



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a European Institute for Gender Equality

(Text with EEA relevance)

(presented by the Commission)

{SEC(2005) 328}

EXPLANATORY MEMORANDUM

1. CONTEXT

1. As part of the Social Policy Agenda¹, the European Council recognised 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, hereinafter "the Institute" and asked for the completion of a feasibility study on this issue.
2. The feasibility study² assessed the need for the creation of an Institute, its aims and its organisational and administrative structure. The Council, in its meeting of 2 December 2002 welcomed the Commission's study and urged the Commission to finalise this work rapidly as background for further consideration³.
3. The Employment, Social Affairs, Health and Consumers Affairs Council of 1-2 June 2004⁴, based on the results of the Informal Meeting of Equality Ministers of 7 May 2004, fully supported the principle of setting-up an Institute, while it stressed the importance of a structure which would bring added-value and would not duplicate existing activities. The need for budget-neutrality was also mentioned.
4. In June 2004, the European Council⁵, reflecting the goals regarding equality between men and women of the Lisbon agenda⁶, and taking into account the previous discussions, expressed its support for the establishment of an Institute and invited the Commission to bring forward a proposal.
5. The European Parliament has also called for the establishment of an Institute⁷ and commissioned a study on the subject⁸.
6. Based on the ex-ante evaluation⁹, and in line with the above-mentioned discussions, the Commission submits this proposal for a Council Regulation establishing an Institute. The 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 field¹⁰.

¹ Adopted at Nice in December 2000.

² European Commission Feasibility Study for a European Gender Institute (conducted by PLS Ramboll Management, DK, 2002).

³ Brussels Council meeting, Employment, Social Policy, Health and Consumer Affairs.

⁴ Council of the EU, Press release 9507/04, p.11.

⁵ European Council, 17-18 June 2004, Presidency conclusions, paragraph 43, p. 9.

⁶ The 2000 Lisbon European Council fixed the target for the European Union to achieve a female employment rate of at least 60% and an overall employment rate of 70% by 2010.

⁷ European Parliament Resolutions P5-TA (2002) 0372 of 4.7.2002, P5-TA (2002) 0606 of 17.12.2004, P5-TA (2004) 0023 of 14.1.2004 and P5-TA (2004) 0167 of 10.3.2004.

⁸ "Role of a future European Institute", a study for the European Parliament, Final report, 15.6.2004

⁹ The ex-ante evaluation to the proposal is attached as an annex.

¹⁰ Commission Communication on the Activities of the European Monitoring Centre on Racism and Xenophobia - COM(2003) 483, 5.8.2003 -; Commission Communication on the evaluation of the European Agency for Safety and Health at Work - COM(2004) 50, 23.4.2004 -; "Meta-evaluation on

7. The year 2005 marks the tenth anniversary of the United Nations Declaration and the Beijing Platform for Action¹¹ and this is the appropriate time for the Community to demonstrate its commitment to equality between men and women by creating a European Institute for Gender Equality.

2. JUSTIFICATION OF THE COMMISSION'S PROPOSAL

1. Equality between men and women is a fundamental right and a Community priority policy enshrined in the Treaty and supported by a well established Community acquis consisting of thirteen directives¹² and extensive case-law (approximately 200 judgements of the European Court of Justice). Gender equality is a specific well defined policy for which specific articles are provided in the Treaty (articles 2, 3(2), 13, 137, 141). In addition to article 13 which empowers the Council to take measures to combat all forms of discrimination including sex discrimination, article 3(2) provides for a supplementary obligation: to promote gender equality in all Community policies. This approach has been maintained in the draft Constitutional Treaty.
2. Community legislation and policies on equal treatment between men and women have resulted in substantially reducing discrimination, particularly in the area of employment. The Commission Report on equality between women and men¹³ presented to and endorsed by the European Council in March 2004, confirms a positive trend towards narrowing the gaps between women and men in several policy areas. However it highlights that progress is too slow and that enhanced efforts are necessary. The gender pay gap has shown signs of increasing in a number of Member States in the last two years.
3. Ensuring gender equality requires a multidimensional approach involving a comprehensive mix of policy measures in all areas including notably education, employment and career development, entrepreneurship, equal pay for equal work or work of equal value, better reconciliation between family and working life, including the provision of childcare facilities, and balanced participation of women and men in political and economic decision-making. The recent enlargement of the Union has resulted in a more diverse Union involving different levels of experience and development in the area of gender equality.

the Community Agency System", Final report - Commission services document, DG Budget, 15.9.2003.

¹¹ Fourth World Conference on Women, Beijing, 4-15 September 1995.

¹² Nine Directives and their amendments/extensions have been adopted in the area of equal treatment between men and women: Directive 75/117/EEC relating to the application of the principle of equal pay for men and women; Directive 76/207/EEC on the implementation of the principle of equal treatment as regards access to employment, vocational training, promotion and working conditions as amended by Directive 2002/73/EC; Directive 79/7/EEC on the progressive implementation of the principle of equal treatment in matters of social security; Directive 86/378/EEC relating to equal treatment in occupational social security schemes as amended by Directive 96/97/EC; Directive 97/80/EC on the burden of proof in cases of discrimination as extended by 98/52/EC; Directive 92/85/EEC relating to improvements in the health and safety at work of pregnant workers; Directive 96/34/EC on parental leave as extended by 97/75/EC; Directive 86/613/EEC relating to equal treatment between men and women engaged in an activity in a self-employed capacity; and Directive 2004/113/EC implementing equal treatment between men and women in the access to and supply of goods and services.

¹³ Report on equality between women and men - COM(2004) 115, 19.2.2004.

4. Furthermore, there are some very important socio-economic aspects linked to the promotion of gender equality: women represent 52% of the European society and their contribution is vital for achieving the Lisbon objectives; they are also a key element for a sustainable development in the context of the ageing population in Europe.
5. Addressing these issues therefore present new challenges and will increase the demands at Community and Member State level for the collection and analysis of comparable and reliable data and information and the development of appropriate methodological tools to assist the Community institutions, in particular the Commission, and the Member States in order to ensure progress and effective implementation of the Community policy in this area. There is also a need for greater awareness raising activities and dissemination of information among the European citizens, as regards not only the achievements but also the obstacles and the challenges ahead.
6. There is therefore a need for an agency to serve as a centre of excellence at European level, independent in the performance of its functions and disposing of the necessary expertise to carry out these tasks and serve as a technical support to the Community Institutions and the Member States

3. SUBSIDIARITY AND PROPORTIONALITY

1. 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. It is the corollary of the genuinely European dimension of these tasks that the objectives of the Institute cannot be achieved by the Member States. The Institute will, amongst others, have to establish and apply a uniform system governing the collection and analysis of information that ensures the compatibility and comparability of that data and thus allows a methodologically sound comparative scrutiny of the situation in Europe. This can, by definition, not be successfully done at the level of individual Member States.
2. In the Ex-ante Evaluation, the appropriateness of including the proposed tasks within the remit of any future Fundamental Rights Agency or extending the scope of an existing agency was examined. The advanced state of development and the specificity of gender equality policy, which goes beyond the fight against discrimination and the respect of a fundamental right, are such that justify a separate agency. It was for these reasons that the European Council in June 2004 invited the Commission to submit a proposal for the creation of a specific European Institute for gender equality even though in December 2003 it had requested the Commission to prepare a proposal for a Human Rights Agency by extending the mandate of the European Monitoring Centre on Racism and Xenophobia.
3. It should be underlined that for other specific fundamental rights (e.g. health and safety at the work place, environment) specific agencies have also been established. This demonstrates that there is a need, in some cases, for specific instruments for fundamental rights for which specific policies are developed. At international level also, Human Rights in the United Nations are dealt with within the Commission for

Human Rights while gender equality is an issue for the separate Commission on the Status of Women.

