



COMMISSION OF THE EUROPEAN COMMUNITIES

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97/0151 (SYN)

**AMENDED PROPOSAL FOR A
COUNCIL REGULATION (EC)
ON INTEGRATING GENDER ISSUES IN DEVELOPMENT CO-OPERATION**

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

The proposed Regulation lays down the objectives and procedures for operations under budget Item B7-611 "Women in development".

The initial version of this proposal was presented by the Commission on 9 June 1997.

On the basis of a report by Ms Karin Junker, Parliament unanimously approved the Commission proposal on 19 November 1997, subject to 17 amendments.

During discussions in Parliament the Commission said that it could accept nine amendments in full or in part, in some cases subject to some re-wording; it could not, however, accept the other eight.

The Commission therefore has to draw up an amended proposal incorporating those amendments that it does accept (see underlined text), most of which are technical in nature.

The amendments that the Commission was unable to accept concerned committee procedures - rejected because clarity and consistency demand a certain uniformity with similar provisions in other comparable regulations already in force and adherence to standard clauses - and human and institutional resources - rejected because these are matters for the Commission to decide.

The Commission's initial proposal has already been discussed by the Council's Development Group, which agreed a draft common position on 6 November 1997. To facilitate discussion, the amended proposal incorporates (in bold) the amendments proposed by the Council Development Group which were acceptable to the Commission. These amendments are compatible with those of Parliament's proposed amendments accepted by the Commission.

**AMENDED PROPOSAL FOR A
COUNCIL REGULATION (EC)
ON INTEGRATING GENDER ISSUES IN DEVELOPMENT CO-OPERATION**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure referred to in Article 189c of the Treaty,

1. Whereas the importance of women's economic and social roles in developing countries has led to increasing international recognition that their full participation without discrimination is indispensable for sustainable and effective development;
2. Whereas their contribution to development is presently achieved in the face of formidable obstacles specific to women, which limit the outcome of their work and reduce the benefits to society as a whole;
3. Whereas these obstacles include persistent and severe disparities between women and men in access to basic services, particularly in the areas of education, training and health, control over economic resources and access to political and economic decision-making in many areas of society and family life;
4. Whereas development interventions have frequently failed to adequately address the differences between women's and men's situations, roles, opportunities, and priorities, thereby reducing their overall success;
5. Whereas redressing gender disparities and **empowering** women are crucial for social justice and the effectiveness of development efforts;
6. Whereas development co-operation must encourage the necessary accompanying changes in attitudes, structures and mechanisms at political, economic, legal, community and household level;
7. Whereas it is now recognised that though specific efforts to enhance the role of women in development remain as necessary as ever, the focus must widen to encompass both men's and women's roles, responsibilities, needs, access to resources and decision-making, and the inter-relationship between them, known as gender issues;
8. Whereas development effectiveness requires that interventions should systematically integrate gender analysis in the design, implementation and evaluation of all development policies and interventions;

9. Whereas the foregoing analysis is set out in more detail in the Commission's Communication to the Council and the European Parliament on integrating gender issues in development co-operation of 18 September 1995,¹ and was endorsed by the Council in its resolution described below;

10. Whereas the Council in a series of conclusions from 1982 to 1993 has stressed the importance it attaches to women's role in development;

11. Whereas the Community and its Member States were signatories to the Nairobi Forward-Looking Strategies in 1985 and to the Declaration and Platform for Action of the Fourth World Conference on Women at Beijing in 1995, which stressed the need to act against obstacles to gender equality and to ensure that a gender perspective is reflected in all policies and programmes;

12. Whereas the UN Convention on the Elimination of all forms of Discrimination against Women (1979) considers discrimination against women as an obstacle to development which parties agree to eliminate using all appropriate means, and the UN Declaration on the Right to Development (1986) emphasises the right of all persons to participate in and contribute to development and the need to undertake effective measures to ensure that women have an active role in the development process;

13. Whereas the European Parliament has emphasised in numerous resolutions, and particularly in its resolution of 14 May 1992 on the situation of women in developing countries² and its resolution of 15 June 1995 on the fourth World Conference on Women in Beijing,³ the need to integrate proper attention to women's role and priorities in Community development co-operation and to take adequate measures to ensure active implementation of the conclusions of the Beijing Conference;

14. Whereas the resolution of the Council and the Representatives of the Governments of the Member States of 20 December 1995 endorses the Commission's communication on the same subject, requires the full integration of gender issues in development co-operation and coordination between the Commission and Member States in this field, and sets out guidelines which also translate into the field of development co-operation the political commitments undertaken at Beijing;

