accountability, generally
see also judicial accountability;
political accountability;
individual agencies by name
accountability gaps 11–12
definition 322
reported information 273–4
shared enforcement, and 368–75
accountability paradox 276–7
agency mandate interplays
agency individual assessments
278–85, 288–301
genereal principles 273–5
assessment
challenges 277–8
importance 286–7
rationale 277–8
balance, need for 17–18
challenges and limitations 372–5
assessment complexity 277–8
independence 10–11, 17–18
sources of 17–18
confidentiality, and 18–19, 95
limitations 39–40, 43–4
decentralization impacts 14
definition and interpretation 7–9,
312–13
control, compared with 7–8
political vs. judicial accountability
9–12
executive discretion, and 11–12,
17–18
forum shopping, and 8–9, 257, 334,
369
case allocation 335–6
regulatory allocation 334–5
institutional independence, and 18
meaningful accountability 273–4,
277, 285–6
mechanisms 12–13, 15, 368–9
Member State role, shift from 6–7
non-interference conflicts 10–11,
17–18
performance management, and
275–7
research focus 15
shared legal order, and 11–13, 45–50
administrative pecuniary penalties
(APP) 34–5
Agency for the Cooperation of Energy
Regulators (ACER) 26
agriculture 24, 168–9
anti-fraud authorities see European
Anti-Fraud Office (OLAF)
Area of Freedom, Security and Justice
(AFSJ) 247
see also European Public
Prosecutor’s Office
Bank of Greece
banking supervision 34–5
judicial accountability 49–50
political accountability 38–43
banking supervision
see also Single Supervisory
Mechanism
administrative pecuniary penalties
(APP) 34–5
banking crises influences 28
capital requirements 29
credit institution classifications 29
ECB role 31–5
information exchange 37–9
information provision 39–42
instruction 33, 44
investigating 33–4
Joint Supervisory Teams 31, 40
monitoring 31–3
national authority role 30, 32–4
on-site inspections 31–2, 46–8
political accountability 36–44
sanctions 34–5
Law enforcement by EU authorities

Supervisory Review and Evaluation Process (SREP) 31, 40
unannounced investigations 32
Banking Union 28
Belgium
anti-fraud authorities
OLAF, relationship with 229
pharmaceuticals authority
accountability 159–60, 166
composition 145–6
establishment 142
inspections 149–51
institutional independence 160
legal personality 145
purpose 142–3, 146
sanctions 150–51
pharmaceuticals, market share 142
Body of European Regulators for Electronic Communication (BEREC) 26
border controls 25, 371
CEDEFOP 26
Charter of Fundamental Rights 332
judicial accountability 333
judicial interpretation 332–3
national protection equivalence 333, 339
right of respect for rights of defence 337, 340–41
right to effective remedy 332–3, 344–5
access to law challenges 346–7
equivalence 333, 339
investigations, protection and appeals 347–51, 367–8
sanctions, imposition of 345–7
right to good administration 332
right to respect for private life 332, 337, 341–4
choice of forum
European Public Prosecutor’s Office 257, 336
forum shopping 8–9, 257, 334, 369
case allocation 335–6
regulatory allocation 334–5
civil aviation, generally
market share, France and Germany 115–16
civil aviation safety

see also European Aviation Safety Agency (EASA)
EU responsibilities
emergency oversight mechanism 129
expansion proposals 129–31, 139
generally 117
institutional arrangements 117–18
judicial accountability
EU level, at 133–4, 137
fault-based liability 136
national authorities 136, 138–9
wrongful administrative acts 136
national authorities
accountability gaps 139–40
airworthiness controls 121–2, 127–8
cooperation arrangements 122–3
France 118–20, 124–5, 134–6
Germany 120, 124–5, 134–6
institutional independence 135, 138
judicial accountability 136, 138–9
oversight 124
political accountability 134–5, 137–8
ramp inspections 125–6
relationship with EASA 121–5
responsibilities 116–17
political accountability
EU level, at 131–3, 137
national authorities 134–5, 137–8
shared enforcement 116–17, 121–5, 129–31, 137–40
subsidiarity principle, and 117
Committee for Medicinal Product for Human Use (CHMP) 144, 154–5
Committee of European Securities Regulators (CESR) 55
Common Agricultural Policy 168–9
Common Fisheries Policy 168–70
Community Fisheries Control Agency (CFCA) 170–71
Community Plant Variety Office (CPVO) 27
competition authorities 26
see also European Competition Network (ECN)
Commission accountability
annual reports 98–9
Index

