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Committee on Civil Liberties, Justice and Home Affairs

28.6.2006 PE 374.435v01-00

COMPROMISE AMENDMENTS 1-43

Draft report **(PE 369.836v01-00)**
Kinga Gál
Proposal for a Council regulation establishing a European Union Agency for Fundamental Rights

Proposal for a regulation (COM(2005)0280 – C6-0288/2005 – 2005/0124(CNS))

Text proposed by the Commission	Amendments by Parliament
Compromise amendment by Kinga Gál	
Amendment 1 Recital 5	
(5) The Representatives of the Member States meeting within the European Council on 13 December 2003 agreed to build upon the existing European Monitoring Centre on Racism and Xenophobia established by Council Regulation (EC) No 1035/97 of 2 June 1997 and to extend its mandate to make it a Human Rights Agency.	(5) The Representatives of the Member States, meeting within the European Council on 13 December 2003, agreed to build upon the existing European Monitoring Centre on Racism and Xenophobia established by Council Regulation (EC) No 1035/97 of 2 June 1997 and to extend its mandate to make it a Human Rights Agency. ***They also decided on that occasion that the seat of the Agency should remain located in Vienna***.
	Or. en

Compromise amendment by Kinga Gál

Amendment 2
(Compromise amendment replacing Amendment 4 rapporteur)
Recital 8

(8) When establishing the Agency, due attention will be paid to the operating framework for the European regulatory agencies proposed by the Commission in the draft Inter-institutional Agreement[1] on 25 February 2005.	***deleted***

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[1] COM(2005)59 final, 25.2.2005.

Or. en

Compromise amendment by Kinga Gál

Amendment 3
(Compromise amendment replacing Amendment 5 rapporteur - 77 Sonik)
Recital 9

(9) The Agency should refer in its work to fundamental rights as defined in Article 6(2) of the Treaty on European Union and as ***set out*** in particular in the Charter of Fundamental Rights. The close connection to the Charter should be reflected in the name of the Agency. ***The thematic areas of activity of the Agency should be laid down in the Multiannual Framework, thus defining the limits of the work of the Agency, which in accordance with general institutional principles, should not set a political fundamental rights agenda of its own.***	(9) The Agency should refer in its work to fundamental rights as defined in Article 6(2) of the Treaty on European Union, ***including those set out in the European Convention on Human Rights and Fundamental Freedoms,*** and as ***reflected*** in particular in the Charter of Fundamental Rights. The close connection to the Charter should be reflected in the name of the Agency.

Or. en

Compromise amendment by Kinga Gál

Amendment 4
Recital 9 a (new)

	(9a) As the Agency is to be built upon the existing European Monitoring Centre on Racism and Xenophobia, the work of the Agency would continue to cover the phenomena of racism, xenophobia and anti-Semitism, as well as the protection of rights of persons belonging to minorities, as essential elements for the protection of fundamental rights. Due emphasis should be given to groups who experience discrimination as referred to in Article 13 of the Treaty and Article 21 of the Charter of Fundamental Rights of the European Union.

Or. en

Compromise amendment by Kinga Gál

Amendment 5
(Compromise amendment replacing Amendment 7 rapporteur - 78 Guardans and 79 Cashman)
Recital 11

(11) The Agency should have the right to formulate opinions to the Union institutions and to the Member States when implementing Community law, either on its own initiative or at the request of the European Parliament, the Council or the Commission, without interference with the legislative and judicial procedures established in the Treaty.	(11) The Agency should have the right to formulate opinions to the Union institutions and to the Member States when implementing Community law, either on its own initiative or at the request of the European Parliament, the Council or the Commission, without interference with the legislative and judicial procedures established in the Treaty***. Those institutions should be able to request opinions on their legislative proposals or on positions taken in the course of legislative procedures as regards the compatibility thereof with fundamental rights.***

Or. en

Compromise amendment by Kinga Gál

Amendment 6
(Compromise amendment replacing Amendment 8 rapporteur - 81 Moreno-Sanchez-

Valenciano - 82 Krarup and 83 Guardans)
Recital 12

(12) The Council should have the possibility of requesting the Agency's technical expertise in the context of proceedings commenced under Article 7 of the Treaty on European Union.	(12) The ***European Parliament, the*** Council, ***and the Commission*** should have the possibility of requesting the Agency's technical expertise in the context of proceedings under Article 7 of the Treaty on European Union.

Or. en

Compromise amendment by Kinga Gál

Amendment 7
(Compromise amendment replacing Amendment 9 rapporteur - 84 Guardans - 3 FEMM)
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 particular importance to the Union's policies.	(13) The Agency should present an annual report on fundamental rights ***issues covered by the areas of the Agency's activity, which should also highlight examples of good practice.*** Furthermore, the Agency should produce thematic reports in the topics of particular importance to the Union's policies.

Or. en

Compromise amendment by Kinga Gál

Amendment 8
(Compromise amendment replacing Amendment 10 rapporteur - 87 Sonik - 88 Cavada)
Recital 15

(15) The Agency should work as closely as possible with all relevant ***Community programmes,*** bodies ***and*** agencies ***and Union bodies*** in order to avoid duplication, in particular as regards the future European Institute for Gender Equality.	(15) The Agency should work as closely as possible with all relevant ***Union institutions as well as*** bodies***, offices and*** agencies ***of the Community and the Union*** in order to avoid duplication, in particular as regards the future European Institute for Gender Equality.

Or. en

Compromise amendment by Kinga Gál

Amendment 9
(Compromise amendment replacing Amendment 4 FEMM
Recital 15 a (new)

	(15a) The Agency should cooperate closely with Member States, for which purpose the Member States should nominate national liaison officers. The Agency should, in particular, communicate with the national liaison officers as regards the reports and other documents that it draws up.

