



***ROLE OF A FUTURE EUROPEAN
GENDER INSTITUTE***
Interim Report

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Introduction

This report is an Interim report referring to study number IV/2003/16/03, Commitment n° 3208, dated 17 December 2003 between Yellow Window Management Consultants, a division of e.a.d.c. NV/SA, and the European Parliament regarding a study on the 'Role of a future European Gender Institute'.

The present Introduction is followed by a chapter explaining the motivations of the Women's Rights' Committee of the European Parliament to launch this study against the background of the idea to establish a European Gender Institute.

The second chapter in this report describes the approach that was followed to realise the study. This includes the number of interviews that took place and their distribution over the different target groups, as well as the motivation for targeting different types of respondents. Also the timeframe of the execution of the work is set out in this chapter.

Chapter three provides the arguments why a European Gender Institute ought to be established, against the political and legal background of the Community Agency system.

Chapter four contains a concrete proposal for a European Gender Institute. This proposal is an adapted version of the working document that was submitted to the respondents in the study. It reflects their comments and suggestions, provided on the basis of their opinions, expectations, experience and on what the respondents perceive should be the role of a European Gender Institute.

In the conclusive Chapter 5, the main arguments are summarised why the creation of a European Gender Institute should not be delayed.

1. Context and justification for the study

The idea to create a European Gender Institute was first raised in 1995. Since then, the idea took form and several initiatives were taken to discuss and study the potential role of such Institute.

The Women's Rights' Committee of the European Parliament is concerned by the lack of activity by the Commission since the feasibility study for a European Gender Institute undertaken in 2001¹ following the Nice Council of December 2000, where the European Social Agenda was approved which mentions the establishment of a European Gender Institute as a means to further promote gender equality². It strongly believes that the establishment of a European Gender Institute has become indispensable, taking into account the new challenges the EU and its Member States are facing today. The enlargement, the negotiations about a common foreign security and defense policy, the reflections about the future of Europe, the new Constitution, the challenges posed by immigration, ... are but a few of the important issues in which the position of women needs to be taken into consideration and consequently in which proceedings women need to be involved. With this concern in mind, the European Parliament's Women's Committee believes that a European Gender Institute would be a helpful organ that can provide objective and independent input for such debates.

Furthermore, policy-makers in Europe see themselves increasingly confronted with demands for accountability regarding the implementation of commitments, also with respect to gender equality. At the same time, European elected representatives are concerned about the lack of visibility of what is done for women by the European Union. This is another domain where a European Gender Institute can contribute. The tasks of defining, implementing and evaluating gender mainstreaming policies, programmes and instruments; gender budgeting; gender impact assessments can be significantly eased if there were one knowledge center in the form of a European Gender Institute where information on previous experiences, approaches, instruments, best practice, etc. is made available.

In the opinion that there is at present a pressing political need (enlargement) for the creation of a European Gender Institute, a study has been commissioned to Yellow Window to explore what exactly should be the role and structure of such institute and what should be the roadmap to its creation.

¹ European Commission, *Feasibility Study for a European Gender Institute*, Brussels, 2002, 34 p.

² *Presidency Conclusions, Nice European Council Meeting*, 7, 8 and 9 December 2000, SN 400/00, Annex 1, p. 16.

2. Methodology and timing

2.1. Methodology

A comprehensive desk research and analysis of a variety of different written sources has taken place throughout the study. A bibliography of documents consulted is included in annex to this report.

In the proposal for this study, it was foreseen to organise interviews with three main target groups, as follows :

- 20 Interviews would take place with stakeholders at the EU level, which would comprise :
 - different DGs of the European Commission;
 - politicians at the EU level;
 - social partners at the EU level;
 - other European Agencies, and particularly the European Foundation for the Improvement of Living and Working Conditions.
- 36 Interviews would be organised with stakeholders at the national level, which would comprise :
 - politicians at the national level;
 - national equality bodies;
 - social partner organisations at the national level;
- 5 Interviews would be organised with ‘other stakeholders’ comprising :
 - other international institutions (as e.g. UN, UNIFEM)
 - European NGOs;
 - research institutions.

At the start of the assignment, it was decided together with the European Parliament that the approach to be followed should make clear to all target groups that it is not the intention of the European Parliament to duplicate the feasibility study that was done at the request of the European Commission in 2001.

With this in mind, and on the basis of the outcome of the feasibility study, a working document was drafted by Yellow Window laying out a possible scenario for a future European Gender Institute. The first version of this document translates the main findings of the feasibility study into a concrete proposal and can in this sense be considered as a ‘summary’ of the feasibility study. In particular, the working paper described the background and justification of the study, as well as the objectives, possible role and structure of a European Gender Institute. During the interviews, respondents were asked for their reactions to the proposed model. Their comments and suggestions for improvements were taken on board, and adapted versions of the working document were used in the process.

The selection of the respondents for the interviews has been done on the basis of the twofold objectives of the assignment : while the interviews with direct stakeholders clearly focussed on the model, role and structure of a future European Gender Institute, other interview respondents were selected specifically for their (political) knowledge, experience and position allowing them to provide important suggestions as to a possible roadmap towards the creation of such European Gender Institute.

By the time of writing this Interim Report, over 45 consultations were held. An overview of the respondents that were interviewed in the context of this study is included in annex.

Based on the main findings of the consultations, a ‘think tank’ meeting was organised in Brussels on 16 March 2004 to which different stakeholders were invited to discuss a number of options identified for the European Gender Institute. The results of this meeting have contributed to the findings of this study as laid out in the present Interim Report.

2.2. Timing

Given the fact that the contract for this study was signed at the end of 2003, a briefing meeting at the European Parliament could take place only on 20 January 2004.

Keeping in mind the fact that European Parliament elections take place in June, it was agreed that an Interim report for the present study would be prepared by 6 April and that Yellow Window would attempt to be as far advanced in the work as possible by that date.

A final report with the findings of the study will be submitted to the European Parliament by the end of June 2004.

3. Why a European Gender Institute ?

3.1 Justification for creating a European Gender Institute

3.1.1. Wider political background

Despite the fact that equality between women and men has been one of the fundamental principles of the European Union since the very beginning, there is still a clear and demonstrated democratic deficit with regard to women's involvement in EU policy-making and with regard to respect of their rights. The persistence of gender pay gaps, as pointed out by the Commission³, is but one example proving that women's rights are not sufficiently ensured by the present system. The existing deficiencies are being corrected and the Treaty provides for this. Nevertheless, progress is too slow and the tools set up are not sufficiently strong to translate commitments into reality. This has recently been confirmed by the Commission's Report on Equality between Women and Men, 2004, published in preparation of the European Spring Council of 2004.

The consequences of this problem for Europe and the European project are :

- The credibility of the EU public action is undermined among the majority of the EU citizens, who believe that the EU has failed to respond to women as citizens.
- Despite explicit commitments from the part of the public actors, the majority of EU citizens fail to see the benefit of the EU public action as there are no visible impacts or benefits identified.
- Social cohesion within the EU is undermined by the growing dissatisfaction of women who are as EU citizens not enjoying the rights that are 'de jure' recognised but 'de facto' non-existent.
- Stability across Europe is endangered as women loose confidence in the EU public actors and increasingly express their mistrust when public consultations are held.
- As infrastructures and provisions are still not in place to guarantee women's full participation in public life, too many highly-educated women still leave the market place because of the difficulties they face to reconcile work and family life. Europe recognises the shortage of labour force in certain jobs, but seems to overlook the double economic and social loss of qualified women giving up their career after significant investments in their education.
- Europe does not seem to realise that the empowerment of women can contribute to an important extent to peace and stability in the world, including in the fight against terrorism.

To assist the Commission remediate this situation, it is proposed to set up a European Gender Institute with the aim to act as a knowledge-center and co-

³ European Commission, *Report on Equality between Women and Men, 2004*, Report to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM(2004) 115 final, 19/02/04, p. 8.

ordinating structure where facts and figures, research results, etc. are collected, analysed, structured and again disseminated to actors involved in the domain of gender equality; where best practice is identified, tools and instruments are analysed, evaluated, finetuned and developed in order to support the policy-makers in all policy areas with the implementation of gender equality policies and gender mainstreaming. Awareness raising should be an important part of the work of the Institute, designed to assist in changing mentalities.

