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# EU Agencies and post-Brexit options

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## Summary

EU agencies are bodies separate from the EU institutions which assist the European Commission and the Council in the implementation of EU policies. They have generally been granted limited and clearly defined executive powers, which are subject to judicial review. There are different types of EU agencies: decentralised, executive, Euratom and Common Security and Defence Policy agencies.

Two of the decentralised agencies, the European Medicines Agency and the European Banking Authority, are currently based in London at Canary Wharf. These two agencies will have to re-locate because of Brexit, which will mean the loss of jobs, tax revenue, expertise and networking opportunities. Relocation is likely to be settled in advance of Brexit and there have already been several informal bids for the UK-based agencies from other Member States. The European Commission has said the UK should pay for the cost of relocation.

EU agencies have been criticised for inefficiency, duplication and a lack of transparency and accountability. But since 2013, reforms by way of a 'Common Approach' have sought to improve any weaknesses. The UK Government has supported the reforms, but insists that efforts must continue to ensure value for money.

Brexit has raised the question of the UK's membership of or future participation in the work of EU agencies. Many of them allow non-EU states to participate in their activities, although the founding acts of some do not permit third state participation.

Participation might be based on an administrative arrangement or a memorandum of cooperation between the EU or the EU agency – there are legal questions about the power of the agencies themselves to conclude agreements of this kind - and the UK.

The UK could seek to continue to participate after Brexit in the work of those EU agencies where third party participation is allowed. In this case it would probably have to contribute to the agency budget and accept the jurisdiction of the Court of Justice of the EU. Such arrangements could be discussed at the withdrawal negotiations and/or be included in an agreement on the UK's future relations with the EU.

This paper includes a table indicating which EU agencies allow third state participation.

The implications of Brexit for UK participation in EU agencies in the area of national security are discussed in Commons Briefing Paper 7798, 31 March 2017, [Brexit: implications for national security](#); in the area of crime and policing in CBP 7650, 24 February 2017, [Brexit: implications for policing and criminal justice cooperation](#); and in human and veterinary medicines in Commons Debate pack 2016-0173, 12 October 2016, [Future of the European Medicines Agency](#).

# 1. EU agencies

## 1.1 Introduction

EU agencies are legal entities separate from the EU institutions which carry out certain tasks under EU law. They assist the European Commission and the Council in the implementation of EU policies, and support cooperation between the EU and national governments by pooling technical and specialist expertise from both the EU institutions and national authorities.<sup>1</sup>

An EU publication<sup>2</sup> on the work of the EU's agencies summarises their role as follows:

They work alongside the main EU institutions and Member States, feeding them evidence-based advice to help shape informed policies and laws at the EU and national level. They add value by promoting the sharing of information and expertise in areas that impact the lives of Europe's 500 million citizens.

In general, and in accordance with the *Meroni* decisions of the EU Court of Justice in 1958,<sup>3</sup> they have been granted limited and clearly defined executive powers, which are subject to judicial review.

There are different types of EU agencies: decentralised, executive, European Atomic Energy (EURATOM) and Common Security and Defence Policy agencies:

- **Decentralised agencies** carry out technical, scientific or managerial tasks that help the EU institutions to make and implement EU policies. They also support cooperation between the EU and national governments by pooling technical and specialist expertise from both the EU institutions and national authorities.<sup>4</sup>
- **CSDP Agencies** carry out very specific technical, scientific and management tasks within the framework of the EU's Common Security and Defence Policy (CSDP).
- **Executive agencies** are set up by the European Commission for a set period of time to manage specific tasks related to EU programmes.

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<sup>1</sup> European Court of Auditors, Special Report. [Agencies' use of grants: not always appropriate or demonstrably effective](#), 2016.

<sup>2</sup> [EU Agencies working for you](#), 2015.

<sup>3</sup> The so-called 'Meroni doctrine' relates to the extent to which EU institutions may delegate their tasks to regulatory agencies. See [Case 9/56](#), *Meroni & Co, Industrie Metallurgiche SpA v. High Authority of the European Coal and Steel Community* [1958] ECR 133 and [Case 10/56](#), *Meroni & Co, Industrie Metallurgiche SpA v. High Authority of the European Coal and Steel Community* [1958] ECR 157. See also [Case C-270/12](#), *United Kingdom of Great Britain and Northern Ireland v. Council of the European Union and European Parliament on the powers conferred on the European Securities and Markets Authority*, and European Law blog, 27 January 2014, [The legal limits to "Agencification" in the EU? Case C-270/12 UK v Parliament and Council](#).

<sup>4</sup> Source: Europa, [Agencies and other EU bodies](#).

- **EURATOM agencies** and bodies were created to support the aims of the [European Atomic Energy Community Treaty](#) (EURATOM), such as coordinating national nuclear research programmes, providing knowledge, infrastructure and funding for the peaceful use of nuclear energy and ensuring its secure supply.

According to [EU Agencies working for you](#), in 2015 EU agencies “accounted for a total of 6,554 posts, amounting to 13% of all EU staff, and represented 1.5% of the total EU budget”.

### Reform of EU agencies: the ‘Common Approach’

The agencies have had their critics. The creation of decentralised agencies has happened on an ‘ad hoc’, rather than a systematic or strategic, basis. The think tank Open Europe, in a report in June 2012,<sup>5</sup> maintained that “many agencies add little or no value, and duplicate the work of each other, of the core EU institutions, as well as of member states’ organisations and civil society [...]. Others have no impact on policy whatsoever”. Open Europe identified at least ten agencies which they thought could be abolished “with virtually no adverse impact on the overall functioning of the EU”.

In December 2012 the Commission adopted a ‘[Common Approach](#)’, which introduced sunset or review clauses, allowing agencies as a last resort to be closed or merged, based on their performance results and the needs of the EU. A few proposals for mergers have been made. One was to merge the Vilnius-based European Institute for Gender Equality with the Agency of Fundamental Rights in Vienna, which the EP approved, but to which the Lithuanian Parliament’s Human Rights Committee objected. Another was for closer cooperation between or the merger of the European Police College (CEPOL) and the European Police Office (EUROPOL), and of the European Training Foundation, CEDEFOP, the European Foundation for Living and Working Conditions and the European Agency for Safety and Health at Work. But the majority of Member States did not agree and in both instances the agencies have continued as separate bodies.

In April 2015 the Commission published a second [Progress Report](#) on the implementation of the Common Approach.<sup>6</sup> It focused on implementation of the roadmap, including the setting up, operation and evaluation of agencies and their management of human and budgetary resources; the revision of agencies’ founding acts, and the role of Commission representation on agency boards.

In December 2016 the European Court of Auditors (ECA) published a [special report](#) on grant management in five EU agencies: the European Institute for Innovation and Technology, European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the EU, European Environment Agency, European

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<sup>5</sup> [Seizing the Moment: Aligning the EU budget with Europe’s economic needs](#), June 2012, Pawel Swidlicki, Anna Kullmann and Mats Persson.