Or. en

Compromise amendment by Kinga Gál

Amendment 10
(Compromise amendment replacing Amendment 11 rapporteur - 89 Cavada - 90 Guardans and 2 AFET)
Recital 16

(16) The Agency should collaborate closely with the Council of Europe. Such cooperation should guarantee that any overlap between the activities of the Agency and those of the Council of Europe is avoided, in particular by elaborating mechanisms to ensure ***synergies***, such as conclusion of a bilateral cooperation agreement and the participation of an independent person appointed by the Council of Europe in the management structures of the Agency with appropriately defined voting rights ***as in the current EUMC.***	(16) The Agency should collaborate closely with the Council of Europe. Such cooperation should guarantee that any overlap between the activities of the Agency and those of the Council of Europe is avoided, in particular by elaborating mechanisms to ensure ***complementarity and added value*****,** such as conclusion of a bilateral cooperation agreement and the participation of an independent person appointed by the Council of Europe in the management structures of the Agency with appropriately defined voting rights.

Or. en

Compromise amendment by Kinga Gál

Amendment 11
(Compromise amendment replacing Amendment 12 rapporteur)
Recital 16 a (new)

(16a) Recognising the important role of civil society in the protection of fundamental rights, the Agency should promote dialogue with civil society and work closely with non-governmental organisations and with civil society institutions active in the field of fundamental rights. It should set up a cooperation network called the Fundamental Rights Platform with view to establishing a structured and fruitful dialogue and close cooperation with all relevant stakeholders.

Or. en

Compromise amendment by Kinga Gál

Amendment 12
Recital 17 a (new)

(17a) In order to ensure the high scientific quality of its work, the Agency should have a Scientific Committee.

Or. en

Compromise amendment by Kinga Gál

Amendment 13
Recital 17 b (new)

(17b) The authorities appointing members of the Management Board, the Executive Board and the Scientific Committee should aim to achieve a balanced participation between women and men on these bodies. Particular attention should also be given to the equal representation of women and

men in the staff.

Or. en

Compromise amendment by Kinga Gál

Amendment 14
(Compromise amendment replacing Amendment 13 rapporteur - 91 Guardans - 32 Krarup - 3 AFET)
Recital 18

(18) The European Parliament plays a significant role in the area of fundamental rights. It should ***appoint one independent person as a member of the Management Board*** of the Agency*;*	(18) The European Parliament plays a significant role in the area of fundamental rights. It should ***therefore be consulted before the Agency's multi-annual framework is adopted and on the candidates proposed for the post of Director*** of the Agency.

Or. en

Compromise amendment by Kinga Gál

Amendment 15
(Compromise amendment replacing Amendment 93 Cavada)
Recital 19

(19) A consultative Forum should be established to ensure the pluralist representation of the social forces of civilian society active in the field of fundamental rights within the structures of the Agency with view to establish effective cooperation with all stakeholders.	***deleted***

Or. en

Compromise amendment by Kinga Gál

Amendment 16
Recital 21 a (new)

(21a) 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 these Staff Regulations and Conditions of Employment apply to the staff and the Director of the Agency, including their rules relating to the dismissal of the Director.

Or. en

Compromise amendment by Kinga Gál

Amendment 17
Recital 22

22) The Agency should have legal personality and succeed the European Monitoring Centre on Racism and Xenophobia as regards all legal obligations, financial commitments or liabilities carried out by the Centre or agreements made by the Centre as well as the employment contracts with the staff of the Centre. ***The seat of the Agency should remain located in Vienna, as determined by Decision of the Representatives of the Governments of the Member States of 2 June 1997 determining the seat of the European Monitoring Centre on Racism and Xenophobia.***	(22) The Agency should have legal personality and succeed the European Monitoring Centre on Racism and Xenophobia as regards all legal obligations, financial commitments or liabilities carried out by the Centre or agreements made by the Centre as well as the employment contracts with the staff of the Centre.

Or. en

Compromise amendment by Kinga Gál

Amendment 18
Recital 22 a (new)

(22a) The Agency should be open to the participation of candidate countries. Furthermore, the countries with which a Stabilisation and Association agreement has been concluded should be allowed to

participate in the Agency, since this will enable the Union to support their efforts towards European integration by facilitating gradual alignment of their legislation to Community law as well as the transfer of know-how and good practice, particularly in those areas of the acquis that will serve as a central reference point for the reform process in the Western Balkans.

Or. en

Compromise amendment by Kinga Gál

Amendment 19
(Compromise amendment replacing Amendment 14 rapporteur)
Recital 23

(23) Since the measures needed for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, they should be adopted by the regulatory procedure provided for in Article 5 of that Decision.	***deleted***

Or. en

Compromise amendment by Kinga Gál

Amendment 20
Recital 23 a (new)

(23a) The Agency should initiate the necessary evaluations of its activities in due time, including an in-depth evaluation of its scope in relation to countries that are not members of the Union, on the basis of which the Agency's scope, tasks and working methods should be reviewed.

Or. en

Compromise amendment by Kinga Gál

Amendment 21
(Compromise amendment replacing Amendment 15 rapporteur - 100 Sonik - 101 Guardans - 6 AFET - 7 AFET - 16 rapporteur - 102 Diez Gonzáles - 103 Krarup - 104 Sonik - 105 Guardans - 106 Cashman - 107 Bozkurt - 108 Voggenhuber - 8 AFET - 5 FEMM - 109 Sonik - 9 AFET - 6 FEMM)
Article 3, paragraphs 2 to 4

2. The Agency shall refer ***in carrying out its tasks*** to fundamental rights ***as defined in*** Article 6(2) of the Treaty on European Union ***and as set out in particular*** in the Charter of Fundamental Rights of the European Union as proclaimed in Nice on 7 December 2000.	2. ***In carrying out its tasks,*** the Agency shall refer to fundamental rights ***within the meaning of*** Article 6(2) of the Treaty on European Union, ***including those set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950, and as reflected*** in the Charter of Fundamental Rights of the European Union proclaimed in Nice on 7 December 2000.
3. ***When pursuing its activities, the Agency shall concern itself with the situation of*** fundamental rights in the European Union and in its Member States when implementing Community law, ***without prejudice to paragraph 4 and to Articles 4(1)(e), 27 and 28.***	3. ***The Agency shall deal with*** fundamental rights ***issues*** in the European Union and in its Member States when implementing Community law***. In addition, it may deal with fundamental rights issues within the scope of paragraph 1 in those countries referred to in Article 27(1) to the extent necessary for the gradual alignment to Community law of the country concerned and in accordance with Article 27(2).***
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.	

