EUROPEAN PARLIAMENT

2004 *2009*

Committee on Women's Rights and Gender Equality

28.2.2006 PE 370.179v01-00

AMENDMENTS 6-46

Draft opinion **(PE 367.833v01-00)**
Emine Bozkurt
A European Union Agency for Fundamental Rights

Proposal for a regulation (COM(2005) 280 final – C6-0288/2005 – 2005/0124(CNS)(CNS))

Text proposed by the Commission	Amendments by Parliament
Amendment by Claire Gibault Amendment 6 Recital 2	
(2) The Charter of Fundamental Rights of the European Union reaffirms the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the social charters adopted by the Community and by the Council of Europe and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights.	(2) The Charter of Fundamental Rights of the European Union reaffirms the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the social charters adopted by the Community and by the Council of Europe ***and the various legal instruments such as the Declaration of the Rights of the Child,*** and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights.
	Or. fr

Justification

Children are a particularly vulnerable group, and it is very important to stress the importance of paying specific attention to them.

Amendment by Claire Gibault

Amendment 7
Recital 4

(4) A more thorough knowledge and widespread awareness of fundamental rights issues in the Union are conducive to ensuring full respect of fundamental rights. It would contribute to this objective to establish a Community agency whose tasks would be to provide information and data on fundamental rights matters. Moreover, developing effective institutions for the protection and promotion of human rights is a common value of the international and European communities, as expressed by Recommendation No R (97) 14 of the Committee of Ministers of the Council of Europe of 30 September 1997.	(4) A more thorough knowledge and widespread awareness of fundamental rights issues in the Union are conducive to ensuring full respect of fundamental rights. It would contribute to this objective to establish a Community agency whose tasks would be to provide information and data on fundamental rights matters. Moreover, developing effective institutions for the protection and promotion of human rights ***and the rights of the child*** is a common value of the international and European communities, as expressed by Recommendation No R (97) 14 of the Committee of Ministers of the Council of Europe of 30 September 1997.

Or. fr

Justification

See amendment to Recital 2

Amendment by Hiltrud Breyer

Amendment 8
Recital 13

(13) The Agency should present an annual report on the situation of fundamental rights in the Union and the respect thereof by the EU institutions, bodies and agencies and the Member States when implementing Union law. Furthermore, the Agency should produce thematic reports in the topics of	(13) The Agency should present an annual report on the situation of fundamental rights in the Union and the respect thereof by the EU institutions, bodies and agencies and the Member States when implementing Union law. Furthermore, the Agency should produce thematic reports in the topics of

particular importance to the Union's policies.	particular importance to the Union's policies. ***Gender mainstreaming must be taken fully into account in all reports.***

Or. de

Justification

Gender mainstreaming should occupy a prominent role in the work of the Agency.

Amendment by Claire Gibault

Amendment 9
Recital 15 a (new)

	(15a) The Agency should help support a public policy for the protection of children's rights, by setting up specific programmes ensuring that their rights are fully respected.

Or. fr

Justification

See amendment to Recital 2

Amendment by Urszula Krupa

Amendment 10
Article 2

The objective of the Agency shall be to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights ***in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect*** fundamental rights.	The objective of the Agency shall be to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights ***so that*** fundamental rights ***are fully respected***.

Or. pl

Justification

The EU should not involve itself in matters pertaining to the working methods of non-governmental organisations, as they could be parapolitical organisations involved in an aspect of societal life and this involvement could run counter to Member States' laws on political parties.

Amendment by Edit Bauer

Amendment 11
Article 3, paragraph 4

4. Without prejudice to Article 27, the Agency shall, at the request of the Commission, provide information and analysis on fundamental rights issues identified in the request as regards third countries with which the Community has concluded association agreements or agreements containing provisions on respect of human rights, or has opened or is planning to open negotiations for such agreements, in particular countries covered by the European Neighbourhood Policy.	4. Without prejudice to Article 27, the Agency shall, at the request of ***the European Parliament, the Council or*** the Commission, provide information and analysis on fundamental rights issues identified in the request as regards third countries with which the Community has concluded association agreements or agreements containing provisions on respect of human rights, or has opened or is planning to open negotiations for such agreements, in particular countries covered by the European Neighbourhood Policy.

