

# EUROPEAN PARLIAMENT



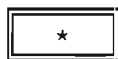
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ENGLISH EDITION

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A4-0110/97



## REPORT

on the proposal for a Council Regulation establishing a European Monitoring  
Centre for Racism and Xenophobia  
(COM(96)615 - C4-0070/97 - 96/0298(CNS))

Committee on Civil Liberties and Internal Affairs

Rapporteur: Mr Glyn Ford

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PE 220.926/fin.

- \* Consultation procedure  
simple majority
- \*\*I Cooperation procedure (first reading)  
simple majority
- \*\*II Cooperation procedure (second reading)  
simple majority to approve the common position  
majority of Parliament's component Members to reject or amend the common position
- \*\* Assent procedure  
majority of Parliament's component Members to give assent  
but simple majority under Articles 8a, 103, 106, 130a and 228 EC

- \*\*I Codecision procedure (first reading)  
simple majority
- \*\*II Codecision procedure (second reading)  
simple majority to approve the common position  
majority of Parliament's component Members to adopt a declaration of intended  
rejection of the common position, and amend the common position or confirm its rejection
- \*\*III Codecision procedure (third reading)  
simple majority to approve the joint text  
majority of Parliament's component Members to reject the Council text

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By letter of 14 February 1997 the Council consulted Parliament, pursuant to Article 235 of the Treaty on European Union, on the proposal for a Council regulation establishing a European Monitoring Centre for Racism and Xenophobia (COM(96)615 - C4-0070/97 - 96/0298(CNS)).

At the sitting of 19 February 1997 the President of Parliament announced that he had referred the proposal to the Committee on Civil Liberties and Internal Affairs as the committee responsible and the Committee on Budgets for its opinion.

At its meeting of 28 January 1997 the Committee on Civil Liberties and Internal Affairs had appointed Mr Glyn Ford rapporteur.

It considered the Commission proposal and the draft report at its meetings of 4 February, 24/25 February, 10 March and 19/20 March 1997.

At the last meeting it adopted the draft legislative resolution unanimously.

The following took part in the vote: d'Ancona, chairman; Wiebenga, vice-chairman; Ford, rapporteur; Bontempi, Cederschiöld, Colombo Svevo, De Esteban Martin, Deprez, Elliott, Mohamed Ali, Nassauer, Palacio (for Stewart-Clark), Roth, Schaffner, Van Lancker (for Lindeperg) and Zimmermann.

The opinion of the Committee on Budgets is attached.

The report was tabled on 21 March 1997.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

**A**  
**LEGISLATIVE PROPOSAL**

**Proposal for a Council Regulation establishing a European Monitoring Centre for Racism and Xenophobia (COM(96)615 - C4-0070/97 - 96/0298(CNS))**

The proposal is approved with the following amendments:

Commission proposal<sup>1</sup>

Amendments by Parliament

(Amendment 1)  
Recital 12a (new)

Whereas, in the various Member States, there are numerous outstanding organizations which study racism and xenophobia;

(Amendment 2)  
Recital 12b (new)

Whereas the harmonization of research and the creation of a network of organizations will enhance the usefulness and effectiveness of such work;

(Amendment 3)  
Recital 13

Whereas it is therefore appropriate to set up a European Monitoring Centre for Racism and Xenophobia which will make the results of its work available to both the Community and the Member States;

Whereas it is therefore appropriate to set up a European Monitoring Centre for Racism and Xenophobia which is given over to research in both the Community and the Member States;

<sup>1</sup> OJ C 78, 12.3.1997, p. 15.

(Amendment 4)

Recital 14

Whereas the tasks assigned to the Centre presuppose cooperation with other national and international organizations, and particularly with the Council of Europe, which has considerable experience in this field;

Whereas the tasks assigned to the Centre presuppose cooperation with other regional, national and international organizations, and particularly with the Council of Europe, which has considerable experience in this field;

(Amendment 5)

Recital 16

Whereas the Centre must enjoy maximum legal and political autonomy, while maintaining close links with the Community institutions;

Whereas the Centre must enjoy maximum legal and political autonomy, yet is to operate within the Commission's sphere of responsibility and must maintain close links with the Community institutions;

(Amendment 6)

Article 2(2) (a) (c) (d) (e) (g) and (h)

2. The Centre shall study the extent and development of the phenomena and manifestations of racism, xenophobia and antisemitism, analyse their causes, consequences and effects and examine examples of good practice in dealing with them. To these ends, the Centre shall:

(a) collect, record and analyse information and data, including data resulting from scientific research, communicated to it by the Member States, the Community institutions, international organizations - particularly those referred to in Article 4(1) - and non-governmental organizations;

2. The Centre shall coordinate and harmonize studies of the extent and development of the phenomena and manifestations of racism, xenophobia and antisemitism, encourage the analysis of causes, consequences and effects and compare examples of good practice in dealing with them. To these ends, the Centre shall:

(a) collect, record and analyse information and data, including data resulting from scientific research, communicated to it by scientific research centres, the Member States, the Community institutions, international organizations - particularly those referred to in Article 4(1) - and non-governmental organizations;

(c) carry out scientific research and surveys, preparatory studies and feasibility studies, where appropriate at the request of the European Parliament, the Council or the Commission. It shall also organize meetings of experts and, whenever necessary, set up ad hoc working parties;

(d) set up documentation resources open to the public, encourage the promotion of information activities and stimulate scientific research;

(e) formulate conclusions and recommendations for the Community and its Member States;

(g) set up and coordinate a 'European Racism and Xenophobia Information Network' (Raxen) consisting of the Centre's own central unit, which shall cooperate with national university research centres, non-governmental organizations and specialist centres set up by national or international organizations referred to in Article 7;

(h) facilitate and encourage the organization of regular round-table discussions or meetings of other existing, standing advisory bodies within the Member States, with the participation of the social partners, research centres and representatives of competent public authorities and other persons or bodies involved in dealing with racism and xenophobia. The Centre shall take the findings of the national round-table discussions or of other existing, standing advisory bodies into account in its annual report on the situation regarding racism and xenophobia in the European Community.

