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PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Strategy for Equality between Women and Men  
2010-2015**

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## TABLE OF CONTENTS

<b>1.</b>	<b>Introduction .....</b>	<b>6</b>
<b>2.</b>	<b>Overview of the situation of women and men in the EU .....</b>	<b>7</b>
<b>3.</b>	<b>Assessment of the Roadmap's achievements .....</b>	<b>21</b>
3.1.	Assessment of policy commitments in the field of gender equality .....	21
3.2.	Assessment of the implementation of policy instruments.....	21
3.3.	Assessment of progress in the different priority areas of action.....	23
3.4.	Overall assessment of policy impact.....	30
3.5.	Assessment of institutional cooperation and partnership.....	31
3.6.	Assessment of progress regarding gender equality data and indicators.....	31
<b>4.</b>	<b>Assessment of the effectiveness of the current EU equal pay framework .....</b>	<b>32</b>
4.1.	Introduction.....	32
4.2.	Report from the Group of Experts on Gender, Social Inclusion and Employment: The gender pay gap — Origins and policy responses .....	33
4.3.	Report from the Network of Legal Experts on Gender: The Gender pay gap in Europe from a Legal Perspective .....	35
4.4.	Resolution of the European Parliament .....	38
4.5.	Advisory Committee on Equal Opportunities.....	39
4.6.	Study on the effectiveness of the current legal framework on equal pay for equal work or work of equal value in tackling the gender pay gap.....	41
4.7.	National Equality Bodies .....	43
4.8.	Conclusions .....	44
<b>5.</b>	<b>Input to the preparation of the new strategy .....</b>	<b>45</b>
5.1.	Stakeholder consultation .....	45
5.2.	Policy input .....	48
5.3.	Eurobarometer survey: Gender equality in the EU in 2009.....	50
<u>Annex 1</u> : Stakeholders and Main Bodies Active in the Field of Equality between Women and Men.....		51
<u>Annex 2</u> : Glossary of main terms.....		54
<u>Annex 3</u> : Consultation on the future strategy for equality between women and men .....		55

Annex 4: List of Council reference documents..... 61

Annex 5: Bibliography ..... 64

## **List of main abbreviations**

ACEO: Advisory Committee on Equal Opportunities

AMP: Annual Management Plan

BPfA: Beijing Platform for Action

CEDAW: International Convention on the Elimination of All Forms of Discrimination against Women

CSW: UN Commission on the Status of Women

EC: European Communities

EES: European Employment Strategy

EESC: European Economic and Social Committee

EIGE: European Institute for Gender Equality

EMCO: Employment Committee

EPSCO: Employment, Social Policy, Health and Consumer Affairs Council

ESF: European Social Fund

ERDF: European Regional Development Fund

EU: European Union

EWL: European Women's Lobby

FEMM: European Parliament Committee on Women's Rights and Gender Equality

GDP: Gross Domestic Product

GPG: Gender Pay Gap

HLG: High Level Group on Gender Mainstreaming

ICT: Information and Communication Technologies

ILO: International Labour Organisation

ITC: International Training Centre

ISG: Inter-Service Group on Equality between Women and Men

MS: Member States

NGO: Non Governmental Organisation

OMC: Open Method of Coordination

SME: Small and Medium Enterprises

TEU: Treaty on European Union

TFEU: Treaty on the Functioning of the European Union

UN: United Nations

## 1. INTRODUCTION

Equality between women and men is a fundamental right and a common value of the EU. Since 1957, the EC Treaty has provided a legal basis for policy and action on gender equality.

Over the years a comprehensive legislative framework for promoting gender equality has been created, entailing the adoption of thirteen Directives in the field of equal treatment covering access to work, goods and services, training, promotion and working conditions including equal pay and social security benefits.

As to its policy approach, since 1996 the Commission has followed a dual approach to gender equality, namely specific actions plus gender mainstreaming<sup>1</sup>.

The first comprehensive policy framework was adopted in 2000<sup>2</sup> and was followed in 2006 by the **Roadmap for equality between women and men**<sup>3</sup>. The Roadmap identified key actions in six priority areas<sup>4</sup> for the period 2006-2010, and set out ways to improve governance of gender equality policies. It identified the main instruments needed to support gender equality in Community policies, including legislation, policy coordination, financial programmes, partnership and social and civil dialogue.

The Commission which took office in 2010 affirmed its commitment to equality between women and men by adopting a ‘Women’s Charter’<sup>5</sup>, which identifies five priority areas that will underpin actions during this Commission’s term of office.

The Strategy for the period 2010-2015<sup>6</sup> implements the Women's Charter. This background document provides the context, with an overview of the situation, an assessment of the impact of the Roadmap and a specific assessment of the factors surrounding the gender pay gap, concluding with the input which the Commission gathered in preparing the new Strategy.

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<sup>1</sup> COM(96) 67: ‘Incorporating equal opportunities for women and men into all Community policies and activities’, February 1996.

<sup>2</sup> COM(2000) 335 Towards a Community Framework Strategy On Gender Equality (2001-2005)’, July 2000.

<sup>3</sup> COM(2006) 92 ‘A Roadmap for Equality between Women and Men 2006-2010’, Brussels, March 2006.

<sup>4</sup> Equal economic independence for women and men; Reconciliation of private and professional life; Equal representation in decision-making; Eradication of all forms of gender-related violence; Elimination of gender stereotypes; Promotion of gender equality in external and development policies.

<sup>5</sup> COM(2010)78 final.

<sup>6</sup> COM(2010) 491.

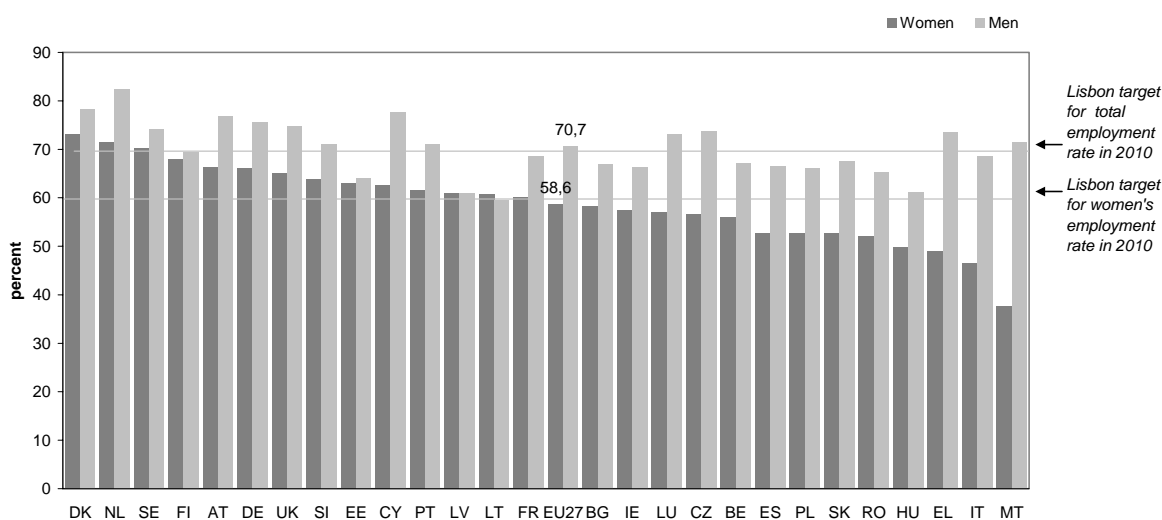
## 2. OVERVIEW OF THE SITUATION OF WOMEN AND MEN IN THE EU

Despite remarkable advances towards equality between women and men in the last 50 years, significant inequalities persist at global and EU levels, clashing with the fundamental goals of the Union. EU action aiming at achieving gender equality is needed to protect fundamental rights, combat discrimination, strengthen social cohesion and reaffirm shared values, but also to mobilise women's full potential in order to boost EU competitiveness, growth and prosperity.

### Participation in the labour market

Women's participation in the labour market has increased steadily over the last few years, approaching 60% on average in the EU<sup>7</sup> (which was the 2010 Lisbon target<sup>8</sup>). Though this rate varies between Member States, less than half of the working-age women are in employment in Malta, Italy and Greece but more than seventy percent are employed in Denmark, Sweden and the Netherlands.

Employment rates (women and men aged 15 - 64) in EU Member States- 2009



Source: Eurostat, Labour Force Survey (LFS), annual averages.

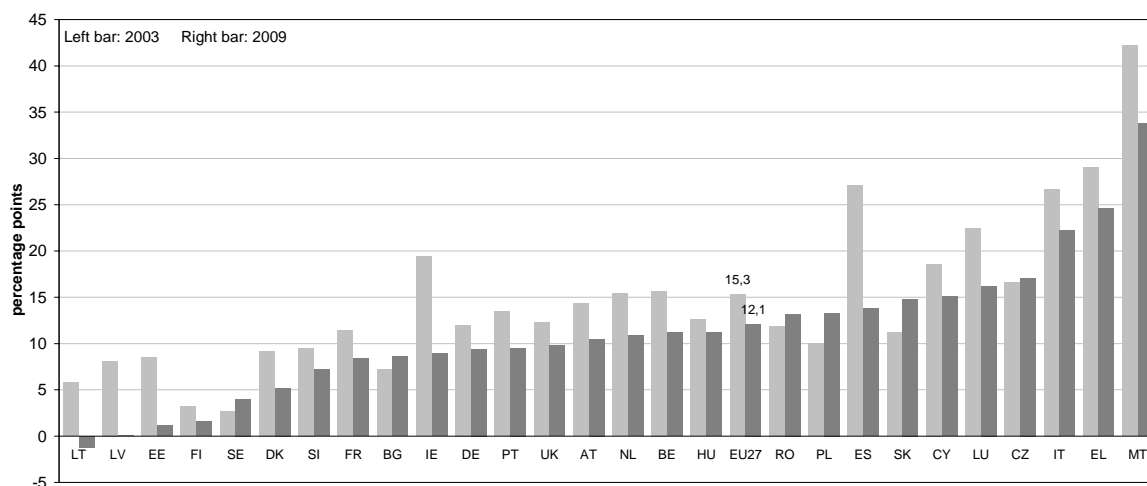
The gender gap in the employment rate decreased from 17.1 percentage points (p.p.) in 2000 to 12.1 p.p in 2009. Women's increased participation has represented a considerable contribution to economic growth, accounting for a quarter of annual

<sup>7</sup> 59.1% in 2008 with huge difference between Member States see SEC(2009)1706 annex to the 'Annual report on equality between women and men 2010'.

<sup>8</sup> The age group (20-64) covered by the Europe 2020 strategy employment rate target of 75% differs from the Lisbon target which covered the 15-64 age group. On the basis of the 2020 target, the female employment rate has risen from 57.3% to 62.5 between 2000 and 2009.

growth in the EU since 1995<sup>9</sup>. In the EU women accounted for 9.8 million out of the 12.5 million additional employment between 2000 and 2009.

**Absolute gender gap in employment rates (women and men aged 15-64) in EU Member States - 2003 and 2009**  
(Difference between men's and women's employment rates)



Source: Eurostat, Labour Force Survey (LFS), annual averages.

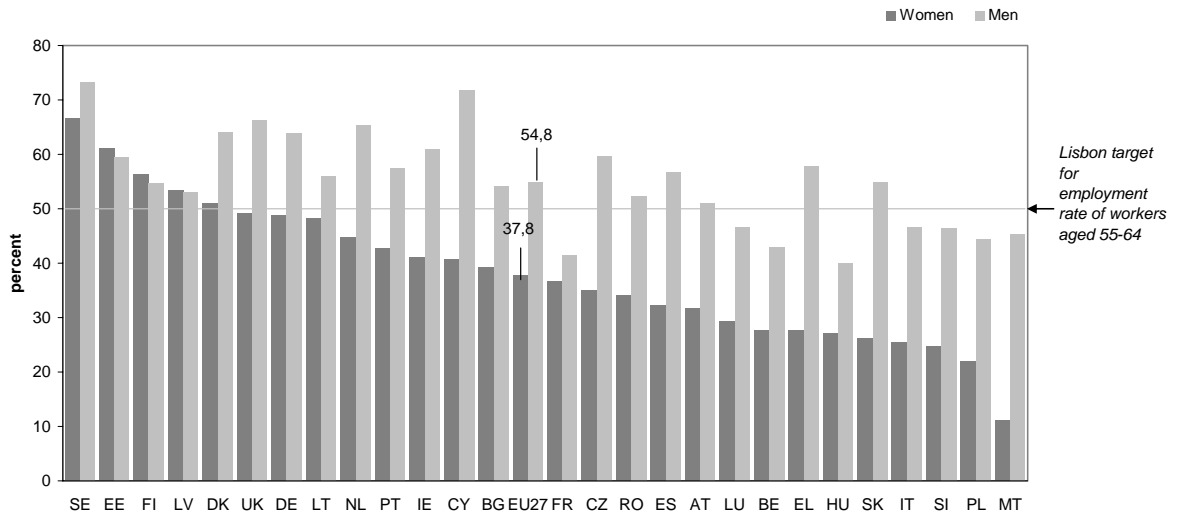
NB: A positive gap indicates higher employment rates for men in comparison with women, while the opposite is true for a negative gap.

The gender gap in terms of employment rate also increases with age and is highest among older workers (55 to 64 years). In 2009, it was on average 17 p.p., down from 19.2 p.p. in 2003 due to the strong increase in the employment rates of women above 55 years, from 30.7 % in 2003 to 37.8 % in 2009.

<sup>9</sup> Women and sustainable development, maximising the economic, social and environmental role of women OECD (2008).



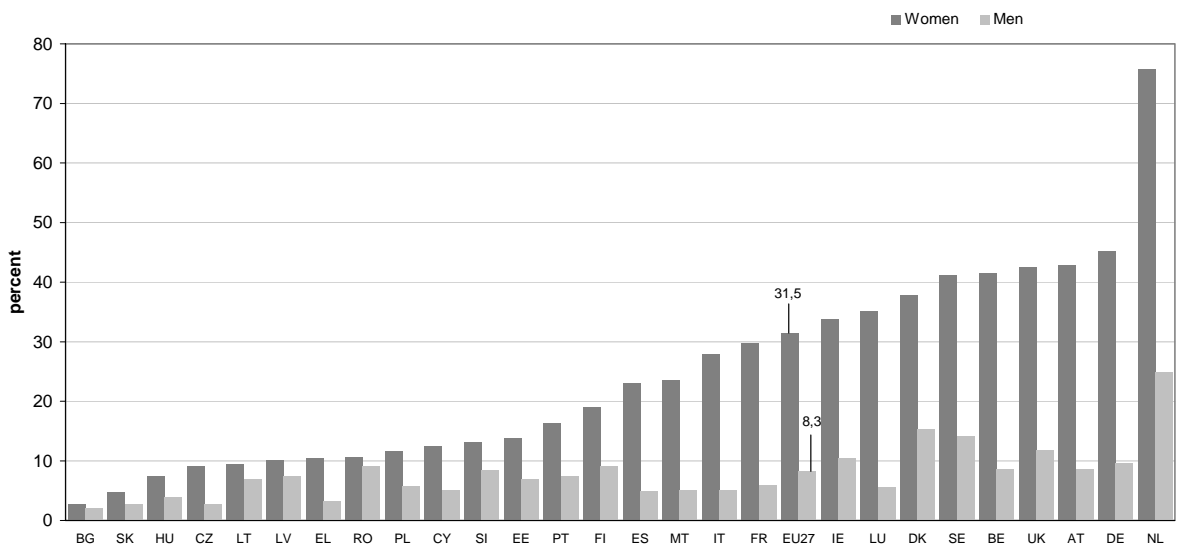
Employment rates of older workers (women and men aged 55 - 64) in EU Member States- 2009



Source: Eurostat, Labour Force Survey (LFS), annual averages.

However, there are still significant gender gaps, in both quantitative and qualitative terms. Women account for the vast majority of part-time workers in the EU, with **31.5 % of women working part-time** against only 8.3 % of men. In 2009, the share of female part-timers exceeded 35 % in Denmark and Luxembourg, 40 % in Belgium, Sweden, Austria, the United Kingdom, Germany and the Netherlands. Conversely, the share of part-timers among female workers was very low in Bulgaria, Slovakia, Hungary, Latvia and the Czech Republic. This may also have a negative impact on career progression, training opportunities, pension rights and unemployment benefits.

Share of part-time workers in total employment (persons aged 15 and over) in EU Member States - 2009



Source: Eurostat, Labour Force Survey (LFS), annual averages.

In addition, women still do the bulk of **unpaid care work** (employed women spend

39 hours a week on average on home care activities versus 26 hours for men<sup>10</sup>). Having children negatively affects the employment of women: their participation in the labour market drops by 11.5 p.p. on average. On the other hand, men in the same situation tend to work more often (+6.8 pp). In 2008, the employment rate for women aged 25-49 was 67% when they had children under 12, compared to 78.5% when they did not, a negative difference of 11.5 p.p. Interestingly, men with children under 12 had a significantly higher employment rate than those without, 91.6% vs. 84.8%, a positive difference of 6.8 p.p. In the United Kingdom, Estonia and Malta, the negative impact of parenthood on female employment is higher than 15 p.p.; it is higher than 20 p.p. in Ireland and Slovakia and higher than 25 p.p. in Hungary and the Czech Republic. On the contrary, the impact of parenthood on the female employment rate is limited (less than 5 p.p.) in Belgium, Portugal and Slovenia and is even slightly positive in Denmark (women with children have a higher employment rate than women without). There is much less variation in the impact on men, with the positive impact ranging from 3.5 p.p. in Bulgaria to 11.3 p.p. in Luxembourg. Working women have, on average, more 'constrained time' (sum of hours spent on paid work and on unpaid domestic and family work) than working men<sup>11</sup>.

