

**Follow-up to the European Parliament non legislative resolution of 14 September 2017 on
transparency, accountability and integrity in the EU institutions**

2015/2041 (INI)

- 1. Rapporteur:** Sven GIEGOLD (Greens/DE)
- 2. EP reference number:** A8-0133/2017 / P8_TA-PROV(2017)0358
- 3. Date of adoption of the resolution:** 14 September 2017
- 4. Subject:** Transparency, accountability and integrity in the EU institutions
- 5. Competent Parliamentary Committee:** Committee on Constitutional Affairs (AFCO)
- 6. Brief analysis/ assessment of the resolution and of requests made in it:**

The resolution addresses the principles of transparency, accountability and integrity in the policy formulation and policy implementation processes of the EU institutions. It covers a wide range of policy areas and it calls upon the Commission to take the following main actions: extend the rule "no registration in the Transparency Register, no meeting" to all managers; ensure the transparency in all international negotiations of the Union; achieve better balance in the composition of Expert groups; build an effective framework for the protection of whistle-blowers; take steps to prevent conflicts of interest and strengthen the legal accountability of Commissioners as well as the parliamentary accountability of the Commission and decentralised Agencies as a whole.

For the Commission, the resolution is of direct relevance as the Juncker Commission has committed to "leading by example" in the area of transparency as highlighted under the Democratic Change priority in its Political Guidelines and in its Working methods. In this context, the Commission has been publishing information on the meetings between Commissioners, their Cabinet members and Directors-General and interest representatives since 1 December 2014. In September 2016, it tabled its proposal for a tripartite Interinstitutional Agreement on a mandatory Transparency Register.

The Commission welcomes the resolution's overall objective of setting the highest standards possible in transparency, accountability and integrity but equally underlines the progress already achieved in these areas.

- 7. Response to requests and overview of action taken, or intended to be taken, by the Commission:**

- *Making the Transparency Register as mandatory as possible*

The current Commission rules on meetings with interest representatives cover decision-makers at the political level (the Commissioners) and those directly responsible for advising them at the administrative level (Cabinet members and Directors-General) in view of the special role and responsibilities allocated to the persons holding such positions. A comparable standard is proposed for the European Parliament and the Council in the *Proposal for an Interinstitutional Agreement on a mandatory Transparency Register* presented by the Commission in 2016¹, which

¹ COM(2016) 627

would make certain meetings with the three institutions, such as meetings with Members of the European Parliament and the Ambassador of the current and forthcoming Council Presidency, conditional upon registration of the interest representatives concerned in the Register. The Commission has led by example in this respect and believes that the other institutions should meet the high transparency standards it is already applying before considering further possible transparency measures, such as **extending this principle to middle and senior management and extending the reporting requirements on meetings to all staff** as called for by the resolution (*paragraphs 6 and 7 of the resolution*).

The Transparency Register covers all activities carried out with the intention of influencing the formulation or implementation of policy and the decision-making processes of the EU institutions. The Register of Commission Expert groups and Other Similar Entities ("the Register of Expert groups") ensures transparency on Expert groups providing the Commission with advice and expertise. Following the adoption of its revised horizontal rules on Expert groups² in 2016, the Commission introduced synergies between the Transparency Register and the Register of Expert groups. In particular, registration in the Transparency Register is now required in order for stakeholder organisations and individual experts representing a common interest to be appointed as Expert group members. Furthermore, links are provided from these organisations and individuals published on the Register of Expert groups to the profile of these members in the Transparency Register. In light of the different purposes of the various online resources, the creation of a "**one-stop shop**" does not seem justified (*paragraph 9*).

Regarding the development of measures by the Commission to **achieve a better balance by empowering underrepresented interests**, the Commission considers that being open to outside input is fundamental to the sound development of its policies. This approach is also enshrined in Article 11 of the Treaty on European Union. As a follow-up to its Communication *Better regulation for better results – An EU agenda*³ and in its Better Regulation Guidelines, the Commission has already taken steps to consult more, at each stage of the policy process. In particular, the Commission carries out an open public consultation before putting forward a legislative proposal. Open public consultations allow all interests to make their views known to the Commission in a transparent manner (*paragraph 10*).