Or. en

Justification

The addition in paragraph 3 is a follow-up of the UK suggestion to include a reference to Community competences as in Article 3(1).

Compromise amendment by Kinga Gál

Amendment 22
(Compromise amendment replacing Amendment 17 rapporteur - 7 FEMM - 110 Moreno Sanchez and Valenciano - 18 rapporteur - 111 Lax - 10 AFET - 112 Voggenhuber - 113 Cashman - 19 rapporteur - 114 Krarup - 115 Moreno Sanchez and Valenciano - 20 rapporteur- 116 Voggenhuber - 21 rapporteur - 117 Diez Gonzalez - 118 Moreno Sánchez and Valenciano - 119 Guardans - 120 Lax - 121 Lax - 122 Cavada - 123 Guardans - 124 In't Veld - 125 Cashman)
Article 4

1. To meet the objective set in Article 2, the Agency shall:	1. To meet the objective set in Article 2 ***and within its competences as laid down in Article 3***, the Agency shall:
(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, objective, reliable and comparable information and data, including results from research and monitoring communicated to it by Member States, Union institutions, ***bodies, offices and agencies of the*** Community and the Union, research centres, national bodies, non-governmental organisations, third countries, international organisations ***and in particular the competent bodies of the Council of Europe;***
(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 ***and standards*** to improve the comparability, objectivity and reliability of data at European level, in cooperation with the Commission and the Member States;
(c) carry out, cooperate with or encourage scientific research and surveys, preparatory studies and feasibility studies, also, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission. ***It shall also organize meetings of experts and, whenever necessary, set up ad hoc working parties;***	(c) carry out, cooperate with or encourage scientific research and surveys, preparatory studies and feasibility studies, also, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission;
(d) formulate conclusions and opinions on ***general subjects***, for the Union institutions	(d) formulate ***and publish*** conclusions and opinions on ***specific thematic topics,*** for the

and the Member States when implementing Community law, either on its own initiative or at the request of the European Parliament, the Council or the Commission;	Union institutions and the Member States when implementing Community law, either on its own initiative or at the request of the European Parliament, the Council or the Commission;
(e) make its technical expertise available to the Council, where the Council, pursuant to ***Article 7(1)*** of the Treaty on European Union***, calls on independent persons to submit a report on the situation in a Member State or where it receives a proposal pursuant to Article 7(2), and where the Council, acting in accordance with the procedure set out in these respective paragraphs of Article 7 of the Treaty on European Union, has requested such technical expertise from the Agency;***	(e) make its technical expertise available to ***the European Parliament and*** the Council, where the Council ***receives a proposal*** pursuant to ***Article 7(1) or (2)*** of the Treaty on European Union;
(f) publish an annual report on ***the situation*** of fundamental rights, also highlighting examples of good practice;	(f) publish an annual report on fundamental rights ***issues covered by the areas of the Agency's activity,*** also highlighting examples of good practice;
(g) publish thematic reports based on its analysis, research and surveys;	(g) publish thematic reports based on its analysis, research and surveys;
(h) publish an annual report on its activities;	(h) publish an annual report on its activities;
(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) ***develop a communication strategy and promote dialogue with civil society, in order to raise public awareness of fundamental rights and actively inform the public of its work***.
(j) organise, with relevant stakeholders, conferences, campaigns, round tables, seminars and meetings at European level to promote and disseminate its work; and	
(k) develop a communication strategy aimed at raising the awareness of the general public, set up documentation resources accessible to the public and prepare educational material, promoting cooperation and avoiding duplication with other sources of information.	
2. The conclusions, opinions and reports ***formulated by the Agency when carrying out the tasks mentioned in paragraph 1 shall not concern questions of the legality of***	2. The conclusions, opinions and reports ***referred to in paragraph 1 may concern*** proposals from the Commission under Article 250 of the Treaty ***or*** positions taken by the

proposals from the Commission under Article 250 of the Treaty, positions taken by the institutions in the course of legislative procedures ***or*** the legality of acts within the meaning of Article 230 of the Treaty. ***They*** shall not deal with the question whether a Member State has failed to fulfil an obligation under the Treaty within the meaning of Article 226 of the Treaty.	institutions in the course of legislative procedures ***only where the institution concerned has submitted a request therefor in accordance with Article 4(1)(d). Those conclusions, opinions and reports shall not deal with*** the legality of acts within the meaning of Article 230 of the Treaty, or with the question whether a Member State has failed to fulfil an obligation under the Treaty within the meaning of Article 226 of the Treaty.

Or. en

Compromise amendment by Kinga Gál

Amendment 23
(Compromise amendment replacing Amendment 22 rapporteur - 126 Lax - 127 Moreno-Valenciano - 128 Kósáné Kovács - 129 Cavada - 23 rapporteur - 130 Kósáné Kovács - 131 Bozkurt - 132 Voggenhuber - 8 FEMM - 9 FEMM - 24 rapporteur - 25 rapporteur - 133 Bozkurt - 10 FEMM - 26 rapporteur - 134 Sonik - 135 Guardans - 136 Cavada)
Article 5

1. ***The Commission*** shall adopt a Multiannual Framework ***for the Agency in accordance with the regulatory procedure referred to in Article 29(2). The Framework shall:***	1. ***The Management Board of the Agency, taking due account of the guidelines arising from European Parliament resolutions and Council conclusions in the field of fundamental rights,*** shall***, on the basis of a proposal by the Commission,*** adopt a Multiannual Framework**.**
(a) cover five years; ***(b) determine the thematic areas of the Agency's activity, always including the fight against racism and xenophobia;*** ***(c) be in line with the Union priorities as defined in the Commission's strategic objectives;*** ***(d) have due regard to the Agency's financial and human resources; and*** ***(e) include provisions with a view to avoiding thematic overlap with the remit of other Community bodies, offices and agencies.***	
2. ***The Agency shall carry out its tasks within the thematic areas determined by the Multiannual Framework. This shall be without prejudice to the possibility for the***	2. ***The multi-annual framework shall cover five years, be consistent with the Union's priorities and strategic objectives, and be compatible with the financial and human***

