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**REPORT FROM THE COMMISSION TO THE COUNCIL**

**Review of the European Environment Agency (EEA)**

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## **1. INTRODUCTION**

### **1.1. The European Environment Agency**

On 6 November, the European Environment Agency will celebrate its tenth anniversary. Although its establishing Regulation<sup>1</sup> was adopted in 1990, a decision on the Agency's seat could not be taken before 1993 and EEA operations could only start the following year. Since then, EEA grew into a mature organisation that has an accepted position on the European stage.

EEA's stated mission is "to support sustainable development and to help achieve significant and measurable improvement in Europe's environment by the provision of timely, targeted, relevant and reliable information to policy-making agents and the public".

EEA currently works with an annual budget of approximately € 28 million and had 95 staff in 2002, of which 37 were of the A-category. Key user of its information has traditionally been the Commission, and to a much lesser extent the other Institutions, individual Member States and the public. However, the latter three groups' share has recently grown steadily.

### **1.2. Objectives and scope of this review**

This report is called for by Article 20 (2) of the Regulation establishing the EEA:

*Not later than 31 December 2003, on the basis of a report of the Commission, the Council shall review the progress of, and the tasks undertaken by, the Agency in relation to the Community's overall policy on environment.*

The report reviews the Agency's contribution to the Community's environment policy from 1994, when, its seat having been decided, it could start its operations, to 2003. It also formulates recommendations concerning EEA and its main stakeholders and partners with a view to improve the Agency' contribution to Community policy on the environment.

The report focuses on strategic and institutional issues rather than EEA's internal operations. The latter was the scope of an evaluation study commissioned by EEA itself as per Article 20 (1) of its Regulation, carried out in 2000 and that looked more particularly into the performance and efficiency of the Agency. The Council is invited to endorse the conclusions and recommendations contained in this report.

## **2. INPUTS FOR THIS REVIEW**

Several sources were used in writing this report. To begin with, the 2000 evaluation mentioned in the previous paragraph. This evaluation mostly consisted of a very extensive and detailed review of the Agency's internal programming, administrative, financial, 'marketing' and management aspects. Inside EEA, this evaluation led to a number of changes and indeed a marked improvement in the areas mentioned. Some

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<sup>1</sup> Regulation 1210/1990/EEC, as amended by Regulation 933/1999/EEC.

conclusions and recommendations from this first evaluation remain pertinent for the present review and have been taken up in the report.

The main input into this report is a study carried out by the Institute for European Environmental Policy and the European Institute for Public Administration (IEEP/IEPA). The study has been carried out between 1 March and 31 August 2003 under contract with the Commission. The full study is available through the European Commission's website<sup>2</sup>. IEEP/IEPA carried out a large number of interviews with EEA staff users and other stakeholders and experts. The study was guided by a steering group, made up of representatives of the European Commission, the European Parliament, EEA, the EEA Topic Centres and National Focal Points, and chaired by Professor Bedrich Moldan, chairman of EEA Scientific Committee.

Further inputs to this review were the most recent review of the European Topic Centres (see 4.9) lead by EEA, which came to a conclusion in July 2003, as well as the wide-ranging preparations for the next EEA Multi Annual Work Programme (2004-2008).

The reflection on the future of the Agency is also to be placed in the wider framework of the on-going discussion on the Community decentralised Agencies, fuelled notably by the reflection on European Governance<sup>3</sup> and the expansion up until now of the number of such Agencies.

Lastly, the new Financial Regulation for the Community has implications for the Agencies, which are relevant in the context of this review.

### **3. CONTEXT FOR THE REVIEW**

#### **3.1. Community decentralised Agencies**

Under the first pillar of the Treaty, the Community currently has 15 decentralised Agencies. As the White Paper on European Governance points out, existing and planned agencies are characterised by an absence of a reference framework to which each agency would adjust according to its own needs. The decision to create each Agency was motivated by the need to respond to the particular circumstances of the moment and the EEA is no exception to that rule.

Following the White Paper, the Commission has developed a clear framework for executive agencies. It sets out amongst others the criteria for the creation of this type of Agencies, as well as typical tasks and common organisational aspects. For regulatory agencies a discussion has started<sup>4</sup>.

Together with the European Monitoring Centre for Drugs and Drug Addition (EMCDDA), the European Agency for Safety and Health at Work (EU-OHSA) and the European Monitoring Centre on Racism and Xenophobia (EUMC), the EEA however is neither a Regulatory Agency nor an Executive Agency. It rather belongs

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<sup>2</sup> <http://europa.eu.int/comm/environment/pubs/eea.htm>

<sup>3</sup> European Governance – A White Paper, 25.7.2001, COM (2001) 428 (final)

<sup>4</sup> Council Regulation N° 58/2003 of 19 December 2002, OJ L 11 of 16/1/2003 (executive Agencies) and Commission Communication COM(2002) 718 final (regulatory Agencies)

to what may be called ‘information agencies’. With the exception of the Office for Harmonisation in the Internal Market (OHIM) and the Community Plant Variety Office (CPVO), all agencies are covered by the framework Regulation for Article 185 bodies<sup>5</sup>, which provides an overall framework although it focuses on budgetary issues. For other cross-cutting aspects, no overall framework exists as yet for this type of agency, nor is it clearly established whether the group is sufficiently homogeneous to justify the creation of a framework. It is therefore more difficult to present a precise reference as a starting point for this review.