In relation to the European Parliament's call to **back up the Transparency Register with a legislative act**, the Commission considers that an Interinstitutional Agreement based on Article 295 of the Treaty on the Functioning of the European Union is the most pragmatic and promising option to achieve a mandatory scheme in a reasonable timeframe given that the Treaties do not provide for any specific legal basis on this issue. The Commission's approach is based on "conditionality" by making certain types of interactions with the three institutions, in particular meetings with decision-makers, subject to prior registration in the Register and acceptance of its Code of Conduct. This approach would make presence in the Register a *de facto* precondition for any meaningful interest representation (*paragraph 14*).

- ***Transparency, accountability and integrity in dealing with interest representatives***

In line with the call to **amend the Code of Conduct for registered entities** in the Transparency Register, the Commission's *Proposal for an Interinstitutional Agreement on a mandatory Transparency Register* reinforces the Code of Conduct which sets out the principles of behaviour for interest representatives' interactions with the EU institutions. According to this Code, registrants shall "declare the interests and objectives they promote as well as specify the clients or members whom they represent". Furthermore, registrants commit to "respect and avoid any

² C(2016) 3301

³ COM(2015) 215

obstruction to the implementation and application of all rules, codes and practices pertaining to good governance and transparency established by the three institutions" (*paragraph 16*).

As regards the **activities of law firms** whose aim is to influence on behalf of clients the EU law-making and policy implementation process, they are covered by the scope of the Commission *Proposal for an Interinstitutional Agreement on a mandatory Transparency Register* unless one of the exceptions related to the provision of specific legal advice in the context of a client-intermediary relationship set out in Article 3.2.a) applies. Law firms engaging in influencing activities are expected to join the Transparency Register and are required to list all their clients as well as the relevant revenue received from them (*paragraphs 17, 18 and 19*).

The Commission's *Proposal for an Interinstitutional Agreement on a mandatory Transparency Register* foresees two main ways for **improving overall data quality**: (i) performing ex-ante checks on incoming new registrations and (ii) simplifying the data reporting requirements. A new version of the Transparency Register rolled out in May 2017 aims to increase the overall quality of data by facilitating the registration/ updating process and strengthen the monitoring of all incoming registrations. A well-functioning Register indeed requires adequate human and IT resources, in particular to control the quality of data and to enforce the rules. Therefore, the proposal foresees the strengthening of the Register's resources (*paragraphs 24 and 25*).

Finally, the Commission's proposal is in line with the European Parliament's views on the role of **local and regional authorities** and their representative associations as it foresees to exclude them from the scope of the Register (*paragraph 26*).

- ***Defending integrity against conflicts of interest***

The European Parliament raises the issue of the "**revolving door**" effect. In this respect, the Commission considers that the key principles at stake in relation to the issue of staff entering into the institutions after having worked in the private sector, or leaving the institutions to take up positions in the private sector are notably: transparency and accountability, the rule of law, the right to work, the right to protection of personal data and finally, the principle of proportionality. On the occasion of the 2014 reform of the Staff Regulations, modifications to existing provisions were introduced (in particular Articles 11, 16 and 40 of the Staff Regulation) to further assess and prevent any risk of conflict of interests for officials joining or leaving the EU institutions (*paragraph 30*).

The European Parliament calls for further restrictions on former Commissioners by **extending the "cooling-off" period** to three years. On 12 September 2017, the Commission approved in principle a revised *Code of Conduct for the Members of the European Commission*⁴. The new Code foresees the extension of the "cooling-off" period, during which former Commissioners need to inform of their intention to engage in an occupation after they have ceased to hold office, from 18 months to two years for the Members of the Commission. The new Code aligns the length of the "cooling-off" period with the period during which Commissioners are entitled to a transitional allowance. The President of the Commission, because of his greater responsibility, will have to respect a longer "cooling-off" period of three years (*paragraph 31*).