4. Extending the functions of an existing agency, such as the European Foundation for the Improvement of Living and Working Conditions, would require substantial additional expertise and financial resources, otherwise gender equality would remain a peripheral matter and would not receive the necessary attention and priority and as a result the impact would be very limited.
5. Any financial savings that might result from the inclusion of gender equality within the scope of the future Fundamental Rights Agency or an existing agency would therefore be outweighed by the disadvantages highlighted above.
6. Assigning these tasks to an agency will also enable the Commission to concentrate its efforts on its core tasks i.e. the development of policies and the monitoring of the Community *acquis*. The Institute's activities will be distinct from those proposed under the gender equality strand of the PROGRESS programme (2007-2013)¹⁴, which are intended to support the Commission in the carrying out of its core tasks.

4. LEGAL BASE

Article 141(3) is the specific basis for measures aimed to insure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. Article 13(2) provides powers to adopt Community measures to support and promote the objective of combating discrimination on grounds of sex outside the realm of employment. Therefore, Article 141(3) and Article 13(2) combined constitute the appropriate legal base for this proposal.

EXPLANATION OF THE ARTICLES

Articles 1 and 2

These articles set out the principle of the establishment of the Institute and define its objectives which are to serve as a technical support to the European institutions, in particular the Commission, and the Member States in the fight against discrimination based on sex and the promotion of equality between men and women in all areas of Community competence. The Institute will also aim to raise awareness on gender equality among EU citizens.

Article 3

This article defines the specific tasks which can be grouped in three main categories:

- those intended to provide technical assistance through the collection and analysis of research results and relevant data and through the development of tools for integrating gender equality in all policy areas. The data should be objective, reliable and comparable at European level and for this purpose the Institute shall develop specific criteria. It shall, where appropriate,

¹⁴ Proposal for a European Parliament and Council Decision establishing a Community Programme for Employment and Social Solidarity – PROGRESS, COM(2004) 488, 14.7.2004.

also carry out surveys and organise experts' meetings to support research work (points a, b, c, d and f);

- those concerned with the organisation of activities in order to foster the exchange of experience and the development of dialogue at European level with and among all relevant stakeholders, such as Community and Member States institutions, social partners, non-governmental organisations, research centres, etc. (point g);

- those which concern the dissemination of information to further inform stakeholders and citizens through a documentation centre, publications, a website, etc. (point h).

The collection and analysis of information should also extend to international organisations and third countries, including the EFTA and candidate countries, in order to allow a more comprehensive understanding of the gender issues raised outside the EU and support the Community in its efforts towards the integration of gender equality in the policy areas of external relations and development co-operation. Providing objective, reliable and comparable data on gender equality across all the Member States is a challenging task as the approaches vary. In order to achieve optimum results, the Institute shall establish permanent co-operation with the relevant academic, research, governmental and non-governmental organisations at national level in each Member State (point a).

To avoid duplication and ensure the best use of resources, the Institute should use as far as possible the results of research already carried out by research institutions and organisations for collecting and analysing data and shall work closely with them. In the absence of relevant information, the Institute can carry out surveys (point d).

Finally, the Institute must prepare an annual report on its own activities which will serve in particular to evaluate the results of its work compared to the annual programme. This report will be transmitted to the Community Institutions (point e).

Article 4

This article defines the working methods and areas of activity. The priority areas of activity of the Institute shall be in line with the Community priorities and the Commission work programme on gender equality. This is essential, as the role of the Institute is to support the Community institutions and Member States in the promotion of equality between men and women. The information to be collected and analysed as well as all the other activities shall concern all aspects of gender equality in all Community policy areas.

In order to avoid duplication, the Institute shall take account of all existing work at Member State, EU and international level. It is also required to work closely with the relevant Commission services and to co-operate in a co-ordinated manner with all Community agencies in particular those acting in related policy fields. To ensure this co-operation between the relevant agencies "memoranda of understanding" will be signed, where appropriate. Article 10(11) also provides that the Directors of the relevant agencies may be invited to attend the meetings of the Board of the Institute. These mechanisms are common practice, successfully developed for example between the European Foundation for the Improvement of Living and Working Conditions and the European Agency for Safety and Health at Work (paragraphs 1 – 3).

Paragraph 4 reflects one of the key issues emphasised in the evaluations of existing Community agencies, i.e. the need to provide information to the final users (Member States' specialised services, equality bodies, social partners, NGOs, research centres and the public) which is user friendly, exploitable and comprehensible.

Finally, paragraph 5 clarifies that the Institute may enter into contracts for the collection of data, performance of surveys and research.

Article 5

This article provides that the Institute is independent in the performance of its functions.

Article 6

In order to fulfil its tasks and to be able to conclude contracts or undertake other acts with legal consequences under its own responsibility, this article provides that the Institute shall have legal personality. The terms of this article are similar to those of Articles 281 EC (ex-210), and 282 EC (ex-211).

However, the Institute has a limited capacity in the area of international law, as provided for in Article 8(2).

Article 7

The article provides that Regulation (EC) No 1049/2001 of the European Parliament and the Council shall apply to all documents held by the Institute. This regulation defines the principles, conditions and limits on grounds of public or private interest governing the right of access to European Parliament, Council and Commission documents in such a way as to ensure the widest possible access to documents. The Institute will adopt arrangements for the implementation of the Regulation. In the event of the Institute processing personal data, it will apply the regulations for such processing as a Community institution.

Article 8

Paragraph 1 identifies the types of organisations the Institute shall co-operate with in order to fulfil its tasks.

Paragraph 2 is based on Article 300 EC (ex- 228) and sets out the rules in relation to formal agreements with international organisations or third countries.

Articles 9 - 12

These articles establish the rules with regard to the composition and functioning of the structures of the Institute, i.e. the Management Board, the Director and the staff and the Advisory Forum.

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 Institute will be managed by a Director who possesses a high degree of independence and flexibility and who will be responsible for organising the internal functioning of the Institute. The Director will also be responsible for the preparation and implementation of the budget and the work programme of the Institute and for personnel matters. In order to provide the necessary legitimacy, the Director should be appointed by the Management Board on a proposal from the Commission.

As a Community body, the Institute should ensure the best use of the expertise and resources in pursuit of its mission whilst respecting the overarching requirement for independence. It is therefore proposed that the Institute includes an Advisory Forum comprising experts whose task it is to facilitate co-operation and information exchange between the Institute and the competent institutions and bodies in the different Member States.

In order to ensure close co-operation and co-ordination with the other Community agencies, in particular those acting in related policy areas, as an additional mechanism to those provided under Article 4, the Directors of these agencies should be invited to attend the meetings of the Management Board, as observers.

Article 13

This article sets out that the Rules and Regulations applicable to the officials and other servants of the European Communities will apply to the staff of the Institute, while the implementing rules will be defined by the Management Board in agreement with the Commission.

Articles 14 and 15

These articles define the rules for the establishment and implementation of the budget, in accordance with Commission Regulation (EC, Euratom) No 2343/2002 which sets out the framework Financial Regulation for the Community agencies, referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities¹⁵.

Articles 16 - 18

These are standard provisions for all Community agencies in relation to language and translation arrangements (Article 16), privileges and immunities (Article 17) and liability provisions (Article 18).

Article 19

This article provides for the participation of relevant third countries in the activities of the Institute.

