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POSITION OF THE EUROPEAN PARLIAMENT

adopted at first reading on 14 March 2006 with a view to the adoption of Regulation (EC) No .../2006 of the European Parliament and of the Council establishing a European Institute for Gender Equality (EP-PE_TC1-COD(2005)0017)

PE 371.614

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POSITION OF THE EUROPEAN PARLIAMENT

adopted at first reading on 14 March 2006

with a view to the adoption of Regulation (EC) No .../2006 of the European Parliament and of the Council establishing a European Institute for Gender Equality

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the *Commission*,

Having regard to the opinion of the European Economic and Social *Committee*¹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty²,

Whereas:

- (1) Equality between men and women is a fundamental principle of the European Union. Articles 21 and 23 of the Charter of Fundamental Rights of the European Union prohibit any discrimination on grounds of sex and require equality between men and women to be ensured in all areas.
- (2) Article 2 of the *Treaty provides* that equality between men and women is one of the Community's essential tasks. Similarly, Article 3(2) of the Treaty requires the Community to aim to eliminate inequalities, *and to promote equality*, between men and women in all its activities and thus ensure the integration of the dimension of equality between men and women in all Community policies.

¹ OJ C 24, 31.1.2006, p. 29.

² *Position of the European Parliament of 14 March 2006.*

- (3) Article 13 of the Treaty empowers the Council to take appropriate action to combat discrimination inter alia on grounds of sex in all areas of Community competence.
- (4) The principle of equal opportunities and equal treatment of men and women in matters of employment and occupation is enshrined in Article 141 of *the Treaty* and a comprehensive body of legislation on equal treatment of men and women in relation to access to employment and working conditions including equal pay is already in place.
- (5) *The report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on equality between men and women*¹ concluded that significant gender gaps exist in most policy fields, that inequality between men and women is a multi-dimensional phenomenon that has to be tackled by a comprehensive mix of policy measures and that enhanced efforts are needed to meet the Lisbon strategy targets.
- (6) The Nice European Council of December 2000 called for “Increased awareness, the pooling of resources and the exchange of experience, in particular through the establishment of a European Institute for gender issues...”.
- (7) The feasibility study carried out for the Commission² 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 *coordination*, centralisation and dissemination of research data and information, ***network building***, *raising the* 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.
- (8) The European Parliament, in its Resolution of 10 March 2004 *on the European Union's policies on gender equality*³, called on the Commission to speed up the efforts leading to the setting-up of an Institute.

¹ COM(2004)0115.

² European Commission Feasibility Study for a European Gender Institute (conducted by PLS Ramboll Management, DK, 2002).

³ OJ C 102 E, 28.4.2004, p. 638.

- (9) The Council of Employment, Social Affairs, Health and Consumers Affairs of 1-2 June 2004¹ and the European Council of 17-18 June 2004 supported the establishment of a European Institute for Gender Equality and the *European Council* asked the Commission to bring forward a specific proposal.
- (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 *those* tasks.
- (11) *Given that gender equality cannot be achieved by an anti-discrimination policy alone but requires the harmonious co-existence of, and measures to promote balanced participation by, men and women within society, attainment of that objective should accordingly be included among the Institute's tasks.*
- (12) *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 that should also be included among the Institute's tasks.*

¹ Council of the EU, Press release 9507/04, p. 11.

- (13) *Cooperation 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. Given that information on equality between men and women is relevant at all levels within the Community – local, regional, national and Community – it would be useful for such information to be available to Member States' authorities to help them in formulating policies and measures at local, regional and national level in their own spheres of competence.*
- (14) 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 Conditions¹, the European Agency for Safety and Health at Work², the Centre for the Development of Vocational Training³ and **the European Union Agency for Fundamental Rights**⁴.
- (15) **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.**
- (16) 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.
- (17) The Institute must enjoy maximum independence in the performance of its tasks.

¹ Council Regulation (EEC) No 1365/75 of 26 May 1975 on the creation of a European Foundation for the Improvement of Living and Working Conditions (OJ L 139, 30.5.1975, p. 1). Regulation as last amended by Regulation (EC) No 1111/2005 (OJ L 184, 15.7.2005, p. 1).

² Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work (OJ L 216, 20.8.1994, p. 1). Regulation as last amended by Regulation (EC) No 1112/2005 (OJ L 184, 15.7.2005, p. 5).

³ Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training (OJ L 39, 13.2.1975, p. 1). Regulation as last amended by Regulation (EC) No 2051/2004 (OJ L 355, 1.12.2004, p. 1).