3.1.2. The legal context

Legal provisions on Gender Equality are defined in the Treaty and in EU Directives. Gender Equality is one of the most important values of the EU. Article 2 of the Treaty establishes equality between women and men as one of the tasks of the Community, and Article 3 includes a reference to the obligation to mainstream gender equality into all EU policies and activities. (Draft) Article 13 provides for actions against discrimination, while Articles 137 and 141 are both linked to establishing equality between women and men in the labour market.

This primary law led to secondary law, in the form of EU Directives. Apart from the (draft) Article 13 Directive, these are limited to the labour market.

3.2 Background to the idea of a European Gender Institute

As mentioned above, the idea to create a European Gender Institute was first raised in 1995. A draft proposal for the establishment of a European Gender Institute was presented by Ms. Margareta Winberg, the Swedish Minister for Gender Equality, at a seminar organised in Stockholm in 1999. This seminar was attended by participants from most Member States as well as from the European Commission. The need for a gender institute as a 'knowledge centre' was confirmed by the participants in this seminar which concluded with the general agreement on the need for a body for coordination, distribution of information and exchange of knowledge.

Whereas the Social Policy Agenda as proposed by the Commission's Communication in June 2000⁴ devoted an entire chapter to gender equality and set out a number of key challenges and proposed actions towards the realisation of equality between women and men, the final version of the Social Policy Agenda as approved at the Nice Council of December 2000 explicitly included the mention of the establishment of a European Gender Institute as a means to further promote gender equality⁵ and the instruction to do a feasibility study. This followed the

⁴ European Commission, *Social Policy Agenda. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions*, Brussels, COM(2000) 379 final, 28/06/00.

⁵ *Presidency Conclusions, Nice European Council Meeting, 7, 8 and 9 December 2000*, SN 400/00, Annex 1, p. 16.

opinion expressed by the Commission's Advisory Committee on Equal Opportunities for Women and Men⁶.

In 2001, the European Commission⁷ carried out a 'Feasibility Study for a European Gender Institute' which confirmed the need for such Institute. The vast majority of the respondents in this study stated to be in favour of the creation of a European Gender Institute. More specifically, it is stipulated in the report of this study that 'the vast majority of the interviewees stated that there is a need for an Institute to carry out some of the tasks which existing institutions are not involved in, specifically those concerning the questions of co-ordination, centralisation and dissemination of information, the raising of gender visibility, and the provision of tools for mainstreaming.'⁸

Despite the positive outcome of the feasibility study, no further concrete steps were taken towards the creation of a European Gender Institute. However, with time passing, the needs justifying the request for establishing such Institute have become even more stringent, as enlargement geographically widens the scope of the policy responsibility and the gender mainstreaming dimension fails to be properly implemented. In this context, the European Parliament does not understand why no further steps are taken by the Commission in accordance with the conclusions of the Nice European Council. This is why the Women's Rights Committee of the European Parliament decided to bring the idea of a European Gender Institute back on the political agenda⁹.

3.3 Why create an autonomous institution ?

Models of different types of Agencies exist. So far, fifteen Agencies have been created under the first pillar of the EU Treaty¹⁰, one Agency was created under the Euratom Treaty, and four under the second and third pillars of the EU. The decision to create a new autonomous Community body obviously needs a strong argumentation. The Community, facing the need of institutional reform, has defined the rationale for the creation of autonomous agencies, recourse to which is argued to be justified under certain conditions.

The preparatory work for the White Paper on European Governance has included the issue of the Agencies. In 'Governance in the European Union'¹¹, and 'European

⁶ Advisory Committee on Equal Opportunities for Women and Men, *Opinion on the Social Agenda*, Eqop 52-2000, 17/10/00, p.3

⁷ DG Employment and Social Affairs, Unit Equality for Women and Men

⁸ European Commission, *Feasibility Study for a European Gender Institute*, Brussels, 2002, p.9.

⁹ See in this respect also the Resolution of the European Parliament on Equality between Women and Men of 10/03/2004, in which the Commission is invited to accelerate the efforts which must lead to the creation of a European Gender Institute.

¹⁰ In December 2003, a new package for a few more Agencies was approved. However, at the time of writing this report, no information on these Agencies is available under the relevant section on Community Agencies at the Europa website.

¹¹ Majone, G., and Everson, M., 'Institutional reform : independent agencies, oversight, coordination and procedural control', in European Commission, *Governance in the European Union*, 'Cahiers' of the Forward Studies Unit, Office for Official Publications of the European Communities, Luxembourg, 2001, p. 129-168.

Governance, Preparatory Work for the White Paper'¹², a number of arguments are set out justifying the recourse to autonomous Community agencies¹³ as unavoidable in the ongoing process of modernisation of administrations to cope with complexity, uncertainty and an increasing need for participation and involvement of stakeholders.

Below is a selection of arguments developed in this context :

- In the light of the growing politicisation of EC policy-making, the creation of an Agency is justified to ensure policy continuity.
- An autonomous Agency allows for better identification of the impact of public action, thus reinforcing the policy credibility.
- The need in some fields to mobilise special expertise which the existing structures are unable to guarantee on a consistent and continuous basis due to their inherent infrastructural and statutory characteristics.
- The desire for visibility of public action and of who within the machinery is given responsibility at a time when public demand for more direct and identifiable accountability of public decision-makers is becoming more and more insistent.
- The need to preserve the credibility of public action and of the integration process, given the fact that regulatory expertise and management skills vary too much across the Member States – and will vary even more in an enlarged Union – to justify exclusive reliance on traditional modes of decentralised enforcement.

The conclusion formulated by Majone and Everson reads as follows :

“For all these reasons, the question is no longer whether European agencies are needed, but rather how they should be designed so that their accountability may be secured and so that their (...) responsibilities can be coordinated with broader horizontal concerns.”¹⁴

The White Paper on European Governance itself contained a section entitled “better application of EU rules through regulatory agencies”.¹⁵ In this section, it is stated that ‘the creation of further autonomous EU regulatory agencies in clearly defined areas will improve the way rules are applied and enforced across the Union’. Still according to the White Paper, ‘the advantage of Agencies is often their ability to draw on highly technical, sectoral know-how, the increased visibility they give for the sectors concerned (and sometimes the public) and the cost-savings that they offer to business. For the Commission, the creation of agencies is also a useful way of ensuring it focuses resources on core tasks’.

¹² European Commission, ‘Report of the Working Group “Establishing a framework for decision-making regulatory agencies” Working Group 3A, in *European Governance, Preparatory Work for the White Paper*, Office for Official Publications of the European Communities, 2002, 133-162.

¹³ These documents focus on those Agencies whose mission corresponds to ‘regulatory’ tasks of the Community, i.e. Agencies with decision-making powers responsible for implementing rules and regulations. Following existing Agencies would fall under this category : EMEA, OHIM, CPVO, EASA, EFSA and EMSA.

¹⁴ Majone and Everson, p. 129.

¹⁵ COM(2001) 428 final of 25/07/2001, page 23-24 :
http://www.europa.eu.int/comm/governance/white_paper/index_en.htm

The ‘meta-evaluation on the Community Agency System’ performed by the DG Budget of the European Commission confirms these views. It underlines that ‘the overall appreciation made by evaluators (of the individual agencies) is fairly positive. The Agencies concerned have generally been considered to have made an important contribution in their respective areas, and to have reached their set objectives to a reasonable extent.’¹⁶

3.4 The political and legal framework for Community Agencies

In designing a legal framework for Community Agencies, the Commission seems to have taken a more ‘conservative’ position. In its Communication on ‘the operating framework for the European Regulatory Agencies’¹⁷, adopted by the Commission in December 2002, only two types of Agencies are identified : “executive agencies” and “regulatory agencies”¹⁸.

- “Executive agencies” are defined as ‘responsible for purely managerial tasks, i.e. assisting the Commission in implementing the Community’s financial support programmes and are subject to strict supervision by it’. On 19 December 2002, their statute was adopted by the Council (‘Statute for executive agencies to be entrusted with certain tasks in the management of Community programmes’).¹⁹
- “Regulatory agencies” are ‘required to be actively involved in the executive function by enacting instruments which help to regulate a specific sector’. Their statute is defined in the mentioned Communication.

An overview table with the political and legal framework for Community Agencies, together with the applicable financial rules and regulations per type of Agency is given in the final report of the meta-evaluation of the Community Agency system ²⁰.

One may conclude that the framework for Community Agencies is still evolving. The creation of Community Agencies appears to remain the object of a learning process in EU policy development as the setting up of new agencies seems to be resulting from the pressure of crises (BSE, supertanker shipwrecks as Prestige, SARS) at least as much as from agreed doctrine.

