

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
European Aviation Safety Agency: term of office of Executive Director and Directors	
Subject 3.20.01.01 Air safety 8.40.08 Agencies and bodies of the EU	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		15/06/2005
		PPE-DE GARGANI Giuseppe	
	Committee for opinion	Rapporteur for opinion	Appointed
	TRAN Transport and Tourism		14/06/2005
		ALDE COSTA Paolo	
Council of the European Union European Commission	Commission DG Human Resources and Security	Commissioner ŠEFČOVIČ Maroš	

Key events			
13/05/2005	Legislative proposal published	COM(2005)0190	Summary
07/06/2005	Committee referral announced in Parliament, 1st reading		
22/11/2005	Vote in committee, 1st reading		Summary
28/11/2005	Committee report tabled for plenary, 1st reading	A6-0362/2005	
13/12/2005	Results of vote in Parliament		
13/12/2005	Decision by Parliament, 1st reading	T6-0481/2005	Summary
21/05/2014	Proposal withdrawn by Commission		Summary

Technical information	
Procedure reference	2005/0087(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/6/28492

Documentation gateway

Legislative proposal		COM(2005)0190	13/05/2005	EC	Summary
Document attached to the procedure		SEC(2005)0625	13/05/2005	EC	Summary
Amendments tabled in committee		PE364.869	07/11/2005	EP	
Committee opinion	TRAN	PE362.768	24/11/2005	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0362/2005	28/11/2005	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0481/2005	13/12/2005	EP	Summary
Economic and Social Committee: opinion, report		CES1506/2005 OJ C 065 17.03.2006, p. 0131-0134	15/12/2005	ESC	
Commission response to text adopted in plenary		SP(2006)0053	12/01/2006	EC	

Additional information

European Commission	EUR-Lex
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European Aviation Safety Agency: term of office of Executive Director and Directors

PURPOSE : to amend Regulation 1592/2002/EC as regards the term of office of the Executive Director and the Directors of the European Aviation Safety Agency.

PROPOSED ACT : Regulation of the European Parliament and of the Council.

CONTENT : in the European Union there are now 20 decentralised bodies which can be categorised as Community agencies on account of their common features: establishment on a legal basis, legal personality, administrative and financial autonomy, clearly defined sphere of responsibility and action, etc.

The head of each Community agency usually has the title director and in some cases is assisted by one or more deputies. The director's term of office is generally 4½ years. Most of the basic Regulations nevertheless provide for the director's term of office and, where applicable, that of the deputies, to be extended for one or more further periods. The conditions governing appointment and term of office are laid down in each basic Regulation for each agency.

Until recently, the body responsible for appointment simply adopted a decision extending an incumbent director's term of office. Having examined the basic Regulations in more detail, however, the Commission has concluded that this practice poses a legal problem.

According to the Commission, the fact that the term of office is renewable must be interpreted as meaning that, when the term of office ends, the incumbent has to apply for a new term. Applied to the agencies, this interpretation leads to the conclusion that the possibility of renewing the director's term of office does not exempt the incumbent from following the appointment procedure laid down in the basic Regulation. Moreover, agency directors and their deputies are not only office-holders but also agency staff members employed under temporary contracts and subject to the Conditions of employment of other servants of the European Communities. The appointment procedure must therefore include publication of the post in all Member States and a selection process in compliance with the rules deriving from the basic Regulations and the Conditions of employment of other servants.

As these procedures are generally lengthy and relatively expensive and given the agencies' special needs and the practice in past years, the Commission proposes to avoid a full selection procedure each time that the first term of office for a director's or other relevant person's post comes to an end by either extending the current term of office or launching a new selection procedure in order to ensure continuity in the agency's administrative management. A decision to extend an incumbent director's term of office must be based on a prior assessment of their performance and of the agency's needs, conducted by the authority proposing candidates to the appointing authority, and extension may be authorised only once and for a limited period not exceeding that stipulated for the initial term of office.

In total, amendment of the articles relating to appointment is proposed in respect of 18 agencies ? resulting in the presentation of 18 proposals for Regulations amending the basic Regulation for each agency.

The main aim of this proposal is to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.

Provision should be made to extend this term of office once, after adequate evaluation.

It is proposed that the term of office of the Executive Director and of the Directors be five years. On a proposal from the Commission and after an evaluation, their term of office 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.

Lastly, regarding the two agencies in respect of which a proposal for a Regulation has already been presented and is being examined or is in the process of being adopted (the European Chemicals Agency and the Community Fisheries Control Agency), the Commission will as necessary present proposals for amendments with a view to harmonising the texts for all the Community agencies.

Similarly, no proposals have been presented for amendment of the acts setting up agencies and other bodies under the second and third pillars.

European Aviation Safety Agency: term of office of Executive Director and Directors

The committee adopted the report by its chairman, Giuseppe GARGANI (EPP-ED, IT), broadly approving the proposal under the 1st reading of the codecision procedure. However, MEPs adopted amendments aimed at giving Parliament a role in the procedures for the appointment of the Executive Director and the renewal of his/her term of office.

European Aviation Safety Agency: term of office of Executive Director and Directors

The European Parliament adopted a resolution drafted by Giuseppe GARGANI (EPP-ED, IT), and made two substantive amendments to the Commission?s proposal:

-a new paragraph states that the Executive Director of the Agency will be appointed on grounds of merit and documented competence and experience relevant for civil aviation, or dismissed, by the Management Board on the proposal of the Commission, after hearing the opinion of the representative appointed by the European Parliament. The Management Board shall take its decision by a three-quarters majority of its members;

-the opinion of the representative appointed by the European Parliament must be heard before the renewalof the Executive Director?s and Directors? term of office.

European Aviation Safety Agency: term of office of Executive Director and Directors

As announced in Official Journal C 153 of 21 May 2014, the Commission decided to withdraw this proposal, which had become obsolete.