### 3.2. Expectations from the EEA

Still, it is possible to retrace what was expected from the EEA when it was first conceived. While, as said, the reasons for their creation differ from Agency to Agency, a meta-evaluation of Community agencies<sup>6</sup> found the following recurring general justifications for Community Agencies<sup>7</sup>, that also apply to the EEA:

- *Greater independence and visibility.* It was felt that a voice independent from any of the Community Institutions would represent a more credible source of environmental information.
- *Capacity to build up a specialised workforce and resulting expertise.* The state and quality of environmental data in the pre-Agency days was patchy, at best. The Commission began activities during the 1980s to address this situation but it was felt that a specialised Agency could improve the situation more rapidly.
- *Greater ease to ensure regular contact and involvement of stakeholders.* In the case of the EEA, this was interpreted as the need for a closer co-operation and involvement of the ‘environmental information society’ in Europe, i.e. the relevant organisations in the Member States, Acceding States and Candidate Countries notably through its Environmental Information and Observation Network (EIONET). It was also understood as the need to build, with the various partner bodies within the Commission and in other international organisations (OECD, IEAE, UNEP), a more coherent infrastructure for environmental data management throughout the Community.

On more operational grounds, the expectations from the EEA were captured in its mission statement as “...the provision of timely, targeted, relevant and reliable information to policy-making agents and the public”.

The 6<sup>th</sup> Environment Action Programme underlines that future environment policy must increasingly lean on a sound understanding of the environment and the trends therein. It also emphasises the importance of both ex-ante and ex-post evaluation of policies. This makes it all the more important to ensure that EEA can deliver support to its full potential. It also points at possibly a different, broader role for EEA.

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<sup>5</sup> Regulation 2343/2005 of 23 December 2002, OJ L 357, p. 72

<sup>6</sup> Meta-evaluation on the Community Agency system, Budget Directorate General of the European Commission, 15 September 2003, [http://europa.eu.int/comm/budget/evaluation/pdf/metal-evaluation\\_agencies.pdf](http://europa.eu.int/comm/budget/evaluation/pdf/metal-evaluation_agencies.pdf)

<sup>7</sup> The same meta-evaluation finds that these advantages have to be weighted against a loss (or continued lack) of in-house expertise in the Commission, a potential risk of friction between Commission and Agencies and a potential lack of control over the nature and timing of Agency outputs.

### **3.3. The Agency's legal framework**

The main legal framework is the establishing Regulation, adopted in 1990 and modified by Regulation 933/1999/EC. Main elements modified were the introduction of sustainable development as a context in which the environmental work of EEA should be placed, a further specification of tasks, further emphasis on the need to co-ordinate activities with parallel organisations including those in third countries and finally the establishment of the Bureau. The 1999 amendment also specifies in a recital that future reviews of the Agency's performance and tasks should coincide with the cycle of its five-yearly work-programme. The present report could therefore be seen as the first in line of such reviews. With the 1999 amendment, the obligation to review the Regulation periodically was dropped.

As part of the introduction of a new Financial Regulation<sup>8</sup>, further changes have been introduced in the basic Regulation of the EEA and the other Agencies in 2003. These changes concern the responsibility of the Commission's internal auditor vis-à-vis the budget of the Agencies, the accounting rules that apply to the Agencies, the responsibility for the discharge of the budget and for the establishment plan. At that same time two further changes were proposed that are not strictly related to the Financial Regulation: increased access to documents and a clarification of the procedure for the appointment of Agency Directors<sup>9</sup>. The latter two however were not taken on board in the latest amendment of the basic Agency Regulation. Instead, the Commission proposes to incorporate these two aspects in the next amendment to the Agency Regulation.

## **4. ASSESSMENT OF TASKS AND PROGRESS IN RELATION TO COMMUNITY ENVIRONMENT POLICY**

### **4.1. Introduction**

The headings in this chapter represent the key questions that the Commission requested to be addressed in the independent study it commissioned in order to review the progress and tasks of the EEA in relation to the overall Community policy on the environment: appropriateness of the Agency's mandate and of its resources, policy relevance and focus of its work, co-operation with partner organisations, necessary degree of autonomy, co-operation with non-EU countries, network of permanent collaborators, governance structure, products and services and future challenges.

### **4.2. How was the Agency's mandate interpreted?**

The mission of the EEA, as formulated in Articles 2 (tasks) and 3 (areas of activity) of its establishing Regulation, is very broad. Practically all environmental topics are included as well as users ranging from the Community institutions to the public.

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<sup>8</sup> Council Regulation N° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 24 of 16/09/2002 and Commission Regulation N° 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation N° 1605/2002, OJ L 357 of 31/12/2002.

<sup>9</sup> Commission Proposal COM(2002) 406 final

Support is foreseen in almost all stages of the policy cycle and concerns every aspect of the information management process.

On the one hand, a broad mission was necessary, as it had to cater for a policy agenda that evolved significantly over time. On the other hand however, the vast array of tasks and areas of activity created a level of expectation that could not be met in all cases, irrespective of the question whether the resources made available to the EEA were sufficient. Therefore in practice EEA's legally defined mission has had to be interpreted and prioritised to be translated into a practical programme of priorities and activities.

While in the first years there was from time to time a divergence of views regarding these priorities and activities, particularly between the Commission and the EEA, there is now a fairly clear common understanding of the respective tasks, although there is still occasional disagreement.

