



EUROPEAN COMMISSION

*Brussels, 20.01.2017
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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 a European Centre for the Development of Vocational Training (Cedefop) and repealing Regulation (EEC) No 337/75 {COM(2016) 532 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 a particular focus on their coherence, effectiveness, accountability and transparency. In the Joint Statement accompanying the Common Approach, the three institutions undertook 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 Cedefop 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 its activities and policy developments in the field of vocational education and training, skills and qualifications as well as societal, institutional and economic developments in the EU since the creation of the Centre in 1975.

The Commission welcomes the Senato della Repubblica's broad support for the aims of the proposal and takes note of the specific concerns and suggestions expressed. The Commission is pleased to have the opportunity to respond to these observations in the attached annex.

*Mr Pietro GRASSO
President of the Senato della Repubblica
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Discussions between the Commission and the co-legislators concerning the proposal are now underway and the Commission remains hopeful that an agreement will be reached in the near future.

The Commission hopes that these comments address the concerns raised by the Senato della Repubblica and looks forward to continuing our political dialogue.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Marianne Thyssen
Member of the Commission*

Annex

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

The proposal for a new Regulation establishing Cedefop is meant to have a medium-term lifespan and ensure the necessary flexibility to allow for possible future institutional developments without a need for further revision. Therefore, the proposal does not include references to individual policy initiatives or to the internal structures of EU bodies. Furthermore, Article 2(2) of the proposal calls for synergies with other EU bodies, which would necessarily also involve the Education, Audiovisual and Culture Executive Agency (EACEA) and its Eurydice unit.

As regards the concerns that the proposal is more focused on the organisation of the Agency rather than on its purpose and tasks, the Commission would like to emphasise the technical character of the revision. It aims to address the divergences between the existing Regulation governing Cedefop and the provisions of the Common Approach on Decentralised Agencies and the focus is necessarily on the functioning of the Agency. As the Common Approach encompasses a number of specific horizontal provisions, the legislative proposal includes a number of specific provisions on anti-fraud measures, conflict of interest policy, evaluation and review, the establishment of a headquarters agreement, programming and reporting, the appointment procedure of the Executive Director, the role of the appointing authority and a number of other matters, all of which are critical issues related to the organisation and management of a decentralised agency. The same approach is in place for the current Founding Regulation, with two articles defining the mandate and the tasks of the Agency and the rest of the Regulation defining its operational aspects.

At the same time, the provisions on the objectives and tasks of the Agency have been updated to reflect developments within the Centre and in the context in which it operates since the Founding Regulation was adopted. These tasks have been defined in a more global manner to ensure the long term relevance of the text notwithstanding future developments in the policy context. Issues related to subcontracting fall rather within the remit of programming documents that are decided on an annual basis by the Cedefop Governing Board, than within a Founding Regulation.

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 can only be chosen when the Treaty does not provide for a specific legal basis. In the current instance, the Treaty includes specific provisions on education and vocational training as well as employment policies which therefore have to be used.