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Committee on Constitutional Affairs

PROVISIONAL
2005/0017(COD)

24.01.2006

OPINION

of the Committee on Constitutional Affairs

for the Committee on Women's Rights and Gender Equality

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

Draftsman: Borut Pahor

PA_Leg

AMENDMENTS

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

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1

Citation 1

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

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

Justification

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

Amendment 2

Recital 12

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

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

¹ OJ C ... /Not yet published in OJ.

Amendment 3
Recital 13

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

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

Justification

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

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

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

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

Amendment 5
Article 4, paragraph 4

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

deleted

Amendment 6
Article 7

Access to documents

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

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

1. Regulations of the European Parliament and of the Council No 1049/2001 on public access to documents and No 45/2001 on the protection of individuals with regard to the processing of personal data shall apply to the Institute.

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

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

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

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

Justification

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

Amendment 7 Article 8, paragraph 1

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

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

Amendment 8
Article 10, title and paragraph 1

Management Board

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

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

Administrative Board

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

Justification

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

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

The solution presented in this amendment has been chosen for the establishment of the European Food Safety Authority in 2002². It constitutes a fair and efficient distribution of roles between Commission, Parliament and Council and could help breaking the deadlock in which this question is. It has been recommended by Parliament in its resolution on the operating framework for future European agencies of 13 January 2004³.

Amendment 9

Article 10, paragraph 2, subparagraph 2

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

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

Justification

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

Amendment 10

Article 10, paragraph 8

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

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

Amendment 11

Article 11, paragraph 4

4. The Director shall be accountable for the management of his/her activities to the

4. The Director shall be accountable for the management of his/her activities to the

² Article 25 of Regulation (EC) No 178/2002, OJ L 31 of 1.2.2002, p.1.

³ P5 TA PROV(2004)0015, par. 17. e).

Management Board and shall take part in its meetings without voting rights.

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

Amendment 12
Article 20, paragraph 1

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

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

Amendment 13
Article 21

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

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

PROCEDURE⁽¹⁾

Title	Proposal for a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality
References	(COM(2005)0081 – C6-0083/2005 – 2005/0017(COD))
Committee responsible	FEMM
Opinion by Date announced in plenary	AFCO 12.4.2005
Enhanced cooperation – date announced in plenary	0.0.0000
Draftsman Date appointed	Borut Pahor 6.6.2005
Discussed in committee	29.11.2005
Date adopted	24.01.2006
Result of final vote	+: 15 –: 1 0: 0
Members present for the final vote	James Hugh Allister, Richard Corbett, Jean-Luc Dehaene, Panayiotis Demetriou, Andrew Duff, Maria da Assunção Esteves, Ingo Friedrich, Bronisław Geremek, Jo Leinen, Íñigo Méndez de Vigo, Hans-Gert Poettering, Marie-Line Reynaud, Alexander Stubb
Substitute(s) present for the final vote	Maria Berger, Gérard Onesta, Reinhard Rack
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...

