



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.10.2005
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2004/0158 (COD)

Amended proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**Establishing a Community Programme for Employment and Social Solidarity -
PROGRESS**

(presented by the Commission pursuant
to Article 250 (2) of the EC Treaty)

EXPLANATORY MEMORANDUM

1. BACKGROUND

- (1) On 14 July 2004, the Commission adopted a proposal for a Decision of the European Parliament and of the Council establishing a community programme for employment and social solidarity (PROGRESS)¹. This proposal was forwarded to the European Parliament and the Council on 15 July 2004.
- (2) The European Economic and Social Committee gave its opinion on 15 March 2005².
- (3) The Committee of the Regions gave its opinion on 23 February 2005³.
- (4) The European Parliament gave its opinion at first reading on 6 September 2005⁴.

2. OBJECTIVE OF THE COMMISSION'S PROPOSAL

The overall objective of the community programme for employment and social solidarity is to financially support the implementation of the objectives of the European Union in the employment and social affairs area and thereby, in the context of the Lisbon Strategy, contribute to achieving the objectives of the Social Agenda.

To this end, the Programme will provide financial support to the Commission's role of initiative in proposing EU strategies; implementing and following-up of EU objectives and their translation into national policies; supporting and monitoring the implementation of EU legislation; promoting the co-operation and co-ordination mechanisms between Member States and cooperating with organisations representing civil society.

3. COMMISSION OPINION ON THE AMENDMENTS ADOPTED BY THE EUROPEAN PARLIAMENT

On 6 September 2005, the European Parliament adopted 72 amendments. The Commission considers that a large number of the European Parliament's amendments are acceptable in full, in principle or in part, as they improve its proposal and maintain the aims and political viability of the proposal. The Commission can accept, in full or in part, the following amendments:

- **Amendment no. 1** (Inclusion of the Community action programme to promote organisations active at European level in the field of equality between men and women): see Recital 2
- **Amendment no. 2** (Greater emphasis placed on the importance of the European Employment Strategy): see Recital 3

¹ COM (2004) 488 final
² OJ C [...], [...], p. [...]
³ OJ C 164, 5 July 2005, p. 48
⁴ OJ C [...], [...], p. [...]

- **Amendment no. 3** (Stresses the fact that the Council decided to use now the open method of coordination in the social protection and social inclusion area): see Recital 5
- **Amendment no. 4** (Attention should be drawn to the specific situation of migrants): see Recital 5a (new)
- **Amendment no. 5** (Stresses the importance of the need to reconcile family and professional life): see Recital 6
- **Amendment no. 6** (Inclusion of a reference to Article 13 and the forms of discrimination that it covers and the need to build on experience gained. Reference to compensation of additional costs incurred by disabled people "that result from their disability"): see Recital 7
- **Amendment no. 7** (Inclusion of a reference to the Directive on equal treatment between men and women): see Recital 8
- **Amendment no. 8** (Inclusion of a reference to equal treatment between women and men and the principle of gender mainstreaming): see Recital 9
- **Amendment no. 10** (Inclusion of objectives): see Recital 10
- **Amendment no. 11** (Inclusion of a reference to the Social Agenda): see Article 1
- **Amendment no. 12** (Mention of the use of statistics and indicators broken down by gender and age group): see Article 2, point 2
- **Amendment no. 13** (Evaluation of the effectiveness of Community law and policy objectives): see Article 2, point 3
- **Amendment no. 14** (Mention of the promotion of networking, mutual learning and dissemination of innovative approaches): see Article 2, point 4
- **Amendment no. 15** (Inclusion of objectives): see Article 2, point 5
- **Amendment no. 17** (Mention of gender mainstreaming in the whole programme): see Article 2, paragraph 1a (new)
- **Amendment no. 18** (Mention of the obligation to disseminate and publish results and to regularly exchange views with stakeholders): see Article 2, paragraph 1b (new)
- **Amendment no. 19** ("Common" indicators must be developed, as only commonly agreed indicators provide the necessary comparability): see Article 4, point 1
- **Amendment no. 20** (Calls for more coherence between the EES and general economic policy): see Article 4, point 2
- **Amendment no. 21** (Mention of new and innovative approaches that have to be developed): see Article 4, point 3