Or. en

Justification

The amendment remedies the abovementioned defects by extending the responsibility of the Agency to all the EU Institutions.

Amendment by Claire Gibault

Amendment 12
Article 3, paragraph 4 a (new)

	4 a. Since the rights of the child are a determining factor in the context of respect for fundamental rights in general, the Agency shall seek to undertake and promote priority actions which take account solely of the best interests of children, particularly the most

disadvantaged children and those who are abandoned or in a state of psychological or emotional distress. It shall set up a constructive dialogue with Member States in order to ensure that all children's rights are protected.

Or. fr

Justification

See amendment to Recital 2

Amendment by Urszula Krupa

Amendment 13
Article 4, paragraph 1, point a)

(a) collect, record, analyse and disseminate relevant***, objective, reliable*** and comparable information and data, including results from research and monitoring communicated to it by Member States, Union institutions, Community agencies, research centres, national bodies, non-governmental organisations, relevant third countries and international organisations;	(a) collect, record, analyse and disseminate relevant and comparable information and data ***objectively and reliably***, including results from research and monitoring communicated to it by Member States, Union institutions, Community agencies, research centres, national bodies, non-governmental organisations, relevant third countries and international organisations***, while ensuring that personal data and intellectual property rights are protected***;

Or. pl

Justification

In its publications, the Agency should guarantee personal data and copyright protection.

Amendment by Hiltrud Breyer

Amendment 14
Article 4, paragraph 1, point b)

b) develop methods to improve the comparability, objectivity and reliability of data at European level, in cooperation with the Commission and the Member States.	b) develop methods***, taking account of gender mainstreaming,*** to improve the comparability, objectivity and reliability of data at European level, in cooperation with

the Commission and the Member States.

Or. de

Amendment by Urszula Krupa

Amendment 15
Article 4, paragraph 1, point f)

f) publish an annual report on the situation of fundamental rights***, also highlighting examples of good practice***;	f) publish an annual report***, following the completion of these tasks,*** on the situation of fundamental rights;

Or. pl

Justification

This is nothing other than an expression of opinions and interference in the domestic politics of Member States. It has nothing to do with protecting human rights.

Amendment by Urszula Krupa

Amendment 16
Article 4, paragraph 1, point i)

i) enhance cooperation between civil society, including non-governmental organisations, the social partners, research centres and representatives of competent public authorities and other persons or bodies involved in dealing with fundamental rights, in particular by networking***, promoting dialogue at European level and participating where appropriate in discussions or meetings at national level***;	i) enhance cooperation between civil society, including non-governmental organisations, the social partners, research centres and representatives of competent public authorities and other persons or bodies involved in dealing with fundamental rights, in particular by networking;

Or. pl

Justification

This is nothing other than an expression of opinions and interference in the domestic politics of Member States. It has nothing to do with protecting human rights.

Amendment by Urszula Krupa

Amendment 17
Article 4, paragraph 1, point j)

j) organise, with relevant stakeholders, conferences, campaigns, round tables, seminars and meetings at European level to promote and disseminate its work; and	***deleted***

Or. pl

Justification

Point j) is covered by point k).

Amendment by Edit Bauer

Amendment 18
Article 5, paragraph 1, point (b)

(b) determine the thematic areas of the Agency´s activity, always including the fight against racism and xenophobia;	(b) determine the thematic areas of the Agency´s activity, always including the fight against ***discrimination,*** racism and xenophobia***, the protection of traditional national minorities and the protection of the human dignity and human rights of the most vulnerable groups***;

Or. en

Justification

Beside the fight against racism and xenophobia while setting up thematic areas for the Agency it is inevitable to have priorities that must include the protection of human rights of traditional national minorities and other vulnerable groups, such as migrants, disabled people, etc.

