

## 30 REPORT ON THE TARN DIALOGUE OF 21 SEPTEMBER 2017 IN BRUSSELS

*Athanasiadou Natassa – Kornilia Pipidi Kalogirou\**

### 30.1 INTRODUCTION

The present report aims to present the key findings of the latest TARN Dialogue of 21 September 2017 which took place in Brussels. The Academic Research Network on Agencification of EU Executive Governance (TARN)<sup>1</sup> is a Jean Monnet network aiming to promote interdisciplinary research about the role of EU agencies in the EU executive governance and to encourage a dialogue between academia and practitioners. It brings together both renowned and early-career academics and practitioners from various disciplines and policy areas and pools knowledge on legal provisions, policy documents and information about the practical operation of EU agencies.

A primary objective and commitment of the network is to foster dialogue between academics, policymakers, civil servants and other stakeholders. To this direction, it has developed key partnerships with various Universities and Institutes all over Europe. The partner Universities/Institutes comprise Maastricht University (E. Vos, E. Versluis, B. De Witte), Birbeck College of the University of London (M. Everson), European University Institute (D. Curtin), Sciences-Po Paris (L. Azoulai, R. Dehousse), University of Rome (G. della Cananea), Hertie School of Governance (M. Dawson, C. Joerges), University of Luxembourg (H. Hofmann), University of Oslo (M. Egeberg, J. Trondal) and the Institute for Advanced Studies in Vienna (J. Pollak). Dialogues between practice and academia are accomplished through the annual roundtables in various thematic compositions (“TARN Dialogues”), in which academics and practitioners exchange experiences and expertise on topics related to EU agencies and develop conclusions or policy recommendations for further practical and academic use. The Annual Roundtable of 2017 brought together academics from 23 Universities coming from 12 different Members States, practitioners from the European Commission, the European Ombudsman, the European Parliament, the Council of the European Union and eight decentralised EU agencies.

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\* Athanasiadou Natassa – Kornilia Pipidi Kalogirou: assistant professor, Maastricht University. Kornilia Pipidi Kalogirou: PhD candidate, Deutsche Universität für Verwaltungswissenschaften Speyer.

1 See: <http://tarn.maastrichtuniversity.nl>.

### 30.2 KEYNOTE SPEECHES: A VIEW FROM THE AGENCIES

The first part of the Dialogue provided an insider's view to the Agencies' actions and addressed how commonly discussed in academia problems translate into their everyday activity. Following the introduction to the event by Prof. Ellen Vos (Maastricht University), one of the co-founders of TARN, who referred to the wide range of research and other activities carried out so far by TARN, two inspiring keynote speeches generated interest by the participants and initiated an active discussion.

The first speech was given by Dr. Bernhard Url, the Executive Director of the European Food Safety Agency (EFSA). Dr. Url addressed the current challenges faced by EU agencies, in terms of accountability and management. He particularly referred to the skepticism by the general public on their scientific output and expertise. It was therefore argued that there is a pressing need to engage more with society and to build trust by exchanging and sharing knowledge. As regards managerial challenges, Dr. Url underlined that Executive Directors of EU agencies need often to apply budgetary and human resources tools and structures which were created to fit the huge Commission apparatus and not necessarily smaller and more flexible entities, such as EU agencies. Against this backdrop, he concluded that more flexibility in the use of resources, strengthened performance-based management and more inter-Agency collaboration are needed.

Right after followed the speech of Olivier Salles, the Head of Unit in charge of the budget of EU agencies within the Directorate-General Budget of the European Commission. O. Salles started his speech by recalling that nowadays EU agencies have to cope with more responsibilities while spending less. As possible ways to achieve this goal he identified the creation of shared services among agencies, the elimination of multiple seats of the same agency and the enhancement of cooperation among certain clusters, such as among the European Banking Authority (EBA), the European Securities and Markets Authority (ESMA) and the European Insurance and Occupational Pensions Authority (EIOPA). Finally, O. Salles touched also upon the necessity to improve the coordination with the Commission.

### 30.3 FINDINGS OF THE PANELS

The second session of the event grouped the participants under five round tables ("panels") with the following topics: *panel 1*/budget and accountability, *panel 2*/performance and effectiveness, *panel 3*/expertise, transparency & independence, *panel 4*/international agency co-operation and *panel 5*/national authorities, stakeholders & citizens. Each panel concentrated upon questions centering around the given point of focus, under the guidance of a Chair, that lead the discussion. Each panel was asked to reflect upon pressing issues and discuss possible solutions. Remarkably enough, some systemic problems were

raised by multiple panels, although, naturally, under different circumstances. Looking at the conclusions of the five panels, as they have been published on the website of TARN,<sup>2</sup> *three main goals* can be identified, which seem to underpin the discussion within all panels: a) improving efficiency and performance of EU agencies; b) enhancing independence in their scientific work and c) restoring trust in their work in the eyes of EU citizens.

