Basic information

2005/0017(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Gender equality: establishment of a European Institute for Gender Equality **Subject** 4.10.04.01 Programmes and actions for gender equality 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
FEMM Women's Rights and Gender Equality	SARTORI Amalia (PPE-DE) GRÖNER Lissy (PSE)	04/10/2006 04/10/2006

Former committee responsible	Former rapporteur	Appointed
FEMM Women's Rights and Gender Equality	SARTORI Amalia (PPE-DE) GRÖNER Lissy (PSE)	26/05/2005 26/05/2005

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	HAUG Jutta (PSE)	20/09/2004
LIBE Civil Liberties, Justice and Home Affairs	REYNAUD Marie-Line (PSE)	10/05/2005
AFCO Constitutional Affairs	PAHOR Borut (PSE)	06/06/2005

Former committee for opinion on the legal basis	Former rapporteur for opinion	Appointed
JURI Legal Affairs	WALLIS Diana (ALDE)	12/12/2005

Council of the European Union

Council configuration	Meetings	Date
Employment, Social Policy, Health and Consumer Affairs	2733	2006-06-01
Employment, Social Policy, Health and Consumer Affairs	2663	2005-06-02
Agriculture and Fisheries	2774	2006-12-19
Agriculture and Fisheries	2750	2006-09-18

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	ŠPIDLA Vladimír

Key events

Date	Event	Reference	Summary
08/03/2005	Legislative proposal published	COM(2005)0081	Summary
12/04/2005	Committee referral announced in Parliament, 1st reading		
02/06/2005	Debate in Council		Summary
24/01/2006	Vote in committee, 1st reading		Summary
27/02/2006	Committee report tabled for plenary, 1st reading	A6-0043/2006	
14/03/2006	Decision by Parliament, 1st reading	T6-0074/2006	Summary
14/03/2006	Results of vote in Parliament		
14/03/2006	Debate in Parliament		
08/05/2006	Modified legislative proposal published	COM(2006)0209	Summary
18/09/2006	Council position published	10351/1/2006	Summary
28/09/2006	Committee referral announced in Parliament, 2nd reading		
11/12/2006	Vote in committee, 2nd reading		
11/12/2006	Committee recommendation tabled for plenary, 2nd reading	A6-0455/2006	
12/12/2006	Debate in Parliament		
14/12/2006	Decision by Parliament, 2nd reading	T6-0586/2006	Summary
14/12/2006	Results of vote in Parliament		
19/12/2006	Act approved by Council, 2nd reading		
20/12/2006	Final act signed		
20/12/2006	End of procedure in Parliament		
30/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2005/0017(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 141-p3 EC Treaty (after Amsterdam) EC 013-p2
Stage reached in procedure	Procedure completed
Committee dossier	FEMM/6/40818

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	BUDG	PE365.016	29/11/2005	
Amendments tabled in committee		PE367.648	08/12/2005	
Committee opinion	AFCO	PE364.987	24/01/2006	
Committee opinion	JURI	PE370.158	23/02/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0043/2006	27/02/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0074/2006	14/03/2006	Summary
Committee draft report		PE380.807	06/11/2006	
Amendments tabled in committee		PE382.341	29/11/2006	
Committee recommendation tabled for plenary, 2nd reading		A6-0455/2006	11/12/2006	
Text adopted by Parliament, 2nd reading		T6-0586/2006	14/12/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	12220/2006	11/09/2006	
Council position	10351/1/2006 OJ C 295 05.12.2006, p. 0057-0068 E	18/09/2006	Summary
Draft final act	03686/2006	20/12/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0081	08/03/2005	Summary
	SEC(2005)0328		

Document attached to the procedure		08/03/2005	
Commission response to text adopted in plenary	SP(2006)1725	19/04/2006	
Modified legislative proposal	COM(2006)0209	08/05/2006	Summary
Commission communication on Council's position	COM(2006)0501	21/09/2006	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2006)0860	15/12/2006	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1066/2005 OJ C 024 31.01.2006, p. 0029-0033	28/09/2005	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2006/1922
OJ L 403 30.12.2006, p. 0009 Summary

Gender equality: establishment of a European Institute for Gender Equality

2005/0017(COD) - 02/06/2005

Pending receipt of the European Parliament's opinion, the Council arrived at a general approach on a draft Regulation establishing a European Institute for Gender Equality.

