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DOCUMENT 1-1481/83

REPORT

drawn up on behalf of the Committee on Energy,
Research and Technology

on the communication from the Commission of the
European Communities to the Council (Doc. 1-594/83 -
COM(83) 377 final) on the establishment of the
JRC Board of Governors

Rapporteur: Mr M. PEDINI

By letter of 7 July 1983, the President of the Council of the European Communities consulted the European Parliament on the proposal from the Commission to the Council on the establishment of the JRC Board of Governors.

On 19 September 1983, the President of the European Parliament referred this communication to the Committee on Energy, Research and Technology as the committee responsible and to the Committee on Budgets and the Committee on Social Affairs and Employment for their opinions.

On 30 September 1983, the Committee on Energy, Research and Technology appointed Mr Pedini rapporteur.

The committee considered the Commission's proposal and the draft report at its meetings of 2 October 1983, 25 January 1984 and 22 February 1984.

At the latter meeting, it decided by 13 votes to 6 with 2 abstentions to recommend to Parliament that it approve the Commission's proposal with the amendments submitted below.

The Commission informed the committee that it was not prepared to accept Amendment No 1 but was prepared to accept Amendment No. 2.

The committee then adopted the motion for a resolution as a whole unanimously with one abstention.

The following took part in the vote: Mr Gallagher, acting chairman; Mr Seligman, vice-chairman; Mr Ippolito, vice-chairman; Mr Pedini, rapporteur, Mr Adam, Mr Calvez (deputizing for Mr Galland), Mr Karl Fuchs, Mr Linkohr, Mr Marchesin, Mr Petersen, Mrs Phlix, Mr Purvis, Mr Rinsche, Mr Rogalla, Mr Rogers (deputizing for Mr Halligan), Mr Sälzer, Mr Vanneck, Mr Veronesi and Mrs Viehoff (deputizing for Mrs Lizin).

The opinions of the Committee on Budgets and the Committee on Social Affairs and Employment will be published at a later date.

The report was tabled on 24 February 1984.

The deadline for the tabling of amendments to this report is indicated in the draft agenda for the day on which the report is to be considered.

The opinion of the Committee on Social Affairs and Employment is attached to the present report. The opinion of the Committee on Budgets will be published separately.

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The Committee on Energy, Research and Technology hereby submits to the European Parliament the following amendments and motion for a resolution together with explanatory statement.

- I. Communication from the Commission to the Council on a Draft Commission Decision amending Decision 71/57/Euratom on the reorganization of the Joint Nuclear Research Centre (JRC) (COM(83) 377 final);
Annex II

Amendment tabled by the Committee
on Energy, Research and Technology

Preamble and recitals unchanged

Article 1(a) unchanged

Text proposed by the Commission

Article 1(b)

(b) Article 4 is replaced by the following:

'Article 4

A Board of Governors of the JRC is hereby set up within the Commission. It shall consist of 21 members:

- (a) the chairman, nominated by the Commission,
- (b) a high-level representative of each Member State, to be appointed by the authorities of the State in question,
- (c) a leading scientific figure from each Member State, to be appointed by the Commission.

Amendment No. 1

Add a fourth paragraph (d)

'(d) two elected representatives of the scientific staff of the JRC'.

Rest unchanged

II. Communication from the Commission to the Council for a Council Decision on the multiannual research and training programmes to be carried out by the Joint Research Centre (JRC) (COM(83) 377 final) Annex IV

Preamble and recitals unchanged

Articles 1 and 2 unchanged

Amendment No 2

Article 3 last paragraph

Delete the last paragraph of Article 3.

If no forthcoming opinion is forthcoming, the Commission may transmit the draft to the Council, in accordance with the provisions of the Treaties.

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the Communication from the Commission of the European Communities to the Council on the establishment of the JRC Board of Governors.