Amendment by Claire Gibault

Amendment 19
Article 5, paragraph 1, point b)

b) determine the thematic areas of the Agency's activity, always including the fight against racism and xenophobia;	b) determine the thematic areas of the Agency's activity, always including the fight against racism and xenophobia, ***and paying the same attention to thematic areas in which violations of fundamental rights and the rights of the child are p;***

Or. fr

Justification

See amendment to Recital 2

Amendment by Anna Hedh

Amendment 20
Article 5, paragraph 1, point b)

b) determine the thematic areas of the Agency's activity, always including the fight against racism and xenophobia,	b) determine the thematic areas of the Agency's activity, always including the fight against racism and xenophobia***, homophobia and islamophobia,***

Or. sv

Amendment by Urszula Krupa

Amendment 21
Article 5, paragraph 1, point b)

b) determine the thematic areas of the Agency's activity, ***always including the fight against racism and xenophobia***;	b) determine the thematic areas of the Agency's activity, ***on the basis of the European Convention for the Protection of Human Rights and Fundamental Liberties;***

Or. pl

Justification

The Agency should deal with all aspects of people's lives within society.

Amendment by Anna Hedh

Amendment 22
Article 5, paragraph 1, point b) a (new)

	b a) take account of Article 2 of the Treaty Establishing the European Community, which states that the Community shall promote equality between men and women, and Article 3 of the Treaty which states that that in all the activities referred to in that Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women,

Or. sv

Amendment by Urszula Krupa

Amendment 23
Article 6, paragraph 1

1. The Agency shall ***set up and coordinate the necessary information networks. They shall be*** designed ***so as*** to ensure the provision of objective, reliable and comparable ***information***, drawing on the expertise of a variety of organizations and bodies in each Member State and taking account of the need to involve national authorities in the collection of data.	1. The Agency shall ***collect and process information*** designed to ensure the provision of objective, reliable and comparable ***data***, drawing on the expertise of a variety of organizations and bodies in each Member State and taking account of the need to involve national authorities in the collection of data.

Or. pl

Justification

The proposed paragraph is incompatible with Article 5 of the consolidated version of the Treaty establishing the European Community (taking into account the change introduced by the Treaty of Nice) in that it oversteps the Community's powers.

Amendment by Edit Bauer

Amendment 24
Article 9

The Agency shall coordinate its activities with those of the Council of Europe, ***particularly*** with regard to its Annual Work Programme pursuant to Article 5. To this end, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into an agreement with the Council of Europe for the purpose of establishing close cooperation between the latter and the Agency. This agreement shall include the obligation of the Council of Europe to appoint an independent person to sit on the Agency´s Management Boards, in accordance with Article 11	The Agency shall coordinate its activities with those of the Council of Europe, ***including*** with regard to its Annual Work Programme pursuant to Article 5 ***with the aim of avoiding unnecessary duplication of activities already undertaken by the Council of Europe***. To this end, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into an agreement with the Council of Europe for the purpose of establishing close cooperation between the latter and the Agency. This agreement shall include the obligation of the Council of Europe to appoint an independent person to sit on the Agency´s Management Boards, in accordance with Article 11***, and its Executive Board, in accordance with Article 12***.

Or. en

Justification

The amendment remedies the abovementioned defects by extending the responsibility of the Agency to all the EU Institutions.

Amendment by Urszula Krupa

Amendment 25
Article 11, paragraph 1

1. The Management Board shall be composed of persons with appropriate ***experience*** in the field of fundamental rights and the management of public sector organisations, as follows:	1. The Management Board shall be composed of persons with appropriate ***higher-education qualifications*** in the field of fundamental rights and the management of public sector organisations, as follows:

Or. pl

Justification

For example, relevant higher-education qualifications in international law, political science or international relations, with particular emphasis on human rights, will enable the Agency to complete satisfactorily the tasks assigned to it.
It is not possible to appoint an independent person. Governments, MEPs and Commissioners come from a specific part of the political spectrum and represent a specific point of view. These individuals will be proposed by Members or governments with a specific view on human rights and the word 'independent' should not be used, as it does not reflect the truth. The Commission representatives in particular should have knowledge of this area.
There are associations and non-governmental organisations in many EU Member States.