In March 2010 the European Council launched Europe 2020, a new strategy for jobs and growth, and set a number of EU headline targets<sup>12</sup>. The Employment Guidelines for Member States' employment policies state that gender equality should be integrated into all relevant policy areas and national policies should improve the situation of women in the labour market and combat discrimination in order to increase female labour force participation. In this context, Employment Guideline 7 aims at *increasing labour market participation of women and men, reducing structural unemployment and promoting job quality*, and encourages policies to fight against gender inequality, by promoting equal pay and conditions for a better work-life balance. Employment Guideline 8: *developing a skilled workforce responding to labour market needs and promoting lifelong learning* encourages Member States to create policies promoting further opportunities for training, skills and professional experience of women, and this also in the scientific, mathematical and technology fields.

The relevant EU headline target<sup>13</sup> is to *aim to raise to 75% the employment rate for women and men aged 20-64, including through greater participation of young people, older workers and low-skilled workers and better integration of legal migrants*.

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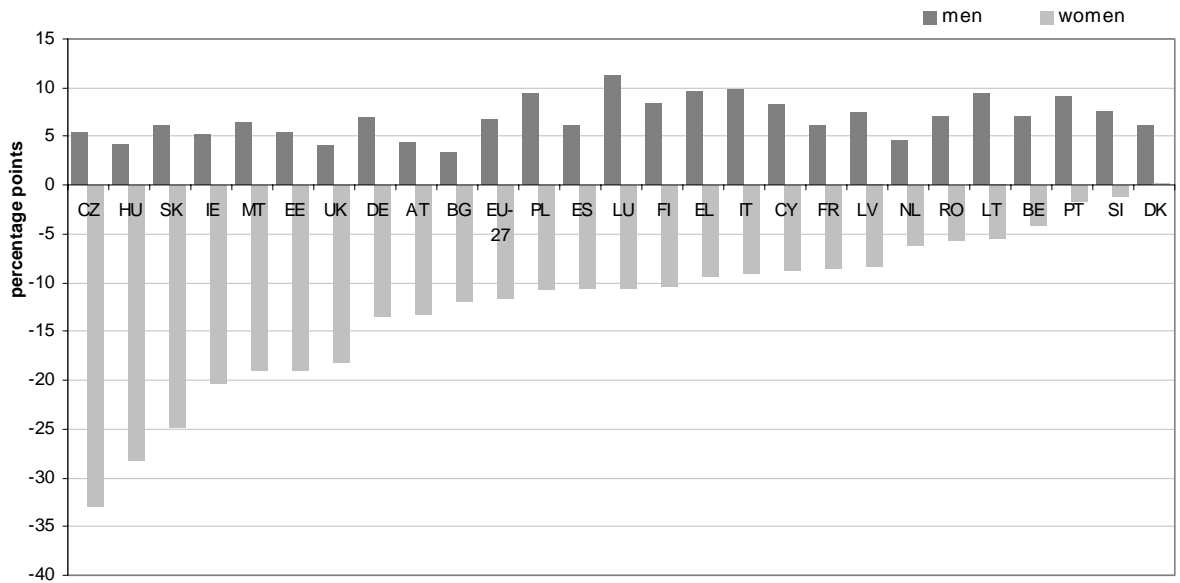
<sup>10</sup> Second European Quality of Life Survey, 2007.

<sup>11</sup> Fourth European Working Conditions Survey, 2005.

<sup>12</sup> Proposal for a Council Decision on Guidelines for Employment Policies of the Member States: Part II on the Europe 2020 Integrated Guidelines, Council document 10907/10 (June 2010).

<sup>13</sup> European Council Conclusions 17 June 2010 (EUCO 13/10).

**Employment impact of parenthood for women and men (aged 25-49) in 2008**  
 Difference in percentage points in employment rates with presence of a child under 12 and without the presence of any children



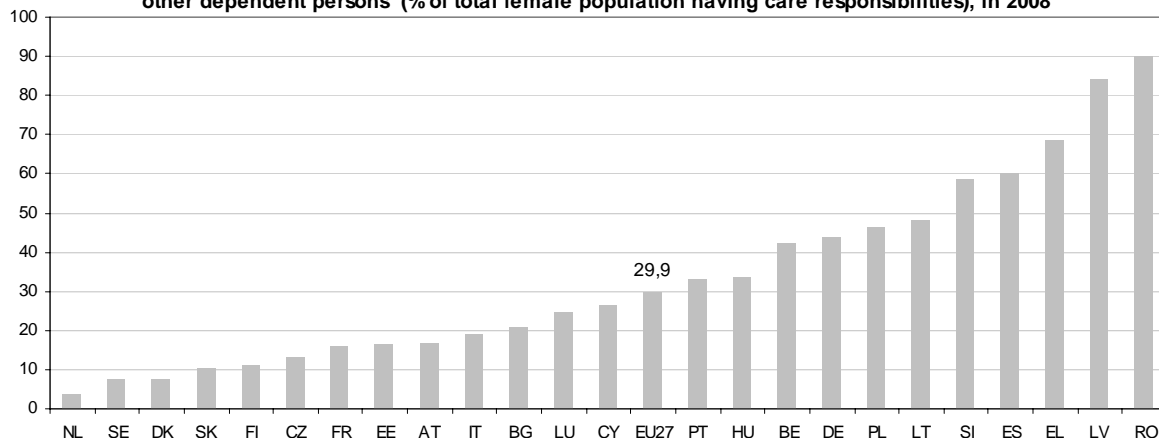
Source : Eurostat, Labour Force Survey (LFS), annual average.  
 Notes : no data available for SE.

### Care services

An important factor affecting parents' (and especially the mother's) opportunity to participate in the labour market is the **availability of care services for children** and other dependent persons. Most Member States have failed to reach the EU targets for the provision of care facilities for children<sup>14</sup> (90% for children aged between 3 and the age when compulsory schooling begins and at least 33% for children below 3 years of age), which play an important role in enhancing work-life balance for parents. Some progress has been observed in the proportion of children under 3 covered by formal care services, with the share increasing on average from 25% in 2005 to 28% in 2007 (EU-25 average). However, this share varies across countries and these services are not always available on a full-time basis or affordable. In the EU, around **30% of working-age women having care responsibilities are inactive** or work part-time (but would like to work more hours) due to the lack of care services for children and other dependent persons. This share is below 10% in the Netherlands, Sweden and Denmark but is higher than 60% in Spain and Greece and even higher than 80% in Latvia and Romania.

<sup>14</sup> COM(2008) 638.

**Inactivity and part-time work among women due to the lack of care services for children and other dependent persons (% of total female population having care responsibilities), in 2008**



Source: Eurostat - Labour Force Survey. IE, MT, UK : data not available.

### Gender pay gap

The gender pay gap currently stands at 17.8%. The complex causes are considered in more detail in section 4.

**Pay gap between women and men in unadjusted form in EU Member States - 2008**

(Difference between men's and women's average gross hourly earnings as a percentage of men's average gross hourly earnings)



Source: Eurostat. Structure of Earnings Survey 2006 and national sources (2008) for yearly SES-comparable estimates. EE: data not available. DK, HU, UK: provisional.

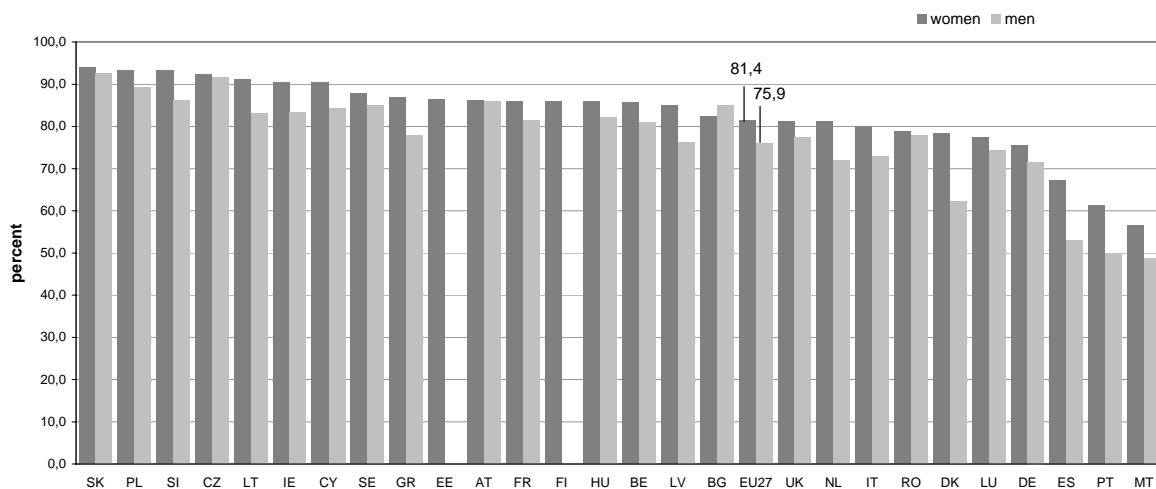
## Entrepreneurship

**Female entrepreneurs make up only 33.2% of the self-employed<sup>15</sup>**, their share in start-ups is around 30%. Men seem to favour self-employment more than women: about one in two men expressed a preference for being self-employed compared to about four in ten women in a recent Eurobarometer survey<sup>16</sup>. Women often do not consider entrepreneurship as a relevant career option. They are more likely to say that the opportunity to address an unmet social or ecological need had been important in their decision to take steps to start up a business (60% vs 52% of men). This perception seems to be influenced by traditional views of gender roles and stereotypes about women, educational choices and a lack of access to networks and training.

## Educational attainment

While the average educational attainment of women and men is now similar over the entire working-age population, **young women (20-24) record a higher level of educational attainment than men** in almost all Member States. On average, 81.4% of young women (20-24) reached at least upper secondary school in the EU in 2009, against only 75.9% of young men.

**Educational attainment (at least upper secondary level) of women and men aged 20 - 24, in EU Member States - 2009**



Source: Eurostat, Labour Force Survey (LFS), annual averages.

NB: FI: provisional values.

Students living outside their home country for one or more years (for study purposes) are covered in their destination country in the EU Labour Force Survey. This may cause differences to Member State statistics depending on how these students are counted in each country. This issue is particularly relevant for smaller EU Member States (as CY, LU, MT) where many students study abroad at upper secondary and tertiary educational levels. Conscripts on compulsory military service may not be covered in the EU Labour Force Survey in all EU Member States

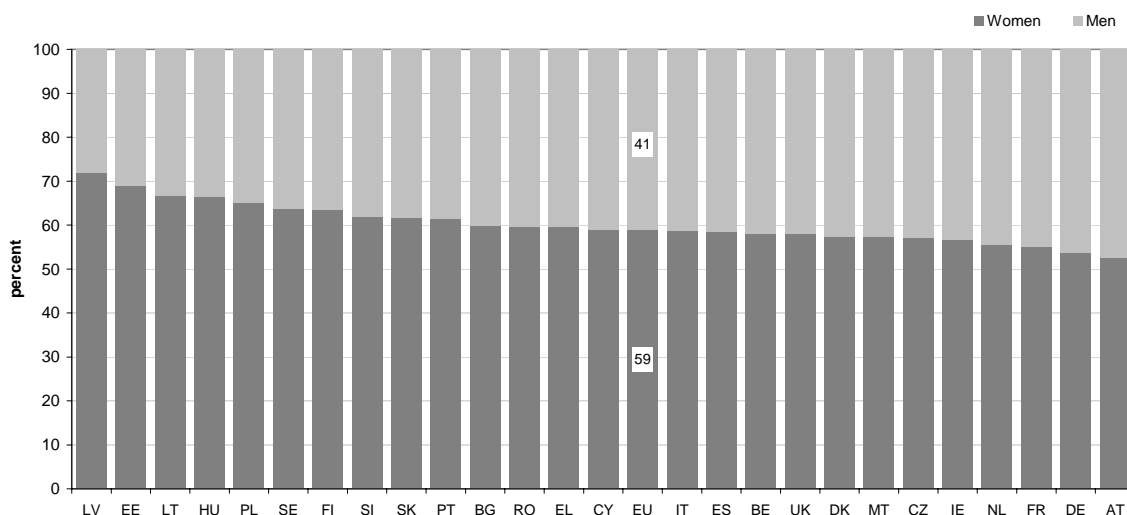
Furthermore, women represent as much as 59% of university graduates in the EU. This share is higher than 50% in all Member States and even exceeds 65% in Hungary, Lithuania, Estonia and Latvia.

<sup>15</sup> Eurostat EU-25.

<sup>16</sup> Flash Eurobarometer on Entrepreneurship 283 (2009).

On the other hand, early school-leavers are mainly men. 16% of the male population aged 18-24 has at most lower secondary education and is not in further education or training. The equivalent female share is 12.9%. Boys from working class backgrounds in all ethnic groups and minority groups are the most likely to have literacy difficulties and to leave school early.<sup>17</sup>

Sex distribution of tertiary education graduates, for EU Member States, in 2007



Source: Eurostat, Education statistics.  
 Note: LU: no data available. The EU-27 value is calculated on the basis of all countries except LU.

While these trends will most probably have a positive impact on women’s outcomes on the labour market in the future, it is to be noted that until now **the generally high skills levels of women have not been fully reflected in their employment outcomes**. Indeed, even if the gender gap in employment rates is smaller among women and men having tertiary education (than among women and men having a lower level of education), gender gaps seem also to follow a lifecycle pattern, with the level of education having a limited influence.

Finally, although women now outnumber men among university graduates, they are **under-represented among researchers and academic staff**. Women account for just 36 % of graduates in Science, Maths, Informatics and Engineering, which in turn affects their opportunities on the labour market. Furthermore, women represent only 19 % of the grade A academic professors in public universities<sup>18</sup>.

The integrated guideline 9<sup>19</sup> aims at *improving the quality and performance of education and training systems at all levels and increasing participation in tertiary*

<sup>17</sup> GENDER AND EDUCATION (AND EMPLOYMENT) Gendered imperatives and their implications for women and men, lessons from research for policymakers, an independent report submitted to the European Commission by the NESSE networks of experts, 2009.

<sup>18</sup> European Commission, *She Figures 2009 – Statistics and Indicators on Gender Equality in Science*, 2009, available at: [http://ec.europa.eu/research/science-society/document\\_library/pdf\\_06/she\\_figures\\_2009\\_en.pdf](http://ec.europa.eu/research/science-society/document_library/pdf_06/she_figures_2009_en.pdf)

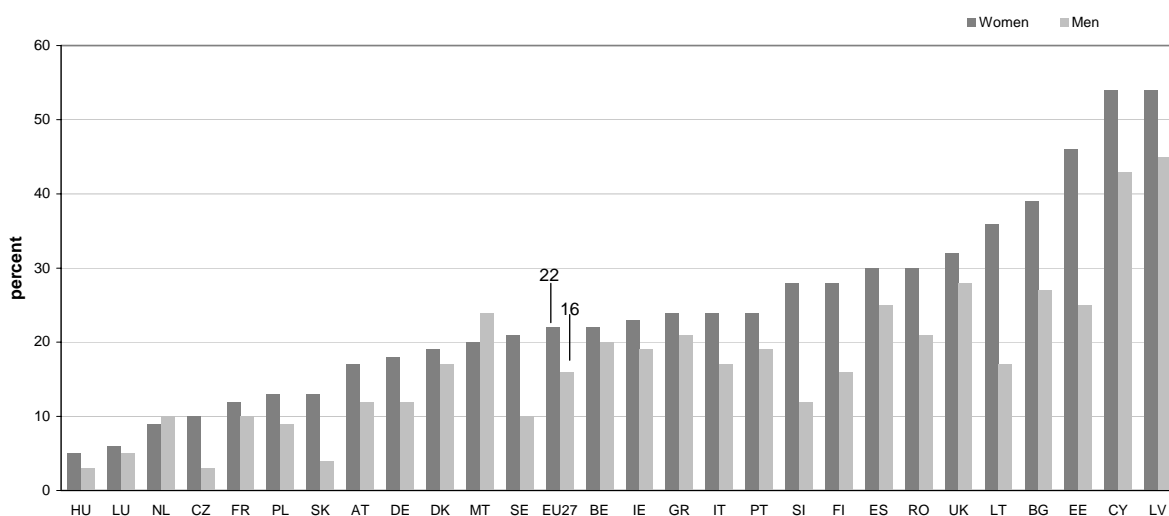
<sup>19</sup> Proposal for a Council Decision on Guidelines for Employment Policies of the Member States: Part II on the Europe 2020 Integrated Guidelines, Council document 10907/10 (June 2010).

or equivalent education. The EU headline target adopted<sup>20</sup> is to improve education levels, in particular by aiming to reduce school drop-out rates to less than 10% and by increasing to at least 40% the share of 30-34 year-olds having completed tertiary or equivalent education.<sup>21</sup>

### Social exclusion and poverty risks

Women's less linear career trajectories are reflected in their on average **lower pensions, and their higher exposure to the risk of poverty** (having an income below the threshold set at 60% of the national median income).

At-risk-of-poverty rate after social transfers<sup>1</sup> for older people (women and men aged 65 years and over), in EU Member States, 2008



Source: Eurostat. SILC.