The aim of the Commission proposal is to establish an institute to give technical support to the Community institutions and the Member States, in particular as regards the collection, analysis and dissemination of data and comparable statistics and the development of methodological tools for integrating gender equality policies.

The Institute will have the aims of helping to promote and strengthen gender equality, helping the Community institutions to fight all discrimination on the grounds of gender and increasing awareness of issues linked with gender equality among European Union citizens.

The decision on the seat of the Institute will be taken at intergovernmental level. Interested delegations have submitted their applications.

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.

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.

Gender equality: establishment of a European Institute for Gender Equality

2005/0017(COD) - 20/12/2006 - Final act

PURPOSE: the establishment of a “European Institute for Gender Equality”.

LEGISLATIVE ACT: Regulation (EC) No 1922/2006 of the European Parliament and of the Council on establishing a European Institute for Gender Equality.

BACKGROUND: equality between men and women is a fundamental principle of the European Union and is enshrined in the Treaty on European Union. At the Nice European Council in 2000 the EU Heads of State called for the pooling of resources and the exchange of experience through the establishment of a “European Institute for Gender Equality”. This initiative later received the backing of both the Council and the European Parliament.

CONTENT: the purpose of this Regulation is the establishment of the “European Institute for Gender Equality”. It is to become operational no later than 19 January 2008. The overall objectives of the Institute will be to contribute to, and strengthen, the promotion of gender equality, including gender

mainstreaming in all Community policies and the resulting national policies. It will also seek to fight discrimination based on sex as well as raising EU citizens' awareness of gender equality by providing technical assistance to the Community institutions.

The tasks of the Institute will be to:

- collect, analyse and disseminate objective, comparable and reliable information on gender equality; and to examine best practices;

- develop methods to improve the objectivity, comparability and reliability of data by setting European criteria;

- develop, analyse, evaluate and disseminate methodological tools in order to support the integration of gender equality into all Community policies;

- carry out surveys on gender equality in Europe;

- set up and co-ordinate a European Network on Gender Equality;

- organise *ad hoc* meetings of experts to support the institutes' research work and to encourage exchanges between researchers;

- organise conferences, campaigns and meetings at a European level and to present the findings and conclusions to the Commission;

- disseminate information regarding positive examples of non-stereotypical roles for women and men;

- develop dialogue and co-operation with NGO's, universities and experts;

- set up publicly available documentation resources; and

- make information on gender mainstreaming available to the public.

The Institute is to carry out its tasks within the competences of the Community. Its work programme has to be in line with Community priorities on gender equality and, in pursuing its activities; it must try and avoid duplication. The Institute has its own legal personality and it will carry out its activities independently.

In terms of structure, the Institute will be made up of a Management Board; an Experts' Forum; and a Director and his or her staff. The Regulation sets out the provisions governing the structure of the Institute. The Institute will be open to the participation of countries which have concluded agreements with the Community. By 18 January 2010, the Institute will commission an independent external evaluation of its achievements. Based on the findings of this report the Commission will make any recommendations, as may be necessary, regarding changes to the Institute, its working practices and its remit.

ENTRY INTO FORCE: 19 January 2007.

Gender equality: establishment of a European Institute for Gender Equality

2005/0017(COD) - 15/12/2006 - Commission opinion on Parliament's position at 2nd reading

The Commission believes that the amendments adopted by the European Parliament at second reading are acceptable given that they stem from a compromise between the Council Presidency and the European Parliament's rapporteurs with the support of the Commission. According to the Commission, they represent a balanced compromise.

They concern in particular:

- the make-up of the Administration Board: a medium-sized Administration Board (18 representatives of the Member States and 1 from the Commission), without a Bureau, with the members rotating when the Presidency changes;

- a draft joint declaration on the make-up of the Administration Board which clearly indicates that the solution adopted for the Institute is not a precedent for future agencies and which specifies how the rotation system for the Council representatives works. The Administration Board will be smaller; the compromise incorporates the arrangements advocated by the Commission at first reading: a smaller Board without a Bureau, a rotation mechanism for members and an advisory/expert forum;

- the Forum of experts, which is reinstated (27 experts appointed by the Member States, 2 by the EP and 3 representatives of NGOs/social partners at European level);

- appointment of the Director: the appointment procedure is explicitly mentioned (same provision as in the EFSA regulation) and the option for the candidate to attend a hearing before the EP becomes an obligation;

- minor amendments to the article on evaluation, whereby scrutiny of the management structure's fitness to carry out the Institute's duties is introduced as one of the aspects of evaluation, and to the article concerning the revision clause.

