



Gender Mainstreaming

# Gender-responsive public procurement in the EU



# Gender-responsive public procurement in the EU

# European Institute for Gender Equality

The European Institute for Gender Equality (EIGE) is an autonomous body of the European Union established to strengthen gender equality across the EU. Equality between women and men is a fundamental value of the EU, and EIGE's task is to make this a reality in Europe and beyond. This includes becoming a European knowledge centre on gender equality issues, supporting gender mainstreaming in all EU and Member State policies, and fighting discrimination based on sex.

European Institute for Gender Equality (EIGE)  
Gedimino pr. 16  
LT-01103 Vilnius  
LITHUANIA

Tel. +370 52157444

Email: [eige.sec@eige.europa.eu](mailto:eige.sec@eige.europa.eu)

 <http://www.eige.europa.eu>

 [www.twitter.com/eige\\_eu](https://www.twitter.com/eige_eu)

 [www.facebook.com/eige.europa.eu](https://www.facebook.com/eige.europa.eu)

 [www.youtube.com/eurogender](https://www.youtube.com/eurogender)

 <https://www.linkedin.com/company/eige>

Luxembourg: Publications Office of the European Union, 2022

Print ISBN 978-92-9486-000-2 doi:10.2839/2179 MH-06-22-126-EN-C

PDF ISBN 978-92-9486-001-9 doi:10.2839/791371 MH-06-22-126-EN-N

© European Institute for Gender Equality, 2022

Cover image: © Chiara Luxardo

Reproduction is authorised provided the source is acknowledged.  
Reuse is authorised provided the source is acknowledged, the original meaning is not distorted and EIGE is not liable for any damage caused by that use. The reuse policy of EIGE is implemented by the Commission Decision of 12 December 2011 on the reuse of Commission documents (2011/833/EU).

# Acknowledgements

This report is part of the work of the European Institute for Gender Equality (EIGE) on gender-responsive public procurement (GRPP). The project was commissioned by EIGE and carried out by the European Association for Information on Local Development (AEIDL).

The author of Chapter 1, which provides an assessment of the EU public procurement framework from a gender perspective, is Abby Semple (independent expert), with contributions from Barbara Helfferich (independent expert), Linda Mans (independent expert), Dina Loghin (independent expert) and Valentina Caimi (AEIDL), and other support from Stephen Nottingham and Anita Cortés (AEIDL).

The authors of Chapter 2 on the state of play of GRPP in the EU are Valentina Caimi (AEIDL's project coordinator) and Barbara Helfferich (independent expert), with contributions from Linda Mans (independent expert), Franziska Singer (independent expert), Patricia Martínez Sáez and Solenn Cadudal (AEIDL), and other support from Terry Brisco (independent expert) and Anita Cortés (AEIDL).

The country-specific research was carried out by Françoise Goffinet (Belgium and Luxembourg), Iliana Bablanova (Bulgaria), Adam Gromnica (Czechia), Anja Piening (Denmark), Franziska Singer (Germany and Austria), Anu Laas (Estonia), Abby Semple (Ireland), Fay Marini (Greece), Santiago Lesmes Zabalegui (Spain), Nathalie Wuiame (France), Ivan Serdarušić (Croatia and Slovenia), Stefano Rossi (Italy), Gabriel Amitsis (Cyprus), Kristīne Dupate (Latvia), Rugile Trumpyte (Lithuania), Tünde Tátrai (Hungary), Romina Bartolo (Malta), Marion Minis (Netherlands), Magdalena Wyszłyńska (Poland), Teresa Janela Pinto and Sara Merlini (Portugal), Ionut Baciu (Romania), Janka Valcuhovala (Slovakia), Kirsi-Maria Halonen (Finland) and Klas Hyllander (Sweden).

The lead authors of the 11 case studies were Françoise Goffinet (Belgium case study), Franziska Singer (Germany and Austria case studies), Santiago Lesmes Zabalegui (Spain case studies), Nathalie Wuiame (France case study), Stefano Rossi (Italy case study), Marion Minis (Netherlands case study), Magdalena Wyszłyńska (Poland case study) and Magnus Jacobson (Sweden case study), with inputs from Christoph Skrdlant (City of Munich, Germany), Ander Bergara Sautua (Emakunde, Spain), Araceli Tárrega Nebot (City Council of Castelló de la Plana, Spain), Anaïs Luquedey (Department of Gironde, France), Andrea Sabbadini (Lazio Region, Italy), Saskia van Klaveren Vrolijk (City of The Hague, Netherlands), Laura Wimmer (City of Vienna, Austria) and Agnieszka Jagoda (Statistics Poland). Abby Semple (independent expert) provided a legal review.

In producing this report, the researchers also drew on interviews, survey data and virtual expert consultations organised in the framework of EIGE's GRPP project. EIGE would like to thank the interviewees, survey respondents and participants in the consultation meetings that took place on 3, 8 and 11 June 2021 for their insights and expertise, which greatly informed the research.

EIGE would also like to thank Francesca Claudia Calise (independent expert) for her high-quality advice and support.

EIGE's gender mainstreaming and GRPP project teams coordinated the work on this report and provided quality assurance (Barbara Limanowska, Helena Morais Maceira, Ieva Vasiliune, Despoina Panagiotopoulou, Nicole Jansen and Constanze Hödl).

A particular thank you goes to other colleagues at EIGE for their intellectual contributions, administrative support and encouragement.

---

# Contents

<b>Executive summary</b>	<b>7</b>
<b>Introduction</b>	<b>8</b>
<b>1. Setting the scene: EU public procurement framework from a gender perspective</b>	<b>10</b>
1.1. Opportunities for gender-responsive public procurement under EU procurement law	10
1.1.1. Pre-procurement stage	10
1.1.2. Procurement stage	13
1.1.3. Post-procurement stage	15
1.2. Challenges for gender-responsive public procurement under EU procurement law	17
1.2.1. Lack of mandatory provisions	17
1.2.2. Uncertainty regarding existing provisions	17
1.2.3. Gender mainstreaming in the light of intersectionality and policy focus	18
1.2.4. Lack of data and reporting	19
1.2.5. Lack of support for positive action for women-owned businesses: comparison with other public procurement legal regimes	20
<b>2. State of play: gender-responsive public procurement in the EU</b>	<b>22</b>
2.1. Key finding 1: Legal frameworks on public procurement at European and national levels very rarely refer to gender equality as a specific objective	22
2.2. Key finding 2: Gender equality laws usually do not refer to public procurement as a tool to advance gender equality	24
2.3. Key finding 3: Strategies and action plans on (socially responsible, strategic or sustainable) public procurement often do not reference gender equality	25
2.4. Key finding 4: Gender equality action plans rarely mention public procurement as a tool to promote gender equality	27
2.5. Key finding 5: Support structures and guidelines tend not to cover gender aspects or promote gender-responsive public procurement	28
2.6. Key finding 6: Gender equality bodies play a crucial role in ensuring that gender equality goals are integrated into public procurement	29
2.7. Key finding 7: There is untapped potential for gender-responsive public procurement in the EU	30
2.8. Key finding 8: Even where socially responsible public procurement is widely used, the awareness and use of gender-responsive public procurement is marginal	31
2.9. Key finding 9: Gender-responsive public procurement is most widespread in countries where favourable legislative and policy frameworks are supported by strategies and capacity-building programmes	31
2.10. Key finding 10: Regional and local levels drive the implementation of gender-responsive public procurement in the EU	31

<b>3. Case studies on gender-responsive public procurement</b>	<b>32</b>
3.1. Case studies related to legal, regulatory and policy frameworks	32
3.1.1. Most advanced ecosystem for gender-responsive public procurement at national level: the case of Spain	32
3.1.2. Integration of the gender perspective in public procurement in the Basque Country (Spain)	36
3.1.3. New guidelines and a toolkit to help local authorities mainstream gender equality (Sweden)	40
3.1.4. Impact of gender equality training and reports on tendering procedures in Belgian municipalities (Brussels Region)	43
3.1.5. Helping bidders and procurers to implement gender-responsive public procurement (Vienna, Austria)	45
3.1.6. Mainstreaming gender-responsive public procurement through procurement training (Munich, Germany)	48
3.2. Case studies related to public procurement procedures	51
3.2.1. Recruitment for a work-life balance service (childcare) integrating gender criteria (Spain)	51
3.2.2. Gender-sensitive design of secondary schools (France)	53
3.2.3. Interinstitutional collaboration between the equality adviser and the Procurement Office in the Lazio Region (Italy)	56
3.2.4. Implementation of fundamental labour standards in information technology supply chains (Poland)	59
3.2.5. Hiring staff at all levels of a municipality to create more diversity (Netherlands)	62
<b>4. Conclusions and policy recommendations</b>	<b>65</b>
4.1. Recommendations for EU institutions	66
4.2. Recommendations for Member States (national, regional and local administrations)	66
4.3. Recommendations for contracting authorities	66
4.4. Recommendations for the future reform of the EU procurement directives	67
<b>References</b>	<b>68</b>
<b>Additional resources</b>	<b>70</b>
1. Legislation	70
2. Member States' legislation and policy	71
2.1. Belgium	71
2.2. Germany	71
2.3. Estonia	71
2.4. Ireland	71
2.5. Greece	71
2.6. Spain	71
2.7. France	72
2.8. Italy	73
2.9. Austria	73
2.10. Portugal	73
2.11. Sweden	73
3. Publications of national organisations	73

3.1. Belgium	73
3.2. Denmark	73
3.3. Ireland	74
3.4. Spain	74
3.5. Austria	74
3.6. Poland	74
4. Websites and online resources	74

## List of figures

Figure 1. The public procurement cycle and entry points for GRPP	13
Figure 2. Member States with public procurement legislation at national level mentioning gender equality as an objective	26
Figure 3. Gender equality legislation mentioning GRPP at national level	28
Figure 4. SRPP national strategies mentioning gender equality as an objective	31
Figure 5. National gender equality action plans that refer to public procurement	33

# Executive summary

Every year, public authorities in the EU spend around 14 % of gross domestic product (GDP) on public procurement. This amounts to around EUR 2 trillion <sup>(1)</sup> and indicates that public procurement is of high economic importance and a powerful instrument for influencing market relations and competitiveness because of its sheer size. This is true especially in sectors such as energy, transport, waste management, defence, information technology, and health and education services, where the public sector is the principal buyer <sup>(2)</sup>. However, public procurement can also be an important transformative lever for social issues and in particular gender equality.

The European Institute for Gender Equality (EIGE) carried out the project 'Supporting gender equality in the economy through public procurement' with the overall aim of contributing to a more gender-equal distribution of economic resources in the EU. This report presents the main research findings of this project, followed by a selection of case studies and policy recommendations.

The mapping exercise carried out under this project suggests that there are low rates of implementation of gender-responsive public procurement (GRPP) in most EU countries. This represents a missed opportunity to leverage

public spending to pursue a fairer allocation of economic resources and improve living standards for both women and men. To the extent that businesses owned and operated by women are under-represented in tender competitions and contract awards, public bodies are missing out on a large segment of the market that may offer value for money and innovation in public service delivery.

In terms of the EU legal framework, the lack of mandatory provisions, uncertainty regarding some existing rules, and the absence of monitoring and reporting requirements can be seen as factors contributing to low rates of GRPP. More broadly, the failure to recognise and promote gender equality as a legitimate objective within public procurement policy at both EU and national levels means that many public bodies are unaware of the possibility of addressing gender inequalities through procurement, and have little or no understanding of how this might be done in practice.

To address this, EIGE has published a [step-by-step toolkit](#) for implementing GRPP <sup>(3)</sup>, which explores from a practical perspective the potential for GRPP under the EU rules, covering all phases of the procurement process from planning through to contract performance and review.

<sup>(1)</sup> European Commission, 2022.

<sup>(2)</sup> European Commission, 2022.

<sup>(3)</sup> EIGE, 2022.



# Introduction

Gender equality is a fundamental value of the EU, and promoting gender equality in all of its activities is one of the EU's tasks, required by the treaties <sup>(4)</sup>. To this end, since its foundation, the European Institute for Gender Equality (EIGE) has worked to increase knowledge, provide tools and encourage mutual learning on gender mainstreaming in policies implemented by the EU and individual Member States <sup>(5)</sup>.

Gender mainstreaming methods and tools offer a framework and clear guidance on how to implement gender mainstreaming in practical terms. Gender-responsive public procurement (GRPP) is a gender mainstreaming tool to promote gender equality through public procurement.

GRPP is procurement that promotes gender equality through the goods, services or works being purchased. This means that buyers and suppliers examine the impact of all contracted activities on women's and men's needs, interests and concerns, and design and deliver contracts in a way that reduces gender inequalities. It does not necessarily entail higher costs, but does require knowledge and capacity <sup>(6)</sup>.

GRPP can be carried out under the EU procurement directives (Directives 2014/24/EU, 2014/25/EU and 2014/23/EU) <sup>(7)</sup> and under the financial regulation (Regulation (EU, Euratom) 2018/1046) <sup>(8)</sup>. The EU legal framework for public procurement has evolved into a comprehensive set of rules and principles governing the award of public contracts. The three 2014 procurement directives aim to facilitate greater strategic use of procurement, including for the advancement of social objectives. Further guidance on how to incorporate social objectives in public procurement is available in the European Commission's *Buying Social* guide <sup>(9)</sup>.

EU institutions and Member States' government departments or regional and local authorities 'are important consumers whose procurement practices can (re)produce, increase or diminish societal (in)equality' <sup>(10)</sup>. When public authorities purchase supplies, works and services from companies, they can and should design public procurement processes and practices in a way that promotes gender equality; this is what GRPP is <sup>(11)</sup>.

<sup>(4)</sup> Articles 2 and 3(3) of the founding Treaty on European Union (see the Consolidated version of the Treaty on European Union, OJ C 326, 26.10.2012, p. 13 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>)), Articles 21 and 23 of the Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>)), and Article 8 of the Treaty on the Functioning of the European Union (TFEU) (see the Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>)) call for equality between women and men. Article 8 of the TFEU, for example, explicitly requires the EU to eliminate inequalities and promote equality between women and men through all its activities (i.e. ensure gender mainstreaming).

<sup>(5)</sup> See <http://eige.europa.eu/gender-mainstreaming> for more information on EIGE's work on gender mainstreaming.

<sup>(6)</sup> EIGE, 2021.

<sup>(7)</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC Text with EEA relevance, OJ L 94, 28.3.2014, p. 65; Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC Text with EEA relevance, OJ L 94, 28.3.2014, p. 243; and Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts Text with EEA relevance, OJ L 94, 28.3.2014, p. 1.

<sup>(8)</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012. PE/13/2018/REV/1, OJ L 193, 30.7.2018, p. 1.

<sup>(9)</sup> European Commission, 2021.

<sup>(10)</sup> Sarter, 2019.

<sup>(11)</sup> EIGE, 2021.

EIGE's project entitled 'Supporting gender equality in the economy through public procurement' mapped GRPP-relevant legislation, policy initiatives, support structures, capacity-building programmes and guidelines, as well as public procurement procedures, at both EU and Member State levels. This comprehensive mapping was complemented with an assessment of the level of awareness and institutionalisation of gender mainstreaming in public procurement in the EU.

Chapter 1 summarises the key findings of the assessment of the EU public procurement framework from a gender perspective. It analyses the opportunities and limits of the current EU legal and policy frameworks relevant for GRPP.

Chapter 2 sets out key findings from the mapping of the level of awareness of GRPP and the experience of it across the EU. Chapter 3 presents a selection of case studies. They are not

representative of the EU as a whole, nor do they reflect a systematic approach. The aim of presenting these case studies is to provide evidence for action and policy guidance for future reference by showing that public procurement can be a powerful tool to contribute to a more gender-equal distribution of economic resources.

Chapter 4 sets out pre-existing conditions that enable the uptake of GRPP, and provides other conclusions, followed by evidence-based policy recommendations for the EU institutions and Member States to improve the promotion and implementation of GRPP.

This report aims to raise awareness and generate knowledge about how gender equality can be linked to public procurement at both EU and national levels. This in turn may result in greater gender equality and a more effective use of public expenditure in the EU.

# 1. Setting the scene: EU public procurement framework from a gender perspective

This chapter is partially based on EIGE's GRPP toolkit <sup>(12)</sup>. It analyses the potential for GRPP under the EU public procurement rules <sup>(13)</sup>, covering all phases of the procurement process from planning through to contract performance and review. It identifies both areas in which there are clear opportunities for gender inequality to be addressed via procurement and areas in which legal uncertainty exists.

## 1.1. Opportunities for gender-responsive public procurement under EU procurement law

The EU legal framework for public procurement has evolved into a comprehensive set of rules and principles governing the award of public contracts. The most recent reform process, which culminated in the adoption of the three 2014 procurement directives, aimed to facilitate greater strategic use of procurement, including for the advancement of social objectives <sup>(14)</sup>.

Officials in contracting authorities at all levels can successfully promote equality between women and men, in their diversity <sup>(15)</sup>, by focusing on entry points at three stages of the public procurement cycle: before (pre-procurement), during (procurement) and after (post-procurement) (Figure 1).



© Chiara Luxardo

### 1.1.1. Pre-procurement stage

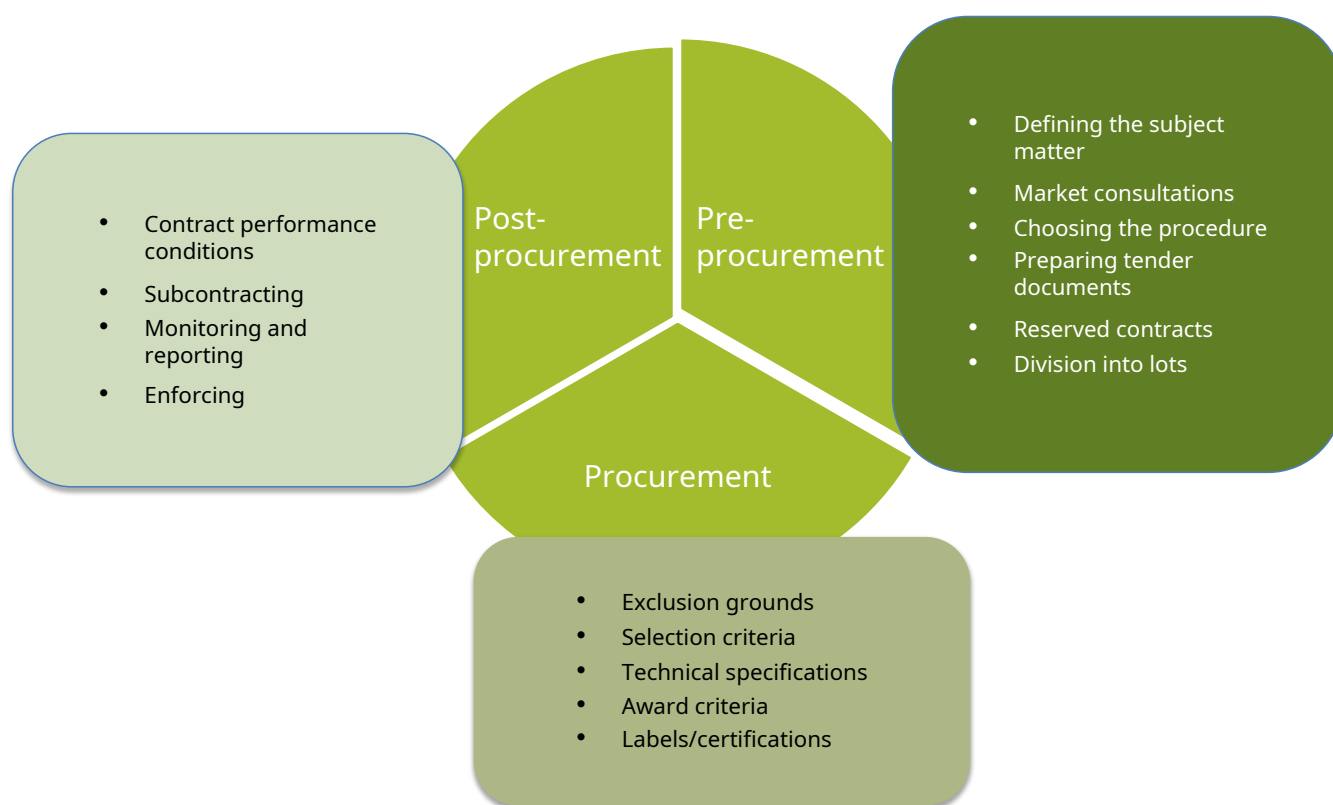
Prior to launching a tender, contracting authorities undertake various preparatory activities. Pre-procurement represents perhaps the most important stage of implementation of GRPP, as it determines the way in which the authority will interact with the market to obtain the goods, services or works it needs. Once a procedure is launched, there is less scope to include new elements, and more rigid rules apply. While the procurement directives do not strictly regulate the pre-tender stage, care is needed to ensure that activities do not prejudice the procedure, for example by giving any operator an unfair advantage or disadvantage. In this way, the Treaty on the Functioning of the European Union (TFEU) principles of transparency and equal

<sup>(12)</sup> EIGE, 2022.

<sup>(13)</sup> In addition to the three EU procurement directives, this report considers the application of principles set out in the TFEU, namely the free movement of goods and services, the freedom of establishment, mutual recognition, non-discrimination and equal treatment, transparency, and proportionality (Articles 18, 26, 28, 34, 49, 53 and 56 of the TFEU), and the financial regulation.

<sup>(14)</sup> References in this chapter are to articles in Directive 2014/24/EU. Except where noted, equivalent provisions exist under Directive 2014/25/EU, Directive 2014/23/EU and the financial regulation.

<sup>(15)</sup> When referring to 'women and men', this report considers the lived realities of women and men in their diversity. While the term 'lived realities' is meant to recognise differences between women and men, the addition of the phrase 'in their diversity' recognises how other characteristics such as age, socioeconomic situation, disability, race, ethnicity, religion and rural or urban location also affect women and men in their lived realities (e.g. the lived reality of a young woman living in a rural area of Sweden will be very different from that of an older woman living in an urban area of Spain) (EIGE, 2020, 2022).

**Figure 1. The public procurement cycle and entry points for GRPP**

treatment must be respected in all interactions with bidders.

Pre-procurement is the stage when an authority reflects on whether or not the new contract has a gender perspective. **Preliminary market consultation** can be used to scope out the market capacity to deliver gender-responsive outcomes, as well as to refine the contracting authority's objectives. Meetings may be held with potential bidders, users, gender equality bodies and experts, consultants, and/or others with a particular interest in the outcome of the tender. More formal consultation sometimes takes the form of a supplier/user questionnaire or survey. The outcomes of the consultation can then be discussed with prospective bidders to identify any issues to be resolved prior to launching the tender.

Contracting authorities are free to define the **subject matter** of their tenders and may choose to explicitly include gender elements in the title and description of the contract. At the pre-

tender stage, contracting authorities can consider how their purchase may affect the lived realities of women and men differently, and can address this in the subject matter. EIGE's toolkit for implementing GRPP includes a decision tree tool to assess the gender relevance of a public contract<sup>(16)</sup>. The Belgian Institute for the Equality of Women and Men has provided both a checklist for communication, and guidance on how contracts can be defined in a gender-sensitive way<sup>(17)</sup>. One example given is of a contract for mobility services, an area in which the needs and behaviour patterns of women and men may differ (e.g. in their use of public transport, typical journeys and safety considerations). In this case, the subject matter of the contract might explicitly refer to these different needs. The choice of subject matter also plays a role in determining the scope of GRPP criteria that can be applied within the procedure, owing to the link to the subject matter requirement (see the box entitled 'Link to the subject matter requirement' in Section 1.1.2).

<sup>(16)</sup> EIGE, 2022.

<sup>(17)</sup> Institute for the Equality of Women and Men, 2018a,b.

Directive 2014/24/EU defines **six separate procedures** for the award of contracts <sup>(18)</sup>: open procedures, restricted procedures, competitive procedures with negotiation, competitive dialogue, innovation partnership and design contest. While GRPP may be applied in any of these procedures, the open and restricted procedures require a greater degree of certainty regarding the market's capacity to respond, as they are less flexible than the others. This makes the use of preliminary market consultations particularly important when authorities choose to implement GRPP using these procedures.

The competitive dialogue procedure allows bidders to propose different solutions that respond to a defined need, which are then refined in consultation with the contracting authority. The innovation partnership procedure allows a structured and phased contract to be awarded to one or more partners to carry out research and development, prototyping and testing of a new product or service to meet public sector needs. The contracting authority can then purchase the outcome on a commercial scale. While no examples of the use of innovation partnerships to specifically address gender equality have been identified, there is potential for this procedure to support research and development of gender-responsive services, infrastructure or technology to meet public needs.

The 2014 procurement directives introduced what is known as the **light regime** for social and other specific services <sup>(19)</sup>. The services covered include health and social care, education and training, community and cultural services, and events organisation. A higher threshold and less rigid rules apply than for other goods and services, and some of these services can be reserved for social enterprises under Article 77 of Directive 2014/24/EU.