In fulfilling its mission, EEA has so far met most expectations. However, some areas were not 'served' sufficiently or even at all. This is particularly striking for two of the areas specifically singled out in Article 3 (2) as priority areas: noise emissions and chemical substances.

Given the limited increase of resources available to the Agency, it should be accepted by EEA and its users that certain areas are simply not addressed. Otherwise there is a clear risk that resources will be spread so thinly that a minimum level of expertise and quality is no longer guaranteed.

The need to clarify expectations and priorities for Agency support is found across Agencies, as is the need to develop closer links between Commission services and Agencies and the need to develop a more user or 'client'-oriented approach.

#### Recommendations:

- In the next revision of the Regulation, the description of tasks and priorities should be clarified and focused, ensuring that the mission of the EEA remains flexible and relevant to Community environment policy, yet realistically achievable.
- Pending a modification of the Regulation, the EEA should strive to further join up its longer-term planning with that of its key users, particularly with the Commission.

#### **4.3. Were the Agency's resources sufficient?**

From the start of its operations, the EEA has grown to 95 staff (2002) and an annual budget of € 27,6 million. Apart from a more steep increase during the first years, growth in the EEA budget has been incremental and comparable to the development in the budget of other Community agencies. Principally, the EEA is funded through a Community subvention (of € 19,3 million in 2002). Another important source of income are the membership-contributions of EEA's non-EU member countries (€ 2,3 million in 2002 and expected to increase € 5,8 million in 2003). After the 1<sup>st</sup> of May 2004, the membership contributions of the 10 acceding countries will be integrated into the Community subsidy.

A substantial share of EEA's expertise is located in its European Topic Centres (ETCs – see section 4.9). The ETCs and their staff are funded by EEA but the ETCs also receive funding from their host countries, to an estimated figure of 25% of their total budget.

Given the very broad mission referred to in paragraph 4.2, it is not surprising that budget and staff have not been adequate to meet all the demands for support from the EEA. The strain on resources has been felt throughout the Agency's existence, but particularly so during the first years, when the gap between the level of ambition and the products and services that could actually be delivered was bigger than at present. The strain on resources has brought about a healthy process of prioritisation within the EEA, the EEA Management Board and amongst its users. Nonetheless demands for EEA support remain larger than what can be supplied.

With the exception of the OHIM and the CPVO, that finance their core activity from fees and not out of the Community budget, the Commission follows for all Agencies the principle that Agency-activities that fall in the remit of their legal mandate must be financed from the Community subvention in order not to compromise the power of the Budgetary Authorities. The only exceptions are more structural activities to do with enlargement, activities specifically asked for by the Commission, or other activities if they have the explicit agreement of the budgetary authorities. Conversely, following this principle Commission services are not allowed to contract out any work that falls in the remit of an Agency<sup>10</sup>. In practice these guidelines have shown to be difficult to follow and open to different interpretations, due to the very open description of the remit of – in this case – the EEA. The limitation on making extra resources available to EEA has in some cases led to less-than-optimal solutions, eg. contracting out work to others where EEA actually had the best expertise.

For a number of EEA products and services funding additional to the Community subsidy was essential. The above-mentioned exceptions have been used for work in developing EIONET in preparation of enlargement, for the Environment for Europe process<sup>11</sup> and for integration of environment into other sectors. The three reports for the Environment for Europe process are a prime example of this. The drawback of this approach however is that the build-up of expertise inside EEA is limited, as for these 'additional' products and services: to produce them, the EEA had to rely more than usual on external expertise and there is no assurance that these outputs will be continued.

#### Recommendations:

- The Budgetary Authority should provide the Agency with the resources necessary to perform its tasks and objectives under the Regulation. The addition of permanent tasks that are not compensated by an equivalent reduction of other tasks should be matched by an increase in the Community subsidy.
- For substantial long term tasks that fall outside the scope of EEA's normal activities, the Commission and the EEA should seek funding arrangements to

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<sup>10</sup> SEC (95) 465.

<sup>11</sup> The pan-European process for achieving environmental improvement and sustainable development in the entire European region, involving EU, the East-European Acceding and Candidate countries and the countries of the Newly Independent States.

ensure the desired stability in work priorities and the building up of expertise within the EEA.

#### **4.4. Was its work policy relevant?**

In line with its Regulation, the primary focus of the EEA has been on the key policy making actors in the EU and particularly on the Commission and less on others, such as the public at large.

Policy relevance has been a key consideration in most of the Agency's products and services. In planning its work, the EEA followed the main priorities of the Community's environmental policy, as laid down in the 5<sup>th</sup> and 6<sup>th</sup> Environmental Action Programmes. However, the net was cast very wide in the first two multi-annual work programmes (94-98 and 99-03) and not all priorities were supported equally well.

Work with the Commission has been intensive from very beginning and planning is now increasingly synchronised with that of the Commission services in order to ensure that the EEA's products and services are relevant to the Commission's needs. Relevance has been highest when EEA was closely involved from the very start of a policy process.

Work with the Council (the 'Cardiff' process of integration in particular, where EEA has built up considerable expertise) and the Presidencies gradually increased over time and is now generally regarded as very useful. This work has helped EEA develop channels of communication with the Member States and to be more closely in support of this stage of the decision-making process.

The European Parliament, although its involvement in environmental policy making has significantly increased through the co-decision process, does not yet make ample use of EEA's support. On the one hand this is due to the fact that the EEA is less equipped to meet the needs of the European Parliament. For instance, the Agency does not currently have the right expertise or contacts for the work that the European Parliament would like to see on the administrative structures for implementation in the Member States. On the other hand Parliament has not yet developed a successful mechanism for formulating precise requests in good time for the EEA to take on board in its planning.

