH 1998

PE339.471/BUR/Rev. 1

The Conference of Presidents,

- having regard to Rule 24(4) of the Rules of Procedure;

HAS DECIDED

Article 1

These rules shall be applicable where the regulation establishing a specialised agency or body provides that the European Parliament shall designate one or more members of the management board of the agency or body.

Article 2

(a) The European Parliament shall, according to the case, designate the full member(s) and alternate(s) provided for by the regulation setting up the agency or body.

(b) These persons shall be designated for the period specified by the regulation establishing the agency concerned or, where no period is specified, for three years. Their term of office shall be renewable.

Article 3

(a) The applications received from persons offering the qualifications required by the regulation establishing the agency or body and holding the nationality of one of the Member States shall be submitted to the committee responsible by a political group or 29 Members.

(b) The committee responsible shall verify that the candidates actually fulfil the abovementioned conditions and that they are willing to accept the appointment. Candidates shall also disclose to the committee their financial or other interests in the area of activity of the agency or body and, where applicable, any incompatibility with other duties they may have taken up in activities in the same area. The committee responsible shall draw candidates' attention to the requirements of impartiality and independence which they will undertake to

30 Consolidated by the Bureau on 3 May 2004 and amended by the Bureau on 14 January 2008.
fulfil, where applicable, pursuant to Article 5(b) below⁴¹; it shall apprise them of Parliament's general guidelines with regard to the objectives and method of operation of the agency or body. Candidates may be given a personal hearing.

(c) The committee responsible shall, by a majority of its members, adopt a list, in the order of votes obtained, of persons eligible to be appointed full members and of persons eligible to be appointed alternate members. This list shall comprise a number of candidates, full members and alternates, equal to at least twice the number of posts to be filled.

**Article 4**

(a) The list thus adopted shall be forwarded, in the form of a letter accompanied by a standardised communication (see annex), to the President, who shall refer it to the Conference of Presidents. The Conference of Presidents may seek any relevant information it deems useful from the committee responsible.

(b) On the basis of the list proposed by the committee responsible, the Conference of Presidents shall, in accordance with Rule 23(3) of Parliament's Rules of Procedure, designate the full members and the alternate members.

**Article 5**

(a) The President shall inform the persons designated of Parliament's intention to appoint them to the management board of the agency or body.

(b) He shall draw their attention to the range of responsibilities inherent in these duties and shall ask them to give a written undertaking to carry out these duties impartially and independently of any private body or public authority throughout their term of office. He shall also draw their attention to Parliament's general guidelines with regard to the objectives and method of operation of the agency or body.

(c) On receipt of the above-mentioned undertaking, the President shall, on behalf of Parliament, officially designate the persons to serve as full members of the management board of the agency or body and their respective alternates.

(d) The President shall inform the chairman of the management board of the specialised agency or body concerned of these appointments.

**Article 6**³²

(a) A regular exchange of information may take place between Parliament and the persons designated.

(b) These persons may be invited by the committee responsible to inform it of the activities of the agency or body on which they serve; they may also be requested to submit a report.

(c) Where the persons designated travel to one of Parliament's places of work at the invitation of the committee responsible or of another Parliament body, their travel and subsistence expenses shall be reimbursed by the European Parliament in accordance with the arrangements applicable to hearings of experts and subject to a maximum of two journeys per

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³¹ At its meeting of 11 September 1997 the Conference of Presidents decided that the persons designated shall be external experts and not Members of the European Parliament.

³² Article 6(d) was amended following the Bureau decision of 14 January 2008.
year for each designated person. Such visits shall not be included in the quota of experts who may normally be invited by the committee concerned to attend its hearings.

(d) Pursuant to paragraph 2a of Article 2 of the rules governing travel by committee delegations outside the places of work of the European Parliament\(^\text{33}\), every two years each committee shall be authorised to send, during weeks set aside for external parliamentary activities and for a maximum of three days, a delegation consisting of three members to the agencies for which it is responsible within the meaning of Annex VI to the Rules of Procedure. These delegations shall not be taken into account when calculating the quota referred to in Article 2(1) of the said rules.