#### *a) Improving efficiency and performance*

In times of austerity, the available budget for EU agencies is shrinking, while the challenges they are facing are increasing in scope and complexity. With a view to improving efficiency and performance with the available means, *panel 2* recommended exploring clustering of EU agencies and use of shared resources. The use of shared resources could be of an administrative nature (i.e. common human resources, IT services and legal support), but also of a substantive nature (i.e. common scientific committees). In order to give more incentives for an efficient functioning, both *panels 1 and 2* suggested applying performance-based assessment models on EU agencies and connecting also budget allocation with concrete results on the basis of predefined performance indicators.

In order to improve quality of results, *panel 2* noted that a better coordination with the Commission Directorates-General (DGs) is needed. For instance, EU agencies working in the same broad field, such as public health, currently work with different DGs within the Commission which leads to more fragmentation in terms of results. In the same line, *panel 4* concluded that there is a greater need for agencies in a similar field to act together, such as in the field of international cooperation (for example Europol and Eurojust). *Panel 4* also observed that the work of EU agencies in the field of international cooperation would have a greater impact if the legal basis was strengthened in order to give EU agencies the necessary tools to fulfill their mandate.

#### *b) Enhancing independence*

Certain EU agencies, such as the European Medicines Agency (EMA), the European Food Safety Agency (EFSA) and the European Chemicals Agency (ECHA), are in charge of making risk assessments of substances and products which might have a negative impact on human health and the environment. After having examined the available scientific evidence, EU agencies propose to the Commission whether to grant or not authorization of the given substance or product. The recent case of the extension of the authorization of glyphosate generated a lot of attention in the media and brought to the surface again the question of independence of the expertise used by EU agencies.

Against this background, *panel 3* concluded that clear and uniform criteria are needed in order to determine the extent of the link with industry that experts consulted by EU

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<sup>2</sup> See: <http://tarn.maastrichtuniversity.nl/publications/dialogue-2/>.

agencies are, or are not, allowed to have. The panel noted that currently many university research projects are funded by industry. Such external funding does not necessarily preclude the independence of researchers. It is thus currently unclear which type of link would question the independence of scientists. But even for the staff of the agency a certain link with the industry is inevitably necessary. In this regard, *panel 5* noted that in policy areas where there is a powerful industry, it is a difficult balancing exercise for EU agencies to achieve being close ‘on the ground’ but not too close for reasons of independence. It should be therefore examined whether the current framework which imposes rules on relations with lobbyists is adequate or should be further reinforced.

*Panels 3 and 4* also discussed the necessary sources of expertise which an EU agency should take into account when making its risk assessment. In this respect, *panel 3* noted that it is important for the credibility of the independence of EU agencies that they can prove that all available sources of scientific expertise were taken into account, in particular studies submitted by different interest groups such as consumer protection organisations etc. *Panel 4* paid attention to the novel aspect of relying on social knowledge in addition to other sources of expertise. However, the panel noted that it should be nevertheless ensured that reliance on social knowledge remains reconcilable with the scientific method.

### *c) Restoring trust in the eyes of EU citizens*

A shared observation among participants in different panels was that products subject to EU agencies’ scrutiny are now safer than ever, but trust in EU agencies by the public is lower than ever. The problem remains that it is not easy to communicate to citizens risk assessments and technical information.

With a view to restoring trust in the eyes of EU citizens, the different panels came up with diverse suggestions. *Panel 3* noted that different measures are needed in order to ensure trust from the general public versus ensuring trust from fellow experts or scientists. It could therefore be explored whether agencies should apply different communication strategies for citizens and experts, *i.e.* easy accessible data and simple public summaries for citizens and more advanced data for experts.

In terms of communication strategy, *panel 5* observed that there is a need to raise public awareness regarding what the agencies’ competences really are, so as to manage expectations as regards their work. In addition, *panel 1* made the interesting suggestion that the part of the EU budget dedicated to EU agencies would be better justified in the eyes of citizens if an assessment of the added value of EU agencies is made, also in terms of savings for Member States.

#### 30.4 CONCLUSION

Overall, the role of EU agencies for the Union's internal market, economy, international relations as well as for the well-being of its citizens were assessed by the participants as critical for the European integration process and their contribution so far was much appraised. Inevitably, a lot can still be done to ameliorate the performance of EU agencies, enhance the credibility of their scientific output and most importantly, in terms of communication strategy, improve the perception of EU citizens as regards their role and work. To this direction, synergies between practice and academia are necessary. TARN's commitment has been to provide a forum for such collaborations. The plethora of questions that are left open-ended provide an excellent canvas, that will hopefully inspire further research and cooperation in this very challenging and multi-faceted field.