co-decision procedures 99–100
ECA audits 321
European Parliament, relationship between 97–101
Framework Agreement 98
importance 97
judicial accountability 109–11
political accountability 97–101
restrictions and limitations 101, 109–11
settlement trends 110
Commission powers
commitment decisions 93
discretionary 86
generally 83–4
information requests 84–5
inspections 84–5
investigation 84–6
judicial review 85–6
monitoring 84
non-cooperation penalties 85
sanctions 84–5
fundamental rights, and 85
harmonisation 88
judicial accountability
Commission 109–11
judicial review 109–11
national variations 111–13
restrictions and limitations 109–10
national competition authorities
conflicts, obligation to avoid 93
coordination mechanisms 92–3
discretion 86–7
enforcement role 82
information provision 93
institutional independence 87–9, 101–5
investigation 92
judicial accountability 342–3
judicial review 91–2
jurisdiction 82–3
national variations 89–90, 101
political accountability 101–5
procedural autonomy 89
restrictions and limitations 89
role and powers 85, 88–9, 92
sanctions 90–91, 104
stricter controls 88
political accountability
Commission 97–101
fining targets 104
institutional independence 101–5
national competition authorities 101–5
restrictions and limitations 103
principles 82
confidentiality
accountability, and 18–19, 372
limitations 39–40, 43–4
ECA audits 309
Consumer Protection Cooperation Network (CPC) 25
collection, definition 7–8
credit institutions
see also banking supervision; Single Supervisory Mechanism
classifications 29
credit rating agencies 20, 53
De Nederlandische Bank (DNB)
banking supervision 34–5
judicial accountability 49–50
political accountability 38–43
decentralization 3, 14
direct enforcement, definition 6–7
Directorate F 203, 207–9, 218–19
accountability assessment 281, 299–300, 347
drugs see pharmaceuticals
EEAs, generally 1–3
development 330–31
powers and regulatory frameworks, summaries 25–8
research trends 273–4, 371
enforcement, generally
see also shared enforcement
definition 4–5
direct vs. indirect 5–7
internal vs. external 5–7
Environmental Protection Agency (US) 273
European Trading Foundation 26
Eurofound 282
Eurojust 25, 249
European Agency for the Management of Operation Cooperation at the External Borders 371
European Anti-Fraud Office (OLAF)
accountability
annual reports and reviews 231, 233, 282, 318–19
annulment actions 238
assessment 281–2, 300–301
challenges 224, 244–6, 373
criticisms 234–8
damages, actions for 238–9, 368
discretionary powers 238–9
ECA audits 235–6, 317–20, 324
EU level, at 236–9
ex ante accountability 240–41
ex post accountability 232–3, 241–2
forums 233–5
institutional independence 320
investigations, legal protections 240–43, 343
judicial accountability 236–43, 245–6, 344, 349, 366
judicial review 236–8, 240–43
national level, at 240–43
Ombudsman 243–4
Parliamentary Committee on Budgetary Control 233
performance audits 235–6
political accountability of 232–5, 245–6
proportionality 240
rights violations, and 238–9
administrative and criminal law interface 222–3
criticism of 229–30, 234–5
European Public Prosecutor’s Office proposal 246
functions 221
coordination and cooperation 222–5, 243–4
investigations 221–3, 225–30, 240–41
restrictions and limitations 224–6, 240–43
sanctions 223, 227
Guidelines on Investigation Procedures 225, 228–9, 233
institutional independence 222, 227–30, 235–6
institutional structure 222, 230–32
challenges 245–6
internal complaints procedures 229
judicial controls 231–2, 236–7, 366
national authorities, relationships with 223–7
Belgium 229
Netherlands 226–7, 240–43
procedural safeguards 222–3, 225–6, 229–32
regulatory framework 223–4, 228–32
shared enforcement 360, 362–4, 373
Supervisory Committee 230–32
European Asylum Support Office (EASO) 24
European Aviation Safety Agency (EASA)
accountability, generally assessment 278, 288–9
gaps 139–40, 278
composition 118
emergency oversight mechanism 129
Framework Regulation proposal 129–31, 139
judicial accountability 133–4, 137, 347
judicial review 133
jurisdictional immunity 134
non-contractual liability 133
legal personality 118
national authorities, and airworthiness controls 121–2, 127–8
cooperation arrangements 122–3
oversight 124
ramp inspections 125–6
relationship with 121–5
shared enforcement 359
political accountability 131–3, 137
administrative appointments 131–2
annual discharge procedures 132
indirect accountability 132
role and responsibilities
airworthiness controls 121–2, 128–9
certification 121–3, 129–30
delegation 121
direct enforcement 121–3, 129–30
generally 117–18
inspections 122
investigations 122
<table>
<thead>
<tr>
<th>Term</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>oversight</td>
