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## **REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
establishing a European Institute for Gender Equality  
(COM(2005)0081 – C6-0083/2005 – 2005/0017(COD))

Committee on Women's Rights and Gender Equality

Rapporteurs: Lissy Gröner, Amalia Sartori

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality (COM(2005)0081 – C6-0083/2005 – 2005/0017(COD))**

**(Codecision procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0081),
  - having regard to Article 251(2) and Articles 13(2) and 141(3) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0083/2005),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
  - having regard to the report of the Committee on Women's Rights and Gender Equality and the opinions of the Committee on Budgets and the Committee on Constitutional Affairs (A6-0043/2006),
1. Approves the Commission proposal as amended;
  2. Specifies that the appropriations indicated in the legislative proposal are purely for guidance until agreement is reached on the financial perspective for the period 2007 and the following years;
  3. Calls on the Commission to confirm, once the next financial perspective has been adopted, the amounts indicated in the proposal for a regulation or, should the case arise, to submit the adjusted amounts for approval by the European Parliament and the Council, thereby ensuring their compatibility with the ceiling;
  4. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  5. Instructs its President to forward its position to the Council and Commission.

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Text proposed by the Commission

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Amendments by Parliament

Amendment 1  
Citation 1

Having regard to the Treaty establishing the European Community, and in particular **Articles 13(2) and 141(3)** thereof,

Having regard to the Treaty establishing the European Community, and in particular **Articles 3(2), 13(2) and 141(3)** thereof,

*Justification*

*The Treaty of Amsterdam has added the following new second paragraph to the list of activities of the Community spelled out in Article 3: "In all activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women". This new "cross-section-purpose" of the Community ought to be quoted alongside the articles forming strictly speaking the legal base of the proposal to make it coherent and more understandable.*

Amendment 2  
Recital 7

(7) The feasibility study carried out for the Commission concluded that there is a clear role for a European Institute for Gender Equality to carry out some of the tasks which the existing institutions do not currently deal with, specifically in the areas of co-ordination, centralisation and dissemination of research data and information, the raising of visibility of equality between men and women and the development of tools for improved integration of gender equality in all Community policies.

(7) The feasibility study carried out for the Commission concluded that there is a clear role for a European Institute for Gender Equality to carry out some of the tasks which the existing institutions do not currently deal with, specifically in the areas of co-ordination, centralisation and dissemination of research data and information, **network building**, the raising of visibility of equality between men and women, **highlighting the gender perspective** and the development of tools for improved integration of gender equality in all Community policies.

*Justification*

*This task is specified as one of the main aim of the Institute in the feasibility study of the Commission and is deemed to be the day-to-day tool able to enhance the effectiveness of other tasks carried out by the Institute.*

Amendment 3  
Recital 10

(10) The **collection**, analysis and dissemination of objective, reliable and comparable information and data on equality between men and women, the development of appropriate tools for the integration of the gender dimension in all policy areas, the promotion of dialogue among stakeholders and the raising of awareness among EU citizens are necessary so as to enable the Community to effectively promote gender equality policy, in particular in an enlarged Union; it is therefore appropriate to establish a European Institute for Gender Equality which would assist the Community institutions and the Member States by carrying out these tasks.

(10) The **documentation**, analysis and dissemination of objective, reliable and comparable information and data on equality between men and women, the development of appropriate tools for **the elimination of all forms of gender discrimination and** the integration of the gender dimension in all policy areas, the promotion of dialogue among stakeholders and the raising of awareness among EU citizens are necessary so as to enable the Community to effectively promote **and implement** gender equality policy, in particular in an enlarged Union; it is therefore appropriate to establish a European Institute for Gender Equality which would assist the Community institutions and the Member States by carrying out these tasks.

*Justification*

*A sensible use of resources implies to avoid restricting the Institute to a collection and recording structure. What is lacking at EU and national level is a capacity to pool analysis and to come up with innovative solutions as regards gender mainstreaming and gender equality.*

Amendment 4  
Recital 10 a (new)

***(10a) Given that gender equality cannot be achieved by an anti-discrimination policy alone but requires harmonious co-existence and measures to promote balanced participation by men and women within society, attainment of this objective should accordingly be included among the Institute's tasks.***

*Justification*

*Policies seeking to achieve the harmonious co-existence of men and women and their balanced participation within society should be one of the Institute's priorities.*

Amendment 5  
Recital 10 b (new)

***(10b) Given the importance of highlighting achievements by women in all walks of life so as to provide a positive example for other women to follow, action to achieve this should also be included among the Institute's tasks.***

*Justification*

*The Institute must seek to project a positive image concerning the role of women in present day societies.*

Amendment 6  
Recital 11

(11) Co-operation with the relevant authorities of the Member States is essential to promote the collection of comparable and reliable data at European level; information on equality between men and women is relevant to all levels within the Community – local, regional, national and Community – therefore the availability of such information will be useful to Member States' authorities in formulating policies and measures at local, regional and national level in their own spheres of competence.

(11) Co-operation with the relevant authorities of the Member States ***and relevant statistical bodies, in particular Eurostat***, is essential to promote the collection of comparable and reliable data at European level; information on equality between men and women is relevant to all levels within the Community – local, regional, national and Community – therefore the availability of such information will be useful to Member States' authorities in formulating policies and measures at local, regional and national level in their own spheres of competence.

*Justification*



*The cooperation with Eurostat and other statistical bodies is a key element to collect and record data making the best possible use of resources and to provide data in line with the Institute's needs for analysis and expertise delivery.*

Amendment 7  
Recital 12

(12) The Institute *shall* work as closely as possible with all Community programmes and bodies in order to ***avoid duplication***, in particular as regards the European Foundation for the Improvement of Living and Working Conditions, the European Agency for Safety and Health at Work, the Centre for the Development of Vocational Training and ***any future*** Fundamental Rights Agency

(12) The Institute *should* work as closely as possible with all Community programmes and bodies in order to ***ensure the best possible use of resources***, in particular as regards the European Foundation for the Improvement of Living and Working Conditions, the European Agency for Safety and Health at Work, the Centre for the Development of Vocational Training and ***the*** Fundamental Rights Agency

*Justification*

*A recurrent statement, both by stakeholders and by the Institutions, is that we note a lack of quality in the available data, i.e. they can hardly be compared at EU level. In that perspective, in order to avoid a deterrent phenomena for further surveys and research, it is recommended to use the proposed formulation.*

Amendment 8  
Recital 12 a (new)

***(12a) The Institute should develop cooperation and dialogue with non-governmental and equal opportunities organisations and related bodies actively seeking to achieve equality at national and European level and in third countries.***

*Justification*

*This amendment is necessary for the sake of consistency since these provisions are contained in Articles 8 and 19 of the proposal for a regulation.*

Amendment 9  
Recital 13

(13) In accordance with **Article 3** of the Treaty it is appropriate to make provision for the encouragement of a balanced participation of men and women in the composition of the Management Board.

(13) In accordance with **Article 3(2)** of the Treaty it is appropriate to make provision for the encouragement of a balanced participation of men and women in the composition of the Management Board.

*Justification*

*To make the reference to the EC Treaty as precise as the references in the other recitals*

Amendment 10  
Recital 19

(19) In accordance with the principles of subsidiarity and proportionality set out in Article 5 of the Treaty, the objective of this Regulation, ***namely the provision of comparable and reliable information and data at European level in order to assist the Community institutions and the Member States in the promotion of the Treaty objective of eliminating inequalities and promoting equality between men and women***, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and impact of the proposed action, be better achieved Community level. This Regulation does not go beyond what is necessary in order to achieve those objectives.

