

# Procedure file

Basic information	
CNS - Consultation procedure Regulation	1996/0298(CNS)
Procedure completed	
Establishing a European Monitoring Centre for Racism and Xenophobia	
Amended by <a href="#">2002/0176(CNS)</a>	
Repealed by <a href="#">2005/0124(CNS)</a>	
Subject	
7.30.08 Action to combat racism and xenophobia	
8.40.08 Agencies and bodies of the EU	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties and Internal Affairs		28/01/1997
		PSE <a href="#">FORD Glyn</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>BUDG</b> Budgets		26/02/1997
		PSE <a href="#">TAPPIN Michael</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2011</a>	02/06/1997
	<a href="#">General Affairs</a>	<a href="#">2003</a>	29/04/1997

Key events			
27/11/1996	Legislative proposal published	COM(1996)0615	Summary
19/02/1997	Committee referral announced in Parliament		
20/03/1997	Vote in committee		Summary
20/03/1997	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0110/1997</a>	
08/04/1997	Debate in Parliament		
09/04/1997	Decision by Parliament	T4-0148/1997	Summary
29/04/1997	Debate in Council	<a href="#">2003</a>	
14/05/1997	Modified legislative proposal published	COM(1997)0201	Summary
02/06/1997	Act adopted by Council after consultation of Parliament		
	End of procedure in Parliament		

02/06/1997			
10/06/1997	Final act published in Official Journal		

Technical information	
Procedure reference	1996/0298(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by <a href="#">2002/0176(CNS)</a> Repealed by <a href="#">2005/0124(CNS)</a>
Legal basis	EC before Amsterdam E 235
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/08664

Documentation gateway					
Legislative proposal		<a href="#">COM(1996)0615</a> <a href="#">OJ C 078 12.03.1997, p. 0015</a>	27/11/1996	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0322/1997</a> <a href="#">OJ C 158 26.05.1997, p. 0009</a>	19/03/1997	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0110/1997</a> <a href="#">OJ C 132 28.04.1997, p. 0006</a>	20/03/1997	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0148/1997 <a href="#">OJ C 132 28.04.1997, p. 0068-0094</a>	09/04/1997	EP	Summary
Modified legislative proposal		<a href="#">COM(1997)0201</a> <a href="#">OJ C 190 21.06.1997, p. 0016</a>	14/05/1997	EC	Summary
Committee of the Regions: opinion		<a href="#">CDR0080/1997</a> <a href="#">OJ C 244 11.08.1997, p. 0058</a>	11/06/1997	CofR	
Follow-up document		<a href="#">COM(2000)0625</a>	06/10/2000	EC	Summary

Additional information	
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Regulation 1997/1035</a> <a href="#">OJ L 151 10.06.1997, p. 0001</a> Summary

## Establishing a European Monitoring Centre for Racism and Xenophobia

**OBJECTIVE:** to set up a European Monitoring Centre for Racism and Xenophobia responsible for taking stock of and analysing the causes of racism and xenophobia, and drawing up proposals to be put to the Community Institutions and the Member States. **SUBSTANCE:** The objective of the Centre is to provide the Community and its Member States with objective, reliable and comparable data at European level on the phenomena of racism, xenophobia and antisemitism in order to help them when they take measures or formulate courses of action. The Centre's tasks will consist in: - the collection, analysis and publication of information on the above phenomena, including data resulting from scientific research, - carrying out and stimulating research and exchange of information among research workers in these fields, - setting up and coordinating a European Racism and Xenophobia Information Network (RAXEN) consisting of the Centre's own central unit, which will