<td>121, 129–30</td>
</tr>
<tr>
<td>ramp inspections</td>
<td>125–6</td>
</tr>
<tr>
<td>sanctions</td>
<td>123</td>
</tr>
<tr>
<td>shared enforcement</td>
<td>116–17, 121–5, 129–31, 137–40, 359</td>
</tr>
<tr>
<td>European Banking Authority (EBA)</td>
<td>26</td>
</tr>
<tr>
<td>banking supervision role</td>
<td>29–30</td>
</tr>
<tr>
<td>monitoring</td>
<td>31–3</td>
</tr>
<tr>
<td>national authorities, division of tasks from</td>
<td>29–30</td>
</tr>
<tr>
<td>supervisory measures, form of</td>
<td>31</td>
</tr>
<tr>
<td>European Border and Coast Guard</td>
<td>371</td>
</tr>
<tr>
<td>European Central Bank (ECB)</td>
<td></td>
</tr>
<tr>
<td>accountability, generally</td>
<td></td>
</tr>
<tr>
<td>accountability gaps</td>
<td>370</td>
</tr>
<tr>
<td>annual reports</td>
<td>319</td>
</tr>
<tr>
<td>assessment</td>
<td>279, 290–91</td>
</tr>
<tr>
<td>ECA audits</td>
<td>317–21, 323–4</td>
</tr>
<tr>
<td>shared enforcement</td>
<td>321, 323, 359, 362, 364</td>
</tr>
<tr>
<td>functions</td>
<td></td>
</tr>
<tr>
<td>banking supervision</td>
<td>29–30</td>
</tr>
<tr>
<td>instructing</td>
<td>33, 44</td>
</tr>
<tr>
<td>investigating</td>
<td>33–4</td>
</tr>
<tr>
<td>law, application of</td>
<td>30</td>
</tr>
<tr>
<td>monitoring</td>
<td>31–3</td>
</tr>
<tr>
<td>sanctions</td>
<td>34–5</td>
</tr>
<tr>
<td>judicial accountability</td>
<td></td>
</tr>
<tr>
<td>annulment applications</td>
<td>45–6</td>
</tr>
<tr>
<td>dualist approach</td>
<td>47</td>
</tr>
<tr>
<td>ECB and national authority procedural conflicts</td>
<td>47–9</td>
</tr>
<tr>
<td>ECB application of national law</td>
<td>49</td>
</tr>
<tr>
<td>information requests</td>
<td>45–6</td>
</tr>
<tr>
<td>investigations</td>
<td>48, 347</td>
</tr>
<tr>
<td>limitations</td>
<td>370</td>
</tr>
<tr>
<td><em>locus standi</em> establishment</td>
<td>45, 48</td>
</tr>
<tr>
<td>mechanisms</td>
<td>45–8</td>
</tr>
<tr>
<td>national authority mechanisms</td>
<td>49–50</td>
</tr>
<tr>
<td>on-site inspections</td>
<td>46–8</td>
</tr>
<tr>
<td>restrictions and limitations</td>
<td>342–3</td>
</tr>
<tr>
<td>sanctions</td>
<td>48–9</td>
</tr>
<tr>
<td>unannounced inspections</td>
<td>48</td>
</tr>
<tr>
<td>political accountability</td>
<td>43–4</td>
</tr>
<tr>
<td>annual reports</td>
<td>37–40, 279</td>
</tr>
<tr>
<td>confidentiality/secrecy provisions</td>
<td>43–4</td>
</tr>
<tr>
<td>financial accountability mechanisms</td>
<td>38–9, 279</td>
</tr>
<tr>
<td>financial discussion</td>
<td>41–2</td>
</tr>
<tr>
<td>information exchange</td>
<td>37–9</td>
</tr>
<tr>
<td>information provision</td>
<td>39–40</td>
</tr>
<tr>
<td>Interinstitutional Agreement</td>
<td>37</td>
</tr>
<tr>
<td>JST thematic reviews</td>
<td>40</td>
</tr>
<tr>
<td>legal framework</td>
<td>36–7</td>
</tr>
<tr>
<td>limitations</td>
<td>370</td>
</tr>
<tr>
<td>Memorandum of Understanding</td>
<td>37</td>
</tr>
<tr>
<td>personal accountability</td>
<td>42–3</td>
</tr>
<tr>
<td>rectification</td>
<td>42–3</td>
</tr>
<tr>
<td>vs. financial independence</td>
<td>43</td>
</tr>
<tr>
<td>European Chemical Agency (ECHA)</td>
<td>27</td>
</tr>
<tr>
<td>European Commission</td>
<td></td>
</tr>
<tr>
<td>political accountability</td>
<td></td>
</tr>
<tr>
<td>Committee of Inquiry</td>
<td>97–8</td>
</tr>
<tr>
<td>investigations of</td>
<td>97–8</td>
</tr>
<tr>
<td>European Competition Network (ECN)</td>
<td>26</td>
</tr>
<tr>
<td>accountability assessment</td>
<td>279, 292–3</td>
</tr>
<tr>
<td>annual reports</td>
<td>98, 279</td>
</tr>
<tr>
<td>benefits</td>
<td>96</td>
</tr>
<tr>
<td>case allocation</td>
<td>83, 94–6, 112</td>
</tr>
<tr>
<td>confidentiality, and</td>
<td>95</td>
</tr>
<tr>
<td>information exchange</td>
<td>83, 92, 95–6</td>
</tr>
<tr>
<td>institutional independence, and</td>
<td>92</td>
</tr>
<tr>
<td>judicial accountability</td>
<td>112–14</td>
</tr>
<tr>
<td>legal personality</td>
<td>112</td>
</tr>
<tr>
<td>Network Notice</td>
<td>83, 92, 96</td>
</tr>
<tr>
<td>political accountability</td>
<td>98, 107–9, 113–14</td>
</tr>
<tr>
<td>purpose</td>
<td>83, 92–3, 96–7, 113</td>
</tr>
<tr>
<td>restrictions and limitations</td>
<td>95–7, 107–9, 279</td>
</tr>
<tr>
<td>rules</td>
<td>93–4</td>
</tr>
<tr>
<td>shared enforcement</td>
<td>259</td>
</tr>
<tr>
<td>underlying principles</td>
<td>96</td>
</tr>
<tr>
<td>well-placed authority, definition</td>
<td>94–5</td>
</tr>
<tr>
<td>European Court of Auditors (ECA)</td>
<td>235–6</td>
</tr>
<tr>
<td>accountability</td>
<td></td>
</tr>
<tr>
<td>accountability gaps</td>
<td>321–2</td>
</tr>
<tr>
<td>answerability</td>
<td>314–15</td>
</tr>
</tbody>
</table>
Commission, investigation of 98
conflicts 322–5, 372–3
CONT Committee 325–6
cooperation obligations 315–16