**Article 7**

The persons designated shall refrain from any act incompatible with or prejudicial to the exercise of their mandates. The Conference of Presidents may withdraw the mandate from any person who fails to fulfil the obligations of his office or violates the principles of impartiality or independence. The person concerned shall be given a prior hearing.

**Article 8**

The decisions of the Conference of Presidents in the implementation of these rules shall be final.

\(^{33}\) PE 352.673/BUR./Rev3 - Rules governing travel by committee delegations outside the three places of work of the European Parliament.
ORIENTATIONS
relatives à la coopération entre les commissions ayant des compétences
touchant aux organes décentralisés de la Communauté

Au cours de sa réunion du 14 juillet 1998, la conférence des présidents de commission a adopté les orientations ci-après à l'effet de faciliter l'échange d'informations entre les commissions ayant des compétences différentes en ce qui concerne les organes décentralisés et de contribuer à l'amélioration de l'efficacité du contrôle parlementaire. Ces orientations ne se substituent pas au règlement, pas plus qu'elles ne prennent le pas sur celui-ci.

1. Les commissions qui participent au contrôle des agences peuvent nommer un rapporteur permanent et/ou des représentants pour chaque agence et jouent un rôle d'interlocuteur vis-à-vis de l'organe concerné. Chaque commission veille à l'échange d'informations.

2. Tous les deux ans, la commission compétente envoie une délégation d'un maximum de trois membres en visite auprès de l'agence concernée, pour contrôler ses activités.

3. Les commissions veillent à assurer la transparence, au sein du Parlement, sur toutes les questions de forme touchant aux agences. Si une commission reçoit des informations officielles, la visite officielle de représentants d'une agence ou d'autres services concernés ou si elle inscrit à son ordre du jour des problèmes relatifs aux agences, elle veille à ce que les autres commissions concernées en soient informées. Les documents reçus peuvent être consultés par toutes les commissions intéressées, y compris la commission institutionnelle, sur la base d'une liste de documents diffusée à intervalles réguliers.

4. Les commissions font le nécessaire, au niveau interne, pour examiner avec les représentants des agences l'exécution du programme d'activité de l'année en cours et le projet de programme pour l'année suivante. Les rapporteurs permanents et/ou les représentants de la commission des budgets et de la commission du contrôle budgétaire sont invités à participer à ces réunions.

5. Les rapporteurs permanents et/ou les représentants des commissions concernées sont invités à assister aux réunions qu'organise, le cas échéant, la commission des budgets avec les directeurs d'agence ou leurs représentants au sujet des aspects budgétaires et administratifs des activités des agences, dans la perspective du budget de l'exercice suivant (et vice versa).

6. Les états prévisionnels des agences sont transmis à l'autorité budgétaire, accompagnés des pièces justificatives (projet de programme d'activité, organigramme, justification des augmentations de la subvention, etc.), ainsi qu'aux commissions.

7. Les commissions compétentes peuvent émettre un avis préliminaire sur l'avant-projet de budget et un avis sur le projet ainsi que proposer des amendements, sur la base de l'évaluation des programmes d'activité des agences et des priorités politiques.

8. Avant que la commission des budgets adopte sa recommandation pour la première lecture du budget, le rapporteur général et le rapporteur sur les agences communiquent leurs positions respectives aux commissions spécialisées.
9. Dans le cas où des crédits sont inscrits en réserve, le rapporteur général sur le budget informe la(les) commission(s) concernée(s) de la demande de virement concernant la libération des crédits inscrits en réserve. Cela s'applique aussi lorsque sont proposés des transferts entre lignes ou à destination ou à partir d'une ligne relative à une agence. La commission ou ses rapporteurs permanents et/ou représentants peut/peuvent émettre un avis sur la demande de virement, lequel est dûment pris en considération. La position de la commission est communiquée en temps utile à la commission des budgets et à la commission du contrôle budgétaire, pour que celles-ci puissent respecter les délais prévus à l'article 26 du règlement financier.

10. Les commissions peuvent émettre un avis à l'intention de la commission du contrôle budgétaire sur la rentabilité des agences, à la lumière d'une analyse de l'exécution du programme d'activité.

11. La commission du contrôle budgétaire évalue la rentabilité des agences dans le cadre de la procédure de décharge.