CONTENTS

List of Abbreviations xiii
Table of Cases xvii

1. In Search of Agency Accountability 1
   1.1 European agencies and accountability: the key issue 3
   1.2 Contribution to the literature: a study of legal provisions and ongoing practices 9
   1.3 Outline of the book 12

2. Introducing European Agencies 13
   2.1 A growing institutional phenomenon 13
   2.2 What's in a name? Definition and types of agencies 21
   2.3 Great expectations: rationale for agency creation 24
   2.4 Holding power to account: a typology of power 37
   2.5 Bringing the threads together: pertinence to a study of agency accountability 42

3. Accountability: From Elusive 'Buzzword' to Clear-cut Concept 44
   3.1 Accountability as a three-stage process 45
   3.2 Accountability and control 48
   3.3 Purposes of accountability 53
   3.4 Accountability: how, for what, to whom? 54
   3.5 The interplay of various accountability mechanisms 56
   3.6 A micro- and macro-level approach to accountability 58
   3.7 Investigating agency accountability 63

4. Methodology: Behind the Research Scenes 65
   4.1 Method: case studies 65
   4.2 Agency sample 67
   4.3 Sources of data 69

5. Accountability vis-à-vis the Management Boards: Too Much Board, Too Little Monitoring 75

5.1 Management boards and directors: formal roles and (accountability) relations 76
5.2 Informing: providing information versus the quality of being informed 79
5.3 Debating: an imperfect interaction 91
5.4 Consequences: a Damoclian sword 103
5.5 Accountability vis-à-vis the management boards: falling below (or living up to) expectations? 108

6. Political Accountability: At Arm's Length, yet under Scrutinizing Eyes? 114
6.1 Accountability vis-à-vis the European Parliament: formal powers on the rise 115
6.2 Accountability vis-à-vis the Council of the European Union 139
6.3 Political accountability: a patchy system 152

7. Financial Accountability: More than just Number Crunching 156
7.1 The relevant financial regime(s) 156
7.2 Internal audit: finding its feet in the auditing landscape 159
7.3 External audit: the European Court of Auditors 167
7.4 The discharge procedure: at the crossroads of political and financial accountability 178
7.5 Agencies' financial accountability: a balance sheet 186

8. Judicial Accountability: Life within Legality 191
8.1 Defining the scope of investigation: agencies' decisions and opinions 191
8.2 A full-blown accountability relation: informing, debating, and consequences 194
8.3 Judicial review of agencies' acts: before Lisbon 197
8.4 Judicial review of agencies' acts: after Lisbon 209
8.5 Judicial accountability: outside the Treaty but not above the law? 218

9. Extra-Judicial Accountability: The European Ombudsman and 'Life beyond Legality' 221
9.1 The complementary role of the European Ombudsman 222

9.2 The European Ombudsman as an institution of accountability 224
9.3 Furthering agency accountability (I): the case-by-case approach 228
9.4 Furthering agency accountability (II): a proactive magistrate, setting his own mandate 241
9.5 Extra-judicial accountability: clear signs of life beyond legality 243

10. Agency Accountability: Between Deficits and Overloads 246
10.1 Individual accountability arrangements: the micro-level 247
10.2 A bird's eye view of agency accountability: the macro-level 259
10.3 Accountability: theoretical insights 270
10.4 European agencies and accountability: not *more* but *better* accountability 278

Annex 1: European Agencies 283
Annex 2: List of Respondents 285
Bibliography 287
Index 305