15. Whereas this approach is further endorsed by the resolution of the Council and the Member States on human and social development of 22 November 1996;

16. Whereas the recognised importance of these issues to development effectiveness makes it appropriate to envisage specific activities aimed at ensuring adequate attention to gender issues across the mainstream of Community financial instruments, which should increasingly assume responsibility for these key questions;

17. Whereas the most effective approach for aid financed under this Regulation is considered to be strategic and precisely targeted sensitisation initiatives capable of achieving a substantial multiplier effect, rather than the funding of small-scale operational projects;

¹ COM (95) 423

² A3-0146/92

³ A4-0142/95

17a. Whereas the main financial instruments of Community development co-operation should also be used to a greater extent for specific action in favour of women;

18. Whereas the scale and importance of Community activities in the field of development co-operation necessitate initiatives by the Community to ensure its implementation of its commitments at Beijing, complementary to those undertaken by Member States;

19. Whereas measures need to be taken to finance the activities covered by this Regulation;

20. Whereas detailed rules for implementation, and in particular the form of action, the recipients of the aid and the decision-making procedures should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community shall provide financial assistance and technical expertise to support the **mainstreaming** of a gender perspective into all its development co-operation policies and interventions.

2. The assistance provided pursuant to this Regulation shall complement, reinforce and coordinate assistance provided pursuant to other instruments of development co-operation, including those existing at intergovernmental and/or national level, with a view to taking fully into account gender considerations in Community policies and interventions.

3. For the purposes of this Regulation "gender" means the different and interrelated roles, responsibilities and opportunities of women and men relative to development, which are culturally specific and socially constructed, and can change over time, inter alia as a result of policy interventions.

Article 2

1. The following are the central objectives of activities to be carried out pursuant to this Regulation:

(a) To support the mainstreaming of gender analysis, taking particular account of the legal and actual status of women and men, their needs and their contribution to society and the family; to support the adoption of a gender-sensitive approach in the conception, design and implementation of Community development policies and interventions at macro, meso and micro level, as well as in their monitoring and evaluation.

(b) To support and facilitate the inclusion of actions addressing major gender disparities and on an appropriately large scale, particularly with regard to access to resources, services and participation in the decision-making processes in political, economic and social life, in the mainstream of Community development interventions.

(ba) To arrive, by 2003, at a situation in which a considerably higher proportion of Community interventions satisfy the OECD-DAC criteria⁴ for gender-integrated or positive action projects.

(c) To develop and promote endogenous public and private capacities in developing countries which can take the responsibility for mainstreaming the gender dimension in the development effort.

(ca) To link actions within the framework of coordination with Member States on integrating gender issues in development cooperation.

2. Activities eligible for financing include, in particular:

- provision of technical advice and support for the integration of gender issues in development interventions, in particular at macro and sectoral level;
- activities aimed at including gender implications in analyses, policies, country and sector strategies;
- schemes to build up the institutional and operational capacities of developing countries on gender issues at national, regional and local level, particularly as regards legislative and administrative action on equal rights for men and women;
- supporting the collection and dissemination of key data desegregated by sex;
- development of methodologies, guidelines, manuals, procedures, indicators and other operational instruments seeking to improve the integration of gender issues in development activities;
- thematic monitoring and evaluations;
- training and sensitisation of key decision makers in the Commission and the developing countries;
- support for the formulation, follow-up and monitoring of national plans in developing countries designed to implement the Platform for Action of the Beijing Conference;
- actions within the framework of co-ordination with Member States on integrating gender issues in development co-operation;

3. Particular attention will be given to **mainstreaming gender issues** in emerging areas of development co-operation.

Article 3

Beneficiaries of activities carried out under this Regulation may include public authorities and government agencies, decentralised departments, regional bodies, universities and research centres, traditional and local communities, trade unions, co-operatives, non-governmental organisations, public utility associations (e.g. groups of water users) and associations representing local people, particularly women, **and agricultural and craft cooperatives and credit institutions.**

⁴ Documents DCD/DAC/STAT(89)1 and DCD/DAC/STAT(97)1

Particular attention will be given to endogenous structures that can act as a catalyst in strengthening local capacities with respect to gender.

Article 4

1. The instruments to be employed in the course of the activities referred to in Article 2 shall include studies, **appropriate** technical assistance, **including the short- and long-term use of experts**, education, training or other services, supplies and works, as well as audits and evaluation and monitoring missions.

2. Community financing may cover both investment, with the exception of the purchase of real estate, and, since the project must, if possible, aim at medium-term viability, recurring expenditure (including administrative, maintenance and operating expenditure).