For GRPP, light regime contracts may allow a more collaborative approach to developing tender requirements and engaging with bidders, for example when a service is co-designed with one or more social enterprises/charities. This can help to ensure that gender elements are fully reflected in the subject matter and structure of the contract (e.g. that health services for women are delivered in a way that meets their needs). As many of the sectors covered by the light regime predominantly employ women, there is also an opportunity to set criteria relating to pay and working conditions that would improve the gender pay gap and work-life balance.

'Reserving' a contract means that only businesses that meet the relevant conditions can bid for that particular contract. Two separate types of **reservation** are available under the procurement directives. The first type allows any contract to be reserved for competition among workshops, operators or programmes whose main aim is the social and professional integration of workers with disabilities or disadvantaged workers, provided that at least 30 % of the employees have disabilities or are disadvantaged <sup>(20)</sup>. With this type of reservation, it would also be possible to promote the social and professional integration of women who suffer from multiple discrimination (women with disabilities, migrant women, women who are long-term unemployed, etc.). While this provision is used more and more to promote the social and professional integration of workers with disabilities or disadvantaged workers, gender aspects are often neglected.

The second type of reservation allows certain service contracts (e.g. health, social or education services) to be reserved for organisations that have a public service mission and that meet conditions regarding their governance. Organisations covered by this reservation may include social economy enterprises, employee-led mu-

---

<sup>(18)</sup> In addition to these procedures, both Directive 2014/25/EU and the financial regulation allow for use of the negotiated procedure with prior publication, and the financial regulation allows for expressions of interest in below-threshold tenders.

<sup>(19)</sup> As set out in Articles 74–77 of Directive 2014/24/EU.

<sup>(20)</sup> The term 'disadvantaged worker' is not defined in the directives, but guidance from the European Commission (see European Commission, 2021) suggests that this may include the under-represented sex in a sector with a high gender imbalance or a single adult living with one or more dependants.

tual societies and charities <sup>(21)</sup>. While reservations may in theory help to address gender inequality in procurement, there is no equivalent in EU law of set-asides for women-owned businesses: these set-asides exist, for example, in US federal procurement law.

Dividing contracts into smaller **lots** can help to ensure a wide range of bidders, including small and medium-sized enterprises (SMEs) and social enterprises, and potentially to include more women-led businesses <sup>(22)</sup>. It can also facilitate the use of a reservation for one or more lots. Division into lots is voluntary under the procurement directives, although buyers must explain their decision in the tender report if lots are not used. Division into lots does not in itself promote GRPP unless additional measures such as market engagement, reservations or award criteria including gender-sensitive considerations are used.

Finally, contracting authorities must prepare **tender documents** for publication prior to launching the procedure. These typically comprise several documents setting out exclusion and selection criteria, specifications, award criteria and contract terms, as well as the contract notice, which must be published on Tenders Electronic Daily <sup>(23)</sup>. In addition to the explicit inclusion of GRPP criteria, tender documents may influence the gender outcomes of a tender in other ways. For example, the use of gender-inclusive language to refer to bidders and staff assigned to a contract and a statement regarding the gender impact of the contract and the expected outcomes could be important. Drawing specific attention to the GRPP criteria included, and explaining them clearly, increases the likelihood of good-quality responses to these criteria.

## 1.1.2. Procurement stage

Contracting authorities may choose to include one or more criteria addressing GRPP in their tenders. The types of criteria that can be applied at each stage and the evidence that can be requested are regulated by the procurement directives. All criteria must be **linked to the subject matter of the contract** (see the following box), meaning they must be specific to the goods, services or works that the public body is purchasing, rather than concerned with general policies or practices of the bidding company <sup>(24)</sup>.

### Link to the subject matter requirement

Under the EU public procurement directives, all of the criteria applied in tenders must be linked to the subject matter of the contract. This means that they cannot concern general corporate policies or practices of bidding companies, but must be specific to the goods, services or works that are being purchased. This distinction is important when formulating **award criteria** to address gender equality issues. For example, it would be possible to have a criterion that specifically concerns **gender equality** in recruitment and staffing for the purposes of the contract being awarded. It may not be possible to award more marks to a company on the basis of its overall **gender balance**, as this would go beyond what is relevant to the contract. There is some doubt about the interpretation of the subject matter link owing to limited case-law from the Court of Justice of the European Union. In some cases, a general policy or practice may serve as evidence in relation to a more specific criterion, but it is the application to the individual contract that matters.

<sup>(21)</sup> By contrast, the financial regulation does not provide for the possibility to reserve contracts.

<sup>(22)</sup> While the majority of businesses owned and operated by women are SMEs, many of these are active in sectors such as retail and personal services, which are not relevant to public procurement (see Rimmer, 2017, p. 17).

<sup>(23)</sup> This requirement applies in respect of tenders valued above the EU thresholds. Tenders below these thresholds are typically published on national portals.

<sup>(24)</sup> Recital 97 and Article 67(3) of Directive 2014/24/EU.

**Exclusion criteria** concern the conduct and character of bidding companies and relate to serious problems or misconduct. Several of the exclusion grounds set out in Article 57 of Directive 2014/24/EU are relevant to GRPP:

- mandatory exclusion for people trafficking / child labour,
- non-payment of tax or social security,
- non-compliance with applicable social or labour law or collective agreements.

Depending on the circumstances, other grounds, such as corruption, misrepresentation or poor prior performance, may be relevant. However, as compliance with exclusion grounds is generally evaluated by way of a self-declaration<sup>(25)</sup>, there is often no investigation into the conduct of a bidder or its subcontractors in areas such as compliance with equal pay law<sup>(26)</sup>. Bidders may be excluded for a maximum of 5 years from the date of a conviction or 3 years from the date of the relevant misconduct when there is no conviction<sup>(27)</sup>. In addition, bidders must be given the chance to ‘self-clean’, by demonstrating the measures they have taken to address the misconduct, in which case the exclusion may be lifted<sup>(28)</sup>.

**Selection criteria** may address legal capacity, financial and economic standing, technical ability (including experience), and professional skills and qualifications. For GRPP, there are two main considerations:

1. taking account of specific skills, experience and technical capacity to implement gender aspects of the contract;
2. not erecting barriers to participation of ‘non-traditional’ contractors, which may in-

clude SMEs, women-owned businesses and social enterprises.

An example of the first type of criterion would be a requirement, in a contract to deliver community health services, for bidders to demonstrate prior experience in reaching both women and men and addressing their respective health issues. An example of the second type of criterion would be removing or lowering the annual financial turnover required to allow smaller organisations and those operating as social enterprises to bid. This would need to take account of the specific financial risks associated with delivering the contract.

Selection criteria should be tailored to the specific contract and should be proportionate to the requirements. However, many authorities apply a generic approach to selection and are reluctant to introduce new criteria. This may limit the extent to which GRPP selection criteria are applied. There can also be a perceived risk of legal challenge from bidders who are not selected, who may focus on any unfamiliar criteria such as those linked to GRPP.

**Technical specifications** set the mandatory requirements for the goods, services or works being purchased. They may be formulated by reference to standards or be performance-based, or some combination of these approaches. Under the 2014 procurement directives, there is no explicit authorisation for specifications to address social characteristics, unlike award criteria and contract clauses. Despite this, when gender elements have been included in the subject matter of the contract, the specifications will also reflect this. For example, in a contract for social housing, the contracting authority should consider how the planning and design may affect the lived realities of women and men, in their diversity, differently. This could include safety issues (e.g. lighting and visibility),

---

<sup>(25)</sup> Under Article 59 of Directive 2014/24/EU, contracting authorities must accept a self-declaration as preliminary evidence, but may request supporting documents at any stage when this is needed.

<sup>(26)</sup> The proposed directive on pay transparency includes an article on equal pay matters in public contracts and concessions. However, the provision does not require proactive investigation by contracting authorities in relation to breaches of equal pay obligations in previous contracts (see Section 1.2).

<sup>(27)</sup> Article 57(7) of Directive 2014/24/EU.

<sup>(28)</sup> Article 57(6) of Directive 2014/24/EU.

access to transport, employment and childcare, or the height or layout of facilities. These could all form part of the technical specifications.

**Award criteria** determine the outcome of a tender competition and are a key tool for addressing gender issues in the delivery of public contracts. Contracts must be awarded on the basis of the ‘most economically advantageous tender’, but contracting authorities are free to define and apply a range of qualitative criteria, which may address social considerations and also target innovation. For example, in the Basque Country (Spain), a minimum of 5 % of the marks under the award criteria must address gender equality<sup>(29)</sup>. Under Article 67 of Directive 2014/24/EU, award criteria must be linked to the subject matter of the contract, ensure the possibility of effective competition and be published in advance, and may not confer an unrestricted freedom of choice on the contracting authority.

To verify compliance with specifications or performance under award criteria, contracting authorities may request that bidders provide a third-party **label or certification**. In the GRPP context, certain labels may assist companies in implementing gender equality measures and monitoring progress. For labels or certifications to be requested in tenders, they must meet certain minimum transparency standards, be based on objective criteria and be available to all operators who meet the criteria (e.g. not only those in a particular country or region)<sup>(30)</sup>. For example, in Malta, an ‘equality mark’ has been developed and made available to organisations that take specific steps to further gender equality, relating to recruitment, training, promotion, equal pay, family-friendly policies and equal access to goods and services<sup>(31)</sup>. As of February 2022, approximately 110 organisations had achieved this certification, in sectors ranging from cleaning and security services, through banking and consultancy, to pharmacies and medical supplies.

### 1.1.3. Post-procurement stage

At the post-procurement stage, public bodies must apply the contract performance conditions that they have set out in the tender documents and agreed with the successful bidder. Under Article 70 of Directive 2014/24/EU, these may include (inter alia) social or employment-related considerations. Recital 98 of Directive 2014/24/EU states that:

*Contract performance conditions might also be intended to favour the implementation of measures for the promotion of equality of women and men at work, the increased participation of women in the labour market and the reconciliation of work and private life ...*

**Contract performance conditions** can be a key entry point for GRPP. For example, clauses may relate to recruitment, promotion, equal pay, training or gender mainstreaming in the delivery of supplies/services. In addition to basic compliance with legislation, contract clauses may require gender actions that are specific to the contract. The requirement for a link to the subject matter means that contract performance conditions cannot be used to enforce general corporate requirements on the contractor that go beyond the activities under the contract.

When GRPP contract performance clauses are included, these may be accompanied by provisions allowing for monitoring, reporting and enforcement of the specific commitments made. **Monitoring** may be carried out by the contractor itself (including in relation to any of its subcontractors), by the public body or, in some cases, by means of third-party audits or inspections (e.g. to confirm compliance with equal pay, working conditions or whistle-blowing provisions).

Gender equality bodies may also play a role in monitoring and reporting on GRPP. A detailed example of interinstitutional cooperation on

<sup>(29)</sup> See Section 3.1.2 for the case study on the integration of the gender perspective in public procurement in the Basque Country.

<sup>(30)</sup> Article 43 of Directive 2014/24/EU.

<sup>(31)</sup> See [https://ncpe.gov.mt/en/Pages/The\\_Equality\\_Mark/The\\_Equality\\_Mark.aspx#](https://ncpe.gov.mt/en/Pages/The_Equality_Mark/The_Equality_Mark.aspx#) for the full list of criteria and details on the application process.



equality clauses in public procurement, which includes monitoring and evaluation of the clauses from Emakunde, the Basque Institute for Women (Spain), is presented in Section 3.1.2.

Article 71 of Directive 2014/24/EU sets out provisions to ensure visibility and accountability within **subcontracting** arrangements in public contracts. Depending on the subject matter of the contract, supply chains may stretch across the globe and involve many different sectors. Gender issues may be particularly relevant for contracts with a high proportion of low-paid workers in developing countries, such as in textiles, food production and certain manufactured goods industries. These issues may also arise in contracts with an outsourced service element that may be provided overseas, such as call centres, information technology (IT) support and translation services. The example of Statistics Poland, which applies contract performance conditions requiring compliance with the Inter-

national Labour Organization (ILO) core conventions throughout the supply chain that are relevant for GRPP, is presented in Section 3.2.4.

Finally, the 2014 procurement directives include a number of provisions relating to **reporting** on contract awards and providing **statistics** to the European Commission <sup>(32)</sup>. While these provisions include reporting on the number of contracts awarded to SMEs, there is currently no requirement to report on gender aspects of contracts, for example the proportion awarded to women-led businesses. It could be argued that a legal basis for enhancing reporting and statistics on GRPP lies in Article 83 of Directive 2014/24/EU, which empowers the Commission to request national reports on the implementation of strategic public procurement once every 3 years. The table below summarises the opportunities for GRPP under the 2014 EU procurement directives.

**Summary of the entry points for GRPP under the current EU legal framework on public procurement**

Pre-procurement stage	Procurement stage	Post-procurement stage
Undertaking <b>needs assessment and consultation</b> with potential bidders, users, consultants and non-governmental organisations to identify gender impacts of the contract	Applying <b>exclusion grounds</b> to reject bidders who have violated equality obligations or who have a poor record on gender equality issues	Applying <b>contract performance conditions</b> that require specific actions related to gender equality
Defining the <b>subject matter</b> of the contract to include gender aspects	Applying <b>selection criteria</b> to choose bidders with the capacity to implement GRPP and avoid barriers	Setting up <b>monitoring and reporting</b> on GRPP clauses
Choosing a <b>procedure</b> that best allows GRPP elements to be addressed	Devising <b>technical specifications</b> that reflect gender aspects of the contract	Requiring GRPP clauses to be applied by <b>subcontractors</b>
Deciding whether to use the <b>light regime, reservations or lots</b> to promote greater participation of women-owned or -operated businesses	Applying <b>award criteria</b> that target specific gender issues in the delivery of the contract and encourage innovation from bidders	Enforcing compliance with GRPP clauses through the application of <b>contractual remedies</b>
Preparing <b>tender documents</b> using gender-inclusive language and highlighting GRPP aspects	Requesting third-party <b>labels or certifications</b> that attest to performance on gender equality or related areas	Collecting <b>statistics</b> on GRPP, including the percentage of contracts awarded to women-owned businesses, gender pay data, etc.

<sup>(32)</sup> Articles 83–86 of Directive 2014/24/EU.

## 1.2. Challenges for gender-responsive public procurement under EU procurement law

### 1.2.1. Lack of mandatory provisions

With the exception of compliance with the obligations set out in Article 18(2) of Directive 2014/24/EU, the implementation of all of the measures discussed above is voluntary for contracting authorities. In some cases, it is possible to go further in national or regional law, for example to require reservations or lots to be used for certain types of contract. There are a few examples of national laws requiring gender aspects to be taken into account in procurement (see Section 2.1), but this remains rather marginal in practice. Under the procurement directives, there is no clear compulsion for public bodies to take gender impacts into account, although arguably this is required under the EU treaties and the Charter of Fundamental Rights. Unfortunately, because such obligations are not specifically incorporated into the procurement directives, they are unlikely to be applied in practice.

### 1.2.2. Uncertainty regarding existing provisions

In addition to the lack of mandatory provisions in the procurement directives, contracting authorities may be uncertain about the legality of some forms of GRPP. This is due not only to the lack of any explicit reference to gender issues in the procurement directives (with the exception of recital 98 of Directive 2014/24/EU), but also to the complexity associated with public procurement law. Several ‘grey areas’, in which there is an absence of case-law to clarify the interpretation of the directives, are particularly relevant, as set out below.

#### **To what extent can evidence regarding equal pay and gender balance in a bidding company be taken into account?**

The key constraint here is the link to the subject matter requirement. However, there is uncertainty regarding the way in which this applies in practice, and to date there has been only one case in which the Court of Justice of the European Union held that the requisite link was absent<sup>(33)</sup>. So, for example, when a company submits evidence of gender balance within its overall workforce, can this be taken into account for the purpose of evaluating more specific equality commitments within the contract being awarded, or can contracting authorities consider evidence of gender balance only in respect of the specific contract being awarded? Further case-law may help to clarify these questions. In addition, the proposed directive on pay transparency would create a discretionary exclusion based on failure to comply with pay transparency obligations or a pay gap of more than 5 % in any category of workers that is not justified by the employer on the basis of objective, gender-neutral criteria. The term ‘any category of workers’ suggests that the scope of compliance is not limited to workers assigned to the contract. However, the corresponding obligation to observe equal pay in the performance of public contracts does appear to be limited to those workers directly involved in delivering the contract, rather than applying to the broader workforce of the contractor or its subcontractors.

#### **To what extent can wages or other terms of employment that go beyond legal minimum requirements be enforced in public contracts?**

One possible approach to GRPP would be for contracting authorities to specify the payment of wages above the legal minimum in public contracts, particularly when procuring from sectors typically employing a high proportion of women on low wages (e.g. care services, cleaning and temporary office staff). However, the procurement directives refer to Directive 96/71/EC, concerning the posting of workers in the frame-

<sup>(33)</sup> Case C-448/01 *EVN AG and Wienstrom GmbH v Republic of Austria* [2003] ECR I-14527. The case concerned a contract for the purchase of electricity, in which the contracting authority awarded marks to suppliers based on their overall capacity to deliver renewable electricity, beyond the requirements under the contract.

work of the provision of services<sup>(34)</sup>, as setting a ‘ceiling’ for the employment terms that may be enforced in public contracts<sup>(35)</sup>. Directive 96/71/EC aims to protect the free movement of workers, while also avoiding ‘social dumping’, whereby a low-wage workforce is used to undercut labour standards in a host country. In a series of prominent decisions, the Court of Justice of the European Union held that this limited the terms that could be applied in public contracts, even when no posting of workers took place<sup>(36)</sup>. While revisions to Directive 96/71/EC adopted in 2018 have extended the terms that may be enforced, there is still uncertainty regarding the ability of public bodies to insist on a ‘living wage’ or other measures not embedded in legislation or in generally applicable collective agreements.

### **Can international commitments to gender equality be enforced in public procurement?**

EU Member States have committed to various international instruments addressing gender equality and discrimination, including ILO Convention 190 on violence and harassment at work, ILO Convention 183 on Maternity Protection, the Istanbul Convention on violence against women and the Convention on the Elimination of All Forms of Discrimination Against Women. In some cases, these require governments to implement gender equality measures throughout their policies, which could include budgeting and procurement. However, there is a lack of clarity regarding the specific application of such commitments to individual tender procedures. For example, could a bidder be eliminated for failing to comply with ILO Convention 190? This is not included in the list of international instruments referred to in Article 18(2) of Directive 2014/24/EU, so it appears this could be done only when the convention

has been implemented in national law<sup>(37)</sup>. A requirement to abide by the convention in the delivery of the contract could be included in contract performance conditions in other cases. Such an obligation could also be extended along the supply chain in accordance with Article 71 of Directive 2014/24/EU. For example, in a contract for information and communications technology (ICT) equipment, the contractor could be obliged to report on compliance with ILO Convention 190 throughout its supply chains, and to provide evidence of third-party audits where relevant<sup>(38)</sup>.

### **1.2.3. Gender mainstreaming in the light of intersectionality and policy focus**

Procurement strategies typically address a broad range of objectives, including value for money, security of supply, innovation, and environmental and social aims. There is often a lack of understanding of the specific role that procurement can play in furthering gender equality, as well as the links between some gender issues (e.g. low wages in sectors primarily employing women) and other objectives such as tackling poverty<sup>(39)</sup>. Gender equality thus may be perceived as a secondary aim by some national governments or contracting authorities.

Gender mainstreaming involves the integration of a gender perspective into every stage of each policy intervention: design, planning, implementation, monitoring and evaluation of policies, regulatory measures, and spending programmes. It also promotes the mainstreaming of gender into institutional structures –

<sup>(34)</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, OJ L 18, 21.1.1997, p. 1–6.

<sup>(35)</sup> Recitals 37 and 98 of Directive 2014/24/EU, referring to Directive 96/71/EC.

<sup>(36)</sup> Case C-346/06 *Dirk Ruffert v Land Niedersachsen* [2008] ECR I-01989; case C-549/13 *Bundesdruckerei GmbH v Stadt Dortmund* [2014]; and case C-115/14 *RegioPost GmbH & Co. KG v Stadt Landau in der Pfalz* [2015].

<sup>(37)</sup> Article 18(2) of Directive 2014/24/EU requires enforcement of all applicable national and EU social and labour law in the performance of public contracts; therefore, when an international instrument has been implemented in national law (regardless of whether this forms part of procurement law) it should be enforced. In terms of international law, only the eight core ILO conventions are referred to as being directly enforceable under Article 18(2).

<sup>(38)</sup> See Section 3.2.4 for the case study on the implementation of fundamental labour standards in IT supply chains in Poland.

<sup>(39)</sup> See EIGE, 2017a, for further information.

that is, supporting the equal participation of women and men at all levels within the organisation<sup>(40)</sup>.

Intersectionality refers to the ways in which sex and gender intersect with other social categorisations such as race, ethnicity, class, socio-economic background and poverty with regard to a given individual or group, and how these intersections contribute to unique experiences of discrimination and can create overlapping and interdependent systems of discrimination or disadvantage<sup>(41)</sup>. The EU's gender equality strategy for 2020–2025<sup>(42)</sup> states that gender mainstreaming and intersectionality of gender with other grounds of discrimination will be addressed across EU policies.

Addressing these issues requires governments and public administrations to 'join the dots' between gender equality, procurement policy and other social or economic objectives pursued via procurement and budgeting. It may also require dedicated training and resources for procurement officers and officials, and strengthening the communication between those bodies responsible for gender equality and those responsible for procurement. An example of successful communication is seen in the City of Munich, where cooperation between its Gender Equality Department and Central Procurement Office led to the development of GRPP criteria and clauses that have been included in training materials<sup>(43)</sup>. Other examples can be seen in places such as the Brussels Region<sup>(44)</sup> or at local level in Sweden<sup>(45)</sup>, where political priority has been given to a specific instrument, namely the European Charter for Equality of Women and Men in Local Life<sup>(46)</sup>.

#### 1.2.4. Lack of data and reporting

Data on GRPP are not widely available. Directive 2014/24/EU sets minimum requirements regarding the monitoring of procurement at Member State level, and also empowers the Commission to monitor strategic procurement and to report on this every 3 years<sup>(47)</sup>. At EU level, there is no tracking of GRPP either in official statistics or in reports on strategic procurement. At national level, more comprehensive systems may be in place to collect statistics on socially responsible public procurement (SRPP), which could include tracking gender issues. However, the mapping exercise identified few examples of countries that collect data on GRPP implementation, outcomes or impact<sup>(48)</sup>. In other jurisdictions, such as the United States, data on the percentage of public contracts awarded to women-owned businesses have helped to build the case for amending the legal framework to enable GRPP.

The lack of data on GRPP is reflective of a more general lack of reliable and meaningful data on the outcomes of tenders and, to an even greater degree, the outcomes of contracts. This has been identified, for example, by the European Court of Auditors in relation to procurement carried out by EU institutions. It recommended that all EU institutions should collect and analyse data on a procedure-by-procedure basis, as this would facilitate monitoring the accessibility of their procurement activities<sup>(49)</sup>.

<sup>(40)</sup> EIGE, 2017a,b.

<sup>(41)</sup> See <https://eige.europa.eu/thesaurus/terms/1263> for more information on intersectionality.

<sup>(42)</sup> European Commission, 2020a.

<sup>(43)</sup> See Section 3.1.6 for the case study on mainstreaming GRPP through procurement training in Munich.

<sup>(44)</sup> See Section 3.1.4 for the case study on the impact of gender equality training and reports on tendering procedures in Belgian municipalities.

<sup>(45)</sup> See Section 3.1.3 for the case study on new guidelines and a toolkit to help local authorities mainstream gender equality in Sweden.

<sup>(46)</sup> See <https://charter-equality.eu/> for more information on the charter.

<sup>(47)</sup> Article 83 of Directive 2014/24/EU.

<sup>(48)</sup> See Section 3.1.1 for the case study on Spain as the most advanced ecosystem for GRPP at national level.

<sup>(49)</sup> European Court of Auditors, 2016.

### 1.2.5. Lack of support for positive action for women-owned businesses: comparison with other public procurement legal regimes

As described in Section 1.1 on the opportunities for GRPP, the EU procurement directives offer numerous opportunities to implement GRPP both through the application of specific criteria as part of the tender procedure and in the pre- and post-procurement stages. However, there are also restrictions that do not apply under other legal regimes. This can be illustrated through a comparison with two other prominent regimes: the **World Trade Organization Government Procurement Agreement (GPA)** and **US federal procurement law**. The GPA is a plurilateral agreement covering some 47 countries (including the EU-27), which sets basic conditions regarding non-discrimination and transparency in government procurement. While both the scope of coverage (in terms of goods and services) and the level of detail are less than under the EU procurement directives, the GPA sets minimum requirements that must be respected by all parties, with the aim of allowing mutual market access. Unlike the EU directives, the GPA makes no explicit reference to social considerations, and also lacks any equivalent to the reservations or transversal social clause. While this does not mean that such measures are prohibited, countries that closely model their procurement law on the GPA may fail to recognise the opportunity for gender equality to be addressed via procurement, owing to the lack of an explicit legal basis.