Lastly, the rotation system and the joint declaration enable those Member States that had reservations about a medium-sized Administration Board to accept it, whilst the amendments relating to the appointment of the Director, reinstatement of the Forum and the appointment of the two experts to the forum by the EP are as requested by the European Parliament.

Gender equality: establishment of a European Institute for Gender Equality

2005/0017(COD) - 01/06/2006

The Council reached political agreement, by unanimity (although Poland abstained, as the national consultation procedure with its Parliament was still ongoing), on a draft Regulation establishing a European Institute for Gender Equality. The Commission, however, could not support the representative Management Board adopted by the Council, preferring a Board of a limited size, as set out in its amended proposal.

The draft Regulation aims at establishing an European Institute to give technical support to the Community institutions and the Member States, in particular as regards the collection, analysis and dissemination of data and comparable statistics and the development of methodological tools for integrating gender equality policies (gender mainstreaming), as well as to increase awareness among European Union citizens.

An overall amount of EUR 52.5 million for 2007 to 2013 to cover the Institute's expenses is indicated in The European Parliament delivered its opinion on 14 March 2006. Many of the amendments were incorporated in the text submitted to the Council.

The text, as agreed, will be adopted as a common position at a forthcoming Council session and sent to the European Parliament with a view to the second reading.

Gender equality: establishment of a European Institute for Gender Equality

2005/0017(COD) - 14/03/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Lissy **GRONER** (PES, DE) and Amalia **SARTORI** (EPP-ED, IT), by 362votes in favour, to 263 against, with 18 abstentions. It made some amendments to the Commission’s proposal:

- a new recital states that, given that gender equality cannot be achieved by an anti-discrimination policy alone but requires harmonious co-existence and measures to promote balanced participation by men and women within society, attainment of that objective should accordingly be included among the Institute's tasks;

- given the importance of highlighting achievements by women in all walks of life so as to provide a positive example for other women to follow, action to achieve that should also be included among the Institute's tasks. The Institute should seek to project a positive image of the role of women in present-day societies, by publishing success stories involving women in every walk of life;

- the Institute's objectives should also include raising EU citizens' awareness of gender equality;

- the focus of its work should be shifted away from the mere collecting and recording of information on gender equality and towards the analysis of such information. The Institute should also draw the attention of the relevant entities to sectors that have not been researched and suggest initiatives designed to fill the gaps;

- a European Network on Gender Equality should be set up involving the centres, bodies, organisations and experts dealing with gender equality and gender mainstreaming in order to support and encourage research, optimise the use of available resources and foster the exchange and dissemination of information;

- Parliament added that the activities of the institute should also include the following: developing dialogue and cooperation with non-governmental and equal opportunities organisations, universities and experts, research centres, social partners and related bodies actively seeking to achieve equality at national and European level; providing expertise on gender mainstreaming for public and private organisations; submitting recommendations and guidelines to the Community Institutions so that they may incorporate effectively gender mainstreaming into legislation;providing information to the Community Institutions on gender equality and gender mainstreaming in the accession and candidate countries; and disseminate examples of good practices;

- Parliament deleted the clause on the independence of the Institute and that conferring legal personality on the Institute.

- The management board will be composed of nine members appointed by the Council, in consultation with the European Parliament, from a list drawn up by the Commission which includes a number of candidates substantially higher than the number of members to be appointed, plus a representative of the Commission. The list drawn up by the Commission will be forwarded to the European Parliament. Within three months of this, the European Parliament may invite the candidates for a hearing and make its views available for consideration by the Council, which shall then proceed to the appointments. The board will also have three representatives of the Commission. The Commission had wanted six representatives appointed by the Council, six representatives appointed by the Commission, and three representatives of the Commission.

- the representation of each sex on the Management Board should not be less than 40%;

- the Management Board shall elect its Chairperson and Vice-Chairperson to serve for a period of two and a half years, rather than one year, renewable;

- the Director should be appointed on the basis of a list of candidates proposed by the Commission after an open competition. In the process of appointment, the Management Board shall take the opinion of the European Parliament duly into account.