The European Parliament,

- having regard to the Communication from the Commission to the Council (COM(83) 377 final),
 - having been consulted by the Council (Doc. 1-594/83),
 - having regard to the report by the Committee on Energy, Research and Technology and the opinions of the Committee on Budgets and the Committee on Social Affairs and Employment (Doc. 1-481/84),
 - having regard to the result of the votes on the Commission's proposal,
- A. whereas straightforward and effective decision-taking and management structures must be provided for the Joint Research Centre's programmes, which extend over several years,
- B. whereas, in the light of rapid scientific development, prior and detailed specification of all multi-annual research activities would prevent the JRC's resources from being continually tailored to meet the technological challenges of our time,
- C. whereas it is therefore appropriate to establish a procedure permitting the Commission, with the involvement of representatives of the Member States, to take the necessary decisions to make detailed modifications to programmes whose general outlines have been laid down by the Council,
- D. whereas the Commission intends to establish a JCR Board of Governors and whereas, accordingly, this body should play a part in the decision-making process in respect of multi-annual research programmes,

¹ OJ No C 255, 23.8.1983, pp. 7 and 8

- E. having regard to its resolution of 14 October 1983 and, in particular, paragraphs 18 and 25 on the establishment of a Board of Governors and on regular consultation between it and the representatives of the JRC's staff,
1. Endorses the draft of the Council decision in the amended versions;
 2. Recommends that the power of the JRC Board of Governors to intervene in the procedure for modifying programmes be substantial and that the extent of this power be laid down;
 3. Recommends that the terms of reference of the Board of Governors should not be restricted to the scientific evolution of programmes, but, rather, that they should be extended to include the budgetary aspects of JRC management;
 4. Recommends that there be a close relationship between the Board of Governors and the Scientific Council;
 5. Proposes that the JRC Board of Governors shall report progress annually to Parliament;
 6. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

B.

EXPLANATORY STATEMENT

1. Set up in 1957 by the Treaty of Rome, the Joint Research Centre is an administrative department of the Commission consisting of four research establishments (at Ispra, Geel, Karlsruhe and Petten) and the services required for their management. A Director is assigned to each establishment and responsibility for coordinating the work of all four establishments rests with a Director-General.

The Treaty of Rome lays down the aims and general objectives and the basic procedures for the adoption of the research programmes and the relevant financial decisions. In particular, the Treaty provides that the Council of the Communities must adopt each research programme by unanimous decision and the corresponding budget by a qualified majority. Powers over the adoption of the budget, but not over the adoption of the programme, are vested in the European Parliament.

2. The present decision-making process consists of the following stages (see figure 1):

(a) Preparation

Taking into account the broad policy adopted by Parliament and the Council and the general guidelines issued by the Commission, the Director-General of the JRC prepares on his own responsibility the JRC's draft programmes and corresponding financial documents in conformity with Decision 82/755/Euratom. During this preparatory phase, the Director-General must consult the Governing Board and the Scientific Committee (see Article 4 of same Decision). He then forwards the draft programme to the Commission, which discusses it and approves it in the form of a proposal, after consulting the Scientific and Technical Committee (STC). The proposal is transmitted to the Working Party on Atomic and Research Questions (consisting of senior officials from the Member States), which in turn makes recommendations to the Permanent Representatives Committee (COREPER).

At the same time, the proposal is sent to the European Parliament. If COREPER approves the proposal, it is placed on the Council agenda with a view to the adoption of a decision. If the proposal gives rise to a discussion, the draft is returned to the Council for re-examination.

(b) The decision

The Council is required to give final approval, acting unanimously. It considers the Commission proposal in detail and decides on each four-year action programme on an individual basis.

(c) Implementation

Once the programme has been approved by the Council, it falls to the Commission to implement it. Here the Commission delegates considerable powers to the Director-General, who in turn may seek the advice of the JRC Governing Body in accordance with the provisions of Decision 82/755/Euratom.

3. The decision-making process described above is repeated whenever any change to the content of the approved programme or to the human or financial resources required for its implementation is found to be necessary.

It was the damage done by the sheer ponderousness and complexity of the decision-making process applied to the management of JRC research projects that prompted the Commission to propose the establishment under its auspices of a JRC Board of Governors.

4. The rapporteur believes that scientific and technological research is today of prime importance to the world economy, inasmuch as basic research pushes back the horizons of our knowledge and applied research and technology permit the development of technologies vital to the growth of our economies, in which, moreover, goods and the means of production today play an unusually important role in terms of competitiveness, the protection of the environment, the safeguarding of public health and the acceptance of change by the public at large.