NB: 1) At-risk-of-poverty rate for elderly persons: The share of persons aged 65+ with an income below the risk-of-poverty threshold, which is set at 60% of the national median income. Income must be understood as equivalised disposable income (sum from all sources, adjusted for household size and composition). It should be noted that the risk-of-poverty indicator is computed using an income definition which does not yet include imputed rent of owner-occupiers. Comparisons between sexes are based on the assumption of equal sharing of resources within households.

Source: EU-27: SILC 2008. EU aggregates are Eurostat estimates and computed as population weighted averages of national values.

Significant gender inequalities persist in the degree and way in which women and men experience social exclusion: in particular **elderly women** (whose risk of poverty in 2008 was 22% compared to 16% of elderly men), **single parents** (with a risk of poverty in 2008 of 35%), disabled and ethnic minority women are affected. The gap exceeds 10 p.p. in Slovenia and Bulgaria and 15 p.p. in Latvia, Estonia, Lithuania and Romania. Comparisons between the sexes are based on the assumption of equal sharing of resources within households. However, due to the fact that women are often secondary earners or do not earn any salary<sup>22</sup>, their economic independence is

<sup>20</sup> European Council Conclusions 17 June 2010 (EUCO 13/10).

<sup>21</sup> The European Council emphasises the competence of Member States to define and implement quantitative targets in the field of education.

<sup>22</sup> According to a report by the EC's Network of experts on gender and employment issues (F. Bettio and A. Verashchagina, *Fiscal systems and female employment*, 2009, forthcoming) based on EU-SILC data, the share of couples in which the woman is the secondary earner (brings less than 45% of the household earnings) or does not earn any salary is 63.5% in the EU on average (non weighted). It ranges from 53% in Slovenia to 81% in Austria.

often limited and some of them face a high risk of poverty in the event of break-up, divorce or death of their partner<sup>23</sup>. Therefore, the current figures of at-risk-of-poverty rates at household level cannot fully reflect the individual situation of women and men.

Integrated Guideline 10 of the Europe 2020 Strategy<sup>24</sup> *Promoting social inclusion and combating poverty* will encourage national policies that protect women from the risk of exclusion, ensuring income security for one-parent families, elderly women and men. The EU headline target adopted<sup>25</sup> is to *promote social inclusion, in particular through the reduction of poverty, by aiming to lift at least 20 million people out of the risk of poverty and exclusion*.<sup>26</sup>

According to a recent study<sup>27</sup> **women with disabilities** are under-represented in democratic processes and decision-making more generally. Women with mental or psychological disability are at greater risk of being abused than are men with disabilities or women without disabilities. Social protection systems and healthcare services do not recognise gender as relevant to the persons with disabilities. Women with disabilities are particularly under-represented in recreational activities, culture and sport – in terms of participation, leadership, management and delivery and media coverage. The Convention on the Rights of Persons with Disabilities<sup>28</sup>, which entered into force in 2008, reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.

A significant number of the 10-12 million **Roma** in Europe live in extreme marginalisation in both rural and urban areas and in very poor socio-economic circumstances. Throughout Europe, the Roma communities are the most vulnerable to social exclusion, and are confronted with a range of common socio-economic problems: widespread social inequality and discrimination, poor living standards with numerous families living in poverty, little or no employment prospects, poor health and housing conditions, and reduced access to public services. In particular, **Roma women** are even more disadvantaged than Roma men and members of other ethnic minority groups in almost all respects. They are particularly disadvantaged in accessing employment, education, health and social services, a result of multiple

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<sup>23</sup> The Belgian Gender and Income Analysis (BGIA) project has calculated individualised at risk of poverty rates (based on individualised income of women and men) which lead to much higher gender gaps between women and men. For Belgium in 2007, this individualised risk of poverty would be 36% for women and 11% for men, compared to 16% for women and 13% for men in the measurement based on households. Although these calculations are based on the strong hypothesis of absence of sharing of resources between household members (instead of the hypothesis of total sharing of resources), they reflect certain gaps in the economic independence of women and men and the risk of poverty women would face in the event of break-up, divorce or death of their partner.

<sup>24</sup> Proposal for a Council Decision on Guidelines for Employment Policies of the Member States: Part II on the Europe 2020 Integrated Guidelines, Council document 10907/10 (June 2010).

<sup>25</sup> European Council Conclusions 17 June 2010 (EUCO 13/10).

<sup>26</sup> The population is defined as the number of persons who are at risk of poverty and exclusion according to three indicators (at-risk-of poverty; material deprivation; jobless household), leaving Member States free to set their national targets on the basis of the most appropriate indicators, taking into account their national circumstances and priorities.

<sup>27</sup> Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities.

<sup>28</sup> Adopted on 13 December 2006.



causes, including also the gender roles that persist in the Roma community.<sup>29</sup> The Commission recently indicated<sup>30</sup> how the EU would develop its contribution to the full social and economic integration of the Roma, on the basis of the progress achieved.

Women make up more than **50 % of the EU's migrant population**<sup>31</sup>, yet often they have difficulties integrating into the labour market and the economic potential they represent is underused. In terms of employment, there is ample evidence of a **large discrepancy in the labour force participation** of migrant women and nationals in the EU. In some countries the employment rate of migrant women (citizens of countries outside the EU-27) is relatively close to that of nationals. In the majority of countries, however, there can be rather large gaps, with the employment rate of migrant women lagging behind that of nationals with as much as almost 30 percentage points difference, such as in Belgium, Germany, the Netherlands, Sweden and Finland<sup>32</sup>. In terms of occupational distribution, migrant women tend to face a **double disadvantage**, both vis-à-vis female nationals on the one hand and vis-à-vis migrant men on the other. For example, almost two thirds of female immigrants are concentrated in low-skilled jobs, which entail limited opportunities for upward mobility, restricted rights, and instability. This situation is particularly worrisome in the case of **highly skilled migrant women**, who are about twice as likely to be employed in low-skill jobs as EU nationals with the same level of education<sup>33</sup>.

### Decision-making

Women face difficulties in breaking through the '**glass ceiling**' into positions of responsibility at their workplace. Despite some positive developments in women's representation in decision-making, a significant gender imbalance continues to exist at all levels and in both the public and private sectors.

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<sup>29</sup> Ethnic minority and Roma women in Europe A case for gender equality? – Report by the Network of experts in gender equality, social inclusion, health and long-term care, prepared for the European Commission, November 2008.

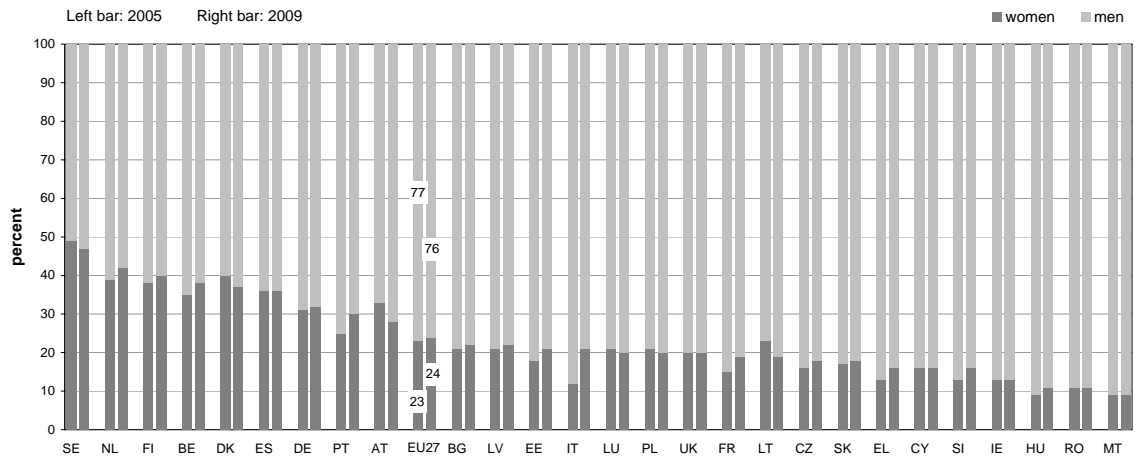
<sup>30</sup> COM(2010)113, 7.4.2010.

<sup>31</sup> COM(2007) 512 - Third annual report on migration and integration.

<sup>32</sup> Source: LFS, quarterly data on employment rates by sex, age groups and nationality – comparison of employment rates for nationals and citizens of countries outside the EU-27: [http://epp.eurostat.ec.europa.eu/portal/page/portal/employment\\_unemployment\\_ifs/data/database](http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_unemployment_ifs/data/database)

<sup>33</sup> Study on 'Migrant women in the European labour force' commissioned by the European Commission and completed in 2008; available at: <http://ec.europa.eu/social/BlobServlet?docId=2098&langId=en>

**Sex distribution of members of single/lower houses of national parliaments in EU Member States - in 2005 and 2010 (1)**

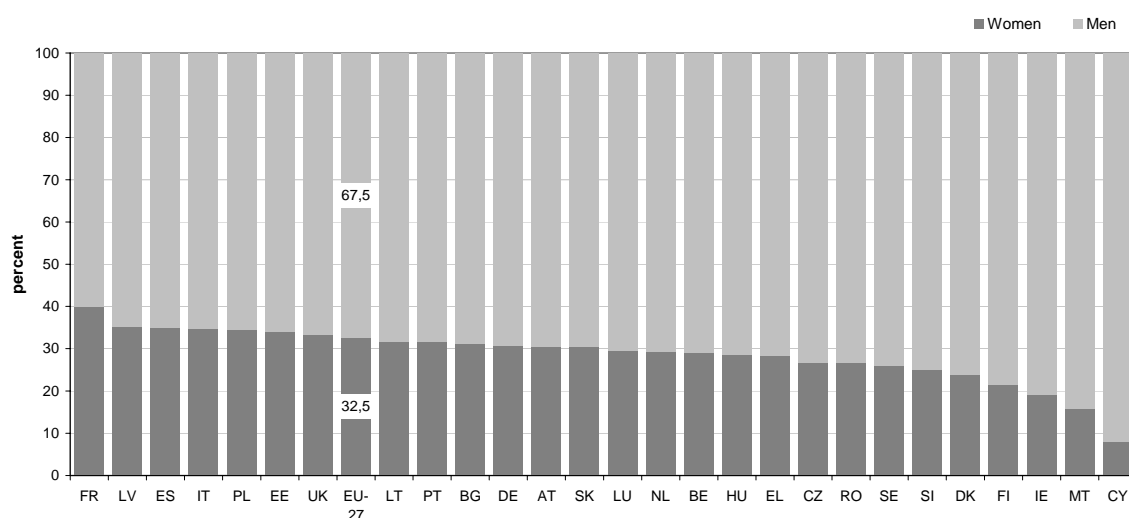


Source: European Commission, Employment, Social Affairs and Equal Opportunities DG, Database on women and men in decision-making  
 NB: (1) Data for 2010 were collected in May 2010. The indicator was developed as part of the follow-up of the Beijing Platform for Action in the EU Council of Ministers.

In the EU in 2010, women account for about **24% of members of national parliaments** (above 35% in Spain, Denmark, Belgium and Finland and above 40% in the Netherlands and Sweden, and below 15% in Ireland, Hungary and Romania, Malta and Cyprus) and 35% in the European Parliament<sup>34</sup>. Only 2% of senior ministers are women, which is a 5% increase compared with 2005 (higher than 10 p.p. in Finland, Belgium, Slovenia, Italy, Portugal and Slovakia, higher than 15 p.p. in Denmark, France, Poland and Cyprus, and even reaching 25 p.p. in Greece.). Similarly, in the private sector, women account, on average, for only **30% of managers** (but in most countries the share is below 25% — Denmark, Finland, Ireland, Malta and Cyprus), while the proportion of women members of the highest decision-making body of the largest quoted companies is just 11%. The figure exceeds 20% only in Finland (24%) and Sweden (27%); it is below 5% in Malta, Italy, Portugal, Cyprus and Luxembourg.

<sup>34</sup> Data base on women and men in decision-making  
<http://ec.europa.eu/social/main.jsp?catId=764&langId=en>.

### Sex distribution of leaders of businesses, in 2008



Source: Eurostat, Labour Force Survey (LFS). NB: leaders of businesses covers ISCO (International Standard Classification of Occupations) categories 121 (Directors and chief executives) and 13 (Managers of small enterprises). For MT and CY: data lack reliability due to small sample size. FR: the figures exclude Directors and CEOs, for which data are not available

### Gender-based violence

One fifth to one quarter of all women have experienced physical violence at least once during their adult lives and more than one tenth have suffered sexual violence involving the use of force<sup>35</sup>. Moreover, it is estimated that in the European Union alone, 500 000 girls and women are affected or threatened by the practice of female genital mutilation<sup>36</sup>. These numbers represent estimates due to the fact that violence against women and practices such as female genital mutilation remain largely under-reported and practiced behind closed doors.

### Trafficking in human beings

Trafficking in women is also a widespread reality. However, due to the ‘hidden’ nature of trafficking activities, gathering statistics on the magnitude of the problem is a complex and difficult task. It is therefore not feasible to establish the exact number of women affected, given the absence of reliable and comparable statistics<sup>37</sup>. According to the U.S. Department of State<sup>38</sup>, 800 000 is the number of people trafficked across international borders every year, mostly women and children.

### Health

<sup>35</sup> Combating violence against women: Stocktaking study on the measures and actions taken in Council of Europe Member States, 2006

<sup>36</sup> Dirie, Waris, *Onze verborgen tranen*, Amsterdam, Sirene, 2005  
European Parliament resolution of 24 March 2009 on combating female genital mutilation in the EU (2008/2071(INI)).

<sup>37</sup> <http://nhtrc.polarisproject.org/materials/Human-Trafficking-Statistics.pdf>

<sup>38</sup> Trafficking in Persons Report: 2007.

Men and women show different patterns of exposure to health risks, health outcomes and access to health services. In the EU, women can expect to live six years longer than men but this gap is slowly but steadily closing. However, in every EU country, women are expected to live a smaller proportion of their years in good health than men<sup>39</sup>. Gender plays a specific role in both the incidence and prevalence of specific pathologies, and also in their treatment and impact in terms of well-being and recovery due to the interrelation of biological aspects, psychological and cultural behaviour, the social system and the organisation of the health care systems.

Beyond reproductive roles, women and men are susceptible to sex-specific diseases; they also present different symptoms and consequences of common diseases (such as cardiovascular diseases or sexually transmitted diseases). Besides biological factors, social norms and health behaviour also affect the health status of women and men differently: men are more likely to engage in risky health behaviour and are consequently more affected by related illnesses and disabilities; women are more likely to present 'invisible' illnesses and disabilities, often not adequately recognised by the health care system (i.e. depression, eating disorders, sexual violence, disabilities related to home accidents and old age). Still, in all Member States (except Malta where there is almost parity), women use health services more than men.

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<sup>39</sup> COM(2009)567 final, 'Solidarity in health: Reducing health inequalities in the EU', October 2009 Women's Health Report: [http://ec.europa.eu/health/population\\_groups/docs/women\\_report\\_en.pdf](http://ec.europa.eu/health/population_groups/docs/women_report_en.pdf).

### 3. ASSESSMENT OF THE ROADMAP'S ACHIEVEMENTS

This section presents the main results achieved since 2006 with a view to 'driving the gender equality agenda forward, reinforcing partnership with Member States, and other actors'<sup>40</sup>. This presentation is based on the mid-term progress report on the Roadmap for equality between women and men (2006-2010) adopted at the end of 2008<sup>41</sup>, expert work in this field and the responses to the consultation regarding the overall assessment of the performance of the Roadmap<sup>42</sup>.

#### 3.1. Assessment of policy commitments in the field of gender equality

The Roadmap for equality between women and men (2006-2010) demonstrated the Commission's commitment to promote gender equality. Overall, the results show that the Roadmap has generated political momentum for promoting equality between women and men. It has raised the profile of gender equality policies in the six priority areas relevant to the main gender gaps identified at the time the Roadmap was adopted.

Significant advances have been achieved on several fronts, such as women's participation in employment, in research and in education. The Roadmap laid a strong foundation for the new initiatives adopted since 2006. It also served as a catalyst for action, not only for the Commission but also for Member States<sup>43</sup>.

However, the stakeholders consulted have also suggested that in order to make further progress in promoting gender equality policies, the political support should be stronger in order to secure the commitment of actors. The need 'to motivate the actors involved in policymaking was identified, though these actors may consider gender issues to be irrelevant or even a hindrance to their core policy goals'<sup>44</sup>. Work needs to continue so that relevant players have a more comprehensive understanding of the value of promoting gender equality both out of respect for fundamental rights and as a condition for social and economic progress.<sup>45</sup>

#### 3.2. Assessment of the implementation of policy instruments

The aim of the Roadmap was to promote gender equality by taking a dual approach, combining gender mainstreaming with specific actions. A wide range of EU instruments were mobilised, including:

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<sup>40</sup> COM(2006) 92, p. 2.

<sup>41</sup> See Annex 3.

<sup>42</sup> COM(2008) 760 'Mid-term progress report on the roadmap for equality between women and men (2006-2010)', November 2008.

<sup>43</sup> See, for instance, 'Beijing + 15: The Platform for Action and the European Union', Report by the Swedish Presidency of the Council of the European Union (2009).

<sup>44</sup> Hafner-Burton, Emilie; Pollack, Mark (2009), 'Mainstreaming Gender in the European Union: Getting the Incentives Right', *Comparative European Politics*, Volume 7, Number 1, April 2009, p. 120.