<sup>6</sup> The [first one](#) was in December 2013.

Food and Safety Authority and the European Centre for Disease Prevention and Control. The ECA observed that agencies “implemented grants in broad compliance with the rules but there were shortcomings in certain grant award, expert selection and internal control procedures”. It concluded:

The audit showed that grants have not always been the most appropriate tool to fulfil agencies’ tasks and policy objectives. The audit also indicated that, except for cases of specific grant selection procedures, agencies managed grants in broad compliance with the rules. Whilst grants generally contributed to agencies’ policy implementation and fostered cooperation with public bodies of the Member States, agencies did not measure further EU added value and the overall effectiveness of their grant-funded activities.

And:

Most of the audited agencies have not adequately addressed whether grant funding was the most effective and efficient tool for the implementation of a specific task or activity [...], or whether other options like public procurement, service level agreements or cooperation agreements would have been more appropriate or economic [...]. Moreover, there are also inefficiencies regarding the chosen grant procedure or form of grant [...].<sup>7</sup>

## UK Government views

A July 2013 Commission [Communication](#) on the programming of human and financial resources for decentralised agencies for 2014-20 provided information on the staffing and subsidy levels of each decentralised agency under the Multiannual Financial Framework (MFF) 2014-2020.

In an [Explanatory Memorandum of 2 August 2013](#), the then Minister for Europe, David Lidington, welcomed:

- the Common Approach as a positive development that should be deployed to make agencies more transparent, accountable and cost effective;
- moves towards streamlining the activities of agencies with the aim of contributing to efficiency gains as envisaged in the Common Approach; and
- a reduction of staffing levels of EU decentralised agencies in line with the expenditure ceilings of the MFF as well as with the agreed 5% staff reduction over five years applicable to all EU Institutions, including EU agencies.

However, he considered that the Communication did not go far enough because it did not provide enough consideration of efficiency savings:

The Government would have welcomed a more thorough survey of resource requirements of all agencies, including consideration of whether more efficiency savings in the number of posts could have been found, taking into account the individual differences between agencies.

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<sup>7</sup> European Court of Auditors, Special Report. [Agencies’ use of grants: not always appropriate or demonstrably effective](#), 2016.

The European Scrutiny Committee [considered](#) the Communication on 4 September 2013. It supported the Government in advocating budgetary restraint. In October 2014 the Government updated the Committee on its review of the performance of decentralised agencies.<sup>8</sup>

In an [Explanatory Memorandum](#) on 15 June 2015 the Government welcomed EU efforts to improve efficiency, accountability, greater coherence and the adoption of anti-fraud strategies, set out in the second progress report. But it was disappointed that the EU budget 2015 had seen a 6% year on year increase in expenditure on decentralised agencies.<sup>9</sup>

The Government was circumspect about the European Court of Auditors' conclusions in December 2016:

23. The Government notes that the agencies examined have in general awarded and paid grants in compliance with the rules. We welcome the recommendations for improvement in award procedures, control systems and performance measures and the fact that the five agencies audited fully accept almost all of the ECA's recommendations, and have engaged with the ECA on areas where their opinion differed. The Government will continue to encourage EU agencies to ensure maximum value for money in their activities.<sup>10</sup>

## 1.2 EU agencies based in the UK

The two EU agencies based in the UK, both at Canary Wharf, are the European Medicines Agency (EMA) and the European Banking Authority (EBA).

### European Medicines Agency (EMA)

The EMA was established in 1995 by EC [Regulation No. 2309/93](#) as the European Agency for the Evaluation of Medicinal Products; renamed by EC [Regulation No. 726/2004](#) to the European Medicines Agency.

The EMA is responsible for the scientific evaluation, supervision and safety monitoring of human and veterinary medicines developed by pharmaceutical companies for use in the EU. Its activities include assessing medicines for marketing authorisations, monitoring the safety of medicines and working to improve access to innovative medical products.

The [Medicines and Healthcare Products Regulatory Agency](#) (MHRA) is the Department of Health executive agency responsible for licencing and regulating medicines and medical devices in the UK. According to the [Financial Times, 4 August 2016](#), the EMA outsources up to a third of its work to the MHRA and this work is responsible for a third of the MHRA's income. A [report](#) in the *British Medical Journal* in May 2016 stated that this work by the

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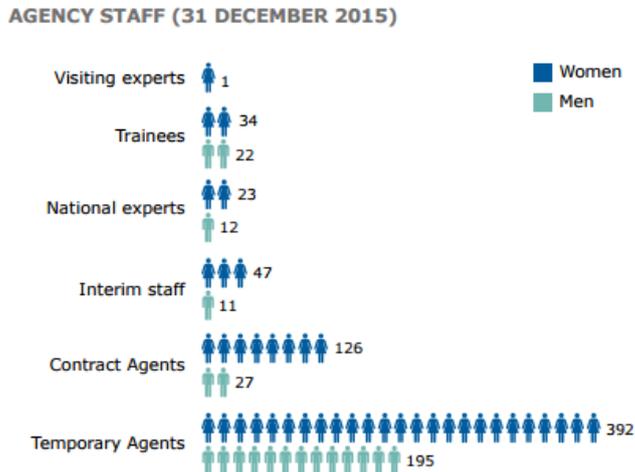
<sup>8</sup> Letter from David Lidington to Sir William Cash, 8 October 2014.

<sup>9</sup> Other Government correspondence on the Common Approach and the Progress report includes: [18 June 2015 Lidington-Boswell](#), [18 June 2015 Lidington-Chair ESC](#), [2 November 2015 Lidington-Boswell](#) and [2 September 2015 Lidington-Boswell](#).

<sup>10</sup> [Unnumbered Explanatory Memorandum](#) on ECA report, 12 May 2016.

MHRA also makes the UK an attractive location to carry out clinical trials.<sup>11</sup>

According to the EMA's [Annual Report 2015](#), the "total number of Agency staff as of December 2015 was 890 (623 women, 267 men)". The breakdown of staff was as follows:



7% of EMA staff were UK nationals.

The Agency's wider activities mean that it also attracts thousands of scientists and others to its London headquarters, as the *Financial Times* [reported](#) on 16 April 2017:

The EMA's Canary Wharf headquarters hosts 36,000 national regulators and scientists each year from across the continent, who come to London to approve drugs for the EU. London's 890-strong secretariat plays a central role in co-ordinating that work.

## European Banking Agency (EBA)

The EBA was established by [Regulation \(EU\) No 1093/2010 of 24 November 2010](#), amended by [Regulation \(EU\) No 1022/2013 of 22 October 2013](#).

The [EBA website](#) describes its role as follows:

The main task of the EBA is to contribute, through the adoption of binding Technical Standards (BTS) and Guidelines, to the creation of the European Single Rulebook in banking. The Single Rulebook aims at providing a single set of harmonised prudential rules for financial institutions throughout the EU, helping create a level playing field and providing high protection to depositors, investors and consumers.