5. With the opening-up of new technological frontiers and the emergence of new social needs, scientific research has an increasing need for more up-to-date decision-making and management procedures; bureaucratic inertia and the proliferation of administrative and advisory bodies must be made to give way to fast and simple procedures and to an institutional system for the preparation and implementation of the programmes which is increasingly reliable and enjoys the necessary authority.

6. It is now generally accepted that the JRC, the decision-making process for the establishment of its programmes and the bureaucratic machine which manages the programmes fail utterly to project an image of a modern research centre capable of responding rapidly, competently and dynamically to the scientific and technological challenges of our times.

7. The Commission is to be commended for endeavouring to adapt scientific and technical research activities to present requirements. The programmes have become four-year action programmes which bring together in a single scientific or technical field all the forms of research management (direct, shared-cost, concerted), the aim being to develop national or Community research activities and to make them more homogenous.

8. The JRC has itself undergone a number of changes in the course of its existence¹. These were prompted by an awareness of the need to provide it with greater autonomy in the performance of its research activities and to give more weight to the scientific basis of the decisions governing its operation.

9. However, more recent events, especially those which resulted in the abandonment of the Super-Sara programme, and the trouble which led to the adoption of the multiannual (1984-1987) research programme have demonstrated clearly that it is absolutely essential to reshape the JRC decision-making processes; unless this is done, an accumulation of serious delays and an exceptionally unwieldy procedure (the Council of Ministers is at present the 'legal author' of the whole of the multiannual programme, down to the smallest details) will bring the JRC to a standstill.

¹ Decision of 13.1.1971 - 71/57 Euratom - OJ L 16, 20.1.1971
Decision of 13.11.1974 - 74/578/Euratom - OJ L 316, 26.11.1974
Decision of 25.3.1975 - 75/241/Euratom
Decision of 2.6.1982 - 82/755/Euratom

10. The current situation is such that the legitimate efforts of the Commission to broaden the scientific basis of the decisions governing the operation of the JRC with the aim of giving it greater autonomy in its research activities, are being frustrated by the concentration of decision-making in the hands of the Council, which, quite apart from the procedural cumbersomeness already mentioned, tends to distort the importance of the scientific considerations underlying the Commission's proposals.

While the political role of the Council of Ministers should therefore be maintained and indeed strengthened, it should be relieved of its responsibility for those decisions which could be taken at a more appropriate level.

11. The current situation also diminishes the role of the various scientific bodies set up to advise the Commission and the JRC. The reform of the existing decision-making process should therefore also entail reasserting the fundamental role of these bodies, which should be in a position to make a more active and decisive contribution within the framework of the new institutional system.

12. As for the merits of the Commission's proposal (see figure 2), the rapporteur considers that the establishment of a JRC Board of Governors might well improve the present decision-making process, but only if certain conditions, which the rapporteur believes to be of vital importance, are met.

13. In the first place, it is essential to make quite sure that the Board of Governors can play a truly useful part in the decision-making process. This will be possible only if it is vested with genuine powers within the institutional framework and if, in exercising those powers, it is able to fulfil its function as efficiently as possible.

The Board of Governors must not be just another advisory body which in practical terms lacks sufficient weight to bring about a reform of the present decision-making procedure, in line with the recommendations of the European Parliament and the Commission.

14. Secondly, it is essential that, in addition to its involvement in the procedure for the adoption of the programmes, the Board of Governors should also participate in the procedure for the adoption of the JRC budget, while recognizing that in this matter Parliament and the Council are, under the terms of the Treaty of Rome, the supreme decision-making bodies.

While operating in accordance with the 'framework decisions' of the Council and Parliament, the Board of Governors should, therefore, be involved both in the procedures for adoption of the programme and the budget and in any decisions entailing their modification during the implementation of the research programmes.

In this way, it will be possible to avoid confusion between the two procedures on which the operation of the JRC rests, which in the past has more than once resulted in a mismatch between the objectives fixed by the Council and the human and financial resources required by the programmes, which in turn has militated against successful completion of the JRC's research activities.

15. This leads on to another important requirement: the fixing of a timetable for the procedure for the adoption of the JRC's multiannual programmes, to which each Community institution should conform. The rapporteur shares the Commission's view of the need for the Council of Ministers to decide on the multi-annual programmes before the two readings of the budget, so that Parliament is in a position to adopt a position on the amount of resources needed for the performance of the tasks assigned to the JRC by the Council.