As regards decisions taken on **senior officials' and former Commissioners' new roles**, for senior officials, the independence of the assessment of their requests for taking up new roles is guaranteed by the fact that several services are involved in the process, which have no relation to the person concerned. This ensures the combination of technical expertise with an overall approach in the assessment. In any event, the proposal for the setting up of an independent body in charge of deciding with regard to senior officials' new roles has not been taken on board by the legislator during the last reform of the Staff Regulations. As for former Commissioners, the

⁴ C(2017) 6200

decisions on envisaged post-mandate activities are taken by the College following the opinion of the independent Ad Hoc Ethical Committee – and in the future the Independent Ethical Committee – when the activity is related to the portfolio of the former Commissioner (*paragraph 32*).

Further to the request that all EU institutions should disclose **information about senior officials who have left the EU administration and the roles they have taken up**, the Commission recalls that since 2014, the Staff Regulations impose that each institution publish annually information on the implementation of Article 16(3) on post service activities, including a list of cases assessed of senior officials who have left the EU administration and the roles they have taken up. Since then the Commission has published that information online for the years 2014 and 2015. The information report for the year 2016 is currently in preparation (*paragraph 33*).

The Commission does not consider justified or proportionate the **request for an 18-month "cooling-off" period for the externally recruited members of the Regulatory Scrutiny Board** as these members are not involved in any business decisions (*paragraph 34*).

- ***Integrity and balanced composition of Expert groups***

The European Parliament supports the **publication** on the Register of Expert groups of a sufficiently detailed **CV** and of a **declaration of interests** of each expert appointed in a personal capacity. The Commission recalls that the revised horizontal rules on Expert groups introduced a definition of conflict of interest and require Commission departments to perform a conflict of interest assessment for individuals applying to be appointed in a personal capacity, on the basis of the applicants' declarations of interests. Only if Commission departments conclude that there is no conflict of interest, may these individuals be appointed. Declarations of interests are published in the Register of Expert groups as long as the experts in question remain members of a given group. The Commission believes that these measures are sufficient to properly manage conflict of interests and to ensure transparency (*paragraph 35*).

The European Parliament takes the view that a provision containing **general criteria for the delimitation of economic and non-economic interests**, as recommended by the Ombudsman and based on the experts' declarations of interest, would help the Commission to pick experts representing interests with a better balance. As indicated in its reply to the Ombudsman concerning her own-initiative inquiry OI/7/2014/NF on the composition of the Civil Dialogue Groups⁵, the Commission maintains that it would not be appropriate to define general criteria for the categorisation of economic and non-economic interests in Expert groups, as in practice a reliable classification method could not be found. However, this does not hinder in itself the balanced composition of Expert groups. In fact, the revised horizontal rules reconfirm the Commission's **strong commitment to strive for a balanced composition of Expert groups**, while taking into account the specific tasks of every individual group, the type of expertise required, as well as the number and quality of responses received to calls for applications. Furthermore, the Commission points out that the **declarations of interests** are screened by Commission departments to assess whether the expert in question is in a conflict of interest, not to ensure a balanced composition in terms of interests represented. In fact, the experts submitting their declarations of interests apply to be appointed in a personal capacity, acting independently and in the public interest (*paragraph 37*).

The European Parliament urges the Commission to **make all minutes of Expert groups publically available**, including the diversity of opinions expressed. The Commission underlines in this context that the revised horizontal rules instruct Commission departments to ensure publication of the agenda and of the background documents in due time ahead of the meeting,

⁵ These are Expert groups placed under the responsibility of Directorate-General Agriculture and Rural Development.

followed by timely publication of minutes, which must be meaningful and complete. This is part of a broader obligation for the Commission departments to make publicly available relevant documents, also stemming from the horizontal rules. In case of diverging positions expressed in the event of a vote, the members that voted against or abstained have the right to have a document summarising the reasons for their position annexed to the opinion, recommendations or reports adopted by the group (*paragraph 38*).

