



European Economic and Social Committee

SOC/149
European Monitoring Centre
on Racism and Xenophobia

Brussels, 10 December 2003

OPINION

of the European Economic and Social Committee
on the

**Communication from the Commission to the Council, the European Parliament, the
European Economic and Social Committee and the Committee of the Regions on the
Activities of the European Monitoring Centre on Racism and Xenophobia, together with
proposals to recast Council Regulation (EC) 1035/97**

**Proposal for a Council Regulation on the European Monitoring Centre on Racism and
Xenophobia (Recast version)**

COM(2003) 483 final – 2003/0185 (CNS)

On 15 September 2003, the Council decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the Activities of the European Monitoring Centre on Racism and Xenophobia, together with proposals to recast Council Regulation (EC) 1035/97
Proposal for a Council Regulation on the European Monitoring Centre on Racism and Xenophobia (Recast version)
(COM(2003) 483 final – 2003/0185 (CNS)).

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 25 November 2003. The rapporteur was **Mr Sharma**.

At its 404th plenary session (meeting of 10 December 2003), the European Economic and Social Committee adopted the following opinion by 119 votes in favour and no votes against with one abstention.

1. **Gist of the Commission document**

1.1 The Commission document is divided into two parts: a Communication which evaluates the Centre and a proposal for recasting its founding Regulation.

1.1.1 The Communication constitutes the Commission's considered view of the progress made by the Centre so far and takes account of the findings of an external evaluation carried out for the Commission by the Centre for Strategy and Evaluation Services and of the reactions of the various stakeholders to this evaluation.

1.1.2 The analysis first focuses on the primary objective of the Centre, viz to "Provide the Community and its Member States with objective, reliable and comparable data at European level on the phenomena of racism, xenophobia and anti-Semitism", and on the means used to achieve this. It then looks at the other activities undertaken by the Centre, such as round tables, research, dissemination of information and data and annual reports.

1.1.3 The Communication goes on to examine the resources available to the Centre and the appropriateness of its objectives, in particular in the light of the legislative and political changes which have taken place since its founding. This section also examines the proposals to alter its geographical coverage, its name and even the scope of its remit.

1.1.4 The Commission reviews the Centre's organisational efficiency, addressing the following aspects:

- management structure, comprising a management board, an executive board and a director;

- the organisational structure;
- the development and monitoring of work programmes;
- finance and administration;
- recruitment and setting up the Centre;
- relations with the Commission and other European institutions.

1.1.5 The Commission, after summarising the main findings of the external evaluation, concludes that the overall picture of the performance of the Centre is mixed. The Centre has made considerable progress, but it is clear that, in terms of its output so far, improvements in quality and value are still possible and necessary, particularly as regards the objectivity and comparability of data. Furthermore, to have maximum impact on the policies and practices of the Union and Member States, the Centre should, without prejudice to its autonomy, take account in its work programmes the priorities of the Community.

1.2 The findings set out in the Communication are reflected in the second part of the document which contains a recast version of Council Regulation (EC) 1035/97 which established the Centre and governs its activities.

2. General comments

2.1 The Committee organised a hearing entitled *The role and the function of the European Monitoring Centre on Racism and Xenophobia* on 7 October 2003. A range of representatives of national and European civil society organisations attended to give their views on the Commission's communication. Their views have informed the Committee's opinion.

2.2 There is much in this Communication that the Committee can welcome, in particular:

- The Commission's rejection of the independent evaluator's recommendation that the Board of the EUMC should consist of representatives of Member States' governments. The proposal is rejected on the basis that this is likely to be seen as unacceptable interference in the independence of the Monitoring Centre.
- The Commission's restatement of the need to ensure that the EUMC continues to enjoy complete independence from Member States.
- The extension of the EUMC's role, tasks and areas of activity in keeping with the developments in the European Community's competencies since the adoption of the Regulation EC 1035/97 (Article 13, Amsterdam Treaty and Community competence in the areas of Immigration, Refugee and Asylum issues).
- The linking of the EUMC's objective to the development of the EU as an area of freedom, security and justice.

- The linking of the EUMC's work to the priorities of the EU, so as to inform the policy development process at European and at Member State levels.
- The EUMC's remit has been formally extended to include other forms of related intolerance, for example, religious intolerance.
- Widening the EUMC's remit to enable it to engage with candidate countries.
- Allowing greater flexibility for joint ventures between the EUMC and other international organisations such as the Council of Europe.
- The placing of greater emphasis on measuring the performance of the EUMC against its objectives and programme of work.
- The adjustments that have been made to the Regulation with regard to the decision-making processes of the Management Board and Executive Board which should lead to more efficient decision-making.
- The inclusion of organisational management, planning and budgetary control as required competencies of Board Members.

3. **Specific comments**

3.1 **The objective**

3.1.1 The recast objective of the Monitoring Centre reads as follows:

"The prime objective of the Centre shall be to provide the relevant institutions and authorities of the Community and its Member States, more especially within the fields referred to in Article 4(3) with objective, reliable and comparable data at European level on the phenomenon of racism and xenophobia, anti-Semitism and related intolerance in order to help them when they take measures or formulate courses of action within their respective spheres of competence. In so doing, the centre shall contribute to the development of the Union in the area of freedom, security and justice".

3.1.2 The Committee agrees with the European Commission that the focus of the EUMC should remain racism and xenophobia and that the scope of the remit of the EUMC should not be broadened to include other ground of discrimination like gender, sexual orientation, age, etc. At the same time the Committee agrees with the European Commission that the scope of the phenomena of racism and xenophobia should be interpreted broadly and should encompass related intolerance.