Amendment by Urszula Krupa

Amendment 26
Article 11, paragraph 1, point a)

a) one ***independent*** person appointed by each Member State;	a) one person appointed by each Member State;

Or. pl

Justification

See justification to Article 11(1).

Amendment by Urszula Krupa

Amendment 27
Article 11, paragraph 1, point b)

b) one ***independent*** person appointed by the European Parliament;	b) one person appointed by the European Parliament;

Or. pl

Amendment by Urszula Krupa

Amendment 28
Article 11, paragraph 1, point c)

c) one ***independent*** person appointed by the Council of Europe; and	c) one person appointed by the Council of Europe; and

Or. pl

Justification

See justification to Article 11(1).

Amendment by Urszula Krupa

Amendment 29
Article 11, paragraph 1, point d)

d) two representatives of the Commission.	d) two ***appointed*** representatives of the Commission ***that have a higher-education qualification in international law or international relations and have published at least one scientific work in this field.***

Or. pl

Justification

See justification to Article 11(1).

Amendment by Urszula Krupa

Amendment 30
Article 11, paragraph 1, indent 2

The persons referred to in point (a) shall be persons: – with high level responsibilities in the management of an ***independent*** national human rights institution; or, – with thorough expertise in the field of fundamental rights gathered in the context of other ***independent institutions or bodies***. Each member of the Management Board may be represented by an alternate member meeting the above requirements. The list of the members of the Board shall be made public and shall be updated by the Agency on its web site.	The persons referred to in point (a) shall be persons: – with high level responsibilities in the management of an national human rights institution or ***association***; or, – with thorough expertise in the field of fundamental rights gathered in the context of other ***human rights organisations***. Each member of the Management Board may be represented by an alternate member meeting the above requirements. The list of the members of the Board shall be made public and shall be updated by the Agency on its web site.

Or. pl

Justification

See justification to Article 11(1).

Amendment by Hiltrud Breyer

Amendment 31
Article 11, paragraph 1, subparagraph 2 a (new)

Women should comprise 50% of the members of the Management Board, so as to ensure their participation on an equal footing in decision-making processes.

Or. de

Justification

The Agency should be regarded from its inception as setting an example for the participation of women in the decision-making process.

Amendment by Anna Hedh

Amendment 32
Article 11, paragraph 1, subparagraph 1a (new)

The Member States and the Institutions that appoint members of the board shall aim to ensure that there is a balance between women and men in membership of the Board.

Or. en

Amendment by Urszula Krupa

Amendment 33
Article 11, paragraph 2

2. The term of office of the members of the Management Board appointed shall be five years. It may be renewed once. However, where a member no longer meets the criteria by reason of which he or she was appointed, ***he or she shall forthwith inform the*** Commission and the Director of the	2. The term of office of the members of the Management Board appointed shall be five years. It may be renewed once. However, where a member ***loses the support of a government, Parliament, the Commission or a non-governmental organisation or*** no longer meets the criteria

Agency. The party concerned shall appoint a new member for the remaining term of the office.	by reason of which he or she was appointed, the Commission and the Director of the Agency ***shall be informed forthwith***. The party concerned shall appoint a new member for the remaining term of the office.

Or. pl

Justification

Emphasis on the reliability and transparency of the Agency's work.

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 34
Article 11, paragraph 6

6. Decisions by the Management Board shall be taken by a simple majority of the votes cast, except as regards the decisions referred to in points (a), (c), (d) and (e) of paragraph 4, where a two-thirds majority of all members shall be required. ***The Chairperson shall have the casting vote.*** The person appointed by the Council of Europe may vote only on decisions referred to in points (a) and (b) of paragraph 4.	6. Decisions by the Management Board shall be taken by a simple majority of the votes cast, except as regards the decisions referred to in points (a), (c), (d) and (e) of paragraph 4, where a two-thirds majority of all members shall be required. The person appointed by the Council of Europe may vote only on decisions referred to in points (a) and (b) of paragraph 4.