⁴ Member States meeting in the framework of the European Council in December 2003 requested the Commission to prepare a proposal for a human rights agency by extending the mandate of the European Monitoring Centre on Racism and Xenophobia (COM(2005)0280).

- (18) The Institute should apply the relevant Community legislation concerning public access to documents as set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council¹ and the protection of individuals with regard to the processing of personal data as set out in Regulation (EC) No 45/2001 of the European Parliament and of the Council².
- (19) Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for *the bodies* referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities³, applies to the European Institute for Gender Equality.
- (20) For the contractual liability of the Institute, which is governed by the law applicable to the contracts concluded by the Institute, the Court of Justice should have jurisdiction to give judgment, pursuant to any arbitration clause, contained in the contract. The Court of Justice should also have jurisdiction in disputes relating to compensation for any damage arising from the non-contractual liability of the Agency.
- (21) An independent external evaluation should be undertaken to assess the impact of the Institute, the possible need to modify or extend its tasks and the timing *of such* reviews.
- (22) *Since the objectives of this **Regulation cannot** be sufficiently achieved by the Member States and can therefore, by reason of its scale and impact, be better achieved Community level, the Community may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.*

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

² 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 (OJ L 8, 12.1.2001, p. 1).

³ OJ L 357, 31.12.2002, p. 72; Corrigendum: OJ L 2, 7.1.2003, p. 39.

- (23) Article 141(3) 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. Article 13(2) permits the adoption of Community measures in order to support and promote the objective of combating discrimination on grounds of sex beyond the field of employment. Therefore, Article 141(3) and Article 13(2) combined constitute the appropriate legal base for this proposal,

HAVE ADOPTED THIS REGULATION:

Article 1

Establishment of the Institute

A European Institute for Gender Equality (hereinafter referred to as “The Institute”) is hereby established.

Article 2

Objectives

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*.

Article 3

Tasks

1. To meet the objectives set in Article 2, the Institute shall:
 - (a) *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, *social partners*, relevant third countries and international organisations, *draw attention to sectors that have not been researched and suggest initiatives designed to fill the gaps*;

- (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;*
- (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 support gender mainstreaming in all Community institutions and bodies;*
- (d) carry out surveys on the situation in Europe as regards gender equality;
- (e) *set up and coordinate a European Network on Gender Equality, as referred to in Article 7, involving 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;*
- (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 their research;*
- (g) organise *and promote*, with relevant stakeholders, conferences, *campaigns and* meetings at European level, *in order to raise EU citizens' awareness of gender equality;*
- (h) *disseminate 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;*

- (i) *develop dialogue and cooperation with non-governmental and equal opportunities organisations, universities and experts, research centres, social partners and related bodies actively seeking to achieve equality at national and European level and in third countries;*
 - (j) *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;*
 - (k) *provide expertise on gender mainstreaming for public and private organisations;*
 - (l) *submit recommendations and guidelines to the Community Institutions so that they may incorporate effectively gender mainstreaming into legislation;*
 - (m) *engage in dialogue at international level with bodies and organisations responsible for gender equality;*
 - (n) *provide information to the Community Institutions on gender equality and gender mainstreaming in the accession and candidate countries;*
 - (o) *disseminate examples of good practices.*
2. *The Institute shall publish an annual report on its activities.*

Article 4

Areas of activity and working methods

1. The Institute shall carry out its tasks within the *competences* of the Community and in the light of the objectives adopted and priority areas identified in its annual programme, and with due regard to the available budgetary resources.
2. The work programme of the Institute shall be in line with the Community priorities and the work programme of the Commission, including its statistical and research work.

3. In pursuing its activities, the Institute shall, in order *to ensure* 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 and by other institutions, bodies and competent national and international organisations and work closely with the competent Commission services. The Institute shall ensure appropriate *coordination* with all relevant Community agencies and Union bodies, to be determined in a memorandum of understanding where appropriate.

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

5. The Institute may enter into contractual relations, in particular subcontracting arrangements, with other organisations, in order to accomplish any tasks which it may entrust to them.

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(2).

Article 5

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.

Article 6

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.

Article 7

Gender equality network

1. *To enable the network provided for in Article 3(1)(e) to be established as promptly and efficiently as possible, the Institute shall issue an open call for expressions of interest 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 experts included in the list referred to in paragraph 1 to be part of the network.*

Article 8

Access to documents

1. Regulation (EC) No 1049/2001 shall apply to documents held by the Institute.
2. The Management Board shall adopt arrangements for *implementing Regulation (EC) No 1049/2001* 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 *with* 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. **Regulation (EC) No 45/2001 shall apply to the processing of data by the Institute.**

Article 9

Cooperation with organisations at national and European level, *international* organisations 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*, *relevant* organisations at European or international level and third countries.

