

The multiannual financial framework law european essay

Law



First of all the analysis of the above-mentioned policy documents (especially the descriptions of the political position of the MFF, the principles of programming and the specific gender equality papers) shows that the Commission, the Council and the Parliament classify gender equality as a key horizontal target level. The equality objectives mentioned above are based on clear gender-sensitive analyses. These analyses clearly show that gender inequality is not only just an issue of justice, but is closely linked to issues of economic and social development. The establishment of gender equality is therefore part of the solution to many problems and challenges. The Commission, the Council and the Parliament have agreed on this in their documents. The positions below refer to gender equality integration into the First Simplification Scoreboard for the MFF 2014-2020, COM(2012) 531 final of September 2012 (related to the amended proposal for a COUNCIL REGULATION laying down the Multiannual Financial Framework for the years 2014-2020, COM(2012) 388 final). The following statements are not exhaustive; they only focus on the most important points regarding gender equality. The Commission, the Parliament and the Council agree on simplifications to achieve the targets of the EU 2020 strategy with programmes and financial instruments. It should be noted that gender equality aspects are not given the same priority, as for instance greening objectives. In Point 3. 2 describing mainstreaming positions, the issue of gender equality is completely missing. Mainstreaming priorities here focus on resource efficiency, climate change, environment and delivering energy security and efficiency. And it states that " the proposed mainstreaming of priorities, ..., into different programmes aims at promoting synergies in the

use of EU funds". The same or a similar rating of gender equality is completely missing. In particular, restricting the importance of priorities to rural development programming is not acceptable since this area requires specific measures focussing on growth and social development. Point 3. 3 (focussing on clear priority objectives and indicators) underlines: " In a context of scarce public resources, the responsible approach to policy priorities, where EU added value can be optimised, is necessary. The Commission has thus proposed a limited number of clear priority objectives, associated with relevant lists of indicators and targets and a specific performance framework in several policies, accompanied by positive incentives and preventive means to ensure delivery of results." The proposal of the Council (e. g.) to delete the minimum allocation to the European Social Fund (ESF) is the wrong message. This proposal stands against the Council's own decisions and positions and against the pact of Council. (European Pact for Gender Equality (2011-2020), (COUNCIL OF THE EUROPEAN UNION, Council Conclusions, (7166/11 SOC 184)). Reducing poverty, stimulating social inclusion and opening to finance basic infrastructure in more developed regions are only some few aspects with very strong links also to gender equality. Regarding the performance reserve the Council is said to be sceptical. The criteria are important on the basis of which payments will be suspended. Against the background of the importance of horizontal objectives they should (need to) be indicated in this procedure. If the Council, the Parliament and the Commission have really acknowledged the need for reinforced result orientation, they should accept this possibility of steering with all target levels. The Commission stresses that "... it is

essential that the new financial programmes have sound, coherent and comparable monitoring, evaluation and reporting mechanisms. Weakening of objectives, indicators or reporting requirements in the specific legislative proposals risk undermining the quality of reporting under Article 318." This requires this principle be consistently pursued also in terms of gender equality. Simplification and the reduction of indicators must not result in equality remaining just a political statement. The Annex to the document contains more detailed points. The following should be noted: The table describes the main points and political statements. In general, the following should be considered regarding the single sector framework, synergies/mainstreaming and clear priority objectives and (result-oriented) indicators: Regarding gender equality, the indicators need to be specific for all European programmes. It is necessary to specify the effects of the respective programme with regard to the political gender equality objectives. The planned financial budgets for all programmes need to be linked with clear qualitative and quantitative gender equality objectives and indicators. Integration into the procurement procedures and also into the monitoring and evaluation procedures is required. The " COUNCIL REGULATION (amended proposal) laying down the Multiannual Financial Framework for the years 2014-2020" under " Whereas" does not describe the political dimension of the MFF. The author cannot really say whether this is a common procedure. However, the process of the political discussions shows that certain basic points in connection with the objectives of the MFF (EU 2020) should be integrated to show a connection between politics and finance. It is not enough just to anchor the complex nature of economics,

social affairs, ecology and gender equality in combination with the budget (Annex) in single regulations.