- **Amendment no. 22** (Mention of implementation of national reform programmes): see Article 4, point 4
- **Amendment no. 24** (Inclusion of the words "social exclusion" which follows the wording of the current action programme and of "common" indicators which must be developed, as only commonly agreed indicators provide the necessary comparability): see Article 5, point 1
- **Amendment no. 25** (Inclusion of the impact of the OMC at national and Community level): see Article 5, point 2
- **Amendment no. 26** (Mention of new and innovative approaches that have to be developed): see Article 5, point 3
- **Amendment no. 27** (The role of the EU networks is strengthened in view of their particular expertise): see Article 5, point 5
- **Amendment no. 28** (Stresses the importance of the need to reconcile family and professional life): see Article 6, introductory part
- **Amendment no. 29** (Mention of the use of statistics and of indicators broken down by gender and age group): see Article 6, point 1
- **Amendment no. 30** (Support the implementation of EU labour law through holding seminars for those working in the field): see Article 6, point 2
- **Amendment no. 31** (Avoiding overlaps with the European Agency for Safety and Health at work): see Article 6, point 3
- **Amendment no. 32** (Stresses the key role of social partners): see Article 6, point 4
- **Amendment no. 34** (Section 4 shall support the effective implementation of the principle of non-discrimination and promote its mainstreaming in "all" EU policies): see Article 7, introductory part
- **Amendment no. 35** (Inclusion of the obligation to assess the effectiveness of existing legislation): see Article 7, point 1
- **Amendment no. 36** (Support the implementation of EU anti-discrimination legislation through holding seminars for those working in the field): see Article 7, point 2
- **Amendment no. 37** (Stresses the key role of NGOs in the field of anti-discrimination): see Article 7, point 3
- **Amendment no. 39** (Section 5 shall support the effective implementation of the principle of gender equality and promote its mainstreaming in "all" EU policies): see Article 8, introductory part
- Article 8, paragraph 1: inclusion by the Commission of the word "effectiveness" for coherence sake

- **Amendment no. 40** (Support the implementation of EU gender equality legislation through holding seminars for those working in the field): see Article 8, point 2
- **Amendment no. 41** (Stresses the importance of the need to reconcile family and professional life): see Article 8, point 3
- **Amendment no. 42** (Stresses the key role of EU networks in the field of gender equality): see Article 8, point 4
- **Amendment no. 43** (PROGRESS should also operate at transnational level) : see Article 9, paragraph 1, introductory part
- **Amendment no. 44** (Stresses the importance of the publication of educational material via the internet or other media): see Article 9, paragraph 1, point (a), indent 5
- **Amendment no. 45** (PROGRESS should also foster mutual learning and the exchange of good practice and innovative approaches): see Article 9, paragraph 1, point (b), indent 1
- **Amendment no. 46** (PROGRESS should also operate at transnational level): see Article 9, paragraph 1, point (b), indent 1
- **Amendment no. 47** (Inclusion of the organisation of an annual forum for all actors involved that should help to promote dialogue, publicise the programme's results and discuss future priorities): see Article 9, paragraph 1, point (b), indent 3a (new)
- **Amendment no. 48** (Stresses the importance of greater attention that should be paid to the specific circumstances of each Member State, given the diversity of situations existing in the Union): see Article 9, paragraph 1, point (b), indent 1
- **Amendment no. 49** (Those working in the area concerned should have access to training activities): see Article 9, paragraph 1, point (c), indent 3
- **Amendment no. 52** (Reference to Article 3): see Article 9, paragraph 2a (new)
- **Amendment no. 53** (The programme shall not finance any measures for the preparation and implementation of European Years): see Article 9, paragraph 2b (new)
- **Amendment no. 54** (Mention of employment agencies): see Article 10, paragraph 1, indent 2
- **Amendment no. 58** (Expanding the list of matters to be dealt with by the Committee assisting the Commission): see Article 12
- **Amendment no. 61** (Obligation to inform also the other relevant committees of the action taken under the five sections of the Programme): see Article 14, paragraph 1a (new)
- **Amendment no. 62** (The programme should be consistent with regional policy and general economic policy as well as with the other areas mentioned, as both may have important implications for the success of the programme's aims): see Article 15, paragraph 1