(19) In accordance with the principles of subsidiarity and proportionality set out in Article 5 of the Treaty, the objective of this Regulation cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and impact of the proposed action, be better achieved Community level. This Regulation does not go beyond what is necessary in order to achieve those objectives.

*Justification*

*the proposed formulation reduces the role of the Institute. Since the objectives are clearly defined in the pertinent article, it is useless to duplicate such definition, with a risk to create confusion.*

Amendment 11  
Article 1, title (new)

*Definition*

Amendment 12  
Article 1, paragraphs 1a and 1b (new)

***The Institute shall fulfil its tasks in complete independence.***

***The Institute shall have legal personality. It shall enjoy, in each of the Member States, the most extensive legal capacity accorded to legal persons under their laws. In particular, it may acquire or dispose of movable or immovable property and may be a party to legal proceedings.***

*Justification*

*The complete independence of the Institute, without any condition, is a fundamental requirement for the fulfilment of its tasks. The amendment is in line with the Commission's proposal on the creation of the Fundamental Rights' Agency.*

Amendment 13  
Article 2

The overall objectives of the Institute shall be to assist the Community institutions, in particular the Commission, and the authorities of the Member States in the fight against discrimination based on sex and the promotion of gender equality and to ***raise the profile of such issues*** among EU citizens.

The overall objectives of the Institute shall be to assist the Community institutions, in particular the Commission, and the authorities of the Member States in the fight against discrimination based on sex and the promotion of gender equality and to ***raise EU citizens' awareness of gender equality.***

*Justification*

*The Institute's objectives should also include that of making the general public more aware of gender policies.*

Amendment 14  
Article 3, paragraph 1, point (a)

(a) **collect, record, analyse and disseminate** relevant objective, reliable and comparable information as regards gender equality, including results from research communicated to it by Member States, Community institutions, research centres, national equality bodies, non-governmental organisations, relevant third countries and international organisations;

(a) analyse relevant objective, reliable and comparable information as regards gender equality, including results from research **and best practice** communicated to it by Member States, Community institutions, research centres, national equality bodies, non-governmental organisations, relevant third countries and international organisations, **draw the attention of the above entities to sectors that have not been researched and suggest initiatives designed to fill the gaps;**

*Justification*

*The principle task of the Institute should be the analysis, that would create a specific added value and a recognisable 'trademark' to the Institute. See also amendment on recital 10.*

*One of the Institute's tasks is to carry out analyses. In this area, particular attention must be paid to the performance of analyses in sectors which are under-researched or under-documented.*

Amendment 15  
Article 3, paragraph 1, point (b)

(b) develop methods to improve the comparability, objectivity and reliability of data at European level by establishing criteria that will improve the consistency of information;

(b) **cooperate with EUROSTAT and all relevant statistical bodies in order to** develop methods to improve the comparability, objectivity and reliability of data at European level by establishing criteria that will improve the consistency of information **so that those bodies take gender issues into account when collecting data;**

*Justification*

*The cooperation with Eurostat and other statistical bodies does not only guarantee the best use of available resources, it also enables the Institute to focus on analysis and the statistical bodies to redirect their research towards a gender specific approach where requested.*

Amendment 16  
Article 3, paragraph 1, point (c)

(c) develop, analyse **and** evaluate methodological tools in order to support the integration of gender equality into all Community policies;

(c) develop, analyse, evaluate, **disseminate and promote the use of** methodological tools in order to support the integration of gender equality into all Community policies **and the resulting national policies and assess the effectiveness thereof and to support gender mainstreaming in all Community institutions and bodies;**

*Justification*

*This task should be reinforced, enabling the Institute to participate to the gender mainstreaming implementation in other community bodies.*

*If gender policies are to be integrated to a greater extent into EU policies, the Institute must promote methodological tools and in particular must assess the effectiveness thereof.*

Amendment 17  
Article 3, paragraph 1, point (d a) (new)

**(da) set up and coordinate a European Network on Gender Equality, as referred to in Article 4a, involving the centres, bodies, organisations and experts dealing with gender equality and gender mainstreaming in order to support and encourage research, optimise the use of available resources and foster the exchange and dissemination of information;**

*Justification*

*The Gender Equality Network should serve as a telematic support to the pooling and exchange of information. The network is the best solution to overcome time and distance constraints and to enable the constant improvement of research and dissemination between the few meetings foreseen at Institute level.*

Amendment 18  
Article 3, paragraph 1, point (e)

***(e) publish an annual report on the Institute's own activities;***

***deleted***

*Justification*

*See amendment 19.*

Amendment 19

Article 3, paragraph 1, point (f)

(f) organise meetings of experts to support research work;

(f) organise ***ad hoc*** meetings of experts to support ***the institute's*** research work, ***encourage the exchange of information among researchers and ensure that a gender perspective is always included in its research;***

*Justification*

*The exchange dynamic will be dealt within the Gender Equality network and the advisory forum. In order to avoid duplication within the activities of the Institute, such meeting should be organised on a specific subject characterised by a lack of knowledge.*

Amendment 20

Article 3, paragraph 1, point (g)

(g) organise, with relevant stakeholders, conferences, campaigns, ***round tables, seminars*** and meetings at European level;

(g) organise ***and promote***, with relevant stakeholders, conferences, campaigns and meetings at European level, ***in order to raise EU citizens' awareness of gender equality;***

*Justification*

*The exchange dynamic will be dealt within the Gender Equality network and the advisory forum. Such meetings should be used to support the raising awareness actions operated by stakeholders.*

Amendment 21  
Article 3, paragraph 1 (g a) (new)

***(ga) systematically collect information regarding achievements by women in every walk of life, present its findings and propose policies and initiatives designed to publicise and build on such success stories;***

*Justification*

*The Institute must seek to project a positive image of the role of women in present day societies.*

Amendment 22  
Article 3, paragraph 1 (g b) (new)

***(gb) develop dialogue and cooperation with non-governmental and equal opportunities organisations and related bodies actively seeking to achieve equality at national and European level;***

*Justification*

*Cooperation between the Institute and non-governmental and other organisations must be included not only in the provisions of Article 8 but also among the Institute's list of tasks.*

Amendment 23  
Article 3, paragraph 1, point (h)

(h) set up documentation resources accessible to the public.

