

**Parliament's rights in the appointment procedure of future executive directors of the European Environment Agency**

**European Parliament resolution of 11 September 2013 with recommendations to the Commission on Parliament's rights in the appointment procedure of future Executive Directors of the European Environment Agency – amendment of Article 9 of Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (2013/2089(INL))**

*The European Parliament,*

- having regard to Article 225 of the Treaty on the Functioning of the European Union,
  - having regard to Article 9 of Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network<sup>1</sup>,
  - having regard to the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies of 19 July 2012,
  - having regard to the Common Approach on EU decentralised agencies annexed to the Joint Statement of 19 July 2012,
  - having regard to Rules 42 and 48 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A7-0264/2013),
- A. whereas there is no provision in Regulation (EC) No 401/2009 granting the European Parliament the formal right to hear the candidate selected to be appointed Executive Director of the European Environment Agency;
1. Requests the Commission to submit as soon as possible, on the basis of Article 192(1) of the Treaty on the Functioning of the European Union, a proposal for an act amending Regulation (EC) No 401/2009 as regards the procedure for appointment of the Executive Director of the European Environment Agency, following the detailed recommendations set out in the Annex hereto;
  2. Confirms that the recommendations respect fundamental rights and the principle of subsidiarity;
  3. Considers that the requested proposal does not have financial implications;
  4. Instructs its President to forward this resolution and the accompanying detailed recommendations to the Commission and the Council, and to the European Environment Agency.

## ANNEX TO THE RESOLUTION

### **DETAILED RECOMMENDATIONS FOR DRAWING UP A EUROPEAN PARLIAMENT AND COUNCIL REGULATION AMENDING REGULATION (EC) NO 401/2009 ON THE EUROPEAN ENVIRONMENT AGENCY AND THE EUROPEAN ENVIRONMENT INFORMATION AND OBSERVATION NETWORK AS REGARDS THE PROCEDURE FOR APPOINTMENT OF THE EXECUTIVE DIRECTOR**

#### **A. PRINCIPLES AND AIMS OF THE PROPOSAL REQUESTED**

1. The aim of this proposal is to align the procedure for appointment of the Executive Director of the European Environment Agency with the procedures in use for the Executive Directors of other agencies, such as the European Chemicals Agency, the European Medicines Agency and the European Food Safety Authority, in particular in order to grant the European Parliament the formal right to hear the candidate selected by the Management Board of the European Environment Agency for the post prior to his or her appointment.

#### **B. TEXT OF THE PROPOSAL REQUESTED**

Proposal for a

#### **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Regulation (EC) No 401/2009 on the European Environment Agency and the European Environment Information and Observation Network as regards the procedure for appointment of the Executive Director**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the European Parliament's request to the European Commission<sup>2</sup>,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>3</sup>,

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<sup>1</sup> OJ L 126, 21.5.2009, p. 13.

<sup>2</sup> OJ ...

<sup>3</sup> OJ ...

Having regard to the opinion of the Committee of the Regions<sup>1</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The first subparagraph of Article 9(1) of Regulation (EC) No 401/2009 on the European Environment Agency and the European Environment Information and Observation Network<sup>2</sup> includes no provision granting the European Parliament a formal right to hear the candidate selected to be appointed Executive Director of the European Environment Agency prior to his or her appointment.
- (2) In accordance with the Framework Agreement on relations between the European Parliament and the European Commission<sup>3</sup>, nominees for the post of Executive Director of regulatory agencies should come to parliamentary committee hearings.
- (3) Regulation (EC) No 401/2009 is a codified version of Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network<sup>4</sup>. Since the entry into force of that act, other regulations establishing other agencies, such as in particular Regulation (EC) No 1907/2006<sup>5</sup> on the European Chemicals Agency, Regulation (EC) No 726/2004<sup>6</sup> on the European Medicines Agency and Regulation (EC) No 178/2002<sup>7</sup> on the European Food Safety Authority, have included the provision that the candidate nominated by the Management Board of the Agency is invited to make a statement to the European Parliament and to answer questions put by its Members.
- (4) It is established practice that the candidate selected by the Management Board of the European Environment Agency for the position of Executive Director is invited without delay to a hearing before the competent committee of the European Parliament.
- (5) Unlike more recent regulations establishing other agencies, such as in particular the European Chemicals Agency, the European Medicines Agency and the European Food Safety Authority, Article 9 of Regulation (EC) No 401/2009 also does not specify the requirement that the Commission select the candidate to the post of Executive Director

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<sup>1</sup> OJ ...

<sup>2</sup> OJ L 126, 21.5.2009, p. 13.

<sup>3</sup> OJ L 304, 20.11.2010, p. 47.

<sup>4</sup> OJ L 120, 11.5.1990, p. 1.

<sup>5</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

<sup>6</sup> Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).

<sup>7</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

of the European Environment Agency following a call for expressions of interest published in the *Official Journal of the European Union* and in other periodicals or on internet sites.

- (6) It is therefore appropriate to align the procedure for appointment of future Executive Directors of the European Environment Agency with the procedures for appointment of the Executive Directors of other agencies, as regards, in particular, the rights of the European Parliament.
- (7) Regulation (EC) No 401/2009 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

*Article 1*  
*Amendment to Regulation (EC) No 401/2009*

In Article 9(1) of Regulation (EC) No 401/2009, the first subparagraph is replaced by the following:

- "1. The Agency shall be headed by an Executive Director appointed by the Management Board on the basis of a list of candidates proposed by the Commission following a call for expressions of interest published in the *Official Journal of the European Union* and in other periodicals or on internet sites. The term of the office of the Executive Director shall be five years and shall be renewable once.

Before being appointed, the candidate selected by the Management Board shall be invited as soon as possible to make a statement before the European Parliament and to answer questions from its Members.

In advance of that hearing, which is to take place in the Environment, Public Health and Food Safety committee, the candidate shall provide a written roadmap that encompasses his or her strategy for their five-year term of office."

*Article 2*  
*Entry into force*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at .....

*For the European Parliament*  
*The President*

*For the Council*  
*The President*