- **Amendment no. 63** (Avoids overlapping responsibilities with other relevant Union and Community actions): see Article 15, paragraph 2
- **Amendment no. 64** (Ensure consistency and complementarity. The avoidance of duplication is therefore essential): see Article 15, paragraph 2
- **Amendment no. 65** (Inclusion of the reference to the Social Agenda): see Article 15, paragraph 4
- **Amendment no. 68** (Ensures the fact that the allocation of the appropriations to the individual sections of the programme is transparent and is determined by the Budgetary Authority): see Article 17, paragraph 4
- **Amendment no. 69** (The European Parliament must monitor the implementation of PROGRESS): see Article 19, paragraph 1
- **Amendment no. 70** (The European Parliament must monitor the implementation of PROGRESS): see Article 19, paragraph 1
- **Amendment no. 71** (Parliament should be kept adequately informed about the implementation of the programme): see Article 19, paragraph 3

4. CONCLUSION

Having regard to Article 250 (2) of the EC treaty, the Commission modifies its proposal as follows.

Amended Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**Establishing a Community Programme for Employment and Social Solidarity -
PROGRESS**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13(2), 129, 137(2) a) thereof,

Having regard to the proposal from the Commission⁵,

Having regard to the opinion of the European Economic and Social Committee⁶,

Having regard to the opinion of the Committee of the Regions⁷,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) The Lisbon European Council of 23 and 24 March 2000 incorporated, as intrinsic to the overall strategy of the Union, the promotion of employment and social inclusion to achieve its strategic goal for the next decade of becoming the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth, with more and better jobs and greater social cohesion. It set ambitious objectives and targets for the EU to regain the conditions for full employment, improve quality and productivity at work, promote social cohesion and an inclusive labour market.
- (2) In line with the Commission's stated intention to consolidate and rationalise EU funding instruments, this Decision should establish a single and streamlined Programme providing for the continuation and development of the activities launched on the basis of Council Decision 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006)⁸, Council Decision 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality⁹ and European Parliament and Council Decisions 50/2002/EC of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social

⁵ OJ C , , p. .

⁶ OJ C , , p. .

⁷ OJ C , , p. .

⁸ OJ L 303, 2.12.2000, p. 23

⁹ OJ L 17, 19.11.2001, p. 22

exclusion¹⁰ and 1145/2002/EC of 10 June 2002 on Community incentive measures in the field of employment¹¹, **and Decision 848/2004/EC of the European Parliament and the Council of 29 April 2004 establishing a Community action programme to promote organisations active at European level in the field of equality between men and women**¹², as well as those activities undertaken at Community level in relation to working conditions.

- (3) The Extraordinary European Council on Employment in Luxembourg in 1997 launched the European Employment Strategy, encompassing the coordination of Member States' employment policies on the basis of commonly-agreed employment guidelines and recommendations. The European Employment Strategy **is now** ~~has the leading role in the~~ **most important instrument for** implementation of the employment and labour market objectives of the Lisbon Strategy.
- (4) The Lisbon European Council concluded that the number of people living below the poverty line and in social exclusion in the Union was unacceptable and therefore deemed it necessary to take steps to make a decisive impact on the eradication of poverty by setting adequate objectives. Such objectives were agreed by the Nice European Council of 7, 8 and 9 December 2000. It further agreed that policies for combating social exclusion should be based on an open method of coordination combining national action plans and a Commission initiative for cooperation.
- (5) Demographic change represents a major long-term challenge to the ability of social protection systems to deliver adequate pensions and **high quality** health and long-term care ~~and~~ **which are accessible to all and can be funded in the long term.** ~~It is important to promote policies that can achieve both adequate social protection and financial sustainability of social protection systems. The Council has decided that~~ **cooperation in this area should be based on** ~~This balance is achieved in accordance with the open method of coordination.~~
- (5a) Attention should be drawn to the specific situation of migrants in this context and to the importance of taking action to transform undeclared work into regular employment.**
- (6) Ensuring minimum standards and the constant improvement of working conditions in the EU constitutes a central feature of the European social policy and corresponds to an important overall objective of the European Union. The Community has an important role to play to support and complement the activities of the Member States in the fields of workers' health and safety, working conditions, **including the need to reconcile family and professional life,** protection of workers where their employment contract is terminated, information, **participation** and consultation of workers, representation and collective defence of the interests of workers and employers.
- (7) Non Discrimination is a fundamental principle of the European Union. **Article 13 of the Treaty establishing the European Community calls for action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Non-discrimination is also enshrined in** Article 21 of the