<sup>45</sup> Weaver, Catherine (2009), 'Normative Tactics: The Strategic Social Construction of the World Bank's Gender Development Policy Norm', *Paper presented at the ISA's 50th Annual Convention*, New York, 15 February 2009.

- integration of gender issues in policymaking, notably by means of specific gender objectives agreed at EU level and quantified targets<sup>46</sup>, which boost the commitment to gender equality and allow measurement of progress.
- European legislation on gender equality, for instance three proposals were tabled in 2008<sup>47</sup> to bring certain parts of the legislation more up to date.
- funding to support gender equality policies by integrating gender issues into programmes under shared management with Member States, such as the ESF and ERDF, and other measures to advance gender equality funded by a number of other EU financial instruments.

The Roadmap achieved synergies by bringing the above-mentioned instruments, together with quantitative objectives fixed at EU level, under a common reference framework, which proved to be a particularly useful source of added value. Gender mainstreaming has progressed in a number of key EU policies and programmes identified in the Roadmap, such as the European Employment Strategy, the open method of coordination in the field of social inclusion and social protection, the European funds for cohesion policies, health policies, education, research programmes and external relations and cooperation development.

Gender mainstreaming has been accompanied by specific actions focusing on correcting the imbalances between the sexes. This has taken different forms, such as legislation regarding parental leave, awareness-raising campaigns, incentives for female entrepreneurs, etc. Coordination of these types of measures has proved to increase their effectiveness. Overall, the Roadmap has improved coherence and added visibility to the Commission's activities on gender equality.

The Commission has also strengthened its internal mechanisms for gender mainstreaming with the revision of the impact assessment guidelines<sup>48</sup> and has made progress in taking into consideration the impact of new policies on women and men, and improving the integration of fundamental rights and gender equality into all EU policies and programmes. The revised impact assessment guidelines<sup>49</sup> include 'Guidance for assessing social impacts'<sup>50</sup> that will help reinforce the analysis of gender issues in impact assessments. Progress has also been made in other areas,

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<sup>46</sup> 1) 60% employment rate of women by 2010, 2) availability of childcare facilities by 2010 (Barcelona targets: for 90% of children between the age of three and school age and for 33% of children aged under three) 3) participation in early childhood education (at least 95% of children between four years old and the age for starting compulsory primary education), 4) proportion of female graduates in mathematics, sciences and technologies (levels of European Average Performance in Education and Training should increase by at least 15% and the gender imbalance should be reduced) and 5) proportion of women in leading positions in the public research sector (objective of 25% for women in leading positions in the public sector and to increase the participation of women in industrial research and technology/ engineering).

<sup>47</sup> One amending Directive 92/85/EEC on pregnant workers, one repealing Directive 86/613/EEC on self-employed women and one amending Directive 96/34/EC on parental leave based on agreement of European Social Partners.

<sup>48</sup> [http://ec.europa.eu/governance/impact/docs/key\\_docs/iag\\_2009\\_en.pdf](http://ec.europa.eu/governance/impact/docs/key_docs/iag_2009_en.pdf)

<sup>49</sup> SEC(2009) 92.

<sup>50</sup> <http://ec.europa.eu/social/main.jsp?catId=760&langId=en&preview=cHJldmllld0VtcGxQb3J0YWwh>

such as the inclusion of gender equality in the 2010 budgetary circular, which calls for account to be taken of gender equality issues in budgetary management.

However, studies and evaluations show that some Community policies have not taken systematic account of gender equality. Gender mainstreaming is often seen as a general principle, and is not translated into more specific objectives in policies and programmes<sup>51</sup>. In particular, in programmes which contain a general clause on gender mainstreaming, gender issues are usually not cemented into firm objectives and the means to implement them are inadequate. Moreover, gender mainstreaming alone without specific action is seen as insufficient by some stakeholders<sup>52</sup>.

The recommendation with regard to a possible successor framework to the Roadmap for equality between women and men is to effectively anchor the dual approach of gender mainstreaming and specific actions, in order to correct the existing gender-specific imbalances.

### **3.3. Assessment of progress in the different priority areas of action**

In order to monitor the implementation of the activities set out in the Roadmap, three annual work programmes were drawn up in 2007, 2008 and 2009 allowing monitoring to be carried out by the Commission's services and providing an exhaustive list of actions. Moreover, a mid-term progress report that highlighted how actions have contributed to achieving the objectives of the Roadmap was also adopted in 2008<sup>53</sup>. Some examples of successful approaches in priority policy areas are presented below.

#### *3.3.1. Achieving equal economic independence for women and men*

The need to meet the gender equality commitments under the Lisbon strategy and achieve economic equality between the sexes has been recognised even if gender mainstreaming has not always been sufficiently implemented by stakeholders.<sup>54</sup> The initiatives set out in the Roadmap have been realised, and as a result greater account was taken of gender equality issues in the new 2008-2010 cycle of the strategy for growth and jobs. The analysis of national employment measures to implement gender equality under the Lisbon strategy has shown that more could have been done at Member State level. In this context, the publication of a 'Manual for gender mainstreaming of employment policies'<sup>55</sup> was welcomed by the Member States.

The analysis on how gender equality has been mainstreamed in the National Strategy Reports on social protection and social inclusion showed<sup>56</sup> that gender considerations feature prominently and acknowledged that the gender pension gap is expected to

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<sup>51</sup> Institute for Social Research, 'Effectiveness of Cohesion Policy: Gender Equality and Demographic Change', 2009.

<sup>52</sup> Pfister, Thomas, 'Mainstreamed Away? The European Employment Strategy and its Gender Equality Dimension', *European Union Studies Association (EUSA)*, 10th Biennial Conference, 17-19 May 2007, Montreal, Canada.

<sup>53</sup> COM(2008) 760 'Mid-term progress report on the roadmap for equality between women and men 2006-2010', Brussels, 26 November 2008.

<sup>54</sup> Council document 15992/2009.

<sup>55</sup> Manual for gender mainstreaming of employment policies, 2007.

<sup>56</sup> COM(2009) 58 2009 Joint Report.

persist in the future and might become even wider. Gender issues have also been identified as a general principle to be taken into account in the European Year for Combating Poverty and Social Exclusion in 2010.

Gender equality has been included in the European Funds covering the period 2007-2013 for cohesion policy<sup>57</sup> in order to support national policies aiming at reducing differences between men and women and their segregation on the job market. Member States are asked to integrate gender equality objectives to facilitate access to employment, education and training, promote participation in decision-making and strengthen the reconciliation of working and family life in their national programmes. The high-level group on gender mainstreaming in the Structural Funds has organised its work so as to promote exchanges of good practices on key policy themes of the Roadmap. The Funds for rural development<sup>58</sup> and fisheries<sup>59</sup> have also encouraged Member States to promote gender equality. The Commission is following up the implementation of this priority in the national programmes.

**Example: ESF project in Poland**

**‘Wanted: women over 45 – reliability, commitment, experience’**

The project ran from November 2006 to November 2007. It was designed to contribute to changing stereotypes concerning working women over 45. Moreover, it was supposed to provoke a discussion on the system planned with respect to gradual levelling of the retirement age for women and men, equal access to employment and lifelong learning for both sexes, especially older people.

The project consisted of a media awareness-raising campaign addressed to women and employers for eliminating the stereotype according to which women over 45 are ineffective at work. Three TV spots were broadcasted on television, each of them illustrating the present situation of women over 45 on the labour market.

The campaign aimed at promoting the image of a women 45+ as mature, with vast experience resulting from many years of professional work, who is more focused on work than a young person because she has fewer family responsibilities, who is meticulous because she has already made mistakes and learned from them, who is disciplined because she values stability, who is loyal to her employer because she values her job, who has a higher motivation to work because she knows what she wants, and in addition – an increasingly prized commodity today – is a person who understands better the needs of an ageing population of customers because she belongs to that group herself.

A concurrent campaign on the internet website [www.kobieta.gov.pl](http://www.kobieta.gov.pl) provided users with information on legal aspects of counteracting discrimination, addressed to employers, senior citizens and women. All articles from the website were also published in book form.

The importance of eliminating the pay gap between women and men has been highlighted in the Communication on the gender pay gap<sup>60</sup>. A new methodology (based on the SES - Structure of Earnings Survey) has been implemented in order to obtain a harmonised and comparable measure of the unadjusted gender pay gap

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<sup>57</sup> Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund.

<sup>58</sup> Regulation (EC) No 1698/2005.

<sup>59</sup> Regulation (EC) No 1198/2006.

<sup>60</sup> COM(2007) 424.



across Member States. A major communication campaign<sup>61</sup> was launched on International Women's Day 2009 and is still going on.

**Example of expert analysis on the gender pay gap:**

**Exposing the Pay Gap in Switzerland and Germany<sup>62</sup>**

The European Network of Experts on Employment and Gender Equality produced a report on the gender pay gap. They pointed out an example of an instrument developed to address the gender pay gap in enterprises.

To help both employed men and women, management and workers' representatives (works councils), the German government (Ministry for Family, Seniors, Women and Youth) has a new instrument to measure the gender wage gap at company level. This instrument, called LOGIB-D, is an Excel-based programme which calculates regression on the basis of data on each single employee. The Ministry offers this instrument via its website and some firms are participating in a voluntary experimental phase to test the instrument.

Wider implementation of the LOGIB system in Germany is currently under discussion. Whereas the German Ministry for Family, Seniors, Women and Youth wants to keep the instrument voluntary in order to make firms sensitive towards gender wage gaps, the German Minister for Labour and Social Affairs is working on using the federal regulations on public procurement to strengthen the legal obligations. The Minister wants to create a federal office responsible for equal pay within the federal Agency for Anti-discrimination which could use the LOGIB instrument, and to give works councils the right to collect all information about wages and pay components and to demand the use of LOGIB.

However, this approach is planned in conjunction with other measures and the Minister points out that the wage gap due to low wages in certain sectors and industries needs to be tackled by a minimum-wage regulation.

In order to increase female entrepreneurship, three lines of action have been developed: better access to finance for women, development of female entrepreneurial networks and adoption of the 'Small Business Act'<sup>63</sup>, thus providing, for the first time, a comprehensive policy framework for SMEs.

Inequalities are experienced particularly by women belonging to ethnic minorities and immigrant women, who represent the majority of the migrant population in the Union.<sup>64</sup> This situation was taken into account in devising the strategy on migration policy<sup>65</sup>, particularly as regards participation of women in the labour market and protection of women who are victims of trafficking. The Commission has paid attention to the situation of women in monitoring the transposition of the Directive on the residence permit issued to third-country nationals,<sup>66</sup> and in drawing up the framework Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.<sup>67</sup>

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<sup>61</sup> [Http://ec.europa.eu/equalpay](http://ec.europa.eu/equalpay).

<sup>62</sup> Author: Friederike Maier (German Expert to the EGGE – European Network of Experts on Employment and Gender Equality issues–).

<sup>63</sup> COM(2008) 394.

<sup>64</sup> Opinion of the Committee of the Regions on the situation of migrant women in the European Union, 15.12.2007.

<sup>65</sup> COM(2008) 359.

<sup>66</sup> Directive 2004/81/EC.

<sup>67</sup> COM(2007) 637.

The EU Health Strategy (Together for Health: A Strategic Approach for the EU 2008-2013)<sup>68</sup> called on the Commission to take account of specific aspects of women's and men's health. The second programme of Community action in the field of health (2008-2013)<sup>69</sup> is intended to improve knowledge of the needs of women and men in the field of public health and to support initiatives to reduce gender inequalities.

### 3.3.2. *Better reconciliation of work and private family life*

A broad consensus has been reached regarding the need to support efforts to increase employment rates and for measures facilitating better reconciliation of work and private life. A policy communication and legislative proposals elaborated in 2008 and the report on the availability of childcare facilities in line with the objectives set out in Barcelona in 2002, have helped to reinforce this objective and therefore contributed to addressing demographic imbalances.

New legislative proposals related to maternity leave and equal treatment for self-employed persons and their assisting spouses have been adopted and a successful consultation of social partners on the parental leave directive has taken place.

In 2008, the Commission launched a programme of exchanges of good practices<sup>70</sup> to reinforce the potential for Member States to learn from each other, to develop synergies, both in partnership with the Commission and, where appropriate, with social partners and NGOs, in order to achieve the objectives of the Roadmap. The first two exchanges were organised to transfer successful experiences on childcare and parental leave.<sup>71</sup>

#### **Example reconciliation between work and private life:<sup>72</sup>**

##### **'Men at work - Achieving Gender Equality'**

In 2006-2007 the Department of Gender Equality from the Danish *Minister for Ligestilling* implemented a transnational project called 'Men at work - Achieving Gender Equality'. This project aimed at encouraging men and fathers to care more for their children and families, thereby finding ways of reconciling work and family life.

A series of TV programmes was produced by The Danish Broadcasting Corporation. These programmes took a closer look at the myths and prejudices that surround the male role – and at the special equality issues that are associated with the role of the male. The series focused on 'the European man' and his role in the family, in the workplace and in the community at large, but with specific emphasis on the relationship between work and private life.

As a partner in this project the Slovenian Governmental Office for Equal Opportunities launched a media campaign of several months' duration called '*Daddy, be active!*', and a special film was made, promoting active fatherhood. It was broadcast on national TV in January 2007. (<http://www.uem.gov.si/index.php?id=968>)

<sup>68</sup> COM(2007) 630.

<sup>69</sup> Decision No 1350/2007/EC

<sup>70</sup> Funded by 'Progress' Community Programme for Employment and Social Solidarity (Decision No 1672/2006/EC).

<sup>71</sup> <http://ec.europa.eu/social/main.jsp?catId=574&langId=en>.

<sup>72</sup> Project supported through a call for projects financed under the 5<sup>th</sup> programme on equal opportunity (Council Decision 2001/51/EC).

The secretariat of the Government Plenipotentiary for Equal Status of Women and Men, the Polish partner, carried out international research with regard to why men do not engage in family life and in bringing up their children: What obstacles exist and what are men afraid of? The results were presented during a European conference in Warsaw in January 2007.

### 3.3.3. *Promoting equal participation of women and men in decision-making*

The Commission has drawn attention to the lack of female participation in decision-making as a major challenge for our democratic societies.

Based on the most recent data, the Commission publishes each year a report on 'women and men in decision-making', raising awareness in order to encourage the partners (political and economic actors) to use all the necessary means to ensure more balanced participation in decision-making.

The Commission has supported action by the Member States in this field. To this end, a European network to promote women in decision-making posts in politics and economics has been established.

In the public research sector, the Union has set a target of 25 % for women in leading positions.<sup>73</sup> Career trends have been analysed in order to promote women's role in public research institutions, in particular through work by experts on decision-making in the research field.<sup>74</sup>

Examples regarding equal participation of women and men in decision-making:

The 'European Network of Women in Decision-making in Politics and the Economy'

The European Network of Women in Decision-making aims to get more women into decision-making positions in politics and the economy across Europe and to provide a platform at EU level for discussion of successful strategies to improve gender balance in decision-making positions. It is composed of the presidents of 15 European-level networks active in economic and political fields (networks of professionals, networks of players on the ground).

The creation of the Network was supported by the European Parliament, many Member States and the Advisory Committee for Equality between Women and Men. The inaugural meeting of the Network was held on 2 June 2008.

Members' activities include:

Promoting the topic as a priority on the agendas of European, national and local politicians, business leaders, social partners, NGOs, media, etc.

Serving as a platform for the identification and exchange of experiences, information and good practices across Europe, leading to increased understanding and dissemination of successful strategies in this field.

Providing the Commission with knowledge based on the members' experiences and practical insights derived from their role in society.

<sup>73</sup> Council of 18.4.2005.

<sup>74</sup> Mapping the maze: getting more women to the top in research, 2008.

Raising awareness of the activities undertaken at European level and at the level of the participating networks and members and other stakeholders.

Members share the results of their discussions, relevant material and good practices identified with other members and stakeholders to highlight the issue of women's under-representation in senior positions and to promote the use of good practice. One practical action saw the involvement of many members in campaigning for a better gender balance in the European Parliament before the elections. The first results are presented in the report 'More women in senior positions – key for economic stability and growth'<sup>75</sup>.

### 3.3.4. *Eradicating gender-based violence*

The Commission has also emphasised that violence and human trafficking are unacceptable in the European Union and, where empowered to do so, takes specific action to support the efforts of Member States and NGOs to eradicate such practices. Actions to prevent and combat all forms of violence against children, young people and women have been pursued under the Daphne III programme,<sup>76</sup> which aims to contribute to the prevention of, and the fight against, all forms of violence occurring in the public or the private domain against children, young people and women, by taking preventive measures and by providing support and protection for victims and groups at risk. An exchange of good practice on gender-based violence also took place with Member States (see the example below). The large number of acts of violence among young people has also led the Commission to include the objective of combating violence against women in projects under the 'Youth in action' programme.<sup>77</sup>

#### **Example on combating gender-based violence:**

##### **Good practices and lessons learnt from Spain (Programme of exchanges of good practices)<sup>78</sup>**

In Spain, the system devised to combat gender-based violence is characterised by its comprehensive, coordinated and prioritised approach. The development of legislation on gender-based violence in Spain dates back to 1989, when 'domestic violence' was first included in the criminal code. Since 2004, a multi-directional approach has been adopted which shows that, although criminal law is an indispensable means for eradicating gender-based violence, it is in itself insufficient to deal with the complexity of the issue. Effective application is the key. The fundamental regulation in Spain in relation to this issue is Law 1/2004, on measures of integrated protection against gender-based violence. The judicial response as defined by the law comprises five main elements: the creation of special courts, a specialised prosecutor's office, forensic teams, free legal assistance for all victims; and coordination. This coordinated approach is one of the main strengths of the Spanish system.