3.5 The case of a European Gender Institute

In what follows, it is argued that the conditions that can justify the entrusting of specific tasks to an autonomous Community agency are fulfilled for the case of a European Gender Institute as proposed by the Women’s Rights’ Committee of the European Parliament.

¹⁶ European Commission, *Meta-Evaluation on the Community Agency System*, 15 September 2003, p.72.

¹⁷ COM(2002) 718 final of 11/12/2002.

¹⁸ COM(2002) 718 final of 11/12/2002, p.3-4.

¹⁹ Council Regulation N° 58/2003 of 19 December 2002, OJ L 11 of 16/01/2003.

²⁰ European Commission, *Meta-Evaluation on the Community Agency System*, 15 September 2003, p.20.

1. European activity in the domain of gender equality is currently characterised by a perceptible institutional deficit.

The European Commission, the main executive body at EU level, may have realised important achievements in the area of equal opportunities, but fails to ensure the required continuous efforts in all policy domains to implement the Treaty provisions at an appropriate pace. This is confirmed by the Commission's 'Report on Equality between Women and Men, 2004'.²¹

- Resources for 'gender equality' are insufficient to cope with the many issues and challenges to be addressed while the need for a continuously available support structure disposing of the necessary technical expertise persists.
- Achievements from the past are focused on the labour market and demonstrate insufficient concern for gender equality in the other EU policies²². Indeed, as the Commission states it : 'significant gender gaps still exist in most policy fields'²³.
- Implementation of the EU Directives on gender equality in the labour market is heterogeneous within the Community, leaving an enormous discrepancy between *de jure* and *de facto* equality .

Existing Community agencies fail to demonstrate that gender equality is mainstreamed in their respective domains, and hence undermine the credibility of the commitment at EU level.

2. Europe is experiencing a period of institutional change and a politicisation of hitherto largely administrative bodies. The Commission may not be spared. As a general rule in western democracies, an increased politicisation entails what is called 'a commitment problem' because the political executives tend to have shorter time-horizons and lack the ability credibly to commit themselves to a course of action.

While 'gender equality', being established through the Treaty provisions (Article 2 and 3) as a firm commitment of the Community, requires a **long-term perspective**, a **broad horizontal concern** and **continuity** in the pursuit of the long-term objectives, this is currently not guaranteed by the present structures²⁴.

By entrusting a number of the important tasks related with realising 'gender equality' to an autonomous agency, the continuity and therefore also the **credibility** of the public action is safeguarded.

An autonomous Community agency, providing for a mechanism for co-opting certain stakeholder groups into the decision-making process, offers the possibility to ensure democratic representation while at the same time shielding the domain from the growing politicisation of EC policy-making.

²¹ European Commission, *Report on Equality between Women and Men, 2004*, Report to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM(2004) 115 final, 19/02/04.

²² As an illustration, the current EU Directives are limited to the area of equal opportunities in relation to employment. No EU secondary legislation exists as yet in other fields.

²³ COM(2004) 115 final, 19/02/04, p.4.

²⁴ The case of the present dossier is a good example of this lack of long-term perspective and commitment. The idea for a European Gender Institute was first raised in 1995, while the European Commission undertook to perform a feasibility study only in 2001. Despite its outcomes, the dossier was not further dealt with because of 'insufficient political support' for the idea.

3. In this context of institutional change, a clearer assignment of individual responsibilities is needed for achieving policy objectives.
It is clear that **specialised technical expertise** is needed in the field of equal opportunities and gender mainstreaming for translating the commitments into action. The professional and statutory framework of a central administration is ill-suited to mobilise all the required expertise. An autonomous Institute allows the **mobilisation of expertise and competences** which have been developed at the level of the Member States, regions in Europe (e.g. experience with gender budgeting in Scotland or in the Basque region), or by local authorities.
4. The assignment of specific responsibilities to an autonomous Institute ensures the mobilisation of all the knowledge relevant to public decision-making within a relational context between peers that can minimise bureaucratic or political bias during the deliberations. This **reinforces the ability for the EU to understand and act** on the basis of this knowledge. Indeed, whereas legislation goes a long way to supporting the fight against gender-based discrimination, the law can only be fully effective if supported by reinforced efforts to improve people's understanding of the factors that lead to discrimination.
5. An autonomous Institute has the capacity and credibility to be an **independent and recognised reference centre** for policy-makers and the public at large because of its unique focus on gender issues and its ability to mobilise the necessary expertise. This ensures the **visibility** of the public action.

An autonomous European Gender Institute will be fully effective only if it is established as **complementary** to an active policy by the Commission. The Commission must indeed continue to assume its responsibilities by developing action programmes and implementing gender mainstreaming in all policy domains. The Institute will not take over this responsibility from the Commission. Rather, it will support the Commission in making more substantial and faster progress with regard to the realisation of gender equality.

3.6. The other options

In order to make a fair and objective decision and to take into account some of the feedback received through the consultations held for this study, the added value of recourse to an agency compared with other alternatives has been verified.

A mapping of the current work on gender equality and gender mainstreaming at an EU level as well as at a national level within the Community was undertaken in the context of the feasibility study done for the European Commission in 2001²⁵.

However, while this feasibility study has demonstrated that there is a clear role to fulfill for a European Gender Institute in co-operation with and in support of institutions at EU and Member State level, while avoiding duplication of existing

²⁵ The final report of this study contains in its annex E an overview of existing institutions, bodies and networks active in the field of gender. This overview can be downloaded from the European Commission's Gender Equality website at following address :
http://www.europa.eu.int/comm/employment_social/equ_opp/documents_en.html

activities, it has not sufficiently pointed out why an autonomous Institute should take on this role or why the existing institutions or bodies could not do this – even if their role were reinforced. The exercise of comparing different options has been done in the context of the present study.

Whereas the above demonstrates why the European Commission itself is not well-placed to take on the responsibilities seen for the Institute, the following alternative options to an autonomous Community agency were examined :

1. to create a ‘ring-fenced’ structure within the frame of an existing Community agency;
2. to establish an agency within the structure of the European Commission, but benefiting from some sort of autonomy (like ECHO, the European Office for Emergency Humanitarian Aid), or an inter-institutional structure (SCIC, Publications Office, Recruitment Office);
3. to establish an organ, depending directly from the European Parliament;
4. to establish a partnership with institutional European and national, plus private stakeholders. The legal form of a European Economic Interest Grouping (EEIG) used for the ‘Centre Jacques Delors’ in Lisbon or ‘Sources d’Europe’ in Paris.

The analysis of the arguments in favour of and against each of these options, as well as the opportunities and risks linked with each of them, has been the subject of a ‘think tank’ exercise that took place on 16 March 2004 at the European Parliament.

The conclusions from this reflection exercise clearly point in the direction of an autonomous Agency as the optimum solution. The same was confirmed by the consultations held with the different stakeholders at national and European level²⁶. Indeed, given the primary importance of the issue, as also recognised by the Treaty, the highest possible level of legitimacy, authority, visibility and long-term focus must be provided for, while the ‘heritage’ of weaknesses of existing structures must be avoided.

The above explains why the first two options were rejected as such set-up would entail a ‘dilution’ of the ambitions, resources and means, while the issue of ‘gender’ would remain a peripheral matter next to the other issues to be addressed by the host structure. Furthermore, as evidence from the past demonstrates insufficient progress and efforts from the part of these existing Institutions, it is seen as highly recommendable to reinforce these Institutions in terms of resources, structures and instruments for them to be able to assume their responsibilities on gender equality, and in order to co-operate in the most effective way possible with a future European Gender Institute.

The third option was rejected as it would be an experimental move given the fact that no other autonomous body has been set up before by the European Parliament. Given the importance of the subject, the risks entailed by such ‘experiment’ were perceived as too high.

²⁶ Over 45 consultations with different stakeholders were held in the period between 20 January 2004 and 7 April 2004, date of the Interim Report prepared in the context of the present assignment. Consultations took place with stakeholders at European level and at national level (both Member States and future Member States).

As to the last option, in which Member States could ‘opt in’ and whereby they would be asked to contribute also financially, it was considered by the group that this is not an appropriate approach. Indeed, whereas the added value of the Institute’s work would for a large part be at European level, and whereas an important responsibility of the Institute would be to support the European Commission and other European Institutions with the implementation of gender mainstreaming and other instruments aiming at the realisation of gender equality, the legal structure chosen for the Institute should underpin rather than undermine these ambitions.