¹⁰ OJ L 10, 12.1.2002, p. 1

¹¹ OJ L 170, 29.6.2002, p. 1

¹² **OJ L 157, 30.4.2004, p. 18. Corrected in OJ L 195, 2.6.2004, p. 7**

Charter of Fundamental Rights of the European Union prohibits discrimination on a variety of grounds. The specific features of the diverse forms of discrimination should be accommodated, **and appropriate action developed in parallel to prevent and combat discrimination on one or more grounds.** Therefore, **when considering the accessibility and results of the programme** the particular needs of people with disabilities should be taken into account in terms of ~~the accessibility of~~ **ensuring their full and equal access to the** activities **funded by this Programme** and ~~the~~ **results and evaluation of those activities, including the compensation of additional costs incurred by disabled persons that result from their disability. Experience gained over many years of combating certain forms of discrimination, including discrimination based on sex, may be useful in combating other kinds of discrimination.**

- 8) On the basis of Article 13 of the Treaty establishing the European Community, the Council has adopted **the following directives:** Directive 2000/43 of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin¹³ which prohibits discrimination based on racial or ethnic origin in, inter alia, employment, vocational training, education, goods and services and social protection; ~~and~~ Directive 2000/78 of 27 November 2000 establishing a general framework for equal treatment in employment and occupation¹⁴ which prohibits discrimination in employment and occupation on the grounds of religion or belief, disability, age and sexual orientation, **and Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services**¹⁵.
- (9) Equal treatment for women and men is a fundamental principle of Community law **pursuant to Articles 2 and 3 of the Treaty establishing the European Community,** and the Directives and other acts adopted on the basis of this principle ~~have played~~ **play** a major part in improving the situation of women. Experience of action at Community level has shown that promoting gender equality in EU policies and combating discrimination in practice call for a combination of instruments involving legislation, funding tools and mainstreaming designed to reinforce one another. In **accordance** ~~line with the principle of gender mainstreaming,~~ equality between ~~men and women~~ **women and men, gender mainstreaming shall** should be integrated into **promoted in** all sections **and activities** of the Programme. **In this programme, discrimination based on sex is in particular dealt with in Section 5, gender equality.**
- (9a) Many non-governmental organisations at various levels can make an important contribution at European level through key networks which assist in changing policy orientations relating to the general objectives of the programme.**
- (10) Since the objectives of the proposed action cannot be sufficiently achieved by at the Member States **level** because of the need for exchange of information at EU-level and the Community-wide dissemination of good practice, and ~~can~~ **since** therefore **these objectives can,** by reason of the multilateral dimension of the Community

¹³ OJ L 180, 19.7.2000, p. 22

¹⁴ OJ L 303, 2.12.2000, p. 16

¹⁵ **OJ L 373, 21.12.2004, p. 37**

actions and measures, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.

- (11) This Decision establishes a financial framework for the entire duration of the programme which is to be the principal point of reference for the budgetary authority, within the meaning of point 33 of the interinstitutional agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure¹⁶.
- (12) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁷.

(12a) As the programme is divided into five sections, Member States may provide for the rotation of their national representatives according to the themes addressed by the Committee assisting the Commission.