(c) commission scientific research and surveys, preparatory studies and feasibility studies at the request of the European Parliament, the Council or the Commission. It shall also organize meetings of experts and, whenever necessary, set up ad hoc working parties;

(d) setting up and linking documentation resources open to the public, assist in the promotion of information activities and stimulate scientific research;

(e) formulate conclusions and recommendations for the Community and its Member States, primarily at the request of the European Parliament, the Council or the Commission;

(g) set up and coordinate a 'European Racism and Xenophobia Information Network' (Raxen) consisting of the Centre's own central unit, which shall cooperate with national university research centres, non-governmental organizations and specialist centres set up by regional, national or international organizations referred to in Article 7 and also enable common criteria and comparable data to be established;

(h) facilitate and encourage the organization of regular round-table discussions or meetings of other existing, standing advisory bodies within the Member States, with the participation of the social partners, research centres and representatives of competent public authorities and other persons or bodies involved in dealing with racism and xenophobia. The Centre shall take the findings of the regional and national round-table discussions or of other existing, standing advisory bodies into account in its annual report on the situation regarding racism and xenophobia in the European Community.

(Amendment 7)  
Article 3(3)

3. The information and data to be collected and processed, the scientific research, surveys and studies to be conducted or encouraged shall be concerned with the extent, development, causes and effects of the phenomena of racism and xenophobia, particularly in the following fields:

- (a) free movement of persons within the Community;
- (b) employment;
- (c) the media and other means of communication;
- (d) education, vocational training and youth;
- (e) social exclusion;
- (f) free movement of goods;
- (g) culture.

3. The information and data to be collected and processed, the scientific research, surveys and studies to be conducted or encouraged shall be concerned with the extent, development, causes and effects of the phenomena of racism and xenophobia, particularly in the following fields:

- (a) religious freedom and racism;
- (b) free movement of persons within the Community;
- (c) employment;
- (d) the media and other means of communication;
- (e) education, vocational training and youth;
- (f) social exclusion;
- (g) free movement of goods;
- (h) culture;
- (i) preventive measures and means of action.

(Amendment 8)  
Article 6

The Centre 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 and immovable property and may be a party to legal proceedings.

The Centre shall have legal personality in accordance with the provisions of Article 142 of the Financial Regulation. It shall enjoy, in each Member State, the most extensive legal capacity accorded to legal persons under their laws. In particular, it may acquire and dispose of movable and immovable property and may be a party to legal proceedings.

(Amendment 9)  
Article 7 Title

Cooperation with national and international organizations

Cooperation with regional, national and international organizations

(Amendment 10)  
Article 7(1)

1. To help it carry out its tasks, the Centre may cooperate with national or international, governmental or non-governmental organizations competent in the field of racist and xenophobic phenomena.

1. To help it carry out its tasks, the Centre shall cooperate with regional, national or international, governmental or non-governmental organizations competent in the field of racist and xenophobic phenomena.

(Amendment 11)  
Article 8(2)

2. The names of the members and deputy members of the Management Board shall be notified to the European Commission for publication in the Official Journal of the European Communities. Their term of office shall be three years, which shall be renewable once. The Management Board shall elect its Chairman and Vice-Chairman and the other members of the Executive Board referred to in Article 9.

2. The names of the members and deputy members of the Management Board shall be notified to the European Commission for publication in the Official Journal of the European Communities. Their term of office shall be three years, which shall be renewable once. The Management Board shall be chaired by the Commission representative and shall elect its Vice-Chairman and the other members of the Executive Board referred to in Article 9.

(Amendment 12)  
Article 8(3)(b)

(b) adopt the Centre's annual report and its conclusions and recommendations and forward them to the European Parliament, the Council, the Commission, the Economic and Social Committee and the Committee of the Regions; it shall have the annual report published;

(b) adopt the Centre's annual report and its conclusions and recommendations, submit them for assessment to the European Parliament, the Council and the Commission and forward them to the Economic and Social Committee and the Committee of the Regions; it shall have the annual report published;

(Amendment 13)  
Article 8(3)(e)

(e) give the Director discharge in respect of the implementation of the budget.

(e) Deleted.

(Amendment 14)  
Article 9(1)

1. The Executive Board shall be composed of the Chairman of the Management Board, the Vice-Chairman and a maximum of three other members of the Management Board, including the person appointed by the Council of Europe and the Commission representative.

1. The Executive Board shall be composed of the Chairman of the Management Board, the Vice-Chairman and a maximum of three other members of the Executive Board, which may include the persons appointed by the Council of Europe and the European Parliament (not a Member).

(Amendment 15)  
Article 10(3)

3. The Director shall be accountable for these activities to the Management Board and shall attend its meetings and the meetings of the Executive Board.

3. The Director shall be accountable for his activities to the Management Board and shall attend its meetings and the meetings of the Executive Board.

(Amendment 16)  
Article 11(2), second subparagraph

These experts shall be appointed by the Management Board on the basis of proposals from the Member States, the Commission, and the national and international organizations associated with the Centre's work as referred to in Article 7.

These experts shall be appointed by the Management Board on the basis of proposals from the Member States, the Commission, and the various organizations associated with the Centre's work as referred to in Article 7.

(Amendment 17)  
Article 12(1)

1. The staff of the Centre shall be subject to the regulations and rules applicable to officials and other servants of the European Communities.

1. The staff of the Centre shall be subject to the regulations and rules applicable to officials and other servants of the European Communities. The staff shall be recruited without any discrimination on grounds of nationality. In order for the Centre to be effective in establishing a trans-European network in this area, staff will also be preferentially recruited on temporary or fixed-term contracts or on secondment from specialist bodies within or outside the European Union.

(Amendment 18)

Article 13(2), (4)(a), (c) and (d) (new), (6), (7), (10) (11) and (12)

2. By 15 February each year, at the latest, the Director shall draw up the preliminary draft budget for the following financial year. The preliminary draft budget shall cover the operating expenditure and the programme of work scheduled for the following financial year. The Director shall submit the preliminary draft, together with an establishment plan, to the Management Board.

4. The revenue of the Centre shall, without prejudice to other resources, comprise:

(a) a subsidy from the Community, entered under a specific heading in the general budget of the European Communities ('Commission' section);

(c) any financial contributions from the organizations referred to in Article 7.

6. The Management Board shall adopt the draft budget and forward it to the Commission. On this basis, the Commission shall determine the corresponding subsidy estimates to be entered in the preliminary draft general budget of the European Communities, which it places before the Council pursuant to Article 203 of the Treaty.

