



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

**recommendation to the Council with a view to its authorising the Commission  
to open negotiations with the Council of Europe.**

**European Monitoring Centre for Racism and Xenophobia**

## **Communication to the Council**

### **recommendation to the Council with a view to its authorising the Commission to open negotiations with the Council of Europe.**

The proposal for a Council Regulation (EC) establishing a European Monitoring Centre for Racism and Xenophobia (COM (96) 615 final) makes provision for close cooperation with the Council of Europe.

In particular, Article 8 (1) states that the Council of Europe will appoint a person to sit on the Centre's Management Board, and Article 7 (3) requires the Centre to coordinate its activities with those of the Council of Europe, particularly with regard to its programme of work.

To this end, the same paragraph states that the Community shall enter into an agreement, on behalf of the Centre, with the Council of Europe for the purpose of establishing close cooperation between the latter and the Centre.

This agreement should include the appointment of a person nominated by the Council of Europe to sit on the Centre's Management Board.

At the Coreper II meeting of 23 April 1997, the representatives of the Member States were of the opinion that, in order to enter into the envisaged agreement, it was necessary to apply the procedure laid down in Article 228 of the EC Treaty.

The Commission feels that an agreement could be entered into on the basis of Article 229 of the EC Treaty with a view to achieving the objective of Article 230 of the EC Treaty, in accordance with the exchange of letters of 16 June 1987 as supplemented by the exchange of letters of 5 November 1996. When the Regulation establishing the Centre is adopted, the Commission will have a statement to this effect recorded in the Council's minutes, with a view to its being made public.

However, considering the need to comply with the obligation laid down in Article 7 (3) of the proposal for a Regulation, the Commission sees itself obliged to make the present recommendation.

For these reasons the Commission recommends the Council to authorise it to open negotiations based on the attached guidelines and in consultation with the Council's special committee.

**Agreement with the Council of Europe referred to in Article 7 (3)  
of the proposal for a Regulation establishing the Centre**

**Draft guidelines**

Cooperation with the Council of Europe is referred to both directly in Article 7 (3) of the Regulation, which requires the Centre's activities to be coordinated with those of the Council of Europe, and indirectly in Article 3 (2), which requires the Centre to take account of activities already carried out by other institutions, particularly the Council of Europe, in order to avoid duplication.

It is therefore necessary for the agreement to cover the following aspects:

1. Procedures for close cooperation between the Council of Europe and the Centre. In order to avoid duplication, the agreement must provide for the coordination of activities, particularly with regard to the preparation of the Centre's programme of work and the exchange of information, as well as the possibility of joint measures on subjects of common interest to the Centre and Council of Europe bodies, especially the European Commission against Racism and Intolerance (ECRI). In concrete terms, the agreement must envisage:
  - regular contacts and meetings between officials at the appropriate level, e.g. the Director of the Centre and the Secretary of the ECRI.
  - regular exchange of information on the current or proposed activities of the two bodies.
  - joint approaches to promote the complementary nature of work and avoid duplication. Such arrangements could, for example, make provision for:
    - i) ensuring that studies in the same field and covering the same countries are not carried out by both bodies separately,
    - ii) positive synergy, with the Observatory's research in a particular field covering the Member States of the European Community, while that of the Council of Europe covers the other member countries,
    - iii) joint meetings with the experts concerned,
    - iv) reciprocal provision of information and data collected, with the exception of confidential data and work.
  
2. The person to be nominated by the Council of Europe to sit on the Centre's Management Board:
  - procedures for consultation between the Commission and the Secretariat-General of the Council of Europe on the selection of the person to be appointed (possibly a member of the ECRI);
  - a reference to the role of the Management Board, as set out in Article 8 of the Regulation, and to the functions to be fulfilled within the Management Board by the member appointed by the Council of Europe.