The Routledge Handbook of Gender and EU Politics
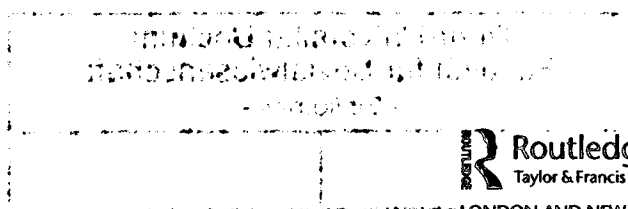
Edited by Gabriele Abels, Andrea Krizsán,
Heather MacRae and Anna van der Vleuten

Contents

Contents

Figures

Tables

Abbreviations and acronyms

ACP	Africa, Caribbean and Pacific
ACRE	Alliance of European Conservatives and Reformists
AEMN	Alliance of European National Movements
AFCO	Committee on Constitutional Affairs, European Parliament
AfD	Alternative für Deutschland
AGRIFISH	Agriculture and Fisheries Council
AIDCO	EuropeAid Co-operation Office
ALDE	Alliance of Liberals and Democrats for Europe
AP	action programme
APF	Alliance for Peace and Freedom
APPF	Authority for European Political Parties and European Political Foundations
AVFT	Association des victimes de harcèlement moral, psychologique, sexuel, dans le cadre du travail
BME	black and minority ethnic
CAHRV	Coordination Action on Human Rights Violations
CARD	Coordinated Annual Review on Defence
CDU	Christian Democratic Union of Germany
CEAS	Common European Asylum System
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women, United Nations
CEDEFOP	European Center for the Development of Vocational Training
CEE	central and eastern Europe
CETA	Comprehensive Economic and Trade Agreement
CFR	Charter of Fundamental Rights
CFSP	Common Foreign and Security Policy
CJEU	Court of Justice of the European Union
CoE	Council of Europe
CoFoE	Conference on the Future of Europe
COMPET	Competitiveness Council
COREPER	Comité des représentants permanents
CPCC	Civilian Planning and Conduct Capability
CPE	critical political economy

CRC	Combahee River Collective
CROME	Critical Research on Men in Europe
CSDP	Common Security and Defence Policy
CSMM	Critical Studies on Men and Masculinities
CSO	civil society organization
CSPEC	Confederation of Socialist Parties in the European Community
CSR	country-specific recommendation
DEVAW	Declaration on the Elimination of Violence against Women
DF	Dansk Folkeparti, Danish Peoples' Party
DG	Directorate-General
DG CLIMA	Directorate-General for Climate Action
DG DEFIS	Directorate-General for Defence Industry and Space
DG DEVCO	Directorate-General International Cooperation and Development
DG ECFIN	Directorate-General for Economic and Financial Affairs
DG EMPL	Directorate-General Employment, Social Affairs and Equal Opportunities
DG Justice	Directorate-General Justice, Fundamental Rights and Citizenship
DG RELEX	Directorate-General for External Relations
DG RTD	Directorate-General for Research and Innovation
DUP	Democratic Unionist Party
EAEC	European Atomic Energy Community
EASO	European Asylum Support Office
EC	European Communities
ECB	European Central Bank
ECD	European Consensus on Development
ECHR	European Convention on Human Rights and Fundamental Freedoms (Council of Europe)
ECJ	European Court of Justice
ECOFIN	Economic and Financial Affairs Council
ECPM	European Christian Political Movement
ECR	European Conservatives and Reformists
ECSC	European Coal and Steel Community
ECtHR	European Court of Human Rights
ECU	European Currency Unit
EDC	European Defence Community
EDF	European Development Fund
EDP	European Democratic Party
EDP	excessive deficit procedure
EEAS	European External Action Service
EEC	European Economic Community
EES	European Employment Strategy
EFA	European Free Alliance
EFDD	Europe of Freedom and Direct Democracy
EFTA	European Free Trade Association