The European Parliament urges the Commission to make sure that **consultations** explore open questions instead of merely seeking to confirm a chosen policy direction. The Commission points out that, as indicated in its Communication C(2016) 3300 accompanying the revised horizontal rules on Expert groups, in order to ensure that the Commission obtains the full range of views and expertise, over the years Commission departments have used tools instead of or in addition to Expert groups, such as public consultations. Commission departments may continue to use such tools, in particular in order to gather the expertise and views of those who, for various reasons, do not participate in the activities of a given Expert group. Under its Better Regulation policy, the Commission seeks input and feedback from citizens and stakeholders in an open and transparent way at all stages of the policy cycle (*paragraph 39*).

- ***Strengthening the legal accountability of Commissioners***

Regarding the European Parliament's call on the Commission to submit a **legislative proposal laying down the transparency obligations and rights of Commissioners**, the Commission considers that the Treaties, the *Code of Conduct for Commissioners* (including the new *Code of Conduct for Members of the Commission* adopted in principle by the Commission on 12 September 2017), the *Working Methods of the Commission*⁶ and the *Commission Decision on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals*⁷ already lay down appropriate and comprehensive obligations for Commissioners, including reinforced transparency and reporting obligations as regards relations with interest representatives (*paragraph 41*).

Concerning the regulation fixing the remuneration of Commissioners, Article 243 of the Treaty on the Functioning of the European Union states that the **salaries, allowances and pensions** of the President and of the Members of the Commission are determined by the Council. The Commission has no right of initiative under this provision (*paragraph 42*).

- ***Conflicts of interest in shared management and in third countries in connection with the management of EU funds***

The **issue of conflicts of interest** seen by the European Parliament in the possibility that businesses owned by EU office-holders may apply for EU funds or receive such funds as sub-contractors is prevented by EU law in force. The Financial Regulation already includes provisions aiming to protect the **EU financial interests**. In particular, Article 57(1) of the Financial Regulation foresees that financial actors and other persons involved in budget implementation and management, including acts preparatory thereto, audit or control shall not take any action which may bring their own interests into conflict with those of the Union. Where such a risk exists, the person in question shall refrain from such action and shall refer the matter to the authorising officer by delegation who shall confirm in writing whether a conflict of interests exists. The person in question shall also inform his or her hierarchical superior. Where a conflict of interests is found to exist, the person in question shall cease all activities in the matter. The authorising officer by delegation shall personally take any further appropriate action (*paragraphs 44 and 45*).

⁶ C(2014) 9004

⁷ C(2014) 9051

- ***Realising the objective of full access to documents and transparency for the purposes of accountability in the legislative process***

The Commission's 2008 proposal for a recast of Regulation 1049/2001⁸ aimed to clarify certain concepts. Insofar as the European Parliament is **calling for the "Lisbonisation" of Regulation 1049/2001**, it should be noted that the Commission tabled a proposal in 2011⁹ aiming at extending the right of access to documents to all EU institutions, bodies, offices and agencies in accordance with Article 15(3) of the Treaty on the Functioning of the European Union. In practice, most of the institutions, bodies, offices and agencies already apply rules that mirror, or are equivalent to, those of Regulation 1049/2001. The European Parliament decided to treat both the 2008 and 2011 proposals together but the legislative process has not progressed since given the difficulties to reach common positions between the European Parliament and the Council. The Commission remains open to a genuine discussion with both branches of the EU legislature on the review and "Lisbonisation" of Regulation 1049/2001.

Regarding the European Parliament's view that **public access to documents and the management of documents must be based on standards** which comply with Articles 11 and 12 of Regulation 1049/2001, the Commission has comprehensive implementing rules for the registration, filing, storage and archiving of its documents and has developed the accompanying IT systems to implement these rules.

