TARN Dialogue

Conclusions from the breakout sessions
29 June 2016

Group 3: International Dimension of EU agencies
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The group discussion focused on the modalities of external mandates, instruments, procedures and practices in the external cooperation of agencies. A conclusion was reached as regards the externalization of their activity - agencies differ largely in type and intensity of international cooperation due to their mission, tasks, tools and degree of actual input into policy-making. That is why generalizations should be avoided.

However, the discussion made obvious that a number of overarching matters still exist:

1 *The need for international cooperation is as wide as any mandate and a practical reality*

   There is a wide external practice, closely linked and necessitated by the functions and tasks of the agencies. Among the areas of activity, which were discussed during the session was risk assessment for setting of policies; especially as in some policy fields where risk is imminent and there is often need of urgent action. It is imperative to cooperate with international actors, to avoid catastrophic results of the divergent language in the implementation of policy by EU and non-EU national and international bodies (as with the Zika outbreak). As standards and approaches in assessment of risk are related to scientific evidence, working arrangements are often the basis for commonly generated scientific evidence and/or the approach of interpretation.

2 *A plurality of instruments and modes of cooperation are used in external cooperation*

   Generally, there are not only a is wide resort to conclusion of documents formalizing cooperation in various forms (i.e working arrangements), but cooperation occurs through the mutual exchange of liaison officers and therefore is an additional channel for exchange of information. Reportedly, the bodies see instruments such as working arrangements as binding (be it with IOs, states or even directly with big cities), because those are credible commitments for cooperation with their international partners. Additionally, *ad hoc* arrangements are also functionally called for, as a functional externalization of the mandate, which may occur in the absence of a specific framework. In addition, third states or parties may have an observer position in the agencies as well, connected to an existent Union cooperation instruments with candidate countries or via the European Neighborhood Policy, yet without a reported impact.

3   *Agencies form strong substantive and procedural connections with epistemic communities*
     Many agencies are not in the decision-making realm, but rather supply information and advice, which still touches base with the international level in its procedure and substantive approach. Generally, in risk regulation agencies recognize the need for forming regulator networks with a common interest, purpose and spirit – thus the international collaboration. In some fields, the Commission generates a risk-management networks. Alike, international organizations also run international information exchange networks, however then they are the ones which set the standards of the type of information that enters in the networks. However, agencies cooperation via networks generates information, which also 'feeds' into policy and legislative acts at EU level.

4   *More tensions emerge from dynamic international cooperation and proceduralisation*
     Agencies often have to respond swiftly in emergencies and formalities are seen as burdening. In some fields, such as food, there is heavy regulation, while in others such as health, there is not. In the latter case, agencies actually prefer to avoid over-proceduralisation, in order to stay efficient in their risk response. Yet, risk assessment is tied with huge economic consequences. At the same time the assessment is based on current evidence, also tied with the duty to inform and protect. The bodies need to exhort 'technical' authority in the management of their policy mandates, irrespective of whether it is a EU or non-EU management. Hence, there is an emphasized need for careful procedures in the context of internationally cooperation, for instance in the exchange of information, to reduce liability of issuing warnings.

5   *Relationships with the EU institutions are policy-related, but not centered on internationality*
     The group's discussion made obvious that often agencies have ongoing collaboration inter-institutionally with DGs of respective (and many other) policy fields. That is complemented by an EU inter-agency community with similar risk-based and also emergency-response mandates. Additionally, the agencies actually have a strong EU (reportedly informal) network among themselves in which they regularly meet and unofficially align views, approaches and exchange planning in ongoing matters.

6   *Accountability mechanisms are overloading and it seems not focused specifically on externality either*
     The discussion revealed that agencies certainly feel an overloaded with oversight and reporting. It was discussed that agencies at times see procedures as constraining and the reporting are excessive. First, because all agency fields are mainstreamed by an EU policy. Second, because the bodies have to report to a number of forums and

stakeholders, such as the Court of Auditors or are subject to external audits; they are controlled by the European Parliament as the budgetary authority; they also have to generate Reports and Planning. Third, reportedly this occurs at the expense of resources and time, while faced with budget and staff cuts. Practically, legal conditions can leave agencies constrained, an example being the outbreak of Ebola. Even though international partners had been alarmed and called for action, internal procedure and substantive political considerations had delayed thee response, in practice exacerbating the outbreak.

7   *There is an unexpected duplication of tasks with projects of Executive agencies*
Some decentralized agencies also have to compete with executive agencies. The discussing agencies have reported that executive agencies have competed with some of their tasks by drafting projects that duplicated their work, also some of their international work. This underlined problem may be related to the prerogative of executive agencies to rely on funding for projects. The decentralized agencies at the same time cannot compete for new tasks, due to the 'steady as you go' expectations for their working plans, tasks and budgeting.

8   *Against this backdrop, the question of a shift in the institutional balance remains open*
It is evident that the functional externalization of agencies is growing, with inherent substantive and procedural modalities. However, this functional reality may have already led to tectonic shift in the constitutional criteria, thus reconciling external agency practice.