EGC	European Green Coordination
EGP	European Green Party
EIDHR	European Instrument for Democracy and Human Rights
EIGE	European Institute for Gender Equality
EL	Party of the European Left
ELDR	European Liberal Democrat and Reform Party
ELSA	Ethical, Legal and Social Aspects
EMPL	Committee on Employment and Social Affairs, European Parliament
EMS	European Monetary System
EMU	Economic and Monetary Union
ENF	Europe of Nations and Freedom
ENoMW	European Network of Migrant Women
ENP	European Neighbourhood Policy
ENVI	Environment Council
EP	European Parliament
EPA	Economic Partnership Agreement
EPG	European party groups
EPLO	European Peacebuilding Liaison Office
EPO	European Protection Order
EPP	European People's Party
EPRS	European Parliamentary Research Service
EPSCO	Employment, Social Policy, Health and Consumer Affairs Council
EPSR	European Pillar of Social Rights
ERA	European Research Area
ERG	European Research Group
ERM	Exchange Rate Mechanism
ESC	Economic and Social Committee
ESDP	European Security and Defence Policy
ESF	European Social Fund
ESS	European Security Strategy
ESS	European Social Survey
ETF	European Training Foundation
ETS	Emissions Trading System
ETUC	European Trade Union Confederation
EU	European Union
EUCO	European Council
EUMC	European Monitoring Centre on Racism and Xenophobia
EU OSHA	European Agency for Safety and Health at Work
EUPP	Euro Plus Pact
Euratom	European Atomic Energy Community
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions

EWL	European Women's Lobby
EYCS	Education, Youth, Culture and Sport Council
FAC	Foreign Affairs Council
FEMM	Committee on Women's Rights and Gender Equality, European Parliament
FGM	female genital mutilation
FI	feminist institutionalism
FP	Framework Programme
FPE	feminist political economy/feminist political economist
FRA	European Union Agency for Fundamental Rights
GAC	General Affairs Council
GAD	Gender and Development
GAP	Gender Action Plan
GDP	gross domestic product
GER	gender equality regime
GFP	gender focal person
GIA	gender impact assessment
GM	gender mainstreaming
GSC	General Secretariat of the Council
GSP	Generalised System of Preferences
GUE	European United Left
HR/VP	High Representative for Foreign Affairs and Security Policy/ Vice President
IcSP	Instrument contributing to Stability and Peace
ID	Identity & Democracy Group
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
ILO	International Labour Organisation
IMF	International Monetary Fund
IPU-PACE	Inter-Parliamentary Union and Parliamentary Assembly of the Council of Europe
ITC	International Trade Centre
JHA	Justice and Home Affairs Council
JRC	Joint Research Centre
LGBT	lesbian, gay, bisexual, transgender
LGBTI	lesbian, gay, bisexual, transgender, intersex
LGBTIQA+	lesbian, gay, bisexual, trans/transgender, intersex, queer/ questioning, and asexual
LI	liberal intergovernmentalism
LIBE	Committee on Civil Liberties, Justice and Home Affairs, European Parliament
MENF	Movement for a Europe of Nations and Freedom
MEP	Member of the European Parliament
MP	Member of Parliament

MPCC	Military Planning and Conduct Capability
MTO	Medium–Term Objective
NATO	North Atlantic Treaty Organization
NFMM	Nordic Association for Research on Men and Masculinities
NGL	Nordic Green Left
NGO	non–governmental organization
NI	new institutionalism
OLP	ordinary legislative procedure
OMC	open method of coordination
OJ	Official Journal of the European Union
OSCE	Organisation for Security and Co-operation in Europe
PES	Party of European Socialists
PESCO	permanent structured cooperation
PHARE	Poland and Hungary Assistance for Economic Reconstruction
PiS	Polish Law and Justice Party
PPEU	European Pirate Party
PPP	public–private partnerships
PTA	preferential trade agreement
PVV	Partij voor de Vrijheid, Dutch Freedom Party
QMV	qualified majority vote
R&D	research and development
RE	Renew Europe
RN	Rassemblement National
RRI	responsible research and innovation
RRP	radical right-wing parties
RRP	radical-right politics
RTD	research and technological development
RWP	right-wing populism
S&D	Progressive Alliance of Socialists and Democrats
SDG	Sustainable Development Goals
SEA	Single European Act
SEDE	Committee on Security and Defence, European Parliament
SGP	Stability and Growth Pact
SIA	sustainability impact assessment
SOTEU	State of the Union address
STOP	Sexual Trafficking of Persons
TCN	third-country national
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TRAN	Committee on Transport and Tourism, European Parliament
TSCG	Treaty on Stability, Coordination and Governance
TSD	trade and sustainable development
TTE	Transport, Telecommunication and Energy Council
TTIP	Transatlantic Trade and Investment Partnership

UDHR	Universal Declaration of Human Rights
UKIP	UK Independence Party
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
V4	Visegrád countries
VAW	violence against women
WasH	Women against sexual harassment
WAVE	Women Against Violence Europe
WEU	Western European Union
WEUCO	Women's European Council
WID	Women in Development policy
WIDE	Women in Development Europe
WPS	Women, Peace and Security
WTO	World Trade Organization