HAVE DECIDED AS FOLLOWS

Article 1

Establishment of the Programme

This Decision establishes the Community Programme for Employment and Social Solidarity, named PROGRESS, to financially support the implementation of the objectives of the European Union in the employment and social affairs area and thereby ~~contribute to the achievement~~ **in the context** of the Lisbon Strategy ~~goals in these fields~~ **contribute to achieving the objectives of the Social Agenda (2006–2010)**¹⁸. It shall run from 1 January 2007 to 31 December 2013.

Article 2

General objectives of the Programme

1. The present programme pursues the following general objectives:
- (1) to improve the knowledge and understanding of the situation prevailing in the Member States (and in other participating countries) through analysis, evaluation and close monitoring of policies;

¹⁶ OJ C 172, 18.6.1999, p. 1

¹⁷ OJ L 184, 17.7.1999, p. 23

¹⁸ **COM(2005) 33, 9.2.2005**

- (2) to support the development of statistical tools and methods and common indicators **where possible broken down by gender and age group** in the areas covered by the programme;
- (3) to support and monitor the implementation of Community law, **where applicable**, and policies **policy** objectives in the Member States, and ~~assessing~~ **assess** their **effectiveness and** impact;
- (4) to promote networking, mutual learning, and identification and dissemination of good practice **and innovative approaches** at EU level;
- (5) to enhance the awareness of the stakeholders and the general public about the EU policies **and objectives** pursued under each of the 5 sections;
- (6) to boost the capacity of key EU networks to promote, and support **and further develop** EU policies **and objectives, where applicable**.

1a. Gender mainstreaming shall be promoted in all sections and activities under this programme.

1b. The results achieved in the programme sections and activities shall be disseminated to those involved and to the public as appropriate. The Commission shall conduct exchanges of views with the main stakeholders as appropriate.

Article 3

Structure of the Programme

The programme shall be divided into the following 5 sections:

- (1) Employment
- (2) Social protection and inclusion
- (3) Working conditions
- (4) Antidiscrimination and diversity
- (5) Gender equality

Article 4

SECTION 1: Employment

Section 1 shall support the implementation of the European Employment Strategy **(EES)** by:

- (1) Improving the understanding of the employment situation **and prospects**, in particular through analysis and studies and the development of statistics and **common** indicators **within the framework of the EES**;

- (2) Monitoring and evaluating the implementation of the European Employment Guidelines and Recommendations **and their impact, notably through the Joint Employment Report**, and analysing the interaction between the EES and **general economic and social policy and** other policy areas;
- (3) Organising exchanges on policies ~~and, processes~~ **good practice and innovative approaches** and promoting mutual learning in the context of the EES;
- (4) Raising awareness, disseminating information and promoting the debate about employment challenges, ~~and policies,~~ **and the implementation of national reform programmes**, including among regional and local actors, social partners and other stakeholders.

Article 5

SECTION 2: Social protection and inclusion

Section 2 shall support the implementation of the open method of coordination (**OMC**) in the field of social protection and inclusion by:

- (1) Improving the understanding of **social exclusion and** poverty issues, social protection and inclusion policies, in particular through analysis and studies and the development of statistics and **common** indicators, **within the framework of the open method of coordination in the field of social protection and inclusion**;
- (2) Monitoring and evaluating the implementation of the ~~OMC~~ **Open Method of Coordination** in the field of social protection and inclusion **and its impact at national and Community level** and analysing the interaction between this OMC and other policy areas;
- (3) Organising exchanges on policies ~~and processes,~~ **good practice and innovative approaches** and promoting mutual learning in the context of the social protection and inclusion strategy;
- (4) Raising awareness, disseminating information and promoting the debate about the key challenges and policy issues raised in the context of the EU coordination process in the field of social protection and social inclusion, including among NGO's, regional and local actors, **social partners** and other stakeholders;
- (5) Developing the capacity of key EU networks to ~~pursue~~ **support and further develop** EU policy goals **and strategies on social protection and inclusion**.