Conclusion:

The report of the Commission " First Simplification Scoreboard for the MFF 2014-2020", (COM(2012) 531 final, Brussels, 20. 09. 2012) and the „ Amended proposal for a COUNCIL REGULATION laying down the multiannual financial framework for the years 2014-2020"(COM(2012) 388 final, Brussels, Brussels, 06. 07. 2012) do not give gender equality the importance as a horizontal and mainstreaming principle as required in the policy documents of the EU 2020 strategy and the relating equality policy principles and objectives for the MFF. The policy documents of the MFF do not contain requirements to combine the implementation of equality objectives with the financial budgets to achieve sustained equality effects through these instruments (gender budgeting). To check to what extent the individual financial instruments of the MFF comply with gender budgeting, the following section provides details and submits proposals.

Analysis to what extent gender equality is anchored in selected instruments of the MFF (CSF funds)

The equality policy framework governing all instruments of the MFF having been presented above, it is examined now whether the " Common Strategic Framework 2014 to 2020, Part I (COM(2012) 61 final, Brussels 14. 3. 2012) contains clear requirements as to the systematic compliance with gender equality to be concretised thereafter in the individual regulations. Point 5 " Horizontal principles and policy objectives" under " Promotion of equality between men and women..." describes and underlines how gender equality <https://assignbuster.com/the-multiannual-financial-framework-law-european-essay/>

needs to be pursued based on gender mainstreaming principles:" Member States should pursue the objective of equality between men and women as set out in Article 8 of the TFEU and ensure its mainstreaming in the preparation, implementation, monitoring and evaluation of actions under all the CSF Funds. ERDF, ESF and Cohesion Fund programmes should explicitly specify the expected contribution of these Funds to gender equality, by setting out in detail objectives and instruments."" Gender analysis should be included in the analysis of the objectives of the intervention."" Monitoring systems and data collection are also essential to provide a clear picture of how programmes are meeting gender equality objectives."" In this respect, rather than a general requirement to address these issues in all evaluation activities, it is recommended that managing authorities, in conjunction with the monitoring committees, should undertake either general self-assessment exercises, specific evaluation studies or a structured reflection focusing on the application of the gender mainstreaming principle."" It is strongly recommended to organise permanent structures or explicitly assign a function to existing structures to advise on gender equality in order to provide the necessary expertise in the preparation, monitoring and evaluation of the CSF Funds." In addition, the document stresses that the country-specific recommendations will play a central role in the partnership contracts with the member states. In particular, recommendations based on employment policy guidelines are expressly linked with issues of promoting gender equality here. The introduction to that document reads: „ The European Regional Development Fund (ERDF), the European Social Fund (ESF), the Cohesion Fund (CF), the European Agricultural Fund for Rural

Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF) pursue complementary policy objectives...". These funds are the most important instruments at EU level for funding investments and make very specific contributions each. Pursuing the horizontal principles and strategic targets belongs to the major aspects of the activities of the funds. These principles must be reflected in the Regulation of the European Parliament and of the Council Laying Down Common Provisions. During first investigations under the present study the Regulation Laying Down Common Provisions of March 2012 was examined regarding the extent to which gender equality is anchored as a mainstream principle, and proposals for additions and changes were developed. These proposals were described in the point 3. To determine the requirements regarding the above funds then the current version of the Regulation of the European Parliament and of the Council Laying Down Common Provisions (COM(2012) 496 final, 11 September 2012) was used.

Methodology of this analysis:

The following funds based on the relevant draft regulations are evaluated with regard to their equality integration according to the mainstreaming principles: European Regional Development Fund (ERDF); Cohesion Fund (CF); European Agricultural Fund for Rural Development (EAFRD); European Maritime and Fisheries Fund (EMFF); European Social Fund (ESF); The GSF and the common regulation are used as the basis. The background is the equality policy objectives of the EU and the principles of gender mainstreaming and gender budgeting.