¹⁵ OJ L 357, 21.12.2002, p. 72; Corrigendum: OJ L 2, 7.1.2003, p. 39.

Articles 20 and 21

These articles provide for an external evaluation by the end of the third year following the commencing of the Institute's activities and the necessary follow-up, as well as for the standard review clause.

Article 22

This is a standard Article on the supervision of the activities of the Institute by the Ombudsman.

Articles 23 and 24

The Institute will become operational one year after the entry into force of the Regulation. The Regulation will come into force on the twentieth day following the day of its publication in the *Official Journal of the European Communities*. In accordance with Article 249 EC, the Regulation is binding and directly applicable. The decision on the seat of the Institute is a constituent element of the Regulation. The competent authorities should decide on a location at the earliest possible opportunity and in any case no later than six months after the entry into force of the Regulation.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a European Institute for Gender Equality

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13(2) and 141(3) thereof,

Having regard to the proposal from the Commission¹⁶,

Having regard to the opinion of the European Economic and Social Committee¹⁷,

Having regard to the opinion of the Committee of the Regions¹⁸,

Acting in accordance with the procedure laid down in Article 251 of the Treaty

Whereas:

- (1) Equality between men and women is a fundamental principle of the European Union. Articles 21 and 23 of the Charter of Fundamental Rights of the European Union prohibit any discrimination on grounds of sex and require equality between men and women to be ensured in all areas.
- (2) Article 2 of the Treaty establishing the European Community provides that equality between men and women is one of the Community's essential tasks. Similarly, Article 3(2) of the Treaty requires the Community to aim to eliminate inequalities and actively to promote equality between men and women in all its activities and thus ensure the integration of the dimension of equality between men and women in all Community policies.
- (3) Article 13 of the Treaty empowers the Council to take appropriate action to combat discrimination *inter alia* on grounds of sex in all areas of Community competence.
- (4) The principle of equal opportunities and equal treatment of men and women in matters of employment and occupation is enshrined in Article 141 of the EC Treaty and a comprehensive body of legislation on equal treatment of men and women in relation to access to employment and working conditions including equal pay is already in place.

¹⁶ OJ C, p.

¹⁷ OJ C, p.

¹⁸ OJ C, p.

- (5) The Commission's first annual report on equality between men and women to the Spring Council concluded that significant gender gaps exist in most policy fields; that inequality between men and women is a multi-dimensional phenomenon that has to be tackled by a comprehensive mix of policy measures and that enhanced efforts are needed to meet the Lisbon strategy targets.
- (6) The Nice European Council of December 2000 called for "Increased awareness, the pooling of resources and the exchange of experience, in particular through the establishment of a European Institute for gender issues...".
- (7) The feasibility study carried out for the Commission¹⁹ concluded that there is a clear role for a European Institute for Gender Equality to carry out some of the tasks which the existing institutions do not currently deal with, specifically in the areas of co-ordination, centralisation and dissemination of research data and information, the raising of visibility of equality between men and women and the development of tools for improved integration of gender equality in all Community policies.
- (8) The European Parliament in its Resolution of 10 March 2004²⁰, called on the Commission to speed up the efforts leading to the setting up of an Institute.
- (9) The Council of Employment, Social Affairs, Health and Consumers Affairs of 1-2 June 2004²¹ and the European Council of 17-18 June 2004 supported the establishment of a European Institute for Gender Equality and the latter asked the Commission to bring forward a specific proposal.
- (10) The collection, analysis and dissemination of objective, reliable and comparable information and data on equality between men and women, the development of appropriate tools for the integration of the gender dimension in all policy areas, the promotion of dialogue among stakeholders and the raising of awareness among EU citizens are necessary so as to enable the Community to effectively promote gender equality policy, in particular in an enlarged Union; it is therefore appropriate to establish a European Institute for Gender Equality which would assist the Community institutions and the Member States by carrying out these tasks.
- (11) Co-operation with the relevant authorities of the Member States is essential to promote the collection of comparable and reliable data at European level; information on equality between men and women is relevant to all levels within the Community – local, regional, national and Community – therefore the availability of such information will be useful to Member States' authorities in formulating policies and measures at local, regional and national level in their own spheres of competence.
- (12) 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

¹⁹ European Commission Feasibility Study for a European Gender Institute (conducted by PLS Ramboll Management, DK, 2002).

²⁰ European Parliament Resolution on the European Union's Policies on Equality between men and women (EP T5-0167/2004, 10 March 2004).

²¹ Council of the EU, Press release 9507/04, p. 11.

for the Improvement of Living and Working Conditions²², the European Agency for Safety and Health at Work²³, the Centre for the Development of Vocational Training²⁴ and any future Fundamental Rights Agency²⁵.

- (13) In accordance with Article 3 of the Treaty it is appropriate to make provision for the encouragement of a balanced participation of men and women in the composition of the Management Board.
- (14) The Institute must enjoy maximum independence in the performance of its tasks.
- (15) The Institute should apply the relevant Community legislation concerning public access to documents as set out in Regulation (EC) No 1049/2001²⁶ of the European Parliament and of the Council and the protection of individuals with regard to the processing of personal data as set out in Regulation (EC) No 45/2001²⁷ of the European Parliament and of the Council.
- (16) Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 setting out the framework Financial Regulation for the Community bodies referred to in Article 185 of Council Regulation (EC, Euratom) (EC) No 1605/2002²⁸, applies to the European Institute for Gender Equality.
- (17) For the contractual liability of the Institute, which is governed by the law applicable to the contracts concluded by the Institute, the Court of Justice should have jurisdiction to give judgment, pursuant to any arbitration clause, contained in the contract. The Court of Justice should also have jurisdiction in disputes relating to compensation for any damage arising from the non-contractual liability of the Agency.
- (18) An independent external evaluation should be undertaken to assess the impact of the Institute, the possible need to modify or extend its tasks and the timing of further such reviews.
- (19) In accordance with the principles of subsidiarity and proportionality set out in Article 5 of the Treaty, the objective of this Regulation, namely the provision of comparable and reliable information and data at European level in order to assist the Community institutions and the Member States in the promotion of the Treaty objective of eliminating inequalities and promoting equality between men and women, cannot be

²² Council Regulation (EEC) No 1365/75 on the creation of a European Foundation for the Improvement of Living and Working Conditions as amended.

²³ Council Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work, as amended.

²⁴ Council Regulation (EEC) No 337/75 establishing a European Centre for the Development of Vocational Training, as amended.

²⁵ Member States meeting in the framework of the European Council in December 2003 requested the Commission to prepare a proposal for a human rights agency by extending the mandate of the European Monitoring Centre on Racism and Xenophobia.

²⁶ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

²⁷ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

²⁸ OJ L 357, 21.12.2002, p. 72; Corrigendum: OJ L 2, 7.1.2003, p. 39.

sufficiently achieved by the Member States and can therefore, by reason of the scale and impact of the proposed action, be better achieved Community level. This Regulation does not go beyond what is necessary in order to achieve those objectives.

- (20) Article 141(3) is the specific legal basis for measures aimed to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. Article 13(2) permits the adoption of Community measures in order to support and promote the objective of combating discrimination on grounds of sex beyond the field of employment. Therefore, Article 141(3) and Article 13(2) combined constitute the appropriate legal base for this proposal.

HAVE ADOPTED THIS REGULATION:

Article 1

A European Institute for Gender Equality (hereinafter referred to as "The Institute ") is hereby established.

