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Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality

REGULATION (EC) No 1922/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 December 2006

on establishing a European Institute for Gender Equality

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 Commission,

Having regard to the Opinion of the European Economic and Social Committee[(1)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)],

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 set out a prohibition on any discrimination on grounds of sex and provide that equality between men and women must be ensured in all areas.

(2) Article 2 of the Treaty 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 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 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.

(5) The Commission's first annual report on equality between men and women to the Spring European Council in 2004 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 7-9 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’.

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(7) The feasibility study[3] carried out for the Commission concluded that there is a clear role for a European Institute for Gender Equality to carry out some of the tasks with which the existing institutions do not currently deal, specifically in the areas of coordination, centralisation and dissemination of research data and information, network building, the raising of visibility of equality between men and women, highlighting the gender perspective 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 2004 on the European Union's policies on gender equality[4] 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 2004 and the European Council of 17-18 June 2004 supported the establishment of a European Institute for Gender Equality. The European Council 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 elimination of all forms of discrimination on grounds of sex and 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 and implement 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 those tasks.

(11) Gender equality cannot be achieved by an anti-discrimination policy alone but requires measures to promote harmonious co-existence and balanced participation by men and women within society; the Institute should contribute to the attainment of that objective.

(12) Given the importance of eliminating gender stereotypes in European society in all walks of life and of providing positive examples for women and men to follow, action to achieve those aims should also be included among the Institute's tasks.

(13) Cooperation with the relevant authorities of the Member States and relevant statistical bodies, in particular Eurostat, is essential to promote the collection of comparable and reliable data at European level. Given that information on equality between men and women is relevant to all levels within the Community — local, regional, national and Community — it would be useful for such information to be available to Member States' authorities in order to help them formulate policies and measures at local, regional and national level in their spheres of competence.

(14) The Institute should work as closely as possible with all Community programmes and bodies in order to avoid duplication and ensure the best possible use of resources, in particular as regards the European Foundation for the Improvement of Living and Working Conditions[5], the European Agency for Safety and Health at Work[6], the Centre for the Development of Vocational Training[7] and the European Union Agency for Fundamental Rights[8].

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(15) The Institute should develop cooperation and dialogue with non-governmental and equal opportunities organisations, research centres, social partners, and other related bodies actively seeking to achieve equality at national and European level and in third countries. In the interest of efficiency, it is appropriate for the Institute to set up and coordinate an electronic European Network on Gender Equality with such entities and experts in the Member States.

(16) With a view to ensuring the necessary balance among the Member States and the continuity of the members of the Management Board, the representatives of the Council will be appointed for each term of office in accordance with the order of rotation of the Presidencies of the Council, commencing in 2007.

(17) In accordance with Article 3(2) of the Treaty it is appropriate to promote a balanced participation of men and women in the composition of the Management Board.

(18) The Institute should enjoy maximum independence in the performance of its tasks.

(19) The Institute should apply the relevant Community legislation concerning public access to documents as set out in Regulation (EC) No 1049/2001[(9)] and the protection of individuals with regard to the processing of personal data as set out in Regulation (EC) No 45/2001[(10)].

(20) 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[(11)], applies to the Institute.

(21) 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 Institute.

(22) 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.

(23) Since the objectives of this Regulation, namely to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies, and the fight against discrimination based on sex, and to raise EU citizens' awareness of gender equality by providing technical assistance to the Community institutions and the authorities of the Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.

(24) Article 13(2) of the Treaty permits the adoption of Community measures in order to support and promote the objective of combating discrimination on grounds of sex

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beyond the field of employment. Article 141(3) of the Treaty 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. Therefore, Article 13(2) and Article 141(3) combined constitute the appropriate legal basis for adoption of this Regulation,

HAVE ADOPTED THIS REGULATION:

Article 1

Establishment of the Institute

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 contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies, and the fight against discrimination based on sex, and to raise EU citizens' awareness of gender equality by providing technical assistance to the Community institutions, in particular the Commission, and the authorities of the Member States, as set out in Article 3.

Article 3

Tasks

1 To meet the objectives set in Article 2, the Institute shall:

a collect, analyse and disseminate relevant objective, comparable and reliable information as regards gender equality, including results from research and best practice communicated to it by Member States, Community institutions, research centres, national equality bodies, non-governmental organisations, social partners, relevant third countries and international organisations, and suggest areas for further research;

b develop methods to improve the objectivity, comparability and reliability of data at European level by establishing criteria that will improve the consistency of information and take into account gender issues when collecting data;

c develop, analyse, evaluate and disseminate methodological tools in order to support the integration of gender equality into all Community policies and the resulting national policies and to support gender mainstreaming in all Community institutions and bodies;

d carry out surveys on the situation in Europe as regards gender equality;

e set up and coordinate a European Network on Gender Equality, 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;

f organise ad hoc meetings of experts to support the institute's research work, encourage the exchange of information among researchers and promote the inclusion of a gender perspective in their research;

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g in order to raise EU citizens' awareness of gender equality, organise, with relevant stakeholders, conferences, campaigns and meetings at European level, and present the findings and conclusions to the Commission;

h disseminate information regarding positive examples of non-stereotypical roles for women and men in every walk of life, present its findings and initiatives designed to publicise and build on such success stories;

i develop 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;

j set up documentation resources accessible to the public;

k make information on gender mainstreaming available to public and private organisations; and

l provide information to the Community Institutions on gender equality and gender mainstreaming in the accession and candidate countries.

2 The Institute shall publish an annual report on its activities.

Article 4

Areas of activity and working methods

1 The Institute shall carry out its tasks within the competences 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 in the field of gender equality 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 ensure 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, including Eurostat. The Institute shall ensure appropriate coordination 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

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.