

EUROPEAN PARLIAMENT

2004



2009

Session document

A6-0131/2008

3.4.2008

*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
establishing a European Training Foundation (recast)
(COM(2007)0443 – C6-0243/2007 – 2007/0163(COD))

Committee on Employment and Social Affairs

Rapporteur: Bernard Lehideux

(Recasting – Rule 80 a of the Rules of Procedure)

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.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	11
ANNEX 1: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS	14
ANNEX 2: OPINION OF THE CONSULTATIVE GROUP OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, COUNCIL AND COMMISSION.....	16
PROCEDURE.....	18

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council
establishing a European Training Foundation (recast)
(COM(2007)0443 – C6-0243/2007 – 2007/0163(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0443),
 - having regard to Articles 251(2) and 150 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0243/2007),
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,
 - having regard to the letter dated 24 January 2008 from the Committee on Legal Affairs to the Committee on Employment and Social Affairs pursuant to Rule 80 a, paragraph 3 of its Rules of Procedure
 - having regard to Rules 80 a and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs (A6-0131/2008),
1. Approves the Commission proposal as amended below and as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission;
 2. 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;
 3. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) The Commission and the *member* States should be represented within a

Amendment

(20) The Commission, ***the European Parliament*** and the *Member* States should

¹ OJ C 77, 28.3.2002, p.1.

Governing Board in order to control effectively the functions of the Foundation. This Board should be entrusted with the necessary powers to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the Foundation and appoint the Director.

be represented within a Governing Board in order to control effectively the functions of the Foundation. This Board should be entrusted with the necessary powers to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the Foundation and appoint the Director.

Justification

Relations between the decentralised European agencies and the European Parliament are inadequate. MEPs are often very poorly informed of the functions these agencies fulfil and what they actually do. To remedy this situation, it would be extremely useful for the Governing Board of the Foundation to include representatives from Parliament. These representatives could act as intermediaries, passing on to MEPs matters of concern to the Foundation. The idea is to create a link to improve understanding of the Foundation's work.

Amendment 2

Proposal for a regulation Article 1 – point c)

Text proposed by the Commission

c) other countries designated by decision of the Governing Board ***on a proposal from*** the Commission, in accordance with the external relations priorities of the European Union and as far as available resources allow.

Amendment

c) other countries designated by decision of the Governing Board ***after*** the Commission ***has delivered an opinion***, in accordance with the external relations priorities of the European Union and as far as available resources allow.

Justification

The European training foundation should not be prevented from operating in countries outside the scope of the Neighbourhood Policy or of pre-accession programmes. Its expertise could be very beneficial to those ACP or Latin American countries with which the EU has close links. Your rapporteur therefore proposes greater flexibility for the procedure enabling the Foundation to take action outside the areas specified in Article 1 a and 1 b.

Amendment 3

Proposal for a regulation Article 2 – point a)

Text proposed by the Commission

(a) provide information, policy analysis and advice on human resources development issues ***and their links with sector policy objectives in the partner countries***

Amendment

(a) provide information, policy analysis and advice on human resources development issues;

Justification

Seeks to clarify the mission of the Foundation.

Amendment 4

Proposal for a regulation Article 2 – letter a a (new)

Text proposed by the Commission

Amendment

a(a) promote knowledge and analysis of national and local labour markets;

Justification

The concept of the 'labour market' should be emphasised by specifying that the core tasks of the Foundation include providing public support for mechanisms which improve awareness of local labour markets in order to promote the European dimension of human resources development.

Amendment 5

Proposal for a regulation Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The Foundation shall cooperate with the other relevant Community bodies, with the support of the Commission. The Foundation shall cooperate, in particular, with the European Centre for the Development of Vocational Training (Cedefop) in the framework of a joint

3. The Foundation shall cooperate with the other relevant Community bodies, with the support of the Commission. The Foundation shall cooperate, in particular, with the European Centre for the Development of Vocational Training (Cedefop) in the framework of a joint

annual work programme annexed to the annual work programme of each agency with the objective of promoting synergy between the activities of the two agencies.

annual work programme annexed to the annual work programme of each agency with the objective of promoting synergy between the activities of the two agencies ***and ensuring their fields of action do not overlap in order to avoid wasting valuable resources.***

Justification

Any overlap between the Foundation's activities and those of Cedefop - or other Community bodies - must be avoided in order to prevent the squandering of human and financial resources.

