



The Academic Research Network
on Agencification
of EU Executive Governance



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TARN DIALOGUE

Conclusions from the TARN Dialogue Event

21 September 2017, Brussels

PANEL 1: BUDGET & ACCOUNTABILITY

Chair: D. Curtin, European University Institute

Rapporteur: F. Jones, EP Research Service, European Parliament

Panel conclusions:

1. Budgets

The budgets of EU agencies tend to be treated as a package. However, their roles and functioning differ widely. Thus, consideration should be given to treat the budgets of EU agencies as part of the policy area to which they belong. This is already foreseen by the existing architecture of the EU budget: the budgets of the agencies are located within the heading of the multiannual financial framework in which their policy area falls. This would imply a more policy-based approach to budget allocation.

2. Role of ECA

Consideration should be given to the role of the European Court of Auditors (ECA) in helping move towards a more performance-based approach to budgeting. The ECA has already started to produce more performance-based auditing.

3. Added value

An assessment should be made of the added value of EU agencies, also in terms of savings for Member States, when new EU agencies are created.

PANEL 2: PERFORMANCE & EFFECTIVENESS

Chair: M. Everson, Birkbeck College

Rapporteur: M. Chamon, Ghent University

Panel conclusions:

1. Performance assessment and accountability

In certain situations EU agencies might be held accountable for deficiencies in the policy that actually lie outside their responsibility. For instance, while an agency such as the EFSA has been established to contribute to food safety in the EU, the occurrence of a (new) food scandal in the EU would not necessarily mean that the agency 'did a bad job' given the plethora of actors actually involved in food safety. The assessment of agencies' performance should therefore be tailor made and if so, it could be an answer to the problem of accountability overload or double accountability. Currently, agencies seem to be faced with too many accountability mechanisms, hampering their functioning, while at the same time they are responsible (in public perception) and therefore held accountable for issues outside their reach.

Recommendation:

Performance based assessment models in public administration should be further explored in order to improve systems of accountability and prevent accountability overload.

2. Clustering of EU agencies

Clustering at first sight seems to be a no-brainer in both policy, budget and agency representation (i.e. the promotion of agencies' interests vis-à-vis the EU institutions) terms.

Recommendation:

The potential of clustering without focusing exclusively (or even in the first place) on merging agencies should be explored. Instead, less radical clustering-options (i.e. sharing resources in the broad sense) seem both more realistic and desirable.

3. Social knowledge

The idea of agencies relying on social knowledge is the most novel one discussed and that it would essentially allow agencies 'to do science in a new reality'. The panel stresses again that reliance on social knowledge should not be seen as either a miracle cure to populism or as a fundamental break with the traditional method.

Recommendation:

This new phenomenon, which seems inevitable in the era of big data, as to its nature, possible function and governance should be further studied. Special attention should thereby be devoted to the question on how it may be ensured that reliance on social knowledge remains reconcilable with the scientific method.

PANEL 3. EXPERTISE, TRANSPARENCY & INDEPENDENCE

Chair: E. Vos, Maastricht University

Rapporteur: E. Versluis, Maastricht University

Panel conclusions:

General observations

There is a clear tension between the need for enhanced transparency and the need to protect commercially sensitive data. Moreover there is a tension between the need for enhanced transparency and the need for closed meetings where scientists discuss amongst themselves. Questions of transparency and independence are crucial, in particular for agencies that involve health; here there is a difficult relation with industry.

1. Transparency

Regarding the concrete application of transparency requirements, it should be further explored whether transparency should be pursued in two ways: 1) easy accessible data, simple public summaries for citizens; 2) more advanced data for experts. At the same time however, it is questionable whether all agencies need this differentiation for citizens and experts as regards making information available or whether this is desirable only for certain clusters of agencies. More research should be carried out to perceptions stakeholders and citizens may have. Engagement with society and the opening up of science-making is essential. It is moreover crucial to consider for whom the expert advice is written. Moreover, do all agencies need the same level of transparency and independence? Agencies with similar tasks and functions should be grouped.