Agency to respond to requests from the European Parliament, the Council or the Commission under Articles 3(4), 4(1)(d) and (e) outside these thematic areas, provided its financial and human resources so permit.	***resources available to the Agency.***
3. The Agency shall carry out its tasks ***in the light of its Annual Work Programme and with due regard to the available financial and human resources.***	3. The Agency shall carry out its tasks ***within the thematic areas determined by the multi-annual framework. However, the Agency shall also respond to requests from the European Parliament, the Council or the Commission under Articles 4(1)(d) and (e) that fall outside those thematic areas, provided that its financial and human resources so permit***.
4. ***The Annual Work Programme, adopted in accordance with Article 11(4)(a), shall be in line with the Commission's annual work programme, including its research work and its actions on statistics undertaken in the context of the Community Statistical Programme.***	4. ***The Agency shall carry out its tasks in the light of its annual work programme.***

Or. en

Compromise amendment by Kinga Gál

Amendment 24
(Compromise amendment replacing Amendment 137 Cavada - 138 Cavada - 27 rapporteur - 139 Cavada)
Article 6, paragraphs 1 and 2

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. ***In order*** to ensure the provision of objective, reliable and comparable information, the Agency shall, 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	***(a) set up and coordinate information networks, such as the network of independent experts on fundamental rights, and use existing networks;***
	(b) organize meetings of external experts; and,
	(c) whenever necessary, set-up ad hoc

	working parties.
2. In pursuing its activities, the Agency shall, in order to ***avoid duplication*** and guarantee the best possible use of resources, take account ***of existing information from whatever source, and in particular*** of activities ***already carried out by***	2. In pursuing its activities, the Agency shall, in order to ***achieve complementarity*** and guarantee the best possible use of resources, take account, ***where appropriate, of information collected and*** of activities ***undertaken, in particular by:***
(a) ***Community*** institutions, bodies, offices and agencies;	(a) ***Union*** institutions ***and*** bodies, offices and agencies ***of the Community and the Union and of the Member States;***
(b) ***institutions, bodies, offices and agencies of the Member States; and***	(b) ***the Council of Europe, by referring to the findings and activities of its monitoring and control mechanisms and its Commissioner for Human Rights; and***
(c) ***the Council of Europe*** and other international organisations.	(c) ***the Organisation of Security and Co-operation in Europe (OSCE), the United Nations*** and other international organisations.

Or. en

Compromise amendment by Kinga Gál

Amendment 25
(Compromise amendment replacing Amendment 29 rapporteur - 140 Cashman - 30 rapporteur - 141 Cashman - 142 Cavada - 143 Cavada)
Article 8, title, paragraph - 1 (new) and paragraph 1

Cooperation with organisations at Member State and ***European*** level	Cooperation with organisations at Member State and ***international*** level
	-1. In order to ensure close cooperation with Member States, each Member State shall nominate a government official as a national liaison officer. The Agency shall forward to the national liaison officers all documents drawn up in accordance with Article 4(1)(a), (b), (c), (d), (e), (f), (g), and (i).
1. To help it carry out its tasks, the Agency shall cooperate with governmental ***and non-governmental*** organisations and bodies competent in the field of fundamental rights at the Member State ***or at European level.***	1. To help it carry out its tasks, the Agency shall cooperate with:
	- governmental organisations ***and public*** bodies competent in the field of fundamental rights in the Member States***, including national human rights institutions;***
	- the Organisation for Security and Co-operation in Europe, especially the Office

	for Democratic Institutions and Human Rights (ODIHR), the United Nations and other international organisations.

Or. en

Compromise amendment by Kinga Gál

Amendment 26
(Compromise amendment replacing Amendment 31 rapporteur - 144 Cavada - 145 Guardans - 146 Cashman - 11 AFET - 147 Cavada - 12 AFET)
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 Board, in accordance with ***Article 11***.	***In order to ensure complementarity and added value,*** the Agency shall coordinate its activities with those of the Council of Europe, particularly with regard to the Annual Work Programme pursuant to Article 5 ***and to the cooperation with civil society in accordance with Article 9a***. 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 ***appointment of*** an independent person ***by the Council of Europe*** to sit on the Agency's Management Board ***and on its Executive Board,*** in accordance with ***Articles 11 and 12.***

Or. en

Compromise amendment by Kinga Gál

Amendment 27
(Compromise amendment replacing Amendment 13 AFET- in place of Article 14 of the Commission proposal)
Article 9 a (new)

	Article 9a
	Cooperation with civil society and the establishment of a Fundamental Rights Platform
	1. The Agency shall closely cooperate with non-governmental organisations and civil

society institutions active, at national, European or international level, in the field of fundamental rights, including in combating racism and xenophobia and in the protection of minorities. To that end, the Agency shall establish a cooperation network, to be known as the Fundamental Rights Platform, composed of non-governmental organisations dealing with human rights, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and other qualified experts of European and international bodies and organisations.

2. The Platform shall constitute a mechanism for the exchange of information and the pooling of knowledge. It shall ensure close cooperation between the Agency and relevant stakeholders.

3. The Platform shall be open to all interested and qualified stakeholders pursuant to paragraph 1. The Agency may address the members of the Platform in accordance with specific needs related to areas identified as a priority of the Agency's work.

4. The Agency shall call upon the Platform in particular to:

(a) make suggestions to the Management Board on the annual work programme to be adopted under Article 11(4)(a);

(b) give feedback and suggest follow-up to the Management Board on the annual report provided for in Article 4(1)(f); and

(c) communicate outcomes and recommendations of conferences, seminars and meetings relevant to the work of the Agency to the Director and the Scientific Committee.

