

# EUROPEAN PARLIAMENT

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*Session document*

FINAL  
**A6-0455/2006**

11.12.2006

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the Council common position for adopting a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality  
(10351/1/2006 - C6-0314/2006 – 2005/0017(COD))

Committee on Women's Rights and Gender Equality

Rapporteur: 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 Council common position for adopting a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality (10351/1/2006 - C6-0314/2006 – 2005/0017(COD))

(Codecision procedure: second reading)

*The European Parliament,*

- having regard to the Council common position (10351/1/2006 -C6-314/2006),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2005)0081)<sup>2</sup>,
  - having regard to the amended Commission proposal (COM(2006)0209),
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 62 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Women's Rights and Gender Equality (A6-0455/2006),
1. Approves the common position as amended; confirms the joint statement of the Parliament, the Council and the Commission thereon, as annexed hereto;
  2. Instructs its President to forward its position to the Council and Commission.

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Council common position

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Amendments by Parliament

Amendment 1  
Recital 15 a (new)

***(15 a) With a view to ensuring the necessary balance between the Member States and the continuity of the members of the Management Board, the representatives of the Council will be appointed for each term of office in accordance with the order of rotation of the Presidencies of the Council,***

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<sup>1</sup> *Texts adopted*, 14.3.2006, P6\_TA(2006)0074.

<sup>2</sup> Not yet published in OJ.

*commencing in 2007.*

Amendment 2  
Article 3, paragraph 1, point (f)

*(f) organise an annual meeting of experts  
from the competent bodies specialised in  
gender equality issues in the Member  
States;* *deleted*

Amendment 3  
Article 9, point (b)

*(b) a Bureau;* *(b) an Experts' Forum;*

Amendment 4  
Article 10, paragraph 1, point (a)

*(a) one member representing the  
Government of each Member State  
appointed by the Council on the basis of a  
proposal from the Member States;* *(a) eighteen representatives appointed  
by the Council, on the basis of a  
proposal from each Member State  
concerned;*

Amendment 5  
Article 10, paragraph 1, point (b)

*(b) three members* representing the  
Commission, appointed by the  
Commission; *(b) one member* representing the  
Commission, appointed by the  
Commission;

Amendment 6  
Article 10, paragraph 1, point (c)

*(c) three members, without the right to vote,  
appointed by the Council, on the basis of a  
proposal from the Commission, each of  
whom represents one of the following  
groups:* *deleted*  
*(i) an appropriate non-governmental  
organisation at Community level which has  
a legitimate interest in contributing to the*

*fight against discrimination on grounds of sex and the promotion of gender equality;*  
*(ii) employers' organisations at Community level; and*  
*(iii) workers' organisations at Community level.*

Amendment 7  
Article 10, paragraph 3

3. The term of office shall be **five** years  
*and may be renewed once.*

3. The term of office shall be **three** years.  
*For each term of office, the members appointed by the Council shall represent eighteen Member States in the order of the rotating Presidencies, one member being nominated by each Member State concerned.*

Amendment 8  
Article 10, paragraph 4

4. 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. The Management Board shall elect its Chairperson and Vice-Chairperson to serve for a period of **three** years.

Amendment 9  
Article 10, paragraph 10

**10. The Management Board shall establish a Bureau of six members, as set out in Article 11.**

**deleted**

Amendment 10  
Article 10 a (new)

**Article 10**

**Experts' Forum**

**1. The Experts' 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, two members representing other relevant organisations specialised in gender equality issues**

*designated by the European Parliament, as well as three members nominated by the Commission and representing interested parties at European level, with one representative each from :*

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

*(ii) employers' organisations at Community level; and*

*(iii) workers' organisations at Community level.*

*The Member States and the Commission shall aim to achieve a balanced representation between men and women in the Experts' Forum.*

*Representatives may be replaced by alternates, appointed at the same time.*

*2. Members of the Experts' Forum shall not be members of the Management Board.*

*3. The Experts' Forum shall support the Director in ensuring the excellence and independence of activities of the Institute.*

*4. The Experts' 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.*

*5. The Experts' 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 once 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 Experts' Forum.*

*7. The Institute shall provide the technical and logistic support necessary for the Experts' Forum and provide a secretariat for its meetings.*



*8. The Director may 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 Experts' Forum.*

Amendment 11  
Article 11

*Article 11*

*deleted*

*Bureau*

*1. The Bureau shall be made up of the Chairperson and the Vice-Chairperson of the Management Board, three members from the Management Board representing the Member States and a representative of the Commission.*

*The term of office shall be two and half years and may be renewed.*

*The members of the Bureau shall be appointed by the Management Board with a view to ensuring the necessary range of relevant expertise for the operation of the Bureau.*

*2. Without prejudice to the responsibilities of the Director, as set out in Article 12, the Bureau shall monitor the implementation of the decisions of the Management Board and shall take all necessary administrative measures for the proper governing of the Institute between the meetings of the Management Board.*

*3. Decisions by the Bureau shall be taken by consensus. If no consensus can be reached, the Bureau shall refer the matter to the Management Board for decision.*

*4. The Bureau shall keep the*

***Management Board fully and regularly informed of its activities and any decisions taken.***

Amendment 12  
Article 12, 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 being appointed, the candidate selected by the Management Board ***shall*** be asked to make a declaration before the competent committee(s) of the European Parliament and answer questions from its/their members.