4. 2. 1 Conclusion and recommendations:

The ERDF contains a number of investment priorities facilitating direct equality promotion and exerting an indirect influence on the living realities of women and men, which need to be systematically considered to ensure the desired economic, social and regional effects. Regarding potential equality indicators the following recommendations are made: The Regulation should be complemented by a positive equality passage. It should be clearly laid down that the ERDF, in particular regarding urban development, innovative traffic infrastructures and mobility promotion, considers the different needs and requirements of women and men in the context of various other social features. Regarding the promotion of business start-ups, the ERDF should have a clear focus on the promotion of women. Regarding the support for small and medium-sized companies the ERDF should focus on the elimination of gender stereotypes in the human resources and organisation development and on the promotion of measures for the reconciliation of professional and personal life of women and men and the career opportunities of women. Regarding promotion of research and development the ERDF may considerably contribute to the promotion of qualified jobs for women. Regarding the creation and safeguarding of jobs the ERDF should control equal employment opportunities by monitoring gender-differentiated data. Relevant indicators should be included. To the extent the effects of ERDF investments concern individuals; indicators should be gender-differentiated. Ex-ante evaluations may serve to assess the gender equality effects already in advance. The ERDF should focus on this aspect.

4. 2. 2The Cohesions Fund (CF), COM(2011) 612 final/2, Brussels, 14. 3. 2012

Conclusion and recommendations:

With regard to investment priorities with a special focus on the change of climate reference is made to the study „ Gender Equality and Climate Change: Report and main findings" (European Institute for Gender Equality, 2012)[1]. Under the section „ Main findings" indicators are identified (page 13 et seq.), which are of special importance in this respect. They include, in particular: Share of women in decision-making bodies for climate protection at all levels (international, European, national, regional); Share of women among graduates of university programmes (ISCED levels 5 and 6) in science and technology in the European Union and member states. In addition, the study also reveals important connections - as already identified by the ERDF - between the life realities of women and men which are closely linked with the climate change and its effects, being also an important field of research which needs to be investigated by collecting information and data.

Therefore, at least the same recommendations as provided for the ERDF apply to the Cohesion Fund: The Regulation should be complemented by a positive equality passage. It should be clearly laid down that the CF, in particular regarding innovative traffic infrastructures, considers the different needs and requirements of women and men in the context of various other social features. It should expressly require women and men be equally involved in the implementation measures and decision processes. Indicators relating to individuals should be identified in a gender-differentiated manner, in particular in urban transport. Ex-ante evaluations may serve to assess the

gender equality effects already in advance. The CF should focus on this aspect.

4. 2. 3 European Agricultural Fund for Rural Development (EAFRD), COM(2011) 627 final/2, Brussels, 19. 10. 2011

Conclusion and recommendations:

The Regulation on the EAFRD identifies the scope, aims, measures and the financial resources within the framework of the MFF in a very complex manner. It comprehensively describes how the 2014 Fund will contribute to the development of agriculture and forestry, the rural areas and relating innovations, business developments and the development of human resources. However, the Fund does not take a position regarding issues of equality promotion. This is all the more alarming since safeguarding and founding businesses in agriculture and forestry, enterprise succession, the support for young farmers, innovation as well as basic and further training play an important role. It is a critical issue in the light of the Common Strategic Framework (CSF) describing the share of this fund in attaining the thematic objectives and identifying equality effects in the document titled "Elements for a Common Strategic Framework 2014 to 2020" Part II(SWD(2012) 61 final). Almost all of the eleven thematic objectives include equality aspects in connection with key actions in the individual funds. As for the ERDF, at least the following recommendations are made for the EAFRD: The Regulation should be complemented by a positive article on equality. Regarding the promotion of business start-ups the EAFRD should clearly focus on intensified support for women. Regarding the support for small and medium-sized enterprises (SME) in agriculture and forestry the EAFRD should