Article 6

SECTION 3: Working conditions

Section 3 shall support the improvement of the working environment and conditions including health and safety at work **and reconciling work and family life** by:

- (1) Improving the understanding of the situation in relation to working conditions, in particular through analysis and studies and, **where appropriate**, the development of statistics and indicators, as well as assessing the **effectiveness and** impact of existing legislation, policies and practices;
- (2) Supporting the implementation of EU labour law through ~~reinforced~~ **effective** monitoring, ~~training of practitioners~~ **holding seminars for those working in the field**, development of guides and networking amongst specialised bodies, **including social partners**;
- (3) Initiating preventive actions and fostering ~~the prevention culture in the field of~~ health and safety at work;
- (4) Raising awareness, disseminating information and promoting the debate about the key challenges and policy issues in relation to working conditions, **including among social partners**.

Article 7

SECTION 4: Antidiscrimination and diversity

Section 4 shall support the effective implementation of the principle of non-discrimination and promote its mainstreaming in **all** EU policies by:

- (1) Improving the understanding of the situation in relation to discrimination in particular through analysis and studies and, **where appropriate**, the development of statistics and indicators as well as assessing the **effectiveness and** impact of existing legislation, policies and practices;
- (2) Supporting the implementation of EU anti-discrimination legislation through ~~reinforced~~ **effective** monitoring, ~~training of practitioners~~ **holding seminars for those working in the field** and networking amongst specialised bodies dealing with anti-discrimination;
- (3) Raising awareness, disseminating information and promoting the debate about the key challenges and policy issues in relation to discrimination and the mainstreaming of anti-discrimination in **all** EU policies **including among NGOs in the field of anti-discrimination, regional and local actors, social partners and other stakeholders**;
- (4) Developing the capacity of key EU networks to ~~pursue~~ **promote and further develop** EU policy goals **and strategies**.

Article 8

SECTION 5: Gender equality

Section 5 shall support the effective implementation of the principle of gender equality and promote gender mainstreaming in **all** EU policies by:

- (1) Improving the understanding of the situation in relation to gender issues and gender mainstreaming, in particular through analysis and studies and the development of statistics and, **where appropriate**, indicators, as well as assessing the **effectiveness and** impact of existing legislation, policies and practices;
- (2) Supporting the implementation of EU gender equality legislation through reinforced **effective** monitoring, ~~training of practitioners~~ **holding seminars for those working in the field** and networking amongst specialised equality bodies;
- (3) Raising awareness, disseminating information and promoting the debate about the key challenges and policy issues in relation to gender equality **including the importance of reconciling work and family life**, and gender mainstreaming;
- (4) Developing the capacity of key EU networks to pursue **support and further develop EU policy goals and strategies on gender equality**.

Article 9

Types of actions

1. The Programme shall finance the following types of actions, **that may be implemented, where appropriate, within a transnational framework**:
 - (a) Analytical activities
 - Collection, development and dissemination of data and statistics
 - Development and dissemination of common methodologies and, **where appropriate**, indicators/benchmarks
 - Carrying-out of studies, analysis and surveys and dissemination of their results
 - Carrying-out of evaluations and impact assessments and dissemination of their results
 - Elaboration and publication of guides ~~and~~ reports **and educational material via the Internet or other media**
 - (b) Mutual learning, Awareness and Dissemination activities
 - Identification of **and exchanges on best good practices, innovative approaches and experiences** and organisation of peer review **and mutual learning** by means of meetings/workshops/seminars at EU, **transnational** or national level, **taking, where possible, account of specific national circumstances**.
 - Organisation of Presidency conferences/seminars
 - Organisation of conferences/seminars in support of the development and implementation of Community law and policy objectives