Responsibility for promotion, coordination, supervision and prevention falls on two organisations specially created for that purpose – namely, the Government Delegation against Gender-based Violence and the State Observatory on Violence against Women.

To promote the effective coordination of all the relevant agencies involved, protocols for action have been established and adequate resources have been provided to implement the different policies.

<sup>75</sup> March 2010, <http://ec.europa.eu/social/main.jsp?catId=762&langId=en&furtherPubs=yes>.

<sup>76</sup> Decision No 779/2007/EC.

<sup>77</sup> Decision No 1719/2006/EC.

<sup>78</sup> <http://ec.europa.eu/social/main.jsp?catId=574&langId=en&eventsId=224&furtherEvents=yes>

### 3.3.5. Promoting gender equality outside the EU

Significant resources have been devoted, with considerable success, to enhancing the role of the EU in external relations and following up international commitments and promoting basic values of gender equality in development and cooperation, particularly in aid and external trade arrangements. On a policy level, the Communication on Gender Equality and Women's Empowerment in Development Cooperation has been followed by the adoption of the joint EU Plan of Action<sup>79</sup>.

The new 'Comprehensive Approach of the European Union to the implementation of UN Security Council resolutions 1325 and 1820 on women, peace and security' aims at further strengthening the effectiveness of EU work in the area of women, peace and security. It presents a vision of the role and obligations of the EU in protecting women in conflict situations and in facilitating their proactive role as peace-builders.

The adoption of the EU Human Rights Guidelines on violence against women and girls and combating all forms of discrimination against them confirms the commitment of the EU to prioritise actions to promote and protect women's rights in the overall EU human rights policy in third countries. These Guidelines, in particular, provide that the EU will continue to raise the subject of violence against women and the discrimination from which such violence originates in its human rights dialogues and consultations with third countries.

In the European consensus on humanitarian aid<sup>80</sup> the EU has reaffirmed the importance of integrating gender considerations, of promoting active participation of women and of incorporating protection strategies against sexual and gender-based violence in all aspects of humanitarian assistance.

#### **Example on gender equality outside the EU:**

##### **Implementation of the Istanbul Framework for Action**

The Istanbul Framework for Action (IFA) is a regional political agreement dedicated to the promotion of gender equality. It was adopted by the Euro-Mediterranean Ministerial Conference which took place in Istanbul in November 2006, on 'Strengthening the role of women in society'. The IFA includes a political process, with follow-up of the commitments set in the declaration, and the implementation of specific programmes funded by the European Commission.

Through the IFA, the political dialogue on gender equality between the North and the South has been strengthened, in particular in terms of cooperation in the regional programmes by preparing national gender action plans. The dialogue has identified common priorities, such as violence against women and women's access to employment. As a consequence, Mediterranean partner countries are urged increasingly to take action, while the IFA provides support for taking new steps forward.

The involvement of civil society organisations is also a significant result of the IFA. These organisations have been involved through preparatory meetings of the Ministerial Conference and have produced many position papers and a shadow report about the IFA. In that regard, this process has provided a relevant framework for NGOs to develop and strengthen their advocacy for gender equality.

<sup>79</sup> SEC(2010)265 final.

<sup>80</sup> OJ C 25, 30.1.2008, p. 1.

### 3.4. Overall assessment of policy impact

Implementing gender equality has brought added value to the definition and implementation of other policies. Raising the gender profile of EU policies has the potential to improve their effectiveness and to encourage greater mobilisation of actors, increasing ownership, transparency and accountability, and ensuring more effective cooperation and coherence among the different actions taken.

Over the last decade, gender equality has been part of the Lisbon Strategy, especially the European Employment Strategy (EES). Greater participation of women in the labour market has been the crucial factor for achieving the Lisbon targets on employment. It has been noted that a consistent and systematic approach to gender mainstreaming in policy development, including macro-economic policies, contributes to wider European social and economic goals.<sup>81</sup>

Addressing gender equality in social policies has increased employment, growth and social inclusion and so has had a positive social impact. Promotion of gender equality has contributed to reducing the persisting inequalities and ensuring more equal treatment between women and men. It has helped to get more women on to the labour market and reduce occupational segregation and gender inequalities regarding quality of work. Beyond that, it has enhanced social inclusion, social protection and balancing of professional and private life. However, key objectives for equal participation by women and men, both on the labour market and in decision-making, have not yet been achieved. Studies have also suggested that closer attention to gender equality would permit development of a more coherent social model with investment in social infrastructure to support working women and men and promote sustainable employment and social reproduction<sup>82</sup>.

As women's growing involvement in the labour market has generated higher employment in general, gender equality has contributed to economic growth. Stronger gender mainstreaming in economic policies creates a better climate for sustainable growth and well-being in the EU. In many countries, a positive correlation exists between high levels of economic activity (GDP per capita) and higher labour market participation by women and men. There are several factors which could explain the relation between gender equality and economic growth, such as the existence of measures to balance work and family life, the design of tax systems and the level of participation in the labour market. As greater participation by women in the labour market generates higher employment in general, gender equality in turn contributes to creating virtuous circles in the economy<sup>83</sup>.

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<sup>81</sup> Smith Mark (2009) 'Analysis note: gender equality on the labour market: challenges of the EU after 2010' July 2009.

<sup>82</sup> Smith, Mark (2009), 'Analysis note: Gender equality on the labour market: challenges of the EU after 2010'.

<sup>83</sup> Löfström, Asa (2009), 'Gender Equality, Economic Growth and Employment', *Swedish Presidency of the European Union*, 2009.

The economic and financial crisis has, however, impacted heavily on advances made in gender equality. Rising unemployment now affects women and men similarly<sup>84</sup>, with long-term consequences on labour markets and economic growth.

### **3.5. Assessment of institutional cooperation and partnership**

Good governance and partnership with stakeholders at EU level have proved to be the keys to progress towards gender equality. Cooperation between groups and bodies striving for gender equality requires strong partnerships based on a shared policy agenda. The European Commission has been playing an increasingly important role in improving the partnership with Member States by facilitating the development and coordination of policy, exchanges of best practices and monitoring of progress.

The Roadmap has not only been the basis for the Commission's action on gender equality, but also a reference for Member States and other partners in the EU. With the Roadmap in mind, EU Heads of State and Government agreed on a European Pact for Gender Equality<sup>85</sup>, thereby recognising the importance of working at EU level to tackle gender inequalities and promote equality. Also, in 2007, troika Presidencies started to present specific coordinated work programmes on gender equality at EU level. The Commission in turn has supported partnership with the Member States via the High Level Group on Gender Mainstreaming (HLG) and the Advisory Committee on Equal Opportunities (ACEO).

At international level Member States are themselves committed to promoting gender equality by the UN agenda for women's empowerment — the Beijing Platform for Action (BPfA) — and the international Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The HLG has provided a central forum for discussing and following up commitments at EU level. Dialogue is actively pursued with the European Parliament Committee on Women's Rights and Gender Equality (FEMM), NGOs and social partners.

New bodies playing a role in implementing gender equality policies were set up between 2006 and 2010, including national equality bodies and the European Institute for Gender Equality<sup>86</sup>.

There is broad consensus that a new framework for the period after 2010 defining a common agenda for gender equality policies will be useful for partnerships at EU level<sup>87</sup> and will provide added value.

### **3.6. Assessment of progress regarding gender equality data and indicators**

Development and dissemination of EU-wide, comparable and reliable gender statistics and indicators have contributed to better monitoring and assessment of progress in the EU.

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<sup>84</sup> Monthly Labour Market Monitor May 2010: <http://ec.europa.eu/social/main.jsp?langId=en&catId=113&newsId=798&furtherNews=yes>

<sup>85</sup> Annex 4 to the Presidency Conclusions of 23/24 March 2006.

<sup>86</sup> See Annex 1: 'Stakeholders and main bodies active in the field of equality between women and men'.

<sup>87</sup> See Annex 3: 'Consultation on the future strategy for Equality between Women and Men'.

The availability of official statistics broken down by sex is crucial for effective gender analysis. The Roadmap has identified indicators for monitoring progress towards gender equality in several policy areas, in particular in the Strategy for Growth and Jobs.

Agreed quantified objectives fixed in different areas by different Council formations are followed up.

Every year, in its Annual Report on Equality between Women and Men, the European Commission informs the Spring European Council of progress towards gender equality and presents the main challenges and priorities for the future. Monitoring those objectives is essential to demonstrate the relevance of promoting gender equality to achieve social and economic goals.

Moreover, with the cooperation of the Commission, Member States have developed indicators for monitoring the 12 critical areas of concern covered by the BPfA<sup>88</sup>. In this context, the HLG has developed and reviewed indicators in nine areas of concern<sup>89</sup>. The Commission has reviewed those indicators in its Annual Report and is keeping track of the existing indicators. Some stakeholders have recommended improving this reporting by indicating also progress at Member State level and increasing peer pressure at EU level.

The EPSCO Council<sup>90</sup> called on Member States to make further progress with the indicators for gender equality in the remaining areas, in particular ‘Women and environment’ and ‘Women and media’, and to regularly review progress achieved in the areas where indicators have already been adopted. It recommended using all available resources, including the expertise of the High-Level Group on Gender Mainstreaming and the capacity of the EIGE, for follow-up of this process. This is an area where further cooperation between the Commission and the EIGE would provide EU added value.

#### **4. ASSESSMENT OF THE EFFECTIVENESS OF THE CURRENT EU EQUAL PAY FRAMEWORK**

##### **4.1. Introduction**

In July 2007, the Commission adopted a Communication<sup>91</sup> entitled ‘Tackling the pay gap between women and men’. The Commission noted that the pay gap between men

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<sup>88</sup> Since 1999, sets of quantitative and qualitative indicators have been developed by successive Presidencies in 9 of the 12 critical areas of concern identified in the Beijing Platform for Action, the remaining areas being: ‘Women and environment’, ‘Women and media’ and ‘Women and human rights’. Each year the Council adopts Conclusions on these indicators. The existing reports, conclusions and indicators can be found at: <http://ec.europa.eu/social/BlobServlet?docId=3682&langId=en>.

<sup>89</sup> <http://ec.europa.eu/social/main.jsp?catId=765&langId=en>.

<sup>90</sup> Council document 15992/09.

<sup>91</sup> Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Tackling the pay gap between women and men, Document COM(2007) 424.



and women was estimated at 15% which, in spite of the marked and continuous increase in the female employment rate, was only two points below the 1995 level<sup>92</sup>.

For the Commission, the fact that the pay gap still existed and at such a high level highlighted the need for reflection on how best to tackle it.

Four priorities areas were identified: a) exploring ways to improve the legislative framework and its implementation; b) exploiting to the full the European Strategy for Growth and Jobs; c) encouraging employers to respect equal pay; d) supporting the exchange of good practice at Community level.

The starting point of the analysis was clear; while Community legislation has played a key role in achieving progress for women in the labour market, it has not closed the gender pay gap.

Therefore changes to the Community legal framework should be examined to ensure that direct and indirect discrimination based on sex is excluded from the systems used to set pay. An analysis of the current legislation from the point of view of the relevance of the legal instruments with regard to the causes of the gender pay gap (GPG) was launched.

Extensive use was made of external expertise for the analysis of the existing European law rules on equal pay: the existing networks of economic experts and of legal experts produced reports on the issue, a call for tenders was launched for a study on assessing the effectiveness of the current legislation and on the options for improvement, the Advisory Committee on Equal Opportunities (see Annex 1) adopted an opinion, the national Equality Bodies were sent a detailed questionnaire and finally the European Parliament adopted a resolution with recommendations to the Commission on the application of the principle of equal pay for men and women.

The aim of this section is to report on this analysis.

#### **4.2. Report from the Group of Experts on Gender, Social Inclusion and Employment: The gender pay gap — Origins and policy responses**

This report<sup>93</sup>, completed in July 2006, by the group of experts on gender, social inclusion and employment, provides data on the extent and development of the GPG, information on its causes and an analysis on how public policies may reduce or aggravate wage differences between men and women. It provided a basis for the 2007 Communication: this summary focuses on the identified causes of the GPG and on the suggested policy responses.

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<sup>92</sup> As a result of the 2007 Communication, the gender pay gap statistics at EU level were revised by Eurostat in November 2008. There is a new methodology (use of a harmonised EU source – SES/Structure of Earnings Survey – instead of various national sources), which improves the comparability of this indicator among the Member States. This change of methodology increased the overall EU average from 15% (unchanged in recent years with the old methodology) to 17.4% for 2007.

<sup>93</sup> <http://ec.europa.eu/social/BlobServlet?docId=2007&langId=en>.

#### 4.2.1. *Causes*

Traditionally, within the context of human capital theory, the GPG is explained by differences in individual characteristics, such as age, education and experience. Evidence suggests, however, that these differences play a relatively minor part in the persistence of the GPG. The improved educational situation and the increased female participation rate have diminished gender-specific differences in individual characteristics. Instead, the GPG seems more related to occupational segregation and the wage structure. Women tend to work in different occupations and industries than men and are penalised because of that. The extent of the penalty may differ, though, depending on the wage structure; a more compressed wage structure is likely to diminish the GPG.

The current trend towards a more decentralised and individualised system of wage setting should therefore be assessed as a rather worrying development. In fact women seem to be swimming upstream: women with better education, fewer children and shorter periods of employment interruption are confronted with a labour market with growing wage differentials and a reduced share of collectively agreed wages and wage components. As a result, the differences in wages remain more or less the same.

#### 4.2.2. *Policy responses*

According to this report, in quite a few Member States, the GPG rarely features either in public debate or on the policy agenda. In other countries, though, the persistence of the GPG has triggered several policy initiatives aimed at closing it.

Some policies refer to improving the effectiveness of equal pay legislation. Other policies try to enhance equal opportunities and aim at more continuous employment patterns; available and affordable childcare as well as paid parental leave for both men and women are seen as important preconditions in this respect. Girls might also be encouraged to choose less traditional occupations in order to enter higher paying careers. A third lever refers to wage policies aimed at reducing wage inequality and improving the remuneration of low-paid (or female-dominated) jobs. Actual policy initiatives in this respect vary from a general approach towards increasing the level of the minimum wage in Poland to a re-evaluation of low-paid, female-dominated jobs in Finland. The actual policy mix may depend on national particularities and the prevailing analysis of the origins of the GPG.

On the best practices at national level, the report notes that there is a wide variation of policy responses. There is quite a heavy emphasis on policies directed at the availability and dissemination of information among employees and employers and other relevant actors.

Most ‘visible’ initiatives refer to the establishment of an Equal Pay Day; equally important are policies for education and training of employers’ organisations, trade unions, lawyers and judges. Best practices also refer to development or strengthening of the infrastructure with respect to equal pay, notably the establishment of an equal opportunities ombudsperson.

### **4.3. Report from the Network of Legal Experts on Gender: The Gender pay gap in Europe from a Legal Perspective**

The network of legal experts provides the Commission departments with legal advice and relevant information concerning the analysis and monitoring of national legislation and policies in the field of equality between women and men within the 27 Member States and Norway, Iceland, Liechtenstein, Croatia, FYROM and Turkey.

At the request of the Commission, the network updated in 2010<sup>94</sup> a February 2007 report on the legal aspects of the GPG. The aim was to give information on national initiatives to bridge the GPG and to reflect on whether and how legal instruments could help to close it. The report also seeks to explore potential links between equal pay and other national labour law provisions.

#### *4.3.1. The legal framework*

In Member States, a general principle of non-discrimination or equality is frequently enshrined at the highest level. In some cases, a separate article is devoted to the equal treatment of men and women and the very principle of equal pay for equal work or work of equal value has been laid down in nine national constitutions.

In any case, all Member States have regulated the issue, frequently in their Labour Code, but sometimes also in a special equal treatment act directly aimed at implementing EU equality directives.

The Community law principle of equal pay is in general well implemented in national law. The ‘letter of the law’ is therefore not the problem, but rather its application and enforcement.

This is an area where collective bargaining and the resulting agreements are an important – in some Member States even the major – source of rights and obligations in the employment relationship.

According to EU law, collective labour agreements have to comply with the equal pay principle. This implies that the provisions of a collective labour agreement should be in accordance with the principle of equal pay for men and women, and if not, the related provisions will be deemed to be null and void. Currently, collective agreements do not contain provisions which are directly discriminatory. However, certain collective labour agreements continue to contain provisions with an indirect discriminatory impact on female employees’ pay. Such indirectly discriminatory provisions include job evaluation and pay systems that are neutral on the face of it, but appear structurally to disadvantage female workers.

The report underlines that salaries are often individually negotiated far above the minima laid down in collective agreements, and that part of the workforce, typically those in higher positions, may not be covered by such agreements.

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<sup>94</sup> Not yet published.

#### 4.3.2. *The role of law*

The report underlines that the GPG is primarily a socio-economic problem that will by no means be resolved by legislation alone. In certain aspects, the legal framework might be reinforced, for instance by imposing an obligation on employers to introduce and publish pay audits, together with plans for reducing the pay gaps in their workforce identified in the audits.