cooperate with university research centres, NGOs and specialist centres, etc. - setting up documentation resources open to the public, - organizing round-table discussions with the social partners and representatives of competent public authorities, - publishing an annual report on the situation regarding racism in the EU, - formulating conclusions and recommendations for the Community and its Member States on the basis of relevant good practice in Member States. The fields in which the Centre will be active fall within the Community's jurisdiction: free movement of persons in the Union, employment and social exclusion, the media and other means of communication, education and vocational training, youth, free movement of goods, more especially the import and distribution of products with racist connotations, culture. The Centre will carry out its tasks in cooperation with other international organizations, more particularly under an agreement to be concluded by the Community with the Council of Europe. To avoid duplication, it must take account of activities already carried out by the Community Institutions and other competent international organizations. Provisions are also included to cover establishment of the RAXEN network as well as protection and confidentiality of personal data forwarded to the Centre (in some cases, Member States and national bodies cooperating with the Centre may decide not to provide information classified as confidential under their national law). The Centre will have legal personality and will enjoy, in each of the Member States, the most extensive legal capacity accorded to legal persons. Administrative provisions are included to cover the composition of the Management Board, the Executive Board, and the Scientific Committee charged with assisting the Centre's Management Board, as well as with regard to the staff of the Centre (who will be subject to the regulations and rules applicable to officials and other servants of the European Communities) and the Centre's budget. A progress report on the Centre's activities will be forwarded, three years after its launch, to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. The Centre will be able to start its work only after the competent authorities have taken a decision on where its seat should be located. ?

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## Establishing a European Monitoring Centre for Racism and Xenophobia

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The Commission's proposal for a regulation has in essence already been approved at a number of meetings of the European Council. The Economic and Social Committee has also issued an opinion on the Communication from the Commission on racism, xenophobia and anti-semitism and the Proposal for a Council Decision designating 1997 as European year against racism, in which the Commission had already called for the establishment of a monitoring centre. The ESC supports the immediate establishment of the European monitoring centre on racism and xenophobia". The Committee expressly welcomes all the tasks assigned to the monitoring centre under Article 2 of the proposal. The ESC stresses that this proposal has nothing to do with the question of whether any extension of the Community's powers is not in fact desirable in this particular case. For legal reasons, however, the ESC feels bound to make it clear that Article 235 should not be used to expand Community powers by the back door. However, in line with this procedure and the respective remits of the Community institutions and the Member States, the reports, deliberations and conclusions of the monitoring centre will be able to contribute to the formulation of proposals and the adoption of measures at both Community and national level. The Committee would highlight the fact that racism and xenophobia can often be encouraged, or even provoked, by measures taken in the public arena. The cause and effect of racism and xenophobia may arise in private relationships and in the public arena. This being so, the monitoring centre's remit must also be expanded to reflect this. The ESC is pleased that cooperation with non-governmental organizations is given adequate attention in the regulation (cf. point 21 of the explanatory memorandum and Article 7(1) of the proposal), except that the monitoring centre only "may" cooperate with such organizations. The word "may" must be changed to "shall". ?

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## Establishing a European Monitoring Centre for Racism and Xenophobia

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The Committee on Civil Liberties unanimously adopted the draft legislative resolution on the creation of a European Monitoring Centre on Racism and Xenophobia. The rapporteur, Mr Ford (PSE, UK) opened by stating that Parliament agreed with the broad outlines of the proposal in question, which responded to calls and recommendations in several resolutions adopted, the most recent of which dated back to 30 January 1997. He then set out the objectives and functions of the monitoring centre which, far from confining itself to coordinating the information activities of the competent national structures, also needed to exercise active control and conduct analyses in order to draw up conclusions and recommendations on good practices and tried and tested strategies which have marked developments in this sector. The rapporteur mentioned some of the priority areas of responsibility of the centre, including xenophobia relating to religious practices and, in very general terms, the preventive means and types of action needed. As far as cooperation with the Council of Europe was concerned, the draft report noted, inter alia, that duplication should be avoided and considered that the Union should focus as a matter of priority on the situation in the fifteen Member States. As for the structure, staff and costs, the rapporteur's appraisal coincided for the most part with the Commission's proposals. However, he expressly called for the management board of the centre to be chaired by the Commission representative and for a representative of Parliament (but not a member) to sit on the executive board on an equal footing with the Council of Europe and stressed that it was up to Parliament, as the branch of the budgetary authority, and not the management board, to give discharge to the director in accordance with the general procedure set out in Article 206 of the EC Treaty. While approving the small staff structure (25 agents) and the corresponding cost estimate, the rapporteur envisaged the possibility of concluding fixed-term contracts and recruiting staff on secondment from specialist bodies inside or outside the Union, in order to ensure that specific objectives were set and work was continuous and proactive. The draft report contains no comment on the legal basis for the European Monitoring Centre for Drugs and Drug Addiction (Article 235) but does insist on transparency and for the budgetary authorities to have the means of control of the financial management. ?