At the same time, the JRC should speedily draw up its draft programme and the Commission should inform Parliament of its content at a sufficiently early date so that the latter is in a position to give it less hurried and more thorough consideration than in the past.

16. Another important condition is to establish a clear line of communication between the Board of Governors, the Scientific Council and the Scientific Committee with a view to enhancing the usefulness of the work of all three bodies, which will then assume a sense of greater responsibility in the performance of their respective tasks.

The necessary link could be ensured through the participation of a number of members of one body in the proceedings of another. There could, for instance, be an overlap of membership between the Scientific Council and the Scientific Committee on the one hand, and between the Board of Governors and the Scientific Council on the other.

Such an arrangement would obviously result in a smaller scientific advisory content than that contemplated by the Commission proposal, inasmuch as some members of one of the JRC's administrative committees would also sit on one of the other two, but this drawback would be largely offset by the advantage of replacing three separate bodies (with a total membership of sixty persons) with three organically linked bodies with at most forty members, which would clearly benefit in terms of mutual assistance.

17. A further important issue, on which the Commission should be more explicit, is the role that the Scientific and Technical Committee (STC), the Commission's consultative body, should play in the new institutional system.

18. The rapporteur accepts the Commission's proposal regarding the composition of the JRC Board of Governors, provided that the presence of administrators from the Member States neither impedes the desired process of decentralizing the decision-making process nor leads to the kind of stalemate currently experienced by the Council of Ministers.

The alternative arrangement - of replacing the non-scientific representatives with scientific representatives appointed by the Member States - is unrealistic, in that it would not meet the Member States' demand that they be involved in and consulted on the decision-making process of the JRC.

The arrangement proposed is very similar to that of other European scientific research organizations, in which the Board consists of two senior officials (but not government officials) from each Member State, one being a scientific representative and the other an administrator.

19. The presence of senior officials (from the competent government departments) could, then, lend real weight and authority to the proceedings of the Board of Governors.

Their participation would help to decentralize and simplify the present decision-making procedure, to the extent that the Council would be required to deliberate only on decisions issued at ministerial level in the Member States.

In these circumstances, the Council could issue an outline instrument instead of a highly detailed decision, thereby helping to shorten and simplify the procedure.

