



The Academic Research Network  
on Agencification  
of EU Executive Governance



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## Workshop & Dialogue Session

Club University Foundation, Rue d'Egmont 11, 1000, Brussels

11th – 13th April, 2018

Final programme

EU Agencies

# Problem-Solving, Performance & the Accountability Overload: Squaring the Impossible Circle?

Today, agencies are in the ascendancy within the EU executive. Having proven themselves to be indispensable to problem-solving within the oversight of the Single European Market, the form of the agency has been adopted as a problem-solving instrument throughout the EU, from the control of EU borders to the safeguarding of human rights. Yet, institutional success has created its own particular problems.

Existing within complex networks of scientific expertise, social & economic information-gathering and regulatory capacity, and answerable both to the institutions of the European Union, as well as to

its member states, EU agencies present their own legitimacy issues. Whether real or perceived, concerns abound about the quality of expert-led decision-making within the democratic process and potential for agency-led decision-making to escape the control and oversight of the political institutions of the EU and member states. The response to this conundrum has crystallised around the notion of agency 'accountability'. Seen as a partner mechanism to the autonomous nature of agencies, accountability has emerged both as a constitutional principle of European law, and a mechanism of institutional design for agencies. The accountability of agencies is conceived as a catch-all concept, whereby agencies are made accountable to their 'political' and institutional masters, their stakeholders, their epistemic communities, and even to the public, both at their founding and in their day-to-day activities.

The many and varied mechanisms of accountability applying to agencies are now so complex and so diverse that actors within and outside EU agencies have begun to identify a new paradox of 'accountability overload', which has its own potential to undermine the primary legitimacy of agency action (output legitimacy) which is to be found in their functionality, or ability to get the job done. EU agencies are now facing unparalleled challenges:

- Attempting to execute broad and complex mandates
- Addressing new and complex issues of data management
- Seeking to maximise their financial resources in an era of continuing financial constraint
- Planning to maximise their capacities through inter-agency co-operation
- Searching for forms of institutional organisation which maximise their effectiveness.

Within this context, this workshop and dialogue session on problem-solving, operability & the accountability overload aims to take a closer look at the current challenges which EU agencies are facing in their operations and to ask the complementary question of whether we must modify the legitimating concept of 'agency accountability' in order to facilitate complex agency operations. The workshop and dialogue session will also investigate the potential for further institutional innovations within the context of EU operation, asking whether instruments other than the agency.

**Wednesday 11<sup>th</sup> April, 2-6pm**

### Session One: Accountability & Institutional Overload – How did we get here?

13.45 – 14.00 Registration with coffee and tea

14.00 – 14.30 Merijn Chamon (Ghent University) 'The constitutional value of accountability in agencies' institutional design'

14.30 – 14.45 Comments and Reflections

14.45 – 15.15 Tatjana Turkovic (Europol) 'Contemporary challenges of EU agency operation – Europol example'

15.15 – 15.30 Comments and Reflections

15.30 – 15.45 Break

15.45 – 16.15 Cleo Davis (University of Edinburgh, "Exploring the existence of legitimacy concerns in the Commission's decision to create the three European Supervisory Authorities'

16.15 – 16.30 Comments and Reflections

16.30 – 17.00 Letizia Gianni (EUI), 'Weighing Costs and Benefits in EU administrative practice: the case of ESMA'

17.00 – 17.15 Comments and Reflections

17.15 – 18.00 Plenary Discussion

Commentators: Andreas Eriksen (ARENA) and Chara Vlachou (University of Orléans)

## Thursday 12<sup>th</sup> April, 9.00-11.30am

### Session Two: Scientific Knowledge Building

9.00 – 9.30 Alessia Monica (University of Pavia), 'Protecting Third Parties in EU scientific advisory agencies: a tool to boost accountability'

9.30 – 10.00 Natassa Athanasiadou (Maastricht University), 'Towards public control of scientific studies? Revisiting the independence of expertise in the glyphosate era'

10.00 – 10.30 Vesco Paskalev (University of Hull), 'Accountability or Taking Things into Account: The Case of Glyphosate'

10.30 – 11.00 Comments and Reflections

11.00 – 11.15 Plenary Discussion

Commentators: Sabrina Röttger-Wirtz (University of Tilburg), Ellen Vos (Maastricht University)

11.15 – 11.30 Break

### Session Three: Crisis, Innovation, Stability

11.30 – 12.00 Islam Jusufi (Epoka University), 'The institutional design of the EU agencies: the case of European Agency for Reconstruction'

12.00 – 12.15 Comments and Reflections

12.15 – 12.45 Marko Milenkovic (Johns Hopkins University - CCSDD Bologna), 'Western Balkans and differentiated integration – the potential role of the European Union agencies'

12.45 – 13.00 Comments and Reflections

13.00 – 13.30 Plenary Discussion

Commentator: Merijn Chamon (Ghent University), Andrea Ott (Maastricht University)

13.30 – 14.30 Lunch

Thursday 12<sup>th</sup> April, 2pm-6pm

#### Session 4: Innovation, Problem-Solving and Institutional Design

14.00 – 14.30 Oleksandr Moskalenko (University of Turku), 'The European Parliament and EU Foreign Policy agencies: quid pro quo'

14.30 – 14.45 Comments and Reflections

14.45 – 15.15 Tobias Tesche (EUI), 'Fiscal Councils: Towards a new Public Accountability'

15.15 – 15.30 Comments and Reflections

15.30 – 16.00 Break

16.00 – 16.30 Bernardo Rango (EUI), 'Retelling the European banking union: experimentalist governance in hierarchical disguise'

16.30 – 16.45 Comments and Reflections

16.45 – 17.15 Andreas Eriksen (ARENA), 'The Facts of Administrative Accountability'

17.15 – 17.30 Comments and Reflections

17.30 – 18.00 Plenary Discussion

Commentators: Martin Weinrich (EUI), Michelle Everson (Birkbeck College)

#### Friday 13<sup>th</sup> April: 10am-1pm Dialogue Roundtable – An Agenda for Institutional Reform

9.30. – 10.00 Registration and Coffee

10.00 – 12.00 Roundtable chaired by Michelle Everson and Ellen Vos

Following two years of action and interaction from and between academics and practitioners it is time to take stock, begin to prepare our conclusions and identify purposes for the future. Building on the work of the workshop and of the TARN network, we aim in this session, to draw up an agenda for reform:

- Has the agency mandate been extended too widely?
- Can other forms of institutional innovation take the strain?
- Are new forms of accountability available which are more compatible with the duty of the EU executive to provide efficient and effective (good) governance?
- How can we minimise politics where it is a distraction; how can we maximise politics where it is needed?
- How does the poor bureaucratic function in a world of complex and conflicting demands for accountability and action?

12.00 – 13.00 Lunch