



EUROPEAN COMMISSION

*Brussels, 20.1.2017
C(2017) 13 final*

Dear President,

The Commission would like to thank the Senato della Repubblica for its Opinion on the Commission proposal for a Regulation of the European Parliament and of the Council establishing the European Foundation for the improvement of living and working conditions (Eurofound) and repealing Regulation (EEC) No 1365/75 – {COM (2016) 531 final}.

The Common Approach on EU decentralised agencies agreed in July 2012 by the European Parliament, the Council and the Commission defines a framework for the functioning of Agencies with particular focus on coherence, effectiveness, accountability and transparency. In the Joint Statement accompanying the Common Approach, the three institutions agreed to take the Common Approach into account in the context of all their future decisions concerning EU decentralised agencies, following a case-by-case analysis.

In proposing these measures, the Commission aims to address the divergences between the existing Regulation governing Eurofound and the provisions of the Common Approach. Furthermore, the revision also offers the opportunity to update the mandate and tasks of the Agency taking into account the evolution of the activities carried out by the Agency and policy developments in the field of employment, working and living conditions and industrial relations, as well as the societal, institutional and economic developments that have occurred in the EU since the creation of the Foundation in 1975.

The Commission welcomes the Senato della Repubblica's broad support for the aims of the proposal. In response to the specific concerns expressed in the Opinion the Commission would kindly like to refer the Senato della Repubblica to the attached annex.

*Mr. Pietro GRASSO
President of the Senato della Repubblica
Piazza Madama, 1
IT-00186 ROME*

The points made in this reply are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council. The Commission remains hopeful that an agreement will be reached in the near future.

The Commission hopes that these clarifications address the issues raised by the Senato della Repubblica and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Marianne Thyssen
Member of the Commission*

Annex

The Commission has carefully considered the issues raised by the Senato della Repubblica in its Opinion and is pleased to offer the following clarifications.

As regards the choice of the legal basis, the Commission would like to recall that since the entry into force in May 1999 of the Treaty of Amsterdam, a general legal basis such as Article 114 of the Treaty on the Functioning of the European Union (TFEU) can only be used when the Treaty does not provide for a specific legal basis.

Hence, even if Article 352 TFEU has been used in the past as a legal basis for the Regulation governing Eurofound, recourse to this legal basis is no longer possible since Treaty changes have resulted in the creation of a specific sectorial legal basis governing the matter in question (social policy). Accordingly, in order to amend the founding Regulation, the specific sectorial legal basis needs to be used, i.e. Article 153(2) (a) TFEU.

As regards the need to continue the work of reducing agencies' resources, including in the context of the Inter-Institutional Working Group set up in 2014, the Commission is fully committed to delivering on this rationalization objective as stipulated in the Working Group's terms of reference in cooperation with the other EU Institutions involved. Measures to reduce overlaps and increase synergies amongst agencies as well as, if necessary, more structural interventions such as mergers, discontinuation or transfer of tasks will be taken into consideration as relevant, in particular in the context of the agencies' evaluation exercises foreseen by the Common Approach.