Not all of EEA's work is directly demand-driven. The Agency has a task of passing important signals when it feels these must be taken up by the Community Institutions and the Member States and it is important to safeguard this role of the EEA.

#### Recommendations:

- The EEA must continue to strive to closely align its activities with the main priority themes of Community environmental policy.
- The EEA should plan its work and resource allocation to guarantee that its support will be available throughout the policy process.
- The European Parliament and the EEA should develop a more effective mechanism for defining appropriate EEA support.

- The EEA should preserve its alert function and carry on providing early warnings on emerging issues to the Community Institutions and the Member States.

#### **4.5. What stages of the policy cycle have been served best?**

The Agency's Regulation implies that the EEA can make a contribution to all stages of the policy process. While EEA contributed in some way to most stages, work was particularly focused on the early stages (problem identification and definition) and the last stages (monitoring, reporting and evaluation) of the policy cycle. Less work has been done in identifying policy options, appraisal of policy options and policy implementation – although EEA clearly has the potential to contribute to these stages.

There has been a continuous debate between the Agency and its stakeholders regarding a role for the EEA in assessing policy options, evaluating the effectiveness of Community policy, and in drawing policy recommendations on the basis of these assessments. While the Agency has the potential to develop a broader role in the future, the Commission considers that it should first concentrate on fulfilling its core tasks including support for the reporting obligations under Community law and to improving the overall quality of basic environmental information.

With the European Parliament, the discussion focused rather on a role for the Agency in providing the European Parliament an insight in the quality of implementation of legislation by the Member States and on the assessment of policy options. Whilst the European Parliament and Agency agree in principle that these are areas where EEA can play a role neither has yet found a way of taking these objectives forward.

The underlying issue is that EEA is not the sole actor in areas such as policy assessment and policy evaluation and consequently a stronger degree of co-ordination must be developed, particularly with the Commission.

#### Recommendations:

- The primary role of EEA remains to establish the state and trends in the European environment and to support the Community and the Member States in their reporting obligations.
- Once it has mastered its core tasks, the EEA could gradually extend its support activities along the entire range of stages of the policy cycle in close cooperation with the Commission services, which have the primary responsibility in the definition of policy options.

#### **4.6. How have relations with other Community and international organisations developed?**

Co-operation with other Community and international organisations working in the same area has developed considerably over time. Through Article 15 of its Regulation, the Agency is under obligation to co-operate with the Joint Research Centre, the Commission's Statistical Office and with the Community's R & D programmes. In addition, it must co-operate with other bodies such as the European Space Agency, the Organisation for Economic Cooperation and Development (OECD), the United Nations Environment Programme (UNEP), etc.

The general objective is to limit overlap of work and to maximise synergies, for instance through joint publications or use of the same basic data. Co-operation is usually formalised through Memoranda of Understanding or similar documents. As the degree of formalisation is decided on a case by case basis, there is no single format and no coherent policy regarding the agreements with other bodies.

Co-operation has generally been fruitful. Overlaps between the activities of the various bodies are limited and EEA is regarded to have been of substantial added value for data management in Europe.

However, further synergies are possible, notably by means of more joint activities such as publications or data requests. A particular point of attention is the co-operation with the Commission's statistical office. There is little interaction between the European Statistical System and the Agency's network of National Focal Points. In addition, more co-operation with the Commission regarding the Research Framework Programme would be helpful to favour the exploitation of the scientific and economic knowledge.

In addition, progress in the build-up of a shared system for environmental data – potentially important in the co-operation with these organisations – is fairly limited, despite EEA efforts and an expressed interest amongst stakeholders.

#### Recommendations:

- The EEA should pay further attention to co-operation with complementary Community or international bodies, in particular Eurostat and the Joint Research Centre and the 6<sup>th</sup> RTD Framework Programme, to ensure that more synergies are created between the work of EEA in its priority areas and that of its partners. A coherent approach to the co-operation with Community and international bodies could help to clarify overall priorities and division of work between EEA and these bodies. EEA and the bodies concerned should co-ordinate their annual planning of activities at the earliest possible stage.
- As a result of the improved collaboration, a specific objective would be to step up the development of a shared and interoperable European information system for the environment, which would go beyond the EEA own data sources and includes the reporting obligations under Community law and under the various Multilateral Environmental Agreements.

#### **4.7. Has EEA's autonomy been instrumental?**

The EEA is not strictly linked to any of the Community Institutions. The Regulation organises this autonomy in several ways, notably through the open wording of the mandate of the EEA and the many interests represented in its Management Board. In addition, the Agency has over time built up a solid reputation, which in turn leads users to trust it and further increases EEA's room for manoeuvre.

Yet at the same time the EEA has proven to be highly dependent on the Community and the Member States in two ways. Firstly on resources: the Community subsidy and the Agency establishment table are decided by Council and European Parliament. The Commission negotiates the level of 3<sup>rd</sup> country membership contributions within a mandate of the Council. Access to Community support

programmes goes via the Commission, which is responsible for managing the programmes. Secondly the EEA is dependent for part of its basic data on Member States, Eurostat or other Commission services, who voluntarily co-operate with EEA.