The Authority also plays an important role in promoting convergence of supervisory practices to ensure a harmonised application of prudential rules. Finally, the EBA is mandated to assess risks and vulnerabilities in the EU banking sector through, in particular, regular risk assessment reports and pan-European stress tests.

Other tasks set out in the EBA's mandate include:

<sup>11</sup> Commons Debate Pack 2016/0173, 12 October 2016, Future of the European Medicines Agency.

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- investigating alleged incorrect or insufficient application of EU law by national authorities
- taking decisions directed at individual competent authorities or financial institutions in emergency situations
- mediating to resolve disagreements between competent authorities in cross-border situations
- acting as an independent advisory body to the European Parliament, the Council or the Commission.
- taking a leading role in promoting transparency, simplicity and fairness in the market for consumer financial products or services across the internal market.
- to perform these tasks, the EBA can produce a number of regulatory and non regulatory documents including binding Technical Standards, Guidelines, Recommendations, Opinions and ad-hoc or regular reports.

The Binding Technical Standards are legal acts which specify particular aspects of an EU legislative text (Directive or Regulation) and aim at ensuring consistent harmonisation in specific areas. The EBA develops draft BTS which are finally endorsed and adopted by the European Commission. Contrary to other documents such as Guidelines or Recommendations, the BTS are legally binding and directly applicable in all Member States.

According to the EBA's [Annual Report 2015](#):

The total number of staff in 2015 went up to **156** including 118 temporary agents, 29 contract agents and 13 seconded national experts of broad geographical (26 EU nationalities) and gender balance (45 % females; 55 % males).

### 1.3 Can these agencies stay in the UK?

The Government has said the future of these agencies will be “subject to the exit negotiations”,<sup>12</sup> but the European Commission has made clear in its [draft negotiating directives](#) that the two agencies will be re-located because of Brexit. There are already reports of 21 informal bids for the EMA (including from Spain, Italy, the Netherlands, Denmark, Sweden, France, Germany, Ireland, Greece, Poland and Croatia). The European Parliament [draft resolution](#)<sup>13</sup> on the withdrawal negotiations called in paragraph 29 for the relocation of the EMA and EBA from the UK to another Member State as quickly as practicable. According to [EurActiv, 24 April](#) the future location of the EMA will be decided by the European Council on 22-23 June 2017.

The Health Minister, David Mowat, [said](#) on 24 April that the UK's future membership of the EMA could be considered in the withdrawal negotiations and that its future location would be decided by the other 27 EU Member States. He added ([70367](#)):

The Government is fully assessing how the UK's decision to leave the European Union will impact on medicines regulation in the UK, including the potential relocation of the EMA. Whatever the future relationship between the UK and EMA, the Government

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<sup>12</sup> [Financial Times, 16 April 2017](#).

<sup>13</sup> Adopted in plenary on 5 April by 516 votes to 133 with 50 abstentions.

will work to ensure that patient access to medicines will not be adversely impacted.

## 1.4 Possible impacts of relocation

A number of parliamentary questions about the impact of losing the EMA, loss of tax revenue and jobs had not been answered at the time of publication.

### Cost of relocation

The draft Commission document states that the UK “should fully cover the specific costs related to the withdrawal process such as the relocation of the agencies or other Union bodies”. According to the [Financial Times](#) on 27 April: “The EU estimates the outstanding rent until 2039 will total €347.6m, although once business rates and service charges are included property experts say it will reach €400m”. The report maintained that the EMA “faces having to pay 20 years of rent totalling €400m on its London property once it is relocated after Brexit, with Brussels saying the UK should help foot the bill”. The EBA, it stated, had signed a long-term lease on its Canary Wharf property in 2014 which has a “clause allowing it to leave at the end of 2020 if it pays a fee of about €3m (£2.5m). The authority will also need to cover the remaining three years of its £1.8m-a-year lease. The EU will again ask the UK to help pay these costs”.

Asked about the impact of transferring the EMA out of London, the Department for Exiting the European Union Minister, Robin Walker, [replied](#) on 27 April 2017:

The Government is committed to ensuring a positive outcome for the UK life sciences and pharmaceuticals sector as we exit the European Union.

In the negotiations, the Government will discuss with the EU and Member States how best to continue to cooperate in the field of medicines regulation in the best interests of both the UK and EU. It would not be appropriate to pre-judge the outcome of the negotiations.

### Impact on staff

In the [Lords debate](#) on the *European Union (Notification of Withdrawal) Bill* on 1 March 2017 March, Lorde Balfe (a former MEP) spoke about the effects of losing the EMA, particularly on its staff and their families (c891):

Of those 890 staff, 49 are UK nationals and of those 49, 30 of them have no possibility of getting another nationality. Staff regulations of the EMA state that you have to be an EU national, which poses great worries for those staff. I believe that could be negotiated, but I am afraid that when we get down to the post-Article 50 position, a lot of very detailed negotiation will have to be undertaken. Those 890 staff are in London and do not know where they will be. Between them, they have 593 dependent children under the age of 18 in full-time education. Those children had a reasonable expectation of being educated within the system that they are in. Their relocation is a major concern—relocation to where? They now face a future of uncertainty.

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He also spoke about the EBA (c 893):

Their number is much smaller, with only 158 staff. Only 12 of them are UK nationals but they have 116 children under the age of 18—all the arguments I have just deployed are the same—and 14 are at universities in the United Kingdom. The families live in the United Kingdom. In 2015, they ran no fewer than 296 events in the UK, bringing people to conferences in the UK to look at matters within banking regulation.

Peers sought to add a new clause to the Bill requiring the Government to report on co-operation with European technical agencies, but this was withdrawn.

### **Transition arrangements**

In an open letter to EU Heads of State the EU's pharmaceutical industry heads of research and the European Federation of Pharmaceutical Industries and Associations (EFPIA) have said that in order to mitigate the risks of disruption as a result of Brexit, "appropriate transition arrangements need to be in place to allow the Agency's work to continue whilst an orderly transfer of location takes place".<sup>14</sup>

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<sup>14</sup> [PharmaTimes, 24 April 2017](#).

## 2. Could the UK participate in EU agencies after Brexit?

Some EU agencies admit non-EU countries as observers or participants. Often these are from the EFTA states (Iceland, Liechtenstein, Norway and Switzerland)<sup>15</sup> or European Neighbourhood countries (see below). They do not generally have voting rights in the agencies' decision-making fora, they may have to contribute to agency budgets<sup>16</sup> and accept the jurisdiction of the CJEU.

Participation in EU agencies is also part of the EU's Enlargement Strategy. Agencies are encouraged to offer participation possibilities, including observer status, to candidate countries in Management Board and expert group meetings. The EU Instrument for Pre-Accession Assistance provides funding to EU agencies to help prepare candidate states for participation in certain agencies.

However, not all EU agencies are open to third state participation, notable exceptions being the EMA and the European Union Intellectual Property Office (EUIPO). Unless their founding regulations are amended to allow third state participation, it is difficult to see how the UK could continue a relationship with them.