In contrast, US federal procurement law provides for both **set-asides** and **sole sourcing** from women-owned small businesses. A set-aside award is a contract in which only certain contractors may compete, whereas a sole-source award is a contract awarded without competition. To be eligible for the programme, a firm has to be 51 % owned and controlled by one woman or more, and primarily managed by one woman or more. In 1994, a target was set for 5 % of procurement spending by federal agencies to be with women-owned small businesses, and this was finally achieved in 2015 <sup>(50)</sup>. The process for reaching this target involved extensive engagement with women-owned businesses and capacity building, in addition to the legislation, which has been refined over time. While the overall percentage of spending with women-owned small businesses was still only just above 5 % in 2019, this figure was less than 2 % in 1995 <sup>(51)</sup>.

Under EU procurement law, reservations are akin to set-asides; however, these do not explicitly relate to women-owned or -controlled businesses. Sole sourcing is possible only in certain exceptional circumstances when it is not possible to hold a competition, and cannot be justified based on the desire to increase spending with certain types of businesses <sup>(52)</sup>. It can therefore be said that the EU legal framework offers less support than US federal procurement law when it comes to positive action for women-owned businesses. It should be noted, however, that the evidence regarding the efficacy of set-asides in supporting gender equality is inconclusive <sup>(53)</sup>,

<sup>(50)</sup> Bisceglie et al., 2017.

<sup>(51)</sup> Dilger, 2020.

<sup>(52)</sup> Article 32 of Directive 2014/24/EU specifies the situations in which the negotiated procedure without prior publication may be used (e.g. in situations of extreme urgency or when competition is absent).

<sup>(53)</sup> Rimmer, 2017, p. 6.

and such policies are unlikely to work in the absence of broader capacity building for women-owned businesses in relevant sectors to participate in public tenders. Together with gender mainstreaming, affirmative, positive or specific action is one of the two approaches to gender equality implemented by the EU. These actions

are targeted at a particular group and are intended to eliminate and prevent discrimination or to offset disadvantages arising from existing attitudes, behaviours and structures. In some cases, discrimination is found to occur because the same rule is applied to everyone without consideration for relevant differences <sup>(54)</sup>.



© Chiara Luxardo

<sup>(54)</sup> See [https://eige.europa.eu/gender-mainstreaming/concepts-and-definitions#Affirmative\\_action](https://eige.europa.eu/gender-mainstreaming/concepts-and-definitions#Affirmative_action) for more information on affirmative action.

## 2. State of play: gender-responsive public procurement in the EU

In its research on GRPP, EIGE mapped laws, policy initiatives, support structures, monitoring systems, capacity-building programmes, guidelines, and procurement procedures relevant for GRPP at EU and national levels. The mapping was followed by an analysis of the interrelations between legal, regulatory and policy frameworks in the domains of public procurement, and gender equality and mainstreaming, and was complemented with an assessment of the level of awareness or institutionalisation of GRPP in the EU and its Member States <sup>(55)</sup>.

This chapter highlights 10 key findings.

### 2.1. Key finding 1: Legal frameworks on public procurement at European and national levels very rarely refer to gender equality as a specific objective

#### 2.1.1. EU level

Directive 2014/24/EU and the financial rules applicable to procurement by EU institutions and under the general budget of the EU (the financial regulation) allow for many possibilities to implement GRPP, although gender equality is not specifically mentioned as an objective, and only in recital 98 of Directive 2014/24/EU is gender equality referred to, namely as a possible example of a contract performance condition. This absence of broader legal links between public procurement and gender equality has contributed to an overly narrow interpretation by pro-

urement officers at all levels of when and how gender aspects can be included throughout the public procurement cycle.

#### 2.1.2. EU Member States

Most national public procurement laws do not refer to gender equality as a specific objective. Exceptions to this include Estonia, Greece, Spain, France, Austria and Portugal, as well as a region in Germany and most of the regions in Spain.

Most Member States have transposed the SRPP-relevant articles of Directive 2014/24/EU into national law, closely following the text of the directive. For this reason, many transposition laws mention gender equality only as an example of a social objective that can be achieved by means of contract performance conditions. SRPP provisions allow for gender considerations to be taken into account, although their use is not binding on awarding authorities and relies heavily on the discretionary power of authorities and therefore on levels of awareness and capacity.

There are a few exceptions, such as **Spain**, which relies on Directive 2014/24/EU, but goes further in addressing some of the structural problems of gender inequality in the country. Spanish Law No 9/2017 on public sector contracts <sup>(56)</sup> incorporates the principle of equality between women and men in a comprehensive manner and goes much further than Directive 2014/24/EU by, for example, adding a mandatory and cross-cutting duty to include social criteria (not specifically gender criteria) in all public contracts (Article 1.3). This has had a multiplying effect and, at regional level, almost three quarters

<sup>(55)</sup> For the purposes of this overview, the cut-off date is 1 March 2021.

<sup>(56)</sup> Law No 9/2017 on public sector contracts of 8 November 2017 (<https://www.boe.es/buscar/act.php?id=BOE-A-2017-12902>).

of the regions now have provisions on gender equality in their public procurement laws <sup>(57)</sup>.

Likewise, the **Austrian** act on public procurement <sup>(58)</sup> provides that, in a procurement procedure, consideration may be given to the employment of women, people in training, people who are long-term unemployed, people with disabilities and older workers, as well as to measures to address other sociopolitical concerns.

In **Estonia**, Article 85 of the act on public procurement <sup>(59)</sup> provides for award criteria that include gender aspects.

The **Greek** public procurement law <sup>(60)</sup> mentions the promotion of gender equality as one of the social considerations that can be included in award criteria (Article 86) and in contract performance conditions (Article 130).

Although without specifically mentioning it, in **France**, the code on public procurement <sup>(61)</sup> addresses discrimination against women by providing that conditions for performance can be related to combating discriminations (Article L2112-2). The code sets out that, for contracts awarded on the basis of the most

economically advantageous tender, criteria linked with diversity can be taken into account (Article R2152-7). The provisions set by the real equality law <sup>(62)</sup> to exclude from procurement processes tenderers convicted of discrimination in the previous 5 years have been transposed into the public procurement framework <sup>(63)</sup>. In addition, the laws on the social economy and solidarity and on the energy transition set out a plan to make responsible purchasing mandatory in certain circumstances. The obligation to adopt a scheme to promote socially and environmentally responsible public procurement applies to local authorities with public procurement exceeding EUR 100 million per year <sup>(64)</sup>.

In **Portugal**, the code on public procurement <sup>(65)</sup> has a specific clause concerning gender equality, as well as social responsibility and the environment, noting that these are aspects that can be considered in the performance of the contract. This creates an opportunity for inclusion of GRPP in public procurement contracts.

In **Germany**, at national level, there are no laws specifically mentioning gender equality. At federal level, Bavaria has a state ordinance on equal pay for women and men in the awarding of public contracts <sup>(66)</sup>.

<sup>(57)</sup> See Section 3.1.1 for the case study on Spain as the most advanced ecosystem for GRPP at national level.

<sup>(58)</sup> Act No 65/2018 on public procurement of 18 April 2018, Article 20, paragraph 6, and Article 193, paragraph 6 (<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20010295>).

<sup>(59)</sup> Public procurement act of 14 June 2017, Articles 2(2), 77(4) and 85 (<https://www.riigiteataja.ee/en/eli/505092017003/consolide>).

<sup>(60)</sup> Law No 4412/2016 on the public procurement of projects, supplies and services of 8 August 2016, Article 86, paragraph 3, and Article 130, paragraph 3 (<https://www.eaadhsy.gr/n4412/>).

<sup>(61)</sup> Public procurement code of 1 April 2019 ([https://www.legifrance.gouv.fr/codes/texte\\_lc/LEGITEXT000037701019/2019-04-01/](https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000037701019/2019-04-01/)).

<sup>(62)</sup> Law No 2014-873 on real equality of 4 August 2014, Articles 16 and 61 (<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029330832?init=true&page=1&query=Loi+2014-873+Ã>).

<sup>(63)</sup> Amended Article 8 of Ordinance No 2005-649 on public procurement of 6 June 2005 (<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000629820/>).

<sup>(64)</sup> Article 13 of Law No 2014-856 of 31 July 2014 on the social economy and solidarity introduced the obligation to adopt and publish a scheme for the promotion of socially responsible public purchasing. This article was amended by Article 76 of Law No 2015-992 of 17 August 2015 on the energy transition for green growth, which extended this scheme to the promotion of environmentally responsible public procurement. Article 13 of Law No 2014-856 has been codified in Article L2111-3 of the public order code. The scheme to promote responsible purchasing concerns local authorities and their groupings, as well as buyers subject to the public order code that have a legislative status, when the total annual amount of purchases exceeds EUR 100 million excluding tax (see <https://www.code-commande-publique.com/schema-de-promotion-des-achats-publics-socialement-et-ecologique-responsables-l-2111-3/> and [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000037730485/](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037730485/)).

<sup>(65)</sup> Code No 18/2008 on public procurement of 29 January 2008, Article 42, point 6 ([http://www.base.gov.pt/mediaRep/inci/files/ccp2018/CCP-DL\\_111-B.pdf](http://www.base.gov.pt/mediaRep/inci/files/ccp2018/CCP-DL_111-B.pdf)).

<sup>(66)</sup> Bavaria ordinance on equal pay for women and men in the awarding of public contracts of 6 December 2019 ([https://www.stmi.bayern.de/assets/stmi/kub/2019-12-06\\_-\\_rundsreiben\\_an\\_kommunen\\_zu\\_equal\\_pay\\_-\\_kopie\\_.pdf](https://www.stmi.bayern.de/assets/stmi/kub/2019-12-06_-_rundsreiben_an_kommunen_zu_equal_pay_-_kopie_.pdf)).



## 2.2. Key finding 2: Gender equality laws usually do not refer to public procurement as a tool to advance gender equality

### 2.2.1. EU level

Articles 2 and 3(3) of the founding Treaty on European Union, Articles 21 and 23 of the Charter of Fundamental Rights, and Articles 8, 10, 19 and 157 of the TFEU enshrine the core values of the EU, including equality between women and men, freedom and respect for human dignity, and call for gender equality.

Article 8 of the TFEU explicitly requires the EU to ‘eliminate inequalities and promote equality between women and men through all its activities’. In this way, Article 8 of the TFEU provides the legal basis for gender mainstreaming. Article 153 of the TFEU enables the EU to work with Member States to promote labour market equality, and Article 157 of the TFEU requires Member States and the EU to ensure equal pay for equal work or work of equal value.

These obligations also apply to public procurement, although they do not specifically mention it.

### 2.2.2. EU Member States

Analysis of national legislation on gender equality reveals that, in general, provisions of state law on gender equality do not make a link to the legal regime of public procurement.

Exceptions to this are the three Member States whose gender equality laws specifically mention GRPP: Belgium, Spain and Austria. At regional level, almost three quarters of the regional gender equality laws in Spain refer to public procurement laws, and this is also true in two regions in Germany. Furthermore, indirectly, links with public procurement can be found in the equality legislation in France and Italy.

In **Austria**, the 2011 interministerial decree on the sustainable implementation of gender mainstreaming <sup>(67)</sup> states that grants and public procurement are important steering instruments for promoting gender equality.

In **Belgium**, the gender mainstreaming law <sup>(68)</sup> explicitly stipulates that, within the framework of public procurement and grants, equality between women and men must be taken into account and the gender dimension must be mainstreamed.

In **Spain**, the law for effective equality between women and men <sup>(69)</sup> includes references and guidelines on the inclusion of the gender perspective in public contracting.

In two other countries, France and Italy, GRPP is indirectly promoted in equality laws. In **France**, the real equality law <sup>(70)</sup> set the obligation to exclude from procurement processes tenderers convicted of discrimination during the previous 5 years. In **Italy**, the code of equal opportunities between women and men <sup>(71)</sup> does not mention public procurement as a tool, but sets out a clause that allows the exclusion of an economic operator from public contracts for up to 2 years if discrimination is ascertained.

<sup>(67)</sup> Resolution BKA-F140.240/0058-II/1/2011 (<https://www.imag-gmb.at/dam/jcr:0b4bb579-a231-4ad6-97a5-0477d0e8f879/minister-ratsbeschluss20110906.pdf>).

<sup>(68)</sup> Gender mainstreaming law of 12 January 2007, Article 3, paragraph 3 (<https://igvm-iefh.belgium.be/sites/default/files/downloads/loigm.pdf>).

<sup>(69)</sup> Organic Law No 3/2007 for effective equality between women and men of 23 March 2007, Articles 33 and 34 (<https://www.boe.es/buscar/act.php?id=BOE-A-2007-6115>).

<sup>(70)</sup> Law No 2014-873 on real equality of 4 August 2014, Articles 16 and 61 (<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029330832?init=true&page=1&query=Loi+2014-873+Ã>).

<sup>(71)</sup> Code of equal opportunities between men and women of 11 April 2006, Article 41 (<https://www.gazzettaufficiale.it/dettaglio/codici/pariOpportunita>).

In **Germany**, at regional level, there are federal state ordinances in Brandenburg promoting women in employment <sup>(72)</sup>, and in North Rhine-Westphalia <sup>(73)</sup> and Berlin <sup>(74)</sup> on the promotion of women and the reconciliation of work and family life. These three ordinances specifically mention public procurement.

### 2.3. Key finding 3: Strategies and action plans on (socially responsible, strategic or sustainable) public procurement often do not reference gender equality

#### 2.3.1. EU level

EU-level policy has recently seen positive developments in terms of gender equality and public procurement. The second edition of the European Commission's *Buying Social* guide <sup>(75)</sup>, which deals with all aspects of SRPP, refers to gender equality as a specific objective of SRPP and provides guidance in a number of areas.

- Gender equality is mentioned among the objectives of SRPP (e.g. facilitating work-life balance, reducing sectoral and occupational segregation, and ensuring equal treatment in the workplace).
- SRPP is highlighted as a tool to ensure suppliers' compliance with the principle of equal treatment between women and men, including the principle of equal pay for work of equal value, and the promotion of gender equality.

- It is recommended that a risk assessment be carried out for public contracts prior to tendering, which should include an analysis of workforce issues such as equal pay or gender discrimination.
- A reminder is given that Article 18(2) of Directive 2014/24/EU requires public bodies to ensure that contractors comply with all applicable social/labour law in the performance of public contracts, which includes relevant equality laws (as described in Chapter 1), and that compliance is not a choice but an obligation.
- In terms of reservations, it is noted that Article 20 of Directive 2014/24/EU allows contracts to be reserved for enterprises or employment programmes of which at least 30 % of the employees are classified as disabled or disadvantaged. In this context, the European Commission's *Buying Social* guide <sup>(76)</sup> indicates that working in a sector or profession in which the gender segregation in a Member State is higher than the average gender segregation across all economic sectors in that Member State (e.g. 25 %), and belonging to that under-represented sex, may be an indication of disadvantage; other indicators include living as a single adult with one or more dependants, being at risk of poverty or being vulnerable to domestic violence.
- An example is provided of public procurement addressing gender equality considerations, namely the auditing of supplies of cleaning services for compliance with social criteria, including gender criteria, in Catalonia, Spain.

However, there is no strategy to promote SRPP and/or GRPP at EU level.

<sup>(72)</sup> Brandenburg ordinance No 22/1996 on the preferential consideration of companies in the award of public contracts for the promotion of women in employment of 25 April 1996 (<https://bravors.brandenburg.de/de/verordnungen-211802>).

<sup>(73)</sup> North Rhine-Westphalia ordinance No 16/2013 on promoting the reconciliation of work and family life / work-life balance of 31 May 2013 ([https://recht.nrw.de/lmi/owa/br\\_vbl\\_detail\\_text?anw\\_nr=6&vd\\_id=13865&vd\\_back=N254&sg=&menu=1](https://recht.nrw.de/lmi/owa/br_vbl_detail_text?anw_nr=6&vd_id=13865&vd_back=N254&sg=&menu=1)).

<sup>(74)</sup> Berlin ordinance No 19/2011 on the promotion of women and reconciliation of work and family life of 19 July 2011 (<https://www.berlin.de/sen/frauen/recht/landesgleichstellungsgesetz/frauenfoerderverordnung>).

<sup>(75)</sup> European Commission, 2021.

<sup>(76)</sup> European Commission, 2021.

### 2.3.2. EU Member States

Gender equality is mentioned in the public procurement strategies of Spain, France and Sweden only.

In **Spain**, SRPP goes hand in hand with public procurement with a gender perspective<sup>(77)</sup>, and this permeates all of the administrative levels in charge of public procurement. Barcelona's sustainable public procurement objectives plan for 2020–2021<sup>(78)</sup> is an example of a local SRPP strategy heeding gender equality, as it lists the promotion of women's employment among its objectives.

In **France**, the use of public procurement to achieve strategic environmental, social and economic policy goals is relatively well developed. Environmental dimensions have gradually been integrated into procurement law and policy, and the Ministry of Ecology monitors the implementation of green public procurement rules and issues reports and guidance. Social aspects have been addressed in more general terms<sup>(79)</sup>. The national action plan for sustainable public procurement set a target for 25 % of contracts awarded during 2020 to include at least one social clause<sup>(80)</sup>. Although not specifically mentioned in the plan, there are six axes for social clauses in public procurement practice, one being equality between women and men<sup>(81)</sup>. In addition, the obligation to adopt a scheme to promote socially and environmentally responsible public procurement applies to local authorities exceeding EUR 100 million of public procurement per year.

In **Sweden**, objective 7 of the socially sustainable procurement strategy<sup>(82)</sup> focuses on social criteria, with gender equality being mentioned only in the introduction and not in the sub-objectives.

Many other countries – including Belgium, Czechia, Denmark, Germany, Estonia, Greece, Luxembourg, the Netherlands, Slovakia and Finland – have strategies or strategic planning documents that encourage SRPP. In most cases, this involves promoting social, employment and training clauses to facilitate the social and professional integration of people in vulnerable situations. For example, in Slovakia, the government has enacted a mandatory quota for SRPP, which has been binding since 1 January 2020. The quota requires that the contracting authority must apply a social aspect in at least 6 % of contracts if it awards at least 10 contracts (above and/or below the threshold). Even though the definition of a social aspect is very broad, gender equality is notably not explicitly mentioned in the definition. SRPP is mainly used to promote employment opportunities and for the inclusion of disadvantaged, vulnerable or excluded people, with no reference to gender inequalities.

SRPP strategies may indirectly support GRPP by encouraging public bodies to use social criteria, including gender considerations, where appropriate. SRPP strategies may exist at national, regional or local level. In some countries, such as Germany and Austria, such strategies are more widespread at regional and local levels.

<sup>(77)</sup> Order PCI/566/2019 approving the plan to promote socially responsible public procurement, 2019 ([https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2019-7831](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2019-7831)). For detailed information, see Section 3.1.1 for the case study on Spain as the most advanced ecosystem for GRPP at national level.

<sup>(78)</sup> Barcelona City Council, 2020.

<sup>(79)</sup> European Commission, 2016.

<sup>(80)</sup> Ministry of Ecology, 2014.

<sup>(81)</sup> EIGE, 2022, *France country report* (unpublished).

<sup>(82)</sup> See <https://www.upphandlingsmyndigheten.se/om-hallbar-upphandling/socialt-hallbar-upphandling/framjande-av-lika-rattigheter-och-mojligheter/> for more information on the socially sustainable procurement strategy of the National Agency for Public Procurement.

## 2.4. Key finding 4: Gender equality action plans rarely mention public procurement as a tool to promote gender equality

### 2.4.1. EU level

The EU gender equality strategy for 2020–2025<sup>(83)</sup> refers only once to gender equality and public procurement. It states that the Commission's guidance on SRPP will fight discrimination and promote gender equality in public tenders. Consequently, the second edition of the European Commission's *Buying Social* guide<sup>(84)</sup> makes specific reference to gender equality in a number of areas (see Section 2.3 on key finding 3).

### 2.4.2. EU Member States

The gender equality action plans of only four Member States refer to public procurement as a tool to promote gender equality, namely those of Spain, France, Austria and Portugal.

In **Spain**, the first axis of the plan for gender equality in the general state administration<sup>(85)</sup> on measures for organisational transformation towards gender equality states that an efficient use of public funds will be promoted, with the inclusion of gender equality clauses in public procurement and grants.

In **France**, the interministerial plan for gender equality at work<sup>(86)</sup> lists actions to promote access to employment for women within the remit of contracting authorities.

In **Austria**, the gender mainstreaming and budgeting strategy implemented by the interministerial working group on gender mainstreaming and budgeting<sup>(87)</sup> covers GRPP, and GRPP is regularly mentioned in the review of gender equality at national level.

In **Portugal**, the national strategy for equality and non-discrimination<sup>(88)</sup> includes a strategic objective to ensure the integration of the gender equality perspective into public procurement, funding, and lines of support and financing for investments, including the EU cohesion policy funds.

Gender equality action plans at regional and local levels in the Brussels Region and in multiple administrations in Spain do mention public procurement as a tool to mainstream gender and promote gender equality. In **Belgium**, the Brussels Region has introduced the objective of gendered public procurement in its fourth action plan for equality between women and men<sup>(89)</sup> by producing a more accessible vade mecum for the Central Purchasing Office of the Brussels Region<sup>(90)</sup>.

In **Spain**, 11 of the 17 autonomous regions and almost half of the provincial capitals have a two-pronged strategy: gender equality laws or plans refer to the inclusion of the gender perspective in public procurement, and their public procurement laws or rules regulate and make explicit the inclusion of the gender perspective<sup>(91)</sup>.

<sup>(83)</sup> European Commission, 2020a.

<sup>(84)</sup> European Commission, 2021.

<sup>(85)</sup> Resolution of 29 December 2020 approving the plan for gender equality in the general state administration ([https://www.boe.es/eli/es/res/2020/12/29/\(2\)/con](https://www.boe.es/eli/es/res/2020/12/29/(2)/con)).

<sup>(86)</sup> French government, 2016.

<sup>(87)</sup> See <https://www.imag-gmb.at/gender-budgeting/gleichstellung-und-wirkungsorientierung/wirkungsorientierte-steuerung.html> for more information on gender equality impact-oriented assessment and see <https://www.bundeskanzleramt.gv.at/agenda/frauen-und-gleichstellung/gender-mainstreaming-und-budgeting.html> for information on the gender mainstreaming/budgeting strategy in Austria.

<sup>(88)</sup> Resolution of the Council of Ministers No 61/2018 (<https://dre.pt/web/guest/home/-/dre/115360036/details/maximized>).

<sup>(89)</sup> BXL, 2020.

<sup>(90)</sup> See Section 3.1.4 for the case study on the impact of gender equality training and reports on tendering procedures in Belgian municipalities.

<sup>(91)</sup> See Section 3.1.1 for the case study on Spain as the most advanced ecosystem for GRPP at national level.

## 2.5. Key finding 5: Support structures and guidelines tend not to cover gender aspects or promote gender-responsive public procurement

### 2.5.1. EU level

As of March 2021, no support structure, help desk or guidelines on GRPP existed at the level of EU institutions. There have been recent developments in this area, namely the inclusion of specific references to gender equality in a number of areas of the second edition of the *Buying Social* guide<sup>(92)</sup> (see Sections 2.3 and 2.4 on key findings 3 and 4) and the development of EIGE's toolkit on GRPP<sup>(93)</sup>.

### 2.5.2. EU Member States

Very few support structures or help desks exist to provide advice to contracting authorities and potential bidders on GRPP. Examples of such structures, however, can be found in Belgium, Ireland, Spain, France and Sweden, and, at local level, in Austria (City of Vienna).

In **Belgium**, the Institute for the Equality of Women and Men has published two manuals and a checklist on GRPP. The institute has also organised training for staff members in ministerial cabinets and in administrations<sup>(94)</sup>. This institute conducts several training sessions per year owing to the relatively high turnover of staff responsible for gender equality both in ministerial cabinets and in administrations. This has notably led to mainstreaming of GRPP in the Belgian public administration, especially in Flanders. Bruxelles Pouvoirs Locaux, a pub-

lic service of the Brussels Region, plays a role in raising awareness of GRPP through training activities.

In **Ireland**, the Irish Human Rights and Equality Commission has issued guidance on effective implementation of the public sector equality and human rights duty<sup>(95)</sup>. The guidance clarifies that the public sector equality and human rights duty applies to functions including budgeting, procurement, and grant funding or commissioning. This means that public bodies are obliged to assess gender issues, develop specific actions to address them and report publicly on these actions in the context of (inter alia) procurement. In addition, in 2018, the Irish Office for Government Procurement issued an information note on incorporating social considerations within public procurement<sup>(96)</sup>. The note states that contracting authorities must ensure that obligations contained in social legislation, for example those relating to ethnicity or race, gender and disability, are considered at the outset of procurements, where possible in a manner that enables an assessment of their impact and relevance to be undertaken. This will assist procurers in ensuring that relevant legislative/policy obligations are reflected in their requirements at the earliest stage. The note provides no further explanation on the application of the public sector equality and human rights duty to procurement.

In **Spain**, a royal decree of 2018<sup>(97)</sup> implemented Article 22 of the law on public sector contracts and set up an interministerial commission for the inclusion of social clauses in public procurement. The interministerial commission's primary role is to analyse and monitor the application of social clauses in public procurement procedures. The interministerial commission is also responsible for preparing and making recommendations, reports, studies and guidelines

<sup>(92)</sup> European Commission, 2021.