2. Trust and perceptions

Trust in the work of EU agencies by the public is crucial, but what influences trust? Different measures might be needed in order to ensure trust from the general public compared to ensuring trust from experts or scientists. Agencies must ensure that all available expertise is taken into account. The issue of trust should be approached on two levels: different measures are needed in order to ensure trust from the general public versus ensuring trust from peers or fellow experts or scientists. More research on analyzing trust in agencies is needed.

3. Independence

Experts working for agencies should be independent from industry. Clear criteria as to the extent of the link with industry that experts consulted by EU agencies should not be allowed to have, are needed.

PANEL 4. INTERNATIONAL AGENCY CO-OPERATION

Chair: M. de Bellis, Tor Vergata University of Rome

Rapporteur: A. Spendzharova, Maastricht University

Panel conclusions:

General Observations

There is a clear need for a better understanding of the impact of EU agencies' international action. More specifically, soft law agreed upon at international level with agencies' participation is not binding. However, de facto, it is subsequently adopted as binding through EU legislation with (often) important modifications at the domestic level when directives allow discretion/modification.

Moreover rationales for international cooperation vary for different agencies, i.e. depending on sector, mandate, tasks. Also tools and/or modes for international cooperation vary; e.g. participation in international networks; Memoranda of Understanding (MoU), widely used to arrange cooperation with EU agencies' international counterparts and technical cooperation agreements.

1. Legal basis

Currently, the legal basis for the international cooperation activities of EU agencies are to be found in the EU Treaties, i.e. external action provisions, and in founding acts of the agencies. However, is there a need for a more explicit formal constitutionalisation of EU agencies' mandate to engage in international cooperation in the EU treaties? The current system works, but in some cases the implementation of the legally available instruments should be optimized. More specifically, the currently available instruments do not always allow agencies sufficient scope for initiative and action to fulfil their mandate.

2. Coordination and division of roles

There is a greater need for agencies in a similar field to act together in international cooperation (i.e. Europol and Eurojust). Moreover, there is a need for coordination between the general EU external action strategy (i.e. the EEAS) and agencies' international cooperation activities. There should be a division of roles. The policy-making tasks are entrusted to the Commission and the technical rule-making tasks to Agencies. There is a need for more consistency among different DGs with which agencies interact.

3. Role of third countries and national authorities

In the context of an ongoing Brexit negotiation and a growing differentiated integration trend, there is potential for engagement with third countries in terms of participation in EU agency activities, especially regarding future EU members/candidate countries and future ex-members and aspiring members.

PANEL 5. NATIONAL AUTHORITIES, STAKEHOLDERS & CITIZENS

Chair: J. Trondal, Arena, University of Oslo

Rapporteur: D. Chatzimanoli, EBA

Panel conclusions:

1. Relationship with MS and national authorities

EU Agencies' relationship with Member States and national authorities can be helpful as agencies make use of national authorities for their work (even for Human resources purposes). Sometimes, national authorities find help and/or resort to agencies for help or assistance (also vis-à-vis their governments) or where there is not much capacity in their Member State. It may however also be difficult to relate to national authorities and Member States as there are different dynamics depending on power, size, influence of the country and its relevant industry.

2. Relationship with industry

The relationship that EU agencies have with industry depends a lot on the subject matter of each agency (for instance, the European Training Foundation does not have an industry which whom it relates). In policy areas and for agencies where there is a powerful industry, it is a difficult balancing exercise to achieve being close 'on the ground' but not too close for reasons of independence. There are many rules regarding relations with lobbyists but are they efficient? Research would be needed to examine the effect of lobbying on the work of the agencies.

3. Relationship with citizens

Products subject to EU agencies' scrutiny are now safer than ever, but trust in EU agencies by the public is lower than ever. The problem is that it is not easy to communicate to citizens risk assessments and technical information. Is lack of trust to the work of Agencies connected to the general lack of trust in the EU? There is a need to raise public awareness regarding what the agencies' competences are (manage expectations), and to improve the communication strategy. There is a need for research so as to examine how to best ensure that agencies restore citizens' trust in their work.