- **Organisation of an annual forum for all interested parties on evaluating progress in achieving the Social Agenda and on the implementation of the individual sections of the programme, including presentation of results and dialogue on future priorities**
 - Organisation of media campaigns and events
 - Compilation and publication of materials to disseminate information as well as results of the programme
- (c) Support to main actors
- Support to running costs of **those** key EU networks **whose activities are linked to the implementation of the objectives of this programme**
 - Organisation of working groups of national officials to monitor the implementation of EU law
 - Funding of training seminars addressed to ~~legal practitioners~~ **those working in the field**, key officials and other relevant actors
 - Networking among specialised bodies at EU level
 - Funding of experts' networks
 - Funding of EU level observatories
 - Exchange of personnel between national administrations
 - Cooperation with international institutions
2. Types of actions foreseen under paragraph (1) b) should have a strong EU dimension, an appropriate scale in order to ensure a real EU added-value and be carried out by (sub)national authorities, specialised bodies foreseen under Community legislation or actors which are considered the key player in their area.
- 2a. The types of actions should contribute to the areas listed in Article 3, intended to achieve the objectives of the Social Agenda under the Lisbon Strategy.**
- 2b. The programme shall not finance any measures for the preparation and implementation of European Years.**

Article 10

Access to the programme

1. Access to this programme shall be open to all public and/or private bodies, actors and institutions, in particular:
- Member States;
 - ~~Public e~~Employment services **and employment agencies**;

- Local and regional authorities;
 - Specialised bodies foreseen under EU legislation;
 - Social partners;
 - Non-governmental organisations, **in particular those** organised at EU level;
 - ~~Universities~~ **Higher education institutions** and research institutes;
 - Experts in evaluation
 - National statistical offices;
 - Media.
2. The Commission can also directly access the programme as far as actions foreseen under Article 9 ~~paragraph (1)~~ a) and b) are concerned.

Article 11

Method of application for support

The types of actions referred to in Article 9 may be financed by:

- a service contract following a call for tenders. For cooperation with national Statistical Offices, the Eurostat procedures shall apply.
- a partial subsidy following a call for proposals. In this case, the EU co-financing may not exceed, as a general rule, 80 % of the total expenditure incurred by the recipient. Any subsidy in excess of this ceiling can only be granted under exceptional circumstances and after close scrutiny.

The type of actions foreseen under Article 9 (1) ~~b)~~ may be subsidised in respond to requests for subsidies, for example from Member States, **in accordance with relevant provisions of the Financial Regulation¹⁹ and its Implementation Regulation²⁰**.

Article 12

Implementing provisions

1. The measures necessary for the implementation of this Decision relating to the following matters shall be adopted in accordance with the management procedure referred to in Article 13§~~(1)~~**(2)**:
 - (a) the general guidelines for the implementation of the programme;

¹⁹ Cf. Council Regulation No 1605/2002, OJ L 248, p.1, especially Art. 110

²⁰ Cf. Commission Regulation No. 2342/2002, OJ L 357, p.1, especially Art. 168

- (b) the **annual** work programme for the implementation of the programme, **divided up into separate sections**;
 - (c) the financial support to be supplied by the Community;
 - (d) the annual budget ~~and the distribution of funding between the different sections of the programme~~;
 - (e) the procedures for selecting the actions to be supported by the Community and the draft list of actions to receive such support submitted by the Commission;
 - (f) **criteria for evaluating the programme, including criteria relating to the cost-benefit ratio and rules for disseminating and passing on the results.**
2. The measures necessary for the implementation of this Decision relating to all other matters shall be adopted in accordance with the advisory procedure referred to in Article 13§(3).

Article 13

Committee

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, **having regard to the provisions of Article 8 thereof.**

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.
3. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, **having regard to the provisions of Article 8 thereof.**
4. The Committee shall adopt its rules of procedure.

Article 14

Cooperation with other committees

1. The Commission shall establish the necessary links with the Social Protection Committee and the Employment Committee in order to ensure that they are regularly and appropriately informed about the implementation of activities referred to in this Decision.
- 1a. The Commission shall also inform the other relevant committees of the action taken under the five sections of the programme.**
2. Where appropriate, the Commission shall establish regular and structured cooperation between this Committee and the monitoring committees established for other relevant policies, instruments and actions.