European Parliament and Council
relationships 325–6
financial controls 325
forum for, role as 305–6, 311–14,
326–9
information provision 313–14,
318–19, 323–5
judicial accountability 327–8
political accountability 325–7
recommendations 315–16
relationships 312–13, 317
shared enforcement conflicts
362–3, 372–3
shared management conflicts 323
annual reports 310
appointments 308
audits
basis for 309, 317–18
confidentiality 309
conflicts 322–4
consequences 315–16
cooperation obligations 315–16
importance of 329
information access 232–325,
313–14, 318–19
non-compliance penalties 316
performance audits 324
procedures 310, 317–18
reporting 310, 319–21, 324, 329
selection 305–6, 310
Committee on Budgetary Control
309
discretionary powers 309
establishment 307–8
institutional design 307–8
institutional independence 308
judicial accountability 327–8
landscape reviews 310
legal framework 308
political accountability
Commission, investigation of 98
CONT Committee 325–6
European Parliament and Council
relationships 325–6
financial controls 325
role in strengthening 326–7
purpose 305–8
role and powers 308–11
statements of assurance 309
European Defense Agency (EDA) 25
European Environment Agency (EEA) 26
European Fisheries Control Agency
(EFCA) 24
accountability, general assessment
280, 293–4
Commission, relationship with 181
enforcement 171, 175–7, 193–4, 360
accountability gaps 193–4, 369
coordination 172–3, 193
inspections 172–5
investigations 172
Joint Deployment Plans 173, 176,
193
judicial accountability 193
political accountability 186
restrictions and limitations 172–3
sanctions 172, 175
shared enforcement 171, 173,
175–7, 186, 193–4, 360, 364
Specific Control and Inspection
Programme (SCIP) 173, 176
establishment 170–71
judicial accountability 187
annulment actions 188–9
damages, actions for 191
direct and indirect challenges
187–90
EU and national law conflicts
189–90
failure to act, actions for 190–91,
366–7
individuals, actions by 187–8
limitations 193–4, 349, 366–7,
369–70
shared enforcement 193, 369–70
political accountability 186
annual reports 179–81, 280
communication obligations 180
financial reporting 180–81
information and discussion stage
179–81
institutional independence 183–4
limitations 193–4
rectification stage 183–4
shared enforcement 186, 364, 369–70
European Food Safety Authority (EFSA) 24, 196
European GNSS Agency (GSA) 25
European Institute for Gender Equality (EIGE) 25
European Institute for Security Studies (ISS) 25
European Insurance and Occupational Pensions Authority (EIOPA) 26
European Medicines Agency (EMA)
accountability, generally assessment 280, 295
challenges 157–8, 161–2, 166
multilevel governance 162–3
national law conflicts 164–5
procedural complexity 165–7
Committee for Medicinal Product for Human Use (CHMP) 144, 154–5
Coordination Group for Mutual Recognition and Decentralised Procedures 165
decentralized character 144, 157
enforcement
direct enforcement 146–7
effective legal remedies 163–5
inspections 158
Pharmaceutical Regulation 155–7, 161–2, 165
sanctions 152, 155–8
shared enforcement 152–7, 164–5, 360
Urgent Union Procedure (UUP) 152–7, 161, 334–5
verticalisation 147, 161–2, 164–5
establishment 143
institutional composition 144–5
judicial accountability 157
effective legal remedies, and 163–5
regulatory allocation 334–6
Pharmacovigilance Risk Assessment Committee (PRAC) 144–5, 152–5
political accountability 157–9
annual reports 158, 280
financial controls 159
restrictions and limitations 157–9, 162–3
principles 143–4
purpose 143–4, 157–8
European Monitoring Center for Drugs and Drug Addiction (EMCDDA) 25
European Network and Information Security Agency (ENISA) 25
European Parliament political accountability
Committee of Enquiry, powers to initiate 97–8
ECA, relationship with 325–6
intra-institutional relationships 97–101
Parliamentary Committee on Budgetary Control 233
supervisory powers 98–9
European Police College (CEPOL) 25
European Public Prosecutor's Office (EPPO)
accountability, generally 280–81, 295–6
applicable law 251–2
case selection 254–5
enforcement, for 253–5
evidence, admissibility 253–4
financial interests 252
harmonisation 252–3
offences and penalties 252–3
Delegated Prosecutors 255
delegated powers 251
discretionary powers 256–7, 262, 269–70
establishment progress 249
functions 249–51, 255–6
institutional independence 254–5, 260–65
institutional structure 250–51, 261
judicial accountability 248, 349
choice of forum 257, 336
coercive measures 256–7
compatibility conflicts 256–7, 266–7
corruption offences 266–8
division of labour 265–6
ex ante authorisation 256
judicial independence 268–9
judicial review 255–60, 266–7
pre-trial proceedings 257–60
restrictions and limitations 265–7