2. Should agreements with international organisations or with third countries prove necessary for the Institute to carry out its tasks efficiently, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into an agreement with the international organisations or with third countries on behalf of the Institute. This provision shall not prevent ad-hoc *cooperation* with such organisations or third countries.

Article 10

Bodies of the Institute

The Institute will comprise:

- (a) a Management Board;
- (b) a Director and his/her staff;
- (c) an Advisory Forum.

Article 11

Management Board

1. The Management Board shall be composed of:

- (a) *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 shall then proceed to the appointments;*
- (b) three representatives appointed by the Commission without the right to vote, each of whom represents one of the following groups:
 - (i) 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;

(ii) employers' organisations at Community level; and

(iii) workers' organisations at Community level.

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.

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

Alternates who *represent members* in *their* absence shall be appointed by the same procedure.

The duration of the term of office shall be five years and may be renewed once.

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

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.

4. Each member of the Management Board, or, in *his or her* absence, *his or her alternate*, shall have one vote.

5. The Management Board shall take the decisions necessary for the operation of the Institute. In particular, it shall:

- (a) adopt, on the basis of a draft drawn up by the Director, *as* referred to in *Article 12*, after consultation with the Commission, the annual and medium-term work programmes, covering a three-year period in accordance with the budget and the available resources; the programme may be reviewed when necessary during the year; the first annual work programme must be adopted not later than nine months after the nomination of the Director;

- (b) adopt the annual report, *as* referred to in *Article 3(2)*, comparing, in particular, the results achieved with the objectives of the annual work programme; *that* 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***;
 - (c) exercise disciplinary authority over the Director and appoint or dismiss *him or her pursuant to Article 12*;
 - (d) adopt the Institute's annual draft and final budgets.
6. The Management Board shall adopt the Institute's internal rules on the basis of a proposal drawn up by the Director after consultation with the Commission.
7. Decisions by the Management Board shall be taken by an absolute majority of the votes cast. The Chairperson shall have the casting vote.
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.
9. The Chairperson shall convene the Board at least twice a year. The Chairperson shall convene additional meetings on his *or her* own initiative or at the request of *one third* of the members of the Management Board.
10. The Institute shall forward annually *to the European Parliament and the Council (hereinafter referred to as "the budgetary authority")* any information relevant to the outcome of the evaluation procedures.
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 the European Union Agency for Fundamental Rights* 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***.

Article 12

Director

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.*

2. The Director's term of office shall be 5 *years*. *After* evaluation, *it* 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:

- the results achieved in the first term of office and the way they were achieved;
- the Institute's duties and requirements in the coming years.

3. The Director shall be responsible, under the supervision of the Management Board, for:

- (a) performance of the tasks referred to in Article 3;
- (b) preparing and implementing the Institute's annual and medium-term programmes of activities;
- (c) preparing the meetings of the Management Board;
- (d) preparing and publishing the annual report referred to in *Article 3(2)*;
- (e) all staff-related matters, and in particular exercising the powers provided for in *Article 14(3)*;

- (f) matters of day-to-day administration;
 - (g) the implementation of effective monitoring and evaluation procedures relating to the performance of the Institute against its objectives according to professionally recognised standards. The Director shall report annually to the Management Board on the results of the monitoring system.
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.***
5. The Director shall be the Institute's legal representative.

Article 13

Advisory Forum

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***.
2. Members of the Advisory Forum shall not be members of the Management Board.
3. The Advisory Forum shall support the *Director* in ensuring the excellence and independence of activities of the Institute.
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 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.

5. The Advisory Forum shall be chaired by the Director or, in his/her absence, by a deputy from within the Institute. It shall meet regularly at the invitation of the *Director*, or at the request of at least a third of its members, and at least twice per year. Its operational procedures shall be specified in the *Institute's* internal rules and shall be made public.
6. Representatives of the Commission's departments shall participate in the work of the Advisory Forum.
7. The Institute shall provide the technical and logistic support necessary for the Advisory Forum and provide a secretariat for its meetings.
8. The *Director* may, *on his or her own initiative or following suggestions from the members 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.

Article 14

Staff

1. The Staff Regulations of officials of the European Communities, the Conditions of employment of other servants of the European Communities and the rules adopted jointly by the European Community institutions for the purpose of applying *those* Staff Regulations and Conditions of employment shall apply to the staff of the Institute.
2. The Management Board, in agreement with the Commission, shall adopt the necessary implementing measures, in accordance with the arrangements provided for in Article 110 of the Staff Regulations of officials of the European Communities and of the Conditions of employment of other servants of the European Communities. The Management Board may adopt provisions to allow national experts from Member States to be employed on secondment at the Institute.
3. The Institute shall exercise in respect of its staff the powers devolved to the appointing authority.