5. The Platform shall be coordinated under the authority of the Director.

Or. en

Compromise amendment by Kinga Gál

Amendment 28
(Compromise amendment replacing Amendment 32 rapporteur - 148 Cavada - 149 Guardans)
Article 10, points (c) and (d)

(c) ***a director;***	(c) ***a Scientific Committee; and***
(d) ***a forum.***	(d) ***a Director.***

Or. en

Compromise amendment by Kinga Gál

Amendment 29
(Compromise amendment replacing Amendment 33 rapporteur - 150 Moreno-Valenciano - 151 Guardans - 152 Cavada - 11 FEMM - 34 rapporteur - 153 Guardans - 154 Lax, Guardans - 155 Lax - 156 Kósáné Kovács - 157 Guardans - 14 AFET - 12 FEMM - 35 rapporteur - 158 Guardans - 36 rapporteur - 159 Guardans - 160 Bozkurt - 13 FEMM - 161 Guardans - 37 rapporteur - 162 Cavada)
Article 11

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 experience in the field of fundamental rights and the management of public sector organisations, as follows:
(a) one independent person appointed by each Member State;	(a) one independent person appointed by each Member State ***who has high-level responsibilities in an independent national human rights institution or other public or private-sector organisation;***
(b) one independent person appointed by the European Parliament;	
(c) one independent person appointed by the Council of Europe; and	(c) one independent person appointed by the Council of Europe; and
(d) two ***representatives of*** the Commission.	(d) two ***persons nominated by*** the Commission: ***- one of whom shall be an independent person designated from among individuals whose competence in the field of fundamental rights is universally recognized, and*** ***- the other of whom shall be a representative of the Commission.***
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.
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 Agency. The party concerned shall appoint a new member for the remaining term of the office.

3. The Management Board shall elect its Chairperson and Vice-Chairperson to serve for a two-and-a-half year term, which may be renewed once. Each member of the Management Board, or, in his or her absence, his or her alternate shall have one vote.

4. ***The Management Board shall ensure that the Agency performs the tasks entrusted to it. It shall be the Agency's planning and monitoring body. In particular, it shall:***
(a) adopt the Agency's Annual Work Programme on the basis of a draft submitted by the Agency's Director after the Commission has delivered an opinion. It shall be in accordance with the available financial and human resources. The Annual Work Programme shall be transmitted to the European Parliament, the Council and the Commission;
(b) adopt the annual reports referred to in Article 4(1)(f) and (h), comparing, in particular, the results achieved with the objectives of the annual work programme; these reports shall be transmitted not later than 15 June to the European Parliament, the Council, the Commission, the Court of Auditors, the European Economic and Social Committee and the Committee of the

3. The Management Board shall elect its Chairperson and Vice-Chairperson to serve for a two-and-a-half year term, which may be renewed once. Each member of the Management Board, or, in his or her absence, his or her alternate shall have one vote.

4. ***The term of office of the members and alternate members of the Management Board shall be five years. It shall not be renewable***.

Regions;
(c) appoint and, if necessary, dismiss the Agency's Director;
(d) adopt the Agency's annual draft and final budgets;
(e) exercise disciplinary authority over the Director;
(f) draw up an annual estimate of expenditure and revenue for the Agency and send it to the Commission, in accordance with Article 19(5);
(g) adopt the Agency's rules of procedure on the basis of a draft submitted by the Director after the Commission has delivered an opinion;
(h) adopt the financial rules applicable to the Agency on the basis of a draft submitted by the Director after the Commission has delivered an opinion, in accordance with Article 20(11);
(i) adopt the necessary measures to implement the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities, in accordance with Article 23(3); and
(j) adopt the procedures for applying Regulation (EC) No 1049/2001 of the European Parliament and of the Council, in accordance with Article 16(2).

5. ***The Management Board may delegate any of its responsibilities to the Executive Board, except for the matters referred to in points (a), (b), (c), (d), (g) and (h) of paragraph 4.***

5. ***Apart from normal replacement or death, the term of office of the member or the alternate member shall end only when he or she resigns. However, where a member or an alternate member no longer meets the criterion of independence, he or she shall forthwith inform the Commission and the Director of the Agency thereof. The party concerned shall appoint a new member or a new alternate member for the remainder of the term of office. The party concerned shall also appoint a new member or a new alternate member for the remainder of the term of office, if the Management Board has established, on the basis of a proposal of one third of its members or of the Commission, that a member or alternate member no longer meets the criterion of independence. Where the remainder of the term of office is***

	less than two years, the term of office of the new member or alternate member may be a full five years.
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. ***The Management Board shall elect its Chairperson and Vice-Chairperson and the other two members of the Executive Board as referred to in Article 13 from its members appointed under paragraph 1(a) to serve for a two-and-a-half year term, which may be renewed once.***
7. ***The Chairperson shall convene the Board once a year, 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.***	7. ***The Management Board shall ensure that the Agency performs the tasks entrusted to it. It shall be the Agency's planning and monitoring bodyIn particular, it shall:*** ***(a) adopt the Agency's annual work programme in accordance with the multi-annual framework, on the basis of a draft submitted by the Director of the Agency Director after the Commission and the Scientific Committee have delivered an opinion. It shall be in accordance with the available financial and human resources and shall take into account the research and statistical work of the Community. The annual work programme shall be forwarded to the European Parliament, the Council and the Commission;*** ***(b) adopt the annual reports referred to in Article 4(1)(f) and (h), comparing in the latter one, in particular, the results achieved with the objectives of the annual work programme; without prejudice to the fifth paragraph of Article 12a, the Scientific Committee shall be consulted before the report referred to in Article 4(1)(f) is adopted; the reports shall be forwarded no later than 15 June to the European Parliament, the Council, the Commission, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions;*** ***(c) appoint and, if necessary, dismiss the Director of the Agency;*** ***(d) adopt the Agency's annual draft and final budgets;*** ***(e) exercise the powers laid down in Article***

23(2) in respect of the Director and disciplinary authority over the Director;
(f) draw up an annual estimate of expenditure and revenue for the Agency and send it to the Commission in accordance with Article 19(5);
(g) adopt the Agency's rules of procedure on the basis of a draft submitted by the Director after the Commission and the Scientific Committee have delivered an opinion;
(h) adopt the financial rules applicable to the Agency on the basis of a draft submitted by the Director after the Commission has delivered an opinion, in accordance with Article 20(11);
(i) adopt the necessary measures to implement the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities in accordance with Article 23(3);
(j) adopt the arrangements to implement Regulation (EC) No 1049/2001 , in accordance with Article 16(3);
(k) appoint and dismiss members of the Scientific Committee in accordance with the first and third paragraphs of Article 12a; and
(l) establish that a member or an alternate member of the Management Board no longer meets the criterion of independence, in accordance with paragraph 5.