### 2.1 European Neighbourhood participation

Article 8 of the [Treaty on European Union](#) provides that the EU "shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation".<sup>17</sup> Article 8 also provides that the EU "may conclude specific agreements" with ENP countries, which "may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly". This Article may be relevant to the EU withdrawal agreement and/or a future relations agreement, since the UK would remain a part of the EU's immediate environment.<sup>18</sup> The

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<sup>15</sup> The participation of EFTA countries in agencies' activities is governed by Article 82 of the Agreement on the European Economic Area (EEA), to which all but Switzerland belong.

<sup>16</sup> Some agencies, such as the Community Plant Variety Office and Office of Harmonisation in the Internal Market, are self-financing agencies and do not receive any funding from the EU budget.

<sup>17</sup> At present the European Neighbourhood comprises 16 Middle Eastern and Mediterranean countries: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, Syria, Tunisia, Ukraine and Palestine (this designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue).

<sup>18</sup> The 2003 explanatory notes from the Convention Praesidium that drafted the Treaty establishing a Constitution for Europe in 2003-04 argued that this Article removed the need to create a special associate status for withdrawing states.

Prime Minister has emphasised in speeches and White Papers that the UK will be leaving the EU but not Europe.<sup>19</sup>

A 2006 Commission [Communication](#) emphasised the importance of ENP participation “in certain Community policies and programmes or to establish closer cooperation with them”. Two forms of participation were outlined, including agency participation:

- ENP country participation, or observer status in, or cooperation with specific agencies or other bodies that are involved in the management of Community policies (e.g., the European Maritime Safety Agency, European Environment Agency, European Monitoring Centre on Racism and Xenophobia, the Galileo Supervisory Authority etc.);
- inclusion of ENP partners in the implementation of Community policies (e.g., research & development, consumer protection, information society, competitiveness and innovation, etc.). It will need to be decided for each programme whether funding for the participation of ENP partner countries should come from the countries themselves (as with members of the European Economic Area) or from the EU Budget (either from the relevant internal programme resources, where foreseen in the respective legal basis, or through dedicated funding under the European Neighbourhood and Partnership Instrument – ENPI).

## 2.2 Concluding agreements with agencies

A third state or organisation may participate in certain EU agencies by concluding an international agreement with the EU. These agreements set out the modalities of participation and any budgetary contribution and staffing arrangements to be made by the third state.<sup>20</sup>

In a Blog.Activ post on 4 July 2016, Merijn Chamon of the Ghent European Law Institute commented:

This option would allow the UK to pick and choose but the procedure is very cumbersome which is also why today very few such agreements with third states have been concluded. For the UK, these agreements could, in theory, be incorporated in the Article 50 agreement, but it is doubtful whether that agreement is the appropriate instrument for such detailed arrangements. The Article 50 agreement might however set out the framework for further future arrangements (such as agreements on the UK’s participation in EU agencies).<sup>21</sup>

## 2.3 Arrangements for third state participation

This section looks at the arrangements EU agencies have for third party participation in their administration and/or activities. The following

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<sup>19</sup> See, for example, the Prime Minister’s [Lancaster House speech](#), 17 January 2017.

<sup>20</sup> Andrea Ott, Ellen Vos and Florin Coman-Kund discuss EU agency agreements with external partners in [EU agencies and their international mandate: A new category of global actors?](#)

<sup>21</sup> [Consequences of Brexit for EU Agencies](#). For more details, see Merijn Chamon, [EU Agencies: Legal and Political Limits to the Transformation of the EU Administration](#), Oxford, OUP, 2016, pp. 86-90.

tables are based on information from the *Europa* website, [Agencies and other EU bodies](#), and the websites of the agencies themselves.

## 2.4 Decentralised agencies

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<a href="#">Agency for the Cooperation of Energy Regulators</a> (ACER), Slovenia	Under Article 31 of <a href="#">Regulation (EC) No 713/2009</a> , participation of third countries is allowed for countries which have concluded agreements with the EU “in the field of energy and, if relevant, in the fields of environment and competition”. There is a proposal to amend this regulation ( <a href="#">COM(2016) 863 final</a> , 30 November 2016, establishing a European Union Agency for the Cooperation of Energy Regulators (recast))  Its founding acts do not provide expressly for supervision by Commission or Council	<a href="#">ACER Board of Appeal</a> deals with complaints lodged against <a href="#">ACER decisions</a> .  Decisions of the Board of Appeal may be subject to appeal before the Court of Justice of the European Communities (CJEU).
<a href="#">Body of European Regulators for Electronic Communications</a> (BEREC), Latvia	Under <a href="#">Regulation (EC) No 1211/2009</a> , <b>observer status is granted</b> to European Economic Area (EEA) States and candidate accession states.	CJEU
<a href="#">Translation Centre for the Bodies of the European Union</a> (CdT), Luxembourg	Under <a href="#">Council Regulation (EC) No 2965/94 of 28 November 1994</a> , management board includes EU Member State representatives and EU institutions only.	CJEU
<a href="#">European Centre for the Development of Vocational Training</a> (Cedefop), Greece	Under <a href="#">Council Regulation of 10 February 1975, EEC No 337/75</a> as amended, Governing Board is composed of Member States’ governments, employers’ organisations and trade unions, and the European Commission, but has 120 staff from more than 20 European countries.  The founding act provides in Article 3(2): “In carrying out its tasks, the centre shall establish appropriate contacts, particularly with specialized bodies, whether public or	CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	private, national <b>or international</b> , with public authorities and educational institutions and with workers "and employers" organizations".	
<a href="#">European Fisheries Control Agency</a> (EFCA), Spain	Established by <a href="#">Council Regulation (EC) No 768/2005</a> , administrative Board is made up of one representative of each Member States and six Commission. Staff are recruited only from among nationals of EU Member States.  The founding act does not provide specifically for supervision by Commission or Council.	CJEU
<a href="#">Community Plant Variety Office</a> (CPVO), France	Under <a href="#">Council Regulation (EC) No 2100/94</a> of 27 July 1994 on Community plant variety rights, Administrative Council is composed of Member State Commission representatives, but it <b>may invite observers</b> to attend its meetings (Article 39). The founding regulation is silent on level of control by the EU authorities.  Third party nationals may be entitled to file an application for a Community plant variety right (article 12).	Board of Appeal and CJEU
<a href="#">European Aviation Safety Agency</a> (EASA), Germany	The EFTA states Norway, Iceland, Lichtenstein and Switzerland are also members of the EASA and are represented on the Management Board. There are three <b>international permanent representations</b> (from Canada, USA and China).  Under Article 55 of <a href="#">EU Regulation, No 1592/2002 of 15 July 2002</a> on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, " <b>Participation of European third countries</b> : The Agency shall be open to the participation of European third countries which are Contracting Parties to the Chicago Convention and which have entered into agreements with	CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	<p>the European Community whereby they have adopted and are applying Community law in the field covered by this Regulation and its implementing rules".</p> <p>Observers can be admitted to Board meetings and the Board may include "Where appropriate, the participation of representatives of European third countries" (Article 25 of regulation).</p> <p>Article 27(2) of the 2008 amendment of the founding regulation, <a href="#">Regulation 216/2008</a>, states: "The Agency may cooperate with the aeronautical authorities of third countries and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty. Such arrangements shall have received the Commission's prior approval".</p> <p>Third countries contribute to the budget.</p> <p>EASA has concluded different "working arrangements" with the aeronautical authorities in several third states, including Iceland, Norway, Switzerland, Serbia, Armenia, Australia, Brazil, China, Hong Kong, New Zealand, Taipei, Singapore and Vietnam.</p>	
<p><a href="#">European Asylum Support Office</a> (EASO), Malta</p>	<p>Established by <a href="#">Regulation (EU) 439/2010</a> of 19 May 2010. The Management Board is composed of representatives of EU Member States, the Commission and the United Nations High Commissioner for Refugees (UNHCR). Under Article 27 observers may be invited to Board meetings. Under Article 49(1), Iceland, Liechtenstein, Norway and Switzerland may participate as observers.</p> <p>Under Article 49(2), "In matters connected with its activities and to the</p>	<p>CJEU</p>