3.7 Conclusion : an autonomous European Gender Institute

Summarising the analysis, the only viable option given all considerations is to go for an autonomous Community body : a European Gender Institute as a European Agency in its own right

As to the statute of the Institute as Community Agency, it is believed that it would fall under none of the two categories as defined by the Commission and which are mentioned above. If one refers to the Communication of the Commission of December 2002, it is clearly not an ‘executive agency’. The mandate of a European Gender Institute does not make it fit. But it can be discussed whether it corresponds to the definition of a ‘regulatory agency’. However, considering that the latter is presented by the Commission as an actor that is to help ‘regulate a specific sector’ (which holds a clear reference to the economic domain and the functioning of the internal market), while the Institute would have a supportive role to the Commission on a major horizontal responsibility, cross-cutting all policy-areas and sectors, the question remains open as to whether it should be categorised as a ‘regulatory’ body with no regulatory powers (as added in the proposal of the European Centre for Disease Prevention and Control).

4. A proposal for a European Gender Institute

4.1. Objective

The European Gender Institute would be an independent body of the European Union, which would be established with the aim **to promote and help realise gender equality**. The essence of the European Gender Institute would be to form a 'knowledge centre' (dealing with research, data collection, technical assistance to policy-makers, dissemination of information and awareness-raising), serving the goals of the EU gender policy and open to governmental and non-governmental, institutional and non-institutional target groups; while not being legislator, nor a policy-maker itself.

The founding regulation of the Institute should stipulate that membership includes all EU and Candidate Countries, but should be open to countries that do not (yet) belong to the EU but share its concern for gender equality. Also, it should stipulate that the Institute should co-operate with other International Organisations.

The European Gender Institute would operate under the supervision of the European Commission, reporting yearly to the European Parliament and Council.

It must be clear that it is not the objective for the Institute to take over from the European Commission its responsibility for the realisation of the EU objectives in terms of gender equality. Rather, it will support the Commission in these tasks, with the aim to realise the set objectives in a more effective way.

4.2. Role

The mission of the Institute is to provide the Community, its Institutions, Member States and all those interested with objective, timely, reliable and comparable data at European level in order to help them take measures or formulate courses of action within their respective domain of competence.

The Institute collects information on and studies the extent and development of the phenomena and manifestations of gender inequality, analyses their causes, consequences and effects and highlights examples of good practice in dealing with them.

To achieve its objectives the Institute disseminates information, data and examples of good practice with a view to contributing to the implementation of gender mainstreaming and the development of policies and practices in the Member States to overcome gender inequality. More specifically, the Institute will support policy makers from all policy areas in defining, implementing and evaluating gender mainstreaming policies, programmes and instruments; gender budgeting; gender impact assessments by providing guidance and by making available to them the instruments, approaches, information on previous experiences and best practice, etc.

In its activities, the Institute will make use of networks, thus fulfilling the role of a networking body, and optimising its own impacts as well as the impacts of all

initiatives taken in the EU and its Member States with the aim to improve gender equality. In particular, it will endeavour to bridge the gap between the research and policy-making level in Europe.

Hence, the Institute acts as a catalyst for developing, collecting, analysing and disseminating information that contributes to the realisation of gender equality in Europe.

4.3. Tasks for a European Gender Institute

Based on the above-formulated role of the Institute, the Institute could be entrusted with the following tasks :

- Collect information and establish databases :
 - existing research
 - existing statistics
 - themes being researched
 - researchers and experts
 - existing networks
 - initiatives taken at different levels
 - responsible persons at different policy-making levels
 - publications
 - consultants and trainers
- Analyse information and data, and adding value to it :
 - Type of data :*
 - research results
 - statistics
 - equality policies, plans, measures and instruments
 - evaluations undertaken of equality policies, plans, measures, instruments (including gender mainstreaming policies) : analyse the practice of the evaluations as well as the evaluation results
 - training methodologies, practices and approaches
 - Purpose :*
 - identification of best practice (even through looking beyond the borders of Europe, in other parts of the world)
 - identification of comparable and relevant indicators
 - identification of relevant new trends and developments in society
 - interpretation of analysed data : adding the European dimension, formulation of conclusions and recommendations
 - finetuning existing and developing new policy tools and instruments for application in all policy areas
- Promotion of good practice :
 - At policy-making level : formulation / design of policies and plans, implementation, evaluation
 - In research : by suggesting themes, suggesting possible research subjects and approaches, promoting the collection of comparable data
 - In other areas : business, non profit sector, public sector, education, ...

- Dissemination of information :
 - Developing (including maintenance and diffusion of) communication instruments for making available to all target groups the results of its own work, as well as of the information and knowledge collected
- Networking :
 - Developing, managing, using networks in order to effectively fulfil the tasks and responsibilities entrusted to the Institute

4.4. Target groups

The Institute would serve :

Institutional level:

European Commission, European Parliament, Council, the EU Member States, International Organisations

General public:

NGOs, social partner organisations, the research community, education, the media and the public at large

4.5. Structure of a European Gender Institute

The Institute would remain small and flexible in terms of human resources, but influential through its structure underpinning its role as a networking body. The staff will include specialists on gender with different backgrounds (economists, sociologists, lawyers, public health experts, etc.), as well as administrators.

The Institute will have a four-pillar structure :

- A Director and his/her staff. The Director will be responsible for everyday administration, as well as the preparation and implementation of the Institute's work programme.
- A Management Board will ensure that the Institute carries out its missions and tasks, by adopting its annual work programme and financial regulation. The structure of the Management Board is to be light (between brackets, the advised number of representatives), with representatives appointed by the Commission (2), representatives appointed by the European Parliament's Women's Rights' Committee (2), representatives appointed by the Council (2), and representatives of stakeholders (3). This Board is intended to provide supervision of the activities of the Institute and at the same time ensure coherence with Community policies and coordination with initiatives from the part of the Commission and Member States.
- An Advisory Forum, composed of members chosen from the national competent bodies and different stakeholder groups. The Advisory Forum will be a mechanism for exchanging information and pooling knowledge, as well as monitoring the activities of the Institute.
- The Institute's principal network is made up of a 'Focal Point' (or antenna) in each EU Member State, in the Candidate countries (CC's) to the European Union, as well as in each affiliated country. This network is an integral part of

the Institute's organisation and plays an important role within the Institute structure. Focal Points are responsible for the development and co-ordination of the national networks and are involved in the implementation of the Institute's Work Programme (i.a. through collecting and disseminating information).

4.6. Size and budget of a European Gender Institute

The Institute will be funded from the Community budget, based on a proposal from the Commission and approved by the Budgetary Authority. Total annual costs in the beginning of its operation would probably be around 15 Mio euro and after five years around 45 Mio euro²⁷. For comparison, one can refer to the overview of the budgets of the year 2002 of the existing fifteen Community Agencies, as provided in the 'Meta-Evaluation' of the Commission.²⁸

Keeping in mind the scope of its responsibilities and tasks, it seems appropriate to foresee for the Institute a minimum of 35 to 40 statutory staff members, spread over different professional levels. It is important for these staff members to dispose of previous professional experience in the area of gender equality.

On top of that number, it is highly recommendable to provide also for experts serving at the Institute for a limited period as 'rotating staff', being selected on the basis of their expertise in specific areas in relation with gender and depending on the themes the Institute focuses on (as defined in its work programme). Their number can vary, but 15 to 20 experts would be a realistic number. Furthermore, in order to ensure a certain continuity in the work of the Institute while at the same time providing for adaptability to current issues, it is advisable for experts to serve for a period of minimum three and maximum five years.

Based on the size suggested for the Institute and the tasks it is to perform, the budget proposed is a realistic minimum. Should less resources be provided to the Institute, the scope of its responsibilities must be reduced proportionally.

Bearing in mind the need to ensure the best possible cost-effectiveness of the Institute, which is of legitimate concern for the European Parliament, a number of elements should be considered :

- the cost for the establishment and functioning of a European Gender Institute as planned has to be considered in relation to the benefits that will be realised. In particular with regard to co-ordination costs, it must be emphasised that these will allow to benefit to a much larger extent than what is possible now from existing knowledge (e.g. at Member State level) which presently remains largely unused due to lack of awareness of its existence. At the same time, duplication of investments and efforts in the creation of knowledge will be avoided – thus allowing for considerable savings;

²⁷ These estimates are based on the calculations made in preparation of another Community Agency 'the European Centre for Disease Prevention and Control' :
European Commission, *Establishing a European Centre for Disease Prevention and Control*, Proposal for a Regulation of the European Parliament and of the Council, COM(2003) 441 final of 08/08/2003.

