



EU Agencies as ‘Inbetweeners’?
The Relationship between EU Agencies and Member States

Conference
Maastricht, 4-5 December 2019
Crowne Plaza

Over the years EU agencies have acquired an important place within the EU’s institutional landscape. They are part of a process of functional decentralisation within the EU executive, with agencies being seated all over the EU. They assist in the implementation of EU law and policy, provide scientific advice for both legislation and implementation, collect information, provide specific services and fulfil central roles in the coordination of national authorities in many policy fields, such as food and air safety, medicines, environment, telecommunications, disease prevention, border control, trademarks and banking. They may adopt legally binding and non-binding acts. Agencification of EU executive governance has thus become a fundamental feature of the EU’s institutional structure. Today the total number of EU decentralised agencies amounts to 37.

Morten Egeberg and Jarle Trondal have concluded on the basis of the existing data, that these agencies lean more towards the Commission than to any other potential master. Insights from the legal literature connect EU agencies more to the composite or shared administration of the EU. Agencies are, as Deirdre Curtin observed, ‘betwixt and between’ and in Michelle Everson’s words, ‘hierarchy beaters’. This makes EU agencies ‘interesting hybrids’. The hybridity of EU agencies is expressed, both institutionally, in their relation with and their dependence on the EU institutions and the Member States and substantively, in their multiple tasks. Hence representatives of both Member States and the EU institutions sit in their steering boards and some of their other bodies. In view of the ‘double-hattedness’ of the members of these boards, serving both national and European authorities, potential tension, competition and/or conflicts between national and European interests seems to be inherent to the composite character of the EU executive. The hybrid character of agencies is furthermore apparent when taking account of the institutional design of agencies. Moreover in practice, agencies not only assist the EU institutions but also Member States. The ‘borrowing’ of EU agencies by Member States to implement EU law, as permitted by EU law, seems not to be problematic as such, but is adding to the complexity of their accountability. The latter is a general problem that is inherent to the hybrid character of EU agencies.

Questions therefore arise as to how the relation between EU agencies and Member States is shaped, which ultimately is of interest to the conceptual understanding of the EU's shared or integrated administration.

Questions, for example, arise as to how EU agencies operate in practice, together with the national authorities; in the field of migration for example, where the European Coastal and Border agency Frontex closely collaborates with the Greek authorities dealing the migrants coming into the EU borders. How are decisions being made and shared and who is made responsible? How does that work for example for Europol carrying out operational tasks? Can one say that EU agencies are 'inbetweeners', operating between the EU institutions, particularly the Commission, and the Member States, thus exemplifying the EU composite executive? How is accountability arranged in cases where, for example, EASA operates on behalf of the Member States at the international level in the context of ICAO? Will EFSA change now that Member States representatives will be on its Management Board?

For this two-day conference, TARN is welcoming the submission of papers that address the relation between EU agencies and Member States.

We welcome in particular papers on:

- *The relation between the EU agencies and Member States in the various policy areas (e.g. financial regulation, justice and home affairs, fisheries, aviation, migration and asylum)*
- *EU agencies and Member States: the international arena*
- *EU agencies and Member States: political, financial and judicial accountability*

Practical information:

Submissions

- 300-500 words abstract of your paper
- a short CV

Submission deadline: 31 July 2019

Notification deadline: 1 September 2019

If your abstract is selected, a full paper will be due by 1 November 2019.

Covered expenses: travel and hotel costs (with a maximum limit)

Please submit your abstract here

Academic conference committee:

Prof. E. Vos, Maastricht University

Prof. E. Versluis, Maastricht University

Prof. M. Everson, Birkbeck College, London

Prof. M. Eliantonio, Maastricht University