2. By 15 February each year at the latest, the Director shall draw up the preliminary draft budget for the following financial year, preceded by an explanatory statement. The preliminary draft budget shall cover the operating expenditure and the programme of work for the following financial year. The Director shall submit to the Management Board the preliminary draft, together with an establishment plan, setting the number of posts for each grade in each category, together with the number of posts authorized by the budgetary authority for the preceding financial year, in accordance with the provisions of Article 20(3), third indent, and (4) of the Financial Regulation.

4. The revenue of the Centre shall, without prejudice to other resources, comprise:

(a) a subsidy from the Community, calculated to take account of the revenue from sources outside the Community, determined during the annual budgetary procedure and entered under a specific heading in the general budget of the European Communities ('Commission' section);

(c) any financial contributions from the organizations referred to in Article 7 or other recognized organizations which want to support the work of the Centre.

(d) without prejudice to the provisions set out below, the principles and provisions governing the revenue and expenditure of the Community shall be applicable.

6. The Management Board shall adopt the draft budget and forward it to the Commission. On this basis, the Commission shall provide indications and determine the subsidy estimates to be entered in the preliminary draft general budget of the European Communities, which it places before the Council pursuant to Article 203 of the Treaty.

7. The Management Board shall adopt the Centre's final budget before the beginning of the financial year adjusting it where necessary to the Community subsidy and the Centre's other resources.

10. By 31 March each year at the latest, the Director shall send the Commission, the Management Board and the Court of Auditors the accounts for all the Centre's revenue and expenditure in respect of the preceding financial year.

The Court of Auditors shall examine these accounts in accordance with Article 188c of the Treaty.

11. The Management Board shall give a discharge to the Director in respect of the implementation of the budget.

12. The Management Board shall, after consulting the Commission and the Court of Auditors, adopt the internal financial provisions specifying in particular the arrangements for establishing and implementing the Centre's budget.

7. The Management Board shall, in accordance with the indications of the Commission, adopt the Centre's final budget before the beginning of the financial year and after the adoption by the budgetary authority of the Community subsidy calculated to take account of the Centre's other resources.

10. By 31 March each year at the latest, the Director shall send the Commission, the Management Board, the Court of Auditors and, for information, the Council and the European Parliament the accounts for all the Centre's revenue and expenditure for the preceding financial year.

The Court of Auditors shall examine these accounts in accordance with Article 188c of the Treaty.

11. The European Parliament shall give a discharge to the Director in respect of the implementation of the budget in accordance with Article 206 of the Treaty.

12. The Management Board shall, after consulting the Commission, the Court of Auditors and the European Parliament, adopt the internal financial provisions specifying in particular the arrangements for establishing and implementing the Centre's budget in accordance with the internal financial provisions that apply to the other satellite bodies of the European Union.

(Amendment 19)  
Article 13a (new)

13a. The translation services required for the operation of the Centre shall be provided by the Translation Centre for bodies of the European Union established by Regulation (EC) No 2965/94.

## DRAFT LEGISLATIVE RESOLUTION

**Legislative resolution embodying the opinion of the European Parliament on the proposal for a Council Regulation establishing a European Monitoring Centre for Racism and Xenophobia (COM(96)615 - C4-0070/97 - 96/0298(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(96)615 - 96/0298(CNS)<sup>(1)</sup>),
  - having been consulted by the Council pursuant to Article 235 of the EC Treaty (C4-0070/97),
  - having regard to Rule 58 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinion of the Committee on Budgets (A4-0110/97),
1. Approves the Commission proposal subject to Parliament's amendments;
  2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 189a(2) of the EC Treaty;
  3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  4. Calls for the conciliation procedure to be opened if the Council should intend to depart from the text approved by Parliament;
  5. Instructs its President to forward its opinion to the Council and Commission.

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<sup>(1)</sup> OJ C 78, 12.3.1997, p. 15.

## B EXPLANATORY STATEMENT

### 1. Background

The cynical patterns of thought and behaviour that underlie racism, xenophobia and anti-Semitism, thought to have been almost overcome, have regrettably experienced a revival in the European Union in recent years. Many members of the public face extensive hostility solely because of their actual or supposed origin, their nationality, the colour of their skin or the religious or ethnic group to which they belong. The expression of racism and xenophobia (discrimination, verbal abuse, insults, physical attacks, sometimes causing serious injury, arson and murder) can be seen in all Member States, albeit to different degrees.

The European institutions must persist in the fight against this ominous trend: the European Union, after all, owes its existence not least to the desire to transform national differences into cross-frontier solidarity. The development of a social order based on the rule of law, democracy and respect for human rights was intended to create an effective and lasting counterbalance to totalitarianism and to racism and xenophobia.

The European institutions have indeed undertaken a wide range of activities in recent years in an attempt to increase public sensitivity to the dangers of racism and xenophobia and awareness of the need for practical joint countermeasures. These efforts range from the Joint Declaration against Racism and Xenophobia adopted on 11 June 1986 by the European Parliament, the Council, the representatives of the Member States meeting in the Council and the Commission<sup>(1)</sup>, through parliamentary committees of inquiry into racism and xenophobia<sup>(2)</sup> and numerous resolutions adopted by the European Parliament<sup>(3)</sup> and the Council<sup>(4)</sup>, to the declaration on 'Europe against Racism' signed in The Hague on 30 January 1997 by the Prime Minister of the Netherlands, the President of the Commission and the President of the European Parliament at the conference inaugurating the European Year against Racism (1997).

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<sup>(1)</sup> OJ C 158, 25.6.1986, p. 1.

<sup>(2)</sup> A2-0160/85 and A3-0195/90.

<sup>(3)</sup> Resolutions of 21 April 1993 on the resurgence of racism and xenophobia in Europe and the danger of right-wing extremist violence (*OJ C 150, 31.5.1993, p. 127*), of 2 December 1993 on racism and xenophobia (*OJ C 342, 20.12.1993, p. 19*), of 21 April 1994 on the situation of gypsies in the Community (*OJ C 128, 9.5.1994, p. 372*), of 27 October 1994 on racism and xenophobia (*OJ C 323, 21.11.1994, p. 154*), of 27 April 1995 on racism, xenophobia and anti-Semitism (*OJ C 126, 22.5.1995, p. 75*), of 15 June 1995 on a day to commemorate the Holocaust (*OJ C 166, 3.7.1995, p. 132*), of 13 July 1995 on discrimination against the Roma (*OJ C 249, 25.9.1995, p. 156*), of 26 October 1995 on racism, xenophobia and anti-Semitism (*OJ C 308, 20.11.1995, p. 140*), of 9 May 1996 on the Commission communication on racism, xenophobia and anti-Semitism (*OJ C 152, 27.5.1996, p. 57*) and of 30 January 1997 on racism, xenophobia and anti-Semitism and the European Year against Racism (1997) (*B4-0045/97*).

