

Gender Budgeting

Concrete requirements for considering gender equality within the EU Funds

The European Commission's proposal for 2021-2027 regulations defines a number of **concrete requirements and duties for Member States** and managing authorities when programming and implementing EU Funds programmes. These form the minimum requirements for considering gender equality in the EU Funds. However, these can also be used as anchor points to go even beyond basic requirements on fully implementing the dual approach to gender equality within the EU Funds, in line with treaty obligations.

The requirements, laid down in the draft draft proposal for the **Common Provisions Regulation (CPR)** ([COM\(2018\) 375 final](#) ) comprise:

- the requirement to consider gender equality as a horizontal principle (CPR, recital (5));
- the definition of partners to be involved in programming processes and during the implementation of programmes, including “bodies responsible for promoting... gender equality” (CPR, Article 6);
- the duty for managing authorities to “establish and apply criteria and procedures which are non-discriminatory, transparent, [and] ensure gender equality” (CPR, Article 67).

The requirement to consider **gender equality as a horizontal principle** is to be understood as the aim of complying with the EU's dual approach to gender equality, including specific measures and gender mainstreaming more broadly.

More on gender equality as a horizontal principle (CPR, COM(2018) 375 final, recital (5))

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Horizontal principles as set out in Article 3 of the Treaty on the European Union (‘TEU’) and in Article 10 of the TFEU, including principles of subsidiarity and proportionality as set out in Article 5 of the TEU should be respected in the implementation of the Funds, taking into account the Charter of Fundamental Rights of the European Union. Member States should also respect the obligations of the UN Convention on the Rights of Persons with Disabilities and ensure accessibility in line with its article 9 and in accordance with the Union law harmonising accessibility requirements for products and services. Member States and the Commission should aim at eliminating inequalities and at promoting equality between men and women and integrating the gender perspective, as well as at combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Funds should not support actions that contribute to any form of segregation.

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Article 6, on partnerships and multi-level governance, requires the **involvement of partners** in all efforts to promote gender equality.

More on the involvement of partners to promote gender equality (CPR, COM(2018) 375 final, Article 6)

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1. Each Member State shall organise a partnership with the competent regional and local authorities. That partnership shall include at least the following partners:

- (a) urban and other public authorities;*
- (b) economic and social partners;*
- (c) relevant bodies representing civil society, environmental partners, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.*

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Article 67 lays down general requirements for gender-sensitive project selection criteria and procedures under the ambit of the ‘Selection of operations by the managing authority’.

More on project selection criteria (CPR, COM(2018) 375 final, Article 67)

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1. For the selection of operations, the managing authority shall establish and apply criteria and procedures which are non-discriminatory, transparent, ensure gender equality and take account of the Charter of Fundamental Rights of the European Union and the principle of sustainable development and of the Union policy on the environment in accordance with Articles 11 and 191(1) of the TFEU.

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In addition to the CPR, further requirements for considering gender equality are defined in fund-specific regulations. This is especially true of the ESF+, while the ERDF, Cohesion Fund and EAFRD largely restate requirements already defined in the proposed CPR.

European Social Fund Plus (ESF+)

The ESF+ regulation (COM(2018) 382 final) includes specific objectives, one of which focuses on promoting women’s labour market participation and ensuring better work-life balance, including access to childcare (ESF+ regulation, Article 4). It explicitly calls for actions to support equality between men and women, for instance, its call for equal opportunities to “ensure equality between men and women throughout their preparation, implementation, monitoring and evaluation’ (ESF+ regulation, Article 6).

More on gender equality requirements in the ESF+ regulation (COM(2018) 382 final)

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[Article 4, Specific objectives]: The ESF+ shall support the following specific objectives in the policy areas of employment, education, social inclusion and health and thereby also contributing to the policy objective for “A more social Europe - Implementing the European Pillar of Social Rights’ set out in Article [4] of the [future CPR]: [...] (iii) promoting women’s labour market participation, a better work/life balance including access to childcare, a healthy and well-adapted working environment addressing health risks, adaptation of workers, enterprises and entrepreneurs to change, and active and healthy ageing.

[Article 6, Equality between men and women and equal opportunities, and non-discrimination]: '1. All programmes implemented under the ESF+ strand under shared management, as well as the operations supported by the Employment and Social Innovation and Health strands shall ensure equality between men and women throughout their preparation, implementation, monitoring and evaluation. They shall also promote equal opportunities for all, without discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation throughout their preparation, implementation, monitoring and evaluation.

2. The Member States and the Commission shall also support specific targeted actions to promote the principles referred to in paragraph 1 within any of the objectives of the ESF+, including the transition from residential/institutional care to family and community-based care.

[Preface]: '(13) The ESF+ should aim to promote employment through active interventions enabling (re)integration into the labour market, notably for youth, the long-term unemployed and the inactive, as well as through promoting self-employment and the social economy. The ESF+ should aim to improve the functioning of labour markets by supporting the modernisation of labour market institutions such as the Public Employment Services in order to improve their capacity to provide intensified targeted counselling and guidance during the job search and the transition to employment and to enhance workers' mobility. The ESF+ should promote women's participation in the labour market through measures aiming to ensure, amongst others, improved work/life balance and access to childcare. The ESF + should also aim to provide a healthy and well-adapted working environment in order to respond to health risks related to changing forms of work and the needs of the ageing workforce.