²⁸ European Commission, *Meta-Evaluation on the Community Agency System*, 15 September 2003, p. 13.

- the choice of the location of the Institute : placing the seat of the Institute as near as possible to the main existing EU institutions allows not only to limit travel and accommodation costs, but possibly also overhead costs (such as for translation, IT, ...) when these can be shared with another Institution (e.g. with the Commission if the Institute were placed in Brussels);
- as to the choice of the type of national institutes to be 'Focal Points' for the European Gender Institute, it is useful to refer to the Article 13 (draft) Directive which requires all Member States to designate a body or bodies for the promotion of equal treatment of women and men in access to goods and services and to provide a means to seek redress and compensation for loss. Building on this, the scope of responsibilities of these national bodies can be broadened for them to act at the same time as Focal Point for the Institute.

5. Conclusion

Gender equality is an important policy at EU level, and Europe has been one of the driving engines for gender equality. However, legislative progress alone does not guarantee structural progress in terms of gender equality. Reinforced efforts are needed to tackle the gender gaps that still exist. A European Gender Institute is a logical next step to support the realisation of gender equality. Keeping in mind the administrative reform, the establishment of a European Gender Institute as an independent Community body will significantly support the implementation of gender equality policies in the different policy areas.

Also with regard to the enlargement, the Institute has an important role to play. It must help to implement the 'acquis communautaire' with respect to gender equality in the new Member States, which are countries in transition. By doing so it will contribute to European integration and social coherence. The fact of being an independent Community body will reinforce this role of the Institute because it underpins its authority, thus strengthening the effect of the 'normative power of Europe'.

2005 will be a symbolic year as it is ten years after Beijing (Beijing +10). Establishing a European Gender Institute now will be an important message to the world. It proves that the EU is committed to continuing its efforts towards the realisation of gender equality and that gender equality is respected and fostered as an important value in the EU.

ANNEX 1.

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SCENARIO FOR A FUTURE EUROPEAN GENDER INSTITUTE

Introduction

The idea to create a European Gender Institute was first raised in 1995. Since then, the idea took form and several initiatives were taken to discuss and study the potential role of such Institute.

The Women's Rights' Committee of the European Parliament strongly believes that the establishment of a European Gender Institute as a 'knowledge centre' has become indispensable, taking into account the new challenges the EU and its Member States are facing today. The enlargement, the negotiations about a common foreign and security policy, the reflections about the future of Europe, the new Constitution, the challenges posed by immigration, ... are but a few of the important issues in which the position of women needs to be taken into consideration and consequently in which proceedings women need to be involved. With this concern in mind, the European Parliament's Women's Committee believes that a European Gender Institute would be a helpful organ that can provide objective and independent input for such debates.

Furthermore, policy-makers in Europe see themselves increasingly confronted with demands for accountability, also with respect to gender equality. This is another domain where a European Gender Institute can contribute. The tasks of defining, implementing and evaluating gender mainstreaming policies, programmes and instruments; gender budgeting; gender impact assessments can be significantly eased if there were one knowledge center in the form of a European Gender Institute where information on previous experiences, approaches, instruments, best practice, etc. is made available.

In the opinion that there is at present a political momentum for the creation of a European Gender Institute, a study has been commissioned to Yellow Window to explore what exactly should be the role and structure of such institute and what should be the roadmap to its creation.

This present document has been drafted in the context of this study and presents a possible scenario for a future European Gender Institute. Its purpose is to serve as a tool for discussion, to trigger feedback and reactions from different stakeholder groups.

The potential role and tasks to be attributed to a future European Gender Institute, as laid out in this document, are essentially based on the results from the 'Feasibility Study for a European Gender Institute', carried out in 2001 for the European Commission.

The proposed structure for such Institute is based on the 'typical' structure of a Community Agency, as this appears to be the appropriate legal form for a European Gender Institute²⁹. The fifteen existing Community Agencies were looked upon, and relevant elements were combined to form the present proposed structure.

²⁹ 'A Community agency is a body governed by European public law; it is distinct from the Community Institutions (Council, Parliament, Commission, etc.) and has its own legal personality. It is set up by an act of secondary legislation in order to accomplish a very specific technical, scientific or managerial task which is specified in the relevant Community act. (...) Although the agencies are very different, both in terms of size and purpose, as a general rule, they have a common basic structure and similar ways of operating.' Source: http://www.europa.eu.int/agencies/index_en.htm

Objective

The European Gender Institute would be an independent body of the European Union, which would be established with the aim **to promote and help realise gender equality**. The essence of the European Gender Institute would be to form a 'knowledge centre', at the service of governmental and non-governmental, institutional and non-institutional target groups; while not being legislator, nor a policy-maker itself.

The founding regulation of the Institute should stipulate that membership includes all EU and Candidate Countries, but should be open to countries that do not (yet) belong to the EU but share its concern for gender equality. Also, it should stipulate that the Institute should co-operate with other International Organisations.

The European Gender Institute would operate under the supervision of the European Commission, reporting yearly to the European Parliament and Council.

It must be clear that it is not the objective for the Institute to take over from the European Commission its responsibility for the realisation of the EU objectives in terms of gender equality. Rather, it will support the Commission in these tasks, with the aim to realise the set objectives in a more effective way.

Role

The mission of the Institute is to provide the Community, its Institutions, Member States and all those interested with objective, timely, reliable and comparable data at European level in order to help them take measures or formulate courses of action within their respective domain of competence.

The Institute collects information on and studies the extent and development of the phenomena and manifestations of gender inequality, analyses their causes, consequences and effects and highlights examples of good practice in dealing with them.

To achieve its objectives the Institute disseminates information, data and examples of good practice with a view to contributing to the implementation of gender mainstreaming and the development of policies and practices in the Member States to overcome gender inequality. More specifically, the Institute will support policy makers from all policy areas in defining, implementing and evaluating gender mainstreaming policies, programmes and instruments; gender budgeting; gender impact assessments by providing guidance and by making available to them the instruments, approaches, information on previous experiences and best practice, etc.

In its activities, the Institute will make use of networks, thus fulfilling the role of a networking body, and optimising its own impacts as well as the impacts of all initiatives taken in the EU and its Member States with the aim to improve gender equality. In particular, it will endeavour to bridge the gap between the research and policy-making level in Europe.

Hence, the Institute acts as a catalyst for developing, collecting, analysing and disseminating information that contributes to the realisation of gender equality in Europe.

‘Clients’ of the Institute are :

Institutional level:

European Commission, European Parliament, Council, the EU Member States, International Organisations

General public:

NGOs, social partner organisations, the research community, education, the media and the public at large

Structure

The Institute would remain small and flexible in terms of human resources, but influential through its structure underpinning its role as a networking body. The staff will include specialists on gender with different backgrounds (economists, sociologists, public health experts, etc.), as well as administrators.

The Institute will have a four-pillar structure :

- A Director and his/her staff. The Director will be responsible for everyday administration, as well as the preparation and implementation of the Institute’s work programme.
- A Management Board will ensure that the Institute carries out its missions and tasks, by adopting its annual work programme and financial regulation. The structure of the Management Board is to be light (between brackets, the advised number of representatives), with representatives appointed by the Commission (2), representatives appointed by the European Parliament’s Women’s Rights’ Committee (2), representatives appointed by the Council (2), and representatives of stakeholders (3). This Board is intended to provide supervision of the activities of the Institute and at the same time ensure coherence with Community policies and coordination with initiatives from the part of the Commission and Member States.
- An Advisory Forum, composed of members chosen from the national competent bodies and different stakeholder groups. The Advisory Forum will be a mechanism for exchanging information and pooling knowledge, as well as monitoring the activities of the Institute.
- The Institute’s principal network is made up of a ‘Focal Point’ (or antenna) in each EU Member State, in the Candidate countries (CC’s) to the European Union, as well as in each affiliated country. This network is an integral part of the Institute’s organisation and plays an important role within the Institute structure. Focal Points are responsible for the development and co-ordination of the national networks and are involved in the implementation of the Institute’s Work Programme (i.a. through collecting and disseminating information).

ANNEX 3.