<sup>(4)</sup> Resolutions of 29 May 1990 on the fight against racism and xenophobia (*OJ C 157, 27.6.1990, p. 1*), of 5 October 1995 on the fight against racism and xenophobia in the fields of employment and social affairs (*OJ C 296, 10.11.1995, p. 13*), of 23 October 1995 on the education system's response to the problems of racism and xenophobia (*OJ C 312, 23.11.1995, p. 1*) and of 23 July 1996 concerning the European Year against Racism (1997) (*OJ C 237, 15.8.1996, p. 1*); reference should also be made in this context to the Joint Action adopted on 15 July 1996 concerning action to combat racism and xenophobia (*OJ L 185, 24.7.1996, p. 5*).

The setting up of the Consultative Commission on Racism and Xenophobia (Kahn Commission) by the European Council in Corfu (24-25 June 1994) must be regarded as a particularly important step for a thorough analysis of the numerous political declarations, resolutions and appeals. It was given the task of formulating practical recommendations for combating racism and xenophobia. The Consultative Commission, in whose work two Members of the European Parliament have also been actively involved, submitted a comprehensive final report on its activities to the European Council in Cannes (26/27 June 1995). The persistence and even, in some cases, increase in acts of racist violence in the European Union indicated the wisdom of undertaking a more accurate analysis of the frequency and nature of such incidents to enable the European Union to take practical action against these patterns of behaviour as part of a global strategy. This prompted the European Council in Cannes - and, later, the European Council in Madrid (15/16 December 1995) - to ask the Consultative Commission to consider whether it would be feasible to establish a European centre to monitor racist and xenophobic phenomena. The Florence European Council (21/22 June 1996) approved the feasibility study submitted by the Consultative Commission and instructed it to continue its work until the monitoring centre went into operation. Finally, the Dublin European Council (13/14 December 1996) requested the Council to press ahead with its work on the establishment of this centre. It will be for the European Council in Amsterdam (16/17 June 1997) to launch the European Monitoring Centre for Racism and Xenophobia.

## **2. The Commission proposal**

The proposal drawn up by the Commission for a Council regulation establishing a European Monitoring Centre for Racism and Xenophobia (hereinafter the Centre) is largely guided by the Consultative Commission's feasibility study.

### **2.1. Objective and tasks**

The Centre's prime objective will be to provide the Community and its Member States with as full, objective, reliable and comparable information as possible on the scale and development of racist, xenophobic and anti-Semitic phenomena in the European Union and to analyse their causes, consequences and effects. The fields on which the Centre's work will be focused are the free movement of persons within the Community, employment, the media and other means of communication, education and training, youth, social exclusion, the free movement of goods and culture.

To this end, the Centre is to collect data and information, cooperate with the suppliers of information and with other international institutions and organizations active in this field (e.g. by concluding a cooperation agreement with the Council of Europe), to conduct research work, to form ad hoc working parties, to set up documentation resources open to the public and an information network (Raxen), to draw up an annual report, to formulate conclusions and recommendations for the Union and the Member States and to organize or encourage meetings of experts, round-table discussions and other gatherings. The processing of personal data is to be governed by the provisions of Directive 95/46/EC.

### **2.2 Structure, staff and costs**

The 18-member Management Board (composed of one independent person appointed by the European Parliament, one by the Council of Europe, one by the Commission and one by each Member State) is to meet twice a year and take the decisions necessary for the operation of the Centre

(appointment of the Director, adoption of the annual programme of activities and the annual report and its conclusions and recommendations, matters relating to the budget). The term of office of the members of the Management Board is to be three years (renewable once).

The five-member Executive Board (composed of the Chairman, Vice-Chairman and a maximum of three other members of the Management Board, including the representatives of the Council of Europe and the Commission) is to supervise the work of the Centre and prepare the Management Board's meetings.

The Director appointed by the Management Board on a proposal from the Commission will be responsible for the performance of the Centre's tasks and for staff and administrative matters and act as the Centre's legal representative. His term of office will be four years (renewable).

The nine-member multidisciplinary Scientific Committee (composed of experts from different Member States) is to meet twice a year and assist the Management Board and the Director by giving its opinion on scientific questions (when so requested). The experts will be appointed by the Management Board on the basis of proposals from the Member States, the Commission and organizations associated with the Centre's work. Their term of office will be three years (renewable).

The Centre is to get by with a staff of 25 (10 A, 8 B, 6 C and 1 D) in the medium term and will require, after the establishment phase, an annual Community subsidy of ECU 6 to 7 million. It is to have a subsidy of about ECU 3 million (ECU 1 million each for staff, operating costs and operational expenditure) next year to enable it to start work on its establishment.

### 2.3. Legal basis

All the Centre's areas of activity fall within the Community's jurisdiction. As the Treaty does not specifically provide for such activities and as the Centre's tasks are also to be performed in the interests of the Member States and in cooperation with the Council of Europe, the Commission's proposal for a regulation is based on Article 235 of the EC Treaty.

### 3. The European Parliament's position and an assessment of the proposal

#### 3.1. The EP's basic position on the Centre

Together with the inclusion in the EC Treaty of a specific reference to responsibility for the development of measures to combat racism and xenophobia and the promotion of various activities at national, regional and local level, the establishment of the Centre is among the European Parliament's main aims for the current European Year against Racism (1997). Thus, in its resolutions of 9 May 1996<sup>(1)</sup> and 30 January 1997<sup>(2)</sup>, Parliament - endorsing the Consultative Commission's proposals - called for the early establishment of an independent and permanent monitoring centre. Its main task should be to catalogue and analyse, in close cooperation with the Council of Europe, racist and xenophobic incidents in the European Union and to provide the Union, Member States and regional and local authorities with information on any countermeasures that have proved successful.

#### 3.2. Detailed assessment of the proposal and justification for amendments

It should first be noted that, as the Commission proposal largely complies with the European Parliament's demands, wishes, suggestions and recommendations, it can be endorsed in most respects.

