

# Gender-responsive Public Procurement

## How is gender-responsive public procurement linked to gender budgeting?

**Gender budgeting** is a gender mainstreaming tool aimed at achieving equality between women and men by focusing on how public resources are collected and spent <sup>[1]</sup>. The gender dimension should be integrated into all phases of the budgetary cycle, from the budgetary proposals (*ex ante*) and throughout the spending itself (*ex nunc*) to the evaluation and control of the money actually spent (*ex post*).

An important element of public spending or expenditure into which the gender dimension can be integrated is public procurement contracts. In this way, GRPP can be considered a means of implementing gender budgeting.

## EU legal and policy framework for gender-responsive public procurement

GRPP can be carried out under the EU procurement directives <sup>[2]</sup> and under the financial regulation <sup>[3]</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>[4]</sup>.

The European Commission explicitly states in its gender equality strategy for 2020–2025 that ‘the Commission’s guidance on socially responsible public procurement will fight discrimination and promote gender equality in public tenders’ [5]. As one of the first deliverables of the EU gender equality strategy for 2020–2025, the Commission proposed binding measures on pay transparency under the draft directive on pay transparency, which specifically addresses equal pay and the pay gap in the context of public procurement (Article 21) [6]. GRPP is part of government spending and thus forms part of gender budgeting. The European Parliament and the Council of the European Union have repeatedly called on the EU institutions and Member States to develop and implement gender budgeting [7].

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### Footnotes

[1] EIGE, 2019a.

[2] 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, 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 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 OJ L 94, 28.3.2014, p. 1.

[3] 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.

[4] European Commission, 2021a.

[5] European Commission, 2020a.

[6] European Commission, 2021b.

[7] Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources, OJ L 433I, 22.12.2020, p. 28. Point 16(f) of the interinstitutional agreement gives the Commission the mandate to promote equality between women and men throughout the implementation and monitoring of programmes and to examine how to develop a methodology to measure the relevant expenditure at programme level in the multiannual financial framework for 2021–2027.