With EEA's autonomy came frictions (particularly with the Commission but occasionally also with others) for instance on the control of its output. Frictions reduced over time. This was achieved mainly through clarification of the respective roles of the Commission and the Agency and a better management of the relations.

EEA's independence is regarded as a prerequisite for the credibility of the information it supplies. The autonomy has proven to be most effective in areas where EEA has the primary responsibility: data collection, processing of information and, to a lesser extent, determining the data needs, particularly when it comes to identification of environmental problems. In other areas, where EEA's responsibility is shared or limited (assessment of trends, selection of policy options, effectiveness evaluation, etc) the added value of the autonomy is less obvious and EEA's role has been most effective when closely co-ordinated with the other players involved.

EEA's independence however does not only derive from its legal autonomy. The quality of its work is the key factor to build up its authority and influence, which in turn reinforces its independence. This is why the Agency should continuously strive to further enhance the quality and relevance of its products.

#### Recommendations:

- EEA's autonomy within the Community context must be safeguarded.
- EEA should strive to enhance further the quality and relevance of its work, notably through a better timing and targeting of its products and strengthening the mechanisms to control the scientific quality of its output.

#### **4.8. Did the co-operation with non-EU countries add value?**

EEA started with the then 12 EU Member States as its member countries. Shortly before the enlargement of the EU with Sweden, Finland and Austria, also Liechtenstein, Iceland and Norway joined EEA, bringing membership<sup>12</sup> up to 18. The latter three countries had the status of full members without right to vote in the EEA Management Board. During the last two years all Acceding States and the Candidate Countries became EEA members. Non-EU countries will be full members but without right to vote. EEA is the first Agency to have fully integrated all Acceding countries in its activities, for which it is supported financially by the Phare programme. In addition, it works since a few years with the west-Balkan countries (with CARDS (Community Assistance for Reconstruction Democratisation and Stabilisation) support). EEA co-operates with Switzerland and formal negotiations between the Commission and Switzerland about full EEA membership have recently been finalised at technical level. Finally, EEA contributed substantially to the Environment for Europe process (with TACIS support). This allowed EEA to

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<sup>12</sup> The term 'membership' is used in this report as it is the commonly used word. However, the bilateral agreements between the Community and the 3<sup>rd</sup> countries regarding EEA use the word 'participation' rather than membership.

establish a first co-operation with the Eastern European, Caucasian and Central Asian (EECCA) countries.

The possibility of extending its membership to third countries is foreseen in the EEA Regulation and the enlargement of EEA's membership has been carried out in line with the Community's overall external policy. The key considerations here were firstly to use Agency membership as a means of preparing the ground for EU membership and secondly for aligning the environmental information systems in neighbouring countries to those in the EU.

Another important condition for a further widening of EEA membership is that co-operation with third countries should add environmental value on both ends.

Beyond the Acceding States, the Candidate Countries and Switzerland, the Agency is considered to be a platform for further co-operation between EEA and third countries. This applies in a first instance to the west Balkan countries, where participation in the work of Community Agencies is foreseen in the Thessaloniki Agenda under conditions similar to those established for the Candidate Countries, and in a second instance to the countries that fall under the Wider Europe initiative.

The enlargement of EEA membership as well as the co-operation with third countries that did not (yet) translate into full membership has had very positive effects. It has allowed for a more complete, detailed and relevant coverage of the state of the environment and related trends in the European territory. For the countries involved, it has meant an upgrading and harmonisation to European standards of their data management and supply systems. Politically the process has been significant in sending the message that progress was being made on the road to EU membership.

As EEA was enlarged rather gradually (co-operation always started well before the formal entry) and the extra work was supported financially, there have been generally very few problems adapting to an Agency of more than twice the original size. Still, EEA has some way to go to grow to a fully representative Agency serving all its 31 member countries. Moreover, by adding countries to the EEA, the Management Board has grown considerably and a further increase in size may raise questions about the Boards efficiency and manageability.

#### Recommendations:

- The first priority for the EEA in the context of enlargement should be to fully integrate the 13 countries that recently joined in its operations and activities. With the exception of Switzerland, a further widening of EEA membership is not considered opportune in the immediate future.
- EEA must continue to be one of the first contact points for third countries desiring to co-operate with the EU on environmental issues at a technical level, for instance in the context of the Wider Europe Initiative<sup>13</sup> and the Thessaloniki Agenda. This co-operation must be an integral part of the policy of the

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<sup>13</sup> Communication from the Commission to the Council and the European Parliament 'Wider Europe – Neighbourhood: a New Framework for Relations with our Eastern and Southern Partners', COM (2003) 104 final.

Community towards a particular third country and must come with a solid financial foundation in addition to the regular Community subsidy to the EEA.

#### **4.9. Was the ‘internal’ network effective?**

The EEA is the central node in a network of National Focal Points (NFP). The NFPs are the Agency contact points in each member country. The NFPs have in turn their own network of national reference centres (NRCs) and primary contact points (PCPs). In addition, European Topic Centres (ETCs) have been created: these are consortia of institutes and consultants in the EEA member countries that carry out part of the Work Programme under contract with the EEA. NFPs, NRCs, PCPs and ETCs jointly constitute the European Information and Observation Network (EIONET).

The EIONET is a crucial infrastructure in the decentralised set-up of the EEA. Not only is it the main channel of primary data for the Agency, it also brings in expertise from across Europe and serves as a forum to discuss Agency activities and priorities.