Miroslava Scholten and Michiel Luchtman - 9781786434630
Downloaded from Elgar Online at 04/09/2019 12:32:20PM
via free access
Law enforcement by EU authorities

legal framework 248–9
political accountability 248
annual reports 264–5, 280
anti-fraud strategy 263–5
appointments 263
challenges 260–62, 268–70
coercive enforcement regimes 262
financial controls 263
institutional independence 260–65, 268–9
institutional safeguards 262–3
national legal system variations 261–2
oversight mechanisms 262, 264–5
pre-trial proceedings 262–5
restrictions and limitations 268–70
procedural safeguards 253
proposal 2, 246, 249–52, 255
shared enforcement
benefits 247–8, 364
legal basis 248–9, 253–5
subsidiarity, and 249–50
European Securities and Markets Authority (ESMA) 26
accountability, generally 281, 297–8
accountability gaps 370
annual reports 318–19
credit rating agency supervision 320
ECA audits 317–20, 324–5
case trends 60–61
independent investigation officers (IIOs) 58–60, 65
judicial accountability
annulment proceedings 75–6
EU level mechanisms 65, 73, 75–6, 79–81
ex ante judicial review 73–4, 77–8
ex post judicial review 75–7
generally 73, 77–9, 347
legal remedies 75
limitations 370
national mechanisms 73–5, 78–80
restrictions and limitations 74, 76, 78–81
UK experiences 74–5