The Commission, in line with paragraph 38 of the *Interinstitutional Agreement on Better Law-Making* of 13 April 2016, and together with the European Parliament and the Council is committed to **improving transparency in legislative procedures**. Work is underway between the three institutions to establish a **joint database on the state of play of legislative files**.

Concerning the European Parliament's request on the Commission to set up a **single register of all second-level legislation**, the *Interinstitutional Agreement on Better Law-Making* provides for the creation of a joint Register of delegated acts by the end of 2017. As far as the preparation of implementing acts is concerned, the Comitology Register as foreseen in the Comitology Regulation¹⁰ already contains documents related to the work of the committees involved in the implementing acts procedures. In addition, since 1 July 2016, the Commission has been publishing on the Better Regulation Portal draft delegated and implementing acts for a four-week public feedback period (*paragraph 46*).

- ***Transparency of the external representation and negotiations of the EU***

The Commission agrees with the European Parliament that **transparency in trade negotiations** is essential to ensure the legitimacy of EU trade policy and public trust. The Commission shares the view that cooperation with the European Parliament is essential for the accountability and legitimacy of EU decision-making. Concerning trade negotiations and as set out in its Communication "Trade for All", the Commission now publishes much more material than before, including the EU initial proposal for the legal texts of agreements and the reports of negotiation rounds. Also, in the State of the Union speech of 13 September 2017, President Juncker announced that the Commission will from now on publish all its recommendations for negotiation directives for trade agreements. When they are submitted to the European Parliament and the Council, those documents will in parallel be sent automatically to all national Parliaments and

⁸ COM(2008) 29

⁹ COM(2011) 137

¹⁰ Regulation No 182/2011

will be made available to the general public. This should allow for a wide and inclusive debate on the planned trade agreements from the start (*paragraphs 47 and 48*).

As regards **access to documents** originating in an EU institution, the Commission is aware of the relevant Court of Justice case law and duly assesses documents requested under Regulation 1049/2001 of the European Parliament and of the Council of 30 May 2001 on a case-by-case basis to grant access to the documents requested or to establish whether access should be limited or exceptionally refused. If only partial access, or no access is granted, this is justified based on the relevant applicable exceptions and is explained clearly in the response to the applicant. The Commission notes that in regard of trade policy, access in 2016 was denied to less than 10% of access-to-documents requests.

The Commission is strongly committed to its transparency standards and it agrees that it is desirable that also negotiating partners increase transparency at their end. More generally, the Commission has taken a commitment in its "Trade for All" Communication to make clear to all new partners that negotiations will have to follow a transparent approach (*paragraphs 49, 50 and 51*).

The Commission considers that the *Treaties*, the *Code of Conduct for Commissioners*, the *Working Methods of the Commission*, the *Staff Regulations* and the *Code of Good Administrative Behaviour* already lay down appropriate and comprehensive obligations for Commissioners and EU officials as regards the principles of transparency, integrity and accountability. The value-added of a separate **European code of conduct on transparency, integrity and accountability** called for by the European Parliament is unclear and not demonstrated (*paragraph 53*).

- ***Transparency and accountability concerning the EU budget***

In the Letter of Intent accompanying President Juncker's State of the Union speech, the Commission announced that in December 2017 it will come forward with a proposal for the integration of the substance of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union into EU law, taking into account the appropriate flexibility built into the Stability and Growth Pact and identified by the Commission since January 2015.

In the Reflection Paper on the deepening of the Economic and Monetary Union (EMU), the Commission has made clear that completing the EMU also means greater democratic accountability and greater transparency about who decides what and when at every level of governance. The European Parliament and national parliaments need to be equipped with sufficient powers of oversight, following the principle of accountability at the level where decisions are taken. As an immediate improvement, the Reflection Paper includes the proposal that the dialogue between the Commission and the Parliament on euro area matters could be formalised. Stronger economic, fiscal and financial integration over time would also open the door to review the set of EU fiscal rules. On the European Semester, the Commission has engaged further with the European Parliament in the context of both the 2016 and 2017 European Semesters. Plenary debates took place in November 2015 and November 2016, in which Commission Vice-President Dombrovskis discussed the key economic priorities for the EU ahead of the adoption of the 2016 and 2017 Annual Growth Surveys (*paragraph 58*).