#### 4.3.3. *Obstacles to litigation*

Only very few claims concerning gender pay discrimination make their way to the competent (regular or administrative) courts. Case law on equal pay issues is very scarce at all levels and the explanations for such scarcity are multiple, including the difficulty in building a case because of the lack of information on pay, the problematic scope of comparison, the lack of a claimant's personal resources, problems regarding time limits, limited compensation and sanction possibilities, etc.

The shift in the burden of proof, figuring in Directive 2006/54/EC, means that the claimant needs to establish facts from which it can be presumed that there has been discrimination. Then it is for the defendant (i.e. the employer) to show that no discrimination has taken place, either because there was no different treatment of men and women or because the unequal treatment was justified.

Another issue concerns the 'comparator' to be used in an equal pay claim: who performs the same work, or work of equal value? According to the report, in the majority of the 33 countries studied, the scope of comparison in pay discrimination claims is not laid down in statutory law. This gives a great deal of latitude to the national courts.

Furthermore, most countries do not accept a hypothetical comparator. An Irish court has stated, for example, that a claimant must be able to indicate 'an actual concrete real-life comparator of the other sex' performing like work. Finding such a real-life comparator, as opposed to the mere hypothetical one, proves to be particularly difficult in highly segregated occupations, where fellow workers of the opposite sex are rare or even non-existent.

National courts generally decide that comparisons can only be made within a company. In other words: comparators can never be found with another employer. In doing so, the national courts are consistent with the Court of Justice, which also tends to restrict comparisons to within a company, the idea being that only in that case can the differences in pay be attributed to one single source.

#### 4.3.4. *Impact of other areas of law*

##### Part-time work

Many countries have adopted legislation guaranteeing equal treatment for part-time and full-time workers, which is in full accordance with the principle of non-discrimination between full-time and part-time employees as laid down in Directive 97/81/EC (part-time work). Nevertheless, the report found that some legislative measures regarding part-time employees can in some cases influence the GPG in an indirect way.

### Overtime

The report notes that making overtime easier and cheaper for employers entails the risk of negatively affecting those workers — mostly women — for whom the performance of overtime work clashes with e.g. family duties. Their pay will not be increased with overtime pay and, as a consequence, the GPG will rise.

### Temporary (fixed-term) work arrangements

In many countries, fixed-term contracts constitute an exception only allowed for explicitly prescribed reasons. This is in line with Directive 1999/70/EC (fixed-term work), which is intended to eradicate abuse arising from successive fixed-term employment contracts or relationships. Notwithstanding the above-mentioned principle, in many cases, ‘creative’ use of fixed-term contracts eventually works to the disadvantage of female employees.

### Issues related to reconciliation of work and family life

The experts underline a possible negative correlation between some schemes for family-related leave and women’s pay. For example, lengthy spells of family-related leave on low pay could work to the disadvantage of female employees and have a twofold negative impact on the GPG. In the first place, the social security benefits that accompany such leave never reach the level of normal pay. In the second place, the employee faces the risk of receiving lower pay/missing pay rises from the employer due to taking up lengthy family-related leave.

### Measures regarding seniority/length of service/evaluation

In some countries, collective agreements or other measures provide for allowances for length of service with an employer. Length of service is often also a condition for the calculation of redundancy pay. Women are clearly disadvantaged by this system due to frequent career breaks and also atypical work arrangements.

#### 4.3.5. *National good practices*

Compulsory reporting systems like the ones that currently exist in Austria, Finland, France, Italy, Norway and Sweden are cited as good practices. Also the compulsory equal pay plans, to be drafted by large employers in countries like Finland, Iceland, Sweden and Spain, were highlighted as good practices. The Finnish government initiative to earmark an amount of money as an ‘equality pot’ meant for municipal employment pay rises targeted at low-paid highly educated ‘female’ branches could inspire other countries. Norway seems to have followed the Finnish example by adopting, in May 2010, a considerable pay rise in the female-dominated professions of the public sector.

As far as the social partners are concerned, the compulsory negotiations on occupational gender equality (including equal pay) as imposed by French law are exceptional, and can certainly be called an excellent practice. Depending on the national system of social dialogue, this seems to be a good way to place the issue on the social partners’ agenda.

Also, the systematic and compulsory analysis of all collective labour agreements by an independent governmental body (e.g. a national equality body) is a good way to get social partners to take into account the principle of equal pay for male and female workers. In this respect, Austria and Portugal provide good practices.

#### **4.4. Resolution of the European Parliament**

The European Parliament adopted by an overwhelming majority, on 18 November 2008, a resolution<sup>95</sup> based on Edit Bauer's (EPP-ED, SK) report.

The resolution focuses on the need to analyse the causes of the pay gap, and to tackle both the pay gap and segregation of the female employment market.

Recognised as causes of the pay gap are, inter alia: direct and indirect discrimination; social and economic factors; labour market segregation; overall wage structure; pay systems; gender-based digital divide; and undervaluing of professions and jobs dominated by women.

The resolution requested the Commission to present a legislative proposal before the end of 2009. It contains a list of recommendations to the Commission, Member States and social partners for the purpose of reducing the GPG, which at the time was still 15%. Broadly speaking, the EP calls for an improved, gender-specific legal framework; more and better gender-specific data; education to eradicate gender stereotypes; implementation of measures for effective social dialogue, including information and guidelines (especially for SMEs); a larger role for the European Gender Institute; organisation of a European Equal Pay Day; and development of job evaluation instruments.

##### *4.4.1. Legislative measures*

The resolution points to revisions to Directive 2006/54/EC deemed necessary:

- More precise definition of concepts, including a definition of gender pay gap (GPG) that does not cover gross hourly pay only, and definitions of direct and indirect pay discrimination, remuneration, and pension gap;
- Enhance the mandate of equality bodies so they can monitor, report on and enforce gender equality legislation more effectively and independently, with specific reference to the GPG;
- Include a specific reference to pay discrimination so as to ensure that MS adopt the following: specific measures relating to training and job classification aimed at the vocational training system; specific policies for work-family life reconciliation; concrete affirmative action to redress the pay gap and gender segregation; and a clause in public contracts requiring respect for gender equality and equal pay;

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<sup>95</sup> European Parliament resolution of 18 November 2008 with recommendations to the Commission on the application of the principle of equal pay for men and women (2008/2012(INI)).

- Article 29, gender mainstreaming, should contain precise guidelines for the MS regarding the principle of equal pay and closing the GPG;
- Compulsory regular pay audits and publication of results (companies with more than 20 employees); also for remuneration in addition to pay;
- Possible revision of Framework Agreement on part-time work.

#### 4.4.2. *Non-legislative Commission action*

The resolution also makes some non-legislative recommendations, to be implemented at European or national level, in particular:

- Invite MS to introduce job classification complying with the principle of equality;
- Improve statistics and add data on part-time and pension GPGs (with MS);
- Devise guidelines for monitoring pay differentials in collective bargaining, to be placed on internet in various languages;
- Distribute practical information and guidelines on how SMEs in particular can work to redress the pay gap;
- Reinforce existing legislation with appropriate sanctions;
- Introduce a concrete target for reducing the GPG in Employment Guidelines;
- Ensure that women are provided with information, assistance and/or training in wage negotiations, job classification and pay scaling;
- Carry out thorough assessment of work evaluation and job classification focused on women-dominated professions.

### 4.5. **Advisory Committee on Equal Opportunities**

#### 4.5.1. *Causes of the GPG*

The purpose of this Advisory Committee's 2009 opinion<sup>96</sup> was to highlight the 'invisible' obstacles that make the gender pay gap (GPG) so persistent and to provide recommendations on how these can be overcome.

The opinion states that although legislation is necessary, it is still not enough to tackle the GPG. Specifically, it says legislation cannot address the discretionary aspects related to pay which impact disproportionately on women, nor does it tackle or even diminish the structural reasons for the GPG.

The main causes of the persistently high GPG (17.4% at the time the opinion was issued) in Europe are described as multiple, complex and often interrelated, lying in structural factors as well as indirect discrimination. The recurring theme of the opinion is that the GPG is linked to a number of legal, social and economic factors

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<sup>96</sup> <http://ec.europa.eu/social/BlobServlet?docId=3176&langId=en>.

which go far beyond the single issue of equal pay for equal work or for work of equal value.

The opinion groups the causes of the GPG into five types:

- Undervaluing of professions and jobs dominated by women, due to differences in the way women’s abilities are valued compared to men’s.
- Labour market segregation. Women are under-represented in certain professions and sectors and in senior positions, and more women work in less highly paid areas such as health and social work, and also in lower paid occupations in the same sector or company.
- Overall wage structure and pay systems. Typically female professions continue to be less well paid than professions that are mainly pursued by men, partly because of limited representation of women in collective bargaining. They also may not be aware of the various parts of remuneration that are negotiated individually.
- Reconciliation of work and private life. Women remain mainly responsible for tasks relating to children or other dependents, resulting in more career interruptions and reduced working hours.
- Traditions and Stereotypes. Gender-related traditions and stereotypes lead to women working in lower valued and lower paid sectors, and women are more often expected to reduce working hours or stop working in order to handle family responsibilities.

According to the Advisory Committee, changes to the current EU Directive are not the priority approach at present and attempts should be made to address the gender pay gap through other routes, in particular encouragement of best practices. If changes to Community law were to be considered, the Advisory Committee would propose amendments in the following areas:

- Improvement of information and transparency regarding wages paid by employers;
- Evaluation of the Part-time Directive;
- Review consistency with the provisions of other Directives, notably the provision in Directive 2006/54/EC forbidding reference to familial and/or personal elements in labour contracts and collective agreements;
- Explore ways in which the legislative framework could better support the work of national governmental inspectorates in their efforts to promote enforcement of equal pay where necessary;
- Ensure that the powers and mandate of the national equality bodies are adequate;
- Consider ways of encouraging MS to increase or implement working coordination between the national inspectorates in the labour market and the national gender equality bodies where necessary.



The recommendations for non-legislative action include measures related to: transparency of wages; taking of responsibility by employers to ensure equal pay for work of equal value; elimination of indirect discrimination in collective agreements; elimination of job evaluation stereotypes; sharing of best practices.

The report also recommends some steps to be taken by Member States, notably to ensure better transparency policies in relation to wage composition and structures, encourage other measures to prevent gender-biased effects of formally neutral wage criteria, a regular review of pay scales to eliminate bias that can contribute to direct and indirect pay discrimination and encourage social partners, including employers, to do the same.

Finally, the report includes some recommendations to the social partners and equal opportunity organisations: actively engage in fostering equal pay, provide training courses on negotiation skills, promote awareness of equal pay issues for the judiciary, negotiate Plans for Equality between men and women at company level and in sectors, explore and promote innovative forms of working arrangements that benefit both the individuals and the employer and adopt transparency policy in relation to wage composition and structures, including extra pay, bonuses and other advantages forming part of remuneration.

#### **4.6. Study on the effectiveness of the current legal framework on equal pay for equal work or work of equal value in tackling the gender pay gap**

This study's purpose was fourfold: 1) to evaluate the effectiveness of the existing legal framework in relation to the pay gap; 2) to add value to the recent body of literature on the topic; 3) to look into how the existing legal framework is being used in the EU-27 to fight the pay gap, and to analyse practices used both in the EU and in the OECD; and 4) to propose recommendations for amendments of Community law if needed. Desk studies, research, analysis of academic literature, interviews, a web-based survey, case studies, and a seminar and workshops were used to conduct the evaluation.

The focus here is on the recommendations coming out of the report. The comparison with non-EU OECD countries is not included, as the report (Final Report by The European Evaluation Consortium, July 2009<sup>97</sup>) itself found that the lessons to be learned are somewhat limited.

The working hypothesis for the evaluation was that the GPG is primarily a socio-economic problem that is unlikely to be solved by legal means alone, especially given the fact that European legislation has had a limited impact on the GPG. The report concludes that the legal framework has been transposed in most analysed countries and can be seen as sufficient to achieve what can be achieved through legal means. Further legislation that might be relevant to the pay gap issue would be indirect, for instance relating to reinforcing equality bodies' powers, or requiring equality planning, pay assessments, job evaluation and pay reviews.

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97

<http://ec.europa.eu/social/keyDocuments.jsp?type=0&policyArea=0&subCategory=0&country=0&year=0&advSearchKey=Evaluation+of+the+effectiveness+of+the+current+legal+framework+on+equal+pay+&mode=advancedSubmit&langId=en>

Another observation was that the current method of calculating the GPG is unrealistic. When the GPG is computed as the difference between men's and women's gross hourly wage as a percentage of men's average gross hourly wage, as it currently is, it indicates how many percentage points the earnings of men have to decrease in order to be equal to women's, rather than how much women's wages must increase to be level with men's.

Causes for the pay gap are given as vertical and horizontal segregation in the labour market; segregation in education (fields of study); differences in male and female activity rates; overall wage structure; the prevalence of full-time vs part-time employment; and the under-representation of women in higher paying sectors.

#### Recommendations for non-legislative action:

- Promote transparency (by legislation if necessary) through commonly agreed principles and guidelines (Commission website, seminars, workshops);
- Support activities such as communication campaigns and activities, public relations and awareness-raising;
- Ensure more effective sanctions against pay discrimination and monitoring of equal pay;
- Facilitate access to individual rights and expose discrimination, making indirect discrimination more visible;
- Facilitate access to judicial mediation and take discriminatory cases to court;
- Facilitate the burden of proof: shifting the burden of proof, encouraging trade unions to get NGOs to represent individual cases collectively;
- Establish a more systematic process of follow-up, monitoring and evaluation, and more and better exchange and dissemination of research results;
- Showcase concrete examples of good practice;
- Focusing on implementation of current law, make better use of existing legislative framework, for synergy between instruments in different policy areas (e.g. welfare and employment in the form of 'flexicurity');
- More coordination both within and among MS regarding research and analysis, and best practices – a coordinated overview is needed;
- Equality Bodies: clarify role, competences and powers; allocate sufficient resources to Equality Bodies (reported as an issue in several MS);
- Encourage private sector to play a more active role in promoting non-traditional career choices – activate industry federations;
- Set targets and monitor linkages between European Strategy for Growth and Jobs and equal pay issues;

- Encourage private sector to play a more active role in promoting non-traditional career choices – activate industry federations.

#### **4.7. National Equality Bodies**

The EU Directives on Gender Equality (mainly Directive 2006/54/CE) provide that Member States must designate and make the necessary arrangements for a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on grounds of sex. These bodies must be competent to provide independent assistance to victims of discrimination, to conduct independent surveys concerning discrimination, publish independent reports and make recommendations on any issue relating to such discrimination and to exchange available information with corresponding European bodies.

Taking into account the unique experience of national gender equality bodies in monitoring gender equality law and in dealing with complaints and litigation, their practical knowledge about any limitations or loopholes of national and European legislation is considerable. A series of questions was put to the national Equality Bodies by a written questionnaire prepared by Commission services.

The first set of questions concerned national legislation on equal pay. Most of the respondents recognise the driving role of EU legislation and underline that national law mirrors European law on equal pay, although more detailed or, in certain cases, more prescriptive. It should be noted that no respondent considers national law to be insufficient to correctly transpose EU law on equal pay.

Another group of questions deal with complaints and case law at national level. Some conclusions can be drawn from the replies. Firstly, in most of the Member States, the national Equality Body has no information on judicial actions on equal pay and there seems to be no reliable tool to track the judicial cases by topic. Secondly, whenever statistics are available, they seem to indicate that the number of complaints is limited, in absolute numbers and as a proportion of all gender equality complaints.

National Equality Bodies were also asked about their views on what could be done to improve national and European law on equal pay.

Many respondents highlight the complex nature of the GPG and conclude that it cannot be tackled by one single measure, be it legislative or not. Only a few respondents consider that the legislation is adequate, but requiring better enforcement rather than legislative changes. Most of the national Equality Bodies identified some areas where EU intervention would be useful. They recommend, inter alia, that the EU:

- Ensure the gender neutrality of job classifications;
- Improve the scope for reconciling work and family life;
- Provide for the submission by employers of an annual review of their pay practices to a competent equality officer;
- Improve European legislation by making it more concrete;

- Develop codes of good practices and conduct;
- Encourage an increase in the level of remuneration in areas that are traditionally female-dominated;
- Provide for minimum penalties to be applied at national level;
- Promote publicity of information on pay;
- Lay down more binding provisions on the active promotion of equal pay;
- Clarify the concept of ‘work of equal value’;
- Require companies to draw up equality plans;
- Clarify the position of hypothetical comparators;
- Clarify the position on representative actions;
- Provide that closing the GPG is designated as a topic for discussion under the Information and Consultation Directive;
- Encourage the provision of training and training materials on non-discriminatory job evaluation;
- Review the EC Code of Practice on the implementation of equal pay for work of equal value between men and women;
- Explore whether EU law will allow for employers and unions to be given some protection against individual claims while they modify their pay processes so as to deliver equal pay.

#### **4.8. Conclusions**

At the request of the Commission departments or on their own initiative, different types of institutional actors and stakeholders have given their views on how effective EU law has been in tackling the gender pay gap and on what could be done to bridge the persistent gap.

All the contributions received recognise the inadmissible nature of the GPG and agree that more action should be undertaken at different levels.

Most of the contributions underline the multi-dimensional nature of the GPG and therefore argue that no single approach is able to tackle it, be it legislative or non-legislative. Nevertheless, there is a large consensus on the fundamental contribution of legislation and on the need to apply effectively the current rules.

Most of the contributions argue in favour of the need to update the legal framework at EU level, together with other actions to be taken at the level of Member States and social partners. Although the concrete suggestions are divergent, two areas clearly attract broader support: increasing the transparency on pay, and providing for pay audits and regular collective negotiation.

