



EUROPEAN PARLIAMENT

2009 – 2014

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*Committee on Employment and Social Affairs*

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**2011/0344(COD)**

13.6.2012

## **DRAFT OPINION**

of the Committee on Employment and Social Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights and Citizenship Programme (COM(2012)0758 – C7-0438/2011 – 2011/0344(COD))

Rapporteur: Jean Lambert(\*)

Associated committee – Rule 50 of the Rules of Procedure

PA\_Legam

## SHORT JUSTIFICATION

### Background

The Rights and Citizenship programme stems from the simplification and rationalisation of funding instruments. It is the successor of three current programmes (DAPHNE III, PROGRESS (actions concerning gender equality and anti-discrimination section) and Fundamental Rights and Citizenship. The new programme now has a focus on promoting the rights deriving from European citizenship, the principles of non-discrimination, equality between men and women, the rights of the child, data protection and consumer and business aspects. The management of the fund now passes to DG Justice but it is to be hoped that the experience and expertise developed within DG EMPL will not be lost.

### Methodology

Within the EP, the overall lead committee is LIBE. However, given the history of the different funding instruments within the new fund, EMPL and FEMM have co-competency in certain areas and FEMM has lead competency in a small number of areas. This co-responsibility leads to a degree of complexity, so the lead rapporteur and rapporteurs for Opinions in the associated committees have agreed to table common amendments, in so far as that is possible, on areas where there may be joint responsibility. It also means that EMPL cannot table amendments on certain recitals and Articles where competence has been assigned to another committee: amendments relating to Delegated, rather than Implementing Acts will be therefore tabled in LIBE, rather than in this Opinion.

### Key points

#### a) Common amendments with LIBE:

- **Scope:** we wish to include citizenship in the wider meaning of being an active member of society, not only being based on nationality: otherwise we risk seeing certain activities funded under this programme randomly omitting some members of the workforce, for example, from what is intended to be an inclusive activity, hence the amendment to recital 5 and an amendment to Article 4(1)(a)
- **Funding:** while no amending figures will be presented, there is a clear demand from stakeholders that funding should be maintained, if not increased, for this programme. The EESC opinion states that *it is concerned that the growth of "extremist tendencies" may harm the basic implementation of human rights and that it is therefore important that adequate resources be made available to groups working to improve this situation.* Other issues relevant to this instrument (e.g. the rights of the child and data protection) are likely to increase in importance over the coming years. This issue is covered in the proposed new Recital 12 a
- **Allocation of funding:** it was felt important to ensure a spread of funding across the component parts of the Programme, to ensure that annual programming does not disadvantage a particular element or a geographical dimension (new Recitals 13 c and 13 d). The importance of relevant networks and the need for access for smaller-scale but important projects is also recognised in recitals 13 a, 13 b and 13 c
- **Consumer rights.** it is felt that this is not the appropriate instrument in which to cover this issue and that it fits better within the Consumer Programme being dealt with in IMCO. However, your draftsperson has proposed a standby amendment to Article 4(1)(e) relating to freedom of movement in case no transfer proves possible.

b) Points specific to EMPL.

- The **workplace** is an important place for issues concerning equality of opportunity and treatment and tackling discrimination. The **social partners** have an important role to play: this is reflected in your draftsperson's amendment to Article 5(1)(c) and 5(2)(b) our only point of exclusive competence
- **Data protection** is also an issue of increasing importance for issues relevant to our Committee, hence the Amendment to Article 4(1)(c)
- **Volunteering** is an important issue for EMPL, your draftsperson has included references to this group of people in Recital 3 and Article 5(2)(b)
- **Inter-regional and cross-border co-operation**: we have used the references from EMPL on EPSCI relating to inter-regional and cross-border observatories in Article 5(2)(d). Your draftsperson has also included a cross-reference to EPSCI as an example of where synergies may be found in Article 10(1) and Recital 18. The issue of synergies relating to the employment and social dimension is also reflected in the proposed new Recital 9a and amendment to Recital 10.

This new programme aims to build on the developments of its predecessors. It should be a powerful instrument to help combat discrimination and to promote greater equality: civil society has shown itself to be enthusiastic in promoting such social inclusion but it needs the resources to be able to do that. Your Rapporteur for opinion hopes that the EMPL Committee will show its strong support.

## AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation Title

*Text proposed by the Commission*

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing for the period 2014 to 2020 the Rights and Citizenship Programme

*Amendment*

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing for the period 2014 to 2020 the **Equality**, Rights and Citizenship Programme

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout)*

Or. en

## Amendment 2

### Proposal for a regulation Recital 3

#### *Text proposed by the Commission*

(3) Citizens should be able to exercise fully the rights deriving from the citizenship of the Union. They should be able to exercise their right to move and reside freely in the Union, their right to vote for and stand as a candidate in European Parliament and municipal elections, their right to consular protection and their right to petition the European Parliament. They should feel at ease about living, travelling **and** working in another Member State, trusting that their rights are protected, no matter where in the Union they happen to be.