Article 15

Consistency and complementarity

1. The Commission shall, in cooperation with the Member States, ensure overall consistency with other Union and Community policies, instruments and actions, in particular by establishing appropriate mechanisms to coordinate the activities of the programme with relevant activities relating to research, justice and home affairs, culture, education, training and youth policy, and in the fields of enlargement and the Community's external relations, **and with regional policy and general economic policy**. A special attention should be given to the possible synergies between the present programme and those in the field of education and training.
2. The Commission and the Member States shall ensure consistency and complementarity **and the absence of duplication** between actions undertaken under the programme and other relevant Union and Community actions, in particular under the Structural Funds and especially the European Social Fund.
3. The Commission shall make sure that expenditures covered and charged by the programme shall not be charged to any other Community financial instrument.
4. The Commission shall keep the Committee referred to in Article 13 regularly informed of other Community action ~~contributing to~~ **under** the Lisbon strategy goals ~~in the field of employment and~~ **contributing to achieving the objectives of the** ~~Social policy~~ **Agenda**.
5. Member States shall make all possible efforts to ensure consistency and complementarity between activities under the programme and those carried out at national, regional and local levels.

Article 16

Participation of third countries

The programme shall be open to the participation of:

- the EFTA/EEA countries in accordance with the conditions established in the EEA Agreement;
- the candidate countries associated to the EU, as well as to the western Balkan countries included in the stabilisation and association process.

Article 17

Financing

1. The financial framework for implementing the Community activities referred to in this Decision for the period 1 January 2007 to 31 December 2013 shall be 628.8 million EUR.

2. The financial breakdown between the different sections shall respect the following lower limits:

Section 1	Employment	21 %
Section 2	Social protection and inclusion	28 %
Section 3	Working conditions	8 %
Section 4	Antidiscrimination and diversity	23 %
Section 5	Gender equality	8 %

3. A maximum of 2 % of the financial envelop shall be attributed to the implementation of the programme to cover, for example, the expenditure related to the functioning of the Committee foreseen under Article 13 or the evaluations to be carried out according to Article 19.
4. The annual appropriations **and the allocation of the appropriations to the individual sections of the programme** shall be authorised by the budgetary authority within the limits of the financial perspectives. **The allocation of the annual appropriations to the individual sections shall be set out in appropriate fashion in the Budget.**
5. The Commission may have recourse to technical and/or administrative assistance, to the mutual benefit of the Commission and of the beneficiaries, as well as to support expenditure.

Article 18

Protection of the Communities' financial interests

1. The Commission shall ensure that, when actions financed under the present decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.
2. For the Community actions financed under this decision, the notion of irregularity referred to in Article 1, paragraph 2 of Regulation (EC, Euratom) No 2988/95 shall mean any infringement of a provision of Community law or any breach of a contractual obligation resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the Communities or budgets managed by them, by an unjustified item of expenditure.

3. Contracts and agreements as well as agreements with participating third countries resulting from this decision shall provide in particular for supervision and financial control by the Commission (or any representative authorized by it) and audits by the Court of Auditors, if necessary on-the-spot.

Article 19

Monitoring and evaluation

1. In order to ensure a regular monitoring of the programme and allow necessary reorientations, annual activity reports **focusing on the outcomes delivered through the programme** shall be elaborated by the Commission and transmitted to the programme Committee referred to in Article 13 **and to the European Parliament**.
2. The programme shall also be the subject of a mid-term evaluation at the level of the different sections with an overview on the programme in order to measure the progress made regarding the impact of the programme objectives, **the efficiency of the use of the resources** and its EU added value. This evaluation may be supplemented by on-going evaluations. These shall be carried out by the Commission with the assistance of external experts. When available, their results shall be reported in the activity reports referred to in paragraph 1.
3. An ex-post evaluation covering the whole programme shall be carried out, **by 31 December 2015**, ~~one year after it ends~~, by the Commission with the assistance of external experts, in order to measure the impact of the programme objectives and its EU added value. ~~It shall be transmitted~~ **The Commission shall submit this document** to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

Article 20

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the European Parliament
The President

For the Council
The President