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 Management Board may delegate its responsibilities except for matters referred to in points (a), (b), (c), (d), (e), (g), (h), (k) and (l) of paragraph 7 to the Executive Board.***

8a. Decisions by the Management Board shall be taken by a simple majority of the votes cast, except as regards the decisions referred to in paragraph 7 as well as in the points (a), (b), (c), (d), (e), (g), (k) and (l) of paragraph 7, where a two-thirds majority of all members shall be required. Each member of the Management Board, or, in his or her absence, his or her alternate shall have one vote. The Chairperson shall have

	the casting vote. The person appointed by the Council of Europe may vote on decisions referred to in points (a), (b), (g) and (k) of paragraph 7. ***8b. The Chairperson shall convene the Management Board twice a year, without prejudice to any additional extraordinary 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.*** ***8c. The Chairperson or Vice-Chairperson of the Scientific Committee and the Director of the European Institute for Gender Equality may attend meetings of the Management Board as observers. The Directors of other relevant Community agencies,Union bodies and other international institutions as referred to in Articles 8 and 9 may also attend as observers when invited by the Executive Board.***

Or. en

Compromise amendment by Kinga Gál

Amendment 30
(Compromise amendment replacing Amendment 37 rapporteur - 163 Moreno, Valenciano - 15 AFET - 14 FEMM - 38 rapporteur - 164 Guardans)
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, two ***other members of the Management Board elected by the Management Board in accordance with Article 11(6) and one of the persons nominated by the Commission to the Management Board. The person appointed by the Council of Europe to the Management Board may participate in the meetings of the Executive Board as an observer.***

Or. en

Compromise amendment by Kinga Gál

Amendment 31
Article 12 a (new)

Article 12a

Scientific Committee

The Scientific Committee shall be composed of eleven independent persons, highly qualified in the field of fundamental rights. The Management Board shall appoint the members following a transparent call for applications and selection procedure after having consulted and taken into account the views expressed by the competent committee of the European Parliament. The Management Board shall ensure even geographical representation. The members of the Management Board shall not be members of the Scientific Committee. The rules of procedure referred to in Article 11(7)(g) shall lay down the detailed conditions governing the appointment of the Scientific Committee.

The term of office of the members of the Scientific Committee shall be five years. It shall not be renewable.

The members of the Scientific Committee shall be independent. They may be replaced only at their own request, or in the event of their being permanently prevented from fulfilling their duties. However, where a member no longer meets the criterion of independence, he or she shall forthwith inform the Commission and the Director of the Agency thereof. Alternatively, the Management Board may declare, on a proposal of one third of its members, that the person concerned no longer meets the criterion of independence and dismiss the person concerned. The Management Board shall appoint a new member for the remainder of the term of office in accordance with the procedure for ordinary members. Where the remainder of the term of office is less than two years, the term of office of the new member may be a full five

	years. The list of members of the Scientific Committee shall be made public and shall be updated by the Agency on its web site. ***The Scientific Committee shall elect its Chairperson and Vice-Chairperson for a term of office of one year.*** ***The Scientific Committee shall be the guarantor of the scientific quality of the Agency's work, guiding the work to that effect. For that purpose, the Director shall involve the Scientific Committee as early as appropriate in the preparation of all documents drawn up in accordance with Article 4(1)(a), (b), (c), (d), (e), (f), (g), and (i).*** ***The Scientific Committee shall take its decisions by a two-thirds majority. It shall be convened by its Chairperson four times per year. If necessary, the Chairperson shall launch a written procedure or shall convene extraordinary meetings on his or her own initiative or at the request of at least four members of the Scientific Committee.***

Or. en

Compromise amendment by Kinga Gál

Amendment 32
(Compromise amendment replacing Amendment 165 Cavada - 166 Voggenhuber - 39 rapporteur - 167 Moreno, Gomez, Valenciano - 168 Krarup - 169 Guardans - 16 AFET - 170 Sonik - 171 Lax, Guardans - 172 Krarup - 17 AFET - 173 Moreno, Gomez, Valenciano - 174 Lax, Guardans - 18 AFET)
Article 13

1. 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***	1. The Agency shall be headed ***and represented*** by a Director appointed by the Management Board ***in accordance with a co-operation ("concertation") procedure provided for in paragraph 2.*** The Director shall be appointed on the basis of his or her personal merit, ***experience in the field of fundamental rights and administrative and management skills***.

from its members.	
2. ***The Director's term of office shall be five years. On a proposal from the Commission and after evaluation, this may be extended once for a period of no more than five years. In the evaluation, the Commission shall assess in particular the results achieved during the first term of office and the way in which they were achieved, and the Agency's duties and requirements in the coming years.***	2. ***The cooperation procedure shall be as follows:*** ***(a) On the basis of a list drawn up by the Commission after a call for candidates and a transparent selection procedure, applicants will be asked before an appointment is made to address the Council of the European Union and the relevant European Parliament committee and to reply to questions;*** ***(b) The European Parliament and the Council of the European Union will then give their opinion on the applicants and state their orders of preference.*** ***(c) The Management Board will appoint the Director taking those opinions into account.***
3. ***The Director shall be responsible for:*** ***(a) performance of the tasks referred to in Article 4;*** ***(b) preparation and implementation of the Agency's Annual Work Programme;*** ***(c) all staff matters, and in particular exercising powers provided for in Article 23(2);*** ***(d) matters of day-to-day administration;*** ***(e) implementation of the Agency's budget, in accordance with Article 20; and*** ***(f) implementation of effective monitoring and evaluation procedures relating to the performance of the Agency against its objectives according to professionally recognised standards. The Director shall report annually to the Management Board on the results of the monitoring system.***	3. ***The Director's term of office shall be five years.*** ***In the course of the nine months preceding the end of that period, the Commission shall evaluate in particular:*** ***the performance of the Director; and the Agency's duties and requirements in the coming years.*** ***Taking account of the evaluation report and only where justified by the duties and requirements of the Agency, the Management Board may, acting on a proposal from the Commission, extend the term of office of the Director once for not more than three years.*** ***The Management Board shall inform the European Parliament of its intention to extend the Director's term of office. Within a period of one month before the Management Board formally takes its decision to extend the term of office, the Director may be asked to make a declaration before the competent committee of the European Parliament and to answer questions from its members.*** ***Where his or her term of office is not extended, the Director shall remain in office until the appointment of his or her successor.***
4. The Director shall be ***accountable*** for ***the management of his/her activities to the***	4. The Director shall be ***responsible*** for***:*** ***(a) performance of the tasks referred to in***