## 5. INPUT TO THE PREPARATION OF THE NEW STRATEGY

### 5.1. Stakeholder consultation

In June 2009 the Commission organised an EU conference on 'Equality between Women and Men in a Time of Change' that launched the public debate on the priorities to be addressed in the new strategy for gender equality. Around three hundred and fifty representatives of national governments, social partners and experts from 34 countries and the EU institutions attended the conference that brought together 35 speakers.

A broad consultation was also launched in July 2009 in order to prepare the new strategy, with an accompanying document revolving around three themes: 1) overall assessment of the performance of the Roadmap; 2) new challenges; 3) policy priorities)<sup>98</sup>.

The High Level Group on Gender Mainstreaming discussed the future strategy at its meeting of September 2009.

A consultation addressed to the main stakeholders (social partners, civil society, Equality Bodies, Eurofound, European Union Agency for Fundamental Rights and the European Institute for Gender Equality<sup>99</sup>) on the Roadmap and the follow-up strategy was launched in August 2009.

The replies to the consultation can be summarised as follows.

#### 5.1.1. *Overall assessment of the performance of the Roadmap for equality between women and men 2006-2010*

Most consider the Roadmap as a useful framework and a reference document. Most agree that the Roadmap has contributed to the promotion of gender equality in terms of raising awareness, visibility and stimulating actions in this field. Some argue, however, that the Roadmap has not been visible enough at national or regional level. Some NGOs also regret that the Roadmap is more an internal coordinating mechanism for the European Commission rather than a binding policy instrument. HLG members agreed on the need for a new framework for gender equality after 2010.

#### 5.1.2. *Future challenges for gender equality*

Almost all point out that progress is still too slow in most areas and gender equality is far from being achieved.

All consulted stakeholders consider that the current financial crisis creates a new challenge for gender equality. The key difference between this recession and previous ones is that the impact is likely to be shared more evenly between women

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<sup>98</sup> Annex 3.

<sup>99</sup> 44 contributions were received from Social partners and NGOs.

and men.<sup>100</sup> For instance, the spread of the crisis is likely to have a strong impact on women's employment, notably in the public sector, due to the likely reduction of public spending<sup>101</sup>. In the current economic recession, decision-makers might be tempted to regard gender equality as a 'good weather policy' and shift their attention to what they perceive as 'more urgent problems'<sup>102</sup>. The social impact of the crisis could increase the risk of poverty for women<sup>103</sup>. It can also have a negative effect on social welfare, as reflected by the increase in income inequalities over the last five years<sup>104</sup>, and could ultimately exacerbate social tensions.

More negative consequences for the most vulnerable groups of women can be expected (particularly because women are at a higher risk of poverty). This holds true especially for women facing multiple discrimination. At a time of increasing migration flows, migrant women are still filling mostly unskilled and low-paid jobs and are also often economically dependent spouses.

Demographic trends such as low fertility rates and ageing societies will have an impact on the sustainability of social protection, pension and health systems. This will mean lower pensions and a higher poverty risk for the lower paid groups, in which women are in the majority, and it will affect gender equality. There is a positive correlation between the availability of social infrastructures and fertility rates<sup>105</sup>.

Finally, climate change and restructuring towards a low carbon economy will, in turn, make an impact on labour markets and on social and economic development, both in the EU and globally.

Challenges were also perceived regarding the importance given to gender equality policies. The need to keep gender equality at the top of the policy agenda is underlined as well as the contribution the Commission could make in this context. Also related to perception, some stakeholders pointed out that gender equality policies still tend to address areas in which women are at a disadvantage and give less prominence to promoting it in areas where men are the ones in less favourable positions. Men also have an important contribution to make in putting an end to gender inequalities and changing policies and practices (including stereotypes) that generate them.

The respondents stressed that these challenges have to be taken into account in the future strategy. Some suggest that gender equality should be made an objective for

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<sup>100</sup> Philpott, John (2009) 'Official Statistics confirm CIPD view that women are not being relatively hard hit by jobs downturn' (Press Release) *Chartered Institute of Personnel and Development (CIPD)*, March 2009; Smith, Mark (2009) 'Analysis Note: Gender Equality and Recession' *EGGE*, May 2009.

<sup>101</sup> Smith, Mark; Villa, Paolo (2009) 'Gender equality, employment policies and the crisis in EU Member States', *EGGE*, May 2009.

<sup>102</sup> Smith, Mark; Villa, Paolo (2009) 'Gender equality, employment policies and the crisis in EU Member States', *EGGE*, May 2009.

<sup>103</sup> SPC/ISG/TF/0909/2 rev.

<sup>104</sup> SPC/ISG/TF/0909/2 rev).

<sup>105</sup> Bettio, Francesca; Platenga, Janneke. 'Care Regimes and the European Employment Rate' in ed. Costabile, Lilia *Institutions for Social Well Being: Alternatives for Europe*, Basingstoke, Palgrave Macmillan, 2008.

all. Furthermore, according to some, Member States should commit themselves unequivocally to gender equality.

### 5.1.3. *Main policy priorities for gender equality*

Almost all stakeholders agree that the six priority areas of the Roadmap are still relevant. In particular, they emphasised the need to pay special attention to improving the situation of women in the labour market, to highlight the amount of hours worked by women and men, to combat gender segregation and to fight the gender pay gap and women's poverty. Many Member States stressed the importance of giving special attention to the situation of migrant women and women from ethnic minorities. According to some stakeholders multiple forms of discrimination should be tackled and the intersectional approach (integration of the needs and perspective of different groups of women and discrimination grounds) should be integrated into the future strategy.

Some suggest that a much stronger focus should be put on female entrepreneurship, women with disabilities, women and health, poverty and social exclusion, domestic work, care facilities and gender-based violence. Several stakeholders also mentioned that the future strategy should have a strong chapter on the EU approach towards gender equality in external relations and development policies.

Quantified targets were suggested in the fields of equal pay, representation in decision-making, reconciliation, female entrepreneurship, external and development policies and education. Some stakeholders suggested including a specific integrated guideline on the reconciliation of work and family life in the Lisbon Strategy post-2010 (in particular reassessment of the Barcelona childcare target and introduction of a target on dependent and elderly care). Indicators were also suggested in the areas of women's poverty and domestic violence.

HLG members suggested improving governance for the new strategy by reinforcing partnerships between all stakeholders; promoting effective gender mainstreaming in EU policies and specific actions where necessary; defining targets and quantified objectives, as appropriate; improving reporting and monitoring tools.

Most stakeholders agree that the dual approach of gender mainstreaming and specific actions is still relevant and should be maintained. Some argue that gender mainstreaming could be made more effective by compulsory and systematic monitoring and accountability. Better consistency in the implementation of a gender mainstreaming – including gender budgeting<sup>106</sup> and gender impact assessment – strategy is required. According to some stakeholders the obligation to mainstream the gender perspective should be further clarified and refined in implementing instruments. Some also argue that the follow-up strategy should be accompanied by a specific budget.

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<sup>106</sup> Gender budgeting is defined as 'the application of gender mainstreaming into the budgetary process. This entails a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality'. See Council of Europe 'Gender Budgeting', 2005.

For most stakeholders the collection of comparable and gender disaggregated statistics is essential.

There is a consensus that more coordination between the different levels of stakeholders is necessary even if many synergies already exist. Moreover, an increased consultation of civil society is requested. Some also expressed the need for more exchange of information between the different levels of stakeholders with regular meetings, summits and joint campaigns. Some NGOs advocate a strong institutional link between commitments at European level and national level. It was also pointed out that the role of the European Institute for Gender Equality should be strengthened to gain strong political support. There were calls for more support from Member States to the future Commission framework for gender equality, and the reaffirmation of the European Pact for Gender Equality was also mentioned as very important.

The European Institute for Gender Equality proposed to complement the work of the Commission in developing methods and tools to strengthen gender mainstreaming and in the area of fighting stereotypes, changing attitudes and raising awareness.

Improved reporting and monitoring was deemed necessary and some stakeholders requested more diffusion of reports and results, highlighting of best practices and involvement of civil society in the monitoring. In this respect, some suggested the inclusion of a chapter on the extent of gender mainstreaming in each Commission Directorate General in the Annual Report on Equality between women and men. In this respect, some NGOs argued that the Annual Report should involve all relevant services and be linked to all areas of the future strategy.

## **5.2. Policy input**

### *5.2.1. Advisory Committee on Equal Opportunities*

In January 2010 the Advisory Committee on Equal Opportunities adopted an opinion on the future of gender equality policy after 2010<sup>107</sup>.

The main recommendations concern the ongoing challenges related to the current priority areas of the Roadmap where EU action needs to be stepped up.

The opinion also identifies new challenges for sustainable environmental policies, the differential impact of the economic and financial downturn on women and men, the need to address intercultural dialogue, integration, immigration and asylum policies from a gender perspective and the promotion of women's and men's health.

Additional issues have to do with cross-cutting challenges: eliminating gender stereotypes across all sectors and addressing multiple discrimination and intersectionality. Further recommendations include strengthening the institutional links at EU level and providing mechanisms to improve gender mainstreaming such as training, gender impact assessment and gender budgeting.

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<sup>107</sup> Advisory Committee on Equal Opportunities, 'Opinion on the future of gender equality policy after 2010 and on the priorities for a possible future framework for equality between women and men', January 2010.



### 5.2.2. *European Economic and Social Committee*

The European Economic and Social Committee (EESC) adopted, on 17 March 2010, an explanatory opinion on the new strategy for equality between women and men<sup>108</sup>.

It recommends a global approach not only to strengthen the involvement of women in all spheres but also to ensure that gender equality is mainstreamed across all policies and included in the preparation of budgets.

It highlights the use of all relevant instruments, legislation, and structural funds. It also stresses the role of social dialogue.

Finally it calls on the European Institute for Gender Equality to play its part in improving gender governance.

### 5.2.3. *European Parliament*

The FEMM Committee of the European Parliament organised a public hearing on the evaluation of the Roadmap 2006-2010 and on the new strategy in January 2010. It then adopted an own-initiative resolution on recommendations for the new strategy in June 2010<sup>109</sup>.

The resolution suggests continuing and improving the approach of the current Roadmap and focuses its recommendations on institutional and policy issues.

On the policy side the resolution recommends pursuing the current Roadmap's priorities. However it deplores the unsatisfactory way in which the gender perspective is integrated in the Commission's proposal for Europe 2020. It underlines that in the context of the economic crisis, one of the priorities is to combat poverty. It recommends an integrated policy approach taking into account the need to tackle the gender pay gap with a directive on equal pay, proposing concrete measures to promote equal participation of women and men in decision-making and cross-cutting policies in fighting poverty. It refers to the issues of sexual and reproductive rights. It calls also for more active policy to prevent violence against women as well as noting that the issue of gender identity should be covered. It also underlines that the gender perspective should be integrated into the European External Action Service.

At institutional level the resolution recommends stronger coordination mechanisms and the assessment of policies and budgets from a gender equality perspective. It stresses the importance of mobilising EU instruments and programmes to support the new strategy. It proposes adoption of the new Commission's strategy by the Council to give it a stronger political commitment. It suggests that the Council, the Commission and Parliament hold an annual tripartite meeting to review the progress of the EU gender equality strategy and an annual conference with civil society. It

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<sup>108</sup> SOC/350 The roadmap for equality between women and men (2006-2010) and the follow-up strategy, Brussels, European Economic and Social Committee, 17 March 2010.

<sup>109</sup> 2009/2242(INI) Report on assessment of the results of the 2006-2010 Roadmap for equality between women and men, and forward-looking recommendations, Committee on Women's Rights and Gender Equality, 16 June 2010.

underlines the need for structured dialogue and an annual conference with civil society. Finally it calls for a Charter to be adopted at EU level and recommends consulting the European Parliament on this future 'European Charter of Women's Rights'.

#### 5.2.4. *Council conclusions*

Several Council conclusions have been adopted on gender equality<sup>110</sup>. Most recently, the Council called on Member States and the Commission to strengthen the gender dimension in growth and employment as an input to the post-2010 Lisbon Strategy (Europe 2020) and to ensure that the impact on women and men is taken into account in the responses to tackle the crisis<sup>111</sup>. Moreover, it called on Member States to make further progress with the indicators to monitor implementation of the BPfA by the Member States and the EU institutions<sup>112</sup> and also as regards equal opportunities for women and men in an ageing society<sup>113</sup>. Furthermore, the Council recently adopted conclusions on the eradication of violence against women in the European Union<sup>114</sup>.

### 5.3. **Eurobarometer survey: Gender equality in the EU in 2009**<sup>115</sup>

A survey on perceptions and experiences of Europeans with regard to gender equality was conducted between September and October 2009. The results were published in March 2010.

62 % of the respondents believe that gender inequality is a widespread phenomenon. However, their perception of the extent of gender inequality increases with age: the young generation (15-24) tends to regard gender inequality as less widespread than the older age group (55+)<sup>116</sup>.

Violence against women and the gender pay gap are considered as the two top priorities for action selected by Europeans from a list of options: 62 % for violence against women and 50 % for the gender pay gap, and a large majority of Europeans think these issues should be addressed urgently (92 % for violence against women and 82 % for the gender pay gap).

Most of the respondents think that decisions about gender equality should be made jointly within the European Union, 64 % believe there has been progress in the past decade and over half are aware of the EU's activities to combat gender inequalities.

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<sup>110</sup> Annex 4.

<sup>111</sup> Council document 15488/09.

<sup>112</sup> Council document 15992/09.

<sup>113</sup> 2947th EPSCO meeting, June 2008.

<sup>114</sup> 3000<sup>th</sup> EPSCO meeting March 2010.

<sup>115</sup> Gender equality in the EU in 2009 Special Eurobarometer 326.

<sup>116</sup> Special EUROBAROMETER 326: 'Gender equality in the EU in 2009'.

## **ANNEX 1: STAKEHOLDERS AND MAIN BODIES ACTIVE IN THE FIELD OF EQUALITY BETWEEN WOMEN AND MEN**

### **European fora and institutions which deal with gender equality**

- The Member States committed themselves to gender equality through the **UN agenda for women's empowerment - Beijing Platform for Action (BPfA) in 1995**. Every five years the UN carries out global reviews of the implementation of the BPfA and in November 2009 celebrated 15 years of reporting on the BPfA in the United Nations Economic Commission for Europe.
- The Member States are also committed through the European Council. The **European Pact for Gender Equality** was adopted in 2006 to encourage Member States and the European Union to take action on closing gender gaps in the labour market, promoting a better work-life balance for all and reinforcing governance through gender mainstreaming and better monitoring.
- The **European Parliament Committee on Women's Rights and Gender Equality (FEMM)** is active in the promotion of gender equality in all policy areas debated by the European Parliament. It also plays a key role in driving the gender policy forward and in reporting on the gender mainstreaming in EP committees' and delegations' work.
- The **European Institute for Gender Equality** (created in December 2006<sup>117</sup>) contributes to the promotion of gender equality by providing technical assistance to the Community institutions, in particular the Commission and the authorities of the Member States.

In addition, other partners have been playing a role in implementing gender equality policies:

- The **European Social Partners** adopted a framework of Actions on Gender Equality in 2005, which has been recognised as a useful instrument for drawing attention to gender issues in the establishment of the social partners' agreements.
- **NGOs** active in the field of gender equality are organised in large networks funded by the EU budget and have been doing a lot to promote equality between women and men in all areas. In particular the European Women's Lobby (EWL), which is an umbrella organisation with members in 30 Member States, has been active in the most important political and legislative developments related to equality between women and men at European and international level.

### **Existing structures at Commission level to promote gender equality**

- The **Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities** was created on the initiative of the President of the Commission, Mr Barroso, in 2005. It is the successor to the Group of

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<sup>117</sup> OJ L 403, 30.12.2006.

Commissioners on equal opportunities which had been active since 1996. Its mandate is to drive policy and ensure the coherence of Commission action in the areas of fundamental rights, anti-discrimination, equal opportunities and the social integration of minority groups, and to ensure that gender equality is taken into account in Community policies and actions, in accordance with Article 3(2) of the Treaty. With the new Commission 2010-2014, a new Commissioner for Justice, Fundamental Rights and Citizenship has been created, bringing more coherence between these policies.

- The **Inter-service Group on gender equality** was created in 1995. It brings together representatives of all Commission services responsible for gender equality in all Directorates General. It is chaired by DG EMPL. It coordinates the activities of the Commission services regarding implementation of actions for equality between women and men in their respective policies as well as the annual work programme for their respective policy area.
- The **Advisory Committee on equal opportunities for women and men** was created in 1981 by a Commission Decision subsequently amended in 1995<sup>118</sup>. The Committee assists the Commission in formulating and implementing the Community's activities aimed at promoting equal opportunities for women and men, and fosters ongoing exchanges of relevant experience, policies and practices between the Member States and the various parties involved.
- The **High Level Group on gender mainstreaming** is an informal group created in 2001 and comprises high-level representatives responsible for gender mainstreaming at national level. It is chaired by the Commission at regular meetings convened in close collaboration with the Presidency. Among its main tasks, the Group supports the trio-presidencies in identifying relevant policy areas and topics to be addressed. The Group is also the main forum for planning the strategic follow-up of the BPfA, including the development of indicators. Since 2003 the Group has also been assisting the Commission in the preparation of the Report on equality between women and men to the European Council.
- **National Equality Bodies** have been established in all Member States. Their main tasks are to analyse, monitor and support equal treatment of all persons and ensure uniform application of gender equality laws at Member State level<sup>119</sup>. Moreover, National Equality Bodies meet regularly as an EU network.

