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NOTE

from:	The Presidency
to:	Delegations
Subject:	Order of rotation for seats on the management board of the European institute for gender Equality (EIGE)

I. INTRODUCTION

According to Article 10(1) of Regulation 1922/2006/EC¹, the Management Board of European Institute for Gender Equality (EIGE) shall consist of 18 representatives appointed by the Council, on the basis of a proposal from each Member State concerned, and 1 member representing the Commission. Article 10(1) of the Regulation provides that the Management Board is appointed for a period of three years. The term of office of the current Management Board will expire on 31 May 2016.

¹ OJ L 403, 30.12.2006, p. 9.

The order of rotation of the members of the Management Board is determined in Article 10(3) of Regulation 1922/2006/EC which provides that "... *For each term of office, the members appointed by the Council shall represent eighteen Member States in the order of the rotating Presidencies, one member being nominated by each Member State concerned.*" Further detail is contained in Recital 16 to that Regulation which explains that "*the representatives of the Council will be appointed for each term of office in accordance with the order of rotation of the Presidencies of the Council, commencing in 2007*".

A joint statement² by the Council and the European Parliament was published together with Regulation 1922/2006/EC. This statement provides for the division of the 27 Member States accounted for into three groups of 9 MS each and detailing, in a footnote, the effect of the applicable provisions for the first three terms.³ The statement also mentioned that "in the event of any future enlargement the rotation system will be adjusted accordingly."

On 1 July 2013, Croatia joined the Union as its 28th Member State. Thus the order of rotation of members of the Management Board has to be adjusted.

II. PROCEDURE FOR ADJUSTING THE ORDER OF ROTATION

The list setting out the order of Presidencies is determined by Council, implementing a European Council decision based on Article 236(b) TFEU. The Council is thus empowered to change the list of Presidencies referred to in Regulation 1922/2006/EC. Currently the order of rotation is established in Council Decision 2009/908/EU⁴ which covers the period from the German Presidency in 2007 until the Finnish Presidency during the first half of 2020.

² See doc. 16579/06 ADD 1:

³ 1st term (2007 – 2009)

(i) DE, PT, SI, FR, CZ, SE, ES, BE, HU; (ii) PL, DK, CY, IE, LT, EL, IT, LV, LU

2nd term (2010 – 2012)

(iii) NL, SK, MT, UK, EE, BG, AT, RO, FI; (i) DE, PT, SI, FR, CZ, SE, ES, BE, HU

3rd term (2013 – 2015)

(ii) PL, DK, CY, IE, LT, EL, IT, LV, LU; (iii) NL, SK, MT, UK, EE, BG, AT, RO, FI

⁴ L 322, 9.12.2009, p. 28.

However, the Council has not, to date, made any such changes on account of the accession of Croatia, nor is any such change likely to be made before the nomination of the Management Board of EIGE for the period 2016-2018 31 May 2018.

The decision determining the order of rotation of the Presidencies of the Council, commencing in 2007 to which the Regulation refers therefore does not include Croatia.⁵ Given that the justification for relying on the order of rotation is to ensure the necessary balance among the Member States (see Recital 16 of the Regulation) and the joint statement recognises the need to adjust the order in case of an enlargement, it is necessary to ensure that Croatia is equally represented on the Management Board of the EIGE also without any change to the order of rotation of Presidencies.

This means determining the appropriate place for Croatia in the order of rotation applicable to the Management Board.

According to Article 3 of Council Decision 2009/908/EU, "*the order in which the Member States will hold the Presidency as from 1 July 2020 shall be decided by the Council before 1 July 2017*". Under the current legal framework it can thus be presumed that Croatia would not hold the Presidency until sometime after the Finish Presidency during the first half of 2020.

It is therefore suggested that Croatia be placed after Finland at the end of the order of rotation applicable to the Management Board of EIGE. Given that Finland was the last Member State to get a place on that Board for the current period (see footnote above), Croatia would be the first Member State on the list for the next term.

⁵ The current practise within the Council is that in meetings of the Council and its preparatory bodies, Croatia sits between Ireland and Cyprus while all other Member States are seated in the order of rotation of Presidencies. However, there is no link between the seating arrangements of Croatia and the order of Presidencies. It is noted that the solution proposed in this note (see Conclusion) would place Croatia in the same "group" for the period from 1 June 2016 to 31 May 2019 as it would occupy if its position were determined based on the informal seating practice in the Council.

III. CONCLUSION

The Presidency suggests that the members of the Management Board of EIGE for the next term (2016-2018) be drawn from the following eighteen Member States:

HR, DE, PT, SI, FR, CZ, SE, ES, BE, HU, PL, DK, CY, IE, LT, EL, IT, LV.

Based on this guidance, Member States will be invited in due course to put forward the names of their candidates for the Management Board of EIGE. Appointments will continue to be made by the Council in accordance with Regulation 1922/2006/EC.