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focus on the elimination of gender stereotypes in the HR and organisation development and on the promotion of measures for the reconciliation of professional and personal life of women and men as well as the career opportunities of women.. Regarding the promotion of research and development the EAFRD may considerably contribute to the promotion of qualified jobs for women. Regarding the creation and safeguarding of jobs the EAFRD should control equal employment opportunities by monitoring gender-differentiated data. Relevant indicators should be included. To the extent the effects of EAFRD investments relate to individuals, indicators should be gender-differentiated. Ex-ante evaluations may serve to assess the gender equality effects already in advance. The EAFRD should focus on this aspect. In connection with the promotion of the development of the rural area, issues regarding the satisfaction of gender-specific requirements and needs (travel between place of work / place of residence, child care, cultural, sports and educational needs, medical care, etc.) should be made the benchmark to achieve real retaining and settlement effects.

4. 2. 4European Maritime and Fisheries Fund (EMFF), COM(2011) 804 final, Brussels, 2. 12. 2011

Conclusion and recommendations:

In contrast to the agricultural fund EAFRD, the EMFF implements the provisions of the Regulation on Common Provisions for CSF funds for gender equality. The regulation also identifies own findings regarding the problems of gender equality in this industry. The fact that for the first time the high importance is acknowledged of spouses - mostly women - working without any legal recognition in fishery enterprises, leads to a situation whereby they

can draw special benefits from the fund. „ They can benefit inter alia from EMFF support for training, in particular for the acquisition of skills linked to entrepreneurship and business management." (Context of the proposal, 4.) In particular, the equality objective „ Equal economic independence for men and women"(Gender equality strategy is complied with. However, the priorities and measures do not contain specific requirements. In addition, the fund gives high priority to ensuring an adequate share of women in decision-making bodies. This complies with the equality objective of the Strategy for equality between women and men 2010-2015„ Equality in decision-making". The fund demands consistent consideration of equality at all levels of the programmes and measures, however does not state fund-specific equality objectives. Requirements or indicators, e. g. regarding job creation, participation in innovations, knowledge transfer measures, etc. are missing. Therefore, the following recommendations are made for the EMFF: The principles for consistent equality implementation need to be demanded by the operational programmes on the basis of gender-differentiated socio-economic analyses in this industry. Equality aspects need to be integrated in the planned impact assessments. The monitoring systems need to collect personal data in a gender-differentiated manner. This requires, in particular, indicators for the creation and safeguarding of jobs be identified in a gender-differentiated manner. Ex-ante evaluations should be used to assess effects on equality.

4. 2. 5 The European Social Fund (ESF), COM(2011) 607 final /2, Brussels, 14. 3. 2012

Conclusion and recommendations:

The ESF is the fund directly aiming at the development of human resources. All investment priorities of this fund exert a direct influence on the fulfilment of the central thematic objectives of the CSF fund. Therefore, it is not surprising that the ESF pursues equality as a mainstreaming principle with explicit objectives. Here, the most direct effects on equality can be expected. However, the ESF is inconsistent regarding in integration of equality-policy objectives and relating proposals for indicators. The general objectives for equality set out under the fundamental Article 7 are not explicitly reflected in the individual investment priorities. Thus, only under the investment priority " Promoting employment and supporting labour mobility" under (iv) the general objective " Equality between men and women and reconciliation between work and private life" is formulated (Article 3). The other investment priorities do not identify any major target points based on the objectives of Article 7. Education and life-long learning, business start-ups and fighting poverty are lacking requirements as to equality. Moreover, the ESF does provide requirements as to how the operational programmes should implement equality integration. The ESF does not contain any specific equality requirements regarding monitoring and evaluation as well as gender equality composition of bodies. Also the indicators reflect the ESF's inconsistency. Whereas all data of participants need to be collected on a gender-differentiated basis to facilitate management of the distribution of funds, such indicators are missing that reflect the qualitative objectives

described in Article 7. Recommendations regarding the ESF: Many proposals have been submitted by the European Parliament and also, for instance, the European Community of Practice on Gender Mainstreaming for revising the regulation on the ESF in terms of integrating equality policy objectives. By all means, these proposals should be included in the final version of the ESF regulation. The regulation should bind the member states to identify specific equality objectives and indicators in their operational programmes on the basis of a gender-differentiated, socio-economic analysis. To achieve real progress in increasing the participation of women in the labour market, women should disproportionately benefit from the ESF. The common practice, i. e. promotion according to the share in the target group, would only reproduce the status quo of disparities instead of overcoming it. In addition, care is urgently needed to ensure that subsidised jobs guarantee sufficient income to live on.