Article 2

Objectives

The overall objectives of the Institute shall be to assist the Community institutions, in particular the Commission, and the authorities of the Member States in the fight against discrimination based on sex and the promotion of gender equality and to raise the profile of such issues among EU citizens.

Article 3

Tasks

1. To meet the objectives set in Article 2, the Institute shall:
 - (a) collect, record, analyse and disseminate relevant objective, reliable and comparable information as regards gender equality, including results from research communicated to it by Member States, Community institutions, research centres, national equality bodies, non-governmental organisations, relevant third countries and international organisations;
 - (b) develop methods to improve the comparability, objectivity and reliability of data at European level by establishing criteria that will improve the consistency of information;
 - (c) develop, analyse and evaluate methodological tools in order to support the integration of gender equality into all Community policies;
 - (d) carry out surveys on the situation in Europe as regards gender equality;
 - (e) publish an annual report on the Institute's own activities;
 - (f) organise meetings of experts to support research work;

- (g) organise, with relevant stakeholders, conferences, campaigns, round tables, seminars and meetings at European level;
- (h) set up documentation resources accessible to the public.

Article 4

Areas of activity and working methods

1. The Institute shall carry out its tasks within the competencies of the Community and in the light of the objectives adopted and priority areas identified in its annual programme, and with due regard to the available budgetary resources.
2. The work programme of the Institute shall be in line with the Community priorities and the work programme of the Commission, including its statistical and research work.
3. In pursuing its activities, the Institute shall, in order to avoid duplication and to guarantee the best possible use of resources, 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 and competent national and international organisations and work closely with the competent Commission services. The Institute shall ensure appropriate co-ordination with all relevant Community agencies and Union bodies to be determined in a memorandum of understanding where appropriate.
4. The Institute shall ensure that the information disseminated is comprehensible to the final users.
5. The Institute may enter into contractual relations, in particular subcontracting arrangements, with other organisations, in order to accomplish any tasks which it may entrust to them.

Article 5

Independence of the Institute

The Institute shall carry out its activities independently from national authorities and civil society and shall be autonomous as regards the Community Institutions.

Article 6

Legal personality and capacity

The Institute shall have legal personality. It shall enjoy, in each of the Member States, the most extensive legal capacity accorded to legal persons under their laws. In particular, it may acquire or dispose of movable or immovable property and may be a party to legal proceedings.

Article 7

Access to documents

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council shall apply to documents held by the Institute.
2. The Management Board shall adopt arrangements for implementing the Regulation (EC) No 1049/2001 within six months of the establishment of the Institute.
3. Decisions taken by the Institute pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice of the European Communities, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.
4. Personal data shall not be processed or communicated except in cases where this is strictly necessary for the fulfilment of the mission of the Institute. In such cases, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data shall apply.

Article 8

Cooperation with organisations at national and European level and international organisations and third countries

1. To help it carry out its tasks, the Institute shall cooperate with organisations in the Member States, such as equality bodies, research centres, non-governmental organisations, social partners as well as with relevant organisations at European or international level and third countries.
2. Should agreements with international organisations or with third countries prove necessary for the Institute to carry out its tasks efficiently, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into an agreement with the international organisations or with third countries on behalf of the Institute. This provision shall not prevent ad-hoc co-operation with such organisations or third countries.

Article 9

Bodies of the Institute

The Institute will comprise:

- (a) a Management Board;
- (b) a Director and his/her staff;
- (c) an Advisory Forum.

Article 10

Management Board

1. The Management Board shall be composed of six representatives appointed by the Council, six representatives appointed by the Commission, as well as three representatives appointed by the Commission without the right to vote, each of whom represents one of the following groups:

- (a) an appropriate non-governmental organisation at Community level which has a legitimate interest in contributing to the fight against discrimination on grounds of gender and the promotion of gender equality;
- (b) employers' organisations at Community level; and
- (c) workers' organisations at Community level.

2. The members of the Management Board shall be appointed in such a way as to secure the highest standards of competence and a broad range of relevant expertise in the area of gender equality.

The Commission and the Council shall aim to achieve an equal representation between men and women on the Board.

Alternates who represent the member in his/her absence shall be appointed by the same procedure.

The duration of the term of office shall be five years and may be renewed once.

The list of the members of the Board shall be published by the Council in the *Official Journal of the European Union* and on the web site of the Institute.

3. The Management Board shall elect its Chairperson and Vice-Chairperson to serve for a period of one year which may be renewed.

4. Each member of the Management Board, or in his/her absence his/her deputy, shall have one vote.

5. The Management Board shall take the decisions necessary for the operation of the Institute. In particular, it shall:

- (a) adopt, on the basis of a draft drawn up by the Director, referred to in Article 11, after consultation with the Commission, the annual and medium-term work programmes, covering a three-year period in accordance with the budget and the available resources; the programme may be reviewed when necessary during the year; the first annual work programme must be adopted not later than nine months after the nomination of the Director;
- (b) adopt the annual report referred to in Article 3 point (e) comparing, in particular, the results achieved with the objectives of the annual work programme; this report shall be forwarded by 15 June at the latest 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) exercise disciplinary authority over the Director and appoint or dismiss him/her pursuant to Article 11;

(d) adopt the Institute's annual draft and final budgets.

6. The Management Board shall adopt the Institute's internal rules on the basis of a proposal drawn up by the Director after consultation with the Commission.

7. Decisions by the Management Board shall be taken by an absolute majority of the votes cast. The Chairperson shall have the casting vote.

8. The Management Board shall adopt its rules of procedure on the basis of a proposal drawn up by the Director after consultation with the Commission.

9. The Chairperson shall convene the Board at least twice a year. The Chairperson shall convene additional meetings on his own initiative or at the request of one-third of the members of the Management Board.

10. The Institute shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.

11. The Directors of 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 of any future Fundamental Rights Agency may as appropriate be invited to attend meetings of the Management Board as observers.

Article 11

Director

1. The Institute shall be headed by a Director appointed by the Management Board on a proposal from the Commission. Before being appointed, the candidate selected by the Management Board may be asked to make a declaration before the competent committee(s) of the European Parliament and answer questions from its/their members.

2. The Director's term of office shall be 5 years. On a proposal from the Commission and after evaluation, this term of office may be extended once for a period of not more than 5 years. In the evaluation, the Commission shall assess in particular:

the results achieved in the first term of office and the way they were achieved;

the Institute's duties and requirements in the coming years.

3. The Director shall be responsible, under the supervision of the Management Board, for:

(a) performance of the tasks referred to in Article 3;

- (b) preparing and implementing the Institute's annual and medium-term programmes of activities;
- (c) preparing the meetings of the Management Board;
- (d) preparing and publishing the annual report referred to in Article 3 point (e);
- (e) all staff-related matters, and in particular exercising the powers provided for in Article 13(3);
- (f) matters of day-to-day administration;
- (g) the implementation of effective monitoring and evaluation procedures relating to the performance of the Institute against its objectives according to professionally recognised standards. The Director shall report annually to the Management Board on the results of the monitoring system.

4 The Director shall be accountable for the management of his/her activities to the Management Board and shall take part in its meetings without voting rights.

5. The Director shall be the Institute's legal representative.

Article 12

Advisory Forum

1. The Advisory Forum shall be composed of members from competent bodies specialised in gender equality issues, on the basis of one representative designated by each Member State, as well as three members, without the right to vote, nominated by the Commission and representing interested parties at European level, such as non-governmental organisations which have a legitimate interest in contributing to the fight against discrimination on grounds of sex and the promotion of gender equality, representatives of employers and workers organisations at Community level. Representatives may be replaced by alternates, appointed at the same time.