Amendment 6

Proposal for a regulation Article 7

Text proposed by the Commission

Governing Board

1. The Foundation shall have a Governing Board consisting of six representatives of the Member States and six representatives of the Commission, as well as three representatives of the partner countries.

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

2. The representatives of the Member States shall be appointed by the Council on the basis of their experience and expertise in the Foundation's areas of work.

The Commission shall appoint its own representatives.

The representatives of the partner countries ***shall be appointed by the Commission.***

Amendment

Governing Board

1. The Foundation shall have a Governing Board consisting of six representatives of the Member States, ***three representatives of the European Parliament*** and six representatives of the Commission, as well as three representatives of the partner countries.

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

2. The representatives of the Member States shall be appointed by the Council on the basis of their experience and expertise in the Foundation's areas of work.

The Commission shall appoint its own representatives ***and the representatives of the partner countries on the basis of their experience and expertise in the Foundation's areas of work.***

The European Parliament shall appoint its own representatives.

The **Commission and** the Council shall endeavour to ensure a balanced representation of men and women on the Governing Board.

The **European Parliament, the Council and the Commission** shall endeavour to ensure a balanced representation of men and women on the Governing Board.

Amendment 7

Proposal for a regulation

Article 10 – paragraph 1 – first indent

Text proposed by the Commission

1. The Director of the Foundation shall be appointed by the Governing Board on the basis of a list of candidates **proposed** by the Commission **for a period of five years**. Before being appointed, **the candidate selected by the Governing Board may be invited** to make a statement before the competent committee(s) of the European Parliament and answer questions put by its/their members.

Amendment

1. The Director of the Foundation shall be appointed by the Governing Board **for a period of five years** on the basis of a list of **at least three** candidates **submitted** by the Commission. Before being appointed, **the candidates for this position shall be called** to make a statement before the competent committee(s) of the European Parliament and answer questions put by its/their members.

Amendment 8

Proposal for a regulation

Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Director of the Foundation shall present the Foundation's annual report before the relevant committees of the European Parliament.

Justification

Relations between the decentralised European agencies and the European Parliament are inadequate. MEPs are often very poorly informed of the functions these agencies fulfil and what they actually do. At present the Director of the European Training Foundation appears annually at the request of the Committee on Employment and Social Affairs. It is desirable to create a formal basis for the Director's attendance on the occasion of the publication of the Annual Report.

Amendment 9

Proposal for a regulation Article 18

Text proposed by the Commission

Without prejudice to the controls referred to above and, in particular the budgetary and discharge procedures, the European Parliament or the Council may ask at any time, ***and in particular upon publication of the Foundation's annual activity report***, for a hearing with the Director on any subject relating to the Foundation's activities.

Amendment

Without prejudice to the controls referred to above and, in particular the budgetary and discharge procedures, the European Parliament or the Council may ask at any time for a hearing with the Director on any subject relating to the Foundation's activities.

Justification

Your rapporteur proposes to formalise the presentation of the annual report in Article 13.

EXPLANATORY STATEMENT

Background

The European Training Foundation, hereinafter referred to as the ETF or the Foundation, is a decentralised EU agency created under Council Regulation (EEC) No 1360/90 of 7 May 1990¹. ETF is situated in Turin, Italy.

According to its founding Regulation, the ETF's overall objective is to contribute to developing vocational training systems in partner countries falling within its geographical scope.

The ETF was originally created to support implementation of the PHARE external assistance programme in the vocational training field. However, following three consecutive amendments to its founding Regulation, the ETF has acquired an extended geographical scope also covering the countries of the previous TACIS, CARDS and MEDA programmes.

Since the ETF's founding Regulation was last amended, there have been important developments in the European Union's policy outlook in both the education & training and external relations fields, while new instruments have been adopted to implement these policies. Accordingly, a new amendment to the ETF founding Regulation is necessary to take into account recent developments, to update its role and function and to provide a sound basis for its future work.

1. Legal basis

The proposed legal basis is Article 150 of the Treaty on vocational training, and especially paragraph 3 thereof stipulating that "*the Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of vocational training*".

This seems to be the appropriate legal basis for the ETF founding Regulation.

2. ETF's remit should cover lifelong learning as well as related labour market issues

Your rapporteur supports the Commission's wish to take into account the broadening of the concept of vocational training.

