



**COUNCIL OF  
THE EUROPEAN UNION**

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**NOTE**

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from: Presidency  
to: Working Party on General Affairs  
Subject: Regulatory agencies: questionnaire on the Commission communication on  
"European agencies - the way forward" (7972/08)

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Attached is a Presidency non-paper containing a questionnaire on the points raised in the abovementioned communication, intended to assist the Council in its examination of the communication. The first part of the questionnaire relates to the proposal to set up an interinstitutional working group on the agencies. The second part relates to the possibility of a horizontal framework; these questions restate a number of points already discussed by the Council, in particular under the German Presidency.

Delegations are asked to submit their replies in writing by Friday 10 October 2008<sup>1</sup>.

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<sup>1</sup> Replies should be sent to: [sjvi@consilium.europa.eu](mailto:sjvi@consilium.europa.eu)

## NON-PAPER

### Questionnaire on the Commission communication on "European agencies - the way forward"

#### **I. On the proposal to set up an interinstitutional working group on the regulatory agencies**

1. *The Commission is proposing to set up an interinstitutional working group on the regulatory agencies. Do you think the Council should participate in this working group?*

*If your reply to question 1 is "yes":*

2. *How should the Council be represented in the working group?*

- *Level: would you be in favour of the Council being represented at ministerial level and by experts on technical issues?*
- *Would you be in favour of the following arrangement for Council representation: three Presidencies assisted by the General Secretariat of the Council?*

*NB: the Council representation would have an agreed mandate and would report regularly to the competent Council bodies.*

3. *What would be the purpose of the working group's discussions?<sup>2</sup> To contribute to the success of the evaluation which the Commission intends to launch? To make a "collective political assessment of experience of agencies", as advocated by the European Parliament rapporteur, Mr Papastamkos, in his report and the Commission in its communication? To define the role of the agencies and the place they occupy in the EU's institutional landscape, to set out general guidelines on which the agencies should be founded, something else?*
4. *When should the group commence its proceedings? The European Parliament and the Commission suggest Autumn 2008.*

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<sup>2</sup> In its communication, the Commission states that the debate should be on "*the role of agencies and their place in the governance of the EU*" (see p. 2 of the communication).

## **II. On the possibility of a horizontal framework for the regulatory agencies**

1. *As the idea of a horizontal framework in the form of an interinstitutional agreement has been abandoned, would it be advisable to establish a horizontal framework for the European regulatory agencies in the form of a political agreement?*<sup>3</sup>
2. *Would it be desirable for agencies created under the co-decision procedure to have different guidelines from the other agencies? How can the individual characteristics of the different agencies be properly taken into account?*
3. *Would it be desirable for guidelines to be drawn up on the following points:*
  - *the types of functions assigned to the agencies and "classification" of agencies according to their functions;*
  - *the way in which agencies are created and dissolved;*
  - *the structure and working of agencies;*
  - *the limits to the autonomy of agencies and the oversight to which they are subject;*
  - *measures to increase agencies' transparency;*
  - *the accountability of agencies and their relationship with the other institutions;*
  - *application by the agencies of the "better regulation" programme;*
  - *the agencies' communication strategy?*
4. *Should those guidelines be legally binding?*<sup>4</sup>

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<sup>3</sup> A similar question was put to delegations in 2007. The aim here is to establish whether their positions on the subject have changed.

<sup>4</sup> For the opposing view, see the opinion of the Council Legal Service of 6 April 2005 (7861/05).