The ETCs, currently five in number (water, air & climate change, waste and material flows, nature and biodiversity and terrestrial environment), are under 3-year contracts with EEA. Their work and the overall structure are regularly reviewed. Over half of the EEA’s operational budget is allocated to the ETCs<sup>14</sup> and most of the Agency’s expertise in the aforementioned areas is concentrated in the ETCs.

EEA plays an active role in managing the EIONET by co-ordinating activities, developing overarching tools and improving the quality and consistency of the inputs delivered by the NFPs and ETCs.

Establishing, maintaining and improving the EIONET is a key achievement of the EEA. Remaining weaknesses in the EIONET are firstly the substantial variation in the organisation and quality of the national network behind it. Secondly, the connection between NFPs and the Management Board is too limited, making NFPs sometimes miss vital policy information and vice versa causing the Board to miss out on important technical information.

Like the NFPs, the ETCs strengthen the link between the EEA member countries and bring in high level expertise. The ETCs have become highly valuable partners to many of EEA’s users. At the same time the existing system has a number of important weaknesses. By concentrating its ‘topical’ expertise in the ETCs, the central capacities of the Agency are weakened. The existence of ETCs creates an extra layer of bureaucracy between EEA and its users, rendering communication unnecessarily complicated. Steering of the ETCs by EEA is not easy with ETC staff at a distance and relatively little policy-oriented. In addition, only few EEA staff are available for this task and do not necessarily have the expertise to assess ETC outputs. As shown by the recent (2003) evaluation of ETCs, they are less suited for dealing with issues that cut across topics. Finally, with relatively short contracts (taking into account that a new organisation has to be built up) expertise risks to be lost to the EEA after three or six years.

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<sup>14</sup> 2002 figures: € 6,5 million out of € 12,2 million. Source: EEA Annual Report 2002.

#### Recommendations:

- EIONET should be strengthened as it represents a key operating infrastructure for the EEA.
- EEA should reinforce the exchange of information between the National Focal Points and the Board to ensure a better mutual understanding between the policy and technical spheres of the Agency. It could for instance involve the NFPs more in the preparation of issues for discussion in the Management Board and vice versa provide feedback to the Board on NFP technical –discussions.
- The EEA should urgently address the signalled weaknesses of the system governing ETCs. It should ensure that the expertise in the areas currently covered through the ETCs be more durably available to the Agency, while still ensuring the use of expertise in the Member States.

#### **4.10. Did the governance structure function satisfactory?**

##### *Management Board and Bureau*

The Management Board represents the main Community stakeholders of the EEA. It meets three times a year and supervises the EEA's strategic choices. In addition, it is the control body of the Executive Director. Board members are typically high-level representatives of Member States administrations and Community bodies. Since its start, the Management Board increased substantially in size: from 16 members (2 Commission, 2 experts designated by the European Parliament, 12 Member States) to 35 (2 Commission, 2 European Parliament, 15 EU Member States and 16 third countries as members without voting right). With the growing size of the EEA, the Board's agenda also got fuller. Mainly for this reason a Bureau has been established and formalised through the 1999 amendment of the basic Regulation. The Bureau currently consists of 6 members: 1 representative of the Commission, 1 representative designated by the European Parliament, the chairman and the 3 vice-chairmen of the Board. The chair of the Scientific Committee is observer to both Board and Bureau.

Over the past few years, the responsibilities of the Bureau have been extended. It now takes some executive decisions and prepares Board decisions. The Bureau is felt to be a very satisfactory construction which has the potential to take up more responsibilities, provided that its membership and activities are fully transparent.

Regarding the Board, the key problems are:

- *Supervision:* as indicated earlier in this report, the open and flexible Regulation leaves substantial freedom to the EEA to decide which activities to undertake. While it rightfully does not want to lose itself in micro-management, the Board may have difficulties to exercise control on the activities and priorities of the EEA, but also in areas such as finance and administration, despite the presence of an internal auditor. This is compounded by the fact that the Agency itself provides the secretariat to the Board and its Chair.

- *Balance between national and Community interests:* due to the enlarging EEA membership, there is a growing imbalance between Member States' and Community representation in the Agency's management structures.

These problems appear to be similar to those in other, comparable Community Agencies. The size and composition of the Management Boards of Agencies has been a particular point of attention for the Commission when it proposed a framework for the Regulatory and Executive Agencies. Also the European Parliament has requested the Commission to come forward with a proposal for adapting the size and composition of certain Agency's Management Boards, in particular with a view to maintain their efficiency after the EU enlargement<sup>15</sup>.

However the fact that the EEA is a network organisation, heavily reliant on its member countries' and Community Institutions' co-operation, should be borne in mind when deciding on the Board's future composition and role.

#### *Scientific Committee (SC)*

The role of the Scientific Committee is to deliver opinions, either upon request of the Board or the Director or at its own initiative. The SC has maximum 20 members. The members are designated by the Board for a period of 4 years, renewable once, and are in their majority renowned academics representing various areas of environmental expertise. However, the allowance members receive only allows them to devote limited time to their role in addition to attending the meetings of the Committee.

The SC is regarded as an important interface between EEA and the academia. As such, it potentially brings innovation and a degree of scientific quality control to EEA. While the work of the SC is widely appreciated, in its current construction it cannot fully deliver on both aspects. There is no clear framework for quality control involving the Scientific Committee in the EEA. Rather, the Committee is involved on ad hoc basis in some products and services, but absent in others. The Scientific Committee's overall role in quality assurance is very limited. This is particularly problematic as quality of its products is vital to EEA's credibility as an information provider and an indispensable element to its users.