##### 3.2.1. Objective and tasks

According to the case-law of the Court of Justice, respect for human rights is one of the general principles of Community law. Racism, xenophobia and anti-Semitism represent serious violations of human rights. If it is to comply with its obligation to respect human rights, the European Union must have reliable information on the current situation in its Member States. Such information is not available at present. For this reason alone, the establishment of a Monitoring Centre whose main task is to compile and disseminate this information is appropriate and necessary. Since several Member States already have a series of outstanding establishments which carry out investigations into racism and xenophobia, the Centre is to promote the efficiency of such activities by creating a network and develop criteria for the compilation of comparable statistics.

The Centre is, however, not only to collect data and information and relate them to each other but also to perform an active supervisory task and to give the European Union an early warning of any conspicuous developments in this sphere. The data collected are also to be the subject of analyses that may form the basis of conclusions, suggestions and recommendations on, say, successful practices and proven strategies. This may result in valuable incentives for the active involvement of the various types of organizations at regional and local level in countermeasures.

The Commission proposal largely takes account of these substantive requirements. However, to strengthen the Centre's task of providing information, the Commission should be required not only to encourage the promotion of information activities but rather to promote them (directly) itself.

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<sup>(1)</sup> OJ C 152, 27.5.1996, p. 57.

<sup>(2)</sup> B4-0045/97.

The fields on which the Centre's work focuses should also include - in quite general terms - xenophobia connected with religious observance preventive measures and means of action. In these areas, too the collection of information and the stimulation of research are very important.

The Council of Europe has already done extensive work on measures to combat racism and xenophobia and acquired considerable knowledge in this sphere. Reference can be made in this context, for example, to the wide-ranging activities of the European Commission Against Racism and Intolerance (ECRI) and its 1995 Youth Campaign against Racism, Xenophobia, Anti-Semitism and Intolerance under the slogan 'All different, all equal'. It should be remembered, however, that the Council of Europe currently has to consider the situation in 40 - extremely heterogenous - Member States. Although the pan-European context is not unimportant, the European Union's priority for the time being should surely be to focus its attention on the situation 'at home'. Where the activities of the Council of Europe are relevant to the situation in the 15 Member States of the European Union, however, they are extremely valuable to the Centre as a basis for further activities that increase knowledge of the facts. There is also a need for close cooperation with the Council of Europe to avoid duplication of effort.

To encourage cooperation with the Council of Europe, the Commission proposal provides for the conclusion of a cooperation agreement and for the Council of Europe to be fully represented in the Centre. Adequate steps have thus been taken to ensure the close cooperation with the Council of Europe that the European Parliament has explicitly requested.

### 3.2.2. Structure, staff and costs

(a) The structure of the Centre must above all satisfy the requirements of independence, efficiency and the scientific quality of its activities:

- Above all, the Centre must work independently if it is to have credibility; it will carry the necessary moral weight only if it is beyond all suspicion of yielding to interference of any kind in its activities, which will sometimes require a high degree of political sensitivity. This will be possible only if the staff of the Centre are independent and, in particular, bound by no political instructions.

The Commission proposal makes adequate provision for ensuring independence: although the Member States, the Commission, the Council of Europe and the European Parliament may make appointments to the Management Board, they must ensure that the people concerned are independent. The Scientific Committee, which will consist of experts who are particularly qualified in a wide range of disciplines and particularly experienced in analysing racist and xenophobic phenomena, will also serve to ensure this independence.

- The Centre's efficiency is to be ensured by the Commission proposal in two respects: firstly, the possibility of suggestions designed to help transform scientific knowledge into practical action (e.g. the recommendation of proven strategies); this is intended to prevent the Centre from degenerating into an institution of mere theoretical discourse unrelated to the practical relevance of its activities. Secondly, efficiency will be fostered by the setting up of a small, flexible Executive Board responsible, among other things, for supervising the Centre's work and preparing the Management Board's meetings. The Commission representative is, however, to chair the Management Board. Particularly since the Council of Europe will be nominating one representative on the Management Board, it is appropriate that a representative of the European

Parliament (although not a Member) should serve on the Executive Board. Monitoring the efficiency of the Centre's activities is to be undertaken by the European Parliament, the Council and the Commission (possibly in the form of an evaluation of the annual report, its conclusions and recommendations). Assurance must also be secured that it is for the European Parliament - as one arm of the budgetary authority - and not the Management Board to give discharge to the Director under the general budgetary procedure pursuant to Article 206 of the EC Treaty (otherwise Parliament would be able to exercise its powers of budgetary control only at one remove - in the form of the granting of discharge to the Commission).

- Scientific quality is a precondition for the legitimacy - and thus the effectiveness - of the Centre's work. As the Centre must endeavour to gain wide recognition for its activities at international, national and non-governmental level, the scientific quality of its work is essential if its proposals and suggestions are to be accepted.

Here again, the Commission proposal takes adequate steps to ensure the scientific quality and acceptance of the Centre's work. The opinions of the Scientific Committee, which is essential in this respect, will be particularly important in helping to gear the Centre's activities to substantive issues. Ensuring the involvement of international bodies, national governments and parliaments and relevant NGOs is a further major requirement if the Centre's work is to be accepted.

- (b) The staff of 25 planned for the medium term will ensure a 'lean' Centre. To improve its acceptance and efficiency, it should be ensured when the staff are selected that nationals of third countries are also appointed. Advantage should be taken of the possibility of concluding temporary contracts and employing staff of relevant organizations within and outside the European Union on secondment, so that attention may be expertly focused on specific projects and the work may have elements of continuity and dynamism (conditioned by the turnover in staff).
- (c) The estimated annual cost of ECU 6 to 7 million is appropriate for a Monitoring Centre of this size (comparable to the European Monitoring Centre for Drugs and Drug Addiction).

### 3.2.3. Legal basis

As there is undoubtedly a need for the Community to take action in the area of racism and xenophobia in order to achieve certain objectives in the common market (free movement of persons, employment, education, free movement of goods and culture), and as the EC Treaty does not authorize the passage of suitable legislation, the proposal for a regulation needs to be based on Article 235 of the EC Treaty. It should be pointed out, moreover, that Regulation (EEC) No 302/93 of 8 February 1993 establishing a European Monitoring Centre for Drugs and Drug Addiction was also based on Article 235 of the EC Treaty<sup>(1)</sup>.

The European Parliament hopes that the government of the Member State which is manifestly opposed to the establishment of the Centre on this legal basis will reconsider its attitude.