(h) set up documentation resources accessible to the public ***and call upon the social partners concerned to contribute to those resources any relevant documentation currently in existence.***

*Justification*

*The social partners should contribute their documentation to the resources.*

Amendment 24

Article 3, paragraph 1, point (h a) (new)

***(ha) provide expertise on gender mainstreaming for public and private organisations;***

*Justification*

*The limited resources at EU level, as well as the expertise pooled within the Institute and the ultimate objective of efficient implementation at all levels of public and private management justify this specific task for the Institute.*

Amendment 25

Article 3, paragraph 1, point (h b) (new)

***(hb) submit recommendations and guidelines to the Community Institutions so that they may incorporate effectively gender mainstreaming into legislation;***

*Justification*

*The proactive approach of the Institute implies the possibility to submit such recommendations in order to point at an effective improvement of gender equality.*

Amendment 26

Article 3, paragraph 1, point (h c) (new)

***(hc) engage in dialogue at international level with bodies and organisations responsible for gender equality;***

*Justification*

*-The added-value of the Institute's work should be also used as an example at international level.*

Amendment 27

Article 3, paragraph 1, point (h d) (new)

***(hd) submit reports to the Community Institutions on gender equality and gender mainstreaming in the accession***



*and candidate countries.*

*Justification*

*The expertise of the Institute should also serve to provide community Institutions with the most accurate evaluation of progress in candidate countries related to the field of the present regulation.*

Amendment 28

Article 3, paragraph 1, point (h e) (new)

***(he) disseminate examples of good practices.***

*Justification*

*This will produce added value over and above the benefits of the work done to promote equality at national level.*

Amendment 29

Article 3, paragraph 1 a (new)

***1a. The Institute shall publish an annual report on its activities.***

*Justification*

*The annual report of the Institute is a specific task that should be listed separately.*

Amendment 30

Article 4, paragraph 3

3. In pursuing its activities, the Institute shall, in order to ***avoid duplication and to*** guarantee the best possible use of resources, take account of existing information from whatever source and in particular of activities already carried out

3. In pursuing its activities, the Institute shall, in order to guarantee the best possible use of resources, take account of existing information from whatever source and in particular of activities already carried out by the Community institutions

by the Community institutions and by other institutions, bodies and competent national and international organisations and work closely with the competent Commission services. The Institute shall ensure appropriate co-ordination with all relevant Community agencies and Union bodies to be determined in a memorandum of understanding where appropriate.

and by other institutions, bodies and competent national and international organisations and work closely with the competent Commission services. The Institute shall ensure appropriate co-ordination with all relevant Community agencies and Union bodies to be determined in a memorandum of understanding where appropriate.

*Justification*

*See amendment on recital 12.*

Amendment 31

Article 4, paragraph 5, subparagraph 1a (new)

***Information on any such contractual relations, including details of the tasks entrusted and of the bodies to which they are entrusted, shall be given in the annual report of activities referred to in Article 3(1a).***

*Justification*

*The delegation of specific tasks should be clearly mentioned in the annual report of the Institute.*

Amendment 32

Article 4 a (new)

**Article 4a**

***Gender equality network***

***1. To enable the network provided for in Article 3(1)(d) to be established as promptly and efficiently as possible, the Institute shall issue an open call for tenders in order to draw up a list of the centres, bodies, organisations and experts dealing with gender equality and gender mainstreaming.***

**2. The Management Board shall invite the organisations and individuals included in the list referred to in paragraph 1 to be part of the network.**

*Justification*

*See amendment on Gender Equality Network.*

Amendment 33

Article 5

**Article 5**

**deleted**

***Independence of the Institute***

***The Institute shall carry out its activities independently from national authorities and civil society and shall be autonomous as regards the Community Institutions.***

*Justification*

*Incorporated into Article 1.*

Amendment 34

Article 6

**Article 6**

**deleted**

***Legal personality and capacity***

***The Institute shall have legal personality. It shall enjoy, in each of the Member States, the most extensive legal capacity accorded to legal persons under their laws. In particular, it may acquire or dispose of movable or immovable property and may be a party to legal proceedings.***

*Justification*

*Incorporated into Article 1.*

Amendment 35

Article 7, paragraph 4

***4. Personal data shall not be processed or communicated except in cases where this***

**4. Regulation (EC) No 45/2001 of the European Parliament and of the Council of**

*is strictly necessary for the fulfilment of the mission of the Institute. In such cases, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data shall apply.*

18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community shall apply *to the processing of data by the Institute.*

*Justification*

*The proposed modification is clearer and in line with other existing regulations creating agencies.*

Amendment 36  
Article 8, paragraph 1

1. To help it carry out its tasks, the Institute shall cooperate with organisations in the Member States, such as equality bodies, research centres, non-governmental organisations, social partners as well as with relevant organisations at European or international level and third countries.

1. To help it carry out its tasks, the Institute shall cooperate with organisations *and experts* in the Member States, such as equality bodies, research centres, *universities*, non-governmental organisations, social partners as well as with relevant organisations at European or international level and third countries.

*Justification*

*Considering the multidimensional phenomenon of Gender Discrimination, individual experts from specific fields could efficiently contribute to the works of the Institute.*

Amendment 37  
Article 10, paragraph 1

1. The Management Board shall be composed of *six representatives* appointed by the Council, *six representatives appointed by the Commission, as well as three representatives appointed by the Commission without the right to vote, each of whom represents one of the following*

1. The Management Board shall be composed of *nine members* appointed by the Council, *in consultation with the European Parliament, from a list drawn up by the Commission which includes a number of candidates substantially higher than the number of members to be*

**groups:**

***appointed, plus a representative of the Commission. The list drawn up by the Commission, accompanied by the relevant documentation, shall be forwarded to the European Parliament. As soon as possible and within three months of such communication, the European Parliament may invite the candidates for a hearing and make its views available for consideration by the Council, which shall then proceed to the appointments.***

- (a) an appropriate non-governmental organisation at Community level which has a legitimate interest in contributing to the fight against discrimination on grounds of gender and the promotion of gender equality;***
- (b) employers' organisations at Community level; and***
- (c) workers' organisations at Community level.***

#### *Justification*

*The composition of the Administrative Board of agencies is since long a controversial point. While the Commission proposes regularly a board composed out of six representatives appointed by it and six representatives appointed by the Council, the Council insists normally on each Member State appointing its representative.*

*This practice which causes considerable costs is especially inadequate in the case of small agencies with a small budget and little staff. The Institute for Gender Equality will have in the beginning 13 staff.*

*The solution presented in this amendment has been chosen for the establishment of the European Food Safety Authority in 2002<sup>1</sup>. It constitutes a fair and efficient distribution of roles between Commission, Parliament and Council and could help breaking the deadlock in which this question is. It has been recommended by Parliament in its resolution on the operating framework for future European agencies of 13 January 2004<sup>2</sup>.*

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<sup>1</sup> Article 25 of Regulation (EC) No 178/2002, OJ L 31 of 1.2.2002, p.1.

<sup>2</sup> P5 TA PROV(2004)0015, par. 17. e).

Amendment 38  
Article 10, paragraph 2

2. The members of the Management Board shall be appointed in such a way as to secure the highest standards of competence and a broad range of relevant expertise in the area of gender equality.

2. The members of the Management Board shall be appointed in such a way as to secure the highest standards of competence and a broad range of relevant ***and transdisciplinary*** expertise in the area of gender equality.

Amendment 39  
Article 10, paragraph 2, subparagraph 2

2. The Commission and the Council shall aim to achieve an equal representation between ***men*** and ***women on the Board***.

2. The Commission, ***the European Parliament*** and the Council shall aim to achieve an equal representation between ***women*** and ***men***. ***In any event, they shall ensure that neither sex constitutes less than 40% of the membership of Management Board.***

Amendment 40  
Article 10, paragraph 2, subparagraph 5

The list of the members of the Board shall be published by the Council in the Official Journal of the European Union ***and*** on the web site of the Institute

The list of the members of the Board shall be published by the Council in the Official Journal of the European Union, on the web site of the Institute ***and on all relevant websites.***

Amendment 41  
Article 10, paragraph 3

3. The Management Board shall elect its Chairperson and Vice-Chairperson to serve for a period of ***one year*** which may be renewed.

3. The Management Board shall elect its Chairperson and Vice-Chairperson to serve for a period of ***two and a half years*** which may be renewed.