2. Members of the Advisory Forum shall not be members of the Management Board.

3. The Advisory Forum shall support the director in ensuring the excellence and independence of activities of the Institute.

4. The Advisory Forum shall constitute a mechanism for an exchange of information in relation to gender equality issues and the pooling of knowledge. It shall ensure close cooperation between the Institute and competent bodies in the Member States.

5. The Advisory Forum shall be chaired by the Director or, in his/her absence, by a deputy from within the Institute. It shall meet regularly at the invitation of the director, or at the request of at least a third of its members, and at least twice per year. Its operational procedures shall be specified in the Institutes's internal rules and shall be made public.

6. Representatives of the Commission's departments shall participate in the work of the Advisory Forum.

7. The Institute shall provide the technical and logistic support necessary for the Advisory Forum and provide a secretariat for its meetings.

8. 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 Advisory Forum.

Article 13

Staff

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 Institute.

2. The Management Board, in agreement with the Commission, shall adopt the necessary implementing measures, in accordance with the arrangements provided for in Article 110 of the Staff Regulations of officials of the European Communities and of the Conditions of employment of other servants of the European Communities. The Management Board may adopt provisions to allow national experts from Member States to be employed on secondment at the Institute.

3. The Institute shall exercise in respect of its staff the powers devolved to the appointing authority.

Article 14

Drawing up of the budget

1. Estimates of all the revenue and expenditure of the Institute shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Institute.

2. The revenue and expenditure shown in the budget of the Institute shall be in balance.

3. The revenue of the Institute shall, without prejudice to other resources, comprise:

- (a) a subsidy from the Community, entered in the general budget of the European Union (Commission section);
- (b) payments received for services rendered;
- (c) any financial contributions from the organisations or third countries referred to in Article 8;
- (d) any voluntary contribution from the Member States.

4. The expenditure of the Institute shall include staff remuneration, administrative and infrastructure costs and operating expenses.
5. Each year the Management Board, on the basis of a draft drawn up by the director, shall produce an estimate of revenue and expenditure for the Institute for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.
6. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the "budgetary authority") together with the preliminary draft budget of the European Union.
7. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.
8. The budgetary authority shall authorise the appropriations for the subsidy to the Institute. The budgetary authority shall adopt the establishment plan for the Institute.
9. The budget of the Institute shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.
10. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.

Article 15

Implementation of the budget

1. The Director shall implement the budget of the Institute.
2. By 1 March at the latest following each financial year, the Institute's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.
3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Institute's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for that financial year shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors' observations on the Institute's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Institute's final accounts under his own responsibility and forward them to the Management Board for an opinion.
5. The Management Board shall deliver an opinion on the Institute's final accounts.
6. The Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.
7. The final accounts shall be published.
8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.
9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.
10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.
11. The financial rules applicable to the Institute shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities unless specifically required for the Institute's operation and with the Commission's prior consent.

Article 16

Languages

1. The provisions laid down in Regulation No 1 of 15 April 1958 determining the languages to be used in the European Economic Community²⁹ shall apply to the Institute.
2. The translation services required for the functioning of the Institute shall, in principle, be provided by the Translation Centre for the Bodies of the European Union³⁰.

²⁹ OJ L 17, 6.10.1958, p. 385/58, as last amended by the 2003 Act of Accession.

³⁰ Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union (OJ L 314, 7.12.1994, p. 1), as last amended by Regulation (EC) No 1645/2003 (OJ L 245, 29.9.2003, p. 13).

Article 17

Privileges and immunities

The Protocol on the Privileges and Immunities of the European Communities shall apply to the Institute.

Article 18

Liability

1. The contractual liability of the Institute shall be governed by the law applicable to the contract in question.

The Court of Justice shall have jurisdiction pursuant to an arbitration clause contained in a contract concluded by the Institute.

2. In the case of non-contractual liability, the Institute shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by the Institute or its servants in the performance of their duties.

The Court of Justice shall have jurisdiction in disputes relating to compensation for any such damage.

Article 19

Participation of third countries

1. The Institute shall be open to the participation of countries, which have concluded agreements with the European Community by virtue of which they have adopted and applied Community legislation in the field covered by this Regulation.

2. Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which these countries will participate in the Institute's work, including provisions relating to participation in the initiatives undertaken by the Institute, financial contributions and staff. As regards staff matters, these agreements must, at all events, be in accordance with the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities.

Article 20

Evaluation

1. By the end of the third year following the entry into force of this Regulation, the Institute shall commission an independent external evaluation of its achievements on the basis of terms of reference issued by the Management Board in agreement with the Commission. The evaluation shall assess the impact of the Institute on the promotion of gender equality and

shall include an analysis of the synergy effects. It will particularly address the possible need to modify or extend the tasks of the Institute, including 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 level.

2. The Management Board, in agreement with the Commission, will decide the timing of future evaluations, taking into account the results of the evaluation report mentioned in the previous paragraph.

Article 21

Review clause

The Management Board shall examine the conclusions of the evaluation mentioned in the previous article and issue to the Commission such recommendations as may be necessary regarding changes in the Institute, its working practices and the scope of its mission. The Commission shall forward the evaluation report and the recommendations to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public. After examination of the evaluation report and the recommendations, the Commission may submit any proposals for amendments to this Regulation which it deems necessary.

Article 22

Administrative control

The operations of the Institute are subject to the supervision of the Ombudsman in accordance with the provisions of Article 195 of the Treaty.

Article 23

Start of the Institute's activities

The Institute shall be operational within twelve months of the entry into force of this Regulation.

Article 24

Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL: Proposal for a Council Regulation establishing a European Institute for Gender Equality

2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

- Police area: 04 Employment and Social Affairs
- Activity: 04 05 Equal Opportunities for Women and Men

3. BUDGET LINES

3.1. From 2007 and onwards a new budget heading with two budget lines will be created:

- 04 05 04 01 : European Institute for gender equality - Subsidy to titles 1 & 2
- 04 05 04 02 : European Institute for gender equality – Subsidy to title 3

3.2. Duration of the action and of the financial impact: **1 January 2007 – 31 December 2013**

From 2007 onwards the allocation of appropriations will depend on the new financial perspectives 2007-2013. The annual amounts retained for this period are purely indicative.

3.3. Budgetary characteristics (*add rows if necessary*):

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
	Non-comp	Diff ³¹	NO	YES/NO (open, decision of the Management Board)	YES/NO (open, decision of the Management Board)	No [1A]

³¹ Differentiated appropriations.

4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		2007	2008	2009	2010	2011	2012	2013	Total
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Subsidy for Title 3 Schedule of commitment/payment appropriations

Commitment/Payments Appropriations (CA/PA)	8.1	a	2,19	3,5	3,625	3,625	3,741	3,63	3,83	24,141
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Subsidy for Titles 1 and 2 Schedule of commitment/payment appropriations

	8.	c	2,31	2,925	3,575	3,875	4,159	4,57	4,67	26,084
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TOTAL REFERENCE AMOUNT **4,5 6,425 7,2 7,5 7,9 8,2 8,5 50,225**

Commitment appropriations			4,5	6,425	7,2	7,5	7,9	8,2	8,5	50,225
Payment appropriations			4,5	6,425	7,2	7,5	7,9	8,2	8,5	50,225

Administrative expenditure not included in reference amount³²

Human resources and associated expenditure (NDA)	8.2.5	d	0,162	0,165	0,168	0,23	0,234	0,238	0,238	1,435
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	e	0,2	0,1	0,1	0,1	0,11	0,11	0,12	0,84

³² Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources	a+c+d+e	4,862	6,69	7,468	7,83	8,248	8,548	8,858	52,5
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TOTAL PA including cost of Human Resources	b+c+d+e	4,862	6,69	7,468	7,83	8,248	8,548	8,58	52,5
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Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		Year n	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later		Total
.....		f								
TOTAL CA including co-financing		a+c+d+e+f								

4.1.2. Compatibility with Financial Programming

Proposal is compatible with the Commission's proposals for the new financial perspective 2007-2013 (heading 1a).