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<sup>(1)</sup> OJ L 36, 12.2.1993, p. 1, as amended by Regulation (EC) No 3294/94 of 22 December 1994, OJ L 341, 30.12.1994, p. 7.

#### 3.2.4. Comments on the financial statement

It should be noted initially that the bulk of the funds for the Monitoring Centre will be provided in the form of a Community subsidy. Accordingly, the Monitoring Centre will not be able to adopt its budget until the budgetary authority has adopted the general budget of the Union.

Provision is also made for the Centre to generate additional revenue from the nature of its activities (publications, payments for services rendered, etc.). So that the budgetary authority may be in a position to determine the level of the Community subsidy, it must receive each year, in parallel with the budgetary procedure, comprehensive information about the Centre's revenue and expenditure and the relevant accounting documents. When drawing up its PDB, the Commission is to take account of the relevant data; at the same time, Parliament must be in a position to carry out its own assessment when it considers the draft budget at first and second reading.

In addition, it is possible that - in addition to payments for services rendered - the Centre will receive subsidies from external public welfare bodies or donations to be used in the fight against racism and xenophobia. With a view to maintaining the transparency, accountability and credibility of the Centre, and, hence, of all the Union's satellite bodies, such revenue should be notified to the budgetary authority each year in the form of a supplementary budget. That budget should also give an account of the work carried out by the Centre, over and above the programme of work officially laid down, and financed by donations and grants.

Finally, the Commission is called upon to retain the bulk of the funds in the reserve until such time as the need to release them can be justified but to release them speedily on receipt of appropriate and detailed information so as not to impede the proper establishment and work of the Centre.

20 March 1997

**OPINION**  
(Rule 147)

for the Committee on Civil Liberties and Internal Affairs

on the proposal for a Council Regulation establishing a European Monitoring Centre for Racism and Xenophobia (COM(96)0615 - C4-0070/97 - 0298/96(CNS) (report by Mr Ford)

Committee on Budgets

Draftsman: Mr Michael Tappin

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**PROCEDURE**

At its meeting of 26-27 February 1997 the Committee on Budgets appointed Mr Michael Tappin draftsman.

It considered the draft opinion at its meetings of 19-20 March 1997.

At that meeting it adopted the following conclusions by 25 votes to 1, with no abstentions.

The following were present for the vote: Samland, Chairman; Tappin, Rapporteur; Bardong, Cardona (for Di Prima), Colom I Naval, Dell'Alba, Desama (for Bösch), Elles, Fabra Valles, Fabre-Aubrespy, Florio (for Giansily), Garriga Polledo, Haug, Jöns (for Dührkop Dührkop), Kellett-Bowman (for Böge), McCartin, Mulder (for Brinkhorst), Müller, Pasty, Pronk (for Bourlanges), Seppänen, Tomlinson, Virrankoski, Waidelich, Wemheuer (for Ghilardotti), and Wynn

**PRELIMINARY REMARKS**

1. In the European Year Against Racism, it is fitting that Parliament should be looking at measures to combat the increasing problems of racism and xenophobia within the European Union.
2. In submitting this proposal, the Commission is responding to persistent requests made by both the Member States and by Parliament, as may be seen from the various steps behind the establishment of this Monitoring Centre:
  - (a) June 1986: Joint declaration of Parliament, the Council and the Commission and of the representatives of the Member States meeting within the Council emphasizing *the importance of adequate and objective information and of making all citizens aware of the dangers of racism and xenophobia*;
  - (b) June 1993: the Copenhagen European Council reiterated its *strong resolve to fight by all available means intolerance and racism in all its forms and decided to intensify the efforts to identify and root out the causes*. In 1993, Parliament adopted two important

resolutions calling for the establishment of the requisite instruments at European Union level<sup>(1)</sup>;

- (c) June 1994: setting up of a Consultative Commission on Racism and Xenophobia charged with the task of making recommendations on cooperation between governments and the various social bodies in favour of encouraging tolerance and understanding;
- (d) December 1995: Communication from the Commission on Racism, Xenophobia and Anti-Semitism, and proposal for a Council decision proclaiming 1997 the 'European Year Against Racism', on which Parliament delivered its opinion<sup>(2)</sup>. With a view to financing the requisite measures, Parliament entered ECU 8 million against Item B3-4114 during the 1997 budgetary procedure;
- (e) June 1996: Adoption of the decision establishing a European Monitoring Centre for Racist and Xenophobic Phenomena;
- (f) January 1997: Parliament adopted a joint resolution (B4-0045/97) calling on the Council to take a rapid decision on the proposal for a regulation on the establishment of the Monitoring Centre and on Parliament to make available the budgetary resources required for the setting up of the Raxen network.

#### Legal basis and objectives of the new body

3. The Commission justifies the introduction of a measure separate from the measures already financed from Item B3-4114 by stressing *the need for Community financial aid, having regard to the principle of subsidiarity* and even states that *only a European centre is in a position to monitor closely the development of racism and xenophobia within the EU, to alert the European institutions, the Member States' governments and politicians in general, and to incite them to take concrete political measures.*
4. Even though Parliament is given no more than a consultative role in the legislative process, your draftsman accepts that Article 235 is actually the only legal basis possible under the treaty. However, your draftsman stresses that Parliament's should be involved with the new Centre as closely as possible in order to reflect its role as the people's elected representative body and a constant champion of human rights and, hence, by definition, an active force in the fight against racism and xenophobia.
5. Aware that the outcome of the IGC may radically change Parliament's rights as regards its involvement in decision-making under the treaty, and mindful of Parliament's demand that the principle of prevention of and the fight against racism and xenophobia should be included in the new treaty as a common policy, your draftsman would like to see the basic regulation amended accordingly when the Commission submitted its report on the work of the Centre to Parliament, the Economic and Social Committee and the Committee of the Regions pursuant to Article 16.

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<sup>1</sup> OJ C 150, 31.5.1993, p.127.  
OJ C 342, 20.12.1993, p.19.

<sup>2</sup> OJ C 152, 27.5.1996.

6. The Commission gives a general description of the operational expenditure required to cover the Monitoring Centre's activities. Many of those activities involve meetings of the Raxen network; the other activities include studies, publications and conferences.

Accordingly, in the context of rationalizing expenditure, it is useful to compare the measures entered in the Remarks against Item B3-4114 with the objectives covered by the Monitoring Centre. Several of them clearly involve duplication of effort (raising public awareness, dissemination of information on racism and reports on the measures taken at national and European level to combat racism, etc.).