Vocational training traditionally refers to a procedure providing people with work-related skills of immediate use in the labour market.

Your rapporteur considers that the thematic remit of the ETF should be broadened to include human resources development, particularly education and training with a view to lifelong learning as well as related labour market issues.

¹ OJ L 131, 23.5.1990, p. 1.

3. It should be possible to expand the ETF's geographical scope in line with the EU's external relations priorities

The Commission proposes to update the ETF's geographical scope principally by reference to the Instrument for Pre-Accession (IPA) and to the European Neighbourhood and Partnership Instrument (ENPI). Your rapporteur supports this aim.

However, your rapporteur is convinced that the European Training Foundation should be able to operate in all the EU's partner countries, including those outside the framework of the Neighbourhood Policy and the pre-accession programmes, such as the countries of Africa, the Caribbean and the Pacific (ACP) or Latin America.

Support for training policies in countries affected by the reform of the COM in sugar is one instance of a potential use for the ETF. These countries have been forced to make drastic reforms to, and in some cases diversify, their industrial activities. This has given rise to a need for human resources adaptation to which the ETF could usefully have contributed.

That being so, your rapporteur considers that the procedure proposed by the Commission to enable the Foundation to operate in countries falling outside its primary geographical scope is too restrictive. Your rapporteur therefore proposes to increase the flexibility of the procedure permitting the Foundation to take action outside the areas specified in Article 1 a and 1 b.

4. Relations between the Foundation and the European Parliament should be strengthened

Relations between the decentralised European agencies and the European Parliament are inadequate. MEPs are often very poorly informed of the functions these agencies fulfil and what they actually do.

Your rapporteur is convinced of the need to create a link between Parliament and the Foundation to promote better understanding by MEPs of the Foundation's activities.

First and foremost, your rapporteur considers that it would be extremely useful for the Governing Board of the Foundation to include representatives of the European Parliament. These representatives could act as intermediaries, passing on the Foundation's concerns to all MEPs. Parliament already appoints representatives to other EU agencies¹.

To the same end, namely fostering contacts between Parliament and the Foundation, your rapporteur proposes that, when the post of Director of the Foundation comes up for renewal, Parliament's relevant committees should be able to put questions to the candidates proposed by the Commission.

¹ European Environment Agency (Article 8 of Regulation 1210/90), European Centre for Disease Prevention and Control (Article 14 of Regulation 851/2004), European Food Safety Authority (Article 25 of Regulation 178/2002), European Medicines Agency (Article 65 of Regulation 726/2004), European Monitoring Centre for Drugs and Drug Addiction (Article 8 of Regulation 302/93), European Chemicals Agency (Article 79 of Regulation 1907/2006).

Finally, your rapporteur proposes to make it mandatory for the Director of the Foundation to appear before Parliament on the occasion of the publication of the Annual Report. For a number of years, the Director of the Foundation has made an annual statement to Parliament at the invitation of the Committee on Employment and Social Affairs, but this invitation has not yet been placed on a formal basis.

5. Appointment of the Director of the Foundation

In order to ensure that the Governing Board is able to make genuine use of its decision-making power, the Commission must propose at least three candidates.

ANNEX 1 - LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

COMMITTEE ON LEGAL AFFAIRS
CHAIRMAN

Ref.: D(2007)4179

Mr Jan ANDERSSON
Chairman of the Committee on Employment
and Social Affairs
ASP 14G306
Brussels

*Subject: Proposal for a regulation of the European Parliament and of the Council
establishing a European Training Foundation (COM(2007)443 final - C6-
0243/07 2007/0163 COD) (recast)*

Dear Sir,

The Committee on Legal Affairs, which I am honoured to chair, has examined the proposal referred to above, pursuant to Rule 80a on Recasting, as introduced into the Parliament's Rules of Procedure by its Decision of 10 May 2007.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 150 and 151, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, amendments to the parts which have remained unchanged may be admitted by way of exception and on a case-by-case basis by the chairman of the above committee if he considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments".

Following the opinion of the Legal Service, whose representatives participated in the meetings of the Consultative Working Party examining the recast proposal, and in keeping with the recommendations of the draftsperson, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

However, pursuant to Rules 80a(2) and 80(3), the Committee on Legal Affairs considered that the technical adaptations suggested in the opinion of the abovementioned Working Party were necessary in order to ensure that the proposal complied with the codification rules and that they did not involve any substantive change to the proposal.