WHY A EUROPEAN GENDER INSTITUTE ? ³⁰

The legal context

Legal provisions on Gender Equality are defined in the Treaty and in EU Directives. Gender Equality is one of the most important values of the EU. Article 2 of the Treaty establishes equality between women and men as one of the tasks of the Community, and Article 3 includes a reference to the obligation to mainstream gender equality into all EU policies and activities. Other Treaty articles are Article 13 which is a general anti-discrimination clause, and Articles 137 and 141 both linked to establishing equality between women and men in the labour market.

This primary law led to secondary law, in the form of EU Directives. Apart from the (draft) Article 13 Directive, these are limited to the labour market.

Background to the Community Agency system

The decision to create an autonomous Community body needs a strong argumentation. The Community, facing the need of institutional reform, has defined the rationale for the creation of autonomous agencies recourse to which is argued to be justified under certain conditions.

The preparatory work for the White Paper on European Governance has included the issue of the Agencies. In 'Governance in the European Union'³¹, and 'European Governance, Preparatory Work for the White Paper'³², a number of arguments are set out justifying the recourse to an autonomous Community agency³³.

Below is a selection of these arguments :

- In the light of the growing politicisation of EC policy-making, the creation of an Agency is justified to ensure policy continuity.

³⁰ The present document is a working paper drafted in the context of the study on the 'Role of a future European Gender Institute', commissioned by the European Parliament to Yellow Window Management Consultants. It does not necessarily reflect the official position of the European Parliament.

³¹ Majone, G., and Everson, M., 'Institutional reform : independent agencies, oversight, coordination and procedural control', in European Commission, *Governance in the European Union*, 'Cahiers' of the Forward Studies Unit, Office for Official Publications of the European Communities, Luxembourg, 2001, p. 129-168.

³² European Commission, 'Report of the Working Group "Establishing a framework for decision-making regulatory agencies" Working Group 3A, in *European Governance, Preparatory Work for the White Paper*, Office for Official Publications of the European Communities, 2002, 133-162.

³³ These documents focus on those Agencies whose mission corresponds to 'regulatory' tasks of the Community, i.e. Agencies with decision-making powers responsible for implementing rules and regulations. Following existing Agencies would fall under this category : EMEA, OHIM, CPVO, EASA, EFSA and EMSA.

- An autonomous Agency allows for better identification of the impact of public action, thus reinforcing the policy credibility.
- The need in some fields to mobilise special expertise which the existing structures are unable to guarantee on a consistent and continuous basis due to their inherent infrastructural and statutory characteristics.
- The desire for visibility of public action and of who within the machinery is given responsibility at a time when public demand for more direct and identifiable accountability of public decision-makers is becoming more and more insistent.
- The need to preserve the credibility of public action and of the integration process, given the fact that regulatory expertise and management skills vary too much across the Member States – and will vary even more in an enlarged Union – to justify exclusive reliance on traditional modes of decentralised enforcement.

The conclusion formulated by Majone and Everson reads as follows :

“For all these reasons, the question is no longer whether European agencies are needed, but rather how they should be designed so that their accountability may be secured and so that their (...) responsibilities can be coordinated with broader horizontal concerns.”³⁴

The White Paper on European Governance itself contained a section entitled “better application of EU rules through regulatory agencies”.³⁵ In this section, it is stated that ‘the creation of further autonomous EU regulatory agencies in clearly defined areas will improve the way rules are applied and enforced across the Union’. Still according to the White Paper, ‘the advantage of Agencies is often their ability to draw on highly technical, sectoral know-how, the increased visibility they give for the sectors concerned (and sometimes the public) and the cost-savings that they offer to business. For the Commission, the creation of agencies is also a useful way of ensuring it focuses resources on core tasks’.

The ‘meta-evaluation on the Community Agency System’ performed by the DG Budget of the European Commission confirms these views. It underlines that ‘the overall appreciation made by evaluators (of the individual agencies) is fairly positive. The Agencies concerned have generally been considered to have made an important contribution in their respective areas, and to have reached their set objectives to a reasonable extent.’³⁶

The political and legal framework for Community Agencies

In December 2002, the Commission adopted a Communication on ‘the operating framework for the European Regulatory Agencies’.³⁷ In this Communication, the profiles of two types of Agencies are identified : “executive agencies” and “regulatory agencies”³⁸.

- “Executive agencies” are defined as ‘responsible for purely managerial tasks, i.e. assisting the Commission in implementing the Community’s financial support programmes and are subject to strict supervision by it’. On 19 December 2002, their statute was adopted by the Council (‘Statute for executive agencies to be entrusted with certain tasks in the management of Community programmes’).³⁹

³⁴ Majone and Everson, p. 129.

³⁵ COM(2001) 428 final of 25/07/2001, page 23-24 :
http://www.europa.eu.int/comm/governance/white_paper/index_en.htm

³⁶ European Commission, *Meta-Evaluation on the Community Agency System*, 15 September 2003, p.72.

³⁷ COM(2002) 718 final of 11/12/2002.

³⁸ COM(2002) 718 final of 11/12/2002, p.3-4.

³⁹ Council Regulation N° 58/2003 of 19 December 2002, OJ L 11 of 16/01/2003.

- “Regulatory agencies” are ‘required to be actively involved in the executive function by enacting instruments which help to regulate a specific sector’. Their statute is defined in the mentioned Communication.

An overview table with the political and legal framework for Community Agencies, together with the applicable financial rules and regulations per type of Agency is given in the final report of the meta-evaluation of the Community Agency system⁴⁰.

The case of a European Gender Institute

In what follows, it is argued that the conditions that can justify the entrusting of specific tasks to an autonomous Community agency are fulfilled for the case of a European Gender Institute as proposed by the Women’s Rights’ Committee of the European Parliament.

1. European activity in the domain of gender equality is currently characterised by a perceptible institutional deficit.

The European Commission, the main executive body at EU level, may have realised important achievements in the area of equal opportunities, but fails to ensure the required continuous efforts in all policy domains to implement the Treaty provisions at an appropriate pace. This is confirmed by the Commission’s ‘Report on Equality between Women and Men, 2004’.⁴¹

- Resources for ‘gender equality’ are insufficient to cope with the many issues and challenges to be addressed while the need for a continuously available support structure disposing of the necessary technical expertise persists.
- Achievements from the past are focused on the labour market and demonstrate insufficient concern for gender equality in the other EU policies⁴². Indeed, as the Commission states it : ‘significant gender gaps still exist in most policy fields’⁴³.
- Implementation of the EU Directives on gender equality in the labour market is heterogeneous within the Community, leaving an enormous discrepancy between *de jure* and *de facto* equality .

Existing Community agencies fail to demonstrate that gender equality is mainstreamed in their respective domains, and hence undermine the credibility of the commitment at EU level.

2. Europe is experiencing a period of institutional change and a politicisation of hitherto largely administrative bodies, such as the Commission. An increased politicisation entails what is called ‘a commitment problem’ because the political executives tend to have shorter time-horizons and lack the ability credibly to commit themselves to a course of action.

While ‘gender equality’, being established through the Treaty provisions (Article 2 and 3) as a firm commitment of the Community, requires a **long-term perspective**, a **broad horizontal concern** and **continuity** in the pursuit of the long-term objectives, this is currently not guaranteed by the present structures⁴⁴.

⁴⁰ European Commission, *Meta-Evaluation on the Community Agency System*, 15 September 2003, p.20.

⁴¹ European Commission, *Report on Equality between Women and Men, 2004*, Report to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM(2004) 115 final, 19/02/04.

⁴² As an illustration, the current EU Directives are limited to the area of equal opportunities in relation to employment. No EU secondary legislation exists in other fields.

⁴³ COM(2004) 115 final, 19/02/04, p.4.

⁴⁴ The case of the present dossier is a good example of this lack of long-term perspective and commitment. The idea for a European Gender Institute was first raised in 1995, while the European Commission undertook to perform a feasibility study only in 2001. Despite its outcomes, the dossier was not taken to a next stage.

By entrusting a number of the important tasks related with realising ‘gender equality’ to an autonomous agency, the continuity and therefore also the **credibility** of the public action is safeguarded.

An autonomous Community agency, providing for a mechanism for co-opting certain stakeholder groups into the decision-making process, offers the possibility to ensure democratic representation while at the same time shielding the domain from the growing politicisation of EC policy-making.

3. In this context of institutional change, a clearer assignment of individual responsibilities is needed for achieving policy objectives.

It is clear that **specialised technical expertise** is needed in the field of equal opportunities and gender mainstreaming for translating the commitments into action. The professional and statutory framework of the central administration (the Commission) is ill-suited to mobilise the required expertise.

