

Roadmap on the follow-up to the Common Approach on EU decentralised agencies

The Common Approach endorsed by the European Parliament, the Council and the Commission in July 2012 represents the first political agreement on EU decentralised agencies of its kind. Although legally non-binding, it will serve as a political blueprint guiding future horizontal initiatives and reforms of individual EU agencies.

In line with the Joint Statement, the Commission has prepared a "roadmap on the follow-up to the Common Approach with concrete timetables for the planned initiatives".

The present paper serves as an introduction to this roadmap: it explains the Commission's main objectives for the implementation and describes how the Commission intends to pursue the implementation of the Common Approach.

In parallel to the actions listed in the roadmap (which include elements to be undertaken in the context of the ongoing revision of legislative texts such as the Staff Regulations and the Framework Financial Regulation), the implementation of the Common Approach requires the adaptation of the founding acts of existing agencies following a case by case analysis, as well as non-legislative measures, such as through the work of Commission representatives on agencies' management boards.

1. The Commission's main objectives for the implementation of the Common Approach

The Commission's main objectives for the implementation of the Common Approach can be summarised in the following way: more balanced governance, improved efficiency and accountability and greater coherence. These objectives are of particular importance at a time when the efficient and responsible use of resources is paramount, as reflected in the strong focus on results and efficiency in the ongoing negotiations on the MFF and Staff Regulations and in the context of the difficulties faced by certain agencies in relation to the discharge procedure.

Concerning agencies' **governance**, the implementation of the Common Approach will aim to clarify that management boards are expected to play a supervisory role to counterbalance the powers of the directors. For this purpose, Member States are invited to pay greater attention to the management skills of persons appointed to agencies' boards and to regularly review the adequacy of staff / resources assigned. In addition, the composition of management boards is to be streamlined following a model where all Member States have one representative; the Commission has two without prejudice to the relevant arrangements for existing agencies; and, where appropriate, the European Parliament may designate one member and stakeholders may have a limited number of representatives. The rationale is to avoid the situation where boards are so large (up to more than 80 members) that they act more as consultative assemblies than as a true supervisory body. Another important point is that management boards will be clearly entrusted with the responsibility to follow-up on evaluation and internal / external audit recommendations. Finally, when this would improve agencies' efficiency, executive boards should be set up with the participation of Commission representatives. They will be more closely involved in the monitoring of the agencies' activities and thereby allow for a reinforced supervision of their administrative and budgetary management.

The governance of agencies will also be characterised by a major political innovation: the creation of a so-called "alert-warning system". The Commission is now formally entrusted with the responsibility to warn the European Parliament and Council in case "it has serious reasons for concern that an agency's Management Board is about to take decisions which may

not comply with the mandate of the agency, may violate EU law or be in manifest contradiction with EU policy objectives". Decisions to trigger (or not to trigger) this mechanism will need to be carefully motivated.

A second major objective for the implementation of the Common Approach is to enhance agencies' **efficiency and accountability**. One of the initiatives to be pursued in this respect is to seek synergies between agencies, such as the possibility of sharing services based on proximity of locations or policy area or that of merging agencies whose tasks are overlapping and which would more efficient if inserted in a bigger structure.

In addition, the objective to increase agencies' performances also concerns the way agencies' activities are planned and organised. Agencies will, for example, be asked to systematically devise multi-annual work programmes, to better apply ABB/ABM management tools and to develop sound key performance indicators (both for the agency and its Director). The Commission will support this process by assessing the opportunity to develop guidelines or templates when relevant and possible, for example for the annual work programme or for evaluations.

Agencies' accountability should also be improved. The Commission will work with them to develop guidelines for a coherent policy on the prevention and management of conflicts of interest for members of the Management Board and Directors, experts in scientific committees, and members of Boards of Appeal. In response to a recent special report by the European Court of Auditors, the Commission indicated that it would consider the potential need to develop an EU regulatory framework in the context of the implementation of the Common Approach. Instead of a fully-fledged EU regulatory framework, it is proposed that the Commission engage in a dialogue with agencies to map existing rules and standards, and develop guidelines and best practices.