<sup>(93)</sup> EIGE, 2022.

<sup>(94)</sup> See Section 3.1.4 for the case study on the impact of gender equality training and reports on tendering procedures in Belgian municipalities.

<sup>(95)</sup> Irish Human Rights and Equality Commission, 2018.

<sup>(96)</sup> Office for Government Procurement, 2018.

<sup>(97)</sup> Royal Decree No 94/2018 setting up an interministerial commission to include social clauses in public procurement of 2 March 2018 (<https://www.boe.es/buscar/doc.php?id=BOE-A-2018-3081>).

for the Spanish government. The interministerial commission is under the authority of the Ministry of Equality and includes representatives of all ministries.

In addition, the Spanish National Institute for Women provides guidance on GRPP systematically. At regional and local levels, there are several examples of gender equality bodies leading the promotion, coordination, development and preparation of guidance and materials for awareness raising and capacity building, as well as conducting training. The gender equality bodies of the Basque government, the Catalan government, Zaragoza City Council, Barcelona City Council, Gipuzkoa Provincial Council and Vitoria City Council are some of the most relevant examples <sup>(98)</sup>.

In **France**, the High Council for Equality provides research and guidelines, and raises awareness of GRPP. It has introduced the notion of 'equal conditionality' for public contracts, namely access to public contracts on the condition of respecting gender equality provisions (as per Article 16 of the French law for real equality of 2014) and the implementation of actions promoting equality via gender equality clauses.

In **Sweden**, the National Agency for Public Procurement (NAPP) acts as an advisor to government agencies, regions and municipalities on how the national procurement law should be applied, as well as on the implementation of the national strategy on public procurement, which includes SRPP. In 2012, the Swedish Association of Local Authorities and Regions (SALAR) produced support material for use in regional and local public procurements and in the evaluation of 'price and quality'; this brought in gender equality as a quality factor in tenders, in accordance with the procurement act. The support material on procurement for gender equality contains examples of gender equality in procurement and a concrete checklist. SALAR and

NAPP have recently started to work together to update guidelines regarding GRPP <sup>(99)</sup>.

At local level, in **Austria**, the City of Vienna has a help desk both for the administration and for enterprises on the implementation of gender equality measures in public procurement. This support structure, and the guidance documents that it has produced, have been key in the wide acceptance and successful implementation of GRPP in the city's administration <sup>(100)</sup>.

## 2.6. Key finding 6: Gender equality bodies play a crucial role in ensuring that gender equality goals are integrated into public procurement

Gender equality bodies and experts can play a crucial role in shaping public procurement processes that promote gender equality.

Gender equality bodies have been the driving force for GRPP in **Spain**. The National Institute for Women provides guidance on GRPP systematically. At regional and local levels, there are several examples of gender equality bodies that have led, promoted and achieved continuous strategic integration of the gender perspective in public procurement. In Spain, in every case of good practice in GRPP, the role of gender equality bodies has been decisive and essential. These bodies play a proactive role in the promotion, coordination and drafting of guides, in awareness raising and training for these guides, in the preparation of materials and content, and in collaboration on the drafting of the relevant instruments with the legal areas of the various public administrations. The gender equality bodies of the Basque government, the Catalan government, Zaragoza City Council, Barcelona City Council, Gipuzkoa Provincial Council and Vi-

<sup>(98)</sup> See Section 3.1.1 for the case study on Spain as the most advanced ecosystem for GRPP at national level and Section 3.1.2 for the case study on the integration of the gender perspective in public procurement in the Basque Country.

<sup>(99)</sup> See Section 3.1.3 for the case study on the new guidelines and a toolkit to help local authorities mainstream gender equality in Sweden.

<sup>(100)</sup> See Section 3.1.5 for the case study on helping bidders and procurers to implement GRPP in Vienna.

toria City Council are some of the leading examples at regional and local levels <sup>(101)</sup>.

Gender equality bodies may also play a role in monitoring and reporting on GRPP. For example, the interinstitutional and comprehensive intervention on gender equality clauses in public procurement developed by the Basque government, led by Emakunde (the Basque Institute for Women), includes not only monitoring but also evaluation of gender equality clauses <sup>(102)</sup>.

## 2.7. Key finding 7: There is untapped potential for gender-responsive public procurement in the EU

The lack of a common tracking or reporting system for GRPP in the EU, at both EU and national levels, impedes the identification of the exact number of public procurement procedures relevant for GRPP in the EU.

### 2.7.1. EU level

There is no tracking of GRPP in official statistics or in reports on strategic procurement.

### 2.7.2. EU Member States

There are many differences in the ways in which public procurement is conducted across Member States. Sometimes it is highly centralised and in other cases it is greatly decentralised. This explains why, in certain countries, some contracting authorities at regional or local level have systems in place to monitor contracts and collect statistics that are relevant for SRPP and GRPP, but also why these systems are not available or harmonised at national level.

Although it is not possible to determine the exact number of tendering procedures relevant for GRPP at national level, EIGE's first attempt to carry out a mapping of the use of GRPP in the EU revealed a low level of uptake of GRPP in the EU, with the exception of Spain, which is the Member State where GRPP is most widespread, followed by Germany and Austria, and then France. In seven Member States, five or fewer procedures embedding gender elements could be found (Ireland, Lithuania, Luxembourg, Poland, Portugal, Finland and Sweden). In another six countries, the research identified up to six examples relevant for GRPP (Belgium, Estonia, Italy, Hungary, Malta and the Netherlands). In the remaining 10 Member States, it was not possible to find examples fully relevant for GRPP (Bulgaria, Czechia, Denmark, Greece, Croatia, Cyprus, Latvia, Romania, Slovenia and Slovakia).

Most of the tenders analysed contained gender-related terms in the subject matter of the contract, and only a few were relevant for GRPP. In most cases in which gender-related terms are used in tender documents, the contracting authorities use these terms because gender equality is their core business or because they procure supplies differentiated for women and men. Therefore, the use of gender-related terms in tender documents does not necessarily translate into gender criteria relevant for GRPP.

In addition, among those tender procedures analysed that were found to be relevant for GRPP, gender considerations were mainly included in the award criteria, contract performance conditions and technical specifications. By contrast, the provisions related to reserved contracts, pre-procurement market consultations, labels, exclusion grounds, the choice of procedure, subcontracting and the light regime were used very little to implement GRPP. This shows that there is an untapped potential to mainstream gender considerations more thoroughly in public procurement procedures, under the EU legal framework in force.

<sup>(101)</sup> See Section 3.1.1 for the case study on Spain as the most advanced ecosystem for GRPP at national level and Section 3.1.2 for the case study on the integration of the gender perspective in public procurement in the Basque Country.

<sup>(102)</sup> See Section 3.1.1 for the case study on Spain as the most advanced ecosystem for GRPP at national level and Section 3.1.2 for the case study on the integration of the gender perspective in public procurement in the Basque Country.

## 2.8. Key finding 8: Even where socially responsible public procurement is widely used, the awareness and use of gender-responsive public procurement is marginal

In Member States, there is considerable awareness about SRPP and green procurement; however, awareness about the strategic use of GRPP to advance gender equality remains extremely low, even in countries that score highly on EIGE's Gender Equality Index, with the exception of Spain.

SRPP is mainly present in Belgium, Germany, Spain, France and Italy. To a lesser extent, it can also be found in Czechia, Denmark, the Netherlands, Poland and Sweden. In Spain, SRPP and GRPP often go hand in hand <sup>(103)</sup>; the same correlation has not been found in the other Member States.

## 2.9. Key finding 9: Gender-responsive public procurement is most widespread in countries where favourable legislative and policy frameworks are supported by strategies and capacity-building programmes

GRPP is most widespread where the legislative framework is implemented through strategies or action plans that make specific reference to

it, including its monitoring (e.g. by setting yearly targets of procurement procedures that include gender aspects), and where capacity-building programmes are in place.

Likewise, guidelines are more effective when they are operationalised through support structures, specific training and capacity-building programmes. A successful example is the set of measures that were developed in **Belgium**, particularly in the Brussels Region. In 2007, the Belgian gender equality body published its first guide on public procurement, along with two manuals on gender mainstreaming and gender budgeting. The guide was updated in 2018, and the gender equality body carried out training targeting the municipalities of the Brussels Region. After these training courses, several municipalities published tender procedures embedding gender elements <sup>(104)</sup>.

## 2.10. Key finding 10: Regional and local levels drive the implementation of gender-responsive public procurement in the EU

Regions, municipalities and cities are generally more aware of GRPP than other levels of administration, and the use of GRPP is also more widespread at these levels. Cities often place gender equality and mainstreaming at the core of municipal strategies and action plans, promoting cross-departmental collaboration and working in partnership with local employers, enterprises and non-governmental organisations to mainstream gender and to encourage the use of GRPP. Regional and local authorities in Belgium, Germany, Spain, France and Austria are frontrunners in promoting GRPP.

<sup>(103)</sup> See Section 3.1.1 for the case study on Spain as the most advanced ecosystem for GRPP at national level.

<sup>(104)</sup> See Section 3.1.4 for the case study on the impact of gender equality training and reports on tendering procedures in Belgian municipalities.



## 3. Case studies on gender-responsive public procurement

This chapter presents 11 examples of good practices that were legally revised and developed as full case studies. Six case studies are related to legal, regulatory and policy frameworks, while the other five are examples of public procurement procedures.

### 3.1. Case studies related to legal, regulatory and policy frameworks

#### 3.1.1. Most advanced ecosystem for gender-responsive public procurement at national level: the case of Spain

##### Country and/or contracting authority / public authority

Spain

The research findings show that Spain is the EU Member State with the most favourable ecosystem for GRPP.

##### Brief description of the context

In Spain, the gender perspective forms an integral and inseparable part of SRPP, leading to SRPP being fully associated with gender equality.

Gender equality is mainstreamed in the numerous agreements, laws, regulations, decrees, and regional and local instructions on SRPP that exist across Spain. This reflects the decisive role that gender equality bodies have played in advancing GRPP in the country, with gender mainstreaming gradually permeating all spheres of the public administration. Nowadays, even in the many cases in which gender equality departments or experts are not involved in pro-

urement processes, gender clauses and criteria are still incorporated.

In Spain, the incorporation of Directive 2014/24/EU into national legislation was preceded by a preliminary draft law. The inclusion of social and gender equality criteria was not sufficiently developed in this draft law. Two third-sector organisations, the Spanish Social Economy Employers' Confederation and the Alternative and Solidarity Economy Network, drafted several amendments to the bill, which were incorporated into the current law on public sector contracts.

##### Legal and regulatory framework

Spain has a favourable legal framework for GRPP. Spanish procurement legislation represents an important step forward in the EU in terms of integrating the gender perspective within public procurement, as the wording of this legislation goes much further than Directive 2014/24/EU. Spanish Law No 9/2017 on public sector contracts contains the following relevant provisions:

- the mandatory and cross-cutting duty to include social criteria (not specifically gender criteria) in all public contracts (Article 1.3), as well as the obligation to put social criteria into practice (Article 202, which stipulates that at least one special performance condition of a social nature must be included; and the fourth additional provision, namely that relating to contracts reserved for organisations employing people with disabilities);
- a description of the subject matter of the contract in relation to social criteria (Article 99) – the inclusion of social criteria will draw bidders' attention to the importance of social considerations and will determine the applicable criteria in their contracts;

- the requirement for the tender budget to be broken down by sex (Article 100.2) – public spending can have different impacts on women and men, so, by using data broken down for women and men, such inequalities can be assessed and addressed;
  - the possibility of requesting labels or certifications relating to gender equality (Article 127) – to verify compliance with specifications or performance under award criteria, contracting authorities may request that bidders provide a third-party label or certification;
  - the prohibition on contracting companies with more than 250 workers that fail to comply with the obligation to have an equality plan (Article 71) – tenderers or candidates who have violated national law can be excluded from participation in the tendering procedure;
  - technical capacity in social matters (Article 90) – compulsory requirements to be met by the potential suppliers to be considered in the procurement procedure can include social considerations;
  - award criteria with a gender perspective (Article 145) – award criteria determine the outcome of a tender and are a key tool for addressing gender issues in the delivery of public contracts;
  - tie-breaking criteria relating to equality between women and men (Article 147) – tie-breaking criteria can contribute to GRPP by taking account of specific skills, experience and the technical capacity to implement gender aspects of the contract and by not erecting barriers to participation for ‘non-traditional’ contractors, which may include SMEs, women-owned businesses and social enterprises;
  - special implementation conditions relating to gender equality (Article 202) – the requirements to be fulfilled by the supplier during the execution of the contract can include gender considerations.
- The law on public sector contracts is complemented with other public procurement provisions also relevant for GRPP.
- Royal Decree No 94/2018 implements Article 22 of the law on public sector contracts by setting up an interministerial commission for the inclusion of social criteria or clauses in public procurement. The interministerial commission is under the authority of the Ministry of Equality and includes representatives of all ministries. Its primary role is to analyse and monitor the application of social clauses in public procurement procedures. The interministerial commission is also responsible for preparing and implementing proposals, recommendations, reports, studies and guidelines for the Spanish government.
  - The plan to promote strategic public procurement and socially responsible purchasing was set out in accordance with the agreement adopted by the Council of Ministers on 12 April 2019.
- The gender equality framework relevant for GRPP includes the following.
- Organic Law No 3/2007 for effective equality between women and men refers to public procurement as a tool for the administration to promote gender equality. Article 33 stipulates that public administrations can establish special conditions to promote gender equality in the labour market, in the execution of their contracts. Article 34 establishes that the Council of Ministers will annually set performance conditions measures for the central state administration to promote effective equality between women and men in the labour market.
  - Royal Decree 901/2020 <sup>(105)</sup>, which regulates gender equality plans and their registration, states that no company with more than 50

<sup>(105)</sup> Royal Decree 901/2020 of 13 October, which regulates gender equality plans ([https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2020-12214](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-12214)).

workers can undertake a contract with any public administration if it does not have a registered gender equality plan.

- The resolution of 29 December 2020 approved the plan for gender equality in the state administration. The first focus of the plan includes, among its measures, the efficient use of public funds through the inclusion of clauses to ensure compliance with the principle of gender equality in public procurement.

Despite this favourable legal and policy framework for GRPP, Spain's state administration has not fully exploited the inclusion of a gender perspective in public procurement:

- there is no strategic policy or plan for national level that exclusively deals with GRPP;
- gender criteria are often absent from the state administration's tender documents;
- web pages of the state administration (e.g. on recruitment) do not make any reference to the gender perspective;
- the Ministry of Equality's website has no specific content on the gender perspective in public procurement;
- civil servants do not receive specific training in gender equality in public procurement.

### **Gender-responsive public procurement in autonomous communities and provincial capitals**

The situation of the decentralised public administrations, at both regional and local levels, differs from that described for the state administration mainly in terms of the practical implementation of GRPP. Most of the autonomous communities regulate public procurement with a gender perspective using a two-pronged strategy: (1) gender equality laws or plans refer to the inclusion of the gender perspective in public procurement and (2) their public procure-

ment laws or rules regulate and make explicit the inclusion of the gender perspective.

In certain cases (e.g. the Basque government and Zaragoza City Council), agreements or laws on public procurement that exclusively deal with gender criteria have been adopted, such as the agreement of the governing council of the Basque government of 9 April 2019 on the incorporation of clauses for equal pay and measures against the gender pay gap in public procurement. Under this agreement, 5 % of the award criteria must be gender equality criteria, and at least one special performance condition related to equality between women and men must be incorporated. This obligation applies to all contracts above EUR 120 000. This agreement is a pioneering regulation in Spain and Europe.

Through this agreement, the Basque government adopts specific references to equality between women and men in the definition of the subject matter of tenders. It also places emphasis on companies with staff trained in gender equality issues, and encourages enterprises to hire disadvantaged people such as single women or victims of gender-based violence.

Almost half of the provincial capitals in Spain, generally the cities with the largest populations, mainstream gender in their public contracts, and some of them do so on a mandatory and strategic basis.

At both regional and local levels, is it also possible to find examples of monitoring and reporting on the use of gender equality clauses and criteria in public procurement. The following are two examples of public administrations that collect, monitor and evaluate data on GRPP.

1. In 2019, in the Basque Country, about 74 % of tender documents included gender equality clauses <sup>(106)</sup>.
2. In Catalonia <sup>(107)</sup> every year, the Directorate General for Public Procurement produces

<sup>(106)</sup> Own calculation based on Table 23 (p. 56) of Emakunde, 2019.

<sup>(107)</sup> EIGE, 2022, *Spain country report* (unpublished).

a report analysing the application of social clauses in the contracts awarded by the government of Catalonia. In 2019, 71 % of contracts included social clauses and, of these, 68 % incorporated gender equality clauses. This means that almost half (48 %) of all public contracts include gender clauses. Of all of the social clauses, gender equality clauses were the most used. In terms of value, 75 % of public procurement expenditure included social clauses and 46 % included gender equality clauses.

The best-performing public administrations in terms of GRPP have websites that provide information, support, guidance and materials on how to mainstream gender in public procurement. Some examples of administrations whose websites contain comprehensive information on GRPP are the gender equality body of the Basque government (Emakunde), Zaragoza City Council, the Provincial Council of Gipuzkoa, the autonomous community of Navarre and Barcelona City Council.

Capacity building is another pillar of the model implemented in Spain. For example, the Provincial Council of Gipuzkoa requires gender equality training for all staff involved in contracts in the area of socio-legal care services. Similarly, Bizkaia City Council organises awareness-raising and training sessions on gender equality, targeted at both council staff and the general public.

In these and other GRPP best practices in Spain, the gender equality body has been a key actor in promoting, coordinating, raising awareness of, drafting guidelines and other materials, and delivering training in gender equality. Guidelines have proved very important for the dissemination of gender clauses, as they act as both a starting point and inspiration. In many cases, guidelines provide a template of the legal text, methodology and procedure to be followed, and specific gender themes or clauses.

### Advantages of the Spanish model

In Spain, the model of gender mainstreaming in public procurement adopted by the auto-

nous communities, provincial councils and city councils has many advantages.

- GRPP is obligatory, so when dealing with each contract there is no need to decide on the appropriateness of including social or gender criteria.
- GRPP has full legal guarantees, as it requires a prior positive legal review. To ensure that gender criteria are lawfully linked to the subject matter of the contract, a report from legal services is required prior to launching a procurement procedure. This offers guarantees to the technicians who draw up the specifications, as they can be certain that the approved gender equality clauses will not generate (external) appeals or negative (internal) reports.
- In drafting tender documents, the work is coordinated between gender equality and legal teams. These documents are approved by experts from these two areas through consensus.
- A list of gender clauses is drawn up that can be subsequently used in the specifications in a standardised way.
- The technical and legal staff of the administrations are regularly trained and, consequently, awareness of GRPP has increased among civil servants.

### Barriers and opportunities

Spain's law on public procurement is an excellent enabling tool for GRPP, as it includes a provision to incorporate the principle of equality between women and men. However, the law does not per se guarantee the application of GRPP, as this depends on each public administration.

GRPP is progressing steadily in Spain, with an increasing number of public administrations aware of, internalising and applying GRPP. The quality of technical tools and clauses has improved markedly, and good practices are being replicated. Public administrations have moni-

toring processes in place that allow continuous learning.

The main difficulties for the implementation of GRPP in Spain are:

- resistance to change and inertia in public administrations;
- the lack of political will and real commitment to mainstreaming gender equality in all public policies and processes;
- the difficulty that most gender equality bodies face in influencing certain policy areas, such as finance or contracting (e.g. the EU cohesion policy funds);
- the legal uncertainty that still exists today regarding the legality of certain gender clauses, which is often reflected in unfavourable rulings, opinions and reports.

### Lessons learned and recommendations

- Improve regulation and its enforceability by making gender mainstreaming mandatory in all public procurement. A change in the EU public procurement directives or in national law to make it compulsory that at least 1 % of the marks under the award criteria address gender equality would have a great impact, as would a dedicated gender equality performance condition.
- Extend the requirements to all public policies and processes including all EU cohesion policy funds.
- Move towards obliging all tendering companies and contractors to incorporate the principle of gender equality in the management and execution of all public contracts.
- Develop tools for the verification and evaluation of gender equality clauses in public procurement. It is not enough to include such clauses in a tender document; they must be complied with, and their impact and effectiveness must be assessed.

### Links for further information

- Spanish Law No 9/2017 on public sector contracts of 8 November 2017: <https://www.boe.es/buscar/act.php?id=BOE-A-2017-12902>
- Agreement of the governing council of the Basque government on the incorporation of clauses for equal pay in public procurement of 9 April 2019: <https://www.euskadi.eus/bopv2/datos/2019/05/1902185a.pdf>

### Contact

Santiago Lesmes Zabalegui, consultant in social clauses and SRPP.

Email: [santiago@deparenpar.org](mailto:santiago@deparenpar.org)

*Spain has an excellent enabling tool for GRPP in Law 9/2017 on public procurement, which includes a provision for incorporating the principle of equality between women and men. Yet, there is no guarantee it will be applied, as this depends on each public administration.*

**Santiago Lesmes Zabalegui**  
Lawyer

### 3.1.2. Integration of the gender perspective in public procurement in the Basque Country (Spain)

#### Country and/or contracting authority / public authority

The Basque government and its gender equality body Emakunde (the Basque Institute for Women)

The autonomous community of the Basque Country is a regional administration with a population of about 2.2 million. In 2019, its public procurement budget was almost EUR 2 billion.

#### Product or service sector

All service sectors

## Type of good practice

This case study refers to a set of laws, policies, public procurement strategies, a gender equality action plan, a support structure, guidelines and training programmes for GRPP. It is also a case of interinstitutional collaboration.

## Stage of procurement

The entire public procurement cycle: pre-procurement, procurement and post-procurement

## Brief description of the context

Gender equality in public procurement was first incorporated into the regional policy framework in 1999. It appeared for the first time in the plan of positive action for women in the autonomous community of the Basque Country.

Act No 4/2005<sup>(108)</sup> for the equality of women and men set provisions to incorporate the gender perspective in public procurement. Emakunde was tasked with ensuring compliance with the act and carried out three assessments of gender mainstreaming in public procurement, in 2005, 2010 and 2015.

Emakunde produced the first guide on gender equality clauses in public contracts in 2013. It consisted of a catalogue of gender clauses and supporting material. The first guide was complemented with a guide published in 2014 on gender equality in public procurement for bidding companies.

In 2016, the Basque Country passed Act No 3/2016<sup>(109)</sup> on the inclusion of social clauses in public procurement, which included gender equality clauses. In 2018, the Basque government approved the plan for equality between women and men, and one of its objectives was to increase the percentage of public procurement contracts with clauses promoting gender equality.

In 2019, Emakunde published an updated guide that was aligned with the new regulatory framework on gender equality clauses in public procurement. The guide was published together with a toolbox and an updated collection of supporting documents. The same year, the Basque government approved an agreement on the incorporation of clauses for equal pay in public procurement.

## Objectives that the good practice intends to achieve

The challenge facing the Basque administration was to incorporate a gender perspective in public procurement processes for a wide range of services in the Basque Country, with a threefold objective:

1. ensure compliance with the EU, national and regional regulations on gender mainstreaming;
2. reduce inequalities between women and men;
3. make spending on public procurement contribute effectively to achieving a gender-equal society.

To address this, the Basque government, led by its gender equality body, Emakunde, developed a GRPP strategy, which involves laws, policies, action plans, guidelines, training, a new support structure and help desk, and a collection of best practices.

These measures are intended to establish a comprehensive legal framework and action plan to integrate the gender perspective in the work of public authorities and administrations in the Basque Country. In particular, these measures will guide them by (1) setting out how to incorporate gender equality clauses in public procurement, (2) outlining how to monitor and evaluate the procurement process and the

<sup>(108)</sup> Act No 4/2005 on equal opportunities between women and men of 18 February 2005 ([https://www.emakunde.euskadi.eus/contenidos/informacion/english\\_about\\_us/eu\\_def/adjuntos/equal\\_opportunities\\_men\\_women\\_act.pdf](https://www.emakunde.euskadi.eus/contenidos/informacion/english_about_us/eu_def/adjuntos/equal_opportunities_men_women_act.pdf)).

<sup>(109)</sup> Act No 3/2016 on the inclusion of certain social clauses in public procurement of 7 April 2016 ([https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2016-4172](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2016-4172)).

execution of contracts from a gender equality perspective and (3) providing them with a set of supporting materials and structures.

### Description

The Basque government, led by its gender equality body, Emakunde, has developed an interinstitutional and comprehensive activity on gender equality clauses in public procurement to facilitate gender mainstreaming. This involves regulations, planning, guidelines, training, coordination, advice, and monitoring and evaluation to ensure a sustainable and effective approach. A collaborative process has been carried out with competent bodies in the area of contracting, experts, and staff from different public administrations and private companies that are required to apply gender equality clauses. The support structure for implementing GRPP includes Emakunde and other regional gender equality bodies, the Interdepartmental Commission for Equality between Women and Men and specialised staff in all of the departments of the Basque government.

