



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.05.1998  
COM(1998) 255 final

98/ 0143 (CNS)

Proposal for a

COUNCIL DECISION

**relating to the conclusion of an agreement between the European Community and the Council of Europe for the purpose of establishing, in accordance with Article 7(3) of Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia, close cooperation between the Centre and the Council of Europe.**

(presented by the Commission)



## EXPLANATORY MEMORANDUM

On 2 June 1997, the Council adopted Regulation (EC) No 1035/97 establishing a European Monitoring Centre on Racism and Xenophobia (hereinafter referred to as "the Regulation"). Article 7(3) of the Regulation provides in particular that the Centre shall coordinate its activities with those of the Council of Europe and that, to this end, the Community shall, in accordance with the procedure provided for in Article 228 of the EC Treaty, 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.

At the time of adoption of the Regulation, the Council approved the directives authorising the Commission to negotiate with the Council of Europe in order to conclude the agreement referred to in Article 7(3) of the Regulation.

In a letter dated 23 June 1997, the Commission submitted a draft agreement to the Secretariat-General of the Council of Europe.

Negotiations between the Commission and the Secretariat-General of the Council of Europe took place on 2 October and 4 December 1997.

The results of the negotiations were notified by the Secretariat-General of the Council of Europe to the Committee of Deputies and were approved by the latter during its meeting held on 18 December 1997.

The Commission considers that the terms of the draft agreement are consistent with the Council's negotiating directives and are in keeping with the Community's interests.

Accordingly, the Commission recommends that the Council decide to approve the attached proposal for a Decision concerning the conclusion by the Community of an agreement between the Community and the Council of Europe, the text of which is annexed hereto.

~~CONFIDENTIAL~~

**Proposal for a Council Decision of ..... relating to the conclusion of an agreement between the European Community and the Council of Europe for the purpose of establishing, in accordance with Article 7(3) of Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia, close cooperation between the Centre and the Council of Europe.**

The Council of the European Union,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia, and in particular Article 7(3) thereof, in conjunction with Article 228 (2), first sentence, and (3), first subparagraph, of the EC Treaty,

Having regard to the proposal from the Commission,

Having regard to the opinion of European Parliament,

Whereas the agreement between the European Community and the Council of Europe for the purpose of establishing, in accordance with Article 7(3) of Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia, close cooperation between the Centre and the Council of Europe, must be approved,

Has decided as follows:

Article 1

The agreement between the European Community and the Council of Europe provided for by Article 7(3) of Council Regulation (EC) No 1035/97 establishing a European Monitoring Centre on Racism and Xenophobia is approved on behalf of the European Community.

The text of the agreement is annexed to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the agreement in order to bind the Community.

Done at Brussels, .....

For the Council

**Draft agreement between the European Community and the Council of Europe  
for the purpose of establishing, in accordance with Article 7(3)  
of Council Regulation (EC) No 1035/97 of 2 June 1997  
establishing a European Monitoring Centre on Racism and Xenophobia,  
close cooperation between the Centre and the Council of Europe.**

The European Community and the Council of Europe,

Whereas the Council of the European Union adopted, on 2 June 1997, Regulation (EC) No 1035/97 establishing a European Monitoring Centre on Racism and Xenophobia (the Centre);

Whereas 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 anti-Semitism;

Whereas the Council of Europe already has considerable experience in this field; Whereas, in pursuing its activities, the Centre must take account of activities already carried out by the Council of Europe and must thereby provide added value; whereas close links should now be established with the Council of Europe, and in particular the European Commission against Racism and Intolerance (ECRI);

Whereas the Centre must, pursuant to Regulation (EC) No 1035/97, coordinate its activities with those of the Council of Europe, particularly with regard to its programme of activities;

Whereas it is for the Council of Europe to appoint one independent person as a member of the Centre's Management Board;

Have agreed as follows:

## **I Exchange of information and data**

1. Regular contacts shall be established at the appropriate level between the Director of the European Monitoring Centre on Racism and Xenophobia (hereinafter referred to as "the Centre") and the General Secretariat of the Council of Europe, in particular, the Secretariat of the European Commission against Racism and Intolerance (hereinafter referred to as "the ECRI").
2. The Centre and the ECRI shall provide each other with information and data collected in the course of their activities. This does not extend to confidential data and activities produced or undertaken by the two bodies.
3. Information and data provided to each other may be used by the Centre and the ECRI in the course of their respective activities.
4. The Centre and the ECRI shall ensure, through their networks, the widest possible dissemination of the results of their respective activities on a reciprocal basis.
5. The Centre and the ECRI shall ensure regular exchanges of information concerning activities proposed, under way or completed.

## **II Cooperation**

6. Regular consultations shall be held between the Centre and the ECRI, to coordinate their activities and in particular to draw up the Centre's work programme. The purpose of the consultations shall be to ensure that the programmes of the two bodies complement each other and to avoid, insofar as possible, unnecessary duplication.
7. Further, on the basis of such consultation, it may be agreed that the Centre and the ECRI should conduct joint and/or complementary activities on subjects of common interest. The aim of such cooperation would be to optimise total resources available, notably as regards scientific research projects.

**[REDACTED]**

**III Appointment by the Council of Europe of a prominent figure to serve on the Centre's Management Board**

8. The Secretary General of the Council of Europe shall appoint an independent person from among the Members of the ECRI to serve on the Centre's Management Board, together with a deputy.

This question shall be dealt with in the context of the regular contacts between the European Commission and the Secretary General of the Council of Europe.

For the European Community

For the Council of Europe

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