Agencies will also be expected to be more transparent on some of their activities, notably concerning their international relations. On this point, the Common Approach recalls that agencies have to work within their mandate and the institutional framework, and that they can not be seen as representing the European Union.

A third objective of the implementation phase will be to introduce **greater coherence** in the way agencies function, whenever possible and relevant. For example, the Commission will develop standard provisions of a horizontal nature in their founding acts. In addition, voting rules in management boards will be harmonised. Finally, the Commission will work with agencies to develop guidelines with standard provisions for headquarter agreements on the basis of existing best practices.

2. Instruments for the implementation of the Common Approach

The Commission will implement the Common Approach through various tools:

First, the roadmap serves as an inventory of all the initiatives to be taken by the Commission, as well as agencies themselves, Council, Member States and the European Parliament, to follow-up on the Common Approach. The initiatives listed are a direct translation of the provisions of the Common Approach into concrete deliverables. It sets deadlines for those deliverables for which the Commission is responsible and highlights the initiatives that the Commission considers as priorities. In addition, it indicates when cooperation with agencies is necessary / useful and when agencies have already started implementing the Common Approach. Through their different networks, many agencies have already been proactive in this regard.

A number of provisions in the Common Approach require modifications to agencies' basic acts. The Commission will ensure that its future proposals to revise those acts are in line with the Common Approach. In addition, templates for horizontal provisions will be developed.

When the Commission has already planned to adopt proposals to revise founding acts for policy related reasons (e.g. for the European Railway Agency - ERA, the Office for Harmonisation in the Internal Market - OHIM, the European GNSS Agency - GSA, the European Police College – CEPOL – and the European Police Office – EUROPOL), the necessary legal adjustments should be introduced to align the functioning and governance of those agencies with the provisions of the Common Approach, following a case by case analysis.

For those agencies for which no reform is currently planned, the Commission will perform a comprehensive review of the founding acts to assess, on a case by case basis, the opportunity to launch a revision motivated by an alignment with the Common Approach.

The adoption of other legal acts will contribute to the implementation of the Common Approach, for example the proposed revised Staff Regulations (which includes a number of provisions with direct impact for agencies) and the upcoming revision of the Framework Financial Regulation (relevant for the implementation of some provisions of the Common Approach, such as the simplification of financial rules, alignment of deadlines in the context of the budgetary procedure, or the possible creation of a limited ring-fenced reserve fund).

Finally, the Commission will also rely on its representatives in management and executive boards to implement the Common Approach. They will for instance have the responsibility to trigger the alert-warning system or be in a position to help the management board adequately fulfil its supervisory role.

1/ List of actions

Actions to be performed	Ref.	Responsible actor(s)	Comments	Target year
I/ Setting up of agencies (if new agencies are created or when existing founding acts are revised)				
Impact assessment 1- Prepare an objective impact assessment of all relevant options to inform the decision to create a new agency	§ 2	Commission		Whenever needed
Standard provisions 2- Develop models for founding acts, e.g.: evaluations, review or sunset clause, human resources provisions (Appointing Authority, Director nomination and dismissal procedure, role), conflict of interest, international relations strategy, exchange of EU classified information, (multi)annual work programme	§ 2, 19	Commission		2013, Q1
Headquarters 3- Develop guidelines to elaborate on the objective criteria to be taken into account by Member States in their decision on the seat location 4- Address objective criteria in a transparent way when presenting their offers to host an agency 5- Decide on the agency's seat before the end of the legislative process 6- Commit to ensure that all conditions necessary for the operation of an agency are in place by the time it starts its operational phase and to continue to respond to the agency's needs also after it has been set up 7- Develop guidelines with standard provisions for headquarter agreements on the basis of existing best practices 8- Sign a headquarter agreement in accordance with the legal order of the relevant Member State	§ 6	Commission		2014
	§ 2	Member States		Before the seat is decided
	§ 6	Member States, Eur. Council		During the legislative process
	§ 8	Member States		Before the adoption of the agency's founding act
	§ 9	Commission		2013, Q2
	§ 9	Agencies / Member States		As soon as possible, for the following agencies: CdT, CPVO, EMA, ESMA, ERA, EU-

