Gender equality: establishment of a European Institute for Gender Equality

2005/0017(COD) - 18/09/2006 - Council position

In adopting the common position by unanimity, the Council has, with the exception of questions relating to the composition of the Management Board and the Advisory Forum, largely followed the line taken by the Commission in its amended proposal. The European Parliament adopted 50 amendments designed to make the text clearer; upgrade/clarify the tasks of the Institute and its working methods; address horizontal issues; introduce some clarifications which, although constructive, have not been included in the Regulation. The Commission accepted 40 of these amendments, 28 of which in their entirety and 12 after slight rewording. The Council followed suit and accepted the majority of the amendments either in their entirety or as reworded by the Commission or slightly amended by itself (a total of 35 amendments). The Council rejected 15 amendments (five in addition to the 10 not accepted by the Commission). One of the five amendments rejected is the amendment relating to the composition of the Management Board.

European Parliament's amendments not accepted by the Council

- **Dialogue at international level** (Article 3(1)): the Council does not consider this amendment to be necessary as Article 8 specifically deals with "cooperation with organisations at national and European level and international organisations and third countries" and sets out a procedure for such cooperation. Article 4, which outlines the areas of activity and working methods of the Institute, also refers to the need to take account of existing information from whatever source and in particular of activities already carried out by the Community institutions and by other institutions, bodies, competent national and international organisations. Moreover, the Council considers that legal clarity could be compromised by adding this aspect to the already long list of tasks under Article 3.

- **Composition of the Management Board** (Article 10(1)): in reaching a general approach in June 2005, the Council did not accept the Commission's original proposal for a restricted Management Board, preferring a fully representative Board of 25 members, accompanied by a small Bureau composed of six members (Article 11). In this scenario, the Commission would have three representatives on the Board and there would be three non-voting members representing an appropriate NGO at Community level and the social partners.

Having received the opinion of the European Parliament in March 2006, the Council examined the merits of amendments calling for a small Management Board comprised of nine members appointed by the Council and a representative of the Commission. Whilst this was considered to be an improvement on the Commission's original proposal, it was nonetheless unacceptable to the Council for a number of reasons:

- given the nature of the issue, the Council considered it important for each Member State to be represented on the Board and felt that this would also facilitate pooling of national expertise and experience in the area of gender equality, which is particularly important in the context of an enlarging

Union.

- it was important for the Institute to function efficiently and thus a simple procedure for the appointment of Board members would be preferable. Moreover, it was considered that a small Bureau would be effective in ensuring the smooth running of the Board.

- as gender equality policy cut across a wide range of areas, the Council took the view that the Commission should have more than one representative on the Board in order to be able to make a solid contribution to the running of the Institute. The Council felt that a Commission representative should also participate in the executive Bureau.

- the Council agreed with the Commission that there should be three nonvoting members representing the social partners and an appropriate nongovernmental organisation at Community level.

It should also be noted that the Council's position in relation to the composition of the Management Board reflects the general horizontal position taken in the past on other Community agencies or bodies. Whilst several delegations were willing to reconsider their position in the case of the Institute due to its relatively small size and modest budget, it was acknowledged that it was impossible to say at this stage whether a smaller Board accompanied by a large Advisory Forum would in fact be more efficient than a representative Board assisted by a small Bureau.

Moreover, the setting up of a small Bureau, which could meet more frequently than the Management Board, was an important consideration in ensuring the cost effectiveness of the Institute.

- **Representation between men and women**: a minimum quota of representation for each sex (at least 40% of men and women) (Article 10(2)). The Council supports the concept of a balanced representation between men and women on the Management Board. However, it does not wish unnecessarily to hamper the operation of the Institute by having an obligatory quota, which might be difficult to fulfil in practice given that there are generally more women involved in gender equality policy than men at the current time. Whilst achieving a gender balance is important, and there are moves to involve more men in this area, the Council considers that the experience and competence of the Board members in the field of gender equality are also important considerations to be taken into account.

- **Advisory Forum** (Article 12 of the Commission's original proposal): in the Council's preferred scenario of a large Management Board, assisted by a small Bureau, it was considered that the Advisory Forum, as envisaged by the Commission and the Parliament, was no longer necessary. Moreover, in order to ensure that the Institute would benefit from the valuable expertise available at a national level, Article 3 of the common position sets up a **European Network on Gender Equality**, as requested by the Parliament, and also provides for an "annual meeting of experts from the competent bodies specialised in gender equality issues in the Member States".

Other changes made by the Council: a number of other small technical changes, of a legal or linguistic nature, were agreed in the context of the Legal/Linguistic procedure between the European Parliament and the Council.