*Justification*

*Two and a half years is a more suitable period which will give the Chairperson and the Vice-Chairperson greater scope for launching and developing activities.*

Amendment 42  
Article 10, paragraph 5, point (b)

(b) adopt the annual report referred to in Article 3 point (e) comparing, in particular, the results achieved with the objectives of the annual work programme; this report shall be forwarded by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions;

(b) adopt the annual report referred to in Article 3 point (e) comparing, in particular, the results achieved with the objectives of the annual work programme; this report shall be forwarded by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions **and shall be published on the website of the Institute;**

*Justification*

*The central role of the Institute justifies the maximum transparency concerning the annual publication of the annual report.*

Amendment 43  
Article 10, paragraph 7

7. Decisions by the Management Board shall be taken by an absolute majority of the votes cast. The Chairperson shall have **the** casting vote.

7. Decisions by the Management Board shall be taken by an absolute majority of the votes cast. The Chairperson shall **not** have **a** casting vote.

*Justification*

*For the purpose of the taking of decisions by the Management Board, the Chairperson should be placed on a footing of equality with the other members of the Board.*

Amendment 44  
Article 10, paragraph 9

9. The Chairperson shall convene the Board at least twice a year. The Chairperson shall convene additional meetings on **his** own initiative or at the

9. The Chairperson shall convene the Board at least twice a year. The Chairperson shall convene additional meetings on **his/her** own initiative or at the

request of one-third of the members of the Management Board.

request of one-third of the members of the Management Board.

Amendment 45  
Article 10, paragraph 11

11. The Directors of the European Foundation for the Improvement of Living and Working Conditions, the European Agency for Safety and Health at Work, the Centre for the Development of Vocational Training and of any future Fundamental Rights Agency may as appropriate be invited to attend meetings of the Management Board as observers.

11. The Directors of the European Foundation for the Improvement of Living and Working Conditions, the European Agency for Safety and Health at Work, the Centre for the Development of Vocational Training and of any future Fundamental Rights Agency may as appropriate be invited to attend meetings of the Management Board as observers ***in order to coordinate the respective working programmes as regards gender mainstreaming.***

*Justification*

*In line with the amendments on article 2, such participation to the work of the management board should serve to enhance the coordination of works between the various community bodies involved.*

Amendment 46  
Article 11, paragraph 1

1. The Institute shall be headed by a Director appointed by the Management Board ***on a proposal from the Commission. Before being appointed, the candidate selected by the Management Board may be asked to make a declaration before the competent committee(s) of the European Parliament and answer questions from its/their members.***

1. The Institute shall be headed by a Director appointed by the Management Board, ***on the basis of a list of candidates proposed by the Commission after an open competition, following publication in the Official Journal of the European Union and elsewhere of a call for expressions of interest. Before appointment, the candidates shall be invited without delay to make a statement before the competent committee(s) of the European Parliament and answer questions from its/their members. In the process of appointment, the Management Board shall take the opinion of the***



***European Parliament duly into account.***

*Justification*

*The crucial role of the Director in the fulfilment of the Institute's objective requires an open and selective procedure, in order to guarantee the highest possible profile to fill the post.*

Amendment 47

Article 11, paragraph 2, introductory part

2. The Director's term of office shall be 5 years. ***On a proposal from the Commission and*** after evaluation, this term of office may be extended once for a period of not more than 5 years. In the evaluation, the Commission shall assess in particular:

2. The Director's term of office shall be 5 years. After evaluation, this term of office may be extended once for a period of not more than 5 years. In the evaluation, the Commission, ***the European Parliament and the Management Board*** shall assess in particular:

*Justification*

*In order to guarantee the full independence and to responsabilise further the Management Board, the participation of the Commission in the evaluation process is not auspicious.*

Amendment 48

Article 11, paragraph 4

4. The Director shall be accountable for the management of his/her activities to the Management Board and shall take part in its meetings without voting rights.

4. The Director shall be accountable for the management of his/her activities to the Management Board and shall take part in its meetings without voting rights. ***He/she may also be called upon at any time by the European Parliament and by the Council to attend a hearing on any matter linked to the Institute's activities.***

Amendment 49

Article 12, paragraph 1

1. The Advisory Forum shall be composed of members from competent bodies specialised in gender equality issues, on the basis of ***one representative*** designated by each Member State, ***as well as three members, without the right to vote,***

1. The Advisory Forum shall be composed of members from competent bodies specialised in gender equality issues, on the basis of ***two representatives*** designated by each Member State, ***including one representative of those*** non-governmental

***nominated by the Commission and representing interested parties at European level, such as*** non-governmental organisations which have a legitimate interest in contributing to the fight against discrimination on grounds of sex and the promotion of gender equality,  
***representatives of employers and workers organisations at Community level. Representatives may be replaced by alternates, appointed at the same time.***

organisations which have a legitimate interest in contributing to the fight against discrimination on grounds of sex and the promotion of gender equality.

#### *Justification*

*NGOs must be actively involved in the Advisory Forum.*

#### Amendment 50 Article 12, paragraph 4

4. The Advisory Forum shall ***constitute a mechanism for an exchange of information in relation to gender equality issues and the pooling of knowledge. It shall ensure close cooperation between the Institute and competent bodies in the Member States.***

4. The Advisory Forum shall ***support the Director in preparing the Institute's annual and medium-term programmes of activities.***

***It shall constitute a mechanism for cooperation between national administrations in the implementation of gender mainstreaming actions in national policies and for monitoring the activities of the Institute.***

#### *Justification*

*With the creation of the Network, the role of the Advisory Forum ought to be redirected in order to complement the new tasks of the institute and to ensure the follow-up and coordination of implementation.*

#### Amendment 51 Article 12, paragraph 8

8. The director may invite experts or representatives of relevant economic sectors, employers, trade unions,

8. The director may, ***on his or her own initiative or following suggestions from the members of the Advisory Forum,***

professional or research bodies, or non-governmental organisations with recognised experience in disciplines related to the work of the Institute to cooperate in specific tasks and to take part in the relevant activities of the Advisory Forum.

invite experts or representatives of relevant economic sectors, employers, trade unions, professional or research bodies, or non-governmental organisations with recognised experience in disciplines related to the work of the Institute to cooperate in specific tasks and to take part in the relevant activities of the Advisory Forum.

#### *Justification*

*The members of the advisory forum are considered to be experts, they are in a privileged situation to suggest the participation of other experts.*

#### Amendment 52

##### Article 19, paragraph 1

1. The Institute shall be open to the participation of countries, which have concluded agreements with the European Community by virtue of which they have adopted and applied Community legislation in the field covered by this Regulation.

1. The Institute shall be open to the participation of countries, which have concluded agreements with the European Community by virtue of which they have adopted and applied Community legislation in the field covered by this Regulation, ***for example regarding violence against women, female genital mutilation, trafficking in human beings, conflict resolution and women's participation in the labour market and in social, economic and political decision-making processes.***

#### Amendment 53

##### Article 20, paragraph 1

1. By the end of the third year following the entry into force of this Regulation, the Institute shall commission an independent external evaluation of its achievements on the basis of terms of reference issued by the Management Board in agreement with the Commission. The evaluation shall assess the

1. By the end of the third year following the entry into force of this Regulation, the Institute shall commission an independent external evaluation of its achievements on the basis of terms of reference issued by the Management Board in agreement with the Commission. The evaluation shall assess the

impact of the Institute on the promotion of gender equality and shall include an analysis of the synergy effects. It will particularly address the possible need to modify or extend the tasks of the Institute, including the financial implications of any extension of the tasks. The evaluation shall take into account the views of the stakeholders, at both Community and national level.

impact of the Institute on the promotion of gender equality and shall include an analysis of the synergy effects. It will particularly address the possible need to modify or extend the tasks of the Institute, including the financial implications of any ***such modification or*** extension of the tasks. The evaluation shall take into account the views of the stakeholders, at both Community and national level.