10

Gendering the Council system

*Gabriele Abels**

As 'masters of the treaties' the EU member states are represented by the Council, a body 'of utmost importance in the institutional system of the EU' (Naurin and Wallace 2008, 2). The Council is more than a *single* institution, however, involving a complex, opaque *system* of negotiation and decision-making. We first need to differentiate between the European Council and the Council of the EU; consisting of multiple councils, the latter relies on preparatory bodies and various committees in its essential operations. Its key purpose is to secure a balance between the inter-governmental mode of decision-making and the supranational community method. Regardless of one's theoretical perspective, the Council(s) comprise the intergovernmental component of EU decision-making processes, accounting for 'a substantial body of literature' (Naurin 2018, 1526).

Infused with an aura of secrecy and high diplomacy, the inner workings of the Council are nonetheless difficult to research. Scholars are 'generally hampered by the scarcity of information …, with hard data sorely lacking, and soft data scattered and fragmentary' (Naurin and Wallace 2008, 2). Although recent studies have 'reached a new phase of sophistication', 'there are still many dark corners waiting to be revealed' (Naurin and Wallace 2008, 1–2). This chapter shines a gender spotlight to re-inspect what we already know about the Councils and to determine what is still lurking in its 'dark corners.' It revisits core aspects of the Council system, such as

> 'the stability and content of political cleavages, the roles played by formal rules and informal norms, by political ideologies and bureaucratic procedures, and by national and European identities, the impacts of opaqueness or transparency on the way politics is played out, and the forms of power exercised in the complex games which governments play in Brussels.'
> *(Naurin and Wallace 2008, 3)*

To investigate their hidden and explicit gendered implications, I begin by deconstructing the complex Council system, including its gender composition and the Councils' significance in the EU system. I then discuss research findings to date, viewed through a gender lens, concluding with our knowledge gaps and future research needs.

The Council system

We begin with the 'Council system', i.e. how it works and its role in EU politics. The *Council of the EU* (hereafter: the Council) was incorporated into the founding treaties as the Council of Ministers, as an intergovernmental body representing the member states governments. Its legal position changed along the way from the 1952 Paris Treaty to the 2009 Lisbon Treaty. The powers conferred on the Council under Article 16 of the Treaty on European Union (TEU) were re-specified in Articles 237 to 243 of the Treaty on the Functioning of the European Union (TFEU). As the main decision-making body, it exercises legislative and executive functions. Council culture draws on subsidiarity, that is the right to defend national competences against undue supra-national interference. For a long time, the Council was the only body possessing legislative and budgetary authority. It approves international agreements, actively engages in Eurozone govern-ance, coordinates member state economic policies and can also adopt non-legislative acts, which are actually the majority of decisions. It is the final decision-maker regarding foreign affairs and security policy. The Council formally appoints the members of various EU auxiliary bodies, like the Court of Auditors, European Economic and Social Committee and the Committee of the Regions.

The original Council had only six members of 'ministerial' rank, one from each of the founding countries. Through subsequent enlargements it grew into a 28-member body (27 after Brexit), which altered its internal dynamics and necessitated procedural reforms. Although legally speaking, the Council functions as a *single* entity, it conducts its operations through ten different sectoral councils, meeting with different frequency. Devoid of a formal hierarchy, any configuration can adopt any legislative act. The General Affairs Council (GAC), made up of European affairs ministers, plays a coordinating role, and is responsible for institutional, admin-istrative and 'horizontal' matters. Also possessing a special remit, the Foreign Affairs Council (FAC) is the most active in terms of meetings and can convene defence ministers (addressing common security and defence policy), development ministers (development cooperation) or trade ministers (deliberating commercial or trade policies). FAC is the only council chaired by the High Representative of the Union for Foreign Affairs and Security Policy (see Muehlenhoff in this volume). The Council for Economic and Financial Affairs (ECOFIN, the 'Eurogroup') has gained in significance since the 2008 financial crisis. Further configurations included agri-culture and fisheries (AGRIFISH); competitiveness (COMPET); education, youth, culture and sport (EYCS); employment, social policy, heath and consumer affairs (EPSCO); environment (ENVI); justice and home affairs (JHA) and, finally, transport, telecommunication and energy (TTE). No explicit gender equality council exists.