### Legal basis

- Articles 67 (award criteria) and 70 (contract performance conditions) of Directive 2014/24/EU.
- Article 20 of regional Act No 4/2005.
- Regional Act No 3/2016.

### Monitoring

Systems for the verification and monitoring of equality clauses have been made available to facilitate the work of public procurement officials. The public administration must verify effective compliance with the gender equality clauses in the execution phase of the services (or upon their completion). The contracting or grant-awarding authority is advised to designate a specific person responsible for verification, and to indicate a deadline for submission of the documentation. In all cases, verification must be carried out by cross-checking with the data in the corresponding technical proposals.

For the monitoring and verification of gender equality clauses, Emakunde and other departments of the Basque government developed an evaluation questionnaire focusing on 11 items, such as performance indicators for gender clauses (e.g. the number of women hired and protocols to prevent sexual harassment). Analysis can then start on the effectiveness of the gender clauses incorporated in the tender documents.

### Actors, partners and stakeholders involved

- Emakunde, the gender equality body of the Basque government.
- The Department of Economy and Finance and the Department of Public Governance.
- Three regional (Bizkaia, Gipuzkoa and Alava) and local administrations.

### Social impacts

- A 5-yearly evaluation indicated an increase in the number of contracts with gender equality clauses: from 11 % in 2005 and 42 % in 2010 to 67 % in the latest evaluation in 2015. Data for 2020 are pending.
- The law, policy, plans and guidelines developed by Emakunde have become a benchmark for the further work of many other local and regional authorities in Spain.
- Procurement officers have been provided with resources (guidelines, materials, training, etc.) to make it easier for them to integrate a gender perspective into public procurement processes. This enables them to carry out their work in line with the principle of gender equality and other fundamental rights, as well as to carry out this work more efficiently and effectively.
- Companies that have contracts with the administration have been provided with information, advice and materials to help them comply with requirements on gender equality and to internalise the principle of equality between women and men.

- Citizens, both as beneficiaries of public services and workers in contracted services, get a range of benefits, depending on the type of clause and contract. For instance, since 2019, companies with contracts over EUR 120 000 procured from the Basque public administration are obliged to prove, in the post-procurement stage, that women and men doing the same work receive the same salary.

### Barriers and opportunities

A major challenge is coordination with the competent bodies in the area of public contracting. Trying to make existing public procurement policies converge with equality policies – despite different viewpoints, priorities and interests – has been challenging. To help all of these bodies reach a shared vision, stable interinstitutional coordination spaces have been set up, along with other ad hoc coordination spaces, depending on specific needs.

### Lessons learned and recommendations

- The Basque government's approach to GRPP is transferable and replicable, but it must be adapted to each context. The prerequisites for this approach include leadership, the planning of GRPP as a strategic policy and the provision of the necessary resources.
- As a demonstration of transferability, in 2017 the Inter-American Development Bank considered the Basque government's GRPP approach to be one of the four best European practices on equality in terms of its transferability to other countries <sup>(110)</sup>.
- It is recommended that gender mainstreaming in public procurement be considered as a process to be implemented in all government activities, by putting in place a comprehensive plan with specific support structures, guidelines and capacity building.

### Links for further information

- Emakunde guide to gender mainstreaming in public contracts, public subsidies, agreements and social concerts in the Basque region: [https://www.emakunde.euskadi.eus/contenidos/informacion/politicas\\_clau\\_intro\\_00/es\\_def/adjuntos/A1\\_IncorporacionPerspectivaGenero.pdf](https://www.emakunde.euskadi.eus/contenidos/informacion/politicas_clau_intro_00/es_def/adjuntos/A1_IncorporacionPerspectivaGenero.pdf)
- Emakunde online directory and resources on public procurement and the gender perspective: <https://www.emakunde.euskadi.eus/politicas-publicas/-/informacion/clausulas-contratos/>
- Agreement of the governing council of the Basque government on the incorporation of clauses for equal pay for women and men and measures against the pay gap in public procurement of 9 April 2019: <https://www.legegunea.euskadi.eus/eli/es-pv/res/2019/04/09/42/dof/spa/html/x59-contfich/es/>

### Contact

Ander Bergara Sautua, Emakunde.  
Email: [a-bergara@euskadi.eus](mailto:a-bergara@euskadi.eus)

*The comprehensive, interinstitutional and sustainable approach to gender equality in public procurement in the Basque Country has led to two out of three public contracts in the Basque Country including gender equality clauses.*

**Ander Bergara Sautua**  
Emakunde

<sup>(110)</sup> Emakunde, 2017.



### 3.1.3. New guidelines and a toolkit to help local authorities mainstream gender equality (Sweden)

#### Country and/or contracting authority / public authority

Sweden, SALAR

SALAR represents all 290 municipalities and 21 regions in Sweden. It works to ensure and develop local self-governance. As an employers' organisation, SALAR also negotiates deals with the public sector's staff unions. One of its tasks is to support gender mainstreaming in the governance and management of municipalities and regions.

The Swedish NAPP is a government agency that was founded in 2015 to strengthen the strategic use of public procurement for the benefit of all citizens.

#### Product or service sector

Local government

#### Type of good practice

This case study is a good example of interinstitutional collaboration that results in the development of guidelines.

#### Stage of procurement

All stages: pre-procurement, procurement and post-procurement

#### Brief description of the context

GRPP is still an untapped resource in the struggle for gender equality in Sweden. A key goal is to ensure that all goods, services and works that are publicly funded truly reflect the needs, priorities and conditions of both women and men.

SALAR is a signatory to the European Charter for Equality of Women and Men in Local Life. It encourages all of its members to sign the

charter, and to date 112 municipalities and 18 regions have signed it. Article 12 of the charter urges signatories to use GRPP. It stresses that the commitment for signatories to advance gender equality remains the same whether services are provided in-house or by contractors.

SALAR has an affiliate company, Adda, which coordinates various procurements for SALAR's members. It also offers a tool for sustainable procurement ('the sustainability check'), by focusing on ecological sustainability and working conditions in accordance with the ILO conventions, mainly addressing sustainability challenges along global supply chains.

In 2012, SALAR produced guidelines for GRPP as part of a major government-funded support programme to develop gender mainstreaming in municipalities and regions. SALAR noted that members were overly cautious about using social/gender demands in their procurements at that time, and that public procurement was (and still is) something of an untapped resource to advance equality.

Since SALAR developed its guidelines, the Swedish government has adopted a national procurement strategy. One of the government's strategic goals is to contribute to a socially sustainable society, including gender equality. In 2015, the government also created a new national agency to support public procurement in state agencies, regions and municipalities, but so far little has been done to promote GRPP.

With the adoption of the UN agenda for 2030, municipalities and regions in Sweden gained a new framework for their work on sustainability, including gender equality and public procurement.

In 2020, SALAR and NAPP therefore agreed to develop a common toolkit and new guidelines for GRPP. Their reasons included:

- the 2012 guidelines are outdated owing to changes in national legislation;

- for a toolkit to be effective, it must cover the whole procurement process, from policy development through to preparing, procuring and implementing contracts;
- municipalities and regions can subcontract services in the healthcare sector to private companies through procurement (private companies now provide 22 % of elderly and social care and 19 % of healthcare).

### Objectives that the good practice intends to achieve

The development of good practice guidelines and a toolkit aims to:

- achieve a more coherent approach to gender equality in existing social sustainability policies and toolkits, for example by considering gender together with categories such as children, people with disabilities and migrants;
- provide a practical tool to make it easier for government agencies, regions and municipalities to procure goods and services designed to meet the needs, priorities and conditions of both women and men;
- facilitate the realisation of commitments made by signatories of the Charter for Equality of Women and Men in Local Life and the Swedish government's national procurement strategy;
- contribute to an overall improvement of the implementation and follow-up of public contracts.

### Description

The GRPP process involves different actors, ranging from politicians to those in charge of strategic planning, needs assessment, buying, and implementing and following up on contracts. To reach these different target groups, the guidelines were developed by following an existing model for strategic procurement

designed by NAPP. These guidelines explain how to consider a gender perspective step by step throughout the process.

The different stages are illustrated through examples of best practice, with frequent use of fact boxes that explain gender issues to procurement officers and public procurement issues to gender experts. To further facilitate a gender perspective, several checklists have been developed, including vital questions to ask, primarily during the needs assessment phase.

The guidelines exceed 20 pages. As a more hands-on tool for use by those already familiar with the guidelines, there is also a separate checklist that summarises the most important questions to ask.

### Legal basis

- Directive 2014/24/EU.
- National Public Procurement Act 2016:1145 <sup>(111)</sup>.

### Monitoring

There will be no reporting mechanism to accompany the toolkit. However, SALAR might conduct surveys at a later date to follow up on the use of the toolkit.



<sup>(111)</sup> Public Procurement Act 2016:1145 (*Lagen om Offentlig Upphandling*) ([https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-20161145-om-offentlig-upphandling\\_sfs-2016-1145](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-20161145-om-offentlig-upphandling_sfs-2016-1145)).

### Actors, partners and stakeholders involved

To develop the new toolkit, three workshops were held with representatives from municipalities, regions, state agencies and local/regional political assemblies. Gender equality and sustainability specialists (most of them working in municipal/regional procurement offices), procurement officers, procurement managers and jurists with expertise in procurement were invited. The draft guidelines were shared for review with around 50 people, including workshop participants, managers and officers in SALAR, Adda and NAPP.

### Social impacts

By setting out best practices and offering guidelines and checklists, SALAR facilitates the use of GRPP for improving gender equality. The following outcomes are expected:

- more employers complying with Swedish legislation on measures for gender equality in working life;
- more goods and services meeting the needs and priorities of both women and men;
- more goods and services challenging gender stereotypes.

### Barriers and opportunities

- One barrier that has yet to be addressed is the risk of competition between different social demands in procurement (e.g. why focus on gender equality and not inclusion or disabilities?). One solution is to enhance communication and improve the methodology by applying a truly intersectional approach and bringing together different sets of tools or checklists.
- Another challenge is how to connect gender expertise and procurement expertise. Many small government agencies and municipalities lack the resources to employ specialists in social inclusion, let alone gender experts.

- A third barrier is the issue of implementing and following up on contracts. On average, a municipality will have around 700 contracts, and there is often one single procurer to handle these.

### Lessons learned and recommendations

- By covering procurement from the policy stage to implementation, the SALAR/NAPP toolkit can reach all groups engaged in the different stages of the GRPP process.
- To overcome the barrier of a lack of resources, small municipalities can create a joint public procurement organisation to free up the resources required to hire an expert on sustainability / gender equality.
- It is important to use GRPP strategically, by prioritising those contracts with the greatest gender equality potential.
- Procurement officers should build on the existing knowledge about GRPP gained through existing contracts and other organisations.

### Links for further information

- SALAR: <https://skr.se/tjanster/englishpages.411.html>
- NAPP: <https://www.upphandlingsmyndigheten.se/en/about-us/>

### Contact

Magnus Jacobson, SALAR.  
Email: [magnus.jacobson@skr.se](mailto:magnus.jacobson@skr.se)

*The development of good practice guidelines and a toolkit will promote gender-responsive public procurement in Sweden's local authorities and government agencies.*

**Magnus Jacobson**  
SALAR

### 3.1.4. Impact of gender equality training and reports on tendering procedures in Belgian municipalities (Brussels Region)

#### Country and contracting authority / public authority

Belgium, Brussels Region

The Brussels Region, consisting of 19 municipalities, is the country's largest urban agglomeration, with a population of around 1.2 million.

#### Product or service sector

Design and construction work

#### Type of good practice

This case study refers to a law, a public procurement strategy, a gender equality action plan, a support structure / help desk and a training course, as well as interinstitutional cooperation between the Brussels Region and the Belgian Institute for the Equality of Women and Men (IEFH) (the gender equality body).

#### Stage of procurement

Procurement

#### Brief description of the context

In 2007, the Belgian federal government introduced a law on gender mainstreaming. The IEFH also published its first guide on public procurement, along with two manuals on gender mainstreaming and gender budgeting. In 2013, together with the Prime Minister's Chancellery and the Federal Communicators' Network, the IEFH published a guide entitled *The Gender Dimension in Federal Communication* containing a checklist for integrating the gender perspective and equality between women and men into the framework of public procurement.

The municipal elections of October 2018 saw an increase in the number of women elected in the Brussels Region and in its municipali-

ties, thanks to the strengthening of legislation, such as the system of alternating women and men on electoral lists. The 19 Brussels Region municipalities each have a councillor in charge of equality, which has proved crucial in advancing gender equality and gender mainstreaming in public budgets and procurements.

In 2018, a second version of the IEFH guide, *The Gender Dimension in Public Procurement*, was published with an updated checklist. Alongside this guide, a new publication, *The Gender Dimension in Subsidies*, was also published with a checklist. In January 2019, the sharing of this knowledge on GRPP continued through the organisations [equal.brussels](http://equal.brussels) (the administration that implements the policy of the Secretary of State for Equal Opportunities for the Brussels Region) and *Bruxelles Pouvoirs Locaux*, a public service of the Brussels Region.

In 2019, the Brussels Region set up a new equal opportunities test ([test.equal.brussels](http://test.equal.brussels)), which applies to public contracts and concessions worth more than EUR 30 000. The equal opportunities test checks if equality issues, including those related to gender, have been adequately addressed in the definition and award of contracts.

It is also noteworthy that all Brussels Region municipalities carrying out GRPP in 2020 signed the European Charter for Equality of Women and Men in Local Life. Article 12 of the charter underlines the need to introduce the gender dimension in the provision of goods and services.

#### Objectives that the good practice intends to achieve

To achieve its objective of advancing gender equality, the Brussels Region developed, during 2014–2019, a gender equality action plan and a gender equality test, and applied gender budgeting. This was accompanied by training for staff working in the areas of gender equality (mainly women) and budgets (mainly men) in the different administrations and public organisations of the Brussels Region involved in GRPP.

## Description

Staff members working on gender equality in the municipalities of the Brussels Region participate in 1-day training courses organised by the IEFH. These are held two or three times a year under the umbrella of the 2007 gender mainstreaming law. This training has facilitated the inclusion of gender aspects in tendering procedures in the Brussels Region, including the following two cases.

**Diversity and gender equality in the workforce, Uccle.** The municipality of Uccle, in a public procurement process for the renovation of a public place, awarded marks on gender equality in the workforce assigned to the contract. The tenderer attached the CVs of proposed workers. The contracting authority assessed the adequacy of the team's skills, emphasising interdisciplinarity, and the team's gender composition. Only one consultancy firm submitted a bid, however, so it was difficult to assess the impact of the GRPP award criterion.

Uccle's mobility service and its department for the promotion of public spaces are among the first services and departments to have been trained in gender budgeting. Having a gender equality councillor and a women head of department was considered crucial for GRPP.

**Renovation of a municipal sports centre, Saint-Josse-ten-Noode.** For the renovation of its municipal sports centre, the municipality of Saint-Josse-ten-Noode required tenderers to include a gender perspective in the procurement process. The tenderers had to ensure a good work-life balance for workers and needed to tackle the issue of women's insecurity in the sports centre, for instance by considering the distribution of women and men in the changing rooms and sanitary facilities, the placement of different access points to the building for women and men, and the choice of appropriate sports equipment or the types of activities to be offered.

The new layout of the public space and its surrounding areas was expected to reduce women's insecurity (e.g. by means of lighting, signage or designing an open space to ensure good visibili-

ty). The specifications for renovating the municipal sports centre also included a multipurpose room equipped with computer equipment and adapted furniture for young people and adults, and a co-working space to allow parents to work during their children's activities.

## Legal basis

- Articles 42 (specifications may be formulated in terms of performance or functional requirements, which is particularly relevant for services and works contracts) and 67 (award criteria may include social characteristics) of Directive 2014/24/EU.

## Monitoring

No specific monitoring of the projects of Uccle or Saint-Josse-ten-Noode has been planned so far.

## Actors, partners and stakeholders involved

- The IEFH initiated the training and provided the Brussels Region with resources to develop its own training. The IEFH also organises annual coordination meetings for administrative staff members working on gender mainstreaming, gender budgeting and public procurement.
- The State Secretary supported the development of equal.brussels and signed a protocol with the IEFH and a convention on gender mainstreaming.
- The organisation local.brussels actively supports the 19 municipalities of Brussels on gender equality, gender mainstreaming and gender budgeting.
- Federal, regional and local partnership with the IEFH was a major element in developing the necessary knowledge among actors and in holding training sessions.

## Social impacts

Around 60 people have been trained in the topic of GRPP in Belgium since 2007 and around

one third to half of them were in Brussels. The 19 municipalities of the Brussels Region have regularly participated in the training organised by the IEFH. However, only the municipalities of Uccle and Saint-Josse-ten-Noode have included gender aspects in tendering procedures to date. The IEFH's upcoming training session will focus in particular on GRPP at the request of the participants, showing that they have increased interest in the issue.

The social impacts of the two municipal tendering procedures have not been assessed to date, as they only started in 2020.

### Barriers and opportunities

Legal debates on the use of procurement to further gender equality are continuing in Belgium. The Equality Law Clinic of the Université libre de Bruxelles published an analysis in December 2020, at the request of the Federal Commission for the Evaluation of Anti-Discrimination Laws, entitled *Subsidies and public procurement as tools in the fight against discrimination*.

### Lessons learned and recommendations

- The inclusion on the political agenda of gender equality in public procurement takes time, and must involve as many actors as possible.
- Good practices are essential at local level to set an example. Elected women representatives have been a driver for change owing to their commitment and determination to achieve real equality.
- Strong and enforceable legislation at all levels of government is essential to develop gender-sensitive public procurement and environmental, social and ethical clauses.

### Links for further information

- IEFH publications: [www.iefh.belgium.be](http://www.iefh.belgium.be)
- Gender budgeting in the Brussels Region: <http://finances-budget.brussels/gender-budgeting>

- The Equality Law Clinic report: [https://equalitylawclinic.ulb.be/images/documents/ELC\\_Re%CC%81sume%CC%81\\_du\\_rapport\\_subventions\\_et\\_marche%CC%81s\\_publics.pdf](https://equalitylawclinic.ulb.be/images/documents/ELC_Re%CC%81sume%CC%81_du_rapport_subventions_et_marche%CC%81s_publics.pdf)

### Contact

Françoise Goffinet, IEFH.

Email: [francoise.goffinet@iefh.belgique.be](mailto:francoise.goffinet@iefh.belgique.be)

*It is key to have a number of elected women in the municipalities who can collaborate with a cross-cutting municipal department (human and financial resources). The commitment of signing the European Charter for Equality of Women and Men in Local Life is an obvious plus and a support.*

**Françoise Goffinet**

IEFH

### 3.1.5. Helping bidders and procurers to implement gender-responsive public procurement (Vienna, Austria)

#### Country and/or contracting authority / public authority

Austria, City of Vienna

The capital of Austria, Vienna, has around 1.9 million inhabitants.

#### Product or service sector

For example, urban planning, cleaning services, training services, IT services, bus services for people with disabilities and research.

#### Type of good practice

This case study refers to guidelines and a toolkit.

#### Stage of procurement

Procurement and post-procurement

### Brief description of the context

In 2011, a decision by the Austrian Council of Ministers on gender mainstreaming included a section on including equality as a social aspect in public procurement, but this did not result in a large uptake of GRPP. Since 2018, women have been explicitly included as a target group in the procurement law at national level. In Austria, the main areas in which equality between women and men has not yet been reached have been identified as violence prevention, reconciliation of work–life balance and equal pay for work of equal value.

As part of its policies to support women and girls and combat existing inequalities, in 2010 the City of Vienna established a working group to examine how gender equality could be pursued through public procurement. Several pilot schemes were carried out in different fields.

GRPP was initiated by politicians, with the Department for Commerce and Trade, Data Protection and Register Offices in charge of implementation. They took on board lessons learned in other cities, including Berlin, and worked with diverse experts within the City of Vienna, including gender experts, procurement lawyers and procurement officers. Prior to the official start of the project, regulations were reviewed by external legal experts, and an exchange with the Chamber of Commerce took place.

### Objectives that the good practice intends to achieve

An objective of the City of Vienna has been to provide support structures, guidelines and a capacity-building programme to help mainstream the inclusion of gender aspects in public procurement. The measures to be implemented during the performance of the contract address work–life balance, tackle gender stereotypes, support women in leadership positions and address sexual harassment.

### Description

GRPP is implemented in Vienna in three ways:

1. gender-sensitive needs assessment, procurement planning and technical specifications, bearing in mind how the different gender impacts of the contract are considered by the city's procurement officers;
2. the inclusion of gender aspects in award criteria in tendering procedures, for example for gender mainstreaming or the advancement of women in the workplace;
3. the promotion of women in contract performance clauses, whereby bidders select activities from a catalogue of measures and commit to implementing these during the performance of the contract.

In the third category above, the measures are divided into four groups: (1) the promotion of women in recruitment (e.g. aiming to have the same percentage of women in leadership positions as women working in the company overall), (2) the promotion of women's qualifications (e.g. by offering targeted training to women to qualify them for leadership positions, in line with the percentage of women in the company overall), (3) measures to address work–life balance (e.g. measures regarding childcare or returning to work after parental leave) and (4) structural measures (e.g. training programmes for gender equality or procedures against sexual harassment). These measures apply to service contracts with a value over EUR 50 000, to bidders with more than 20 employees and when contracts run for at least 6 months.

In the City of Vienna, structures are in place to support the administration in preparing tenders and to provide information to potential bidders on how to implement gender equality measures. These support structures, with accompanying documents, have been key in the acceptance and successful implementation of GRPP in the administration.

The support structure for procurers includes a checklist for assessing if gender aspects need to be considered. This guides procurers in considering if a service potentially affects women and men differently, and how this will be addressed. The checklist also includes contact de-

tails of the Gender Mainstreaming Department, for help in determining gender relevance. Another guide for potential bidders includes modules on various aspects of equality and examples of how companies have introduced measures (e.g. for flexible working arrangements).

### Legal basis

- Articles 67 (award criteria may include social considerations such as gender) and 70 (authorises the use of social or employment-related contract performance clauses) of Directive 2014/24/EU.
- Austrian act of 2018 reforming public procurement (*Bundesvergabegesetz 2018*)<sup>(112)</sup>.

### Monitoring

In the tender phase, tenderers must submit a declaration in which they commit to implementing the chosen measures from the catalogue by the halfway point in the contract. At the halfway point, they also have to submit written evidence of their implementation. The commitment must be signed by the equality contact person (if there is one) or by a member of the staff representation.

The City of Vienna's Court of Audit carries out spot checks among municipal departments and monitors their procurement procedures.

### Actors, partners and stakeholders involved

As of 2019, 9 of the City of Vienna's 70 departments were involved in the project, namely the Department for European Affairs, the Department for Procurement (which is responsible for a considerable proportion of the procurement procedures on behalf of other departments), the Department for Information Technology, the Department for Public Lighting, the Department for Women's Affairs, the Department for Urban Development and Planning, the Department for Architecture and Urban Design, the Department for Environment Protection, and

the Department for Economic Affairs, Labour and Statistics. According to a decree issued by the Chief Executive Officer specifying the pilot project, the departments must carry out gender-sensitive needs assessment and procurement planning; they must also include gender aspects in technical specifications, award criteria and contract performance clauses.

### Social impacts

Vienna decided to apply the contract performance clauses, with catalogues of measures, to longer-term service contracts (over 6 months). As a result, measures leading to the advancement of women and gender equality in the companies are expected to generate sustainable change. By supporting potential bidders in developing and identifying gender equality measures, as well as detailing the advantages of these in a guide, the city expects companies to become more eager to implement these measures. The impacts are likely to last beyond the implementation of a contract, as steps taken to increase gender equality are not usually rolled back.

### Barriers and opportunities

Some procurers have had reservations about implementing gender aspects in procurement. However, the city's support for procurers and potential bidders has been key in alleviating these fears.

### Lessons learned and recommendations

- Building GRPP into standard procedures is a key success factor. In Vienna, the Court of Audit is responsible for monitoring procurement and conducting audits on the gender aspects of contracts.
- It proved helpful to, from the start, work on the project collaboratively with gender experts and representatives of the relevant municipal departments – both legal personnel and those implementing services. Various

<sup>(112)</sup> Law No 65 of 2018 on public procurement (*Bundesvergabegesetz 2018*) (<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20010295>).



stakeholders were also offered regular training and were involved in developing the gender checklist together.

- Political support and support from an external legal expert were key.

#### Links for further information

- City of Vienna, Promotion of women and gender aspects in the awarding of public contracts: <https://www.wien.gv.at/wirtschaft/gewerbe/vergabe-frauenfoerderung.html>
- City of Vienna Court of Audit, Audit report on the promotion of women and gender aspects in the awarding of public contracts: <https://stadtrechnungshof.wien.at/berichte/2016/lang/03-43-StRH-III-33-2-15.pdf>
- City of Vienna, Promoting women and men = winning! Equality as a formula for success for companies. Publication available on request at [frauen@ma57.wien.gv.at](mailto:frauen@ma57.wien.gv.at)
- European Commission, 2020b, p. 232: [https://ec.europa.eu/info/making-socially-responsible-procurement-work-71-good-practice-cases\\_en](https://ec.europa.eu/info/making-socially-responsible-procurement-work-71-good-practice-cases_en)

#### Contact

Laura Wimmer, City of Vienna.  
Email: [laura.wimmer@wien.gv.at](mailto:laura.wimmer@wien.gv.at)

*The project has been running smoothly from the beginning and contributes significantly to the promotion of women in the workplace.*

#### **Dr Marion Gebhart**

Head of Municipal Department 57, Vienna Women's Affairs

### 3.1.6. Mainstreaming gender-responsive public procurement through procurement training (Munich, Germany)

#### Country and/or contracting authority / public authority

Germany, City of Munich

Munich is the third-largest city in Germany and the capital of the southern state of Bavaria. It has a population of around 1.5 million. Procurement is organised in a semi-centralised way, although it is mostly administered by the Central Procurement Department.