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	<p>extent required for the fulfilment of its duties the Support Office shall, in agreement with the Commission and within the limits of its mandate, facilitate <b>operational cooperation between Member States and third countries</b> other than those referred to in paragraph 1 within the framework of the Union's external relations policy, and may also cooperate with the authorities of third countries competent in technical aspects of the areas covered by this Regulation, within the framework of working arrangements concluded with those authorities, in accordance with the relevant provisions of the TFEU”.</p>	
<p><a href="#">European Centre for Disease Prevention and Control</a> (ECDC), Sweden</p>	<p>Established by <a href="#">EU Regulation No 851/2004 of 21 April 2004</a>, the Management Board is composed of representatives of the Member States, the EP and Commission.</p> <p>Article 30(1) of the Regulation, Participation of third countries, states: “The Centre shall be <b>open to the participation of countries</b>, which have concluded agreements with the Community by virtue of which they have adopted and apply legislation of equivalent effect to Community legislation in the field covered by this Regulation”.</p>	CJEU
<p><a href="#">European Chemicals Agency</a> (ECHA), Finland</p>	<p>Established by <a href="#">EU Regulation No 1907/2006 of 18 December 2006</a>. The Management Board is composed of representatives from Member States, the Commission and EP, with EEA participation as observers without voting rights. Under Article 106, Participation of third countries, “The Management Board may, in agreement with the relevant Committee or the Forum, <b>invite representatives of third countries to</b></p>	Board of Appeal and CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<b>participate in the work of the Agency” .</b>		
<a href="#">European Environment Agency</a> (EEA), Denmark	Established by <a href="#">EU Regulation No 401/2009 of 23 April 2009</a> . There is no provision for third party participation.	CJEU
<a href="#">European Food Safety Authority</a> (EFSA), Italy	<p>Established by <a href="#">EU Regulation No 178/2002 of 28 January 2002</a>.</p> <p>Article 49, Participation of third countries, provides: “The Authority shall be <b>open to the participation of countries</b> which have concluded agreements with the European Community by virtue of which they have adopted and apply Community legislation in the field covered by this Regulation.</p> <p>Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which these countries will participate in the Authority's work, including provisions relating to participation in the networks operated by the Authority, inclusion in the list of competent organisations to which certain tasks may be entrusted by the Authority, financial contributions and staff” .</p> <p>This agency cooperates with food agencies in Australia, Canada, Japan, New Zealand and the US, but cooperation acts contain explicit statement that they do not create legally binding obligations. See, e.g. Article 1(b) of <a href="#">Memorandum of Cooperation between The European Food Safety Authority and the Food Safety Commission of Japan</a>.</p>	CJEU
<a href="#">European Institute for Gender Equality</a> (EIGE), Lithuania	Established by <a href="#">EU Regulation No 1922/2006 of 20 December 2006</a> . Article 8, Cooperation with organisations at national and European level, international organisations and third countries, provides:	CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<a href="#">European Monitoring Centre for Drugs and Drug Addiction</a> (EMCDDA), Portugal	<p>“1. To help it carry out its tasks, the Institute shall cooperate with organisations and experts in the Member States, such as equality bodies, research centres, universities, non-governmental organisations, social partners as well as with relevant organisations at European or international level <b>and third countries</b>.</p> <p>2. Should agreements with international organisations or with third countries prove necessary for the Institute to carry out its tasks efficiently, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into such agreements with the international organisations or with third countries in the interests of the Institute. This provision shall not preclude ad hoc cooperation with such organisations or third countries”.</p>	CJEU
<a href="#">European Monitoring Centre for Drugs and Drug Addiction</a> (EMCDDA), Portugal	<p>Established by <a href="#">EU Council Regulation No 302/93 of 8 February 1993</a>. Article 13, Non-Community countries, provides:</p> <p>1. The Centre shall be <b>open to the participation of those non-Community countries which share the Community's interests and those of its Member States</b> in the Centre's objectives and work, on the basis of agreements entered into between them and the Community on the basis of Article 235 of the Treaty.</p> <p>2. The management board may take a decision on the involvement of experts proposed by non-Community countries in the ad hoc working parties provided for in Article 2 (2), subject to an undertaking from the interested parties to observe the rules referred to in Article 6.</p> <p>Opinion of the Commission must be sought before concluding an act of international cooperation.</p>	CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<a href="#">European Medicines Agency</a> (EMA), UK	<p>Established by EC <a href="#">Regulation No. 2309/93</a> as the European Agency for the Evaluation of Medicinal Products; renamed by EC <a href="#">Regulation No. 726/2004</a> to the European Medicines Agency. The Management Board consists of representatives from Member States, the Commission and EP, plus patients' organisations, one representative of doctors' organisations and one representative of veterinarians' organisations.</p> <p>There is no provision for third states to become members or observers, but under Article 77, "representatives of international organisations" may participate in the EMA.</p>	CJEU
<a href="#">European Maritime Safety Agency</a> (EMSA), Portugal	<p>Established by EU <a href="#">Regulation No 1406/2002 of 27 June 2002</a>.</p> <p>Under Article 13(5), the Administrative Board "may invite any person whose opinion can be of interest to attend its meetings or part of its meetings as an observer". The EMSA <a href="#">Rules of Procedure</a> state:</p> <p><b>2. Representatives of third countries having entered into agreements</b> with the European Community in accordance with article 17 of the Regulation shall be entitled to attend Board's meetings under the terms and conditions specified in such agreements.</p> <p>3. The Administrative Board may invite any State which has applied for membership of the European Union, on condition that the accession negotiations have been successfully completed, to attend its meetings or part of its meetings as observer.</p> <p>4. Representatives of third countries not covered by paragraphs 2 or 3 <b>may be invited to attend Board meetings as</b></p>	CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<b>observers in case an agenda item is of particular interest to these countries.</b>		
<a href="#">European Union Agency for Network and Information Security</a> (ENISA), Greece	<p>ENISA was founded by EU <a href="#">Regulation No 460/2004</a> of 10 March 2004, repealed and updated by <a href="#">Regulation (EU) No 526/2013</a> of 21 May 2013, the <a href="#">Regulation (EC) No 1007/2008</a> of 24 September 2008, and <a href="#">Regulation 580/2011</a> of 8 June 2011.</p> <p>Under Article 30 of the 2013 regulation, Participation of third countries:</p> <ol style="list-style-type: none"> <li>1. The Agency shall be <b>open to the participation of third countries which have concluded agreements</b> with the European Union by virtue of which they have adopted and applied Union legal acts in the field covered by this Regulation.</li> <li>2. Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which those countries will participate in the Agency's work, including provisions relating to participation in the initiatives undertaken by the Agency, financial contributions and staff.</li> </ol>	CJEU
<a href="#">European Union Agency for Railways</a> (ERA), France	<p>Established by EU Regulation <a href="#">881/2004</a>, repealed and updated by Regulation <a href="#">1335/2008</a> and Regulation <a href="#">2016/796</a> of 11 May 2016. Under Article 44, International relations:</p> <ol style="list-style-type: none"> <li>1. In so far as is necessary in order to achieve the objectives set out in this Regulation, and without prejudice to the respective competences of the Member States, the institutions of the Union and the European External Action Service, the <b>Agency may strengthen coordination with international organisations on the basis of concluded agreements and develop contacts and enter into</b></li> </ol>	CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	<p><b>administrative arrangements with supervisory authorities, international organisations and the administrations of third countries competent in matters covered by Agency activities</b> in order to keep up with scientific and technical developments and to ensure promotion of the Union railways legislation and standards.</p> <p>Article 75, Participation by third countries in the work of the Agency, "the Agency <b>shall be open to participation by third countries</b>, in particular by countries within the scope of the European Neighbourhood Policy, the Enlargement policy countries and EFTA countries which have concluded agreements with the Union under which the countries concerned have adopted and are applying Union law, or equivalent national measures, in the field covered by this Regulation, in accordance with the procedure laid down in Article 218 TFEU".</p> <p>Arrangements include financial contributions and staff. They may include representation of third countries on the Management Board, but without the right to vote.</p>	
<a href="#">European Training Foundation</a> (ETF), Italy	<p>Established by <a href="#">Council Regulation No. 1360</a> in 1990, recast <a href="#">No. 1339</a> in 2008. Under Article 23, Participation of third countries, the ETF is "<b>open to the participation of countries which are not Member States of the Community</b> and which share the commitment of the Community and the Member States to the provision of aid in the human capital development field to the partner countries defined in Article 1(1), under arrangements to be laid down in agreements between the Community and themselves".</p>	CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	<p>These agreements include provisions on financial contributions and staff. "They may not provide for third countries to be represented on the Governing Board with voting rights".</p> <p>The opinion of the Commission must be sought before concluding an act of international cooperation.</p>	
<a href="#">European Agency for Safety and Health at Work</a> (EU-OSHA), Spain	<p>Established by <a href="#">Council Regulation (EC) No 2062/94 of 18 July 1994</a>. The preamble states that "the Agency must be able to <b>invite as observers representatives of third countries</b>, of Community institutions and bodies and of international organizations which share the interests of the Community and the Member States in the aim of the Agency", and Article 3 states that the Agency's role includes to "collect and make available information on safety and health matters from and to third countries and international organizations (WHO, ILO, PAHO, IMO, etc.)".</p> <p>Article 9 provides for the Governing Board to invite, after consulting the Commission, "representatives of non-member countries, of Community institutions and bodies and of international organizations as observers".</p>	CJEU
<a href="#">Euratom Supply Agency</a> (ESA), Luxembourg	<p>A <a href="#">Decision of 5 May 1960</a> fixed the date on which the Euratom Supply Agency took up its duties and approved its Rules. A <a href="#">Council Decision of 12 February 2008</a> established Statutes for the Euratom Supply Agency.</p> <p>The ESA Committee consists of 58 members, all from the EU Member States.</p> <p>There is no provision for third country membership or participation in the work of the agency.</p>	CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<a href="#">European Foundation for the Improvement of Living and Working Conditions</a> (Eurofound), Ireland	Established by <a href="#">Regulation (EEC) No 1365/75 of 26 May 1975</a> (see also <a href="#">consolidated version</a> ). Article 3(2) instructs the agencies to “cooperate as closely as possible with specialized institutes, foundations and bodies in the Member States <b>or at international level</b> ”.	CJEU
<a href="#">European Union Agency for Fundamental Rights</a> (FRA), Austria	Established by <a href="#">Regulation (EC) No 168/2007 of 15 February 2007</a> . Under Article 28 the Agency is open to the participation of candidate countries as observers and a country with which the EU has a Stabilisation and Association Agreement may be invited to be an observer. There are no provisions for other third countries to be involved, other than by providing data and research for the Agency to analyse.  Requires the opinion of the Commission before concluding an act of international cooperation.	CJEU
<a href="#">European Border and Coast Guard Agency</a> (Frontex), Poland	Established by <a href="#">Regulation (EU) 2016/1624</a> of 14 September 2016 (which amended an earlier regulation (EU) 2016/399 and repealed Regulations (EC) No 863/2007, (EC) No 2007/2004 and Council Decision 2005/267/EC).  The Management Board is composed of the Commission and Member States’ representatives, but under Article 66(6), it “may invite, in accordance with its rules of procedure, any other person whose opinion may be of interest to attend its meetings as an observer”.  As a border control agency, Frontex <b>cooperates and collaborates with third countries</b> at a technical and operational level (the terms of its cooperation are set out in Article 54, Cooperation with third countries). This may be on the basis of <b>status agreements or other bilateral</b>	CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	<p><b>agreements.</b> Under Article 54(7), Cooperation with third countries, “The Agency may, with the agreement of the Member States concerned, invite <b>observers from third countries</b> to participate in its activities at the external borders”. The opinion of the Commission is needed before concluding an act of international cooperation.</p> <p>Frontex has concluded working arrangements with the authorities of 18 countries: the Russian Federation, Ukraine, Moldova, Georgia, the former Yugoslav Republic of Macedonia, Serbia, Albania, Bosnia and Herzegovina, the United States, Montenegro, Belarus, Canada, Cape Verde, Nigeria, Armenia, Turkey and Azerbaijan and Kosovo, and with the CIS Border Troop Commanders Council and the MARRI Regional Centre in the Western Balkans. See Frontex website, <a href="#">Third Countries</a>.</p> <p>Memoranda of Cooperation or working arrangements concluded by FRONTEX usually include a statement that they do not constitute an international agreement and do not fulfil international obligations of the EU.</p>	
<p><a href="#">European Global Navigation Satellite Systems –GNSS – Agency</a> (GSA), Czech Republic</p>	<p>Established by <a href="#">Regulation (EU) No 912/2010 of 22 September 2010</a>. Under Article 23, participation of third countries: the Agency is “<b>open to the participation of third countries</b> that have entered into agreements with the European Union to this effect”. These agreements set out provisions on “participation in the initiatives undertaken by the Agency, financial contributions and staff”.</p>	CJEU
<p><a href="#">European Union Intellectual Property Office</a> (EUIPO), Spain</p>	<p>Established by <a href="#">Regulation (EU) 2015/2424 of 16 December 2015</a>. The Management Board is composed of Member State, Commission and EP</p>	European Anti-Fraud Office (OLAF); Board of