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<sup>118</sup> Commission Decision of 19 July 1995 amending Decision 82/43/EEC of 9 December 1981. It is composed of one representative per Member State from ministries or government departments responsible for promoting equal opportunities; one representative per Member State from national committees or bodies having specific responsibility for equal opportunities between women and men; five members representing employers' organisations at Community level; five members representing workers' organisations at Community level. Two representatives of the European Women's Lobby attend meetings of the Committee as observers. Representatives of international and professional organisations and other associations making duly substantiated requests to the Commission may be given observer status.

<sup>119</sup> Directive 2002/73/EC.

- The **High Level Group on gender mainstreaming in the Structural Funds** is an informal group created in 2004 and comprising high-level representatives responsible for the Structural Funds at national level in the Member States.
- The **Advisory Committee on women and rural areas** was created in 1998. It is made up of representatives of socio-economic organisations (agricultural producers, trade, consumers, the European Women's Lobby and workers).
- The **Helsinki Group on Women and Science** was established in 1999. It consists of national representatives from all the EU Member States, Bulgaria, Romania, Iceland, Israel, Norway, Switzerland and Turkey. The Group aims to promote equal participation of women in the sciences on a Europe-wide basis.
- The **European Network to Promote Women's Entrepreneurship (WES)** was created in 2000. It is composed of representatives from national governments and institutions responsible for the promotion of female entrepreneurship in 27 countries from the EU, EEA and candidate countries.

### **Expert groups**

- The informal Group of Experts on Gender Equality in development cooperation met for the first time in 1999. It is formed by Member States' gender experts and chaired by the Commission, which convenes meetings annually. Its aim is to discuss policy developments in relation to gender and development in the context of major EU and international events.
- The Expert Group on Trafficking in Human Beings is a consultative group that was set up in 2003 and consists of 20 persons appointed as independent experts. The Commission consults the group on any matter relating to trafficking in human beings. The Expert Group issues opinions and reports to the Commission at the latter's request or on its own initiative, taking into due consideration the recommendations set out in the Brussels Declaration.

## **ANNEX 2: GLOSSARY OF MAIN TERMS**

### **Sex**

Identifies the biological differences between men and women, such as women can give birth, and men provide sperm. Sex roles are universal.

### **Gender**

Identifies the social relations between men and women. It refers to the relationship between men and women, boys and girls, and how this is socially constructed. Gender roles are dynamic and change over time.

### **Gender equality**

Gender equality is the result of the absence of discrimination on the basis of a person's sex in opportunities and the allocation of resources or benefits or in access to services.

### **Gender equity**

Gender equity entails the provision of fairness and justice in the distribution of benefits and responsibilities between women and men. The concept recognises that women and men have different needs and power and that these differences should be identified and addressed in a manner that rectifies the imbalances between the sexes.

### **Gender identity**

A person's sense of being male or female, resulting from a combination of genetic and environmental influences and a person's concept of being male and masculine or female and feminine, or ambivalent.

### **Gender Roles**

Gender roles are learned behaviours in a given society/community or other special group that condition what activities, tasks and responsibilities are perceived as male or female. Gender roles are affected by age, class, race, ethnicity or religion and by the geographical, economic and political environment. Changes in gender roles often occur in response to changing economic, social or political circumstances. Both men and women play multiple roles in society. The gender roles of women can be identified as reproductive, productive and community managing roles, while men's are categorised as either productive or community politics. Men are able to focus on a particular productive role, and play their multiple roles sequentially. Women, in contrast to men, must play their roles simultaneously, and balance competing claims on time for each of them.

### **Multiple discrimination:**

In this context, multiple discrimination is to be understood as any combination of discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

## **ANNEX 3: CONSULTATION ON THE FUTURE STRATEGY FOR EQUALITY BETWEEN WOMEN AND MEN**

### **A/ Consultation paper on Roadmap for equality between women and men 2006-2010 and follow-up strategy**

#### **Introduction**

According to the EC Treaty<sup>120</sup>, equality between women and men is a fundamental principle of the EU to be promoted through all Community activities. Fifty years of Community policies, legislation and programmes to promote gender equality have improved the position of women in many areas: employment, education, scientific research and external policies. However, persistent and considerable gender inequalities remain.

The Member States have the main responsibility for achieving equality between women and men. Nevertheless, the European Commission has always been very active regarding gender equality and adopted in 2006 a **Roadmap for equality between women and men**<sup>121</sup>. The Roadmap represents its commitment to gender equality for the period 2006-2010. As the Roadmap expires in 2010, the Commission will present a follow-up strategy<sup>122</sup> and launch a consultation on it. The outcome of the consultation will feed into the impact assessment which will accompany the proposal for the follow-up strategy.

#### **Roadmap for equality between women and men 2006-2010**

##### **Policy commitments**

The Roadmap for equality between women and men 2006-2010 provides an ambitious policy framework for promoting gender equality in all the Union's policies and activities. It defines six priority areas:

- 1) Equal economic independence for women and men,
- 2) Reconciliation of private and professional life,
- 3) Equal representation in decision-making,
- 4) Eradication of all forms of gender-related violence,
- 5) Elimination of gender stereotypes,
- 6) Promotion of gender equality in external and development policies.

The Roadmap identifies key actions in these priority areas to be implemented through the dual approach of gender mainstreaming and specific measures.

It also sets out ways to improve governance regarding gender equality policies.

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<sup>120</sup> Articles 2 and 3 EC Treaty.

<sup>121</sup> COM(2006) 92.

<sup>122</sup> COM(2009) 73.

- Significant progress has been achieved in policy areas, in particular where concrete equality objectives were included.
- The information on the progress achieved is available in two types of annual reporting undertaken by the Commission services:
  - the annual report on progress towards gender equality at EU level including a statistical annex<sup>123</sup>,
  - monitoring of the Roadmap (mid-term progress report adopted in 2008<sup>124</sup> and annual work programmes 2007, 2008 and 2009<sup>125</sup>).

Despite the results obtained so far, progress is uneven and it is therefore necessary to further develop gender equality policies.

### **Complementarity and synergies**

- The Roadmap 2006-2010 is a framework for the policies the Commission is designing and implementing. However, the Roadmap has not only been the basis for the Commission's actions for gender equality but has also been a policy framework taken as a reference point for the partners in the EU.
- In line with the Commission's Roadmap, the **European Pact for Gender Equality**<sup>126</sup>, approved by the Member States at the European Council of 23 and 24 March 2006, reflects the Member States' determination to implement policies aimed at promoting gender equality. The EU Member States have also committed themselves at international level to improving the status of women in the world and are involved in the implementation of the **Beijing declaration** (BPfA).
- Other partners also have a role to play in implementing gender equality policies. In 2005, the **European social partners** agreed on a Framework of Actions on Gender Equality. The **NGOs** have also been very active in this field and are playing an important role. Moreover, new actors such as the Equality Bodies have responsibilities in this field too<sup>127</sup>.
- It should be noted that the Regulation on the **European Institute for Gender Equality** was adopted on 20 December 2006<sup>128</sup>. The main objective of the Institute is to contribute to the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies, by providing technical assistance to the Community institutions, in particular the Commission, and the authorities of the Member States.

### **Policy challenges and priorities for the new strategy on gender equality**

Whereas Member States have the main powers to achieve gender equality, many of them still face difficulties and should continue to develop gender equality policies. The EU can add

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<sup>123</sup> <http://ec.europa.eu/social/main.jsp?catId=418&langId=en&furtherPubs=yes>)

<sup>124</sup> COM(2008) 760.

<sup>125</sup> <http://ec.europa.eu/social/main.jsp?catId=422&langId=en>

<sup>126</sup> European Council 23/24 March 2006.

<sup>127</sup> Directive 2002/73/EC.

<sup>128</sup> OJ L 403, 30.12.2006.



value by providing a policy framework and the impetus to put gender equality at the top of the political agenda.

The new strategy will probably cover the period 2011 to 2015 and should:

- identify the challenges regarding gender equality at EU level,
- define the objectives for gender equality across all Community policy areas,
- set out the key actions to be implemented as well as define the processes for doing so and for reporting on progress,
- identify the complementarities and synergies to be created with Member States, social partners, civil society and more specifically with the new European Institute for Gender Equality.

To strengthen the mainstreaming of gender equality in all Community policy areas the new strategy will need to be aligned with the reflections and cycles of the major policy processes (the Strategy for growth and jobs post-2010, the budget review and the new financial perspectives post-2013, the new Social Agenda 2011-2015, etc.).

### **Policy challenges**

The problems stemming from the main inequalities faced by women and men have not radically changed since the adoption of the Roadmap in 2006. Significant gender gaps continue to exist in the priority areas identified in the Roadmap. However, new trends affecting gender equality in the European Union should also be taken into account when defining the priorities for the new strategy:

- the economic and financial crisis triggering a rise in unemployment, pressure on wages, increasing uncertainty among economic actors and strong pressure on public finances,
- the demographic trends of low fertility rates and an ageing society,
- the globalisation of the economy and increased migration,
- environmental aspects linked to climate change and restructuring towards a low carbon economy.

### **Policy priorities**

The six priority areas of the Roadmap 2006-2010 still seem relevant. Therefore, the new strategy could build on these core priorities and also address new areas of potential gender inequality.

When defining the new strategy, closer attention could be given to the demographic trends, the globalisation of the economy, migration and climate change. Furthermore, attention should be paid to the fact that the economic and financial crisis does not create additional gender disadvantages.

## **Priorities related to governance**

The Roadmap 2006-2010 has followed a dual approach of gender mainstreaming and specific actions. Gender mainstreaming should, in particular, be integrated in all European policies and funds. However, the effectiveness of gender mainstreaming in all policies is still uneven. The preparation of the new strategy is the opportunity to reflect on the best methods to improve the dual approach and on how to apply it in practice to the different policy areas and instruments.

Consideration should be given to ways of strengthening or making better use of the various institutional mechanisms which can support gender mainstreaming. For instance, the usefulness and feasibility of identifying new gender targets in certain policy areas should be considered in that context.

Synergies and complementarities could be strengthened notably with Member States, European social partners and civil society.

## **QUESTIONS FOR CONSULTATION**

The following questions are provided as guidance. The Commission would like to receive contributions on these questions as well as on any other issue regarded as relevant.

### **1. Overall assessment of the performance of the Roadmap for equality between women and men 2006-2010**

- Do you think the Roadmap 2006-2010 has made a difference and contributed to more equality between women and men?

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### **2. Future challenges for gender equality**

- What are in your view the main medium and long-term challenges that a new strategy for gender equality should address?

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### **3. Main policy priorities for gender equality**

- Are the six priority areas defined in the Roadmap still relevant (see point 2.1)? Which new priorities should be considered?

- How can gender mainstreaming and specific actions be made more effective?

- In what policy areas could new gender targets be defined? Which targets should be quantified?

- How can complementarities and synergies between the Commission's initiatives, the actions by the Member States, the actions by social partners and organisations representing civil society, both at European and at national level, be achieved?

- What types of improvements should be aimed at concerning monitoring and reporting on progress made?

## **B/ LIST OF BODIES REPLYING TO THE CONSULTATION**

44 contributions were received from social partners and NGOs consulted

### **Equality bodies from the following countries:**

- Italy
- Luxembourg
- Poland
- Slovenia
- Cyprus
- Finland
- France
- Greece
- Sweden
- UK

### **Civil society:**

- Youth Forum
- CCPR (Central Council of Recreative Physical Training)
- CEEP (Consortium Européen sur l'Economie du Paysage)
- EASA (European Advertising standards)
- Chwarae Teg (Economic development of women in Wales)
- Children in Scotland
- EWL (European Women's Lobby)
- Mental Health Europe
- WIDE Network (Women in Development Europe)
- EWS (European Women and Sport)
- AKTEA (European Network of women's organisations in fisheries and aquaculture)
- BPW International (Business & Professional Women)
- ASCCRE (Association Suisse Conseil des Communes et Régions d'Europe)
- EBU (European Blind Union)
- Eurochambres (Association of European Chambers of Commerce and Industry)
- EDF (European Disability Forum)
- Psytel Europe (information systems on health and prevention)
- EIWH (European Institute of Women's Health)
- COFACE (Confédération des Organisations Familiales de l'Union européenne)
- CNAFC (Confédération Nationale des Associations Familiales Catholiques)
- EPHA (European Public Health Alliance)
- ENPA FAEP (European Newspaper Publishers' Association; the Voice of Europe's Periodical Press)

- World Confederation for Physical Therapy
- AGE
- Amnesty International
- ILGA
- EQUINET - European Network of Equality Bodies

**Social Partners:**

- Eurocadres
- CER (Community of European Railway and Infrastructure Companies)
- CEC European Managers
- UEAPME (European Association of Craft, Small and Medium-sized Enterprises)
- ETUC
- Business Europe

**Agencies:**

- EIGE (European Institute for Gender Equality)

## **ANNEX 4: LIST OF COUNCIL REFERENCE DOCUMENTS**

### **European Councils**

Presidency conclusions – Lisbon European Council March 2000:

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/00100-r1.en0.htm](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00100-r1.en0.htm)

Presidency conclusions – Barcelona European Council March 2002:

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/71025.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/71025.pdf)

European pact for gender equality, Annex II of the Presidency conclusions – Brussels European Council March 2006:

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/89013.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/89013.pdf)

### **EPSCO Council decisions**

Council decision on the guidelines for the employment policies of the Member States:

<http://register.consilium.europa.eu/pdf/en/08/st10/st10614-re02.en08.pdf>

### **EPSCO Council conclusions**

#### **2006**

- Council conclusions on ‘Men and gender equality’:

<http://register.consilium.europa.eu/pdf/en/06/st14/st14845.en06.pdf>

- Council conclusions on women’s health:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:146:0004:0005:EN:PDF>

#### **2007**

- Council conclusions on ‘Balanced roles of women and men for jobs, growth and social cohesion’: <http://register.consilium.europa.eu/pdf/en/07/st14/st14136.en07.pdf>

- Council conclusions on ‘the future prospects for the European Employment Strategy in the context of the new cycle of the Lisbon Strategy’:

<http://register.consilium.europa.eu/pdf/en/07/st15/st15813.en07.pdf>

#### **2008**

- Council conclusions on ‘Eliminating gender stereotypes in

society’: <http://register.consilium.europa.eu/pdf/en/08/st09/st09671.en08.pdf>

#### **2009**

- Council conclusions on Gender equality: Strengthening growth and employment — input to the post-2010 Lisbon Strategy:

<http://register.consilium.europa.eu/pdf/en/09/st15/st15488.en09.pdf>

- Council conclusions on Equal opportunities for women and men: active and dignified ageing  
<http://register.consilium.europa.eu/pdf/en/09/st10/st10412.en09.pdf>

- Council conclusions on a strategic framework for European cooperation in education and training ('ET 2020')

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/educ/107622.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/107622.pdf)

## 2010

- Council conclusions on eradication of violence against women in the European Union

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lisa/113226.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lisa/113226.pdf)

### **General Affairs and External Relations Council Conclusions 2007**

Gender Equality and Women's Empowerment in Development Cooperation — Conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council <http://register.consilium.europa.eu/pdf/en/07/st09/st09561.en07.pdf>

**Council conclusions -2006-2010** on the review of the implementation by the Member States and the EU institutions of the **Beijing Platform for Action**

2006 – *Health*: <http://register.consilium.europa.eu/pdf/en/06/st09/st09468.en06.pdf>

2006 – *Institutional mechanisms for women*:

<http://register.consilium.europa.eu/pdf/en/06/st14/st14376.en06.pdf>

2007 – *Education and training*:

<http://register.consilium.europa.eu/pdf/en/07/st09/st09152.en07.pdf>

2007 – *Women and Poverty*:

<http://register.consilium.europa.eu/pdf/en/07/st13/st13947.en07.pdf>

2008 – *Girl Child*:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/lisa/101014.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/lisa/101014.pdf)

2008 - *Review of Women in political decision-making*:

<http://register.consilium.europa.eu/pdf/en/08/st09/st09670.en08.pdf>

2008 – *Women and Armed conflicts*:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/lisa/104821.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/lisa/104821.pdf)

2008 - *Review of reconciliation of work and family life (FR)*:

<http://register.consilium.europa.eu/pdf/en/08/st17/st17474.en08.pdf>

2009 - *Review of the implementation by the Member States and EU institutions of the Beijing Platform for Action – 'Beijing + 15' a Review of Progress*:

<http://register.consilium.europa.eu/pdf/en/09/st15/st15992.en09.pdf>

### **Commission communications or other policy documents:**

Roadmap for equality between women and men 2006-2010: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0092:FIN:EN:PDF>

Mid-term report of the Roadmap for equality between women and men 2006-2010:<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0760:FIN:EN:PDF>

Work Programme 2009-2010: Roadmap for equality between women and men (2006-2010)  
<http://ec.europa.eu/social/main.jsp?catId=422&langId=en&moreLinks=yes>

Communication on the gender pay gap: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0424:FIN:EN:PDF>

Communication on improving work-life balance: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0635:FIN:EN:PDF>

Report on the implementation of the Barcelona targets in the field of childcare: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0638:FIN:EN:PDF>

**Recent annual reports on equality between women and men:**

2008: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0010:FIN:EN:PDF>

2009: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0077:FIN:EN:PDF>

2010: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0694:FIN:EN:PDF>

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