Management Board and shall participate in its meetings without voting rights.	***Article 4 and in particular the preparation and publication of the documents drawn up in accordance with Article 4(1)(a) , (b), (c), (d), (e), (f), (g) and (i) in cooperation with the Scientific Committee;*** ***(b) preparation and implementation of the Agency's annual work programme;*** ***(c) all staff matters, and in particular the exercise in respect of staff of the powers laid down in Article 23(2);*** ***(d) matters of day-to-day administration;*** ***(e) implementation of the Agency's budget, in accordance with Article 20;*** ***(f) implementation of effective monitoring and evaluation procedures relating to the performance of the Agency against its objectives according to professionally recognised standards. The Director shall report annually to the Management Board on the results of the monitoring system;*** ***(g) cooperation with national liaison officers; and*** ***(h) cooperation with civil society, including coordination of the Fundamental Rights Platform in accordance with Article 9a.***
5. ***The Director may be dismissed by the Management Board before his or her term has expired, on the basis of a proposal from the Commission.***	5. ***The Director shall perform his or her tasks independently. He or she shall be accountable for the management of his or her activities to the Management Board and shall participate in its meetings without voting rights.*** ***5a.The Director may be called at any time by the European Parliament or by the Council to attend a hearing on any matter linked to the Agency's activities.*** ***5b. The Director may be dismissed by the Management Board before his or her term has expired, on the basis of a proposal of a third of its members. The Chairperson of the Management Board shall inform the European Parliament and the Council of the reasons for the dismissal.***

Or. en

Amendment 33
Article 14

Article 14	***deleted***
Fundamental Rights Forum	
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.	
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.	
3. Members of the Management Board shall not be members of the Forum, but may attend its meetings.	
4. The Forum shall constitute a mechanism for the exchange of information in relation to fundamental rights issues and the pooling of knowledge. It shall ensure close cooperation between the Agency and relevant stakeholders.	
5. The Forum shall:	
- make suggestions for the purpose of drawing up the Annual Work Programme to be adopted under Article 11(4)(a); and	
- give feedback and suggest follow up on the basis of the annual report on the situation regarding fundamental rights adopted under Article 11(4)(b).	
6. The Forum shall be chaired by the Director. It shall meet annually, or at the request of the Management Board. Its operational procedures shall be specified in the Agency's internal rules and shall be made public.	
7. The Agency shall provide the technical and logistic support necessary for the Forum and provide a secretariat for its meetings.	

Or. en

Compromise amendment by Kinga Gál

Amendment 34
(Compromise amendment replacing Amendment 182 Lax - 183 Sonik)
Article 15, paragraph 2

2. The members of the Management Board, the Director and the ***members of the Forum*** shall undertake to act in the public interest. For this purpose, they shall make a statement of ***commitment.***	2. The members ***and alternate members*** of the Management Board, ***the members of the Scientific Committee*** and the Director shall undertake to act in the public interest. For this purpose, they shall make a statement of ***interests indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interests which might be considered prejudicial to their independence. They shall make that statement in writing when taking office and shall revise it should changes occur with regard to the interests. It shall be published by the Agency on its website.***
The members of the Management Board appointed under Article 11(1)(a), (b) and (c), the Director and the members of the Forum shall undertake to act independently. For this purpose, they shall make a statement of interests indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interests which might be considered prejudicial to their independence.	
Both statements shall be made annually in writing.	

Or. en

Compromise amendment by Kinga Gál

Amendment 35
(Compromise amendment replacing Amendment 184 Lax)
Article 16, title and paragraphs 1 and 2

Access to documents	***Transparency and*** access to documents
1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council shall apply to documents held by the Agency.	1. ***The Agency shall develop good administrative practices in order to ensure the highest possible level of transparency concerning its activities.*** Regulation (EC) No 1049/2001 of the European Parliament and of the Council shall apply to the documents held by the Agency.
2. The Management Board shall ***adopt arrangements to implement Regulation (EC) No 1049/2001 within six months of the commencement of the Agency's operation.***	2. The Management Board shall, ***within six months after the Agency becomes operational, adopt specific rules for the practical implementation of paragraph 1. These shall include inter alia rules for:***

	- the openness of meetings, ***- the publication of the work of the Agency, including those of the Scientific Committee, and*** ***- the implementation of Regulation (EC) No 1049/2001.***

Or. en

Compromise amendment by Kinga Gál

Amendment 36
(Compromise amendment replacing Amendment 185 Cavada - 186 Cavada)
Article 19, paragraph 3

3. The revenue of the Agency shall, without prejudice to other resources, comprise:	3. The revenue of the Agency shall, without prejudice to other resources, comprise ***a subsidy from the Community, entered in the general budget of the European Union (Commission section).***
(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.***	***This revenue may be supplemented by*** payments received for services rendered ***in the framework of the implementation of the tasks listed in Article 4.***

Or. en

Compromise amendment by Kinga Gál

Amendment 37
Article 22, paragraph 4

4. The Agency shall legally succeed the European Monitoring Centre on Racism and Xenophobia. It shall assume all legal rights and obligations, financial commitments or liabilities of the Centre. ***Employment contracts concluded by the Centre before the adoption of this Regulation shall be honoured.***	4. The Agency shall legally succeed the European Monitoring Centre on Racism and Xenophobia. It shall assume all legal rights and obligations, financial commitments or liabilities of the Centre.

