Gender equality: establishment of a European Institute for Gender Equality

2005/0017(COD) - 21/09/2006 - Commission communication on Council's position

On the whole, the Commission holds the Council’s common position to be in line with its proposal and to take account of the amendments proposed by the EP at the first reading and the Commission’s amended proposal.

However, the Commission regrets that the Council has unanimously come out in favour of a Management Board made up of 31 members accompanied by an Executive Bureau of six members. These cumbersome arrangements are not justified by an agency with a staff of 15 persons in 2007 (30 in 2013) and an annual budget of approximately EUR 7.5 million. The Commission also takes the view that the Advisory Forum, which has been dispensed with by the Council, would allow each Member State to contribute to preparing and implementing the work programme and to making the Institute and the other Member States aware of their own needs.

Management Board: as regards the question of the composition of the Management Board, the EP at first reading, opted for a more restricted Management Board than that proposed by the Commission of 13 members (nine representatives of the Council, one of the Commission and three of the social partners and NGOs without voting rights). The Commission accepted this proposal as long as, in the very few cases where Commission’s responsibility is involved, the voting rights of its representative are reinforced in order to maintain the balance between the two institutions. The Commission also included in its amended proposal a rotation system for the members of the Management Board in order to ensure that there is a geographical balance between the Member States. However, the Council opted for a large Management Board made up of 31 members, comprising one representative per Member State .

Important EP amendments not included in the Council’s common position

§ Composition of the Management Board: this amendment provides for a restricted Management Board of 13 members (nine from the Council from a list drawn up by the Commission and after consultation with the European Parliament, one only from the Commission and three representatives of the social partners and NGOs without voting rights). The European Parliament’ s position is in keeping with its resolution of 1 December 2005 on the draft interinstitutional agreement on the operating framework for future regulatory agencies. The Commission proposed that the term of office of the members of the Management Board 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. Despite the proposed system of rotation, the Council rejected this amendment and stuck to the formula adopted in the general approach in June 2005 in line with its standard position on the Management Boards of Community agencies (a large Management Board with one representative per Member State, three representatives of the Commission and three representatives of the social partners and the NGOs without voting rights, accompanied by an executive bureau of six members, given the large size of the Management Board).

§ Advisory Forum: the amendments restrict the participants in the Forum to representatives of the Member States alone, dispensing with the involvement of the three representatives of NGOs and social partners at European level because they are members without voting rights of the Management Board. The Forum shall support the director in preparing the institute's annual and medium term programmes of activity. In the context of a restricted Management Board where not all the Member States will be represented, it is important to reinforce the role of the Advisory

Forum, which is made up of representatives of all the Member States. The Council, which is in favour of representation of all the Member States on the Management Board, dispensed with the Advisory Forum, adding an annual meeting of gender equality experts of the Member States to the Institute's tasks.

§ Representation between men and women (40% quota): this amendment states that three institutions shall see that men and women are represented equally and that neither men nor women have less than 40% of the seats on the Management Board. The Commission accepted this amendment in view of the need to ensure that decisions taken by the Management Board reflect the needs of the whole of society. The Council rejected this amendment, emphasising the problems the Member States would have in implementing this minimum threshold.

§ Dialogue at international level: this amendment adds a new point on the dialogue which the Institute should develop at international level with the organisations responsible for gender equality. This cooperation is already provided for by Article 8(1) but the European Parliament wanted to place more emphasis on it by including it in the Institute's tasks. In this context the Commission accepted the amendment after rewording it but the Council rejected it.

Problems encountered when the common position was adopted

At its meeting on 1 June 2006, the Council came to a political agreement on the Commission position, including the question of the composition of the Management Board, by a unanimous vote. The Commission maintained the position adopted in its amended proposal and regretted that the position of the Commission and the European Parliament in favour of a restricted Management Board had been rejected. In its opinion on the common position, the Commission considers, in accordance with the European Parliament's resolution of 1 December 2005 on the draft Interinstitutional Agreement on a Framework for European Regulatory Agencies, that a Management Board of limited size would ensure a better functioning of the Institute for Gender Equality, having regard to its mission and size as well as its budget.