#### Product or service sector

City-wide procurement of office supplies, textiles, printed matter, furniture, moving and strategic services, machinery, vehicles, fuels, building and security services

#### Type of good practice

This case study refers to guidelines and a capacity-building programme.

#### Stage of procurement

Pre-procurement and procurement

#### Brief description of the context

At national level, Germany previously had no strategies or action plans to link gender aspects to public procurement. SRPP in Germany is largely seen as targeting global supply chains, including ILO criteria and other labour issues affecting the Global South.

GRPP is included in some of the federal states' procurement laws and it is typically linked to wage requirements. In Bavaria, where Munich is located, a requirement for self-declaring equal pay exists. However, this was introduced in August 2020, after the process described in this case study was largely completed.

The City of Munich is a signatory to the European Charter for Equality of Women and Men in Local Life. Initiated by the Council of European Municipalities and Regions, this charter includes a number of measures in different areas, including public procurement. Within this framework, Munich's Procurement Office 1, which manages a significant percentage of purchasing not related to construction work, was given the mandate to include gender equality objectives in its procurement processes. To this end, Procurement Office 1 led the process and received support from the City of Munich's Gender Equality Department.

### Objectives that the good practice intends to achieve

By incorporating examples of GRPP in training materials targeting administrative staff (produced by Procurement Office 1), the City of Munich aims to mainstream gender-responsive approaches in procurement. This will raise awareness of how gender considerations can be taken into account within the existing legal framework. The basic training, which takes place several times a year, provides knowledge, clarity and security around GRPP, and a culture of awarding contracts in line with GRPP.

### Description

The city's training materials produced by Procurement Office 1 for procurement staff use examples of gender equality to explain different phases of the procurement cycle. Gender equality is thus addressed in several ways, ranging from excluding potential bidders that have demonstrably violated the provisions of the general equal treatment act to following the ILO core criteria in the contract performance clauses.

Training administrative staff in this way offers gender-responsive procurement opportunities to the purchase units in each specific case.

As an example of award criteria, bidders are asked, for instance, to define a concept for achieving gender equality during the performance of the contract. In this example, applying a women's quota or an equality quota during the performance of the contract serves as an award criterion (e.g. a weighting of 20 % according to the score given in the evaluation matrix). In this case, the indication of the equality quota is obligatory and part of the tender; it therefore becomes a binding part of the contract if the tender is awarded.

### Legal basis

- Articles 18(2) (requires that applicable social and labour law, including the core ILO conventions, are respected in the performance of public contracts), 67 (award criteria may address social characteristics) and 70 (allows the application of social or employment-related contract performance clauses) of Directive 2014/24/EU.
- German Act against Restraints of Competition <sup>(113)</sup>.

### Verification and monitoring

No monitoring is envisaged as part of the training programme.

### Actors, partners and stakeholders involved

- The development of GRPP was mainly done by the Central Procurement Office, with some input from the Gender Equality Department.
- The political impetus, through the signing of the European Charter for Equality of Women and Men in Local Life, came from the city council.
- The Procurement Department was central to the process of developing a GRPP approach, including its in-house lawyer.

<sup>(113)</sup> Act against Restraints of Competition in the version published on 26 June 2013 (*Bundesgesetzblatt* (Federal Law Gazette), No I, 2013, pp. 1750 and 3245), as last amended by Article 4 of the act of 9 July 2021 (*Bundesgesetzblatt*, No I, p. 2506) (<https://www.gesetze-im-internet.de/gwb/BJNR252110998.html>).

## Social impacts

As the GRPP approach is very new in the city, its potential impact is still unclear. The City of Munich has a number of decrees targeting environmental and social sustainability in procurement; however, these are not linked to GRPP. The provision of templates and information materials will facilitate dissemination to other relevant stakeholders in local government.

## Barriers and opportunities

The city's new GRPP approach has the potential to reach many people within the administration, thanks to the provision of content templates for different phases of the procurement process and the training structure outlined above. The templates were developed by Procurement Office 1 in collaboration with the Gender Equality Department. It is not mandatory to include any of the gender considerations, thus the impact will depend largely on the uptake, influenced by the acceptance in the wider administration, the human resources available to Procurement Office 1 and the municipal budget. However, there is strong political backing for gender budgeting that supports the implementation of GRPP.

## Lessons learned and recommendations

- Being embedded in a larger policy framework, with political backing, is helpful for introducing GRPP; for Munich, this backing came from the European Charter for Equality of Women and Men in Local Life.
- Cooperation between different departments, particularly for gender equality and procurement, is key.
- It is very useful to get best practice examples from other administrations.

- Through the implementation of the actions of Procurement Office 1, GRPP is becoming more present in the municipal administration in Munich.
- Ownership should rest with the Procurement Department.
- Legal expertise is important for developing a robust approach to GRPP, as well as for involving those procurers that eventually should implement GRPP.

## Links for further information

- European Charter for Equality of Women and Men in Local Life: <https://charter-equality.eu/>
- Article 12 (on public procurement) of the European Charter of Women and Men in Local Life: <https://charter-equality.eu/good-practices/furniture-de-bien-et-de-services-en.html>
- SRPP in the City of Munich: [https://www.muenchen.de/rathaus/Stadtverwaltung/Referat-fuer-Gesundheit-und-Umwelt/Bio\\_regional\\_fair/Faire\\_Beschaffung.html](https://www.muenchen.de/rathaus/Stadtverwaltung/Referat-fuer-Gesundheit-und-Umwelt/Bio_regional_fair/Faire_Beschaffung.html)

## Contacts

City of Munich, Directorate-HAII, Procurement Office 1. Email: [vergabestelle1@muenchen.de](mailto:vergabestelle1@muenchen.de)

City of Munich, Equal Opportunities Office for Women. Email: [gst@muenchen.de](mailto:gst@muenchen.de)

*By using GRPP examples in training materials, the City of Munich aims to enforce gender-equitable approaches in procurement.*

### Christoph Skrdlant

Head of Procurement Office 1, City of Munich

## 3.2. Case studies related to public procurement procedures

### 3.2.1. Recruitment for a work-life balance service (childcare) integrating gender criteria (Spain)

#### Country and/or contracting authority / public authority

Spain, Castelló de la Plana City Council

Castelló de la Plana is the capital city of the province of Castelló, in the autonomous community of Valencia, and has 171 000 inhabitants. The city council had a budget of EUR 180 million in 2020, excluding public procurement expenditure, which is estimated to be around EUR 45 million.

#### Product or service sector

Childcare services (education and a toy library)

#### Procurement objective

The objective of this project was to provide a morning and afternoon school service (from 7.30 to 9.00 and from 17.00 to 18.30). This morning and afternoon school offers an educational and recreational service for school-children aged 3 to 12 years, to facilitate the work-life balance of parents whose work schedules are not compatible with regular school hours. The service is provided in schools. The tender documents for this service incorporate gender clauses in the contract subject matter, technical specifications, award criteria and verification system.

The service has been provided and tendered since 2005, with gender-sensitive award criteria introduced for the first time in 2012. In 2012, gender-responsive recruitment criteria for staff accounted for 10 out of 100 points: 5 points for people with training in equal opportunities between women and men, 3 points for contracts executed with a large number of women victims

of gender-based violence, and 2 points for contracts executed with a large number of women in positions of responsibility. In 2020, these gender clauses were incorporated as obligations (i.e. special contract performance conditions) instead of award criteria.

#### Stage of procurement

Procurement

#### Brief description of the context

Castelló de la Plana City Council recognises that women face more difficulties than men in terms of balancing personal, work and family life. This public procurement procedure is the result of an integrated policy framework that includes a document entitled *Instruction for the inclusion of social criteria in the public procurement of the City Council of Castelló de la Plana* and three editions of the *Municipal plan for equal opportunities for women and men of Castelló de la Plana City Council*.

The council was the second public administration in Spain to address GRPP in a strategic and obligatory manner, including the use of gender aspects in award criteria and contract performance clauses. The instructional document requires social award criteria (which include gender considerations) to be applied in all procurement procedures that Castelló de la Plana City Council or its autonomous bodies tender. This applies to contracts over EUR 60 000 and execution periods longer than 4 months. For contracts of a lower value or with shorter execution periods, the inclusion of social award criteria is optional.

#### Objectives that the tendering procedure intends to achieve

The tendering procedure aims to support the implementation of the municipal plan for equal opportunities by promoting a more equitable distribution of work and a support service aiming to reconcile personal, family and working life. It aims to support women who are victims of gender-based violence and their integration into the workplace. The procedure ensures that the staff of the public service are trained in and

made aware of equality of opportunities between women and men.

### Description of the procedure

The procedure represents an innovative and pioneering use of GRPP, as it:

- uses public procurement with a gender perspective in various procedural phases, in the subject matter of the contract, technical specifications, award criteria and verification system;
- uses GRPP to achieve three different gender equality objectives (employment of women victims of gender-based violence, employment of women in positions of responsibility and employment of people trained in gender equality);
- has an impact on gender equality because it is a dedicated service to promote work-life balance and because the gender criteria benefit women employees who are victims of gender-based violence, women employees in positions of responsibility and children who will be cared for by people trained in gender equality (and thus it also helps to pass on fundamental values to children).

The service itself meets a growing demand for childcare before and after school hours. It is offered to all schools in the municipality if there is a demand, and it provides a minimum of two caregivers per centre in all cases.

### Legal basis

- Articles 67 (award criteria may include gender considerations) and 70 (authorises the use of social or employment-related contract performance conditions) of Directive 2014/24/EU.
- BOP No 71, *Instruction for the inclusion of social criteria in the public procurement of the City Council of Castelló de la Plana*, of 14 June 2012.

- Spanish Law No 9/2017 on public sector contracts, which requires a description of the subject matter of the contract with a gender perspective (Article 99), contract needs to reflect social criteria (Articles 1.1 and 28.1) and award criteria with a gender perspective (Article 145).

### Verification and monitoring

Before executing the contract, the contractor must present staff declarations in compliance with gender criteria, copies of employment contracts, accreditation of training in gender equality, public reports on victims of gender-based violence and specifications of the management positions to be occupied by women.

Contract monitoring establishes that, for the monthly payment of the service, the contractor must present a monthly invoice and documentation on the provision of the service (e.g. a list of schools or the number of pupils/caregivers). The contractor must immediately communicate any variation in the personnel hired in compliance with the social clauses, and new personnel must meet the same requirements. A final report on compliance with gender commitments is required, prior to the return of the performance bond provided by the contractor.

### Actors, partners and stakeholders involved

- Castelló de la Plana City Council: Equality Office – Social and Cultural Services Section.
- Initial contractors: Iocum, Gestió Esportiva i Educativa SL and Eulen SA.
- Subsequent contractors: Irela Lleuresport SL and Ofertas Costa Azahar SL.

### Social impacts

The contract procedure directly benefits women, who have traditionally assumed the task of caring for children, thus favouring gender equality. It also boosts the employability of women in positions of responsibility and of women victims of gender-based violence. Training in gender

equality raises awareness among school staff, students and their families.

Thanks to the incorporation of gender clauses, during the period of execution of the first contract service (September 2012 to June 2014), nine women victims of gender-based violence were hired, all positions of responsibility for the execution of the service (two) were occupied by women and 40 % of the staff executing the contract were trained in gender equality. In subsequent tenders for the service, social clauses were maintained and their application led to the recruitment of 13 women victims of gender-based violence between September 2014 and June 2020.

### Barriers and opportunities

Difficulties to control and monitor social clauses were overcome by establishing specific monitoring systems, with the involvement of the Gender Equality Service, and by making the monthly payment of invoices subject to the verification of the gender clauses.

Gender clauses have not posed a problem or limited competition. This is demonstrated by the fact that, in subsequent tenders, in 2014 and 2020, social clauses were maintained and the number of bidding companies progressively increased.

### Lessons learned and recommendations

- The incorporation of gender criteria is transferable to any public procurement, as long as the criteria are related to the characteristics of the contract and its performance.
- The inclusion of gender clauses is highly efficient from an economic point of view, providing better value for money in delivery and more efficient use of public funds.
- This good practice shows the importance of policy synergy (e.g. recruitment and gender equality) and of collaboration between different areas that do not usually work together (e.g. socio-legal services and gender equality).

### Links for further information

- BOP No 71, *Instruction for the inclusion of social criteria in the public procurement of the City Council of Castelló de la Plana*: [http://www.castello.es/archivos/1169/Anuncio\\_BOP\\_Instruccion.pdf](http://www.castello.es/archivos/1169/Anuncio_BOP_Instruccion.pdf)
- *Municipal plan for equal opportunities for women and men of Castelló de la Plana City Council*: [http://www.castello.es/web30/pages/contenido\\_web20.php?id=-cas&cod0=18&cod1=204&cod2=682](http://www.castello.es/web30/pages/contenido_web20.php?id=-cas&cod0=18&cod1=204&cod2=682)

### Contact

Araceli Tárrega Nebot, Castelló de la Plana City Council. Email: [araceli.tarrega@castello.es](mailto:araceli.tarrega@castello.es)

*With a single tender, it has been possible to promote work-life balance, the recruitment of women victims of gender-based violence, the recruitment of women in positions of responsibility and the recruitment of staff trained in equality. Gender clauses in public procurement are a tool for gender equality and social justice.*

**Araceli Tárrega Nebot**  
Castelló de la Plana City Council

### 3.2.2. Gender-sensitive design of secondary schools (France)

#### Country and/or contracting authority / public authority

France, Department of Gironde

Gironde is the largest department (geographically) in mainland France. It has around 1.5 million inhabitants and a budget of EUR 1.69 billion. It currently manages 106 public schools with nearly 64 500 students. The department is committed to a plan for the creation of 14 new secondary schools and the renovation of 10 existing secondary schools by 2024.

## Product or service sector

Architectural design for new and renovated education facilities

## Procurement objective

Gironde is launching several public procurement procedures for the construction and renovation of secondary schools in the department. The objective of these procurement procedures is to ensure that the building work integrates a gender perspective. To that end, a specific call took place to involve a consultant who would be responsible for advising architects on gender aspects of their work.

## Stage of procurement

This case refers to the procurement and post-procurement stages.

The first of the procurement procedures was launched in 2015 to recruit a gender expert. The expert's overall mission is to analyse the construction and renovation projects of 14 secondary schools under the *Plan Collèges Ambition 2024* from a gender perspective<sup>(114)</sup>. The mission of the gender expert will last until 1 April 2023.

Procurement procedures to appoint architects for the construction/renovation project of secondary schools are published as needed. These procedures include the request to take gender into account and integrate it into the proposals. To help bidders with this aspect, the gender expert provides a gender technical note for the procurement, which is annexed to the tender.

At the post-procurement stage of the construction/renovation project, based on initial drawings and plans, the gender expert provides technical input and recommendations to the architect of the construction/renovation project to ensure gender equality.

## Brief description of the context

The French law for equality between women and men (No 2014-873) reaffirmed the role of local and regional authorities, and the necessity for an integrated approach to gender equality (i.e. gender mainstreaming). A national decree (No 2015-761)<sup>(115)</sup> outlined the role of the departments. The President of the Departmental Council submits an annual report on the state of equality between women and men, which lays down multiannual guidelines and programmes to promote gender equality.

The Department of Gironde adopted a multiannual action plan for gender equality in October 2016, including actions to address labour market inequality. Based on this, Gironde has included the promotion of gender equality in its plan for secondary schools<sup>(116)</sup>.

## Objectives that the tendering procedure intends to achieve

For each tender process relating to building work for a secondary school, in addition to the technical programme for construction, a note on gender is prepared.

The objective is to ensure that, for all construction or renovation work:

- the use of the different areas of the school by both girls and boys is considered;
- possible gender differences in the spaces that girls and boys might occupy are highlighted;
- all solutions (e.g. furniture or the intended use of different spaces) are aimed at bridging the gender gaps in the occupation and use of space or, at the very least, allow for a balanced use of the spaces;

<sup>(114)</sup> See <https://www.gironde.fr/grands-projets/plan-colleges-ambition-2024#ginko> for the full plan.

<sup>(115)</sup> Decree No 2015-761 of 24 June 2015 on the report on the situation in terms of equality between women and men of interest to local authorities (<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000030785328#:~:text=Il%20fixe%20des%20orientations%20pluriannuelles,la%20commune%20ou%20du%20groupe>ment).

<sup>(116)</sup> See <https://www.gironde.fr/grands-projets/plan-colleges-ambition-2024#ginko> for the full plan.

- there is a dialogue between designers, department authorities and the gender expert during the implementation of the work.

The final goal is to achieve an inclusive design, namely one that helps to remove gender inequality and to challenge gender stereotypes.

### Description of the procedure

At the procurement stage, the authorities check that the majority of architects responding to the tender have integrated gender considerations into their proposals. The minimum focus is on recreational and sanitary areas, although some bidders apply a gender approach to all zones.

At the post-procurement stage, there is a dialogue between the selected architects, the contracting authorities and the gender expert. Based on the first plans and drawing prepared by the architects and selected by the contracting authority, the gender expert prepares an analysis of the proposed space based on questions of co-education and equality. Following this, recommendations are made for a more gender-sensitive layout of the overall structure of the building and the internal spaces, and for its use.

### Legal basis

- French Decree 2018-1075, Article R.2123-1, for tenders valued below the relevant EU threshold—used for the awarding of the contract to select the gender expert.
- Article 42 of Directive 2014/24/EU, under which contracting authorities are free to define technical specifications in terms of performance or functional requirements, provided that the parameters are sufficiently precise to allow tenderers to determine the subject matter of the contract and to allow contracting authorities to award the contract. This allows the requirement of taking gender into account in the design of secondary schools (building and renovation work).

### Verification and monitoring

The monitoring of the gender aspects is based on checks and dialogue between the contracting authority, the gender expert and the contractors.

The new/renovated secondary schools are becoming operational. The practical results of the work on gender equality will be assessed after a few years. There are already some lessons learned by contracting authorities and designers, for example concerning the design of sanitary facilities.

### Actors, partners and stakeholders involved

- The contracting authority (Department of Gironde) is involved at each stage.
- The gender expert is involved in the pre-procurement and post-procurement stages.
- Several stakeholders were involved in developing the *Plan Collège Ambition 2024*, in particular the Mission Égalité Femmes–Hommes, the service in charge of youth and the national education services.

### Social impacts

- The issue of gender equality is now systematically raised and discussed in the various services of the Department of Gironde dealing with education.
- The technical programme and the specifications on gender in the procurement process consider three different dimensions altogether: inclusion, environment and gender.
- The new secondary schools are linking environmental and gender objectives.

### Barriers and opportunities

The opportunity to develop this practice came from an informal network of women from



different backgrounds and positions (e.g. researchers, public administrators and non-governmental organisation staff) who exchanged experiences about the possibility of mainstreaming gender within several public policies. This practice has a strong legal framework and soft instruments as its basis, namely the Charter for Equality of Women and Men in Local Life and the French Diversity Label, which help to drive this action.

### Lessons learned and recommendations

- This gender-sensitive design practice can be applied to any publicly funded educational infrastructure.
- Observation work on how school spaces are used preceded the procurement procedure and raised awareness of how spaces are gendered and currently unequally shared in schools.
- Reflecting on more inclusive and environmentally sustainable constructions provides an opportunity to reconsider the ways in which things are done in this field. Further development in terms of what gender means in urban planning is needed.

### Links for further information

- The Department of Gironde's gender equality report, which contains a section on public procurement and the objective of integrating gender in the *Plan Collège Ambition 2024*: <https://www.gironde.fr/le-departement/legalite-femmes-hommes#rapport-egalite-femmeshommes>
- Resources and territories section of *Le grand sujet: Plan Collège de la construction à l'éducation, hiver 2020–2021*, p. 7: <https://www.gironde.fr/publications/ressources-territoires-hiver-2020-2021>
- L'Atelier Recherche Observatoire Egalité (L'ARObE) research office, *Report on the call for tenders public contract: Evaluation and implementation of a support system for young people aged 11 to 25 on the issue of gender diversity and equality between girls and boys*

as part of the preparation of Act II of the manifesto for youth for the Department of Gironde: <https://www.gironde.fr/sites/default/files/2018-10/2015-11-16%20rapportegalite-filles-gar%C3%A7ons.pdf>

- Department of Gironde article on Belcier College in Bordeaux: <https://www.gironde.fr/actualites/plan-colleges-premiere-pierre-du-college-belcier-bordeaux>
- Charter for Equality of Women and Men in Local Life: <https://www.ccre.org/en/activites/view/11>
- The French Diversity Label: <https://www.afmd.fr/en/french-diversity-label-lever-prevent-and-combat-discrimination>

### Contacts

Anaïs Luquedey, Director of Colleges, Department of Gironde. Email: [a.luquedey@gironde.fr](mailto:a.luquedey@gironde.fr)

For further information on the gendered use of college spaces: Edith Maruéjols, L'ARObE. Email: [larobe.be@gmail.com](mailto:larobe.be@gmail.com)

*The sports areas have been replaced by a cleaner and greener area. In the playground, everyone should be able to find a corner where they feel comfortable.*

#### Anaïs Luquedey

Director of Colleges, Department of Gironde

### 3.2.3. Interinstitutional collaboration between the equality adviser and the Procurement Office in the Lazio Region (Italy)

#### Country and/or contracting authority / public authority

Italy, Lazio Region

Lazio, in central Italy, whose capital is Rome, is the second most-populated region in Italy, with over 5.7 million inhabitants. In 2020, the Lazio

Region launched tender procedures for a total value of over EUR 4.23 billion.

### Product or service sector

Maintenance and cleaning services, postal services, call centres and facilities management

### Procurement objective

In 2020, the Lazio Central Regional Purchasing Directorate launched five tender initiatives with award criteria on gender equality. The objective was to use GRPP as a strategic lever to promote gender equality in the labour market.

### Procurement stage

Procurement

### Brief description of the context

At national level, in Italy, the gender gap in employment remains among the highest in Europe, with striking differences across the country. In 2018, in the south of Italy, only 32 % of women between 15 and 64 years of age were employed (compared with 60 % in the north). In Italy, women are also under-represented in top positions.

### Objectives that the tendering procedure intends to achieve

In the Lazio Region, there is a disparity in employment rates between women and men, and there is a relatively low rate of participation of women in senior positions. Moreover, gender segregation in the labour market is also an issue. Therefore, the objective of the Lazio Region's tender procedures presented in this case study was to bridge these gaps, by leveraging public contracts with gender equality award criteria.

### Description of the procedure

The five calls of the Lazio Region established award criteria that promoted gender equality.

The five tender calls concerned:

1. cleaning and sanitation services for a total value of EUR 38 million;
2. the maintenance of properties owned by the region, for a total value of EUR 65 million;
3. postal services for approximately EUR 14 million;
4. a call centre for healthcare for approximately EUR 72 million;
5. an open tender for facilities management for around EUR 18 million.

Tenders were developed within an interinstitutional working group that included the regional gender equality adviser. Equality advisers and councillors are appointed by decree of the Italian Minister of Labour.

According to Legislative Decree 198/2006 <sup>(117)</sup>, regional equality advisers and councillors are experts in the field of women's work, equality legislation and equal opportunities. They play an institutional role in promoting, supervising and controlling equal opportunities and anti-discrimination in the regional labour sector. Equality advisers and councillors promote and monitor the implementation of the principles of equal opportunities and non-discrimination between women and men in the workplace. In carrying out their duties, they cooperate with all branches of the regional administration. Equality advisers and councillors identify situations of gender inequality or discrimination and promote positive action projects and equal opportunities policies within the framework of active labour market policies.

<sup>(117)</sup> Legislative Decree No 198 of 11 April 2006 – Code of equal opportunities between women and men (<https://web.camera.it/parlam/leggi/deleghe/06198dl.htm>).

In this case study, the interinstitutional working group, composed of the Lazio Region and the regional equality adviser, had identified public procurement as one of the areas in which gender equality policies should be promoted. The working group then proceeded to assess and estimate the potential impacts and expected effects. It then discussed the criteria for awarding the tender and introduced, at the suggestion of the equality adviser, several award criteria related to gender equality <sup>(118)</sup>. For example, if the operator has international Social Accountability Certification (SA8000) or equivalent, this is worth 3 points. SA8000 is an independent third-party certification given to organisations that implement social sustainability, for example when providing nurseries and flexible working conditions.

In total, the points attributed to gender equality criteria are equal to 12–13 % of the overall score. For the tender, the participant self-certifies all of the elements that make up the offer.