Proposal will entail reprogramming of the relevant heading in the financial perspective.

Proposal may require application of the provisions of the Interinstitutional Agreement³³ (i.e. flexibility instrument or revision of the financial perspective).

4.1.3. Financial impact on Revenue

Proposal has no financial implications on revenue

Proposal has financial impact – the effect on revenue is as follows:

³³ See points 19 and 24 of the Interinstitutional agreement.

NB: All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.

EUR million (to one decimal place)

		Prior to action [Year n-1]	Situation following action					
Budget line	Revenue		[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5] ³⁴
	a) Revenue in absolute terms							
	b) Change in revenue	Δ						

(Please specify each revenue budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)

4.2. Agency Human Resources FTE (including officials, temporary and external staff) – see detail under 8.2.1.

Annual requirements	2007	2008	2009	2010	2011	2012	2013	
Total number of statutory personnel of the proposed Institute	15	20	23	25	27	30	30	

5. CHARACTERISTICS AND OBJECTIVES

Details of the context of the proposal are required in the Explanatory Memorandum. This section of the Legislative Financial Statement should include the following specific complementary information:

5.1. Need to be met in the short or long term:

The Commission Report on equality between women and men³⁵ presented to and endorsed by the European Council in March 2004 confirms that there is a positive trend towards narrowing the gaps between women and men in several policy areas, however progress is too slow and enhanced efforts are necessary as significant gender gaps still exist in most policy fields. In order to assist the Community institutions and the Member States to make further progress in the area of gender equality policy, in particular in an enlarged Union, reliable and comparable data, dialogue at European level, appropriate methodological tools, awareness raising activities and collection and dissemination of information across the Union, are essential.

There is no existing structure which could provide the Community institutions, in particular the Commission and the Member States with such support in a comprehensive way. If no action is taken, the potential to improve the implementation of this priority policy area and

³⁴ Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years.

³⁵ Report on equality between women and men - COM(2004) 115, 19.2.2004.

also to bring Europe closer to the citizens through raising awareness will not be availed of and progress in relation to the achievement of gender equality in the European Union will remain slow, in particular, in the context of a Union with 25 Member States. The Explanatory memorandum (chapters 2 and 3) and the ex-ante-evaluation explain in detail the reasons why there is a need for an Institute.

5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

An appropriate structure will lead to an improved understanding throughout the EU of structural discrimination and practices which lead to inequality; reinforce the capacity of relevant stakeholders at national and EU level through the sharing of knowledge, data and information on best practices; and ensure greater visibility through the dissemination of information to EU citizens. Only an Institute at European level can by definition execute these tasks.

The assignment of tasks related to the collection, analysis and dissemination of data and information, the development of methodological tools and the organisation of awareness raising activities to the proposed Institute would enable the Commission to focus on its core functions in particular the development of policy and the effective monitoring of the implementation of the Community *acquis*, the organisation of policy oriented events, etc. and therefore to make better use of its limited human resources.

At the same time the establishment of a permanent specialised agency will facilitate the building up of appropriate expertise and ensure the effective and efficient use of resources. The involvement of the Social Partners and NGOs at EU level in the Management Board and of specialised experts in the Advisory Forum will facilitate co-operation and exchange of know-how, and the creation of a documentation centre open to the public should ensure that the work of the Institute is widely disseminated throughout the Union and will have a multiplier effect. The Commission proposal will put a number of mechanisms in place in order to ensure coherence with other relevant Community activities and to avoid overlap and to ensure the best use of the resources, given the limitations of the budget. In particular:

- the proposed Regulation will provide for co-operation between the Institute and other relevant Community agencies. For example, the Directors of these agencies will be invited to attend the meetings of the Management Board of the Institute, as observers. In addition, "memoranda of understanding" could also be signed to define possible areas of synergies among the agencies. These are common practices, successfully developed for ex. between the Foundation for the Improvement of Living and Working Conditions and the European Agency for Safety and Health at Work.
- the work programme of the Institute will be in line with the Community priorities in this policy area and the work of the Commission, including its statistical and research work.
- the Institute's activities will be distinct from those proposed under the gender equality strand of PROGRESS, which are intended to support the Commission in the carrying out of its core tasks (shaping new policies and ensuring the effective implementation of the *acquis*). The Commission proposed a relatively modest amount for the activities under Progress (8% of the total budget, € 54.5m over 7 years), in order to make provision for the budget of the Institute (€ 52.5m over 7 years). These two amounts together represent the current level of expenditure in the area of gender equality in the field of employment and

social affairs, in accordance with the request of the Council for a budgetary neutral proposal.

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

The objective of the Institute is to serve as a technical support to the European institutions, in particular the Commission and the Member States, by providing them with the necessary objective, reliable and comparable at European level information and data as well as methodological tools. The Institute's role is also to promote the visibility of gender equality through the development of awareness raising and dissemination of information activities, including the creation of a documentation centre addressed to the stakeholders and the public at large.

Chapter 8 (details of resources) presents the objectives in operational terms and also gives information on the expected output and related indicators, where possible. Only after the establishment of the Institute and the adoption by the Management Board of its annual and rolling programme, will it be possible and necessary to establish a real link between the operational activities and the relevant financial and human resources necessary to carry out these activities. [Chapter 6.1 (monitoring system) describes the responsibilities of the Director in this respect.]

5.4. Method of Implementation (indicative)

Show below the method(s)³⁶ chosen for the implementation of the action.

- Centralised Management***
- Directly by the Commission
- Indirectly by delegation to:
 - Executive Agencies
 - Bodies set up by the Communities as referred to in art. 185 of the Financial Regulation
 - National public-sector bodies/bodies with public-service mission
- Shared or decentralised management***
- With Member states
- With Third countries
- Joint management with international organisations (please specify)***

³⁶ If more than one method is indicated please provide additional details in the "Relevant comments" section of this point.

6. MONITORING AND EVALUATION

6.1. Monitoring system

The Director of the Institute will be responsible for the adequate follow-up of the information which must be collected, from the start of each action, on the inputs, outputs and results of the intervention. In practice this means (i) identifying the indicators for inputs, outputs and results and (ii) putting in place methods for the collection of data.

The Director will be responsible for the implementation of effective monitoring and evaluation of the performance of the Institute against its objectives according to professionally recognised standards and shall report annually to the Management Board on the results of the evaluation (Art.11 (2) (e)).

The Director will prepare an annual report (Article 3(e)) on the activities of the Institute which will compare, in particular, the results achieved with the objectives of the annual work programme; this report, following adoption by the Management Board, will be forwarded by 15 June at the latest to the European Parliament, the Council, the Commission and the Court of Auditors.