				OSHA, FRONTEX, IT Agency
Start-up phase				
9- Designate an interim Director and create a task force within the responsible DG under the authority of this interim Director, and designate correspondents within the horizontal services to assist this task force	§ 3	Commission		In the stage preceding the adoption of the founding act
10- Develop a start-up kit covering the procedures to be followed when an agency is being set up	§ 3	Commission		2013 / 2014
11- Formalise the procedure to second experienced Commission personnel to the newly created agency for the first years of operation	§ 3	Commission		2013 / 2014
II/ Operation of agencies				
Commission services to agencies				
12- Assess the services provided to agencies and, if necessary, improve, clarify, extend or adapt them	§ 23	Commission	On the basis of agencies' feedback	2013
13- Review of existing Service Level Agreements	§ 23	Commission	On the basis of agencies' feedback	2013 / 2014
14- Provide support to agencies in the area of public procurement	§ 23	Commission	On the basis of agencies' feedback	From 2013
Rationalisation				
15- Consider sharing services between agencies, either by proximity of locations or by policy area	§ 23	Agencies	In liaison with the Commission	On a regular basis
16- Consider merging agencies in cases where their respective tasks are overlapping, where synergies can be contemplated or when agencies would be more efficient if inserted in a bigger structure	§ 5, 23	Commission, EP, Council		2013
International activities				
17- Sign working arrangements between agencies and partner DGs to ensure that they operate within their mandate and the institutional framework in the context of international activities	§ 25	Commission / Agencies		2014
18- Provide mutual early information on international activities	§ 25	Commission / Agencies	Remark: this is without prejudice to existing legal obligations that go beyond a simple information. Agencies are sometimes required by their founding act to get the	Whenever relevant

19- If the agency's mission requires cooperation with authorities of third countries, adopt an international relations strategy, in principle embedded in the annual and / or multi-annual work programme	§ 25	Agencies	agreement of the Commission to engage in such activities.	In parallel with (multi)annual work programmes
20- Submit specific initiatives with an international dimension (e.g. administrative arrangements with third countries) to the approval of the Management Board	§ 25	Agencies / Commission		Whenever relevant
Communication activities				
21- Develop guidelines for agencies' communication strategies	§26	Commission	On the basis of agencies input. Agencies are encouraged to pursue ongoing common initiatives in this field	2013, Q4
22- Ensure the communication strategy is coherent, relevant and coordinated with the strategies and activities of the Commission and the other institutions	§26	Agencies		On a regular basis
23- Facilitate agencies' access to central communication tools and coordination structures, e.g. use of Commission's framework contracts, External Communication Network, Project teams, Planning Ahead	§26	Commission	The Commission will launch discussions with agencies and will, in particular: - assess the state of play of the possibility for agencies to use Commission's framework contracts - ensure new framework contracts are open to agencies	From 2013
Websites				
24- Make websites as multilingual as possible and ensure they provide information necessary for (financial) transparency	§ 64	Agencies		On a regular basis
25- Ensure the website mentions that they are European Union agencies	§ 64	Agencies		As soon as possible if not already the case
Annual Work Programme				
26- Assess the opportunity to develop a template / guidelines	§ 27	Commission	On the basis of input from agencies	2013, Q4
27- Reinforce the link between financial and human resources and each specific action to be carried out and make it systematic	§ 31	Agencies		Every year
28- Develop and use key performance indicators	§ 31	Agencies /		Every year