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	<p>representatives. Under Article 127 it may invite observers to attend its meetings. Cooperation agreements may be made with third countries and international organisations.</p> <p>There is <b>no provision for non-Member State membership</b>.</p>	Appeal and CJEU jurisdiction
<p><a href="#">European Police College</a> (CEPOL), Hungary</p>	<p>Established by <a href="#">Regulation (EU) 2015/2219 of 25 November 2015</a>, which replaced and repealed Council Decision 2005/681/JHA. Under Article 34, Cooperation with Union bodies, third countries and international organisations: "CEPOL shall be <b>open to the participation of the authorities and training institutes of third countries</b> that have entered into agreements with the Union to that effect". "working arrangements shall be concluded specifying, in particular, the nature, extent and manner in which the authorities and training institutes of third countries, international organisations and private parties concerned may participate in CEPOL's work, including provisions relating to participation in CEPOL's initiatives, financial contributions and staff".</p> <p>Under Article 12(4), the Management Board "may invite any person whose opinion may be relevant for the discussion to attend a meeting as a <b>non-voting observer</b>".</p> <p>Prior approval by the Council is needed for the conclusion of an act of international cooperation with a third country.</p>	CJEU
<p><a href="#">The European Union's Judicial Cooperation Unit</a> (EUROJUST), Netherlands</p>	<p>Established by a <a href="#">Council Decision of 28 February 2002</a>, amended by <a href="#">Council Decision 2003/659/JHA of 18 June 2003</a>, and <a href="#">Council Decision 2009/426/JHA of 16 December 2008</a>. Under Article 26A, "Eurojust <b>may establish and maintain</b></p>	Joint supervisory body (Article 23); national courts