FIGURE 1: Present interaction between the Community bodies

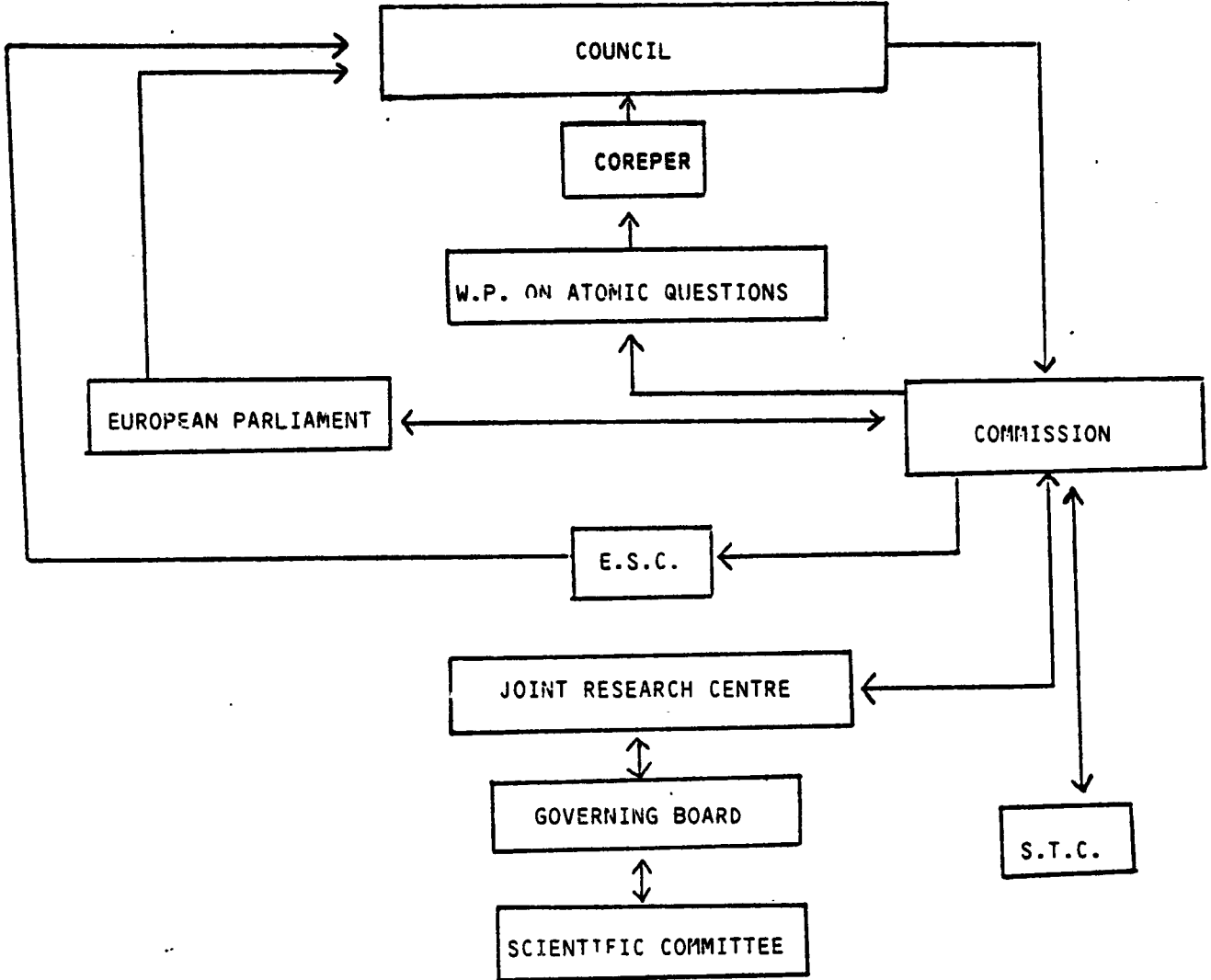
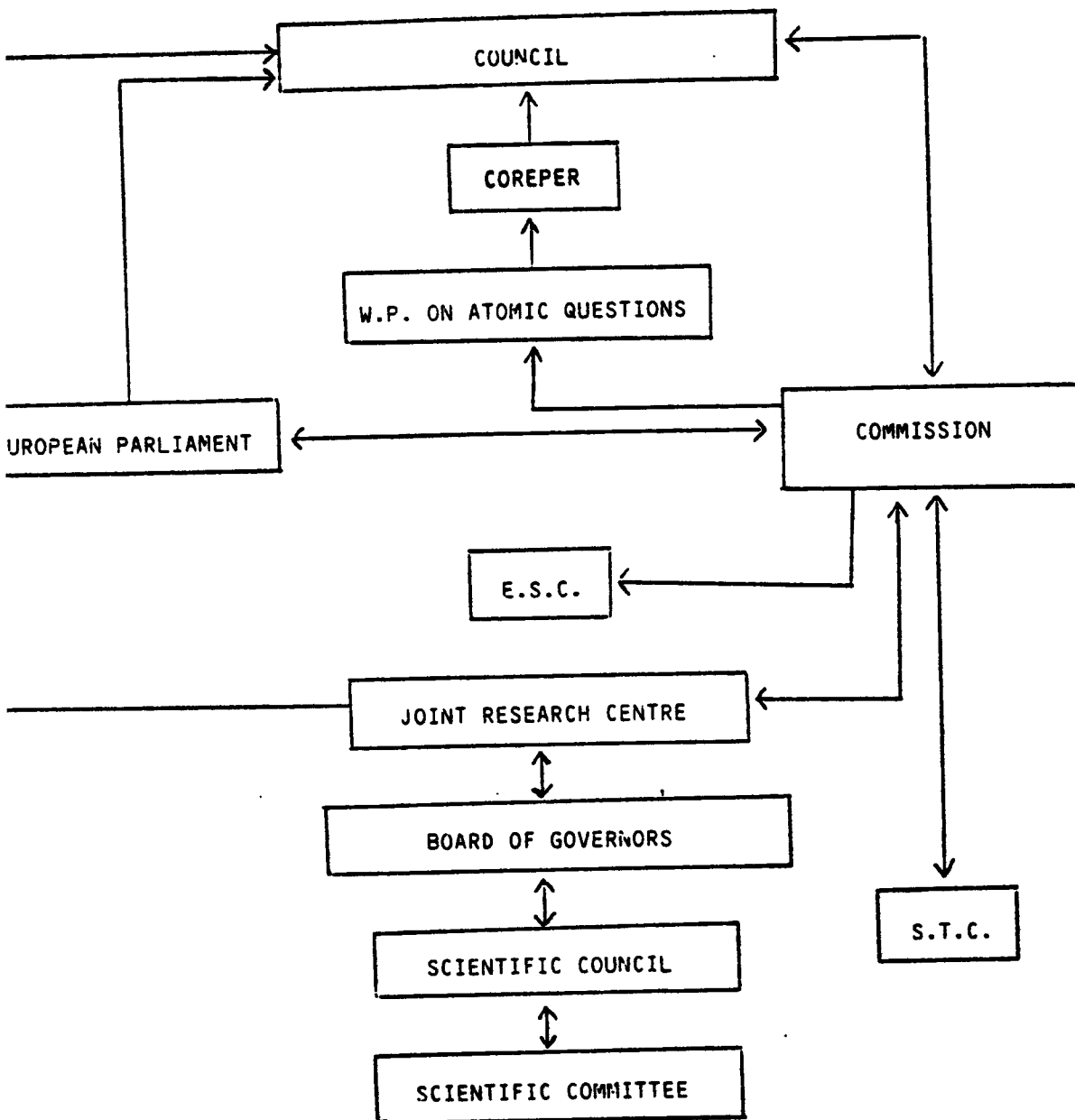