However, with the exception of training, education and research programmes, operating costs may normally be covered only during the start-up phase and on a gradually decreasing basis.

3. A contribution shall be sought from the **beneficiaries** defined in Article 3. Their contribution shall depend on their means and the nature of the operation concerned.

4. Opportunities may be sought for cofinancing with other donors, especially with Member States and the international organisations concerned.

5. The necessary measures shall be taken to emphasise the Community character of the aid provided pursuant to this Regulation.

6. In order to attain the objectives of consistency and complementarity laid down in the Treaty and with the aim of guaranteeing optimum efficiency for the totality of these operations, the Commission may take all coordination measures necessary, including in particular:

- (a) the establishment of a system for the systematic exchange and analysis of information on operations financed or being considered for financing by the Community and the Member States;
- (b) on-the-spot coordination of these operations by means of regular meetings and exchanges of information between the representatives of the Commission and Member States in the beneficiary countries.

7. In order to obtain the greatest possible impact globally and nationally, the Commission, in liaison with the Member States, **may** take any initiative necessary for ensuring proper coordination and close collaboration, **especially regarding the exchange of information**, with the beneficiary countries and the providers of funds and other international agencies involved, in particular those forming part of the United Nations system.

Article 5

Financial support pursuant to this Regulation shall take the form of grants.

Article 6

1. The Commission shall be responsible for appraising, deciding and administering operations covered by this Regulation according to the budgetary and other procedures in force, and in particular those laid down in the Financial Regulation applicable to the general budget of the European Communities.
2. Decisions relating to grants of more than ECU 2 million for individual operations financed pursuant to this Regulation shall be adopted under the procedure laid down in Article 7.
3. The Commission shall be authorised to approve, without seeking the opinion of the Committee referred to in Article 7, any extra commitments needed for covering any expected or real cost overruns in connection with the operations, provided that the overrun or additional requirement is less than or equal to 20% of the initial commitment fixed by the financing decision.
4. All financing agreements or contracts concluded pursuant to this Regulation shall provide for the Commission and the Court of Auditors to conduct on-the-spot checks according to the usual procedures laid down by the Commission under the rules in force, in particular those of the Financial Regulation applicable to the general budget of the European Communities.
5. Where operations are the subject of financing agreements between the Community and the recipient country, such agreements shall stipulate that the payment of taxes, duties or any other charges is not to be covered by the Community.
6. Participation in **invitations to tender and the award of contracts shall be open on equal terms to all natural and legal persons of the Member States and the recipient country. It may be extended to other developing countries and, in exceptional cases, where duly justified, to other third countries.**
7. **Supplies shall originate in the Member States, the recipient country or other developing countries. In exceptional cases, where duly justified, supplies may originate in other countries.**
8. Particular attention will be given to:
 - the pursuit of cost-effectiveness and sustainable impact in project design,
 - the clear definition and monitoring of objectives and indicators of achievement for all projects,
 - **the capacity of projects and programmes to satisfy the objective of mainstreaming gender issues in all Community interventions.**

Article 7

1. **The Commission shall be assisted by the relevant geographical committee for development.**
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 8

An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the general guidelines for the operations to be carried out in the year ahead, in the framework of a **joint meeting** of the Committees referred to in Article 7.

Article 9

1. At the end of each budget year, the Commission shall submit an annual report to the European Parliament and the Council giving an account of the activities financed under this Regulation relative to integrating gender issues in Community development co-operation and of their outcome, together with:

- a list of the projects indicating the names of the implementing partners and the percentage of the operational cost financed by the Community,
- an evaluation, complete with figures, of the implementation of this Regulation over that period.

2. The Commission shall regularly assess operations financed by the Community with a view to establishing whether the objectives aimed at by those operations have been achieved and to providing guidelines for improving the effectiveness of future operations. The Commission shall submit to the Committee referred to in Article 7 a summary of the assessments made which, if appropriate, may be examined by the Committee. The assessment reports shall be available to any Member States requesting them.

2a. Each month the Commission shall inform the Member States of the operations and projects approved, stating their cost and nature, the recipient country and partners.

3. The financing guide indicating guidelines and criteria for project selection shall be published and distributed among interested parties by the Commission's services, including its delegations in the recipient countries.

Article 10

1. This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.

2. Three years after the entry into force of this Regulation the Commission shall report to the European Parliament and to the Council, giving an overall evaluation of the operations financed by the Community under this Regulation, together with suggestions as to its future.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at . . .

For the Council

The President

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