		Commission		
Multi-annual Work Programme				
29- Draw up multiannual strategic programmes or guidelines linked with multiannual resource planning (budget and staff in particular) and linked with successive annual work programmes	§ 28, 31	Agencies		On a regular basis
30- Report to the Management Board on the agency's progress in implementing the multiannual work programme	§ 32	Agency Directors		On a regular basis
Single Annual Report				
31- Develop an indicative template, taking into account time constraints and possible exceptions	§ 48	Commission	On the basis of input from agencies. Agencies are encouraged to pursue ongoing common initiatives in this field	2013 / 2014
32- Produce a single annual report, as far as possible	§ 46	Agencies Commission, EP, Council	Modifications of founding acts if necessary	2013 / 2014
Conflicts of interest				
33- Guidelines for a coherent policy on the prevention and management of conflicts of interest for members of the Management Board and Directors, experts in scientific committees, and members of Boards of Appeal	§ 11, 18, 20, 21	Commission	In cooperation with agencies	2013
34- Adopt and implement a clear policy on conflicts of interest and, in particular, exchange experience and possibly develop a coordinated approach to common problems concerning scientific committees and boards of appeal, and define transparent and objectively verifiable criteria for the impartiality and independence of the members of Boards of appeal	§ 11, 18, 20, 21	Agencies	Agencies are encouraged to pursue ongoing common initiatives in this field Other ongoing initiatives also associate agencies and the Commission	2013
35- Review selection procedures for members of scientific committees	§ 20	Agencies	If the EU agencies' founding regulations make it possible	2013
EU classified information				
36- Adopt appropriate decisions on the creation or handling of such information	§ 24	Agencies		2013
37- Develop a toolkit or set up a network to foster the exchange of best practices on the exchange of EUCI	§ 24	Commission		2013, Q4
Relations with national agencies / administrations				
38- Maintain relations with national agencies and define clearly the respective roles	§ 65	Agencies		On a regular basis

39- Ensure that information flows between the different authorities concerned at national level in relation to agencies' activities, inter alia by appointing contact points in their national administrations for relations with the given agency	§ 22	Member States		On a regular basis
40- Review the adequacy of resources/staff assigned to the work of agencies' internal bodies and take appropriate actions to remedy possible weaknesses	§ 22	Member States		On a regular basis
Alert / warning system				
41- Activate this system if an agency's Management Board is about to take decisions which may not comply with the mandate of the agency, may violate EU law or be in manifest contradiction with EU policy objectives	§ 59	Commission	Management Boards are encouraged to take in due account the positions expressed by the Commission representatives. Coordinated approach to be discussed with the European Parliament and the Council.	Whenever relevant
Relations with stakeholders				
42- When relevant stakeholders are not represented in management boards, involve them in internal bodies and/or advisory groups/working groups, where appropriate	§ 65	Agencies		On a regular basis
43- Coordinate with the different actors charged with the definition and implementation of a policy to exercise their functions	§ 65	Agencies		
44- Ensure the relations with stakeholders (e.g. the United Nations and other international organisations, sister agencies in third countries, and Member States' agencies) are coherent with their mandate, the institutional division of tasks in international relations, EU policies and priorities, and Commission's actions	§ 65	Agencies		
III/ Evaluations, audits and OLAF				
Evaluations				
45- Elaborate a common template / guidelines	§ 60	Commission	Agencies are encouraged to pursue ongoing common initiatives in this field	2013, Q4
46- Ensure that evaluations cover the accessibility of agencies and the selection procedures for / independence of members of scientific committees and boards of appeal	§ 7, 20, 21	Commission, Agencies		On a regular basis
49- Ensure that agencies' reviews conclude on their rationale, effectiveness and cost-effectiveness (notably by taking into account the share of administrative versus operational staff)	§ 60	Commission, Agencies		On a regular basis
50- Management boards to consider the need for ex-ante evaluation of activities/programmes	§ 61	Agencies		On a regular basis
Internal audit and control				