Or. fr

Justification

As regards decision-making on the Management Board, the Chairperson should be placed on an equal footing with other members of the Board.

Amendment by Urszula Krupa

Amendment 35
Article 11, paragraph 7

7. The Chairperson shall convene the Board once a ***year***, without prejudice to extraordinary supplementary meetings. The Chairperson shall convene extraordinary	7. The Chairperson shall convene the Board once a ***quarter***, without prejudice to extraordinary supplementary meetings. The Chairperson shall convene extraordinary

meetings on his or her own initiative or at the request of at least one third of the members of the Management Board.	meetings on his or her own initiative or at the request of at least one third of the members of the Management Board.

Or. pl

Justification

The Board needs to meet more often in order to work effectively.

Amendment by Hiltrud Breyer

Amendment 36
Article 11 paragraph 8

8. The Director of the European Institute for Gender Equality ***may*** attend meetings of the Management Board as an observer. The Directors of other relevant Community agencies and Union bodies may also attend as observers when invited by the Executive Board.	8. The Director of the European Institute for Gender Equality ***shall*** attend meetings of the Management Board as an observer ***with a view to coordinating the relevant annual work programmes***. The Directors of other relevant Community agencies and Union bodies may also attend as observers when invited by the Executive Board.

Or. de

Justification

Practical cooperation between the two Institutes is in with Recital 15 of the Commission proposal.

Amendment by Edit Bauer

Amendment 37
Article 12, paragraph 1

1. The Management Board shall be assisted by an Executive Board. The Executive Board shall be made up of the Chairperson and the Vice-Chairperson of the Management Board and two Commission representatives.	1. The Management Board shall be assisted by an Executive Board. The Executive Board shall be made up of the Chairperson and the Vice-Chairperson of the Management Board***, the person appointed to the Management Board by the Council of Europe*** and two Commission representatives.

Or. en

Justification

The aim of this amendment is to reinforce provisions intended to avoid duplication of the activities of the Council of Europe and to give the Council of Europe representation on the Agency thus providing a practical mechanism to help avoid duplication of the work of the Council of Europe and ensure consistency and complementarity.

Amendment by Urszula Krupa

Amendment 38
Article 13, paragraph 7

7. The Agency shall be headed by a Director, appointed by the Management Board on the basis of a list of candidates proposed by the Commission**.** The Director shall be appointed on the basis of his or her personal merit, administrative and management skills and experience in the field of fundamental rights. Before being appointed, the candidate selected by the Management Board ***may be asked to*** make a statement before the competent committee of the European Parliament and answer questions from its members.	7. The Agency shall be headed by a Director, appointed by the Management Board on the basis of a list of candidates proposed by the Commission ***or a parliamentary committee responsible for monitoring.*** The Director shall be appointed on the basis of his or her personal merit, administrative and management skills and experience in the field of fundamental rights ***and shall have published at least one scientific work in this field***. Before being appointed, the candidate selected by the Management Board ***or the committee shall*** make a statement before the competent committee of the European Parliament and answer questions from its members.

Or. pl

Justification

The director in particular should be able to demonstrate familiarity with this issue and the committee must have the right to make selections, as this forms the basis of the parliamentarianism and democracy of a functioning parliament. Without this involvement, Parliament and its deputies will play no part in discussing and defining the director's role and duties.

Amendment by Urszula Krupa

Amendment 39
Article 14, paragraph 1

1. The Forum shall be composed of representatives of ***non-governmental*** organisations responsible for fundamental rights and efforts to ***combat racism, xenophobia and anti-Semitism, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and qualified experts and European and international bodies and organisations.***	1. The Forum shall be composed of representatives of ***associations and*** organisations responsible for fundamental rights and efforts to ***guarantee and ensure observance of human rights.***

Or. pl

Justification

The forum's aim is to protect human rights. This amendment defines the scope of activities without the unnecessary naming of the forum's participants.