Moreover, experts being oriented by goals, standards of conduct, cognitive beliefs and career opportunities that derive from their professional community, tend to resist strongly interference and directions from political outsiders. Thus, any expert agency provides a much more attractive working environment than a bureaucratic organisation.⁴⁵

The assignment of specific (support) responsibilities to an autonomous Institute ensures the mobilisation of all the knowledge relevant for public decision-making within a relational context between peers that can minimise bureaucratic or political bias, while at the same time the **visibility** of the public action is guaranteed.

As to the statute of the Institute as Community Agency, it is believed that it would fall under none of the two categories as defined by the Commission and which are mentioned above. While it must be clear that the mandate of a European Gender Institute does not make it fit the role seen for an ‘executive agency’, it can be discussed whether it corresponds to the definition of a ‘regulatory agency’. However, considering that the latter is presented by the Commission as an actor that is to help ‘regulate a specific sector’ (which holds a clear reference to the economic domain and the functioning of the internal market), while the Institute would have a supportive role to the Commission on a major horizontal responsibility, cross-cutting all policy-areas and sectors, it would seem advisable not to categorise it as a ‘regulatory’ body.

The other options

In order to make a fair and objective decision, it is necessary to verify the added value of recourse to an agency compared with other alternatives.

A mapping of the current work on gender equality and gender mainstreaming at an EU level as well as at a national level within the Community was undertaken in the context of the feasibility study done for the European Commission in 2001⁴⁶.

However, while this feasibility study has demonstrated that there is a clear role to fulfill for a European Gender Institute in co-operation with and in support of institutions at EU and Member State level, while avoiding duplication of existing activities, it has not sufficiently pointed out why an autonomous Institute should take on this role or why the existing institutions or bodies could not do this – even if their role were reinforced. The exercise of comparing different options has been done in the context of the present study.

⁴⁵ Majone and Everson, p.139.

⁴⁶ The final report of this study contains in its annex E an overview of existing institutions, bodies and networks active in the field of gender. This overview can be downloaded from the European Commission’s Gender Equality website at following address :

http://www.europa.eu.int/comm/employment_social/equ_opp/documents_en.html

Whereas the above demonstrates why the European Commission itself is not well-placed to take on the responsibilities seen for the Institute, the following alternative options to an autonomous Community agency were identified :

1. to create an 'office' structure within the frame of an existing Community agency;
2. to establish an agency within the structure of the European Commission, but benefiting from some sort of autonomy (like ECHO, the European Office for Emergency Humanitarian Aid);
3. to establish an organ, depending directly from the European Parliament;
4. to establish a partnership with institutional european and national, plus private stakeholders. The legal form of a European Economic Interest Grouping (EEIG) might be used for this (as used for the 'Centre Jacques Delors' in Lisbon or 'Sources d'Europe' in Paris).

The analysis of the arguments in favour of and against each of these options, as well as the opportunities and risks linked with each of them, has been the subject of a 'think tank' exercise that took place on 16 March 2004 at the European Parliament.

The conclusions from this reflection exercise clearly point in the direction of an autonomous Agency as the optimum solution. Indeed, given the primary importance of the issue, as also recognised by the Treaty, the highest possible level of legitimacy, authority, visibility and long-term focus must be provided for, while the 'heritage' of weaknesses of existing structures must be avoided.

ANNEX 4. List of respondents / consultations by the date of 24 March 2004

Target group	Stakeholder groups	Names
Stakeholders at EU level (in principle all f-to-f)		
	EC Directorates-General & Services	1 DG EMPL : Luisella Pavan-Woolfe (Director, responsible for Horizontal and International Issues) Rue de Spa 3, B-1000 Brussels Tel : +32/2/295.66.38 Fax : +32/2/299.50.47 Luisella.Pavan-Woolfe@cec.eu.int
		2 DG EMPL : Marie-Anne Paraskevas (EMPL.G.1 Equality for women and men) Rue de Spa 3, B-1000 Brussels Tel : +32/2/295.84.80 Fax : +32/2/299.80.83 marie-anne.paraskevas@cec.eu.int
		3 Barbara Helfferich (Member of the Cabinet – Commissioner of Employment and Social Affairs) Rue Joseph II 27, B-1000 Brussels Tel : +32/2/298.20.10 barbara.helfferich@cec.eu.int
		4 DG RTD : Tanya Leigh (RTD.C.5 Women and Science) Square de Meeûs, 1040 Brussels Tel: +32/2/299.49.25 Fax: +32/2/299.37.46 tanya.leigh@cec.eu.int
		5 Secretariat General : David O'Sullivan, Secretary General 45 Avenue d'Auderghem, B-1049 Brussels Tel : +32/2/295.09.48 Fax : +32/2/299.32.29 David.O'Sullivan@cec.eu.int
		6 Antonia Carparelli, Member of the Cabinet of the Environment Commissioner Avenue de Beaulieu 5, 1160 Auderghem Tel : +32/2/299.34.28 Fax: (+32-2)298 18 99 antonia.carparelli@cec.eu.int

		7	Daniela Bankier, Member of the Cabinet of Michael Schreyer – Budget Commissioner Avenue d'Auderghem (Breydel II), B-1049 Brussels Tel.: +32/2/298 17 08, Fax: +32/2/298 17 97 mobile: (+32) (0) 498 98 17 08 daniela.bankier@cec.eu.int
	Other relevant Community Agencies		Foundation for the Improvement of Living and Working Conditions Dublin, Ireland
	M.E.P.s	8	Lone Dybkjaer (Member of the Committee on Women's Rights and Equal Opp.)
		9	Miet Smet (Member of the Committee on Women's Rights and Equal Opp.)
	Eur. Social Partner Organisations	10	CEEP Inge Reichert Rue de la Charité 15, B-1210 Brussels Tel : +32/2/229.24.53 Fax : +32/2/218.12.13 inge.reichert@ceep.org
		11	CES / ETUC Catelène Passchier Bd du Roi Albert II, 5 bte 5, B 1210 Brussels, Belgium
		12	TUTB (European Trade Union Technical Bureau for Health and Safety) Laurent Vogel, Research Officer at TUTB Observatory on the application of European directives Bd du Roi Albert II, 5 bte 5, B 1210 Brussels, Belgium Tel. + 32 2 224 05 65 Fax. + 32 2 224 05 61 E-mail: lvogel@etuc.org
		13	UEAPME Emma Stringfellow Rue Jacques de Lalaing 4, B-1040 Brussels, Belgium Tel : +32/2/230.75.99 Fax : +32/2/230.78.61 e.stringfellow@ueapme.com
National stakeholders (politicians, equality bodies, social partner organisations, research institutions)	Austria	1	DVM Phd Sylvia Kolbl – Referent for International Female Affairs (interview planned) Federal Ministry of Social Security and Generations, Division for Female Affairs Franz Josefs Kai 51, A - 1010 Vienna Tél.: (+ 43.1) 711.00.34.24, Fax: (+ 43.1) 711.00.34.31 E-Mail : Sylvia.Kolbl@bmgf.gv.at

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		3	Prof. Dr. Magda Michielsens, Director 'Steunpunt Gelijke Kansen Vlaanderen' and Policy Research Centre on Equal Opportunities of the Antwerp University Gratiekapelstraat 12, B-2000 Antwerp, Belgium Tel: +32/3.220.42.96 Fax: +32/3.220.43.82 magda.michielsens@ua.ac.be www.steunpuntgelijkekansen.be
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	Finland	5	Ministry of Social Affairs and Health, Ms Tarja Heinila-Hannikainen, Director, (interview planned) Equality Unit (Alternate : Ms Carita HEINÄNEN) P.O.BOX 33, FIN - 00023 GOVERNMENT Tel.: (+ 358.9) 1607.4494, Fax: (+ 358.9) 1607.43.17 E-Mail : tarja.heinila-hannikainen@stm.vn.fi
	Germany	6	Frau Waltraud Dahs (interview planned) Bundesministerium für Familie, Senioren, Frauen und Jugend Rochusstraße 8-10, D – 53107 BONN Tel.: (+ 49. 228) 930 2351, Fax: (+ 49 228) 930 4313, e-mail : Waltraud.dahs@bmfsfj.bund.de
	Greece	7	University of Panteion, Department of Social Policy and Social Anthropology – Dr. Maria Stratigaki 134 Syngrou Av., GR-176 Kallithea tel : +30/6932 49 5913 fax : +30/210 322 1508 mstrati@panteion.gr www.kekmokop.panteion.gr
	Ireland	8	Ms. Sylda Langford, Department of Justice, Equality and Law Reform Bishop's Square, Redmond's Hill, Dublin 2 Tel : +353/1/4790 250 Fax : +353/1/4790 294 Sylda_S.Langford@justice.ie