Or. en

Compromise amendment by Kinga Gál

Amendment 38
(Compromise amendment replacing Amendment 187 Bozkurt - 16 FEMM)
Article 23, paragraphs 1 and 2

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 these Staff Regulations and Conditions of Employment shall apply to the staff of the Agency.	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 these Staff Regulations and Conditions of Employment shall apply to the staff of the Agency ***and its Director***.
2. In respect of its staff, the Agency shall exercise the powers conferred on the appointing authority.	2. In respect of its staff, the Agency shall exercise the powers conferred on the appointing authority ***by the Staff Regulations of Officials of the European Communities and on the authority entitled to conclude contracts by the Conditions of Employment of Other Servants of the European Communities.***

Or. en

Compromise amendment by Kinga Gál

Amendment 39
(Compromise amendment replacing Amendment 43 rapporteur - 44 rapporteur - 20 AFET - 188 Cashman -45 rapporteur - 189 Cashman - 46 rapporteur - 17 FEMM)
Article 27

Participation of candidate ***or potential candidate*** countries	Participation of candidate countries ***and countries with which a Stabilisation and Association Agreement has been concluded***
1. The Agency shall be open to the participation of ***those countries which have concluded an association agreement with the Community and have been identified by the European Council as candidate countries or potential candidate countries for accession to the Union where the relevant Association Council decides on***	1. The Agency shall be open to the participation of ***candidate countries or countries with which a Stabilisation and Association Agreement has been concluded by the European Community.***

such participation.	
2. ***In that event, the*** modalities ***of their participation*** shall be determined by a decision of the relevant Association Council. The decision shall ***specify the expertise and assistance to be offered to the country in question and indicate in particular the nature,*** extent and manner in which these countries will participate in the Agency's work, including provisions relating to participation in the initiatives undertaken by the Agency, to the financial contribution and to staff. The decision shall be in line with this Regulation and with the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities. The decision shall provide that the participating country may appoint an independent person fulfilling the qualifications for persons referred to in Article 11(1)(a) as observer to the Management Board without right to vote.	2. ***The participation of such countries and the relevant*** modalities shall be determined by a decision of the relevant Association Council, ***taking into account the specific status of each country***. The decision shall ***lay down in particular the nature,*** extent and manner in which these countries will participate in the Agency's work, ***within the framework laid down in Articles 4 and 5,*** including provisions relating to participation in the initiatives undertaken by the Agency, to the financial contribution and to staff. The decision shall be in line with this Regulation and with the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities. The decision shall provide that the participating country may appoint an independent person fulfilling the qualifications for persons referred to in Article 11(1)(a) as observer to the Management Board without right to vote.
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.	

Or. en

Compromise amendment by Kinga Gál

Amendment 40
Article 29

Article 29	***deleted***
Procedure	
1. The Commission shall be assisted by a committee, composed of representatives of the Member States and chaired by the representative of the Commission.	
2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7(3) thereof.	
3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be one month.	

Or. en

Compromise amendment by Kinga Gál

Amendment 41
(Compromise amendment replacing Amendment 47 rapporteur - 48 rapporteur - 18 FEMM)
Article 30

1. The current term of office of the members of the Management Board of the European Monitoring Centre on Racism and Xenophobia shall terminate on 31 December 2006. The Commission shall take the necessary measures to ensure that a Management Board established in accordance with Article 11 shall start its ***term of office on 1 January 2007***.	1. The current term of office of the members of the Management Board of the European Monitoring Centre on Racism and Xenophobia shall terminate on 31 December 2006. The Commission shall take the necessary measures ***without delay after the entry into force of this Regulation*** to ensure that a Management Board established in accordance with Article 11 shall start its ***work in due course.***
2. The ***Commission*** shall start the procedure for appointing a Director of the Agency as provided for in Article 13(1) without delay after the entry into force of this Regulation.	2. The ***parties concerned*** shall start the procedure for appointing a Director of the Agency as provided for in Article 13(1) without delay after the entry into force of this Regulation.
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 ***appoint an interim Director or*** extend the current term of the Director of the European Monitoring Centre on Racism and Xenophobia for ***the shortest possible*** period***,*** pending the appointment procedure referred to in paragraph 2.
4. If the Director of the Centre is unwilling or unable to act in accordance with	

paragraph 3, the Management Board shall appoint an interim Director on the same conditions.

Or. en

Compromise amendment by Kinga Gál

Amendment 42
(Compromise amendment replacing Amendment 2 BUDG - 191 Bozkurt - 3 BUDG)
Article 31, paragraphs 1 to 3

1. The Agency shall regularly carry out ex-ante and ex-post evaluations of its activities when these necessitate significant expenditure. ***It shall*** notify the Management Board of the results of these evaluations	1. The Agency shall regularly carry out ex-ante and ex-post evaluations of its activities when these necessitate significant expenditure. ***The Director*** shall notify the Management Board of the results of these evaluations.
2. The Agency shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.	2. The Agency shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.
3. No later than ***31 December 2009,*** the Agency shall commission an independent external evaluation of its achievements during the first three years of operations on the basis of terms of reference issued by the Management Board in agreement with the Commission. This evaluation shall take into account the tasks of the Agency, the working practices and impact of the Agency on the protection and promotion of fundamental rights ***and shall*** include an analysis of the synergy effects and 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 levels.	3. No later than ***31 December 2011***, the Agency shall commission an independent external evaluation of its achievements during the first three years of operations on the basis of terms of reference issued by the Management Board in agreement with the Commission. This evaluation shall: **-** take into account the tasks of the Agency, the working practices and impact of the Agency on the protection and promotion of fundamental rights; ***- include an assessment of the possible need to modify the Agency's tasks, scope, areas of activity or structure;*** **-** include an analysis of the synergy effects and the financial implications of any modification of the tasks; ***and*** **-** take into account the views of the stakeholders at both Community and national levels**.**
The evaluation shall also assess the possible need to modify or extend the Agency's tasks, scope, areas of activity or structure, including in specific structural modifications needed to ensure compliance with horizontal rules on regulatory agencies	

once they enter into force.

Or. en

Compromise amendment by Kinga Gál

Amendment 43
Article 32, paragraph 1

1. The Management Board shall examine the conclusions of the evaluation referred to in ***Article 31*** and issue to the Commission such recommendations as may be necessary regarding changes in the Agency, its working practices and the scope of its mission. The Commission shall transmit the evaluation report and the recommendations to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions and make them public.	1. The Management Board shall examine the conclusions of the evaluation referred to in ***Article 31(3) and (4)*** and issue to the Commission such recommendations as may be necessary regarding changes in the Agency, its working practices and the scope of its mission. The Commission shall transmit the evaluation report and the recommendations to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions and make them public.

Or. en