#### *Justification*

*The evaluation should also include an assessment of the financial implications of any modification of the tasks and not just of an extension.*

#### Amendment 54 Article 21

***The Management Board shall examine the conclusions of the evaluation mentioned in the previous article and issue to the Commission such recommendations as may be necessary regarding changes in the Institute, its working practices and the scope of its mission.*** The Commission shall forward the evaluation report ***and the recommendations*** to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public. After examination of the evaluation report ***and the recommendations***, the Commission ***may*** submit ***any proposals*** for ***amendments*** to this Regulation ***which it deems necessary***.

The Commission shall forward the evaluation report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public. After examination of the evaluation report, the Commission ***shall, where appropriate, submit a proposal for revision of this Regulation. If the Commission deems that the Institute's existence is no longer justified in the light of the objectives set, it may propose that it be repealed. The European Parliament and the Council shall consider, on the basis of this proposal, whether or not it is appropriate to amend or repeal this Regulation.***

#### Amendment 55 Article 23

The Institute shall be operational ***within*** twelve months of the entry into force of this

The Institute shall be operational ***as soon as possible and in any event not later than*** twelve months of the entry into force of this

Regulation.

Regulation.

*Justification*

*Taking into account that the set-up phase is crucial for the Institute's success, it must not be subject to any delay linked to the allocation of the seat.*

## EXPLANATORY STATEMENT

### **1. Historical Background**

The idea to create a Gender Institute was first raised in 1995. A draft proposal was then presented by the Swedish Minister for Gender equality in 1999 at a seminar in Stockholm.

The Social Policy Agenda, adopted by the European Council at Nice in December 2000, recognised the need to increase awareness, pool resources and exchange experience in order to promote equality between men and women.

The European Commission subsequently launched a feasibility study, published in January 2002, assessing the need for such an Institute and the tasks it should carry out.

In order to instigate further the debate on the creation of a Gender Institute, the European Parliament launched a study on the justification, the objectives and the organisation of a Gender Institute at EU level. The Study was published in June 2004. Both Studies emphasize the usefulness of the Institute and recommend its creation.

Commissioner Spidla, during the exchange of views with the FEMM Bureau and coordinators (16th of January 2005), announced the forthcoming proposal to establish the Gender Institute. On the 8 March 2005, International Women's Day, the European Commission published its proposal for a Regulation of the Council and the European Parliament establishing a European Institute for Gender Equality.

The Committee on Women's rights and Gender equality organised a Public Hearing on the 13 September 2005, in order to gather expert opinions on the organisational aspects, the tasks, the coordination function as well as the role of organised civil society.

The Rapporteurs welcome the proposal of the Commission, in particular the effort to create an independent body, focusing specifically on Gender issues. The Rapporteurs fully support the idea of a Body dealing exclusively with Gender equality matters, since it ensures that the overarching objective of Gender Equality, as set out in the Treaty, will not be second to any other anti-discrimination policy at EU level.

### **2. Main Issues**

#### **A. Scope of the Institute :**

**In the view of the Rapporteurs, the Scope of the Institute ought to underline a more proactive approach in order to create an effective added-value.**

#### **B. Tasks of the Institute :**

The description of tasks proposed by the Commission does not completely reflect the specific

needs at EU level for Gender Equality knowledge.

**The need to enable the Institute to focus on the analysis and expertise delivery has to be emphasised.**

Although the knowledge on Gender discrimination is dispersed, there is already a certain quantity of data and statistics available to all Institutions, delivered by competent bodies both at EU and national level. The main problem is the pertinence of this data with regard to policy making and policy implementation.

The problem of comparability of data should be dealt with through a specific cooperation with relevant statistical bodies, but the burden of data collection, which would require an amount of resources consequently heavier than the one foreseen by Commission's financial statement, should fall within the respective responsible bodies, with a view to guaranteeing the best possible use of resources.

### C. Working Method

Although the Commission proposal emphasizes the need to have a knowledge exchange-based rationale for the work of the Institute, the structure of this exchange seems too static and does not guarantee an effective added value to the output of the Institute.

**In this perspective, the Rapporteurs' proposal to create a Gender Equality Network, that would enable all pertinent actors to have a systematic knowledge exchange, focusing on best practices and the most innovative approaches to Gender Mainstreaming has been adopted by the committee.**

The Network should be at the same time a tool to pool information and a tool to maintain a constant exchange profitable to the Institute experts, the National experts and decision-makers, as well as the non governmental organisations and the research centres.

### D. Independence of the Institute

The independence of the Institute ought to be emphasised further. Since its tasks go well beyond technical support to the Commission, there is a clear need to underline the independence of the Institute. It is surprising that there are two proposals from the Commission, one concerning the Gender Institute and the other concerning the Fundamental Rights Agency, with substantial difference concerning the independence of such bodies.

### E. Structure of the Institute

The structure of the Institute is functional to its objectives, its tasks and its independence.

In this perspective, a nomination procedure of the Management Board inspired by the regulation on the Food Safety Agency has been adopted by the committee in order to give a balanced role to the three Institutions.

The role of the Director is crucial to the good functioning of the Institute, and it should be clearly stated that his/her selection ought to be made in a transparent and open procedure in order to guarantee the most adequate profile for this role. Also the accountability of the

Director should be solely towards the management board with no interference from the Commission, since this could lead to a breach of the Institute's independence.

The role of the Advisory Forum ought to be redirected with the creation of the Gender Equality Network.

The aim is to reinforce the connection between policy making and policy implementation as regards gender mainstreaming and gender equality.

The role of the Advisory forum should be to contribute to the strategic planning of the Institute, providing an expert input to the Director, as well as coordinating the Gender Mainstreaming activities at national level, in order to ensure a constant bridge between knowledge, policy and implementation.

### **3. Conclusions**

The amendments proposed aim at enhancing the effectiveness and the pertinence of the Institute's role within the framework of EU policies.

However, it seems very difficult to reach the objectives of the Institute without an appropriate financial contribution. Even if the financial statement of the commission is purely indicative, it is clear that in such circumstances we risk creating a 'paper tiger' that could lead to seriously damage the credibility of the EU commitment to Gender Equality.



# EUROPEAN PARLIAMENT

2004



2009

*Committee on Legal Affairs  
The Chairman*

Mrs Anna Záborská  
Chairwoman  
Committee on Women's Rights and Gender Equality  
BRUSSELS

Subject: Opinion on the legal basis of the proposal for a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality (COM(2005)0081 – C6-0083/2005 – 2005/0017(COD))<sup>1</sup>

Dear Madam Chairwoman,

By letter of 31 January 2006 you asked the Committee on Legal Affairs, pursuant to Rule 35(2), to consider whether the legal basis of the above Commission proposal was valid and appropriate.

The Committee considered the above question at its meeting of 23 February 2006.

