Gender equality: establishment of a European Institute for Gender Equality

2005/0017(COD) - 08/05/2006 - Modified legislative proposal

The amendments proposed by the European Parliament have been defined by the Commission as i) those which make the text clearer and can be accepted as they stand or subject to slight reworking; ii) those which reinforce/clarify the tasks of the Institute and its working methods; iii) those which address horizontal issues; iv) those which, although constructive are not proper to the Regulation and v) those which form part of legal technique.

In summary, the most important modifications made by the Commission are as follows:

Amendments accepted in full by the Commission:

- those that stress the Institute must not simply collect data but must also analyse it;

- a new title for Article 1 “Establishment of the Institute”;

- adding three new points to Article 3 of the Regulation, namely: disseminate and promote the use of methodological tools; methodological tools should support not only Community policies but also the resulting national policies and – they should also support gender mainstreaming in all Community institutions and bodies;

- amendments making explicit provision in the Regulation for the creation of a “Network for the Institute”. The Commission notes that the proposal covers the necessary budget for creating a telematic network given that all other agencies have this;

- amendments requiring the Institute to provide Community institutions with information on gender equality in the accession and candidate countries;

- an amendment on the subject of equal representation, whereby the three institutions must ensure that neither women nor men constitute less than 40% of the membership of the Management Board;

- extending from one year to two and a half years the tenure of the Management board;

- requiring directors of other agencies to attend meetings of the Management Board in order to co-ordinate the respective working programmes in relation to gender mainstreaming;

- requiring the Director to be called upon at any time by the Council or EP to attend a hearing on any matter linked to the Institutes’ activities;

- a provision that the Advisory Forum be reduced to Member State representatives only and should not include NGO’s and social partners at a European level. The latter are already represented on the Management Board;

- the Forum should support the Director in preparing the Institutes’ annual and medium-term programmes of activities.

- the setting up of the Institute within the stipulated twelve-month period.

Amendment accepted by the Commission subject to slight reworking:

- an amendment proposing that the Institute highlight achievements by women in all walks of life has been modified by the Commission so that the provision now reads that the Institute should "highlight the positive *gender* roles in European society". This way men as well as women can be important role models;

- the recital referring to the Regulation's main objectives has not been removed, as was suggested by EP. Rather, the Commission has re-worded the recital to include the development of methodological tools and the promotion of dialogue between those involved in order to assist the Community institutions;

- amendments on the international role of the Institute have been accepted albeit in a more limited format in order to take account of the Institutes' initial budget;

- the composition of the Management Board. This will now consist of thirteen members, nine of which will represent the Council – chosen on the basis of a list proposed by the Commission and after the EP has been consulted, one Commission representative and three representatives form the social partners and NGO's without voting rights. The Commission has accepted that it will have fewer representatives than originally foreseen. However, this is conditional on there being a balance between the two institutions whenever the Commission's responsibility is exercised – i.e. when the work programme and budget are adopted. Further, the Commission proposes that the nine Council representatives are drawn in accordance with a system of rotation by order of Presidencies. Lastly, the Commission proposes that the term of office of the members be reduced from five to three years so that the rotation of the Member State representatives can take place within a reasonable period of time.

Amendments not accepted by the Commission:

Mostly these refer to amendments, which have been incorporated elsewhere in the body of the Regulation' s text and therefore do not need repeating, or else are provisions which the Commission feels should be drawn up by the Institute under its "Rules of Procedures" once it has been established. Similarly, the Commission notes that the Management Board must be left to decide how to create the network for the Institute rather than having it incorporated into the Regulation's recitals. In other cases, the Commission has rejected the EP's amendments on the grounds that they duplicate work. One amendment not accepted by the Commission refers to:

- extending the Director's term of office. This indicates that the Commission does not make a proposal and is not solely responsible for evaluating the Director. Rather, it indicates that this responsibility is shared by the European Parliament and the Management Board. This amendment has not been accepted by the Commission given that it is for the Management Board to decide whether or not to extend the term of office of the incumbent Director. The evaluation must be carried out by a body which is independent of the appointing authority in order to ensure that the evaluation remains objective. As a result, the Commission states that the provision proposed by the Commission is horizontal in nature and should be retained for the sake of consistency.

The Commission has modified its original proposal accordingly.