In conclusion, the Committee on Legal Affairs, by 18 votes in favour¹, recommends that your Committee, as the committee responsible, proceed to examine the above proposal in keeping with its suggestions and in accordance with Rule 80a.

Yours faithfully,

Giuseppe GARGANI

¹ The following Members were present: Giuseppe Gargani (Chairman), Bert Doorn, Klaus-Heiner Lehne, Hartmut Nassauer, Rainer Wieland, Jaroslav Zvěřina, Tadeusz Zwiefka, Lidia Joanna Geringer de Oedenberg, Katalin Lévai, Antonio Masip Hidalgo, Manuel Medina Ortega, Aloyzas Sakalas, Diana Wallis, Francesco Enrico Speroni, Jean-Paul Gauzès, Marie Panayotopoulos-Cassiotou, Jacques Toubon, Costas Botopoulos.

**ANNEX 2: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE
LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL
AND THE COMMISSION**

Brussels, 15.10.2007

OPINION

**FOR THE ATTENTION OF
THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a regulation of the European Parliament and of the Council establishing a
European Training Foundation (recast)
COM(2007) 443 final of 25.7.2007 - 2007/0163 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party, consisting of the respective legal services of the European Parliament, the Council and the Commission, met on 13 September 2007 for the purpose of examining the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a regulation of the European Parliament and of the Council recasting Council Regulation (EEC) No 1360/90 of 7 May 1990 establishing a European Training Foundation resulted in the Consultative Working Party's establishing, by common accord, that the following parts of text of the recast proposal should have been identified by using the grey-shaded type used for marking substantive changes:

- the new title of Article 4 ("*Transparency*");
- in Article 7(3), the word "*three*" (having been already marked with double-strikethrough);
- in Article 8(3), the word "*simple*" (already marked with double-strikethrough);
- in Article 15(4), the words "*eligible*" (already marked with double-strikethrough) and "*partner*" (having been presented between adaptation arrows);
- in Article 24(2), the two occurrences of the word "*evaluation*".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also

¹The Consultative Working Party had at its disposal all language versions of the proposal except those in Bulgarian and in Romanian and worked on the basis of the English version, being the master-copy language version of the text under discussion.

concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing texts, without any change in their substance.

C. PENNERA
Jurisconsult

J.-C. PIRIS
Jurisconsult

M. PETITE
Director General

PROCEDURE

Title	European Training Foundation (recast)
References	COM(2007)0443 – C6-0243/2007 – 2007/0163(COD)
Date submitted to Parliament	25.7.2007
Committee responsible Date announced in plenary	EMPL 24.9.2007
Committee(s) asked for opinion(s) Date announced in plenary	JURI 24.9.2007
Not delivering opinions Date of decision	JURI 3.10.2007
Rapporteur(s) Date appointed	Bernard Lehideux 11.9.2007
Discussed in committee	23.1.2008 1.4.2008
Date adopted	2.4.2008
Result of final vote	+ : 30 - : 16 0 : 0
Members present for the final vote	Jan Andersson, Edit Bauer, Iles Braghetto, Philip Bushill-Matthews, Milan Cabrnach, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Luigi Cocilovo, Proinsias De Rossa, Harlem Désir, Harald Ettl, Richard Falbr, Carlo Fatuzzo, Ilda Figueiredo, Stephen Hughes, Karin Jöns, Ona Juknevičienė, Raymond Langendries, Bernard Lehideux, Elizabeth Lynne, Thomas Mann, Jan Tadeusz Masiel, Jiří Maštálka, Elisabeth Morin, Csaba Öry, Marie Panayotopoulos-Cassiotou, Pier Antonio Panzeri, Rovana Plumb, Jacek Protasiewicz, Bilyana Ilieva Raeva, Elisabeth Schroedter, Jean Spautz, Gabriele Stauner, Ewa Tomaszewska, Anne Van Lancker
Substitute(s) present for the final vote	Jean Marie Beaupuy, Beniamino Donnici, Donata Gottardi, Dieter-Lebrecht Koch, Magda Kósáné Kovács, Sepp Kusstatscher, Jamila Madeira, Kyriacos Triantaphyllides, Anja Weisgerber, Tatjana Ždanoka
Date tabled	4.4.2008