#### *Amendment*

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Or. en

## Amendment 3

### Proposal for a regulation Recital 5

#### *Text proposed by the Commission*

(5) **Non-discrimination** based on sex, racial or ethnic origin religion or belief, disability, age or sexual orientation and equality between women and men **are values common to the Member States**. Combating all forms of **discrimination is an ongoing goal** which **requires** coordinated action, including by the allocation of funding.

#### *Amendment*

(5) **Pursuant to Articles 2 and 3 TEU, Article 8, 10 and 19 TFEU and Article 21 of the Charter, the Union should take effective action to combat discrimination based on any grounds, in particular sex, racial or ethnic origin, language, nationality or membership of a national minority, religion or belief, disability, age or sexual orientation and ensure equality between women and men, as well as the protection of the rights of persons with disabilities as an obligation derived from the accession of the Union to the UN**

*Convention on the rights of persons with disabilities. Mainstreaming equality and building an inclusive society by combating all forms of discrimination, intolerance and hatred, promoting tolerant and inclusive workplaces and recognising the rights of all to be treated with dignity within the workplace and society in general are ongoing goals which require coordinated action, including by the allocation of sufficient funding.*

Or. en

#### **Amendment 4**

##### **Proposal for a regulation Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

*(9a) Pursuant to Article 9 TFEU a high level of employment, the guarantee of adequate social protection and the fight against social exclusion should be promoted. Actions under this programme therefore should promote synergies between the fight against poverty, social exclusion and exclusion from the labour market and the promotion of equality and fight against all forms of discrimination.*

Or. en

#### **Amendment 5**

##### **Proposal for a regulation Recital 10**

*Text proposed by the Commission*

*Amendment*

(10) The Communication from the Commission on Europe 2020 sets out a strategy for smart, sustainable and inclusive growth. Supporting and

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promoting the rights of persons within the Union, tackling discrimination and inequalities and promoting citizenship contribute to the promotion of the specific objectives and flagship initiatives of the Europe 2020 Strategy.

promoting the rights of persons within the Union, tackling discrimination and inequalities, ***notably in the labour market with a view of implementing the principle of equal treatment***, and promoting citizenship contribute to the promotion of the specific objectives and flagship initiatives of the Europe 2020 Strategy.

Or. en

## **Amendment 6**

### **Proposal for a regulation Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) The rationalisation and simplification of the funding structure should not result in decreasing the level of financial resources available in the previous 2007–2013 programmes. In addition, a balanced and fair distribution of funding should be ensured for the specific objectives of the Programme. In order to facilitate access for potential applicants, simplification should also apply to the application procedures and financial management requirements together with the removal of administrative burdens. Calls for proposals and their supporting documents should be available in all official languages of the Union.***

Or. en

## **Amendment 7**

### **Proposal for a regulation Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) Organisations and networks of organisations at European level make important contributions to policy development and should be considered as key actors as they can have a considerable impact on realising the objectives of the Programme and should receive funding in accordance with the procedures and the criteria set out in the annual work programmes.***

Or. en

## **Amendment 8**

### **Proposal for a regulation Recital 13 b (new)**

*Text proposed by the Commission*

*Amendment*

***(13b) The Commission should select actions by assessing the proposals against pre-defined criteria ensuring overall consistency, complementarity and synergies with the work of Union bodies and agencies. National projects and small-scale projects could also be considered to have European added value and thus be selected for financing.***

Or. en



## Amendment 9

### Proposal for a regulation Recital 13 c (new)

*Text proposed by the Commission*

*Amendment*

***(13c) Organizations – including non-governmental organisations–, bodies, European level networks and harmonised services of social value pursuing activities related to the objectives of the Programme should be able to apply for appropriate funding for action grants and operating grants. The annual work programmes should ensure that each specific objective of the Programme receives a balanced and fair share of financial allocations in order to ensure continuity and enhance predictability and reliability of funding.***

Or. en

## Amendment 10

### Proposal for a regulation Recital 13 d (new)

*Text proposed by the Commission*

*Amendment*

***(13d) The Commission should ensure a fair geographic distribution, and provide assistance in those Member States where the number of funded actions is relatively low.***

Or. en

## Amendment 11

### Proposal for a regulation Recital 18

*Text proposed by the Commission*

*Amendment*

(18) In order to ensure efficient allocation

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of funds from the Union budget, consistency, complementarity and synergies should be sought between funding programmes supporting policy areas with close links to each other, in particular between the Programme and the Justice programme established by Regulation (EU) No XX/XX of XX, the Europe for Citizens programme established by Regulation (EU) No XX/XX of XX and the programmes in the areas of home affairs; employment and social affairs; health and consumer protection; education, training, youth and sport; information society; enlargement, in particular the Instrument for Pre-accession Assistance and the funds operating under the Common Strategic Framework (CSF funds).