Miroslava Scholten and Michiel Luchtman - 9781786434630
Downloaded from Elgar Online at 04/09/2019 12:32:20PM
via free access
European Union Satellite Center (EUSC) 25
Europol 25

financial markets 26
see also banking supervision;
European Securities and Markets Authority (ESMA)

first-line control 6

fisheries
see also European Fisheries Control Agency (EFCA)
EU authority 24
Common Fisheries Policy 168–70
Community Fisheries Control Agency 170–71
inspections 172–5
investigations 172
Joint Deployment Plans 173, 176, 193
judicial accountability 187–92
political accountability 179–81
sanctions 172, 175
shared enforcement 171, 175–7, 186, 193–4
Specific Control and Inspection Programme (SCIP) 173, 176

national authorities
administrative obligations 173
inspections 173–5, 177–8
Italy 177–8, 185–6, 192
judicial accountability 192–3
political accountability 182–6
sanctions 175, 177–8, 192–3
UK 178–9

unsustainability risks 168

food safety 24

EU law
accountability, generally 218–21
Bowland case 204–6, 215–16
Commission role 208–10
direct enforcement 197–204, 216–17
Directorate F 203, 207–9, 218–19
emergency powers 203–4, 206
General Food Law framework 196, 203–4, 214
indirect enforcement 204–8, 217
judicial accountability 215–16, 218

national law relationships with
Official Controls Regulation 197–9
political accountability 209–10, 217
public scrutiny 210
purpose 196–7
Rapid Alert System for Food and Feed (RASFF) 204–6, 213, 218
third party enforcement 198
verticalisation of enforcement 204–8

European Food Safety Authority (EFSA) 24, 196
judicial accountability
EU level, at 215–16, 218
national level, at 213–15
national authorities
control obligations 198–204
emergency powers 204
EU law, relationship with 218–20
Italy 200–203, 211–13, 215, 217–18
judicial accountability 213–15
Netherlands 199–200, 210–15, 217–18
political accountability 210–12, 217–18
sanctions 199, 201–3
UK 204–6, 215–16, 219–20
political accountability
EU level, at 209–10, 217
national level, at 210–12, 217–18
public scrutiny 210

France
civil aviation, market share 115–16
civil aviation safety
judicial accountability 136
national authority role and powers 118–20, 124–5
non-compliance penalties 124–5
political accountability 134–5
occupational health and safety
agency accountability assessment 282–3
enforcement responsibility 283–4

Frontex 25
fundamental rights
Law enforcement by EU authorities

enforcement powers 25
judicial interpretation 332–3
judicial redress 11
national judicial protections 333, 339
proportionality, and 242
relevant legislation 25
right not to incriminate oneself 340–41
right of respect for rights of defence 337, 340–41
right to effective remedy 332–3, 344–5
access to law challenges 346–7
equivalence 333, 339
investigations, protection and appeals 347–51, 367–8
sanctions, imposition of 345–7
right to good administration 332
right to respect for private life 332, 337, 341–4
Fundamental Rights Agency (FRA) 25

Germany
civil aviation, market share 115–16
civil aviation safety
judicial accountability 136
national authority role and powers 120, 124–5
non-compliance penalties 125
political accountability 134–5
occupational health and safety
agency accountability assessment 283–4
enforcement responsibility 284
pharmaceuticals authority
accountability 160–61, 166
composition 146
discretionary powers 150–51
financial controls 161
generally 143
inspections 149–50
institutional independence 146, 161
judicial review 160
legal personality 146
purpose 146
sanctions 150–51
pharmaceuticals, market share 142

Greece
banking supervision
financial accountability 38–9
information exchange 38
information provision and discussion 41–2
judicial accountability 49–50
political accountability 38–44
powers 34–5
credit institution classification 30

Hungary
competition authority
fines 91, 97
institutional independence 105
investigation powers 90, 92
judicial accountability 111
judicial review 111–12
political accountability 105–7
restrictions and limitations 112
right to fair trial 112
institutional independence
see also individual agencies
accountability, and 18
intellectual property 27
EU and national law conflicts 189–90
judicial accountability 189–90