6.2. Evaluation

6.2.1. *Ex-ante evaluation*

The ex-ante evaluation supporting this proposal has been conducted, in the second semester of 2004, by the Commission Services in charge of the policy area of equality between men and women, in particular DG Employment, Social Affairs and Equal Opportunities. It is based mainly on the Feasibility Study for a European Gender Institute, 2002³⁷, carried out on behalf of the Commission, the Commission Annual Report on equality between women and men, 2004³⁸, the European Parliament report on the Role of a Future European Gender Institute, 2004³⁹, the external evaluation and the Commission interim evaluation of the Programme relating to the Community Framework Strategy on Gender Equality 2001-2005⁴⁰, as well as the Meta-Evaluation Report on the Community Agency System, 2003⁴¹ and the evaluations of the functioning of other agencies mainly the European Monitoring Centre on Racism and Xenophobia⁴² and the European Agency for Safety and Health at Work⁴³.

³⁷ European Commission Feasibility Study for a European Gender Institute (conducted by PLS Ramboll Management, DK, 2002).

³⁸ Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - COM(2004) 115, 19.2.2004.

³⁹ Report on the Role of a Future European Gender Institute, A study for the European Parliament, by Yellow Window Management Consultants, a division of eadc n.v./s.a.

⁴⁰ Commission Staff Working Document, Interim evaluation Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the Programme relating to the Community Framework Strategy on Gender Equality 2001-2005 - SEC(2004) 1047, 11.8.2004.

⁴¹ European Commission, Budget Directorate General, 15.9.2004.

⁴² Communication from the Commission on the activities of the European Monitoring Centre on Racism and Xenophobia, together with proposals to recast Council Regulation (EC) 1035/97 - COM(2003) 483, 5.8.2004.

⁴³ Communication from the Commission on the evaluation of the European Agency for Safety and Health at Work accompanied by a Proposal for a Council Regulation amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work - COM(2004) 50, 23.4.2004.

6.2.2. *Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)*

As indicated above, the Commission's proposal is based on lessons learned from similar experiences in the past (see chapter 5 of the ex-ante evaluation for details).

6.2.3. *Terms and frequency of future evaluation*

By the end of the third year following the entry into force of this Regulation, the Institute shall commission an independent external evaluation of its achievements, on the basis of terms of reference drawn up by the Management Board in agreement with the Commission. The Commission shall forward the evaluation report accompanied by the recommendations of the Management Board to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions and make them public. After assessment of the evaluation report and the recommendations, the Commission may submit any proposals for amendments to this Regulation which it deems necessary.

7. ANTI-FRAUD MEASURES

The financial rules applicable to the Institute shall be adopted by the Management Board following consultation with the Commission. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities⁴⁴ unless specifically required for the Institute's effective operation and with the Commission's prior consent. In accordance with Art.71 of Commission Regulation 2343/2002, the Institute shall have an internal auditing function which must be performed in compliance with the relevant international standards while the Commission's internal auditor will exercise the same powers with respect to the Institute as with respect to Commission departments.

All measures developed by the Institute shall form part of its annual and mid-term programmes agreed by the Management Board. The Director shall be accountable for the management of his/her activities to the Management Board. In addition, controls by the Commission or the Court of Auditors of the European Communities may be carried out on the basis of documents or on the spot.

⁴⁴ OJ L 357, 21.12.2002, p. 72; Corrigendum: OJ L 2, 7.1.2003, p. 39.

8. DETAILS OF RESOURCES

Commitments (in € million to three decimal places)

Breakdown	2007	2008	2009	2010	2011	2012	2013	Total
Staff full cost ¹	1.080 (10x 0.108)	1.925 (17.5 x 0.110)	2.576 (23 x 0,112)	2.875 (25 x 0,115)	3.159 (27 x 0,117)	3.57 (30 x 0,119)	3.66 (30 x 0,122)	18,845
Other Administrative expenditure	1,23	1	0,999	1	1	1	1.01	7,24
<u>Total Titles 1 and 2</u>	2,31	2,925	3,575	3,875	4,159	4,57	4,67	26,084
Operational activities (Title 3)	2.19	3.5	3.625	3.625	3.741	3.63	3.83	24,141
TOTAL	4,5	6,425	7.2	7.5	7.9	8.2	8.5	50,225

This table is based on the following assumptions:

- For 2007 the full cost per official or temporary staff is € 108,000. This amount include personnel costs and administrative expenditure (buildings, IT, etc). From 2008 an annual deflator of 2 % is used.
- 15 persons will be recruited for the first year on average by mid year so the staff is half of 15;
- for the first year the administrative costs are higher than the following year due to the costs of settlement;
- for the second year 15 persons will work for all year and 5 other will be recruited on average by mid-year, so the staff is 17,5.

Overall financial impact of Institute human's resources

Year 2007

Type of human resources	Amount in euro	Method of calculation
Agents	810 000	108 000 x 10
Total	810 000	

The amounts represent a total expenditure over 12 months for an average on 10/15 permanent posts because of the difficulty of recruiting in the first year.

Year 2008

Type of human resources	Amount in euro	Method of calculation
Agents	1 925 000	110 000 x 17,5
Total	1 925 000	

The amounts represent a total expenditure over 12 months for an average of 17,5/20 permanent posts because of the difficulty of recruiting five persons during the year.

Total subsidy of the Institute's administrative expenditure for the first three years.

The subsidy of administrative expenditure will be covered by an operational heading of the Community budget (4 05 04 01)

Million EUR	Year 2007	Year 2008	Year 2009	Total Years 2007-2009
Human resources	15	20	23	23
Calculation basis	10	17,5	23	23
Annual cost of human resources	1 080 000	1 925 000	2 576 000	5 311 000
Other administrative expenditure				
Missions	200 000	150 000	150 000	500 000
Management Board and Advisory Forum meetings	300 000	300 000	300 000	900 000
Interpreting/Translation	650 000	500 000	500 000	1 650 000
Other administrative expenditure	80 000	50 000	49 000	179 000
Total other administrative expenditure	1 230 000	1 000 000	999 000	3 229 000
Total	2 310 000	9 925 000	3 575 000	8 810 000

TABLE: Estimate of human resources - Breakdown by areas of activity and category

ACTIVITIES	A	B	C	D
(a) Administration				
Management (this item includes the Director).	3		1	
Human and financial resources	1		1	
Information/IT	0,5	1		
Legal tasks	0,5			
TOTAL (a)	5	1	2	
(b) Operational tasks:				
Objective 1	1	1	1	
Objective 2	0,5	1	0,25	
Objective 3	0,25	1	0,25	
Objective 4	0,25		0,25	
Objective 5			0,25	
TOTAL (b)	2	3	2	
TOTAL (a) + (b)	7	4	4	

Description of tasks:

- Collect information and data on gender equality situation, policies and practices within the European Union through administrations, NGOs, experts ;.carry out surveys, when necessary;
- Record this information eventually in a common database;
- Analyse the information gathered directly or by experts, publish and disseminate results of such analysis,
- Develop methods to improve the comparability, objectivity and reliability of data on gender equality at Community level; develop analyse and evaluate relevant methodological tools; develop common standards for the establishment and collection of those data,

- Prepare and organise meetings of experts on legal, economical and social aspects of gender equality;
- Organise conferences, round tables and meetings at European level on topics directly relevant for gender equality;
- Organise campaigns for gender equality promotion in the European medias;
- Edit, publish and distribute results of studies and other information (annual report, magazine, posters, videos, CD ROM, etc.) and organise a public library on gender equality research;
- Edit publish and distribute reports and conclusions based on the results of the studies and meetings organised,
- Set and coordinate on internet an information network on issues related to equality between women and men: the Institute shall establish permanent co-operation with the relevant academic, research, governmental and non- governmental organisations at national level in each Member State;
- Disseminate best practices and the results of concrete cooperation, be it through the organization of conferences and seminars, the publication of booklets or other information materials and/ or the use of electronic means of communication;
- Develop training material on gender equality aspects for Member states administrations and organisations involved in gender equality policies or wishing to develop actions in this field,
- Launch call for tenders and proposals for the relevant actions, manage contracts and grant agreements, proceed to commitments and payments, evaluate results and outputs,
- Organise meetings of the Management Board and the Advisory Forum.