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	<p><b>cooperative relations” with third States.</b></p> <p>Article 26(a)(3) provides: “Eurojust may conclude agreements with [third states]. Such agreements may, in particular, concern the exchange of information, including personal data, and the secondment of liaison officers or liaison magistrates to Eurojust”.</p> <p>EUROJUST has administrative arrangements/cooperation agreements with administrations in several third countries. The prior approval of the Council is needed for the conclusion of an act of cooperation.</p>	
<p><a href="#">European Police Office (EUROPOL)</a>, Netherlands</p>	<p>Europol was founded by a convention between the Member States and became an EU agency on 1 January 2010 under <a href="#">Council Decision of 6 April 2009</a>. Article 23 provides: “Europol may also <b>establish and maintain cooperative relations” with third States</b>. Article 26 governs the decision on which countries the EU will conclude an agreement with (by the Council by QMV with EP consultation). See also Council Decision 2009/935/JHA of 30 November 2009 <a href="#">determining the list of third States and organisations with which Europol shall conclude agreements</a>.</p> <p>In addition, <a href="#">Council Decision 2009/934/JHA</a> of November 2009 contains implementing rules governing Europol’s relations with partners, including the exchange of personal data and classified information. Under Article 4, agreements can only be concluded once the Council has decided, after consulting the EP.</p> <p>EUROPOL has administrative arrangements/cooperation agreements with administrations in several third countries. The prior approval of the</p>	<p>Joint Supervisory Body; national courts</p>

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	Council is needed for the conclusion of an act of cooperation.	
<a href="#">European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice</a> (eu-LISA), Estonia	Established by <a href="#">Regulation (EU) No 1077/2011 of 25 October 2011</a> . The Management Board is composed of the Member States and Commission. Europol and Eurojust can have observer status at Management Board meetings, but under Article 15(5), the Board “may invite any other person whose opinion may be of interest, to attend its meetings as an observer”. The EFTA states can participate in the Management Board.  There are <b>no further provisions for third state participation.</b>	CJEU
<a href="#">European Banking Authority</a> (EBA), UK	Established by <a href="#">Regulation (EU) No 1093/2010 of 24 November 2010</a> , amended by <a href="#">Regulation (EU) No 1022/2013 of 22 October 2013</a> .  Article 75 provides for participation in the work of the Authority to be <b>open to third countries which have concluded certain kinds of agreements with the EU</b> . Arrangements include provisions relating to financial contributions and to staff.  “Administrative arrangements” with international organisations and third countries cannot create legal obligations for the EU and the Member States	CJEU
<a href="#">European Insurance and Occupational Pensions Authority</a> (EIOPA), Germany	Established by <a href="#">EU Regulation No 1094/2010 of 24 November 2010</a> . Under Article 33, “the Authority may develop contacts and enter into administrative arrangements with supervisory authorities, international organisations and the administrations of third countries”.  Article 75, Participation of third countries, provides:	Board of Appeal; CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<a href="#">European Securities and Markets Authority (ESMA)</a> , France	<p>“1. Participation in the work of the Authority shall be <b>open to third countries which have concluded agreements with the Union</b> whereby they have adopted and are applying Union law in the areas of competence of the Authority.</p> <p>2. The Authority may cooperate with the countries referred to in paragraph 1 applying legislation which has been recognised as equivalent in the areas of competence of the Authority referred to in Article 1(2), as provided for in international agreements concluded by the Union in accordance with Article 216 TFEU.</p> <p>3. Under the relevant provisions of the agreements referred to in paragraphs 1 and 2, arrangements shall be made specifying, in particular, the nature, scope and procedural aspects of the involvement of the countries referred to in paragraph 1 in the work of the Authority, including provisions relating to financial contributions and to staff. They may provide for representation, as an observer, on the Board of Supervisors, but shall ensure that those countries do not attend any discussions relating to individual financial institutions, except where there is a direct interest”.</p> <p>“Administrative arrangements” with international organisations and third countries cannot create legal obligations for the EU and the Member States.</p>	Board of Appeal; CJEU