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## Establishing a European Monitoring Centre for Racism and Xenophobia

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By adopting the report by Mr Glyn FORD (PSE, UK), the European Parliament approved the establishment of a European Monitoring Centre for Racism and Xenophobia with the aim of making it part of the Community framework. The main amendments seek: -to accentuate the role of coordination and harmonization of studies on manifestations of racism and xenophobia, to encourage the analysis of the causes, consequences and effects of racism and to compare good practices in this respect; -to support the setting up and linking of documentation resources open to the public and to assist in the promotion of information activities; -to cooperate with other regional organizations active in this field; -in the setting up of the RAXEN network, to enable common criteria and comparable data to be established; -as regards the areas on which the Centre should concentrate its activities, to include religious freedom and preventive measures and means of action to combat racism and xenophobia; -to emphasize Parliament's role, especially in the formulation of conclusions and recommendations addressed to the Member States and also in the administrative field. To this end, Parliament wants to be able to appoint one of the people who will sit on the Centre's Executive Board and calls for the Chairman of the Management Board to be the Commission's representative. Parliament also wants to

increase its control, especially in budgetary matters: it gives the Director discharge in respect of the implementation of the budget. The budget is to be established in accordance with the financial provisions that apply to the European Union's other 'satellite bodies'. Parliament also calls for the establishment of a budget with revenue and expenditure and for the adoption by the budgetary authority of the Community subsidy for the Centre. Each year it and the Council are to be informed of the accounts and all the Centre's expenditure; -to ensure that the staff are recruited without any discrimination on grounds of nationality on temporary or fixed-term contracts or on secondment from specialist bodies within or outside the European Union.?

## Establishing a European Monitoring Centre for Racism and Xenophobia

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The Commission's amended proposal includes some of the amendments approved by the European Parliament in plenary. They concern the following aspects: -addition of a reference to organizations 'in the Member States' in the provisions concerning national and international organizations, -clarification of the Centre's objectives and tasks: .the data collected and analysed are to be supplied by research centres as well as the Member States and international and non-governmental organizations, .support is to be provided for the setting up and linking of documentation resources open to the public, .within the RAXEN network, cooperation with organizations active in the Member States (including cooperation in the strict sense of the term), -in the administrative sphere: the Director is to account for his activities to the Management Board, and the experts on the Scientific Committee are to be appointed on the basis of proposals from the Member States, the Commission and organizations associated with the Centre's work.?

