

Procedure file

| Basic information | |
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| COD - Ordinary legislative procedure (ex-codecision procedure) Regulation | 2005/0088(COD) Procedure lapsed or withdrawn |
| European Railway Agency: term of office of Executive Director | |
| Subject 3.20.02 Rail transport: passengers and freight 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 | A6-0363/2005 | |
| 13/12/2005 | Results of vote in Parliament |  | |
| 13/12/2005 | Decision by Parliament, 1st reading | T6-0482/2005 | Summary |
| 21/05/2014 | Proposal withdrawn by Commission | | Summary |

| Technical information | |
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| Procedure reference | 2005/0088(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
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| Procedure subtype | Legislation |
| Legislative instrument | Regulation |
| Legal basis | Treaty on the Functioning of the EU TFEU 091-p1 |
| Stage reached in procedure | Procedure lapsed or withdrawn |
| Committee dossier | JURI/6/28494 |

Documentation gateway

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|---|------|---|------------|-----|---------|
| 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 | | PE364.870 | 08/11/2005 | EP | |
| Committee opinion | TRAN | PE362.770 | 24/11/2005 | EP | |
| Committee report tabled for plenary, 1st reading/single reading | | A6-0363/2005 | 28/11/2005 | EP | |
| Text adopted by Parliament, 1st reading/single reading | | T6-0482/2005 | 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

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| European Commission | EUR-Lex |
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European Railway Agency: term of office of Executive Director

PURPOSE : to amend Regulation 881/2004/EC establishing a European Railway Agency as regards the term of office of the Executive Director.

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 4?5 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 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.

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 Railway Agency: term of office of Executive Director

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 Railway Agency: term of office of Executive Director

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

-the Executive Director will be appointed by the Administrative Board on the grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant to the railway sector. The Administrative Board will take its decision by a four-fifths majority of all members entitled to vote. The Commission may propose a candidate or candidates, after hearing the opinion of the representative appointed by the European Parliament;

-the opinion of the representative appointed by the European Parliament must be heard before the renewal of the Executive Director's term of office.

European Railway Agency: term of office of Executive Director

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