Summary of the analysis regarding the MFF and CSF Fund in terms of gender equality integration based on the gender mainstreaming principle

The analysis of the regulations of the Multiannual Financial Framework (MFF) and the instruments of the most important funds governed by the Common Strategic Framework (CSF) has revealed, in general, that the mainstream principle of pursuing the horizontal objective of promoting gender equality has not been taken into account. In particular the European Regional Development Fund (ERDF) and the European Agricultural Fund for Rural Development (EAFRD), which are decisive for the economic, social and ecological development of the regions of the European Community, fully

disregard the issue of gender equality. This means that they do not simply disregard the requirements anchored in the Common Strategic Framework and the Regulation on Common Provisions; they are not able either to pursue the objectives of the EU 2020 strategy. In the light of the fact that the CSF funds form the central financial instruments for implementing the EU 2020 strategy, there is reason to fear that the European financial means will be used without consideration of the specific needs and requirements of the citizens and disparities and discrimination will not be progressively eliminated, unless corrections are made well in time. The comments and recommendations for the individual funds lead to the following conclusions: The MFF does not require gender equality be promoted by means of its financial instruments. The requirements of the CSF with the key actions and contributions to gender equality to be supported by the underlying funds (Part II of the Commission Working Paper) in their thematic objectives are not included in the fund regulations. Even the European Social Fund (ESF) does not sufficiently combine its investment priorities with the equality-policy objectives. There is no obligation to collect personal data in a gender-differentiated manner in all funds and no requirement to identify indicators that make equality effects measurable. Therefore, budgetary commitments and allocations of financial resources are not linked with equality policy objectives. The analysis comes to the conclusion that gender mainstreaming as provided for in the European Equality Strategy and the Regulation on Common Provisions has not been incorporated and implemented. Therefore, gender budgeting is presently not ensured either. Possible instruments to ensure gender mainstreaming within the Multiannual Financial

FrameworkBased on the above results regarding the incorporation and implementation of equality in the MFF and the CSF funds, instruments are described below which are important and seem suitable to achieve important progress in the implementation of equality of women and men for the period until 2020. Requirements and instruments are derived from the Common Strategic Framework (CSF) and the Regulations Laying Down Common Provisions (COM(2012) 496 final). There are two levels in this respect. One level is the instruments for which the European Commission, the European Parliament and the European Council are responsible, and the other level comprises the requirements on the member states.

European level:

Instrument

Proposal

MFF

Regulation on MFFPrinciples regarding the effects and effectiveness of the application of the financial means should be included. A requirement / orientation should be added for the individual financial instruments to link the application of funds to the effects on equality and to anchor the principle of gender mainstreaming budgeting since the mainstreaming principle (to follow the gender equality objectives in all action and programmes, especially in the " COMMITMENT APPROPRIATIONS") needs to be complied with. Hence, all strategies and programmes with " commitment appropriations" must contain gender equality indicators combined with budgets. Communication / negotiation process EC/EP/Council for

simplification of Scoreboard for the MFF 2014-2020 Care should be exercised as not to discuss the horizontal objectives as "secondary objectives", but to give them the same - if not a higher -priority as all thematic objectives since they are anchored in all thematic objectives. The initial allocation of funds of the ESF should be maintained since, finally, investments in human resources guarantee the success of any European development.