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Or. en

## Amendment 12

### Proposal for a regulation

#### Article 4 – paragraph 1 – point a

##### *Text proposed by the Commission*

(a) to contribute to enhancing the exercise of rights deriving from the citizenship of the Union;

##### *Amendment*

(a) to contribute to enhancing the exercise of rights deriving from the citizenship ***or from the legislation*** of the Union;

Or. en

## Amendment 13

### Proposal for a regulation

#### Article 4 – paragraph 1 – point b

##### *Text proposed by the Commission*

(b) to promote the effective implementation of the principles of non

##### *Amendment*

(b) to promote the effective implementation of the principles of non

discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age **or** sexual orientation, including equality between women and men and the rights of persons with disabilities and of the elderly;

discrimination, ***including*** on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation ***or gender identity***, including equality between women and men and the rights of persons with disabilities and of the elderly, ***recognising the rights of all persons to be treated with dignity; to combat bullying harassment and intolerant treatment, especially in the workplace;***

Or. en

## Amendment 14

### Proposal for a regulation

#### Article 4 – paragraph 1 – point c

##### *Text proposed by the Commission*

(c) to contribute to ensuring a high level of protection of personal data;

##### *Amendment*

(c) to contribute to ensuring a high level of protection of personal data, ***including data processing situations in the employment context or for social protection purposes as laid down in Article 81 and 82 of Regulation (EU) No XX/XX of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) and in situations arising from obligations under Directive 2006/24/EC of the European Parliament and of the Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC;***

Or. en

## Amendment 15

### Proposal for a regulation

#### Article 4 – paragraph 1 – point e

*Text proposed by the Commission*

(e) to empower *consumers and businesses to trade and purchase in trust within the internal market by enforcing the rights deriving from the Union consumer legislation and by supporting* the freedom to conduct business *in* the internal market *through cross-border transactions*.

*Amendment*

(e) to empower *citizens* to *enforce their* rights *to* the freedom to *move and reside freely, work, study, volunteer and* conduct business *within* the internal market.

Or. en

## Amendment 16

### Proposal for a regulation

#### Article 5 – paragraph 1 – point c

*Text proposed by the Commission*

(c) promoting transnational cooperation and building up of mutual knowledge and mutual trust among all involved stakeholders;

*Amendment*

(c) promoting transnational cooperation and building up of mutual knowledge and mutual trust among all involved stakeholders, *including the social partners*;

Or. en

## Amendment 17

### Proposal for a regulation

#### Article 5 – paragraph 2 – point b

*Text proposed by the Commission*

(b) Training activities, such as staff exchanges, workshops, seminars, train-the-trainers events, development of online/other training modules;

*Amendment*

(b) Training activities, such as staff exchanges, workshops, seminars, train-the-trainers events *or individualised training in the work place*, development of online/other training modules *available to the entire workforce, including volunteers*;

## Amendment 18

### Proposal for a regulation

#### Article 5 – paragraph 2 – point d

##### *Text proposed by the Commission*

(d) Support for main actors, ***such as support for Member States*** when implementing Union law and policies; support for key European level networks whose activities are linked to the implementation of the objectives of the Programme; networking among specialised bodies and organisations, national, regional and local authorities at European level; funding of experts' networks; funding of European level observatories.

##### *Amendment*

(d) Support for main actors when implementing Union law and policies; support for key European level networks whose activities are linked to the implementation of the objectives of the Programme; networking among specialised bodies and organisations, national, regional and local authorities at European level; funding of experts' networks; ***cross-border and interregional cooperations and*** funding of European level observatories.

## Amendment 19

### Proposal for a regulation

#### Article 10 – paragraph 1

##### *Text proposed by the Commission*

1. The Commission, in cooperation with the Member States, shall ensure overall consistency and complementarity and synergies with other Union instruments, *inter alia*, with the Justice programme, the Europe for Citizens programme and with programmes in the areas of home affairs; employment and social affairs; health and consumer protection; education, training, youth and sport; information society; enlargement, in particular the Instrument for Pre-accession Assistance and the funds operating under the Common Strategic Framework (CSF funds).

##### *Amendment*

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