Article 15

Drawing-up of the budget

1. Estimates of all the revenue and expenditure of the Institute shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Institute.
2. The revenue and expenditure shown in the budget of the Institute shall be in balance.
3. The revenue of the Institute shall, without prejudice to other resources, comprise:
 - (a) a subsidy from the Community, entered in the general budget of the European Union (Commission section);
 - (b) payments received for services rendered;
 - (c) any financial contributions from the organisations or third countries referred to in *Article 9*;
 - (d) any voluntary contribution from the Member States.
4. The expenditure of the Institute shall include staff remuneration, administrative and infrastructure costs and operating expenses.
5. Each year the Management Board, on the basis of a draft drawn up by the director, shall produce an estimate of revenue and expenditure for the Institute for the following financial year. *That* estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.
6. The estimate shall be forwarded by the Commission to *the budgetary authority together* with the preliminary draft budget of the European Union.

7. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

8. The budgetary authority shall authorise the appropriations for the subsidy to the Institute. The budgetary authority shall adopt the establishment plan for the Institute.

9. The budget of the Institute shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

10. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.

Article 16

Implementation of the budget

1. The Director shall implement the budget of the Institute.

2. By 1 March at the latest following each financial year, the Institute's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Institute's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for that financial year shall also be forwarded to the European Parliament and the Council.
4. On receipt of the Court of Auditors' observations on the Institute's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Institute's final accounts under his *or her* own responsibility and forward them to the Management Board for an opinion.
5. The Management Board shall deliver an opinion on the Institute's final accounts.
6. The Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.
7. The final accounts shall be published.
8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. *That reply shall also be sent* to the Management Board.
9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.
10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.
11. The financial rules applicable to the Institute shall be adopted by the Management Board after the Commission has been consulted. They may not depart *from Regulation* (EC, Euratom) No 2343/2002, *unless* specifically required for the Institute's operation and with the Commission's prior consent.

Article 17

Languages

1. The provisions laid down in Regulation No 1 of 15 April 1958 determining the languages to be used in the European Economic Community¹ shall apply to the Institute.
2. The translation services required for the functioning of the Institute shall, in principle, be provided by the Translation Centre for the Bodies of the European Union².

Article 18

Privileges and immunities

The Protocol on the Privileges and Immunities of the European Communities shall apply to the Institute.

Article 19

Liability

1. The contractual liability of the Institute shall be governed by the law applicable to the contract in question.

The Court of Justice shall have jurisdiction pursuant to an arbitration clause contained in a contract concluded by the Institute.

2. In the case of non-contractual liability, the Institute shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by the Institute or its servants in the performance of their duties.

The Court of Justice shall have jurisdiction in disputes relating to compensation for any such damage.

¹ OJ 17, 6.10.1958, p. 385. *Regulation* as last amended by the 2003 Act of Accession.

² Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union (OJ L 314, 7.12.1994, p. 1). *Regulation* as last amended by Regulation (EC) No 1645/2003 (OJ L 245, 29.9.2003, p. 13).

Article 20

Participation of third countries

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

2. Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which *those* countries *are to* participate in the Institute's work, including provisions relating to participation in the initiatives undertaken by the Institute, financial contributions and staff. As regards staff matters, *those agreements* must, at all events, be in accordance with the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities.

Article 21

Evaluation

1. By ...*, 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 *shall address in particular* the possible need to modify or extend the tasks of the Institute, including the financial implications of any ***such modification or extension.*** The evaluation shall take into account the views of the stakeholders, at both Community and national level.

* The end of the third year following the entry into force of this Regulation.

2. The Management Board, in agreement with the Commission, *shall* decide the timing of future evaluations, taking into account the results of the evaluation report *referred to* in the previous paragraph.

Article 22

Review clause

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 abolished. The European Parliament and the Council shall consider, on the basis of that proposal, whether or not it is appropriate to amend or repeal this Regulation.***

Article 23

Administrative control

The operations of the Institute are subject to the supervision of the Ombudsman in accordance with the provisions of Article 195 of the Treaty.

Article 24

Start of the Institute's activities

The Institute shall be operational ***as soon as possible and in any event not later than...****

*

Twelve months after the date of entry into force of this Regulation.

Article 25

Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the European Parliament
The President

For the Council
The President