The proposal is based on the dual legal basis of Articles 13(2) and 141(3) of the EC Treaty. The Committee on Woman's Rights and Gender Equality adopted on 24 January 2006, with its report, an amendment which adds Article 3(2) of the EC Treaty as a legal basis to the original dual legal basis of the proposal.

It is clear from settled case-law of the Court of Justice that the choice of legal basis is not a subjective one, but "must be based on objective factors which are amenable to judicial review"<sup>2</sup>. Among these elements are, in particular, the aim and content of the legal act.<sup>3</sup>

Given the proposal's aim and content of establishing the Institute for Gender Equality, which is designed to provide technical support to the Community Institutions and the Member States

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<sup>1</sup> Not yet published in OJ.

<sup>2</sup> Case 45/86 *Commission v Council* [1987] ECR 1439, para. 5.

<sup>3</sup> Case C-300/89 *Commission v Council* [1991] ECR I-287, para. 10.

in the fight against discrimination based on sex and the promotion of equality between men and women in all areas of Community competence, there is a need to have recourse to a dual legal basis of Article 141(3) and Article 13(2) combined.

Article 141(3) EC is the specific legal basis for measures aimed to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, whereas Article 13(2) EC permits the adoption of Community incentive measures, excluding any harmonisation of the laws and regulations of the Member States, in order to support and promote the objective of combating discrimination on grounds of sex beyond the field of employment.

However, the "cross-section purpose" of Article 3 (2) EC does not constitute a legal basis. That Article requires the Community to aim to eliminate inequalities, and actively to promote equality, between men and women in all its activities and thus to ensure that the dimension of equality between men and women is integrated in all Community policies. It defines an obligation of the Community to eliminate inequalities and to promote gender equality in all Community policies.

Consequently, Article 3(2) should not be added to the dual legal basis of the proposed regulation.

At its meeting of 23 February 2006 the Committee on Legal Affairs accordingly decided, unanimously<sup>1</sup>, that the dual legal basis of Articles 13(2) and 141(3) of the EC Treaty is the appropriate legal basis for the proposal.

Yours sincerely,

Giuseppe Gargani

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<sup>1</sup> The following were present for the vote Giuseppe Gargani (chairman), Andrzej Jan Szejna (vice-chairman), Diana Wallis (draftswoman), Maria Berger, Janelly Fourtou (for Viktória Mohácsi), Jean-Paul Gauzès (for Kurt Lechner), Adeline Hazan (for Katalin Lévai), Piia-Noora Kauppi, Aloyzas Sakalas, Nicola Zingaretti and Jaroslav Zvěřina.

29.11.2005

## OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Women's Rights and Gender Equality

on the proposal for a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality  
(COM(2005)0081 – C6-0083/2005 – 2005/0017(COD))

Draftswoman: Jutta D. Haug

### SHORT JUSTIFICATION

#### Commission proposal

##### **General**

After a positive feasibility study, the Employment, Social Affairs, Health and Consumers Affairs Council of 1-2 June 2004 fully supported the principle of setting up an Institute for Gender Equality, while it stressed the importance of a structure which would bring added value and would not duplicate existing activities. The need for budget neutrality was also mentioned.

Based on an ex-ante evaluation, and in line with the above-mentioned discussions, the Commission has now submitted this proposal for a Regulation establishing an Institute for Gender Equality as a new agency.

##### **Financial implications**

From 2007 on a new budget heading with two budget lines will be created:

- 04 05 04 01 : European Institute for gender equality - Subsidy to titles 1 & 2
- 04 05 04 02 : European Institute for gender equality – Subsidy to title 3

The duration of the action/financial impact will be from 1 January 2007 – 31 December 2013. Since from 2007 onwards the allocation of appropriations will depend on the new financial perspective 2007-2013, the annual amounts decided upon for this period, as summarised in the following table, are considered to be purely indicative:

*EUR million (to 3 decimal places)*

	2007	2008	2009	2010	2011	2012	2013	Total
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<b>Subsidy for Titles 1 and 2 CE/CP</b>	<b>2,31</b>	<b>2,925</b>	<b>3,575</b>	<b>3,875</b>	<b>4,159</b>	<b>4,57</b>	<b>4,67</b>	<b>26,084</b>
<b>Subsidy for Title 3 CE/CP</b>	<b>2,19</b>	<b>3,5</b>	<b>3,625</b>	<b>3,625</b>	<b>3,741</b>	<b>3,63</b>	<b>3,83</b>	<b>24,141</b>
<b>Total reference amount</b>	<b>4,5</b>	<b>6,425</b>	<b>7,2</b>	<b>7,5</b>	<b>7,9</b>	<b>8,2</b>	<b>8,5</b>	<b>50,225</b>
<b>Administrative expenditure</b>	<b>0,362</b>	<b>0,265</b>	<b>0,268</b>	<b>0,33</b>	<b>0,44</b>	<b>0,348</b>	<b>0,358</b>	<b>2,275</b>
<b>Total indicative financial cost CE/CP</b>	<b>4,862</b>	<b>6,69</b>	<b>7,468</b>	<b>7,83</b>	<b>8,248</b>	<b>8,548</b>	<b>8,858</b>	<b>52,5</b>

Human resource requirements (including officials, temporary and external staff) of the institute are given as follows:

	2007	2008	2009	2010	2011	2012	2013
Total number of statutory personnel	15	20	23	25	27	30	30

### Remarks

In addition to the 23 agencies that already figure in the draft for the 2006 budget, the current proposal aims at creating the "European Institute for Gender Equality" as yet another decentralised agency.

While your draftswoman recognises the importance of decentralised agencies as a proper response to operational needs in order to improve the management of the activities of the European Union, their ever-increasing number and financial needs are a constant source of concern.

The Temporary committee on Policy Challenges and Budgetary Means has estimated the overall cost of the existing agencies for the coming seven year period at EUR 2,3 billion. Each new agency will further increase this amount. If an agreement on the next financial framework should bring about reductions compared to the Commission's proposal, the decentralised agencies will need to participate in such a reduction, as has already been pointed out by your draftswoman on several occasions. The establishment of the Gender Equality Institute, or any new agency, at this point, before an agreement on the new financial perspective has been reached, can only come about against a background of significant budgetary uncertainties.

According to the Commission proposal, the new Gender Equality Institute will require some EUR 52 million for the period from 2007 to 2013, an amount which at the moment cannot be guaranteed (Amendments 1 and 2). Unlike in other cases, the creation of the Gender Equality

Institute is not to the detriment of other programmes under the same policy area because it is to be fully financed through the Fifth Strand of PROGRESS.

Nevertheless, your draftsman would still like to reiterate that she is in favour of the establishment of a binding ceiling for agencies which could only be increased by decision of the budgetary authority.