- ***Protection of whistle-blowers and the fight against corruption***

The Commission strongly supports the objective of **protecting whistle-blowers** underlined by the European Parliament and has taken steps to protect whistle-blowers in EU sectorial legislation. In line with its Communication of 5 July 2016 and its 2017 Work Programme, the Commission is assessing the scope for horizontal or further sectorial action at EU level with a view to strengthening the protection of whistle-blowers. The Commission launched on 3 March 2017 an online public consultation, which ended on 29 May 2017, and is now conducting an impact assessment. This will enable the Commission to take an informed decision on any policy or legislative measures that may be needed at EU level (*paragraph 61*).

The Decision on the European Ombudsman Statute is a Decision of the European Parliament, approved by the Council, on which the Commission is only consulted. The Commission has no competence to propose an amendment to this Decision as called for by the European Parliament. The issue of an **increase of the European Ombudsman's** budget can only be assessed if and only if the suggested amendment to the aforementioned Decision is introduced (*paragraph 63*).

The European Parliament calls for the EU to advance its application for membership of the Council of Europe **Group of States against Corruption** (GRECO). The Commission has set out its position on such membership already in 2012. Accession to the Group of States against Corruption remains one of the priorities for the EU cooperation with the Council of Europe as endorsed by the Council of the European Union in January 2016. However, EU participation in the Group is blocked on a legal basis divergence between the Commission and the Council. **Corruption** hampers investment, efficient resource allocation, economic performance and growth, and therefore is a key element of the European Semester. Corruption risks and associated challenges are assessed in the Country Reports and, in relevant cases, these issues have also been included in country specific recommendations under the Semester, which are endorsed by the European Council. Addressing these challenges is essential for improving business confidence and the investment climate, enhancing the efficiency of public spending, promoting fairness and supporting economic, social and territorial cohesion (*paragraph 64*).

The Financial Regulation¹¹ provides for **economic operators who have committed certain offences** to be excluded from participation in EU procurement, grant, prizes procedures, financial instruments and selection of experts or any other form of contribution from the EU budget for a period of up to five years without waiting for a final judgement in order to protect the Union's financial interests. When it is proven that the persons (natural or legal) owning or "having powers of representation, decision making or control" over the economic operators excluded were personally responsible for their conduct, these persons can be identified in the new Early Detection and Exclusion System (EDES) operated by the Commission. Under this new system, the Commission publishes the list of debarred economic operators, in the most severe cases and in the light of the proportionality principle, to reinforce the deterrent effect of the sanctions, with due regard to the protection of personal data and of the safeguard of investigations (*paragraph 65*).

The **United Nations Convention Against Corruption** (UNCAC) was approved in September 2008 by the former European Community (now replaced by the EU) through Council Decision 2008/801/EC. The Commission is now clarifying the legal and institutional questions relating to the review mechanism. In this regard, it is to be recalled that the EU is a unique Regional Economic Integration Organisation, and as such this raises specific and complex legal and institutional questions. Over the past years the Commission has strengthened the EU anti-corruption response, including through Member State by Member State analysis of the challenges experienced and the actions taken. While the EU Anti-corruption report published in 2014 provided a useful overview of the situation, streamlined coverage in the European Semester of economic governance, which is the main economic policy dialogue between the Member States and EU institutions, is an equally efficient way to address the matter and is in line with the general approach of this Commission to streamline processes and focus on key issues in the relevant fora. This dialogue is further complemented by support to Member States at technical level through the anti-corruption experience sharing programme as well as EU financial support for a wide range of projects in the field of anti-corruption (*paragraph 66*).