51- Amend the Framework Financial Regulation to clarify the respective modalities and roles of agencies' internal control functions and internal audit services	§ 53	Commission		2013, Q4
52- Internal auditor to undertake a risk assessment to maximise the coverage of major risks over a 3-year cycle and propose a related strategic audit plan	§ 50	Commission IAS		On a regular basis
53- To avoid overlaps of audit topics or calendars: IAS to discuss its audit planning with agencies' management and Internal Audit Capabilities to coordinate their audit plans with the IAS	§ 51 and 53	Commission IAS, Agencies		
54- Where existing, ensure Internal Audit Capabilities comply with the international standards	§ 53	Agencies		
Follow-up to evaluations				
55- Directors to prepare a roadmap with a follow-up action plan regarding the conclusions of retrospective evaluations, and report on progress bi-annually to the Commission	§ 62	Agencies	The Commission will provide a template	2013, Q1
56- Ensure agencies' (management / executive) boards are adequately informed and involved	§ 62	Agencies		On a regular basis
57- Multi-annual work programmes to include the actions necessary to respond to the outcome of overall evaluations	§ 30	Agencies		Whenever relevant
Follow-up to internal and external audits				
58- Ensure agencies' (management / executive) boards are adequately informed and involved	§ 10, 52	Agencies		On a regular basis
59- Inform the partner DG and DG Budget of the results of audits of the European Court of Auditors, as well as of the measures taken to meet the recommendations of the discharge authority and those of the Court	§ 56	Agencies		Whenever relevant
Anti-fraud activities				
60- Develop a template or guidelines for the anti-fraud strategies of agencies	§ 66	Commission		2014
61- Establish a system of protection for whistleblowers and increase awareness of the different ways and channels for reporting serious wrongdoing	§ 66	Agencies	Commission guidelines can serve as a reference	2013
62- Publicise the fraud prevention measures taken, and in particular, make information on OLAF's role and on the Fraud Notification System easily available on the Intra and Internet sites	§ 66	Agencies		On a regular basis
63- Raise the issue of fraud prevention measures in relevant Agency networks, in particular Inter-Agency Legal advisors Network	§ 66	Agencies		On a regular basis
64- Report and review all urgency-based exceptions and deviations from standard procedures during the last month of the financial year	§ 66	Agencies		Whenever relevant

65- Ensure that all the standard contracts contain the clauses that can constitute a solid legal basis, in particular in third countries, to enable OLAF to carry out checks and inspections	§ 66	Agencies		Whenever relevant
66- Include specific references to OLAF's role in procurement notices and grant award procedures	§ 66	Agencies		Whenever relevant
67- Inform newly recruited staff on OLAF's role	§ 66	Agencies		Whenever relevant
68- Refrain from carrying out investigations on facts liable to lead to an investigation by OLAF and communicate complete and timely information to OLAF to allow informed decisions on whether to launch investigations	§ 66	Agencies		Whenever relevant
IV/ Management of financial and human resources and budgetary process				
Implementation of the Financial Regulation rules				
69- In the context of the future reform of the Framework Financial Regulation, amend the Regulation and / or propose soft law measures to simplify rules for agencies	§ 45	Commission	On the basis of contributions from agencies	2013, Q4
70- Encourage new administrative staff to attend either specific training on financial regulation and implementing rules (organised directly in the agencies) or general training on procurement procedures and other financial matters (provided by the Commission)	§ 45	Agencies		On a regular basis
71- Better exploit the possibility offered by the Framework Financial Regulation to "use joint procurement procedures with contracting authorities of the host Member State to cover its administrative needs"	§ 45	Agencies		Whenever possible
Treatment of surplus for partially self-financed agencies				
72- Produce an analytical paper to investigate the treatment of surplus, including the possible creation of a ring fenced fund	§ 39	Commission		2013, Q3
73- If appropriate, propose relevant changes in the Framework Financial Regulation	§ 39	Commission		2013, Q4
Activity Based Budgeting (ABB) and Activity Based Management (ABM)				
74- Exchange best practices	§ 40	Agencies	Agencies are encouraged to pursue ongoing common initiatives in this field	On a regular basis
75- Pursue the development of an ABB/ABM toolbox	§ 40	Agencies	Agencies are encouraged to pursue ongoing common initiatives in this field	2013
76- Develop guidelines / a training to support agencies better apply ABB/ABM, covering key performance indicators to be included in work programmes	§ 40	Commission & Agencies		2013, Q1
Resources planning				