## AMENDMENTS

The Committee on Budgets calls on the Committee on Women's Rights and Gender Equality, as the committee responsible, to incorporate the following amendments in its report:

### Draft legislative resolution

Amendment 1  
Paragraph 1 a (new)

*1a. Specifies that the appropriations indicated in the legislative proposal are purely for guidance until agreement is reached on the financial perspective for the period 2007 and the following years;*

Amendment 2  
Paragraph 1 b (new)

*1b. Calls on the Commission to confirm, once the next financial perspective has been adopted, the amounts indicated in the proposal for a regulation or, should the case arise, to submit the adjusted amounts for approval by the European Parliament and the Council, thereby ensuring their compatibility with the ceiling;*

### Proposal for a regulation

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

Amendment 3  
Article 20, paragraph 1

1. By the end of the third year following the entry into force of this Regulation, the Institute shall commission an independent external evaluation of its achievements on

1. By the end of the third year following the entry into force of this Regulation, the Institute shall commission an independent external evaluation of its achievements on

<sup>1</sup> OJ C ....., ..., p. ....

the basis of terms of reference issued by the Management Board in agreement with the Commission. The evaluation shall assess the impact of the Institute on the promotion of gender equality and shall include an analysis of the synergy effects. It will particularly address the possible need to modify or extend the tasks of the Institute, including the financial implications of any extension of the tasks. The evaluation shall take into account the views of the stakeholders, at both Community and national level.

the basis of terms of reference issued by the Management Board in agreement with the Commission. The evaluation shall assess the impact of the Institute on the promotion of gender equality and shall include an analysis of the synergy effects. It will particularly address the possible need to modify or extend the tasks of the Institute, including the financial implications of any ***such modification or*** extension of the tasks. The evaluation shall take into account the views of the stakeholders, at both Community and national level.

#### *Justification*

*The evaluation should also include an assessment of the financial implications of any modification of the tasks and not just of an extension.*

#### Amendment 4 Article 23

The institute shall be operational within twelve months of the entry into force of this Regulation.

The institute shall be operational within twelve months of the entry into force of this Regulation ***but not before a final decision has been taken regarding its seat.***

#### *Justification*

*The institute shall operate at its final seat right from the very beginning in order to avoid unnecessary costs like removal from a temporary seat and any related expenditure.*

## PROCEDURE

<b>Title</b>	Proposal for a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality
<b>References</b>	COM(2005)0081 – C6-0083/2005 – 2005/0017(COD)
<b>Committee responsible</b>	FEMM
<b>Opinion by</b> Date announced in plenary	BUDG 12.4.2005
<b>Enhanced cooperation – date announced in plenary</b>	No
<b>Draftswoman</b> Date appointed	Jutta D. Haug 20.9.2004
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	29.11.2005
<b>Date adopted</b>	29.11.2005
<b>Result of final vote</b>	+: 18 -: 0: 1
<b>Members present for the final vote</b>	Simon Busuttil, Brigitte Douay, Salvador Garriga Polledo, Ingeborg Gräßle, Louis Grech, Catherine Guy-Quint, Jutta D. Haug, Wiesław Stefan Kuc, Zbigniew Krzysztof Kuźmiuk, Janusz Lewandowski, Vladimír Maňka, Gérard Onesta, Giovanni Pittella, Wojciech Roszkowski, Esko Seppänen, Helga Trüpel, Kyösti Tapio Virrankoski, Ralf Walter
<b>Substitute(s) present for the final vote</b>	Lidia Joanna Geringer de Oedenberg
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	
<b>Comments (available in one language only)</b>	...

24.1.2006

## OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS

for the Committee on Women's Rights and Gender Equality

on the proposal for a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality  
(COM(2005)0081 – C6-0083/2005 – 2005/0017(COD))

Draftsman: Borut Pahor

### AMENDMENTS

The Committee on Constitutional Affairs calls on the Committee on Women's Rights and Gender Equality, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

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Amendments by Parliament

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#### Amendment 1 Citation 1

Having regard to the Treaty establishing the European Community, and in particular **Articles 13(2) and 141(3)** thereof,

Having regard to the Treaty establishing the European Community, and in particular **Articles 3(2), 13(2) and 141(3)** thereof,

#### *Justification*

*The Treaty of Amsterdam has added the following new second paragraph to the list of activities of the Community spelled out in Article 3: "In all activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between*

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<sup>1</sup> OJ C ... /Not yet published in OJ.



*men and women". This new "cross-section-purpose" of the Community ought to be quoted alongside the articles forming strictly speaking the legal base of the proposal to make it coherent and more understandable.*

Amendment 2  
Recital 12

(12) The Institute shall work as closely as possible with all Community programmes and bodies in order to avoid duplication, in particular as regards the European Foundation for the Improvement of Living and Working Conditions, the European Agency for Safety and Health at Work, the Centre for the Development of Vocational Training and **any** future Fundamental Rights Agency

(12) The Institute shall work as closely as possible with all Community programmes and bodies in order to avoid duplication, in particular as regards the European Foundation for the Improvement of Living and Working Conditions, the European Agency for Safety and Health at Work, the Centre for the Development of Vocational Training and **the** future Fundamental Rights Agency

Amendment 3  
Recital 13

(13) In accordance with **Article 3** of the Treaty it is appropriate to make provision for the encouragement of a balanced participation of men and women in the composition of the Management Board.

(13) In accordance with **Article 3(2)** of the Treaty it is appropriate to make provision for the encouragement of a balanced participation of men and women in the composition of the Management Board.

*Justification*

*To make the reference to the EC Treaty as precise as the references in the other recitals.*

Amendment 4  
Article 3, paragraph 1, point (a)

(a) collect, record, analyse and disseminate relevant objective, reliable and comparable information as regards gender equality, including results from research communicated to it by Member States, Community institutions, research centres, national equality bodies, non-governmental organisations, relevant third countries and

(a) collect, record, analyse and disseminate relevant objective, reliable and comparable information as regards gender equality, including results from research **and best practice** communicated to it by Member States, Community institutions, research centres, national equality bodies, non-governmental organisations, relevant third

international organisations;

countries and international organisations;

Amendment 5  
Article 4, paragraph 4

**4. The Institute shall ensure that the information disseminated is comprehensible to the final users.**

*deleted*

Amendment 6  
Article 7

Access to documents

Access to documents **and protection of personal data**

1. **Regulation** (EC) No 1049/2001 **of the European Parliament and of the Council** shall apply to **documents held** by the Institute.

1. **Regulations** (EC) No 1049/2001 **and (EC) No 45/2001** shall apply to the Institute.

2. The **Management** Board shall adopt arrangements for implementing **the Regulation (EC) No 1049/2001** within six months of the establishment of the Institute.

2. The **Administrative** Board shall adopt arrangements for implementing **those Regulations** within six months of the establishment of the Institute.

3. **Decisions taken by the Institute pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice of the European Communities, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.**

4. **Personal data shall not be processed or communicated except in cases where this is strictly necessary for the fulfilment of the mission of the Institute. In such cases, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data shall apply.**

*Justification*

*The amendment tends to streamline the wording without changing the normative content of the provision.*

Amendment 7  
Article 8, paragraph 1

1. To help it carry out its tasks, the Institute shall cooperate with organisations in the Member States, such as equality bodies, research centres, non-governmental organisations, social partners as well as with relevant organisations at European or international level and third countries.

1. To help it carry out its tasks, the Institute shall cooperate with organisations in the Member States, such as equality bodies, research centres, non-governmental organisations, social partners ***and vocational training centres***, as well as with relevant organisations at European or international level and third countries.