7. Your draftsman therefore expects the Commission to give a comparative breakdown in the 1998 PDB, avoiding duplication of effort as regards the measures to be financed from one or other item (B3-4114 and B3-4115). The budgetary authority will then be in a position to assess whether or not the activities undertaken by the Monitoring Centre complement the measures taken to date by the Commission. With regard to the role of the decentralized agencies, the Committee on Budgets has always insisted on the need to affirm the visibility and complementarity of their activities as support for the common policies.

#### Structural and budgetary aspects

Funds allocated to the fight against racism since 1993										
Year	1993		1994		1995		1996		1997	
Budget item	B3-4109 (in part)		B3-4110 (in part)		B3-4110 (in part)		B3-4114		B3-4114	
	Measures to combat racism and xenophobia		Measures to benefit migrant workers, including non-European immigrants		Measures to combat racism, xenophobia and anti-semitism		Measures to combat racism, xenophobia and anti-semitism		Measures to combat racism, xenophobia and anti-semitism	
Amount in ECU million	CA	PA	CA	PA	CA	PA	CA	PA	CA	PA
	0.050	0.035	0.2	0.2	3.4	3.4	5.4	3.4	8.0	8.0

8. Measures to combat racism have been funded under Heading 3 of the financial perspective, first of all from a separate item, B3-4109, then from a more general item, B3-4110, and, since 1995, from a separate item again, B3-4114. In the preliminary draft budget it presented for 1997, the Commission had entered ECU 4.7 million. The Council replaced that amount by a token entry. Seeking to give tangible effect to the European Year Against Racism, Parliament entered ECU 8 million, more than the amount in the PDB, against that item. In its financial statement, the Commission proposes the creation of a new item (B3-4115) for the Monitoring Centre.

9. Funds for the measures to combat racism and xenophobia have increased substantially (from ECU 3.4 million in 1995 to ECU 5.4 million in 1996 and to ECU 8 million in 1997) because of the European Year. It would be helpful if the Commission could supply the budgetary authority - and do so before Parliament's first reading of the budget - with a summary of the measures financed in connection with the European Year so that it may be in a position to assess the impact of the increase in the appropriations allocated, together with a cost-effectiveness analysis.

10. Article 6

The Commission says that the Monitoring Centre shall have legal personality. Here, your draftsman would recall the terms of Article 142 of the Financial Regulation which lays down that *the financial rules of Community bodies having legal personality and receiving subsidies from the general budget must, as far as possible, correspond to the provisions of this Financial Regulation and depart from them only when the specific requirements of their individual operation so dictate.*

11. In view of the increasing number of such departures, with particular regard to budgetary control, already noted from the principles established and honoured by the 'first-generation' agencies (CEDEFOP and the Dublin Foundation), your draftsman reiterates his request to the Commission to submit proposals seeking to harmonize the financial rules applicable to satellite bodies. In this connection, he suggests that an informal working party should consider the draft that the Commission might submit so as to be able to draw up specific proposals before the first reading of the 1998 budget.

12. Articles 8, 9 10 and 11

The Monitoring Centre operates through a triple structure, and this may well result in its becoming unwieldy and in the decision-making process being slowed down:

- the Management Board, which is to take decisions necessary for the operation of the Centre, determine the Centre's annual programme of activities, adopt and publish the annual report, appoint the Centre's Director, adopt the budget and give the Director discharge in respect of the implementation of the budget. Represented on the Board will be the Member States (15 independent persons), Parliament and the Council of Europe (1 person each) and the Commission (1 representative);
- the Executive Board composed of the Chairman of the Management Board, its Vice-Chairman and three other members of the Management Board (among whom the regulation does not stipulate a representative of Parliament), responsible for supervising the work of the Centre and preparing the meetings of the Management Board;
- the Scientific Committee composed of nine independent experts from different States and appointed by the Management Board charged with giving its opinion on any scientific question relating to the Centre's activities.

13. Parliament can only exercise its power of budgetary control through the discharge it gives the Commission, i.e. at one remove. That is why your draftsman is submitting an amendment seeking to ensure that it is not the Management Board but Parliament, as one arm of the budgetary authority, which gives the Director discharge in accordance with the general budgetary procedure governed by Article 206.

14. Article 17 provides for the entry into force of the regulation following the date of the decision *by the competent authorities on where the seat of the Centre should be located*. Who those competent authorities are is not specified, nor are any obligations of the host Member State as regards the investment in property required for the establishment of the Observatory, although it is acknowledged that satellite bodies bring a number of advantages to their host city.
15. Point 6.5 of the financial statement states that *'as the Centre has no economic objective, the question of economic success is not pertinent'*.
16. However, your draftsman welcomes the requirement placed on the Centre to avoid any duplication of work or effort which is taking place in the same field at national or international level and to bring 'added value' to the fight against racism and xenophobia.
17. The Commission intends to fund this body from a new item in the budget (B3-4115) which it will enter in the 1998 PDB with an appropriation of ECU 3 million. It will be for the budgetary authority to take a decision on the appropriateness of that amount in the light of Title B3 and of the appropriations already allocated to other measures connected with the fight against racism and xenophobia under Heading 3 of the financial perspective.

#### Comments with regard to the financial statement

18. In point 7, the Commission provides for a start-up subsidy of ECU 3 million broken down as follows:
  - ECU 2 million for administrative expenditure (including staff);
  - ECU 1 million in operational expenditure;
  - ECU 10 000 is entered against Article A-130 to cover mission expenses.

When the Centre is up and running, the Community subsidy will increase to ECU 7 million per year, although there is no indication that an increase in operational expenditure will be matched by a reduction in operating costs with a view to reversing the initial trend.
19. The Centre will seek a 100% subsidy to cover its ordinary budget, i.e. the budget on which the Centre's annual work programme has been based.
20. As regards the Centre's resources, the regulation lays down that the Management Board is to adjust its draft budget to the subsidy paid from the Union budget. Your draftsman would point out that, since the regulation stipulates that the Community subsidy is to constitute the bulk of the Centre's resources, the Centre may not adopt its budget until after the budgetary authority has adopted the draft budget of the Union, since the former derives from the latter, and not the other way round.
21. Provision is also made for the Centre to generate additional resources by its other activities (publications, commissioned work, etc.). If the budgetary authority is to be able to agree the level of subsidy, all the information concerning revenue and expenditure, together with the Centre's accounts, must be forwarded to it annually in accordance with the budgetary procedure. While the Commission must take this into account when drawing up its PDB,

Parliament must be in a position to carry out its own assessment during its first and second reading of the budget.