(28) The Member States and the Commission should ensure that ESF+ contributes to the promotion of equality between women and men in accordance with Article 8 TFEU to foster equality of treatment and opportunities between women and men in all areas, including regarding participation in the labour market, terms and conditions of employment and career progression. They should also ensure that the ESF+ promotes equal opportunities for all, without discrimination in accordance with Article 10 TFEU and promotes the inclusion in society of persons with disabilities on equal basis with others and contributes to the implementation of the United Nations Convention on the Rights of Persons with Disabilities. These principles should be taken into account in all dimensions and in all stages of the preparation, monitoring, implementation and evaluation of programmes, in a timely and consistent manner while ensuring that specific actions are taken to promote gender equality and equal opportunities. The ESF+ should also promote the transition from residential/institutional care to family and community-based care, in particular for those who face multiple discrimination. The ESF+ should not support any action that contributes to segregation or to social exclusion. Regulation (EU) No [future CPR] provides that rules on eligibility of expenditure are to be established at national level, with certain exceptions for which it is necessary to lay down specific provisions with regard to the ESF+ strand under shared management.

(33) Lack of access to finance for microenterprises, social economy and social enterprises is one of the main obstacles to business creation, especially among people furthest from the labour market. The ESF+ Regulation lays down provisions in order to create a market eco-system to increase the supply of and access to finance for social enterprises as well as to meet demand from those who need it most, and in particular the unemployed, women and vulnerable people who wish to start up or develop a microenterprise. This objective will also be addressed through financial instruments and budgetary guarantee under the social investment and skills policy window of the InvestEU Fund.'

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Sharing experiences with the Community of Practice on Gender Mainstreaming – the STANDARD for ESF (2014-2020)

The European Commission set up a Community of Practice on Gender Mainstreaming (GenderCoP) within the ESF during the programming period 2007-2013, in the context of transnational cooperation. This community of experts represented a learning network to support managing authorities and intermediary bodies within the ESF to make better use of gender mainstreaming strategies when implementing the ESF's priority axes. Members of the GenderCoP produced a EU STANDARD – a guideline on how to implement a gender perspective in all phases of the ESF's management. The GenderCoP STANDARD was piloted in four Member States – in Flanders, Belgium, Czechia, Finland and Sweden. The European Commission encouraged all Member States to use the standard, by formally endorsing it.

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European Regional Development Fund (ERDF) and Cohesion Fund

The ERDF's and Cohesion Fund's specific regulation (COM(2018) 372 final) restates the requirement to consider gender equality as a horizontal principle, following the definition laid down in the CPR^[1] (recital (5)).

European Agricultural Fund for Rural Development (EAFRD)

The EAFRD's specific regulation (COM(2018) 392 final) reiterates the need to involve 'bodies responsible for...gender equality' as partners 'where relevant' (Article 94). It also defines the requirement for managing authorities to inform bodies that promote equality between men and women of possibilities for receiving funding (Article 110).

More on the requirement to inform bodies that work on gender equality of possibilities for receiving funding in the CAP/EAFRD regulation (COM(2018) 392 final)

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[Article 94, Procedural requirements]: '3. Each Member State shall organise a partnership with the competent regional and local authorities. The partnership shall include at least the following partners:

(a) relevant public authorities;

(b) economic and social partners;

(c) relevant bodies representing civil society and where relevant bodies responsible for promoting social inclusion, fundamental rights, gender equality and non-discrimination.

Member States shall involve those partners in the preparation of the CAP [Common Agricultural Policy] Strategic Plans.

[Article 110, Managing authority – coordination and governance]: '2. The Managing Authority shall be responsible for managing and implementing the CAP Strategic Plan in an efficient, effective and correct way. In particular, it shall ensure that: [...] (k) publicity is made for the CAP Strategic Plan, including through the national CAP network, by informing potential beneficiaries, professional organisations, the economic and social partners, bodies involved in promoting equality between men and women, and the non-governmental organisations concerned, including environmental organisations, of the possibilities offered by the CAP Strategic Plan and the rules for gaining access to the CAP Strategic Plan funding as well as by informing beneficiaries and the general public of the Union support for agriculture and rural development through the CAP Strategic Plan.'

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Footnotes

[1] COM(2018) 372 final recital (5) states that: 'Horizontal principles as set out in Article 3 of the Treaty on European Union ('TEU') and in Article 10 of the TFEU, including principles of subsidiarity and proportionality as set out in Article 5 of the TEU, should be respected in the implementation of the ERDF and the Cohesion Fund, taking into account the Charter of Fundamental Rights of the European Union. Member States should also respect the obligations of the UN Convention on the Rights of Persons with Disabilities and ensure accessibility in line with its article 9 and in accordance with the Union law harmonising accessibility requirements for products and services. Member States and the Commission should aim at eliminating inequalities and at promoting equality between men and women and integrating the gender perspective, as well as at combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Funds should not support actions that contribute to any form of segregation.'