#### Legal basis

- Article 67 of Directive 2014/24/EU (award criteria may include social characteristics).
- Articles 30, 95 and 100 of Legislative Decree No 50/2016 (the public contracts code).
- Article 12 to Article 19 (inclusive), as well as Article 41 of Legislative Decree No 198/2006 (the equal opportunity code); the latter establishes the exclusion from procurement contracts of operators who have been convicted of gender discrimination in employment relations.

#### Verification and monitoring

Tender procedures are defined by the interinstitutional working group. The contracting authority verifies the documentation, for example certifications of social accountability. The regional equality adviser is not involved in the monitoring phase.

If a false declaration is identified, this can result in cancellation of the award or a report being sent to the Italian Anticorruption Authority, which is the body responsible for the supervision and regulation of public contracts.

The interinstitutional working group reconciles EU-level objectives with new objectives agreed with the regional equality adviser. The balance of these objectives is assessed for each procedure. For example, in the procurement procedure concerning property maintenance, gender criteria were given slightly lower scores to support the region's energy efficiency objectives.

#### Actors, partners and stakeholders involved

- Contracting authority: Lazio Region.
- Regional equality adviser (regional body for gender equality).

#### Social impacts

In the absence of a wide-ranging regulatory framework, the introduction of award criteria in tenders for gender equality is not in itself sufficient to induce significant changes in the labour market. However, introducing GRPP award criteria in the design phase of procedures has enabled the Lazio Region to send an institutional message to the market and to encourage the reduction of gender inequalities. The practical impact of these procedures will be seen only at the end of the procurement process.

#### Barriers and opportunities

The number of offers received by the Lazio Region varied among the five tender procedures, from a minimum of 4 to a maximum of 70. Overall, few barriers were recorded. One of the trade associations representing the interests of economic operators sent a letter criticising the inclusion of award criteria for gender equality. However, in the light of the significant number of offers received for that procedure, the inclusion of such award criteria was not problematic.

<sup>(118)</sup> In the development of this case study, some award criteria contained in the tender documents were omitted, as there are doubts about their compliance with Directive 2014/24/EU.

The inclusion of the award criteria was carried out by weighting the scores, so as not to create restrictions on competition.

### Lessons learned and recommendations

- Award criteria on gender equality should be consistently integrated into regional/national policies, as this would help to distribute the experience acquired in Lazio throughout the country.
- It is recommended that strategic guidelines on GRPP at national level be drafted, inviting all regions and the main contracting authorities to develop a series of indications and criteria for the different sectors.

### Links for further information

- A maintenance service for properties in use by the structures of the Lazio Regional Council: <https://www.regione.lazio.it/amministrazione-trasparente/atti-procedure-affidamento/2118>
- Cleaning and sanitising services with reduced environmental impact and ancillary services for the administrative offices of the Lazio Region: <https://www.regione.lazio.it/amministrazione-trasparente/atti-procedure-affidamento/2169>
- Postal services for the administrations of the Lazio Region: <https://www.regione.lazio.it/amministrazione-trasparente/atti-procedure-affidamento/2114>
- A call centre for the Lazio Region: <https://www.regione.lazio.it/amministrazione-trasparente/atti-procedure-affidamento/2138>
- A technological multiservice for the maintenance of systems relating to properties owned or used by the Lazio Region: <https://www.regione.lazio.it/amministrazione-trasparente/atti-procedure-affidamento/2237>

### Contact

Andrea Sabbadini, Director of Central Purchasing Body, Lazio Region.  
Email: [asabbadini@regione.lazio.it](mailto:asabbadini@regione.lazio.it)

*Introducing GRPP award criteria in the design phase of procedures enables the region to send an institutional message to the market and to encourage the reduction of gender disparities.*

**Andrea Sabbadini**  
Lazio Region

### 3.2.4. Implementation of fundamental labour standards in information technology supply chains (Poland)

#### Country and/or contracting authority / public authority

Poland, Statistics Poland

Statistics Poland is an office of government administration that collects, processes and publishes statistical information on most areas of public life and some aspects of private life, as required by Polish law.

#### Product or service sector

IT (software)

#### Procurement objective

The objective of this procedure was to deliver software for designing publications and preparing them for printing, making them available on the internet and on mobile devices, and designing interactive websites for entities monitoring Poland's implementation of the EU cohesion policy.

## Stage of procurement

Procurement

### Brief description of the context

The fundamental labour standards resulting from the ILO's *Declaration on Fundamental Principles and Rights at Work* fall into four categories: (1) freedom of association and the effective recognition of the right to collective bargaining, (2) the elimination of forced or compulsory labour, (3) the abolition of child labour and (4) the elimination of discrimination in respect of employment and occupation. The last of these, in particular, relates to the issue of gender equality, as it includes the principles of equal remuneration for work of equal value and the elimination of discrimination in the workplace.

The principles of equal remuneration for equal work and non-discrimination have been implemented in Polish labour law, and all employers must observe them. However, there is no obligation on employers to ensure that these principles are observed by business partners located outside Poland.

### Objectives that the tendering procedure intends to achieve

The tendering procedure was aimed at ensuring that the fundamental labour standards resulting from the ILO's *Declaration on Fundamental Principles and Rights at Work* were observed for the entire supply chain related to the subject of the contract. For gender equality, the contracting authority required equal remuneration for women and men for work of the same value and non-discrimination based on sex in access to work and occupation. These requirements were applied to all entities in the supply chain, regardless of whether or not the standards were mandatory under applicable local law.

## Description of the procedure

The contracting authority applied an open procedure in which all qualified and interested entities could submit bids in response to a public contract notice for IT services (software).

Bidders were requested to ensure that all subcontractors and suppliers that were engaged in the implementation of the contract observed the ILO core labour standards, resulting from the ILO's *Declaration on Fundamental Labour Principles and Rights at Work*, including ILO Convention 111 on discrimination and ILO Convention 100 on equal remuneration.

Compliance with the ILO core conventions throughout the supply chain ensures the coverage of all employees who work in the manufacturing of the software during the performance of the contract.

Contract performance conditions requiring compliance with the ILO conventions concerned both the selected contractor and its entire supply chain. The contractor was obliged to ensure that all subcontractors and suppliers engaged in implementing the contract effectively observed the core labour standards.

### Legal basis

- Articles 70 (conditions for the performance of contracts), 18(2) (compliance with applicable obligations in the field of labour law established by the international labour law provisions listed in Annex X of the directive, including ILO Convention 111 on discrimination and ILO Convention 100 on equal remuneration) and 71(1) (relating to subcontractors and appropriate actions to ensure the observance of the obligations referred to in Article 18(2)) of Directive 2014/24/EU.
- Polish public procurement law <sup>(119)</sup>, Article 29, Section 4 (allowing social considerations to be included in the description of the subject of a public contract).

<sup>(119)</sup> Act of 11 September 2019 – Public Procurement Law (*Journal of Laws of 2021*, item 1 129) ([https://www.uzp.gov.pl/\\_data/assets/pdf\\_file/0016/50353/PPL\\_of\\_2019\\_as\\_amended\\_consolidated\\_text\\_2022.pdf](https://www.uzp.gov.pl/_data/assets/pdf_file/0016/50353/PPL_of_2019_as_amended_consolidated_text_2022.pdf)).

## Verification and monitoring

During the tender procedure, the contracting authority required all bidders submitting offers to include a written declaration that the ILO fundamental labour standards would be respected in the supply chain for the employees who produce the software that was the subject of the contract. The declaration constituted a mandatory part of the offer, and offers not including the declaration would be rejected.

In addition, at the stage of delivery of the software, the selected contractor was obliged to provide the contracting authority with full information on the supply chain used to manufacture the software. This required information on labour standards to be provided by all of the entities throughout the supply chain.

## Actors, partners and stakeholders involved

- Contracting authority (five of the seven members of the tender committee were women).
- Contractor (a partnership of three individuals – all men).

## Social impacts

The inclusion of requirements to observe standards of equal remuneration and non-discrimination in public procurement contracts throughout the supply chain constitutes an additional enforcement measure, which is useful even if the standards are applicable in local law. This kind of measure could also trigger the implementation of the standards into the regular business practices of those entities that are not obliged to do so under local law. No assessment of the actual social impact of this particular tender is yet available.

## Barriers and opportunities

Before the submission of the offers, one potential tenderer was unable to obtain confirmation from the software manufacturer that the requirements related to the ILO's standards were met in the supply chain. Under the applicable Polish law, the identity of the entities that were

asking questions about the tender documentation cannot be disclosed. Therefore, it was not possible for the contracting authority to assess if the abovementioned potential tenderer ultimately submitted an offer. However, it seems that the requirements in question did not affect the competitiveness of the procedure, as three valid offers were submitted within the deadline. Each tenderer declared that the required standards would be met in the supply chain.

## Lessons learned and recommendations

- For future proceedings, it may be advisable to consider providing potential tenderers with a longer deadline for preparing offers.
- Having a longer deadline could allow potential tenderers to communicate with their subcontractors and thus could ensure that they apply the ILO's fundamental standards.
- Whenever the subcontractors do not apply the standards, additional time may be necessary to agree on implementing the standards in the supply chain or to seek other partners.

## Links for further information

- Statistics Poland website: <https://stat.gov.pl/>
- Statistics Poland tender documentation: <https://bip.stat.gov.pl/ogloszenia/zamowienia-publiczne/przetargi/147,1,spec.html>
- Public Procurement Office's publication that mentions this example of good practice: [https://www.uzp.gov.pl/\\_data/assets/pdf\\_file/0029/39566/Dobre-praktyki-z-zakresu-spoecznych-zamowien-publicznych.pdf](https://www.uzp.gov.pl/_data/assets/pdf_file/0029/39566/Dobre-praktyki-z-zakresu-spoecznych-zamowien-publicznych.pdf)

## Contacts

Marzena Brzychcy, Statistics Poland.  
Email: [m.brzychcy@stat.gov.pl](mailto:m.brzychcy@stat.gov.pl)

Agnieszka Jagoda, Statistics Poland.  
Email: [a.jagoda@stat.gov.pl](mailto:a.jagoda@stat.gov.pl)

*In terms of gender equality, the contracting authority required equal remuneration for*

*women and men for work of equal value and that women do not face discrimination in access to work and occupation.*

**Statistics Poland**

### 3.2.5. Hiring staff at all levels of a municipality to create more diversity (Netherlands)

#### Country and/or contracting authority / public authority

The Netherlands, The Hague

The Hague is the third-largest city in the Netherlands, with nearly 550 000 inhabitants. It is the country's political heart. On a yearly basis, the municipality has a revenue of approximately EUR 22 million.

#### Product or service sector

Service staff for the municipality of The Hague: sports facilities, libraries, call centres and other roles

#### Procurement objective

The objective of this procurement procedure was to hire qualified staff for delivering services on behalf of The Hague, during 2020–2024. The procurement was divided into four lots, for different types of staff: generic, sports facilities, local libraries and call centres.

A particular focus was placed on diversity, including vulnerable groups of people, with the aim of achieving a workforce that better reflected the composition of the city's population.

#### Stage of procurement

All stages: pre-procurement, procurement and post-procurement

#### Brief description of the context

In the Netherlands, the national action plan on socially responsible purchasing has to be taken

into account when drafting tenders at local, regional and national levels. All governmental levels are committed to the national policy, as they signed the manifesto on socially responsible procurement for 2016–2020. This commits government departments at all levels to purchase goods, services and works in a socially responsible way, and to encourage the development of sustainable and innovative products and services.

Within this framework, the municipality of The Hague has applied public procurement to promote a more balanced workforce that better reflects the diversity of its inhabitants. The city published a tender concerning four groups of temporary workers, with criteria targeting diversity, long-term jobseekers and gender equality.

#### Objectives that the tendering procedure intends to achieve

The tender aimed to achieve better diversity and gender balance in each of the four sectors covered. The lots were separated in a way that encouraged recruitment of the traditionally under-represented sex, for example for women in ICT and men in service positions.

The Hague needs many temporary workers on a yearly basis. GRPP was applied to tenders aimed at recruiting these staff. For example, temporary employment agencies were asked about their policies on sexual harassment and how they train their staff in this issue.

#### Description of the procedure

The Hague published a tender concerning four groups of temporary workers. The tender was for an EU value framework agreement, awarded using the open procedure. Its technical specifications included requirements concerning diversity, anti-discrimination, integrity and improper behaviour. For example, contractors were required to make every effort to ensure that the temporary workers employed reflected the diversity within the municipality. In the award criteria, between 7 % and 10 % of the total marks (depending on the lot) were assigned for the specific measures proposed by contractors to ensure diversity in terms of origin, sex, gender, sexual orientation and other characteristics.

Contract performance conditions targeting the integration back into the workforce of long-term jobseekers were also applied.

### Legal basis

- Articles 42 (technical specifications may be formulated by reference to performance, which is particularly relevant for service contracts of this nature), 67 (authorises the application of social award criteria) and 70 (allows the application of contract performance conditions linked to employment or other social considerations) of Directive 2014/24/EU.
- The Dutch public procurement act <sup>(120)</sup>, in which the above EU provisions have been incorporated.

To complement the implementation of the directive and the act, the Netherlands developed the *Proportionality Guide*. Proportionality is a fundamental principle of public procurement law. It requires that the choices that a contracting authority makes, and the requirements and conditions that the authority sets for a tender, must be reasonably proportional to the nature and scope of the contract to be awarded.

### Verification and monitoring

To assess the award criteria on diversity, bidders were required to submit a plan detailing the measures to be taken and the expected results. This was evaluated on the basis of the:

- extent to which the plan was concrete and practicable;
- scope or extent of the approach;
- extent to which the tenderer applied innovative methods to increase the effectiveness of its efforts.

The contract manager of the municipality oversaw how the contractors fulfilled their obligations at all stages of the contract, including monitoring. In cases of doubt, the contract man-

ager brought in one or several expert(s) on the specific subject and sought their advice, before taking any action that may have been necessary.

### Actors, partners and stakeholders involved

- The municipality's gender equality and public procurement teams.
- The municipality departments that were hiring temporary workers.

### Social impacts

This approach worked very well and the workforce now much better reflects the composition of the city's population at all levels in terms of gender and ethnic background. This is the case for both civil servants on permanent contracts and temporary workers, in terms of gender and ethnic background. This all suggests an improvement compared with the situation before the municipality implemented GRPP and SRPP.

As there are now more women working for the municipality, as well as people from different ethnic backgrounds, the inhabitants of The Hague feel better represented. They therefore also find it easier to accept the city's policies, rules and regulations. The presence of more women and men of different ethnic backgrounds supports the creation of a more inclusive culture within public organisations. It is also hoped that GRPP will lead to a greater focus on issues such as parental leave, women in top management, the gender pay gap and homeworking.

### Barriers and opportunities

In total, four offers were received from employment agencies.

The municipality overcame a barrier by realising that the workers it hires or wants to hire are themselves the products of the procurement process. EU Directive 2014/24/EU allows a contracting authority to make demands on the products that it wants to buy (or the workers it wants to hire, in this case). Therefore, it

<sup>(120)</sup> Dutch public procurement act (*Aanbestedingswet*) 2012 (<https://wetten.overheid.nl/BWBR0032203/2019-04-18>).



was possible to define criteria, for example in terms of gender and social background, so that employment agencies would supply temporary workers that better represented the composition of the city's population.

As the municipality needs many workers on an annual basis, this offered an excellent starting point to achieve a more balanced and diverse composition of civil servants at local level.

### Lessons learned and recommendations

- Start with what works within your organisation; from there you can find new ways to continue and expand.
- Keep it simple and start small (e.g. start with a pilot).
- Stay close to your core business. As the municipality needs many temporary workers on a yearly basis (e.g. for the care/health sector, youth work, education, libraries, sports facilities / swimming pools, the catering sector and the security sector), public procurement was applied to obtain a more diverse (gendered) composition for its staff.
- Discuss with legal advisors and lawyers what the options and solutions are, instead of focusing on what is not possible.
- Keep in mind that each sector has its own gender balance. This tender was aimed at achieving a better balance in each sector covered (e.g. ICT, education, healthcare and culture), starting from different situations.

- Use the tender to demand that suppliers (in this case, temporary employment agencies) improve their policies, for example on sexual harassment, and how they train their staff in these areas.

### Links for further information

- Web page of The Hague on working for the municipality: <https://www.werkenvoorden-haag.nl/>
- The Hague public procurement procedures: <https://www.denhaag.nl/nl/in-de-stad/ondernemen/zaken-doen-met-de-gemeente/inkooporganisatie-gemeente-den-haag.htm>
- The tender on TenderNed: <https://www.tenderned.nl/tenderned-tap/aankondigingen/215273;section=2>

### Contact

Saskia van Klaveren Vrolijk, public procurement lawyer, The Hague.

Email: [saskia.vrolijk@denhaag.nl](mailto:saskia.vrolijk@denhaag.nl)

*Start with what works in public procurement. Tendering for staff is a starting point to achieve a more diverse and gendered composition in the staff of the municipality, as people/workers are the product themselves.*

**Saskia van Klaveren Vrolijk**  
Public procurement lawyer, The Hague



## 4. Conclusions and policy recommendations

The research findings set out in this report lead to various conclusions and reveal several lessons that can be learned for moving forward in the pursuit of gender mainstreaming in public procurement.

The main conclusion is that public procurement and gender equality are generally seen and treated as two distinct issues with no links between the two at both EU and national levels.

GRPP is very rarely applied in the EU. Some Member States, mainly Belgium and Spain, followed by Germany, France and Austria, are more advanced in promoting and implementing GRPP than the EU as a whole.

There is no correlation between the best-performing countries in EIGE's Gender Equality Index and the use of GRPP, with the exception of Spain.

The main challenges for the promotion and implementation of GRPP are the low level of knowledge and awareness of how public procurement can contribute to gender equality, and the lack of political will and capacity to implement GRPP. The lack of recognition of gender equality as a legitimate objective of the EU framework for public procurement has definitely contributed to this.

The EU framework for public procurement allows for GRPP, as it falls within the remit of SRPP. Awareness and the strategic use of GRPP to advance gender equality remains extremely low in Member States that are advanced in the use of SRPP (except Spain), showing that gender equality aspects have been very much neglected in the context of SRPP.

In the most advanced Member States in terms of the understanding and use of GRPP, the involvement of gender equality bodies has been the driving force for change.

The findings and conclusions presented suggest that six preconditions or enabling factors have the potential to deliver the best application of GRPP in the EU <sup>(121)</sup>:

1. a legal framework that cross-references gender equality and public procurement;
2. public procurement strategies that cover GRPP or include gender equality as an objective;
3. gender equality action plans or strategies that mention public procurement / GRPP as a tool to promote gender equality;
4. capacity-building programmes, support structures and guidelines that promote GRPP;
5. regular collaboration between gender equality bodies or departments and public procurement offices;
6. effective monitoring and reporting systems on the use of GRPP.

Building on these enabling conditions, Sections 4.1–4.3 set out recommendations and specific actions that can be taken by EU institutions, national, regional and local governments, and individual contracting authorities to boost and effectively implement GRPP under the existing legal framework. Additional recommendations aimed at the future reform of the EU legal framework on public procurement are also made (Section 4.4).

<sup>(121)</sup> See also EIGE, 2022, *Step-by-step toolkit for implementing gender-responsive public procurement in the EU*.

## 4.1. Recommendations for EU institutions

- The role of GRPP in implementing gender mainstreaming and its specific initiatives, such as gender budgeting, should be recognised in the EU legal and policy frameworks governing these initiatives, by making specific reference to GRPP in these frameworks.
- The financial regulation, which governs the procurement carried out by EU institutions, should clearly identify gender equality as an essential objective of procurement, in line with Article 8 of the TFEU.
- The financial regulation should clearly identify gender equality as an essential principle of procurement, which economic operators must comply with in the performance of public contracts.
- Guidance on procurement should be issued to EU institutions to provide examples of how and when gender issues can be taken into account during each stage of a tender procedure, as well as during the pre-tender and contract performance stages.
- Targets for the implementation of GRPP by the EU institutions should be set, with appropriate reporting and collection of data.
- Work should be initiated on the collection of quantitative and qualitative data on GRPP, and a specific section on GRPP should be included in the European Commission's reports on the implementation of strategic procurement across the EU.

## 4.2. Recommendations for Member States (national, regional and local administrations)

- National, regional and local procurement policies, strategies and guidance should clearly identify gender equality as an essential aim of procurement, and one that can be pur-

sued under the existing legal framework. Examples should be given of how and when gender issues can be taken into account during each stage of a tender procedure, as well as during the pre-tender and contract performance stages.

- Public procurement should be identified as a relevant tool for implementing gender equality policies and strategies, including gender budgeting, and dialogue should be established between the departments/agencies responsible for procurement and gender equality bodies.
- Training and capacity building for GRPP, including in gender equality and gender mainstreaming, should be supported for contracting authorities, and reflected in national qualifications for procurement professionals.
- Targets for the implementation of GRPP should be set, with appropriate reporting and collection of data. Targets may refer to both the number/value of contracts that include gender equality measures and the impact of contracts on outcomes, such as the number of women employed in skilled positions, verified compliance with equal pay legislation and audited compliance with ILO conventions along the supply chain.

## 4.3. Recommendations for contracting authorities

- Procurement policies and standing orders should clearly identify gender equality as an essential aim of procurement, and one that can be pursued under the EU legal framework. Examples should be given of how and when gender issues can be taken into account during each stage of a tender procedure, as well as during the pre-tender and contract performance stages.
- Risk assessments for public contracts should be carried out prior to tendering to include an analysis of gender issues in the workforce, such as equal pay, gender discrimination throughout the supply chain, sectoral and

occupational segregation, and violence and harassment at work.

- Procurement staff should receive information on GRPP as part of their core training, together with examples and tools such as standard forms/checklists to support its implementation. Capacity building should be undertaken in cooperation with gender equality bodies to develop implementation skills.
- Targets for the implementation of GRPP should be set at organisational level, reflecting national targets (where applicable) and the specific nature of contracts awarded by the organisation. Targets may refer to both the number/value of contracts that include gender equality measures and the impact of contracts on outcomes, such as the number of women employed in skilled positions, verified compliance with equal pay legislation and audited compliance with ILO conventions along the supply chain.
- Compliance with obligations relating to gender equality, such as equal pay and employment legislation, should be explicitly referred to in the article related to the mandatory social clause (currently Article 18(2) of Directive 2014/24/EU). This would include breaches of equal pay legislation, ILO Convention 100 on equal remuneration and ILO Convention 111 on discrimination, and any applicable collective agreements. Breaches by subcontractors should also lead to termination of the sub-contract and/or main contract.

#### 4.4. Recommendations for the future reform of the EU procurement directives

- The EU procurement directives should be amended to include explicit reference to Art-

icle 8 of the TFEU, specifying that gender equality is an essential objective of procurement procedures.

- Gender equality should be explicitly referred to as an essential principle of procurement procedures, which economic operators must comply with in the performance of public contracts.
- Gender equality should be explicitly referred to as one of the matters that may be addressed in award criteria and contract performance clauses. Compliance with obligations relating to gender equality, such as equal pay and employment legislation, should be explicitly referred to in Article 18(2) (the mandatory social clause) of Directive 2014/24/EU.
- The use of Directive 96/71/EC as a 'ceiling' for the employment terms that may be enforced in public contracts should be reconsidered, in the light of reforms to that directive and the benefits of applying living wages and other non-legislative initiatives in public contracts.
- Contracting authorities and/or Member States should be able to justify exceptions to the requirement for a link to the subject matter when important social objectives, such as gender equality, cannot be effectively addressed through measures that are strictly limited to the goods, services or works being purchased.
- If adopted, references to the (currently proposed) pay transparency directive and any future EU legislation on due diligence should be included in the procurement directives, to ensure that contracting authorities are aware of the gender equality obligations that apply in the context of contract award and performance.

## References

Barcelona City Council (2020), *Plan de Objetivos de Contratación Pública Sostenible 2020-2021* (<https://w123.bcn.cat/APPS/egaseta/home.do?reqCode=downloadFile&publicacionId=20479>).

Bisceglie, J., Johnson, C. L. and Littlejohn, V. (2017), 'US case study: Women's federal procurement and the process of socializing targets', in Rimmer, S. (ed.), *Gender-smart Procurement: Policies for driving change*, Chatham House, London.

BXL (2020), 'Action plan for equality between men and women for 2020–2022' ([https://www.brussels.be/action-plan-equality-between-women-and-men?\\_ga=2.167308280.790841425.1647429324-1622236925.1647429324](https://www.brussels.be/action-plan-equality-between-women-and-men?_ga=2.167308280.790841425.1647429324-1622236925.1647429324)).

Dilger, R. J. (2020), *SBA Women-owned Small Business Federal Contracting Program* (CRS Report No R46322), Congressional Research Service, United States (<https://crsreports.congress.gov/product/pdf/R/R46322>).

EIGE (2017a), *Economic benefits of gender equality in the European Union*, Publications Office of the European Union, Luxembourg (<https://eige.europa.eu/gender-mainstreaming/policy-areas/economic-and-financial-affairs/economic-benefits-gender-equality>).

