

EUROPEAN PARLIAMENT

2004



2009

Committee on Transport and Tourism

2005/0088(COD)

24.11.2005

OPINION

of the Committee on Transport and Tourism

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 881/2004 establishing a European Railway Agency as regards the term of office of the Executive Director (COM(2005)0190 – C6-0152/2005 – 2005/0088(COD))

Draftsman: Paolo Costa

PA_Leg

SHORT JUSTIFICATION

In the EU there are now 20 decentralised bodies which can be categorised as Community agencies. One of them is ERA, the European Railway Agency, established by Regulation (EC) No 881/2004.

Agency directors are usually nominated for 4 to 5 years. At the end of that period, the body responsible for appointment until recently simply adopted a decision extending the incumbent director's term of office. The Commission thinks this practice poses a legal problem; according to interpretation of the Treaty and practice followed for European Commissioners and Judges, at the end of a director's term of office, a whole new appointment procedure should be launched.

This procedure however would be lengthy, expensive and could hamper the agency's work. The Commission therefore proposes as an alternative a simplified procedure, which still includes some sort of evaluation.

To this end, in the case of ERA, Article 31(3) of Regulation (EC) No 881/2004 should be amended. The amended provision states that the term of office of the director can be extended only once for a period of not more than 5 years, and after an evaluation that assesses the results achieved in the first term of office and the way they have been achieved, and the Agency's duties and requirements in the coming years.

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text by the Commission

Amendments by Parliament

Amendment 1

ARTICLE 1

Article 31, paragraph 3 (Regulation (EC) No 881/2004)

"3. The term of office of the Executive Director shall be five years. On a proposal from the Commission and after an evaluation, it may be extended once for a period of not more than five years.

In the evaluation, *the Commission* shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Agency's duties and requirements in the coming years."

"3. The term of office of the Executive Director shall be five years. On a proposal from the Commission and after an evaluation *by the Commission and the Administrative Board*, it may be extended once for a period of not more than five years.

In the evaluation, *they* shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Agency's duties and requirements in the coming years."

Justification

The Administrative Board and the Commission are the most appropriate bodies to carry out the evaluation.

PROCEDURE

Title	Proposal for a regulation of the European Parliament and the Council amending Regulation (EC) No 881/2004 establishing a European Railway Agency as regards the term of the Executive Director
References	COM(2005)0190 – C6-0152/2005 – 2005/0088(COD)
Committee responsible	JURI
Opinion by Date announced in plenary	TRAN 7.6.2005
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Paolo Costa 14.6.2005
Previous drafts(wo)man	
Discussed in committee	11.10.2005 21.11.2005
Date adopted	22.11.2005
Result of final vote	+: 43 -: 1 0: 1
Members present for the final vote	Inés Ayala Sender, Etelka Barsi-Pataky, Philip Bradbourn, Michael Cramer, Arūnas Degutis, Christine De Veyrac, Armando Dionisi, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Mathieu Grosch, Ewa Hedkvist Petersen, Jeanine Hennis-Plasschaert, Georg Jarzembowski, Dieter-Lebrecht Koch, Jaromír Kohlíček, Jörg Leichtfried, Bogusław Liberadzki, Eva Lichtenberger, Patrick Louis, Erik Meijer, Ashley Mote, Michael Henry Natrass, Seán Ó Neachtain, Janusz Onyszkiewicz, Josu Ortuondo Larrea, Willi Piecyk, Luís Queiró, Reinhard Rack, Luca Romagnoli, Gilles Savary, Dirk Sterckx, Ulrich Stockmann, Gary Titley, Georgios Toussas, Marta Vincenzi, Corien Wortmann-Kool, Roberts Zīle
Substitute(s) present for the final vote	Jas Gawronski, Zita Gurmai, Joost Lagendijk, Antonio López-Istúriz White, Rosa Miguélez Ramos, Francesco Musotto, Willem Schuth
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	