FIGURE 2: New arrangement proposed by the Commission



OPINION

of the Committee on Social Affairs and Employment

Draftsman: Mr A. OUZOUNIDIS

On 3 November 1983, the Committee on Social Affairs and Employment appointed Mr A OUZOUNIDIS draftsman.

The committee considered the draft opinion at its meetings of 3 December 1983 and 1 February 1984. On 24 February 1984, it approved the conclusions of the opinion with 5 votes in favour and 4 abstentions.

The following took part in the vote: Mr Papaefstratiou, chairman; Mr Peters, vice-chairman; Mr Ouzounidis, draftsman; Mr Abens (deputizing for Mrs Duport), Mr Boyes, Mrs Clwyd, Mrs Maij-Weggen, Mr Mommersteeg (deputizing for Mr McCartin), Mr Patterson and Mrs Salisch.

I. INTRODUCTION:

The communication from the Commission to the Council (COM(83) 377 final) represents one of the Commission's proposals aimed at improving the functioning and decision-making process of the Joint Research Centre, founded by the Commission under Article 8 of the Treaty establishing the European Atomic Energy Community (EURATOM).

This communication contains in fact a draft Commission Decision - amending Decision 71/57/EURATOM of 13 January 1971 on the reorganization of the Joint Research Centre, as last amended by the Decision of 2 June 1982 - which provides for the creation of a new body, the Board of Governors. This follows the approval by the Council at its 832nd meeting of 10 March 1983 of the principle of creating a Board of Governors of the Joint Nuclear Research Centre.

It is worth recalling at this point that the whole above procedure is in accordance with Article 15 of the Treaty of 8 April 1965 establishing a single Council and a single Commission of the European Communities, which states: 'The Council and the Commission shall consult each other and shall settle by common accord their methods of cooperation'.

II. THE COMMISSION PROPOSAL TO SET UP A BOARD OF GOVERNORS OF THE JOINT NUCLEAR RESEARCH CENTRE

A. Under Article 7 of the EURATOM Treaty it is the task of the Commission to draw up research projects on which the Council, acting unanimously, makes the final decision. The Commission is then entrusted with the task of putting into effect the Council Decision.

The Commission considers that this system has with time become extremely inflexible because power is largely concentrated in the hands of the Council and Council decisions on research programmes are detailed and even exhaustive in character rather than framework decisions; this makes it difficult subsequently to amend and adapt the programmes during the period of implementation of the research programmes, which may cover a period of up to five years.