3.1.3 At the same time the Committee welcomes the extension of the EUMC's role, tasks and areas of activity in keeping with the developments in the European Community's competencies, e.g. inclusion of Article 13 in the Treaty and the Community competence in the areas of Immigration, Refugee and Asylum issues.

3.1.4 Further under Article 3 concerning the **tasks**, the Centre is tasked with the following: "(c) collect, record and analyse information and data", and "(g) formulate conclusions and opinions for the Community and its Member States".

3.1.5 Rather than is the case under the current version of the Regulation, the new Article 2 "Objective", stipulates that the primary recipients of the information collected by the Centre would be "the relevant institutions and authorities of the Community and the Member States". This would mean that civil society, the social partners and NGOs operating at European level and in the Member States would no longer be recipients of the information. In the EESC's view, civil society will, also in future, have a very important role to play in combating racism, xenophobia and anti-Semitism and the attendant intolerance. The EESC therefore proposes that Article 2 be amended to read as follows: "The prime objective of the Centre shall be to provide the relevant institutions and authorities of the Community and its Member States, together with civil society and the social partners, ...".

3.1.6 The Committee holds the view that, whereas it is convinced that the Monitoring Centre should have a proactive role in making policy recommendations to EU Institutions and to Member States, this should be reflected in the objective. In the view of the Committee the relevant part of the recast objective should be amended by replacing the text "in order to help them when they take measures or formulate courses of action within their respective spheres of competence" by "*in order to help them by formulating policy recommendations which they can use to take measures or formulate courses of action within their respective spheres of competence*".

3.2 **Civil society involvement in the activities of the Monitoring Centre**

3.2.1 At the present time the involvement of civil society with the Centre is primarily through the national Round Tables organised in individual Member States. The Commission is recommending that the Centre no longer facilitate these meetings, thereby losing their only active involvement with civil society organisations. However the new Regulation does task the Centre under Article 3 (e) "to cooperate with civil society including non-governmental organisations, the social partners, research centres and representatives of competent public authorities and other persons or bodies involved in dealing with racism and xenophobia, in particular by promoting dialogue at European level and participating where appropriate in discussions or meetings at national level".

3.2.2 During the hearing of civil society organisations involved in combating racism and xenophobia, it became clear that while some Round Table consultations were effective in some Member States this was not the case in others. The Committee therefore accepts the Commission's views on the value of Round Tables and welcomes the proposal that EUMC should be allowed more flexibility in how and by what means it wants to involve civil society.

3.2.3 However, the Committee also values the arguments given by representatives of civil society organisations at its hearing that the national round tables are to date the only active interaction between the EUMC and the national civil society organisations. In keeping with the Commission's approach the Committee does not want to be too prescriptive. However, to address the concerns of the civil society organisations the Committee recommends that at national level the EUMC should consult with relevant civil society organisations and Member States on the design of appropriate formal and informal structures for ongoing consultation. These structures may include the convening of Round Tables.

3.3 Management and governance arrangements

3.3.1 The current arrangements for the appointment of the majority of management board members are as follows:

Member States appoint one independent person with appropriate experience in the analysis in the phenomenon of racism xenophobia and anti-Semitism.

The Commission is proposing to restrict these appointments to "persons responsible for the running of the body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of ethnic or racial origin provided for by Article 13 of Council Directive 2000/43/EC or of an equivalent public body".

3.3.2 Additionally, the Commission's representation is increased from one to two members. The Committee sees the value of this proposal.

3.3.3 The Committee favours an inclusive EUMC, uniting all stakeholders and holds the opinion that this should be reflected in the composition of the Board. Hence the Committee favours inclusion of one representative of each Member State, of relevant international partner organisations, of European institutions including the EESC¹ and representatives of civil society organisations and social partners in the general board of the EUMC.

3.3.4 The Committee shares the concerns voiced by several representatives of civil society organisations about the need to maintain and strengthen the Centre's independence, not only with respect to the EU institutions but also to the Member States which sometimes, disturbed by the Centre's work, sought to increase their influence over the Management of the Centre. It is therefore important to ensure that the Centre's Management Board includes persons who are independent of Member States. The EESC recommends the deletion of the second paragraph of Article 8(1), which stipulates that the representatives of the Member States are to be "the persons responsible for the

¹

See EESC opinion on the *Proposal for a Council Regulation (EC) establishing a European monitoring centre on racism and xenophobia* (COM(96) 615 final), in OJ C158 of 26.5.1997 (rapporteur: **Ms zu Eulenburg**)

running of the body or bodies for the promotion of equal treatment of all persons provided for by Article 13 of Council Directive 2000/43/EC or of an equivalent independent public body".

3.3.5. In keeping with the need to maintain the Centre's independence, we recommend that the current informal arrangements whereby Member States have designated liaison officers to work with the Centre should continue but should not be formalised by inclusion in the Regulation governing the Centre.

3.3.6 The Committee subscribes to the argument of the Commission that effective and efficient management of the EUMC requires a limited executive management board of persons with not only experience in the field of non-discrimination and equal treatment, but with solid management background and experience. This does not necessarily have to be accomplished by limiting the sphere of recruiting Member States' representatives from circles of specialised bodies or equivalent public bodies as meant by the Commission. This can be accomplished by drawing up clear profiles for members of the executive management board, recruiting them by transparent and open procedures.

Brussels, 10 December 2003.

The President
of the
European Economic and Social Committee

The Secretary-General
of the
European Economic and Social Committee

Roger Briesch

Patrick Venturini