		9	Dr Yvonne Galligan, Reader at the Queen's University of Belfast, and Director of the Centre for Advancement of Women in Politics Tel: ++44 (0) 28 9027 3654 E-mail: y.galligan@qub.ac.uk Website: www.qub.ac.uk/cawp
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		11	Coordinamento Italiano della Lobby Europea delle Donne Ms Ludovica Tranquilli Leali Via Mentana, 2b I-00185 Roma Tel : +39/06.494.14.91 Fax : +39.06.494.14.91 tranquillileali@libero.it
		12	Ministero per le Pari Opportunità Ms Stefania Prestigiacomo, Ministra Via Barberini 38 , 00187 Roma, Italy Tel. +39.06.42153577
	Luxembourg	13	Ministère de la Promotion féminine, Maddy Mulheims 12-14 avenue Emile Reuter, L-2921 Luxembourg tel: +352/478.58.10 Fax : +352/241.886 maddy.mulheims@mpf.etat.lu
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		16	<p>Coordinadora Espanola del Lobby Europeo de Mujeres (CELEM) Maria Ortiz (president) and Teresa Nevado (deputy) Casa de la Mujer C/ Almagro, 28 Bajo, E-28010 Madrid, Spain Tel : +34/91.319 1195 Fax : +34/91.319 1195 celem@celem.org</p>
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	Sweden	18	<p>Monica Silvell e-mail: monica.silvell@industry.ministry.se Näringsdepartementet /Ministry of Industry, Employment & Communications Jämställdhetsenheten / Division for Gender Equality Jakobsgratan 26, SE - 103 33 Stockholm tel/phone: +46 (0)8 405 56 41, fax: +46 (0)8 24 71 52</p>
		19	<p>Mr. Claes Borgstrom - Ombudsperson for Equal Opportunities, Jämställdhetombudsmannen, JämO Pia Engstrom Lindgren – Deputy Equal Opportunities Ombudsman (double interview) P.O. BOX 3397, S – 103 68 STOCKHOLM Tél.: (+46.8) 440.10.72, Fax (+46.8) 21.00.47 E-Mail : Claes.borgstrom@jamombud.se</p>
		20	<p>Dr. Ingrid Pincus & Dr. Gunnel Karlsson, Department of Social and Political Sciences, University of Örebro, Sweden SE-701 82 Örebro, Sweden Tel: +46 19 30 30 57 Fax : +46 19 30 34 84 ingrid.pincus@sam.oru.se & gunnel.karlsson@sam.oru.se</p>
		21	<p>Ms Kirsti Kolt, The Swedish Women's Lobby Sveriges Kvinnolobby Tel : +46 8 91 41 27, mobile : +46 70 24 48 913 Kirsti.kolt@sverigeskvinnolobby.se</p>

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		23	Prof. Dr. Jalna Hanmer, Professor of Women's Studies, International Centre for the study of Violence and Abuse, University of Sunderland, UK Jalna.hanmer@sunderland.ac.uk
		24	Ms Annette Lawson, National Alliance of Women's Organisations (NAWO) (fixed) 5 Carriage House 88-90 Randolph Avenue, GB - London W9 1BD Tel: +44 20 726 65056, Fax: +44 20 289 5804, Gsm +44 797374 1275 e-mail: Annettelaw5@yahoo.com
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		28	Vanda Juršenienė, Vyriausioji specialistė Darbo rinkos ir lygių galimybių skyrius, Chief specialist of the Labour market and Equal Opportunities division Ministry of Social Security and Labour of the Republic of Lithuania Vivulskio str. 11, 2693 Vilnius, Republic of Lithuania Phone: 370 5 2664227, Fax: 370 5 2664 209, e-mail: vjurseniene@socmin.lt
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'Other' stakeholders			
	International institutions	1	Unifem, Ms Osnat Lubrani (regional programme director) Bratislava Tel: +421/2/59.337.160 (or mobile : +421/(0)908.707.781) osnat.lubrani@undp.org
	European NGOs	2	European Women's Lobby, Mary Mc Phail (Secretary General) and Malin Bjork (Policy co-ordinator) 18 Rue Hydraulique, B- 1210 Bruxelles Tel +32 2 217 90 20, Fax +32 2 219 84 51 bjork@womenlobby.org www.womenlobby.org
		3	Karat Coalition, Ms. Kinga Lohmann ul. Karmelicka 16 m. 13, 00-163 Warsaw, Poland tel : +48/22/636.83.07 karat@zigzag.pl , kinga_lohmann@zigzag.pl
	Network of Researchers	4	Athena (Advanced Thematic Network in European Women's Studies), Workgroup 3B (‘Reconceptualising the Notion of Equal Opportunities and Rethinking the Policy Aims and Instruments’) – Sonja Spee, co-ordinator

New .eu Domain

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The introduction of the .eu domain also required the web and e-mail addresses of the European institutions to be adapted. Below please find a list of addresses found in the document at hand which have been changed after the document was created. The list shows the old and new address, a reference to the page where the address was found and the type of address: http: and https: for web addresses, mailto: for e-mail addresses etc.

Page: 10	Old: http://www.europa.eu.int/comm/governance/white_paper/index_en.htm
Type: http:	New: http://www.ec.europa.eu/governance/white_paper/index_en.htm

Page: 13	Old: http://www.europa.eu.int/comm/employment_social/equ_opp/documents_en.html
Type: http:	New: http://www.ec.europa.eu/employment_social/equ_opp/documents_en.html

Page: 24	Old: http://www.europa.eu.int/agencies/index_en.htm
Type: http:	New: http://www.europa.eu/agencies/index_en.htm

Page: 28	Old: http://www.europa.eu.int/comm/governance/white_paper/index_en.htm
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Page: 30	Old: http://www.europa.eu.int/comm/employment_social/equ_opp/documents_en.html
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Page: 10 Type: http:	Old: http://www.europa.eu.int/comm/governance/white_paper/index_en.htm New: http://www.europa.eu/comm/governance/white_paper/index_en.htm
Page: 13 Type: http:	Old: http://www.europa.eu.int/comm/employment_social/equ_opp/documents_en.html New: http://www.europa.eu/comm/employment_social/equ_opp/documents_en.html
Page: 24 Type: http:	Old: http://www.europa.eu.int/agencies/index_en.htm New: http://www.europa.eu/agencies/index_en.htm
Page: 28 Type: http:	Old: http://www.europa.eu.int/comm/governance/white_paper/index_en.htm New: http://www.europa.eu/comm/governance/white_paper/index_en.htm
Page: 30 Type: http:	Old: http://www.europa.eu.int/comm/employment_social/equ_opp/documents_en.html New: http://www.europa.eu/comm/employment_social/equ_opp/documents_en.html
Page: 32 Type: mailto	Old: mailto:Luisella.Pavan-Woolfe@cec.eu.int New: mailto:Luisella.Pavan-Woolfe@ec.europa.eu
Page: 32 Type: mailto	Old: mailto:marie-anne.paraskevas@cec.eu.int New: mailto:marie-anne.paraskevas@ec.europa.eu
Page: 32 Type: mailto	Old: mailto:barbara.helfferich@cec.eu.int New: mailto:barbara.helfferich@ec.europa.eu
Page: 32 Type: mailto	Old: mailto:tanya.leigh@cec.eu.int New: mailto:tanya.leigh@ec.europa.eu
Page: 32 Type: mailto	Old: mailto:David.O'Sullivan@cec.eu.int New: mailto:David.O'Sullivan@ec.europa.eu
Page: 32 Type: mailto	Old: mailto:antonia.carparelli@cec.eu.int New: mailto:antonia.carparelli@ec.europa.eu
Page: 33 Type: mailto	Old: mailto:daniela.bankier@cec.eu.int New: mailto:daniela.bankier@ec.europa.eu
Page: 39 Type: http:	Old: http://www.europa.eu.int/comm/governance/white_paper/index_en.htm New: http://www.europa.eu/comm/governance/white_paper/index_en.htm

Page: 39 **Old:** http://www.europa.eu.int/comm/employment_social/equ_opp/documents_en.html
Type: *http:* **New:** http://www.europa.eu/comm/employment_social/equ_opp/documents_en.html

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