Amendment 8  
Article 10, title and paragraph 1

***Management*** Board

1. The ***Management*** Board shall be composed of ***six representatives*** appointed by the Council, ***six representatives appointed by the Commission, as well as three representatives appointed by the Commission without the right to vote, each of whom represents one of the following groups:***

- (a) an appropriate non-governmental organisation at Community level which has a legitimate interest in contributing to the fight against discrimination on grounds of gender and the promotion of gender equality;***
- (b) employers' organisations at Community***

***Administrative*** Board

1. The ***Administrative*** Board shall be composed of ***nine members*** appointed by the Council, ***in consultation with the European Parliament, from a list drawn up by the Commission which includes a number of candidates substantially higher than the number of members to be appointed, plus a representative of the Commission. The list drawn up by the Commission, accompanied by the relevant documentation, shall be forwarded to the European Parliament. As soon as possible and within three months of such communication, the European Parliament may invite the candidates for a hearing and make its views available for consideration by the Council, which will then proceed to the appointments.***

**level; and  
(c) workers' organisations at Community  
level.**

*Justification*

*The composition of the Administrative Board of agencies is since long a controversial point. While the Commission proposes regularly a board composed out of six representatives appointed by it and six representatives appointed by the Council, the Council insists normally on each Member State appointing its representative.*

*This practice which causes considerable costs is especially inadequate in the case of small agencies with a small budget and little staff. The Institute for Gender Equality will have in the beginning 13 staff.*

*The solution presented in this amendment has been chosen for the establishment of the European Food Safety Authority in 2002<sup>1</sup>. It constitutes a fair and efficient distribution of roles between Commission, Parliament and Council and could help breaking the deadlock in which this question is. It has been recommended by Parliament in its resolution on the operating framework for future European agencies of 13 January 2004<sup>2</sup>.*

Amendment 9

Article 10, paragraph 2, subparagraph 2

The Commission and the Council shall aim to achieve an equal representation between men and women on the Board.

The Commission, ***the European Parliament*** and the Council shall aim to achieve an equal representation between men and women ***and to have the employers' and workers' organisations as well as appropriate non-governmental organisations at Community level represented*** on the Board.

*Justification*

*This solution avoids having a "two class composition" of the Administrative Board, full members on the one hand and members without right to vote on the other as in the Commission's proposal.*

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<sup>1</sup> Article 25 of Regulation (EC) No 178/2002, OJ L 31 of 1.2.2002, p.1.

<sup>2</sup> P5 TA PROV(2004)0015, par. 17. e).

Amendment 10  
Article 10, paragraph 8

8. The Management Board shall adopt its rules of procedure on the basis of a proposal drawn up by the Director after consultation with the Commission.

8. The Management Board shall adopt its rules of procedure on the basis of a proposal drawn up by the Director after consultation with the Commission. ***Publication of the rules of procedure shall be mandatory.***

Amendment 11  
Article 11, paragraph 4

4. The Director shall be accountable for the management of his/her activities to the Management Board and shall take part in its meetings without voting rights.

4. The Director shall be accountable for the management of his/her activities to the Management Board and shall take part in its meetings without voting rights. ***He/she may also be called upon at any time by the European Parliament and by the Council to attend a hearing on any matter linked to the Institute's activities.***

Amendment 12  
Article 20, paragraph 1

1. By the end of the third year following the entry into force of this Regulation, the Institute shall commission an independent external evaluation of its achievements on the basis of terms of reference issued by the Management Board in agreement with the Commission. The evaluation shall assess the impact of the Institute on the promotion of gender equality and shall include ***an analysis of the synergy effects. It will particularly address the possible need to modify or extend the tasks of the Institute, including the financial implications of any extension of the tasks. The evaluation shall take into account the views of the stakeholders, at both Community and national level.***

1. By the end of the third year following the entry into force of this Regulation, the Institute shall commission an independent external evaluation of its achievements on the basis of terms of reference issued by the Management Board in agreement with the Commission. The evaluation shall assess the impact of the Institute on the promotion of gender equality and shall include ***a cost-effectiveness analysis of the Institute's existence by comparison with the performance of corresponding tasks by other competent bodies in this field at European Union level, in particular the future Agency for Fundamental Rights.***

Amendment 13  
Article 21

***The Management Board shall examine the conclusions of the evaluation mentioned in***

The Commission shall forward the evaluation report to the European

*the previous article and issue to the Commission such recommendations as may be necessary regarding changes in the Institute, its working practices and the scope of its mission.* The Commission shall forward the evaluation report *and the recommendations* to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public. After examination of the evaluation report *and the recommendations*, the Commission *may* submit *any proposals* for *amendments* to this Regulation *which it deems necessary*.

Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public. After examination of the evaluation report, the Commission *shall, where appropriate*, submit *a proposal* for *revision* of this Regulation. *If the Commission deems that the Institute's existence is no longer justified in the light of the objectives set, it may propose that it be repealed. The European Parliament and the Council shall consider, on the basis of this proposal, whether or not it is appropriate to amend or repeal the Regulation.*

## PROCEDURE

<b>Title</b>	Proposal for a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality
<b>References</b>	COM(2005)0081 – C6-0083/2005 – 2005/0017(COD)
<b>Committee responsible</b>	FEMM
<b>Opinion by</b> Date announced in plenary	AFCO 12.4.2005
<b>Enhanced cooperation – date announced in plenary</b>	No
<b>Draftsman</b> Date appointed	Borut Pahor 6.6.2005
<b>Discussed in committee</b>	29.11.2005
<b>Date adopted</b>	24.1.2006
<b>Result of final vote</b>	+: 15 -: 1 0: 0
<b>Members present for the final vote</b>	James Hugh Allister, Richard Corbett, Jean-Luc Dehaene, Panayiotis Demetriou, Andrew Duff, Maria da Assunção Esteves, Ingo Friedrich, Bronisław Geremek, Jo Leinen, Íñigo Méndez de Vigo, Hans-Gert Poettering, Marie-Line Reynaud, Alexander Stubb
<b>Substitute(s) present for the final vote</b>	Maria Berger, Gérard Onesta, Reinhard Rack
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	
<b>Comments (available in one language only)</b>	...

**PROCEDURE**

<b>Title</b>	European Institute for Gender Equality		
<b>References</b>	COM (2005)0081 – C6-0083/2005 – 2005/0017(COD)		
<b>Date submitted to Parliament</b>	12.4.2005		
<b>Committee responsible</b> Date announced in plenary	FEMM 12.4.2005		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	AFCO 12.4.2005	BUDG 12.4.2005	LIBE 12.4.2005
<b>Not delivering opinion(s)</b> Date of decision	LIBE 12.12.2005		
<b>Enhanced cooperation</b> Date announced in plenary	No		
<b>Rapporteur(s)</b> Date appointed	Lissy Gröner, Amalia Sartori 26/5/2005		
<b>Discussed in committee</b>	13.9.2005	24.11.2005	24.1.2006
<b>Date adopted</b>	24.1.2006		
<b>Result of final vote</b>	+: -: 0:	23 3 0	
<b>Members present for the final vote</b>	Edit Bauer, Edite Estrela, Věra Flasarová, Claire Gibault, Lissy Gröner, Zita Gurmai, Anneli Jäätteenmäki, Pii-Noora Kauppi, Urszula Krupa, Pia Elda Locatelli, Doris Pack, Marie Panayotopoulos-Cassiotou, Teresa Riera Madurell, Raül Romeva i Rueda, Amalia Sartori, Corien Wortmann-Kool, Anna Záborská		
<b>Substitute(s) present for the final vote</b>	Anna Hedh, Mary Honeyball, Elisabeth Jeggle, Christa Klauß, Maria Martens, Zita Pleštinská, Heide Rühle, Bernadette Vergnaud, Zuzana Roithová		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Miroslav Mikolášik		
<b>Date tabled</b>	27.2.2006		
<b>Comments (available in one language only)</b>			