Amendment 13  
Article 12, paragraph 3, point (c)

(c) preparing the meetings of the Management Board and the **Bureau**;

(c) preparing the meetings of the Management Board and the **Experts' Forum**;

Amendment 14  
Article 20, paragraph 1

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 in particular address 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.

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 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. This evaluation shall also examine the appropriateness of the management structure in carrying out the Institute's tasks.** The evaluation shall take into account the views of the stakeholders, at both Community and national level.

Amendment 15  
Article 21

The Management Board shall examine the conclusions of the evaluation mentioned in Article 20 and issue to the Commission such recommendations as may be necessary regarding changes in the Institute, its working practices and remit. 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 which it deems necessary **for amendments**

The Management Board shall examine the conclusions of the evaluation mentioned in Article 20 and issue to the Commission such recommendations as may be necessary regarding changes in the Institute, its working practices and remit. 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 which it deems necessary **concerning** this

*to* this Regulation.

Regulation.

## EXPLANATORY STATEMENT

### *History*

The Parliament adopted its opinion in first reading on 14 March 2006, adopting 50 amendments to the Commission's proposal, published on 8 March 2006.

The Council adopted its common position on 21 September 2006, taking into account 35 amendments from the Parliament.

In front of the wish reiterated by all three Institutions to enable the Institute to start its activities as soon as possible in 2007, the Presidency of the Council and the Co-Rapporteurs negotiated, with the support of the Commission, a set of amendments to reach an early second reading agreement.

A decisive informal trialogue took place on 16 November 2006, enabling the Presidency, on the basis of a mandate given by COREPER, and the Co-Rapporteurs, on the basis of a concerted political line, to reach an overall agreement including 13 amendments to the Common Position.

### *Agreement :*

The issues of discussion focused on three main topics :

#### *- Composition of the Management Board :*

In its first reading, the Parliament opted for a small Management Board composed of 13 members in total.

The Council opted in its common position for a representative Management Board , composed of one representative per Member State, three representatives from the Commission as well as three representatives from the Social Partners. Such enlarged Management Board would have been supported by a small Bureau composed of six members.

The agreement reached foresees a medium sized Management Board, including 18 Members nominated by the Council (on a rotation system) as well as one representative by the Commission.

This agreement includes the deletion of the Bureau from the Common Position.

#### *- Reinstatement of the Experts' Forum :*

The Common position did not foresee the creation of an advisory forum composed of experts in the field of Gender Equality, wished by both the Commission and the Parliament.

The Council reviewed its position and agreed on the replacement of the Bureau by an experts' forum, composed of one representative per Member State, plus two members nominated by the Parliament, as well as three representatives on the social partners.

The main task of the forum will be to support the Director in the planning of the Institute's activities.

***- Nomination of the Director :***

In its first reading opinion, the Parliament requested a role in the nomination of the Director, within an open and transparent procedure.

The Common position did not take into account such request, leaving to the Management Board and the Commission the task. A compromise was reached including the specification of the open and transparent procedure, as well as the obligation for the candidate selected to appear before the competent committee(s) of the Parliament and to answer the questions of its members.

***Other questions :***

Two technical amendments make part of the compromise as regard the evaluation and review articles (Art.20 and 21), in order to clarify the procedures and to respect the Commission's right of initiative.

A joint statement by the Council, the Parliament and the Commission is attached to the present recommendation, in order to clarify that the agreement reached by the Council and the Parliament is determined by the Institute's specific nature and is not therefore considered as a precedent for any future Agency.

## PROCEDURE

<b>Title</b>	Council common position for adopting a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality
<b>References</b>	10351/1/2006 - C6-0314/2006 – 2005/0017(COD)
<b>Date of Parliament's first reading – P number</b>	14.03.2006 P6_TA(2006)0074
<b>Commission proposal</b>	COM(2005)0081 - C6-0083/2005
<b>Amended Commission proposal</b>	COM(2006)0209
<b>Date receipt of common position announced in plenary</b>	28.9.2006
<b>Committee responsible</b> Date announced in plenary	FEMM 28.9.2006
<b>Rapporteur(s)</b> Date appointed	Lissy Gröner, Amalia Sartori, 4.10.2006
<b>Previous rapporteur(s)</b>	
<b>Discussed in committee</b>	28.11.2006 11.12.2006
<b>Date adopted</b>	11.12.2006
<b>Result of final vote</b>	+: 15 –: 0 0: 0
<b>Members present for the final vote</b>	Edit Bauer, Ilda Figueiredo, Věra Flasarová, Claire Gibault, Lissy Gröner, Rodi Kratsa-Tsagaropoulou, Pia Elda Locatelli, Siiri Oviir, Marie Panayotopoulos-Cassiotou, Teresa Riera Madurell, Eva-Britt Svensson, Corien Wortmann-Kool, Anna Záborská
<b>Substitute(s) present for the final vote</b>	
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Cristina Gutiérrez-Cortines, Justas Vincas Paleckis
<b>Date tabled</b>	11.12.2006
<b>Comments (available in one language only)</b>	...