Contents

	List of abbreviations	X1				
	List of boxes	XV				
	Preface	xvii				
	Introduction	1				
	1. Going global: the EU agencies on the international arena 1					
	2. Focus of the research 5					
	3. Research design and structure of the study 7					
PA	RT I					
Se	tting the general framework	11				
1	The legal profile of EU agencies and their international					
	dimension according to law and practice					
	1.1 Introduction 13					
	1.2 Institutional context: European agencies and the EU					
	'executive branch' 13					
	1.3 The European agencies 17					
	1.3.1 The rise of EU agencies 17					
	1.3.2 The legal basis of EU agencies 22					
	1.3.3 The rationale for EU agencies 24					
	1.4 The EU agencies as an overarching construct: conceptual					
	clarifications and features 26					
	1.5 The formal design of EU agencies 27 1.5.1 Powers 27					
	1.5.1.1 The principle of institutional balance as a legal standard shaping the powers of EU agencies 29 1.5.1.2 The critique of <i>Meroni</i> 31					
	1.5.1.3 The continuous relevance of the principle of institutional balance and the 'revival' of <i>Meroni</i> 32 1.5.2 Organisational design 37					
	1.6 Positioning European agencies in the EU institutional constellation 39					

1.7	The in	nternatio	nal dimension of EU agencies: practice and	
	legal	design 4	l	
	1.7.1	EU age	encies' practice of international cooperation 41	
		1.7.1.1	Main forms and underlying reasons 41	
		1.7.1.2	A brief survey of EU agencies' practice of	
			international cooperation 43	
	1.7.2	The de	sign of EU agencies' international dimension	
		accordi	ng to their legal framework 47	
		1.7.2.1	General overview 47	
		1.7.2.2	EU agencies' international cooperation mandate:	
			scope and controls 50	
	1.7.3	General	observations 51	
1.8	Concl	usion 52		
Δ 1,	egal b	luenrin	t for assessing EU agencies as global actors	
	_	•		
		luction 5		
2.2		-	Union law dimension 55	
	2.2.1		nciple of institutional balance and the doctrine of	
		_	on of powers as legal yardsticks for evaluating the	
			ional dimension of EU agencies 56	
	2.2.2		evant legal framework governing the EU agencies'	
	-	policy ar		
	2.2.3		external action area 59	
			Conceptual clarifications 59	
			The EU external action area after Lisbon 60	
		2.2.3.3	Some relevant aspects regarding the Union's	
			external competences and instruments 62	
			2.2.3.3.1 The Union's external competences 62	
			2.2.3.3.2 The Union's external action instruments 6	54
		2.2.3.4	Institutional balance and delegation of powers in	
			the EU external action area 68	
			2.2.3.4.1 The management of the EU external	
			action area 68	
			2.2.3.4.2 Treaty-making and non-legally binding	
			instruments 72	
			2.2.3.4.3 The international cooperation	
			instruments concluded by the	
			Commission and other EU institutions	
			and bodies 77	
		2.2.3.5	European agencies and institutional balance in EU	
			external relations 84	
2.3	The in	ternation	ial law dimension 87	
	2.3.1	The con	cept of 'international agreement' 88	
		2.3.1.1	Definition and criteria 88	
		2.3.1.2	The category of 'international administrative	
			agreements' 92	

	2.3.2.1 Concept and criteria 104 2.3.2.2 International legal personality of the EU agencies 107	
	2.4 Conclusion: a general legal-analytical framework for assessing EU agencies as global actors 109	
DΔ	RT II	
	ase studies	113
3	Common methodological aspects	115
1	The case of the European Aviation Safety Agency 4.1 Introduction 119	119
	 4.2 The policy and legal-institutional environment of EASA 120 4.2.1 The Union's legal and institutional framework in the aviation area 120 4.2.2 The international (external) dimension of the EU aviation area 122 	
	4.3 EASA's profile as an EU agency 125 4.3.1 EASA's design and incremental evolution 125 4.3.2 Governance of EASA 129	
	4.4 EASA's international dimension 130 4.4.1 The legal framework for international cooperation 130 4.4.1.1 Mandate, tasks and instruments 130 4.4.1.2 The procedure for EASA's international cooperation instruments 134	
	 4.4.2 EASA's international dimension in practice 135 4.4.2.1 Setting the international cooperation priorities and actions 135 4.4.2.2 EASA's formal international cooperation instruments 137 4.4.2.2.1 Working arrangements 137 4.4.2.2.2 Other formal cooperation instruments concluded by EASA 146 	
	4.5 EASA on the global scene: a legal assessment 148 4.5.1 The legal nature of EASA's formal international cooperation instruments 148 4.5.1.1 Working arrangements 148 4.5.1.2 Memoranda of understanding 156	