B. The Commission has proposed setting up a Board of Governors to act as its advisory body, to advise and assist it in providing the flexible management needed for the successful accomplishment of the tasks assigned to the Joint Nuclear Research Centre.

Having regard to the procedure adopted in other European scientific research institutions (CERN, ESO and EMBL), Article 1 of the draft Commission Decision, which establishes the Board of Governors and defines its powers, aims:

- (a) to ensure increased participation by scientific experts and government representatives in the preparation and execution of Council decisions relating to the Joint Research Centre.
- (b) to decentralise and simplify the existing decision-making procedure so that Council Decisions can be formulated as a framework for action rather than as highly detailed decisions and
- (c) to allocate duties precisely between the Council on the one hand, which as the deliberating body has the task of approving and examining the proposals of the executive organ but without going into details and the Commission on the other hand, which as the executive organ is entrusted with submitting the proposals it draws up to the Council, and implementing them once they are adopted.

C. The Committee on Social Affairs and Employment has considered the question from the point of view of its special terms of reference and wishes to draw the attention of the Committee on Energy, Research and Technology as the committee responsible to the following points:

1. The Joint Research Centre was set up in 1958 as an administrative unit of the Commission and comprises four research centres based respectively in Ispra (Italy), Petten (Holland), Geel (Belgium) and Karlsruhe (Germany). It also includes the services required for the management of these institutions. Today, approximately 2,200 persons - mainly scientific and technical staff - are employed in these centres with work contracts of up to five years in duration. The annual budget of the JRC amounts to 175 million ECUs, which are mainly forthcoming from the EEC budget.

Despite the Commission's willingness to achieve an equitable distribution of posts among the various nationalities, the Member States which joined the European Community relatively late (the United Kingdom, Ireland and Greece) are clearly under-represented at present.

2. The internal, organic and functional structure of the Joint Research Centre (JRC): it is clear from the proposals and the draft decision of the Commission of the European Communities that the latter is making a real effort to decentralise and simplify the existing decision-making procedure; this is in line both with the demand for extensive reductions in the research bureaucracy made by the European Parliament and with the demand for as great a reduction as possible, whilst being objectively justified, in the inflated advisory services of the Commission and Council' (paragraphs 10 and 11 respectively of the resolution of the European Parliament of 18 November 1982 on 'the common research policy: problems and prospects', OJ C 334, 20 December 1982, page 96 et seq.).

This decentralisation could serve to speed up the decision-making procedures and make it easier to take into account new data which emerged during the course of the programmes.

3. As regards the manner of appointing the Board of Governors of the JRC, it should be noted that this is entirely in the hands of the EEC Commission and the Member States (Article 1(b) of the draft Decision). The same applies to the decision-taking sector: the Scientific Council - the task of which is to assist the Commission in the management of the JRC - is also appointed by the Commission while the Scientific Committee (Article 5 of the Commission Decision of 13 January 1971, as amended by the Decision of 2 June 1982) has purely advisory powers which are not binding in character.

It should be noted in this connection that there is no mention at all in the Commission communication of the question of allowing research scientists to participate in the selection of new research objectives and in their implementation. The Commission of the European Communities has at its disposal a suitable framework for fulfilling these broad demands. This is the Scientific Committee composed 'as to two-thirds of the main heads of departments and project managers and as to one-third of members of the scientific and technical staff elected by that staff as their representatives'. This ratio should be reconsidered and the above proportions possibly modified.

A final matter to which the EEC Commission should pay attention is the need to keep the staff of the JRC informed regarding the programmes and the progress of work.

III. CONCLUSIONS

The Committee on Social Affairs and Employment:

1. Approves the Communication from the Commission to the Council and is confident that it will contribute to a simplification of the decision-taking procedures in the field of research and to expediting the implementation of the programmes.
2. Believes that the chairman of the Board of Governors should be entrusted with other duties within the Community institutions and would like the same to apply as far as possible to the Director-General of the JRC.
3. Believes that research scientists should participate as far as possible in preparing and executing the decisions of the Council regarding the JRC and in implementing research objectives.
4. Considers it, in conclusion, essential that the staff should be kept informed regarding the programmes.
5. Recommends that the Committee on Energy, Research and Technology, as the committee responsible, adopt these proposals.