Regarding the **fight against fraud**, the European Union adopted on 25 April 2017 a Directive setting common definitions, deadlines for investigation and minimum penalties for cases of fraud, embezzlement or corruption with EU funds. The rules will improve the prosecution and

¹¹ Regulation 966/2012, lastly amended by Regulation 2015/1929

punishment of crimes against EU finances and facilitate the recovery of funds that have been misused in order to protect the financial interests of the Union (*paragraph 67*).

- ***Integrity in EU regulation***

The Commission is always striving to improve its policy-making. That is why, in its Communication *Better Regulation Agenda*, it provided additional measures to ensure EU policy-making is more transparent, accountable, and based on the best available evidence. **These measures cover policy-making in all sectors, including the regulation of industry products.**

For the purposes of the implementation of the Common Approach on Decentralised Agencies, as agreed by the European Parliament, Commission and Council in 2012, the Commission has provided Agencies with guidelines on a coherent policy on the **prevention and management of conflict of interest**, whose scope of application extend to members of the Management Board and Directors, experts in scientific committees, and members of Boards of Appeal. In addition, as regards Agencies staff members subject to the *Staff Regulations and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community*, Agencies adopt, pursuant to Article 110(2), the relevant implementing rules for giving effect to the Staff Regulations, including in the area of ethics. While the above-mentioned Guidelines aim to provide a common set of principles and tools, Agencies are legally independent entities and they alone are responsible for the way they handle this issue in practice.

The Commission does not consider it necessary to review the Communication of 2002 on **minimum standards for stakeholder consultation** as demanded by the European Parliament. The Communication on *Better regulation for Better Results: An EU Agenda* adopted on 19 May 2015¹² built upon the 2002 standards outlining further measures to ensure sound policy decisions, including strengthened commitments on stakeholder consultation and feedback opportunities throughout the policy cycle. New *Better Regulation Guidelines* for staff¹³ build on the established minimum standards and should ensure that consultations are of high quality and transparent, reach all relevant stakeholders and target the evidence needed to make sound decisions. The guidelines took into account stakeholder concerns submitted to the Commission during the stakeholder consultation that preceded the establishment of the guidelines. In its July 2017 revision of the Better Regulation Guidelines and toolbox, the Commission strengthened its commitments regarding translation of public consultation to further guarantee widespread reach¹⁴ (*paragraph 68*).

- ***Strengthening the parliamentary accountability of the Commission and decentralised Agencies***

The **procedure for pre-selecting, appointing, extending the term of office and dismissing an Agency's Director** is outlined in the Common Approach on Decentralised agencies of 2012. The Common Approach has been endorsed by the European Parliament, the Council and the Commission, and aims at establishing a coherent framework for the creation and functioning of Agencies. The procedure set out in the Common Approach is based on a thorough assessment and aims at respecting the autonomy of Agencies. Consequently, it is up to the Management Boards of Agencies to appoint their Directors on the basis of a shortlist drawn up by the Commission, following an open and transparent selection procedure that guarantees a rigorous evaluation of candidates and a high level of independence. It is also for the Management Boards to decide whether Directors' terms of office should be extended. The dismissal procedure mirrors the appointing procedure (*paragraph 69*).

¹² COM(2015) 215 final

¹³ Staff working document SWD(2017) 350

¹⁴ https://ec.europa.eu/info/better-regulation-guidelines-and-toolbox_en

Finally, regarding the adoption of a **Regulation on the right of inquiry**, the Commission, whose consent is required under the Treaty before any Regulation can enter into force, has engaged constructively with the other institutions in a spirit of loyal cooperation. The informal discussions between the Legal Services of the three institutions that re-started in December 2016 have proved useful in clarifying respective positions, finding compromises and identifying possible ways forward. The Commission is taking stock of the results of these discussions and is ready to determine, together with the Parliament and the Council, the next steps forward (*paragraph 74*).