- the director may also be called upon at any time by the European Parliament and by the Council to attend a hearing on any matter linked to the Institute's activities;

- Parliament amended the composition of the Advisory Forum;

- finally, it stated that the Institute shall be operational as soon as possible and in any event not later than twelve months of the entry into force of the Regulation.

Gender equality: establishment of a European Institute for Gender Equality

2005/0017(COD) - 08/03/2005 - Legislative proposal

PURPOSE: to establish a European Institute for Gender Equality.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: as part of the Social Policy Agenda, adopted by the European Council in Nice in 2000, the need to increase awareness, pool resources and exchange experience, in order to promote equality between men and women, in particular through the establishment of a European Institute for Gender Equality, was recognised. A feasibility study was subsequently carried to assess the need for the creation of an Institute, its aims and its organisational and administrative structure.

This proposal also takes account of the findings of recent evaluations on the functioning of other Community agencies, in particular those acting in the social policy field.

The Institute's main activities will be the Community-wide collection and pooling of information, the development of methodological tools and the dissemination of information.

The Institute will be an independent centre of excellence at European level. It will gather, analyse and disseminate reliable and comparable research data and information needed by policy-makers in Brussels and in the Member States. It will have a documentation centre and a library which will be open to the public.

The Institute will stimulate research and exchanges of experience by organising meetings between policy-makers, experts and stakeholders and it will raise awareness of gender equality policies with events including conferences, campaigns and seminars. Another vital task will be to develop tools for supporting the integration of gender equality into all Community policies.

The Institute shall work as closely as possible with all Community programmes and bodies in order to avoid duplication, in particular as regards the European Foundation for the Improvement of Living and Working Conditions, the European Agency for Safety and Health at Work, the Centre for the Development of Vocational Training and any future Fundamental Rights Agency.

The organisational structure should facilitate the involvement of the Institute's diverse stakeholders, independence from external pressures, transparency and accountability to the democratic institutions. It is therefore proposed to establish a Management Board consisting of six members appointed by the Council and six appointed by the Commission from the relevant services. It is further proposed that there will be a total of three representatives of relevant NGOs and the social partners at European level. These representatives, who will not have voting rights, will be appointed by the Commission.

The creation of an Institute for Gender Equality was requested by the European Council in June 2004 and has also been demanded by the European Parliament. It will start operating twelve months after the regulation establishing it has been adopted by Parliament and Council and should be up and running in 2007.

Gender equality: establishment of a European Institute for Gender Equality

2005/0017(COD) - 14/12/2006 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Lissy **GRONER** (PES, DE) and Amalia **SARTORI** (EPP-ED, IT), on the common position. The report was based on an agreement with the Council and the Commission, which will enable the new European Institute for Gender Equality to start work in 2007. The amendments were as follows:

- for members of the Management board, the term of office will be **three years**. For each term of office, the members appointed by the Council shall **represent eighteen Members States in the order of the rotating Presidencies**, one member being nominated by each Member State concerned. One member will represent the Commission;

- the Bureau is replaced by an **"Experts' Forum"** with members from competent bodies specialised in gender equality issues. The Member States and the Commission must aim to achieve a balanced representation between men and women in the Experts' Forum. The Experts' Forum shall support the Director in ensuring the excellence and independence of activities of the Institute. It will constitute a mechanism for an exchange of information in relation to gender equality issues and the pooling of knowledge. It must ensure close cooperation between the Institute and competent bodies in the Member States. The Experts' Forum will be chaired by the Director or, in his/her absence, by a deputy from within the Institute. It will meet regularly at the invitation of the Director, or at the request of at least a third of its members, and at least once per year. Its operational procedures will be specified in the Institute's internal rules and be made public. The Director may invite experts or representatives of relevant economic sectors, employers, trade unions, professional or research bodies, or non-governmental organisations with recognised experience in disciplines related to the work of the Institute to cooperate in specific tasks and to take part in the relevant activities of the Experts' Forum;

- the Director will be appointed by the Management Board on the basis of a list of candidates proposed by the Commission after an open competition, following publication in the Official Journal of the European Union and elsewhere of a call for expressions of interest. Before being appointed, the candidate selected by the Management Board shall be asked to make a declaration before the competent committee(s) of the European Parliament and answer questions from its/their members;

- the external evaluation shall also examine the appropriateness of the management structure in carrying out the Institute's tasks.

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.