EIGE (2017b), *What Is Gender Mainstreaming?*, Publications Office of the European Union, Luxembourg (<https://eige.europa.eu/publications/what-gender-mainstreaming>).

EIGE (2020), *Gender Budgeting: Step-by-step toolkit. Guidance for mainstreaming gender into the EU Funds*, Publications Office of the European Union, Luxembourg (<https://eige.europa.eu/publications/gender-budgeting-step-step-toolkit>).

EIGE (2021), *Gender-responsive Public Procurement*, Publications Office of the European Union, Luxembourg (<https://eige.europa.eu/publications/gender-responsive-public-procurement>).

EIGE (2022), *Gender-responsive Public Procurement: Step-by-step toolkit*, Publications Office of the European Union, Luxembourg (<https://eige.europa.eu/publications/gender-responsive-public-procurement-step-step-toolkit>).

Emakunde (2017), 'Two Basque projects selected like best practices in gender equality in Washington' (<https://www.emakunde.euskadi.eus/news/2017/two-basque-projects-selected-like-best-practices-in-gender-equality-in-washington/u72-resulema/en/>).

Emakunde (2019), *Evaluation of the VII Plan for Gender Equality* ([https://www.emakunde.euskadi.eus/contenidos/informacion/politicas\\_evaluaciones/es\\_def/adjuntos/2018\\_memoria\\_poderes\\_publicos.pdf](https://www.emakunde.euskadi.eus/contenidos/informacion/politicas_evaluaciones/es_def/adjuntos/2018_memoria_poderes_publicos.pdf)).

European Court of Auditors (2016), *Special Report: The European institutions can do more to facilitate access to their public procurement*, No 17, Publications Office of the European Union, Luxembourg ([https://www.eca.europa.eu/Lists/ECADocuments/SR16\\_17/SR\\_PROCUREMENT\\_EN.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR16_17/SR_PROCUREMENT_EN.pdf)).

European Commission (2016), *Stock-taking of administrative capacity, systems and practices across the EU to ensure the compliance and quality of public procurement involving European Structural and Investment (ESI) Funds*, final report: country profiles, Publications Office of the European Union, Luxembourg (<https://op.europa.eu/en/publication-detail/-/publication/60bf8ebc-0204-11e6-b713-01aa75ed71a1>).

European Commission (2020a), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A union of equality – Gender equality strategy 2020–2025, COM(2020) 152 final, European Commission, Brussels (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152>).

- European Commission (2020b), *Making Socially Responsible Public Procurement Work: 71 good practice cases*, Publications Office of the European Union, Luxembourg (<https://op.europa.eu/en/publication-detail/-/publication/e8cf51d0-f632-11ea-991b-01aa75ed71a1>).
- European Commission (2021), *Buying Social: A guide to taking account of social considerations in public procurement*, second edition, 2021/C 237/01, OJ C 237/1, 18.6.2021, p. 1 (<https://op.europa.eu/en/publication-detail/-/publication/47c69b3a-cfcf-11eb-ac72-01aa75ed71a1/language-en/format-PDF/source-search>).
- European Commission (2022), 'Internal market, industry, entrepreneurship and SMEs' ([https://ec.europa.eu/growth/single-market/public-procurement\\_en](https://ec.europa.eu/growth/single-market/public-procurement_en)).
- French government (2016), *Inter-ministerial plan for gender equality at work for 2014–2020*, point 49 (<https://www.egalite-femmes-hommes.gouv.fr/wp-content/uploads/2017/04/Plan-interministeriel-en-faveur-de-l'egalite-professionnelle-entre-les-femmes-et-les-hommes-PIEP-revu13042017.pdf>).
- Institute for the Equality of Women and Men (2018a), *Checklist for the integration of the gender perspective and consideration of the equality of women and men in the framework of public procurement*, Institute for the Equality of Women and Men, Brussels ([https://igvm-iefh.belgium.be/sites/default/files/114\\_-\\_checklist\\_integration\\_gender\\_perspective\\_and\\_consideration\\_of\\_equality.pdf](https://igvm-iefh.belgium.be/sites/default/files/114_-_checklist_integration_gender_perspective_and_consideration_of_equality.pdf)).
- Institute for the Equality of Women and Men (2018b), *Manual for the integration of the gender perspective and the consideration of the equality of women and men in the framework of public procurement*, Institute for the Equality of Women and Men, Brussels ([https://igvm-iefh.belgium.be/sites/default/files/manual\\_gender\\_perspective\\_and\\_equality\\_public\\_procurement.pdf](https://igvm-iefh.belgium.be/sites/default/files/manual_gender_perspective_and_equality_public_procurement.pdf)).
- Irish Human Rights and Equality Commission (2018), *Assisting the effective implementation of the public sector equality and human rights duty: Tool for an evidence-based assessment of equality and human rights issues*, Irish Human Rights and Equality Commission, Dublin (<https://www.ihrec.ie/app/uploads/2020/09/IHREC-Tool-for-an-Evidence-Based-Assessment-of-Equality-and-Human-Rights-Issues.pdf>).
- Ministry of Ecology (2014), *National action plan for responsible public procurement for 2015–2020*, Ministry of Ecology, Paris ([https://www.ecologie.gouv.fr/sites/default/files/Plan\\_national\\_d\\_action\\_pour\\_les\\_achats\\_publics\\_durables\\_2015-2020.pdf](https://www.ecologie.gouv.fr/sites/default/files/Plan_national_d_action_pour_les_achats_publics_durables_2015-2020.pdf)).
- Office for Government Procurement (2018), *Information Note: Incorporating social considerations in public procurement*, Government of Ireland, Dublin (<https://www.gov.ie/en/publication/170d6-information-note-incorporating-social-considerations-into-public-procurement-december-2018/>).
- Rimmer, S. (2017), *Gender-smart Procurement: Policies for driving change*, Chatham House, London.
- Sarter, K. (2019), *Policy paper on public procurement and gender equality*, Women's Budget Group Commission on a Gender-equal Economy, London (<https://wbg.org.uk/wp-content/uploads/2019/11/Public-Procurement-and-Gender-Equality.pdf>).

# Additional resources

## 1. Legislation

- Consolidated version of the Treaty on European Union, OJ C 326, 26.10.2012, p. 13 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>).
- Council of Europe (2011), Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe Treaty Series, No 210, Istanbul.
- Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, p. 391 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>).
- Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>).
- Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, OJ L 18, 21.1.1997, p. 1–6 (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31996L0071>).
- Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts Text with EEA relevance, OJ L 94, 28.3.2014, p. 1 (<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32014L0023>).
- Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC Text with EEA relevance, OJ L 94, 28.3.2014, p. 65 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0024>).
- Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC Text with EEA relevance, OJ L 94, 28.3.2014, p. 243 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0025>).
- Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, OJ L 188, 12.7.2019, p. 79 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019L1158>).
- ILO Convention 190 – Violence and Harassment Convention, 2019.
- ILO Convention 183 – Maternity Protection Convention, 2000.
- Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between women and men through pay transparency and enforcement mechanisms, COM(2021) 93 final, European Commission, Brussels (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52021PC0093>).
- Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p. 1 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32018R1046>).

- UN Convention on the Elimination of All Forms of Discrimination Against Women, 19 December 1979, Treaty Series, Vol. 1249, p. 13.

## 2. Member States' legislation and policy

### 2.1. Belgium

- Gender mainstreaming law of 12 January 2007 (<https://igvm-iefh.belgium.be/sites/default/files/downloads/loigm.pdf>).

#### Regional level

- Brussels Region: BXL (2020), 'Action plan for equality between men and women for 2020–2022' ([https://www.brussels.be/action-plan-equality-between-women-and-men?\\_ga=2.167308280.790841425.1647429324-1622236925.1647429324](https://www.brussels.be/action-plan-equality-between-women-and-men?_ga=2.167308280.790841425.1647429324-1622236925.1647429324)).

### 2.2. Germany

#### Regional level

- Bavaria: Ordinance on equal pay for women and men in the awarding of public contracts of 6 December 2019 ([https://www.stmi.bayern.de/assets/stmi/kub/2019-12-06\\_-\\_rundschreiben\\_an\\_kommunen\\_zu\\_equal\\_pay\\_-\\_kopie\\_.pdf](https://www.stmi.bayern.de/assets/stmi/kub/2019-12-06_-_rundschreiben_an_kommunen_zu_equal_pay_-_kopie_.pdf)).
- Berlin: Ordinance No 19/2011 on the promotion of women and reconciliation of work and family life of 19 July 2011 (<https://www.berlin.de/sen/frauen/recht/landesgleichstellungsgesetz/frauenfoerderverordnung>).
- Brandenburg: Ordinance No 22/1996 on the preferential consideration of companies in the award of public contracts for the promotion of women in employment of 25 April 1996 (<https://bravors.brandenburg.de/de/verordnungen-211802>).

- North Rhine-Westphalia: Ordinance No 16/2013 on promoting the reconciliation of work and family life / work–life balance of 31 May 2013 ([https://recht.nrw.de/lmi/owa/br\\_vbl\\_detail\\_text?anw\\_nr=6&vd\\_id=13865&vd\\_back=N254&sg=&menu=1](https://recht.nrw.de/lmi/owa/br_vbl_detail_text?anw_nr=6&vd_id=13865&vd_back=N254&sg=&menu=1)).

### 2.3. Estonia

- Public procurement act of 14 June 2017 (<https://www.riigiteataja.ee/en/eli/505092017003/consolide>).

### 2.4. Ireland

- Office for Government Procurement (2018), *Information Note: Incorporating social considerations in public procurement*, Government of Ireland, Dublin (<https://www.gov.ie/en/publication/170d6-information-note-incorporating-social-considerations-into-public-procurement-december-2018/>).

### 2.5. Greece

- Public procurement of projects, supplies and services of 8 August 2016, No 4412/2016 (<https://www.eaadhsy.gr/n4412/>).

### 2.6. Spain

- Organic Law No 3/2007 for effective equality between women and men of 23 March 2007 (<https://www.boe.es/buscar/act.php?id=BOE-A-2007-6115>).
- Law No 9/2017 on public sector contracts of 8 November 2017 (<https://www.boe.es/buscar/act.php?id=BOE-A-2017-12902>).
- Royal Decree No 94/2018 of 2 March setting up an interministerial commission to include social clauses in public procurement (<https://www.boe.es/buscar/doc.php?id=BOE-A-2018-3081>).



- Plan to promote socially responsible public procurement of 2019 ([https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2019-7831](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2019-7831)).
- Royal Decree 901/2020 of 13 October, which regulates gender equality plans ([https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2020-12214](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-12214)).
- Plan for gender equality in the General State Administration of 29 December 2020 ([https://www.boe.es/eli/es/res/2020/12/29/\(2\)/con](https://www.boe.es/eli/es/res/2020/12/29/(2)/con)).

### Regional level

- Basque Country: Agreement of the governing council of the Basque government on the incorporation of clauses for equal pay for women and men and measures against the pay gap in public procurement of 9 April 2019 (<https://www.legegunea.euskadi.eus/eli/es-pv/res/2019/04/09/42/dof/spa/html/x59-contfich/es/>).
- Basque Country: Act No 4/2005 on equal opportunities between women and men of 18 February 2005 ([https://www.emakunde.euskadi.eus/contenidos/informacion/english\\_about\\_us/eu\\_def/adjuntos/equal\\_opportunities\\_men\\_women\\_act.pdf](https://www.emakunde.euskadi.eus/contenidos/informacion/english_about_us/eu_def/adjuntos/equal_opportunities_men_women_act.pdf)).
- Basque Country: Act No 3/2016 for the inclusion of certain social clauses in public procurement of 7 April 2016 ([https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2016-4172](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2016-4172)).

### Local level

- Barcelona City Council: Sustainable Public Procurement Objectives Plan 2020–2021 (<https://w123.bcn.cat/APPS/egaseta/home.do?reqCode=downloadFile&publicacion-sId=20479>).
- City Council of Castelló de la Plana: Instruction for the inclusion of social criteria in the public procurement of the City Council of Castelló de la Plana ([http://www.castello.es/archivos/1169/Anuncio\\_BOP\\_Instruccion.pdf](http://www.castello.es/archivos/1169/Anuncio_BOP_Instruccion.pdf)).
- City Council of Castelló de la Plana: Municipal plan for equal opportunities for women and men of Castelló de la Plana City Council ([http://www.castello.es/web30/pages/contenido\\_web20.php?id=cas&cod0=18&cod1=204&cod2=682](http://www.castello.es/web30/pages/contenido_web20.php?id=cas&cod0=18&cod1=204&cod2=682)).

## 2.7. France

- Ordinance No 2005-649 on public procurement of 6 June 2005 (<https://www.legifrance.gouv.fr/loda/id/JORFTEXT00000629820/#:~:text=Les%20march%C3%A9s%20sont%20les%20contrats,de%20fournitures%20ou%20de%20services>).
- Law No 2014-856 on the social and solidarity economy of 31 July 2014 (<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029313296/>).
- Law No 2014-873 on real equality of 4 August 2014 (<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029330832?init=true&page=1&query=Loi+2014-873+Ã>).
- Law No 2015-992 on the energy transition of 17 August 2015 (<https://www.legifrance.gouv.fr/dossierlegislatif/JORFDOLE000029310724/#:~:text=Le%20projet%20de%20loi%20renforce,%25%20%C3%A0%20l'horizon%202025>).
- Public procurement code of 1 April 2019 ([https://www.legifrance.gouv.fr/codes/texte\\_lc/LEGITEXT000037701019/2019-04-01/](https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000037701019/2019-04-01/)).
- Interministerial plan for gender equality at work for 2014–2020 (<https://www.egalite-femmes-hommes.gouv.fr/wp-content/uploads/2017/04/Plan-interministeriel-en-faveur-de-l'egalite-professionnelle-entre-les-femmes-et-les-hommes-PIEP-revu13042017.pdf>).
- National action plan for responsible public procurement for 2015–2020 ([https://www.ecologie.gouv.fr/sites/default/files/Plan\\_national\\_d\\_action\\_pour\\_les\\_achats\\_publics\\_durables\\_2015-2020.pdf](https://www.ecologie.gouv.fr/sites/default/files/Plan_national_d_action_pour_les_achats_publics_durables_2015-2020.pdf)).

## 2.8. Italy

- Code of equal opportunities between women and men of 11 April 2006 (<https://www.gazzettaufficiale.it/dettaglio/codici/pariOpportunita>).

## 2.9. Austria

- Act No 65/2018 on public procurement of 18 April 2018 (<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20010295>).
- Resolution No BKA-F140.240/0058-II/1/2011 of the Gender Mainstreaming Council of Ministers of 31 August 2011 (<https://www.imag-gmb.at/dam/jcr:0b4bb579-a231-4ad6-97a5-0477d0e8f879/ministerratsbeschluss20110906.pdf>).
- Gender equality impact-oriented assessment and gender mainstreaming/budgeting strategy implemented by the interministerial working group on gender mainstreaming/budgeting (<https://www.bundeskanzleramt.gv.at/agenda/frauen-und-gleichstellung/gender-mainstreaming-und-budgeting.html> and <https://www.imag-gmb.at/gender-budgeting/gleichstellung-und-wirkungsorientierung/wirkungsorientierte-steuerung.html>).

## 2.10. Portugal

- Code No 18/2008 on public procurement of 29 January 2008 ([http://www.base.gov.pt/mediaRep/inci/files/ccp2018/CCP-DL\\_111-B.pdf](http://www.base.gov.pt/mediaRep/inci/files/ccp2018/CCP-DL_111-B.pdf)).
- National strategy for equality and non-discrimination for 2018–2030 (<https://dre.pt/web/guest/home/-/dre/115360036/details/maximized>).

## 2.11. Sweden

- Socially sustainable procurement strategy of the National Agency for Public Procurement (<https://www.upphandlingsmyndigheten.se/>

om-hallbar-upphandling/socialt-hallbar-upphandling/framjande-av-lika-rattigheter-och-mojligheter/).

## 3. Publications of national organisations

### 3.1. Belgium

- Institute for the Equality of Women and Men (2018), *Checklist for the integration of the gender perspective and consideration of the equality of women and men in the framework of public procurement*, Institute for the Equality of Women and Men, Brussels ([https://igvm-iefh.belgium.be/sites/default/files/114\\_-\\_checklist\\_integration\\_gender\\_perspective\\_and\\_consideration\\_of\\_equality.pdf](https://igvm-iefh.belgium.be/sites/default/files/114_-_checklist_integration_gender_perspective_and_consideration_of_equality.pdf)).
- Institute for the Equality of Women and Men (2018), *Equal opportunities for men and women in public procurement contracts: A few recommendations*, Institute for the Equality of Women and Men, Brussels (<https://igvm-iefh.belgium.be/sites/default/files/downloads/20%20-%20Public%20procurement%20contracts.pdf>).
- Institute for the Equality of Women and Men (2018), *Manual for the integration of the gender perspective and the consideration of the equality of women and men in the framework of public procurement*, Institute for the Equality of Women and Men, Brussels ([https://igvm-iefh.belgium.be/sites/default/files/manual\\_gender\\_perspective\\_and\\_equality\\_public\\_procurement.pdf](https://igvm-iefh.belgium.be/sites/default/files/manual_gender_perspective_and_equality_public_procurement.pdf)).

### 3.2. Denmark

- Danish Institute for Human Rights (2020), *Driving Change through Public Procurement. A toolkit on human rights for procurement policymakers and practitioners*, Danish Institute for Human Rights, Copenhagen (<https://www.humanrights.dk/publications/driving-change-through-public-procurement>).

### 3.3. Ireland

- Irish Human Rights and Equality Commission (2018), *Assisting the effective implementation of the public sector equality and human rights duty: Tool for an evidence-based assessment of equality and human rights issues*, Irish Human Rights and Equality Commission, Dublin (<https://www.ihrec.ie/app/uploads/2020/09/IHREC-Tool-for-an-Evidence-Based-Assessment-of-Equality-and-Human-Rights-Issues.pdf>).

### 3.4. Spain

- Basque Country: Emakunde (2019), *Evaluation of the VII Plan for Gender Equality* ([https://www.emakunde.euskadi.eus/contenidos/informacion/politicas\\_evaluaciones/es\\_def/adjuntos/2018\\_memoria\\_poderes\\_publicos.pdf](https://www.emakunde.euskadi.eus/contenidos/informacion/politicas_evaluaciones/es_def/adjuntos/2018_memoria_poderes_publicos.pdf)).
- Basque Country: Emakunde (2019), *Guide to gender mainstreaming in public contracts, public subsidies, agreements and social concerts in the Basque region* ([https://www.emakunde.euskadi.eus/contenidos/informacion/politicas\\_clau\\_intro\\_00/es\\_def/adjuntos/A1\\_IncorporacionPerspectivaGenero.pdf](https://www.emakunde.euskadi.eus/contenidos/informacion/politicas_clau_intro_00/es_def/adjuntos/A1_IncorporacionPerspectivaGenero.pdf)).

### 3.5. Austria

- City of Vienna Central Auditing Court, Audit-report on promotion of women and gender aspects in the awarding of public contracts (<https://stadtrechnungshof.wien.at/berichte/2016/lang/03-43-StRH-III-33-2-15.pdf>).

### 3.6. Poland

- Public Procurement Office's publication on the Polish case study included in this report ([https://www.uzp.gov.pl/\\_data/assets/pdf\\_file/0029/39566/Dobre-praktyki-z-zakresu-spoecznych-zamowien-publicznych.pdf](https://www.uzp.gov.pl/_data/assets/pdf_file/0029/39566/Dobre-praktyki-z-zakresu-spoecznych-zamowien-publicznych.pdf)).

## 4. Websites and online resources

- Emakunde (Basque Institute for Women) (n.d.), Online directory and resources on public procurement and gender perspective (<https://www.emakunde.euskadi.eus/politicas-publicas/-/informacion/clausulas-contratos/>).
- IEFH (Belgian gender equality body) publications ([www.iefh.belgium.be](http://www.iefh.belgium.be)).
- City of Vienna, 'Promotion of women and gender aspects in the awarding of public contracts' (<https://www.wien.gv.at/wirtschaft/gewerbe/vergabe-frauenfoerderung.html>).
- City of Munich, SRPP ([https://www.muenchen.de/rathaus/Stadtverwaltung/Referat-fuer-Gesundheit-und-Umwelt/Bio\\_regional\\_fair/Faire\\_Beschaffung.html](https://www.muenchen.de/rathaus/Stadtverwaltung/Referat-fuer-Gesundheit-und-Umwelt/Bio_regional_fair/Faire_Beschaffung.html)).
- City of Gironde, diversity and gender equality (<https://www.gironde.fr/le-departement/legalite-femmes-hommes#rapport-egalite-femmeshommes>).
- equal.brussels, equal opportunities test (<http://test.equal.brussels/>).
- EIGE (n.d.), 'Gender mainstreaming' (<https://eige.europa.eu/gender-mainstreaming>).
- EIGE (n.d.), 'Intersectionality' (<https://eige.europa.eu/thesaurus/terms/1263>).
- EIGE (n.d.), 'Affirmative action' ([https://eige.europa.eu/gender-mainstreaming/concepts-and-definitions#Affirmative\\_action](https://eige.europa.eu/gender-mainstreaming/concepts-and-definitions#Affirmative_action)).
- The Equality Law Clinic report ([https://equalitylawclinic.ulb.be/images/documents/ELC\\_Re%CC%81sume%CC%81\\_du\\_rapport\\_subventions\\_et\\_marche%CC%81s\\_publics.pdf](https://equalitylawclinic.ulb.be/images/documents/ELC_Re%CC%81sume%CC%81_du_rapport_subventions_et_marche%CC%81s_publics.pdf)).
- European Commission (2022), 'Internal market, industry, entrepreneurship and SMEs' ([https://ec.europa.eu/growth/single-market/public-procurement\\_en](https://ec.europa.eu/growth/single-market/public-procurement_en)).

- European Charter for Equality of Women and Men in Local Life (<https://charter-equality.eu/>).
- The French Diversity Label (<https://www.afmd.fr/en/french-diversity-label-lever-prevent-and-combat-discrimination>).
- Gender budgeting in the Brussels Region (<http://financesbudget.brussels/gender-budgeting>).
- The Hague web page on working for the municipality (<https://www.werkenvoordenhaag.nl/>).
- The Hague public procurement procedures presented in the Dutch case study included in this report (<https://www.denhaag.nl/in-de-stad/ondernemen/zaken-doen-met-de-gemeente/inkooporganisatie-gemeente-den-haag.htm>).
- The Hague tender presented in the Dutch case study (<https://www.tenderned.nl/tenderned-tap/aankondigingen/215273;section=2>).
- LOTI (Innovation in Procurement) (n.d.), 'Innovation in procurement toolkit' ([www.notion.so/84ea8097ae604bbb9cab-8e29e84762d8?v=82e6cbfaa3a94c1c9d-554d9628c9a2a2](https://www.notion.so/84ea8097ae604bbb9cab-8e29e84762d8?v=82e6cbfaa3a94c1c9d-554d9628c9a2a2)).
- Municipality Compass (2016), 'How can I integrate sustainability into the procurement process?' (<https://www.kompass-nachhaltigkeit.de/en/sustainability-in-the-procurement-process>).
- Maltese National Commission for the Promotion of Equality, 'The equality mark' ([https://ncpe.gov.mt/en/Pages/The\\_Equality\\_Mark/The\\_Equality\\_Mark.aspx](https://ncpe.gov.mt/en/Pages/The_Equality_Mark/The_Equality_Mark.aspx)).
- Statistics Poland (<https://stat.gov.pl/>).
- Poland, tender documentation of the procurement procedure mentioned in the Polish case study included in this report (<https://bip.stat.gov.pl/ogloszenia/zamowienia-publiczne/przetargi/147,1,spec.html>).
- SALAR, English web pages (<https://skr.se/skr/tjanster/englishpages.411.html>).
- Swedish NAPP (<https://www.upphandling-smyndigheten.se/en>).

## GETTING IN TOUCH WITH THE EU

### IN PERSON

All over the European Union there are hundreds of Europe Direct information centres. You can find the address of the centre nearest you at: [https://europa.eu/european-union/contact\\_en](https://europa.eu/european-union/contact_en)

### ON THE PHONE OR BY EMAIL

Europe Direct is a service that answers your questions about the European Union.

You can contact this service:

- by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),
- at the following standard number: +32 22999696, or
- by email via: [https://europa.eu/european-union/contact\\_en](https://europa.eu/european-union/contact_en)

## FINDING INFORMATION ABOUT THE EU

### ONLINE

Information about the European Union in all the official languages of the EU is available on the Europa website at: [https://europa.eu/european-union/index\\_en](https://europa.eu/european-union/index_en)

### EU PUBLICATIONS

You can download or order free and priced EU publications from: <https://publications.europa.eu/en/publications>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see [https://europa.eu/european-union/contact\\_en](https://europa.eu/european-union/contact_en)).

### EU LAW AND RELATED DOCUMENTS

For access to legal information from the EU, including all EU law since 1951 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>

### OPEN DATA FROM THE EU

The official portal for European data (<https://data.europa.eu/en>) provides access to datasets from the EU. Data can be downloaded and reused for free, for both commercial and non-commercial purposes.



<http://eige.europa.eu>



Publications Office  
of the European Union