#### Recommendations:

- The Commission should review the size and composition of the Board, as well as the division of tasks with the Bureau, in line with similar Community Agencies in as much as possible. A new structure should enable the Agency to maintain strong links to the national environmental services. As an intermediate solution, a further shift of responsibilities from Board to Bureau could be considered.
- The Board should be provided the means to exert more fully its control over the Agency including its finance and administration. For instance, the Agency could explore ways to support the chairman with a secretariat that is independent of the EEA, and for the Board to work more in specialised sub-Committees.

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<sup>15</sup> European Parliament Resolution C5-0098/2003 – 2003/2044(DEC), point 17.

- The role of the Scientific Committee in quality assurance of Agency product and services should be strengthened. Its mandate, activities, budget and membership should be revised to that end.

#### **4.11. Have the Agency's products and services been satisfactory?**

The EEA has over the years developed a range of products and services. In the first place its reports, one of which (the 5-year European state and trends report) is mandatory. Others cover specific topics, are written for specific events (eg. the Environment for Europe conferences) or cover a technical issue. In addition, EEA organises workshops and others events, delivers presentations, ad-hoc papers and expertise in technical meetings or negotiations. Much of the information is available through the EEA website, which is increasingly replacing paper-based reports and provides quick updates of data and information.

A substantial part of EEA's activities is in creating and maintaining databases of environmental information, and providing the underpinning information technology infrastructure and services. Much of this back-office work is a pre-requisite for many of the visible products.

Most products and services target an expert-user audience. Some target (higher-level) policy-makers. The general public is mainly served through the website and through the information centre. Generally, EEA's products and services are considered to be well targeted and relevant by its users.

Weaker points are the user-friendliness of the website, the limited availability of publications in other languages than English. This remark about language particularly applies to the website, where translation of the main pages in other languages than English would be desirable. A further weak point is the response to ad hoc requests for support, either because of a lack of required expertise in the EEA or because of the fact that the planning does not foresee much room for this type of requests.

EEA's flagship products require some further thought. On the one hand, they are important reference works and have helped to put EEA very clearly on the map. On the other, they are criticised for being too general for the specialist, and too specialised for the general public. This, and the fact that they consume a substantial share of EEA's resources, leads to the question whether these reports should continue to be produced in their current form. This remark equally applies to the reports the EEA has produced for the Environment for Europe process, such as most recently the report for the Kiev-conference, even though this report was funded from separate sources.

EEA has generally been very timely, although this is dependent on being involved in a policy process sufficiently early. The European Parliament seems generally dissatisfied with the support it gets from EEA. Although the dialogue between EEA and EP has recently been intensified, there still seems to be a mismatch between what EEA can deliver (at least in the short run) and what the European Parliament wants: more information on the state of implementation and ex-ante impact assessment of policy proposals.

As to the reliability of EEA's products and services, it is clear that the Agency has greatly contributed to the quality and availability of environmental data and information in Europe. Weaknesses in reliability remain though, but with primary data not always under the control of the EEA or collected on a voluntary basis, this requires strong co-operation with partner organisations.

There is no solid conclusion that can yet be drawn regarding the impact of EEA's outputs.

Recommendations:

- The EEA must continue to strive for reliability of its products and services as it is a cornerstone of its credibility. Systematic evaluation of quality and impact should be introduced.
- EEA should consider particularly whether the current 'flagship' products (5-year State of the Environment report, 'Signals' and the Environment for Europe reports) still meet their objectives and are worth the resources put into them.
- EEA should improve communication with the general public, particularly through the website. It should also improve the provision of information for policy makers. This can be done through short briefings but also by responding in a more satisfactory way to ad hoc requests for support.

**4.12. What are the future challenges for EEA?**

Expectations for Agency support increase. In part this is due to the fact that EEA has successfully established itself as a provider of reliable and high quality products and services. Expectations rise as well because of the changing nature of environment policy. The 6<sup>th</sup> Environmental Action Programme puts emphasis on basing environment policy on a solid knowledge foundation. This applies to preparing the basis for a policy but equally to selecting the best option, monitoring the implementation and measuring the impacts. Ex-ante and ex-post evaluations of policy are now becoming an important feature of environment policy and the EEA can significantly contribute to these. Further developments that will lead to demands on EEA are the continuation of the process of integration of the environment into other Community policies and the framing of environment policy in the context of sustainable development – within Europe and in the global context. The work in the context of sustainable development will require greater emphasis on the economic and social aspects of environmental issues.

Even if these additional tasks are matched by additional resources, prioritisation will continue to be necessary. EEA should also co-ordinate activities much better with partner organisations such as JRC, Eurostat and the 6<sup>th</sup> RTD Framework Programme with a view to avoid overlaps and to create synergies. It should only exceptionally consider entering in a field of activity in which another Community or international body organisation is already well established. It should also only undertake additional activities if appropriate funding is obtained either directly from Commission services from their own budget or from third parties, without endangering its independence.

Despite the fact that the 6<sup>th</sup> EAP provides the overall framework for the years until 2010, there is a substantial degree of uncertainty as to the policy priorities for the next years. Not only will a new Commission and a new European Parliament be in place as of mid-2004, also the 6<sup>th</sup> EAP will be reviewed in 2006. Too often the Agency's resources were fully allocated and support for new priorities could only be given later, or not at all.