## 2.5 Agencies under the Common Security and Defence Policy

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<a href="#">European Defence Agency</a> (EDA), Belgium	<p>Established by <a href="#">Joint Action of the Council of Ministers on 12 July, 2004</a>. Article 23, Participation of third parties, provides:</p> <p><b>“1. Third parties may contribute to a particular ad hoc project or programme</b>, established in accordance with Articles 20 or 21, and to the budget associated with it. The Steering Board shall, acting by qualified majority, approve as necessary ad hoc arrangements between the Agency and third parties for each particular project or programme”. Chapter VI, Relations with Third Countries, Organisations and Entities, contains detailed provisions.</p> <p>The Steering Board is composed of Member State representatives, but its meetings may be attended by “as appropriate, representatives of other third parties” (Article 8(7)).</p>	N/A
<a href="#">European Union Institute for Security Studies</a> (EUISS), France	<p>Established by <a href="#">Council Joint Action 2001/554</a> (amended by <a href="#">Council Joint Action 2006/1002</a>). Under Article 17, “Visiting researchers may for limited time periods be seconded to the Institute by Member States and third states, with the agreement of the Director, to participate in the activities of the Institute”, but there are no further provisions for involvement.</p>	N/A
<a href="#">European Union Satellite Centre</a> (EUSC/SATCEN), France	<p>Established by <a href="#">Council Joint Action of 20 July 2001</a>, amended by <a href="#">Council Decision 2014/401/CFSP of 26 June 2014</a>. Under Article 20, Cooperation with third States, organisations and entities:</p> <p>1. For the purpose of fulfilling its mission, SATCEN <b>may establish working relations and cooperate with third States</b>, organisations or entities. To this</p>	CJEU

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	effect, it may enter into administrative arrangements with competent authorities of third States, international organisations or entities". An Annex to the Decision sets out detailed provisions.	

## 2.1 Executive agencies

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<a href="#">Education, Audiovisual and Culture Executive Agency</a> (EACEA), Brussels	Established by <a href="#">Commission Decision of 20 April 2009</a> , amended by <a href="#">Commission Implementing Decision of 18 December 2013</a> , and <a href="#">Commission Decision of 18 December 2013</a> delegating powers to EACEA, amended by <a href="#">Decision C(2014)4084 of 26 June 2014</a> .  The Decision sets out a range of <b>third country participation options</b> .	N/A
<a href="#">Executive Agency for Small and Medium-sized Enterprises</a> (EASME), Brussels	Formerly the Executive Agency for Competitiveness and Innovation (EACI). Established by: - <a href="#">2013/771/EU: Commission Implementing Decision of 17 December 2013 establishing the 'Executive Agency for Small and Medium-sized Enterprises' and repealing Decisions 2004/20/EC and 2007/372/EC</a> - <a href="#">2007/372/EC: Commission Decision of 31 May 2007 amending Decision 2004/20/EC in order to transform the Intelligent Energy Executive Agency into the Executive Agency for Competitiveness and Innovation</a> - <a href="#">Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of</a>	N/A

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	<p><a href="#">consumer policy for the years 2004 to 2007 (Text with EEA relevance)</a></p> <p>Article 9 of the 2004 Decision provides for the participation of third countries in the <b>framework by EFTA/EEA countries in accordance with the EEA Agreement</b>, and with associated countries, in accordance with any bilateral agreements establishing the general principles for their participation in Community programmes. There are no further provisions for third party participation.</p>	
<p><a href="#">European Research Council Executive Agency</a> (ERCEA), Brussels</p>	<p>Established by <a href="#">Commission Decision 2007/134/EC of 2 February 2007</a>, amended by 2009/357/EC: <a href="#">Commission Decision of 27 April 2009</a> and other instruments. Membership of the Scientific Council consists of 22 representatives of the European scientific community, who “should <b>collectively reflect the full breadth of the research community across Europe</b>” (no specific requirement to be from an EU Member State).</p> <p><a href="#">Commission Decision 2008/37/EC of 14 December 2007</a> set up the European Research Council Executive Agency. The Steering Committee and Director are appointed by the Commission.</p> <p>Researchers from anywhere in the world can apply for ERC grants provided their research is carried out in an EU Member State or Associated Country.</p>	N/A
<p><a href="#">The Consumers, Health, Agriculture and Food Executive Agency</a> (CHAFAEA) Luxembourg</p>	<p>Established by a <a href="#">Commission Decision of 20 June 2008</a>, which transformed the ‘Executive Agency for the Public Health Programme’ into the ‘Executive Agency for Health and Consumers’.</p> <p>There is <b>no provision for third party membership</b>.</p>	N/A

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<a href="#">Research Executive Agency</a> (REA), Brussels	Established by <a href="#">Commission Decision 2008/46/EC of 14 December 2007</a> , repealed by <a href="#">Commission Implementing Decision 2013/778/EU</a> of 13 December 2013. There is <b>no provision for third party membership</b> .	Under a <a href="#">Memorandum of Understanding</a> between the Research Executive Agency and various Commission DGs: Commission, OLAF, CJEU
<a href="#">Innovation and Networks Executive Agency</a> (INEA), Brussels	Established by <a href="#">Commission Decision 2013/801/EU of 23 December 2013</a> . There is no provision for third party membership of the agency.	N/A

## 2.2 EURATOM agencies and bodies

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
<a href="#">EURATOM Supply Agency</a> (ESA), Luxembourg	The <a href="#">Euratom Treaty</a> established the ESA with legal personality and financial autonomy under the supervision of the European Commission. A <a href="#">Council Decision of 12 February 2008</a> established Statutes for the ESA, which was adapted by <a href="#">Council Regulation (EU) No 517/2013 of 12 May 2013</a> . Its <a href="#">Rules</a> were set out on 5 May 1960. The ESA's Advisory Committee is composed of Member State representatives and there is no third party membership of the Agency, although it enters into contracts with third parties.	European Commission and CJEU
<a href="#">Fusion for Energy</a> (F4E – EU's Joint Undertaking for ITER and the Development of Fusion Energy, Spain.	Established by an <a href="#">Agreement</a> in 2006. The membership of the Joint Undertaking is Euratom, represented by the Commission, the Member States of Euratom and third countries which have	Commission, Court of Auditors and OLAF;

Name and location of Agency	Participation of third states?	Jurisdiction or complaints mechanism
	<p>concluded a cooperation agreement with Euratom in the field of controlled nuclear fusion.</p> <p>The Swiss Confederation, participates in the Euratom fusion programme as a fully associated third State.</p>	arbitration tribunal; CJEU

## 2.3 European Institute for Innovation and Technology

Name and location of agency	Participation of third states?	Jurisdiction or complaints mechanism
<p><a href="#">European Institute of Innovation and Technology</a> (EIT), Hungary</p>	<p>Established by <a href="#">Regulation (EC) No 294/2008</a> of 11 March 2008, amended by <a href="#">Regulation (EU) No 1292/2013 of 11 December 2013 amending Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology</a>, of 11 December 2013.</p> <p>The EIT Governing Board is composed of “high-level members experienced in higher education, research, innovation and business”. They are appointed by the Commission, which may also appoint observers to take part in the meetings of the Governing Board. Members of the Board’s Executive Committee are all from EU Member States.</p> <p>Member States and other countries with an agreement with the EU on the EIT are “participating states” under the regulation.</p> <p>The EIT and Knowledge and Innovation Communities (KICs) cooperate with third country organisations. Article 7(3) states: “A KIC <b>may include partner organisations from third countries</b>, subject to the approval of the Governing Board. The majority of the partner organisations forming a KIC shall be established in the Member State”. These states help to finance the KICs.</p>	OLAF; Court of Auditors; CJEU



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