8.1. Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	Cost year 2007	Cost year 2008	Cost year 2009	Cost year 2010	Cost year 2011	Cost year 2012	Cost year 2013	Number of output	Total
OPERATIONAL OBJECTIVE No.1 ⁴⁵ ... Provision of technical support to Community Institutions, mainly the Commission and the Member States: the European Institute will in particular:									
Action 1: collect, record and analyse information and data; develop methods to improve the comparability, objectivity and reliability of data at Community level by establishing; develop, analyse and evaluate relevant methodological tools; carry out, when appropriate, surveys.	0.658	1.048	1.027	1.027	1.06	1.028	1.085	14	7.232
- Output : This post appropriation is intended to cover the specific reports which will contribute to the implementation of the work programme and will necessitate external contractors .It is also intended to cover the setting-up and co-ordination of appropriate tools for the collect of data.									
Action 2: organise, where appropriate, meetings of experts to support research work.	0.048	0.105	0.103	0.103	0.106	0.103	0.108	7	0.723
- Output : This post appropriation is intended to cover all the costs relevant to the above-mentioned meetings.									
Sub-total Objective 1	0.706	1.153	1.13	1.13	1.166	1.131	1.193	21	7.955
OPERATIONAL OBJECTIVE No.2 ... Promotion of networking of stakeholders and dialogue at European level: the European Institute will:									
Action organise with relevant stakeholders conferences, round-tables, seminars, and meetings at European level	0.470	0.786	0.77	0.77	0.795	0.771	0.814	14	5.424

⁴⁵ As described under Section 5.3.

(Headings of Objectives, actions and outputs should be provided)	Cost year 2007	Cost year 2008	Cost year 2009	Cost year 2010	Cost year 2011	Cost year 2012	Cost year 2013	Number of output	Total
- Output : This appropriation is intended to cover the organisation of the above-mentioned activities, including travel and subsistence expenses, interpretation costs, etc.									
Sub-total Objective 2	0.470	0.786	0.77	0.77	0.795	0.771	0.814	14	5.424
OPERATIONAL OBJECTIVE No3 : Promotion of dissemination of information and awareness - raising activities to enhance visibility on gender equality: the European Institute will:									
Action: Publish and distribute the results of the surveys and of other information activities and products (annual report, magazine, posters, videos, CD ROM, etc). It will also set up a documentation centre accessible to the public.	0.219	0.424	0.513	0.513	0.530	0.514	0.542	7	3.616
- Output: Publication, editing and distribution costs including databases and mailing of results of surveys , other information activities (annual report, magazine, posters, videos, CD ROM, etc. and organisation of a library on gender equality research).									
Sub-total Objective 3	0.219	0.424	0.513	0.513	0.530	0.514	0.542	7	3.616
OPERATIONAL OBJECTIVE No.4 : Effective functioning of management structure									
Action 1 Meetings of the Management Board and the Advisory Forum.	0,286	0,314	0,314	0,314	0,314	0,314	0,324	7	2,180

(Headings of Objectives, actions and outputs should be provided)	Cost year 2007	Cost year 2008	Cost year 2009	Cost year 2010	Cost year 2011	Cost year 2012	Cost year 2013	Number of output	Total
- Output: This appropriation is intended to cover the operating expenses including travel and subsistence expenses and interpretation costs.(2 meeting for the Management Board of 18 members and 2 meetings for the consultative Forum of 30 persons per year).									
Sub-total Objective 4	0,286	0,314	0,314	0,314	0,314	0,314	0,324		2,180
OPERATIONAL OBJECTIVE No.5 : Costs related to effective implementation of operations									
Action 1 Mission, representation expenses, etc.	0.100	0,169	0,158	0,158	0,165	0,159	0,175		0,985
- Output: This appropriation is intended to cover expenditure on transport, daily mission allowances and other exceptional expenses incurred by established staff in the interest of the service, in accordance with the staff regulations									
Action 2 Cost of translation of studies, reports, working documents, leaflets, etc.	0.390	0.634	0.719	0.719	0.742	0.720	0.759	7	5.063
- Output: This appropriation is intended to cover the translation of studies, reports, as well as working documents for the Management Board and Advisory Forum and for conferences, seminars, etc. into the different Community languages. The translation work will mainly be carried out by the Translation Centre for the bodies of the EU in Luxembourg									
Action 3 Interpretation costs for non-routine conferences	0.019	0.021	0.021	0.021	0.021	0.021	0.022	7	0.145
- Output: This appropriation is intended to cover interpreting services to be billed to the European Institute by the European Commission. It is also intended to cover the payment of freelance interpreters hired for non-routine conferences for which the Commission is unable to provide interpreting.									
Sub-total Objective 5	0.509	0.954	0.944	0.945	0.975	0.946	0.998		6.654
TOTAL COST	2.190	3.500	3.624	3.625	3.741	3.630	3.830		24;140

8.2. Administrative Expenditure

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5
Officials or temporary staff ⁴⁶ (XX 01 01)	A*/AD						
	B*,C*/AST						
Staff financed ⁴⁷ by art. XX 01 02							
Other staff ⁴⁸ financed by art. XX 01 04/05							
TOTAL							

8.2.2. Description of tasks deriving from the action

8.2.3. Sources of human resources (statutory)

(When more than one source is stated, please indicate the number of posts originating from each of the sources)

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

8.2.4. Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)

EUR million (to 3 decimal places)

⁴⁶ Cost of which is NOT covered by the reference amount.

⁴⁷ Cost of which is NOT covered by the reference amount.

⁴⁸ Cost of which is included within the reference amount.

Budget line (number and heading)	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
1 Technical and administrative assistance (including related staff costs)							
Executive agencies ⁴⁹							
Other technical and administrative assistance							
- <i>intra muros</i>							
- <i>extra muros</i>							
Total Technical and administrative assistance							

8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

EUR million (to 3 decimal places)

Type of human resources	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (04 05 01)	0.162 (1.5 x 0,108)	0.165 (1.5 x 110)	0.168 (1.5 x 0,112)	0.230 (2 x 0,115)	0.234 (2 x 0,117)	0.238 (2 x 0,119) ²
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)	0.162	0.165	0.168	0.23	0.234	0.238

This is the cost of the staff devoted to evaluation, control and coordination of the Institute within the Commission.

Calculation – *Officials and Temporary agents*

Reference should be made to Point 8.2.1, if applicable

⁴⁹ Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

Persons/year for control, budget drafting and funding and coordination between the Commission and the Agency.

Calculation – *Staff financed under art. XX 01 02*

Reference should be made to Point 8.2.1, if applicable

8.2.6 *Other administrative expenditure not included in reference amount*

EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 01 02 11 01 – Missions	0,2	0,1	0,1	0,1	0,11	0,11	0,72
XX 01 02 11 02 – Meetings & Conferences							
.57XX 01 02 11 03 – Committees ⁵⁰							
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
Total Other Management Expenditure (XX 01 02 11)							
Other expenditure of an administrative nature (specify including reference to budget line)							
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)	0,2	0,1	0,1	0,1	0,11	0,11	0,72

Calculation – *Other administrative expenditure not included in reference amount*

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation procedure.

⁵⁰ Specify the type of committee and the group to which it belongs.