Recommendations:

- In developing proposals that imply substantial work for the EEA, the Commission may consider providing separate funding for these activities. As in the two examples set out in this paragraph, criteria could be that these activities are (1) within the EEA mandate, (2) provide added value to the Agency and its users and (3) cannot be financed within the current operating subsidy.
- The Agency should set up mechanisms and transparent criteria to prioritise its activities.
- In order to ensure the relevance of its work, the Agency should follow closely the priorities as set out in the 6<sup>th</sup> EAP. Substantial support is expected from EEA for the thematic strategies.

**4.13. Is a change in the Regulation appropriate?**

Throughout this report several issues have been mentioned that may need a modification of the Regulation in order to be correctly addressed. The main issues concern:

- Articles 2 and 3 : objectives, tasks and principle areas of activity the EEA to be better focused and more clearly described;
- Article 4, position and role of the European Topic Centres, depending on the proposals to be developed to address the weaknesses signalled in this report;
- Article 8, governance structure: revision and harmonisation of the main structures (Management Board and Bureau) across Agencies and responding particularly to the problems of accountability, efficiency and balance of Community and Member State' interests;
- Article 10, Scientific Committee: harmonisation across agencies and involvement in the exercise of quality control;
- Article 15, co-operation with other Community and international bodies, to be made more general and linked to actual priorities of the EEA.
- The involvement of the European Parliament in the procedure for the selection of a candidate for the post of Executive Director.

Many of the above points can, as described in the report, satisfactorily, if not optimally, be addressed within the current legislative framework. The current reflection on the agencies may lead the Commission to propose, at a later stage, modifications across all agencies, in order to streamline and harmonise the different

existing regimes. It does not therefore seem opportune to propose at this juncture a modification of Regulation establishing the EEA. Should the evoked broader modification of the rules governing agencies not be introduced by then, a separate revision of the EEA regulation should be envisaged at the end of the next Multi Annual Work Programme of the Agency, i.e. in 2008.

The Commission therefore proposes to that the recommendations made in this report be introduced as soon as possible within the current legal framework. Barring an earlier horizontal initiative for several Community Agencies which would provide the opportunity to introduce the suggested changes, it will revisit the question of an eventual modification of EEA's Regulation towards the end of the forthcoming Corporate Strategy, in 2008.

## **5. CONCLUSIONS**

The European Environment Agency is a key resource for bodies responsible for environmental policy making in Europe. With the EEA, the availability and quality of environmental information has improved considerably. In addition, through the EEA, the network of 'environmental information professionals' in the EU and its neighbouring countries has grown much closer.

By and large EEA's priorities matched those on the European policy agenda. Important contributions were made to various important areas of Community environmental policy. However, some areas were consistently not addressed (e.g. Chemicals) despite falling clearly in the remit of the Agency's mandate.

While the strain on resources has helped to focus the minds, prioritisation is still hampered by the fact that the costs per product or service are not transparent. EEA is increasingly confronted with requests for support that are beyond or on the borderline of its mandate. EEA should not undertake these activities without the guarantee that they can be financed from additional income without jeopardizing its core activities. The Commission and the EEA should seek other sources of funding besides the regular subsidy to enable EEA to do this type of work.

EEA develops gradually from a 'report producer' only into a producer of a wider range of products and services. This diversification is a positive development as it will help to serve users that have until now not been served very well. It will also help to respond better to ad hoc requests for support. The quality of its work continues to require systematic attention. A particular concern are the Agency's flagship products, that may not be as crucial for EEA and its users as they were before.

With the agreement of the users of its information, EEA has long focused on establishing the state and trends in the environment, on pressures on the environment and on the driving forces behind them. In addition, EEA was much involved in reporting information. In order to more fully exploit its potential, EEA should move more into other stages of the policy cycle. It should avoid though putting its reputation at stake by becoming a player rather than an independent source of information.

The Commission has been the main user of EEA's work. Some other users however are underrepresented. Particularly work for the European Parliament would require more attention.

One of the most significant achievements of the EEA is the establishment, maintenance and improvement of the EIONET. One of the key assets is that through EIONET, there is a degree of harmonisation and capacity building, a platform for discussion and a means for direct contact with experts throughout the EU. EIONET has finally also proven to be able to adapt to changing priorities. The European Topic Centres require specific attention. While they deliver much of the environmental expertise EEA needs for its activities, this report also highlights important weaknesses. EEA and its users should address these.

It is important to highlight EEA's early expansion to non-EU countries. With its 31 member countries, EEA is the first pan-European Community agency and as such it has been a valuable precursor for the work on the environmental chapter for the enlargement in 2004. A pause in its expansion would now be suitable and the first priority is to be a fully responsive Agency for an EU of 25.

The structures governing the EEA need to be reviewed in order to ensure a appropriate balance of Community and national interests and to ensure that Board and Bureau can exercise that supervisory function correctly. The Scientific Committee should be more closely involved in assuring quality. This may in turn require a change to its mandate and availability.

This report highlights several issues that could require a modification of the Regulation, which was last modified in 1999. The key area for modification is the role and functioning of the Management Board and the Bureau. However, the Commission has not yet defined a common line vis à vis EEA and similar agencies. This, and the fact that most of the other issues in this report can be addressed without a modification of the legislation, leads the Commission to conclude that a revision of the Regulation should not be initiated now. The question should be revisited towards the end of EEA's coming multi-annual work programme, in 2008.