## Establishing a European Monitoring Centre for Racism and Xenophobia

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**OBJECTIVE:** the establishment of a European Monitoring Centre on Racism and Xenophobia with the task of undertaking critical observation and analysis of the causes of racism and xenophobia and the drawing up of proposals for the Community institutions and the Member States. **COMMUNITY MEASURE:** Council Regulation (EC) No 1035/97 establishing a European Monitoring Centre on Racism and Xenophobia. **SUBSTANCE:** 1) Tasks of the Monitoring Centre: the prime objective of the Centre is 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 in order to help them when they take measures or formulate courses of action within their respective spheres of competence. The Centre will study the extent and development of the phenomena and manifestations of racism, analyse their causes and consequences and examine examples of good practice in dealing with them. The tasks of the Centre shall be: - to collect, record and analyse information and data on these phenomena communicated by scientific research centres, the Member States, Community institutions, international organizations or relevant non-governmental organizations, - build up cooperation with the suppliers of information and develop a policy for use of their databases in order to foster the wide distribution of their information, - to carry out scientific research and surveys, preparatory studies and feasibility studies taking into account the studies and activities undertaken by the centres and organizations linked in the European Racism and Xenophobia Information Network (Raxen), - to set up documentation resources open to the public, - to formulate conclusions and opinions for the Member States and the Community, - to develop methods to improve the comparability, objectivity and reliability of data by establishing indicators and criteria that will improve the consistency of information, - to publish an annual report on the situation regarding racism and xenophobia in the Community, - to set up a European Racism and Xenophobia Information Network (Raxen) consisting of the Centre's own central unit which will cooperate with national university research centres, non-governmental organizations and other specialist centres, etc., - to facilitate the organization of round-table discussions and other meetings with the social partners and other representatives of competent public authorities. The areas in which the Monitoring Centre will carry out its tasks fall within the competencies of the Community: . free movement of persons within the Union, . information and television and other media and means of communication, . education, vocational training and youth, . social policy including employment, . free movement of goods, . culture. 2) Cooperation: The Monitoring Centre will carry out its tasks in cooperation with other international organizations, in particular with the Council of Europe. An agreement will be concluded by the Community with the Council of Europe with a view to organizing coordination and allocation of the tasks to be carried out in order to avoid duplication. This agreement should include the appointment by the Council of Europe of a person to sit on the Management Board of the Monitoring Centre. Agreements with other international organizations or third countries can be entered into as necessary. 3) Processing of personal data: provisions have been made for the protection and confidentiality of personal data supplied to the Centre. The Centre may collect personal data only for the purposes of carrying out the tasks assigned to it. It cannot process such data before the setting up of a supervisory authority as provided for under Directive 95/46/EC on the protection of personal data. This authority will be responsible for monitoring respect for the relevant rules and, pending its appointment, it is the European Ombudsman which will supervise the activities of the Centre with regard to protection of data. In certain cases Member States and national bodies cooperating with the Centre may decide not to provide certain information classified as confidential under their national law and until the date of entry into force of Directive 95/46/EC, a Member State can object to the transmission of certain personal data to another Member State. 4)Administrative provisions: The Centre has legal personality and enjoys in each of the Member States the most extensive legal capacity accorded to legal persons under their laws. There are administrative provisions with regard to the composition of the Management Board, the Executive Board, the Director of the Centre, the Staff Regulations (which are the same as that of officials and other servants of the European Communities) and the budget. 5) Report: a report must be forwarded to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the Centre's activities three years after it has been set up in order to establish whether its tasks should be modified in relation to the development of Community powers. **ENTRY INTO FORCE:** The Monitoring Centre cannot start its work until the Member States have taken a decision on its seat (The Conference of representatives of governments decided on 2 June 1997 that the seat of the Centre would be Vienna). ?

## Establishing a European Monitoring Centre for Racism and Xenophobia

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In accordance with Article 16 of Council Regulation 1035/97/EC of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia, the Commission hereby presents a progress report on the Centre's activities. The Centre is still in the early stages of implementing its programmes of activities and carrying out its tasks. This is due to the initial problems in the setting up of the Centre. Moreover, setting up the European Racism and Xenophobia Information Network (Raxen), for example, will still require several more months' work. The Regulation provided that the Commission would present an evaluation report on the centre's activities during the third year following the Regulation's entry into force. The Commission considers that three years is not enough to be able to carry out a comprehensive evaluation of the Centre's activities and that these activities should therefore be assessed over a longer period of time in order to evaluate them properly.

This report will therefore only be an interim report, presenting the activities which the Centre has carried out to date, but without proper evaluation of these activities. The Commission intends to base its evaluation report, which will include proposals to modify or extend the Centre's tasks if appropriate, on an evaluation carried out by external assessors which should start before the end of 2000.?