Italy
fisheries authority
financial accountability 185–6
inspections 177–8
institutional independence 185–6
judicial accountability 192
political accountability 182–3, 185–6
sanctions 177–8, 192
food safety authority
generally 196
guidelines 201
judicial accountability 215
law reform proposals 202–3
political accountability 211–12, 217–18
powers 200–201
public information provision 212–13
sanctions 201–3
food sector characteristics 196
judicial accountability, generally
see also individual agencies
access to court 366–7
accountability gaps 369–70
choice of forum
case allocation 335–6
forum shopping 8–9, 257, 334–6, 369
regulatory allocation 334–5
definition and interpretation 9–11
fundamental rights protection, and 332–3, 337, 340–41
importance of 3–4
mechanisms 16–17
national judicial protections
equivalence 333, 339
evidentiary rules conflicts 349–51
information access 340–41
procedural autonomy 333
procedural safeguards
access to information 340–41
duty to cooperate 340
excessiveness and arbitrariness 342–3, 367
generally 337–8
good governance 337
in-house lawyers 338
legal professional privilege 338–9
mutual trust principle 342–3
necessity principle 342
prior judicial authorization, and 342–3, 367
proportionality 342–3
shared enforcement, and 367–8
reviewable acts, interpretation 366–77
right to effective remedy 332–3, 344–5
access to law challenges 346–7
equivalence 333, 339
investigations, protection and appeals 347–51, 367–8
national evidentiary rule conflicts 349–51
sanctions, imposition of 345–7
right to good administration 332
right to respect for private life/home 332, 337
investigations, and 341–4
rights of defence, respect for 337, 340–41
shared enforcement conflicts
forum shopping 8–9, 257, 334–6
fundamental rights protections 332–3, 337, 340–51
generally 351–2
investigations 347–51
judicial principles 342–3
national law variations 333, 339, 340–41, 349–50, 367
political accountability, and 351–2
two-level system, as 366
jurisdiction
choice of forum
case allocation 335–6
forum shopping 8–9, 257, 334–6, 369
regulatory allocation 334–5
legal professional privilege 338–9
Netherlands
anti-fraud authority
OLAF, relationship with 226–7, 240–43
banking supervision
financial accountability 38–9
information exchange 38
information provision and discussion 40–42
judicial accountability 49–50, 342–3
political accountability 38–44, 365
powers 34–5
competition authority
Commission policy influences 97
fines 90–91, 111
information requests 90
institutional independence 102, 104–5
judicial accountability 111
political accountability 102–5
credit institution classification 30
European Public Prosecutions
pre-trial proceedings 259–60
food safety authority
annual reports 211
generally 196
inspections 199–200
institutional independence 210
judicial accountability 213–15
political accountability 210–11, 217–18
powers 199–200
public information provision 212
sanctions 200, 214
food sector characteristics 195

occupational health and safety
agency accountability assessment 282–3
France 282–3
Germany 283–4
UK 283–5
EU regulatory controls 272
national variations 282–4
Office for Harmonization in the Internal Market (OHIM) 27

pharmaceuticals 25
see also European Medicines Agency (EMA)
EU authority
Committee for Medicinal Product for Human Use (CHMP) 144, 154–5
development, generally 141
direct enforcement powers 146–7
minimum standards 147
Pharmaceutical Regulation 155–7, 161–2, 165
Pharmacovigilance Risk Assessment Committee (PRAC) 144–5, 152–5
sanctions 152, 155–7
shared enforcement 152–7, 161–2, 164–5
Urgent Union Procedure (UUP) 152–7
judicial accountability 57, 159–61
market share, Belgium and Germany 142
national authorities 142–3
Belgium 142–3, 145–6, 149–51, 159–60, 166
discretionary powers 150–51
Germany 143, 149–50, 160–61, 166
inspections 149–51
institutional composition 145–6
judicial accountability 159–61
political accountability 160, 162
purpose, generally 145
sanctions 147, 150–52
shared enforcement 152–7, 161–2, 164–5
supervisory powers 147–8
political accountability 157–60, 162
Pharmacovigilance Risk Assessment Committee (PRAC) 144–5, 152–5
Police cooperation 25
political accountability
see also individual agencies
definition and interpretation 10–11
importance 369
mechanisms 15
national variations 362
professional independence, and 10–11, 17–18
shared enforcement, relevance to 362, 364–5
political control, importance 3–4
proportionality
judicial accountability, and 342–3
public prosecution
see also European Public Prosecutor’s Office (EPPO)
political accountability 10
political independence, and 10, 17–18