Funds regulations

ERDF, EAFRD, CF Minimum requirement: anchoring gender equality as a horizontal principle according to Article 7 of the Regulation on Common Provisions. Specific objections according to the CSF, Working Paper of the Commission, Part II, for research and development, regional policies, safeguarding and creation of jobs, business start-ups, gender-specific needs / requirements in transport, urban development, etc. Gender parity in body staffing. Provision for identifying gender-differentiated indicators (for data relating to individuals). Specifications for ex-ante and ex-post evaluations to prove equality effects. EMFF Integration of equality in impact assessments. ESF Assignment of equality objectives (Article 7) to all investment priorities. Inclusion of equal pay in objectives. Identification of gender indicators for all equality objectives

General regulations:

Performance reserve

Article 18 of the Regulation on Common Provisions provides for a performance reserve of 5% of the funds.

It is proposed to combine this performance reserve also with equality implementation.

Anchoring of requirements on the Member States regarding the implementation of equality:

Instrument

Proposal

Partnership contracts

Make the implementation of country-specific recommendations for equality a binding requirement.

Operational programmes

Gender-differentiated socio-economic analyses. Combine SWOT analysis with results from gender-differentiated analyses and statements on equality.

According to Article 87 of the Regulation on Common Provisions, point 3 "(iii) a description of its contribution to the promotion of equality between men and women and, where appropriate, the arrangements to ensure the integration of gender perspective at operational programme and operation level". Derive and operationalise specific equality objectives for all investment priorities (output indicators); also describe equality-related context indicators and specify requirements for evaluation. To achieve real progress in increasing the participation of women in the labour market, women should disproportionately benefit from the ESF. The common practice, i. e. promotion according to the share in the target group, would only reproduce the status quo of disparities instead of overcoming it. In addition,

care is urgently needed to ensure that subsidised jobs guarantee sufficient income to live on.

Operational programmes without any gender-differentiated analysis in the light of the European equality objectives and the partnership contracts should not be approved.

Action plans

Article 95, content of joint action plans, (6) an analysis of the effects of the joint action plan on the promotion of equality between men and women and the prevention of discrimination.

Should be made a binding requirement; otherwise, approval should be withheld.

Reporting

Article 100, the specific actions taken to promote equality between men and women and to prevent discrimination, including accessibility for disabled persons, and the arrangements implemented to ensure the integration of the gender perspective in the operational programme and operations.

Should be made a binding requirement; otherwise, approval should be withheld.

Evaluation

Check the quality effects of measures; monitoring data and qualitative analyses of selected issues of equality should be planned.

Only the general ex-ante conditionalities contain the requirement to differentiate between genders. This is a shortcoming of the Regulation on Common Provisions.

Ex ante conditionalities

Thematic ex ante conditionalities: The minimum requirement consists of the criteria in Annex IV regarding equality-related conditionalities; they should be complemented by the equality-related objectives contained in the Ops.

General ex-ante conditionalities: Existence of a strategy for the promotion of gender equality and a mechanism which ensures its effective implementation.

To be reviewed by the Commission - should be made a binding requirement, in particular to the end that they all contain a system for collecting and analysing data and indicators broken down by sex and to develop evidences-based gender policies.

SummaryIn the light of the challenges of the EU 2020 strategy described in the beginning, continuing disparities in the gender relations at EU level and in all member states become an increasing obstacle to the development of a sustained economic, social and ecological European society. This is clearly proven in the Report of the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the Progress of equality between women and men in 2011 (SWD(2012) 85 final, Brussels, 16. 4. 2012). The employment rate of women amounting to 61% is still clearly lower than that of men amounting to 75. 1% on EU average, women earn 16. 5% less money than men, the share of women in decision-making bodies in the political and economic sectors is

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only about 10 to 20%, whereas the risk of poverty among women is several times higher than that of men. The Report reads: " The Strategy for Equality between women and men commits the Commission to implementing gender mainstreaming as an integral part its policy making. It stipulates that the next EU Multiannual Financial Framework (MFF) will provide the support necessary to implement the actions foreseen in the Strategy after 2013." The present analysis shows that this has not yet worked out sufficiently and, hence, further intensified efforts will be necessary. The proposals in this document are intended to support this process.