Amendment by Claire Gibault

Amendment 40
Article 14, paragraph 1

1. The Forum shall be composed of representatives of non-governmental organisations responsible for fundamental rights and efforts to combat racism, xenophobia and anti-Semitism, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and qualified experts and European and international bodies and organisations.	1. The Forum shall be composed of representatives of non-governmental organisations responsible for fundamental rights ***and the rights of the child*** and efforts to combat racism, xenophobia and anti-Semitism, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and qualified experts and European and international bodies and organisations.

Or. fr

Justification

See amendment to Recital 2

Amendment by Urszula Krupa

Amendment 41
Article 14, paragraph 2

2. The members of the Forum shall be selected by an open selection mechanism to be determined by the Management Board. Their maximum number shall be ***100***. Their term of office shall be five years, which may be renewed once.	2. The members of the Forum shall be selected by an open selection mechanism to be determined by the Management Board. Their maximum number shall be ***25***. Their term of office shall be five years, which may be renewed once.

Or. pl

Justification

As there are 25 Member States, 25 members should suffice.

Amendment by Urszula Krupa

Amendment 42
Article 15, paragraph 1

1. The Agency shall fulfil its tasks in ***complete independence.***	1. The Agency shall fulfil its tasks in ***accordance with Article 5 of the Treaty establishing the European Community.***

Or. pl

Justification

The proposed paragraph is incompatible with Article 5 of the consolidated version of the Treaty establishing the European Community (taking into account the change introduced by the Treaty of Nice) in that it oversteps the Community's powers.

Amendment by Urszula Krupa

Amendment 43
Article 19, paragraph 3

3. The revenue of the Agency shall, without prejudice to other resources, comprise: (a) a subsidy from the Community, entered in the general budget of the European Union (Commission section); ***and*** ***(b) payments received for services rendered. This revenue may be complemented by*** ***(a) voluntary contributions from the Member States; and*** ***(b) financial contributions from the organisations or third countries referred to in Articles 8, 9 or 27.***	3. The revenue of the Agency shall, without prejudice to other resources, comprise: (a) a subsidy from the Community, entered in the general budget of the European Union (Commission section);

Or. pl

Justification

The rendering of services and contributions from Member States and third countries may not only make the Agency's work dependent on the completion of specific tasks and on the fulfilment of contributors' commitments but will also have a negative impact on the Agency's objectivity and satisfactory carrying-out of tasks.

Amendment by Urszula Krupa

Amendment 44
Article 22, paragraph 2

2. In each of the Member States, the Agency shall enjoy ***the most extensive legal capacity accorded to legal persons under their laws.*** In particular it may acquire and dispose of movable and immovable property and may be a party to legal proceedings.	2. In each of the Member States, the Agency shall enjoy ***legal personality in line with national laws.*** In particular it may acquire and dispose of movable and immovable property and may be a party to legal proceedings.

Or. pl

Justification

At present, varying provisions are in force in Member States regarding this type of agency. The proposed wording reflects the meaning of the article and will be comprehensible in every Member State

Amendment by Claire Gibault

Amendment 45
Article 27, paragraph 3

3. The Agency shall concern itself with the situation of fundamental rights in the countries, which participate in accordance with this Article, to the extent it is relevant for the respective association agreement. Articles 4 and 5 shall apply by analogy to that effect.	3. The Agency shall concern itself with the situation of fundamental rights ***and rights of the child*** in the countries, which participate in accordance with this Article, to the extent it is relevant for the respective association agreement. Articles 4 and 5 shall apply by analogy to that effect.

Or. fr

Justification

See amendment to Recital 2

Amendment by Urszula Krupa

Amendment 46
Article 30, paragraph 3

3. The Management Board, acting on a proposal from the Commission, may extend the current term of the Director of the European Monitoring Centre on Racism and Xenophobia for a maximum period of 18 months, pending the appointment procedure referred to in paragraph 2.	3. The Management Board, acting on a proposal from the Commission, may***, in certain cases,*** extend the current term of the Director of the European Monitoring Centre on Racism and Xenophobia for a maximum period of 18 months, pending the appointment procedure referred to in paragraph 2.

Or. pl

Justification

This wording will prevent an extension of the Director's term becoming the rule.