Rapid Alert System for Food and Feed (RASFF) 204–6, 213, 218
rule of law 332
sanctions, generally
see also individual agencies
definition and interpretation 4–5, 330
EEA powers to impose 2, 330–31
judicial accountability, and 345–7, 367–8
political accountability 10
right to effective remedy, and 345–7
Senior Labour Inspectors Committee (SLIC) 282
Index

shared enforcement 389
accountability, generally
accountability gaps 368–75
challenges 372–5
disconnection 373
judicial accountability 365–9
political accountability 361–5, 368–9, 372–3
research opportunities 373–4
suitability analysis 368–9
challenges 355–6, 365, 372–5
judicial accountability
access to court 366–7
appeals, availability of 367–8
forum shopping 8–9, 257, 334–6, 369
fundamental rights protections 332–3, 337, 340–51
generally 351–2
investigations 347–51
judicial principles 342–3
mechanisms, availability 366
national law variations 333, 339, 340–41, 349–50, 367
political accountability, and 351–2
procedural safeguards 367–8
reviewable acts, interpretation 366–7
sanctions 367–8
suitability 368–9
legitimacy, and 374–5
methods
hierarchical relationships 358–9
institutional design variations 358–61
interdependence, and 361
organizational challenges 374–5
overall responsibility 358
parallel relationships 359
shared enforcement processes 358
specific functions 358
supporting relationships 359–60
trends 360–61
political accountability 361–5
accountability mechanisms quality 362–3
accountability mechanisms relevance 362
EU forums role 364
financial control conflicts 363
national forums role 364–5, 369
restrictions and limitations 363, 372–3
sanctions 363–4
suitability 368–9
powers
competent authority 355–6
division of competences 354–5
generally 354–5
institutional autonomy principle 355
national authority variations 354–6
oversight mechanisms 354–5
verticalization
accountability, generally 361–5
benefits 305, 357–8
functional spillover 357–8
political accountability 361–5
trends 356–7
shared legal order
accountability conflicts 11–13
judicial accountability 45–50
Single Supervisory Mechanism 28
credit institution classifications 29
ECB role
instructing 33, 44
investigating 33–4
monitoring 31–3
on-site inspections 31–2, 46–8
sanctions 34–5
unannounced investigations 32
instructing 33, 44
investigating
ECB role 33–4
national authority role 34
judicial accountability
annulment applications 45–6
challenges 52
dualist approach 47
ECB and national authority
procedural conflicts 47–9
ECB application of national law 49
ECB mechanisms 45–8
generally 45, 50, 52
information requests 45–6
investigations 48
locus standi establishment 45, 48
national authority mechanisms 49–50
on-site inspections 46–8
sanctions 48–9
unannounced inspections 48
monitoring
Joint Supervisory Teams 31, 40
less significant institutions 32–3
significant institutions 31–2
Supervisory Review and Evaluation Process (SREP) 31, 40
national authority role 30, 50–51
annual reports 37–8
financial accountability mechanisms 38–9
information exchange 37–8
investigating 34
monitoring 32–3
political accountability 37–9
political accountability financial accountability mechanisms 38–9
financial discussion 41–2
financial independence, and 43, 51
generally 36, 43–4, 51
information exchange 37–9
information provision 39–40
legal framework 36–7
personal accountability 42–3
proportionality, and 39
rectification 42–3
restrictions on 39–40, 51–2
principles 29–30, 36
sanctions
ECB role 34–5

national authority role 35
pecuniary 34–5
Specific Control and Inspection Programme (SCIP) 173, 176
trade repositories 53

United Kingdom
fisheries authority financial accountability 184–5
inspections 178–9
institutional independence 184
judicial accountability 192–3
Marine Management Organization (MMO) 178, 182, 184, 192
Marine Scotland 178–9, 182, 184–5, 192–3
political accountability 182, 184–5
sanctions 178–9, 192–3
food safety
Bowland case 204–6, 215–16
Food Safety Agency accountability 219–20
occupational health and safety agency accountability assessment 283–5
enforcement responsibilities 284–5
United States
accountability
agency mandates, interplay with 273–4
focus trends 274–5
Urgent Union Procedure (UUP) 152–7, 161, 334–5