2.3.1.2.1 Administrative agreements in

at the EU level 98

2.3.2 International legal personality 104

international and state practice 92

2.3.1.2.2 International administrative agreements

	4.5.2.1 On the international plane 157
	4.5.2.2 Within the European Union: the principle of institutional balance and the <i>Meroni</i> doctrine 158
	4.6 Conclusion 161
5	The case of Frontex
	5.1 Introduction 163
	 5.2 The policy and legal-institutional environment of Frontex 164 5.2.1 The Union's legal and institutional framework in the border management area 164 5.2.2 The international (external) dimension of the Union's border management 168
	5.3 Frontex's profile as an EU agency 172
	5.3.1 Frontex's design and incremental evolution 172 5.3.2 Governance of Frontex 176
	5.4 Frontex's international dimension 178
	5.4.1 Frontex's international cooperation legal framework and practice under Council Regulation 2007/2004 178 5.4.1.1 Mandate, tasks and instruments 178 5.4.1.2 The procedure for Frontex's working arrangements 181
	5.4.1.3 Frontex's international dimension in practice 182 5.4.1.3.1 Setting the international cooperation priorities and actions 182 5.4.1.3.2 Frontex's working arrangements 184 5.4.2 Frontex's international dimension according to the new
	Frontex Regulation 191
	5.5 Frontex on the global scene: a legal assessment 193 5.5.1 The twilight legal nature of Frontex's working arrangements 193
	5.5.2 The status of Frontex as a global actor 202 5.5.2.1 On the international plane 202 5.5.2.2 Within the EU: the principle of institutional balance and the <i>Meroni</i> doctrine 204 5.5.2.2.1 The legal framework and international cooperation practice under Regulation 2007/2004 205
	5.5.2.2.2 The new Frontex Regulation 207
	5.6 Conclusion 208
6	The case of Europol
	6.1 Introduction 210

6.2 The policy and legal-institutional environment of Europol 211

cooperation area 211

6.2.1 Union's legal and institutional framework in the police

210

4.5.2 The status of EASA as a global actor 157

		6.2.2	The international (external) dimension of the Union's police cooperation area 215	
		6.3.1	ol's profile as an EU agency 217 Europol's legal design and incremental evolution 217 Governance of Europol 220	
			Europol's international dimension 221 Europol's international cooperation legal framework and practice under Council Decision 2009/371/JHA 221 6.4.1.1 Mandate, tasks and instruments 221 6.4.1.2 The procedure for Europol's cooperation agreements 222 6.4.1.3 Europol's international dimension in practice 223 6.4.1.3.1 Setting the international cooperation priorities and actions 223 6.4.1.3.2 Europol's formal international cooperation instruments 225	
		6.4.2	The new Europol Regulation: redesigning Europol's international dimension 231	
		6.5.2	The legal nature of Europol's formal international cooperation instruments 236 6.5.1.1 The legal framework and international cooperation practice under Council Decision 2009/371/JHA 236 6.5.1.2 The new Europol Regulation 247 The legal status of Europol as a global actor 247 6.5.2.1 On the international plane 247 6.5.2.2 Within the EU: the principle of institutional balance and the <i>Meroni</i> doctrine 249 6.5.2.2.1 The legal framework and international cooperation practice under Council Decision 2009/371/JHA 250 6.5.2.2.2 The new Europol Regulation 251 stion 253	
	7.1 1 7.2 (Disclar Cross-c	e-study observations imer 255 cutting observations 255 matic aspects 262	255
Con			ndings 266	265
	2. R. 2.	ecomn	nendations and directions for further research 276 commendations 276 rections for further research 280	

v	Conter	1+0
A	MILLEY	$\nu \nu \lambda$

References	28
Annexes	29
Annex 1: EU agencies' international dimension - founding	
acts and international cooperation practice 298	
Annex 2: Substantive and procedural limitations on EU	
agencies' international cooperation mandate according	
to their founding acts 300	
Annex 3: Examples of EASA's formal international	
cooperation instruments 303	
Annex 4: Examples of Frontex's working arrangements 310	
Annex 5: Examples of Europol's cooperation agreements 317	

Index 323