22. Furthermore, the Centre may receive charitable donations and gifts from outside bodies as part of the fight against racism and xenophobia but distinct from payments made for commissioned work.
23. In order to maintain the levels of transparency and accountability and, hence, the credibility of the Centre and (by association) of all the decentralized bodies of the European Union, all information concerning such revenue should be submitted to the budgetary authority annually in a supplementary budget, together with an account of the work which has been carried out *in addition to the Centre's approved work programme of work and funded from such donations.*
24. The estimated 25 staff will largely consist of temporary or seconded staff qualified in the scientific or administrative field. Provision is made for short-term contracts to ensure that the Centre's staff remains closely involved in all current developments in the field at national and international level. Although the operational benefits of such an approach are clear - especially when linked to the staffing implications of the additional work being funded by donations - it will be necessary for the Centre to submit to the budgetary authority each year an establishment plan together with the programme of work and an estimate of the subsidy required.
25. It must be understood that the Centre cannot make any permanent staffing commitments on the basis of charitable contributions.
26. To date, the Commission has said nothing about the Centre's seat or the proposed establishment plan. This makes it impossible for the budgetary authority to estimate with any degree of certainty what level of financial assistance will be required for the Centre to operate effectively.
27. The Commission is therefore urged to provide such information as soon as possible and to note the draftsman's recommendation that, for the 1998 budget, the bulk of any funds should be entered in the reserve until they are seen to be required, and that, when the appropriate information is supplied, the funds should be released from the reserve with all dispatch so as not to impede the proper establishment and operation of the Centre.

The Committee on Budgets calls on the Committee on Civil Liberties and Internal Affairs, the committee responsible, to incorporate the above remarks into its report and to adopt the following amendments:

Comission text

Parliament's amendments

(Amendment 1)  
Article 6

<p>The Centre 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 and immovable property and may be a party to legal proceedings.</p>	<p>The Centre shall have legal personality <u>in accordance with the provisions of Article 142 of the Financial Regulation</u>. It shall enjoy, in each Member State, the most extensive legal capacity accorded to legal persons under their laws. In particular, it may acquire and dispose of movable and immovable property and may be a party to legal proceedings.</p>
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(Amendment 2)  
Article 8(3)(e)

<p><u>(e) give the Director discharge in respect of the implementation of the budget.</u></p>	<p>Deleted.</p>
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(Amendment 3)  
Article 9(1)

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| <p>1. The Executive Board shall be composed of the Chairman of the Management Board, the Vice-Chairman and a maximum of <u>three</u> other members of the Management Board, including the person appointed by the Council of Europe and the Commission representative.</p> | <p>1. The Executive Board shall be composed of the Chairman of the Management Board, the Vice-Chairman and a maximum of <u>four</u> other members of the Management Board, including the persons appointed by <u>the European Parliament, but not a Member,</u> and the Council of Europe and the Commission representative.</p> |
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(Amendment 4)

Article 13(2), (4)(a) and (d) (new), (7), (10) (11) and (12)

<p>2. By 15 February each year, at the latest, the Director shall draw up the preliminary draft budget for the following financial year. The preliminary draft budget shall cover the operating expenditure and the programme of work scheduled for the following financial year. The Director shall submit the preliminary draft, together with an establishment plan, <u>to the Management Board.</u></p>	<p>2. By 15 February each year at the latest, the Director shall draw up the preliminary draft budget for the following financial year, <u>preceded by an explanatory statement.</u> The preliminary draft budget shall cover the operating expenditure and the programme of work for the following financial year. The Director shall submit <u>to the Management Board</u> the preliminary draft, together with an establishment plan, <u>setting the number of posts for each grade in each category, together with the number of posts authorized by the budgetary authority for the preceding financial year, in accordance with the provisions of Article 20(3), third indent, and (4) of the Financial Regulation.</u></p>
<p>4. The revenue of the Centre shall, without prejudice to other resources, comprise:</p>	<p>4. The revenue of the Centre shall, without prejudice to other resources, comprise:</p>
<p>(a) a subsidy from the Community, entered under a specific heading in the general budget of the European Communities ("Commission" section);</p>	<p>(a) a subsidy from the Community, <u>calculated to take account of the revenue from sources outside the Community, determined during the annual budgetary procedure</u> and entered under a specific heading in the general budget of the European Communities ("Commission" section);</p>
	<p><u>(d) without prejudice to the provisions set out below, the principles and provisions governing the revenue and expenditure of the Community shall be applicable.</u></p>
<p>7. The Management Board shall adopt the Centre's final budget before the beginning of the financial year, <u>adjusting it where necessary to the Community subsidy and the Centre's other resources.</u></p>	<p>7. The Management Board shall adopt the Centre's final budget before the beginning of the financial year <u>and after the adoption by the budgetary authority of the Community subsidy calculated to take account of the Centre's other resources.</u></p>
<p>10. By 31 March each year at the latest, the Director shall send the Commission, the Management Board <u>and</u> the Court of Auditors the accounts for all the Centre's revenue and expenditure in respect of the preceding financial year.</p>	<p>10. By 31 March each year at the latest, the Director shall send the Commission, the Management Board, the Court of Auditors <u>and, for information, the Council and the European Parliament</u> the accounts for all the Centre's revenue and expenditure for the</p>

<p>11. The <u>Management Board</u> shall give a discharge to the Director in respect of the implementation of the budget.</p>	<p>11. The <u>European Parliament</u> shall give a discharge to the Director in respect of the implementation of the budget <u>in accordance with Article 206 of the Treaty</u>.</p>
<p>12. The Management Board shall, after consulting the Commission and the Court of Auditors, adopt the internal financial provisions specifying in particular the arrangements for establishing and implementing the Centre's budget.</p>	<p>12. The Management Board shall, after consulting the Commission, the Court of Auditors <u>and the European Parliament</u>, adopt the internal financial provisions specifying in particular the arrangements for establishing and implementing the Centre's budget <u>in accordance with the internal financial provisions that apply to the other satellite bodies of the European Union</u>.</p>

(Amendment 5)  
Article 13a (new)

	<p>13a. <u>The translation services required for the operation of the Centre shall be provided by the Translation Centre for bodies of the European Union established by Regulation (EC) No 2965/94.</u></p>
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