77- Present (updated) legislative financial statements to justify the need for additional resources for agencies in their "start-up phase" or agencies entrusted with new tasks and update those financial statements if additional resources are granted to them	§ 42, 43	Commission	This is a standing practice, to be included in the Framework Financial Regulation	2013, Q4
78- Provide adequate justification if they decide not to take full account of the Commission's opinion on the draft staff policy plan	§ 35	Agencies		Whenever relevant
79- Amend the Framework Financial regulation to align the timeframe for submitting the draft establishment plan and the Multi-Annual Staff Policy Plan	§ 35	Commission		2013, Q4
Budget process and execution				
80- Justify requests with regard to agencies' budgets	§ 41	Agencies, Commission, EP, Council		Annually
81- Improve internal planning and general revenue forecasting	§ 36	Agencies		On a regular basis
82- Develop a guide on the basis of best practices on internal planning and revenue forecasting	§ 36	Commission		2014
83- Improve the management of commitments to align them with real needs	§ 36	Agencies		On a regular basis
84- Communicate to the budget authority any modification to budgets which does not require their approval, together with adequate justification	§ 44	Agencies		Whenever relevant
85- Submit to the EP, Council and the Commission, an annual report on the execution of their budget and consider recommendations	§ 58	Fully self financed agencies		Annually
Discharge				
86- Make a more rigorous differentiation between the responsibilities of the Commission and those of the agencies in discharge decisions and resolutions	§ 57	EP		In discharge
V/ Human resources management				
Human resources policy				
87- Simplification of existing procedures through amendments to the Staff Regulation, as well as the review of the 2005 staff policy guidelines and of model implementing rules	§ 33	Commission, EP, Council		2013 / 2014
88- Adaptations to the Multi-annual Staff Policy Plan template, in particular so that it provides a full picture of external staff	§ 34	Commission, Agencies		2013, Q1
Directors				
89- Develop guidelines on tailored performance indicators to assess the results achieved	§ 15	Commission	On the basis of agencies'	2013

by Directors			contribution	
Management Board members				
90- Appoint members of the boards in light of their knowledge of the agency's core business and taking into account relevant managerial, administrative and budgetary skills and limit their turnover	§ 10	Member States, Commission		On a regular basis

2/ Priority actions and milestones

Annual Work Programme:

- 1st quarter 2013: input from and discussion with agencies
- 2nd quarter 2013: consultation of partner DGs and horizontal services and, if deemed feasible, elaboration of draft template

Conflicts of interest:

- From now to 1st quarter 2013: mapping of existing rules and identification of best practices in cooperation with agencies and partner DGs
- 2nd quarter 2013: draft guidelines
- 3rd quarter 2013: discussion with Heads of agencies
- end 2013: adoption

Headquarter agreements:

- 1st quarter 2013: collect best practices from agencies and partner DGs
- 2nd quarter 2013: discussion with agencies
- 3rd quarter 2014: develop guidelines with standard provisions

ABB / ABM and key performance indicators:

- From now to 1st quarter 2013: input from and discussion with agencies
- 2nd quarter 2013: consultation of partner DGs and horizontal services and elaboration of guidelines

Guidelines / template for evaluations:

- 3rd quarter 2013: input from and discussion with agencies
- 4th quarter 2013: consultation of partner DGs and horizontal services and elaboration of guidelines