The Council presidency rotates among member states every six months (January to June, July to December), based on a fixed scheme. National governments use this position to enhance their representation at EU level and to raise awareness about EU affairs among their own citizens. Each presidency proposes an agenda reflecting national priorities as well as common challenges. The Lisbon Treaty introduced the 'trio presidency' (triumvirate) consisting of the previous, acting and subsequent presidency, to ensure consistency in the policy process.

When acting as legislator (Article 16 (8) TEU), the Council's meetings are public; all other sessions occur behind closed doors. Its procedural rules have changed over time: initially requiring unanimity, decision-making became more difficult with ever more member states. The 1986 Single European Act (SEA) introduced qualified majority voting (QMV). Modified over time, the member states possess 'weighted votes' broadly reflecting population size (more people, more votes). QMV usually suffices for most types of decision. A fixed threshold of 74% of the

weighted votes ensures a power balance between big and small states, preventing structural dominance on the part of any one group. The Lisbon Treaty simplified the voting system, rendering it more transparent and democratic by requiring a 'double majority' for Commission proposals or those of the High Representative. QMV now requires that 55% (presently 15 of 27 national governments) approve a decision and that the yes votes represent at least 65% of the EU population. Abstentions count as 'nays.'

Proposals originating in other institutions call for a 'reinforced QMV', with at least 72% of the member states in favour, likewise representing 65% of the EU population. While QMV applies to most decisions, particularly sensitive matters still require unanimity. This includes issues such as EU membership, citizenship, EU finances or taxation, but also 'certain provisions' impinging on justice and home affairs, e.g., family law or the 'harmonization' of national social security and social protection legislation (www.consilium.europa.eu/en/council-eu/voting-system/unanimity/). The latter are particularly relevant for gender equality.

Not to be confused with the Council of Europe or 'Council of Ministers', the role of the *European Council* (in short EUCO) is 'both ambiguous and hybrid in nature' (Wessels 2016, 5). Initiated in the 1960s, it has undergone an incremental evolution: it moved 'from fireside chats' to key decision-maker status (www.consilium.europa.eu/en/history/?filters=2031). Established at the 1974 Paris summit, EUCO organizes frequent biannual and quarterly meetings (since 1996). While the SEA formalized its meetings, the 1992 Maastricht Treaty accorded it a formal role, and the Lisbon Treaty transformed it into a full-blown EU institution (Article 13 TEU). The heads of state and government assemble along with the EUCO President and the President of the European Commission. Its purpose is to 'provide the Union with the necessary impetus for its development and define the general political directions and priorities thereof' (Article 15 TEU). Lower levels pass complex, controversial and sensitive issues up to EUCO, which often produces package deals emerging from long, day-and-night negotiations. It now serves as a constitutional actor, deciding on treaty negotiations convening intergovernmental conferences. In addition, its 'strengthened role' today compared to the status quo before the Lisbon Treaty is 'mainly due to developments during the multiple crises'; EUCO 'carries out various roles ..., some being Treaty-based and others the result of practice and of the political and economic situation over time' (European Parliament 2019a, 52). Without doubt, it has become a chief crisis-manager over the last decade, involving regular summits and numerous 'extraordinary, informal and special meetings' (Wessels 2016, 4). It has ordained new 'constitutional' instruments, such as the Euro Group (only for euro-area members). While this group's first meetings were informal and ad hoc, it was formalized through the Fiscal Compact agreement of 2012, now meeting every six months. EUCO actively engaged with the 'Schengen crisis' (see Krause and Schwenken in this volume), the 'Brexit crisis' (see Guerrina and Masselot in this volume) and now the health crisis.

The EUCO president is elected for a 2.5-year term (renewable once); thus far all have been male: Herman van Rompuy, 2009–2014; Donald Tusk, 2014–2019; Charles Michel, since 2019. The President convenes and chairs Council meetings, acting as mediator as well as a leader in negotiations, especially when decisions require unanimity. For some decisions, i.e. appointments for presidency, nomination of candidate for Commission president, it can utilize QMV.

Both Councils are assisted by the *General Secretariat of the Council* (GSC, part of the EU civil service), whose Secretary-General is appointed by the Council of the EU. The GSC ensures that the Councils 'operate smoothly', lending them the necessary assistance 'so they [the Councils] can perform the missions conferred on them by the treaties to further the development of the Union' (GSC n.d.). COREPER (Comité des représentants permanents) is a significant component of the Councils' preparatory system, encompassing national ambassadors to the EU and supplying an important link between the national and EU levels. These senior-ranking

diplomats usually abstain from partisan politics; strongly grounded in European affairs, they serve long tenures, assisted by civil servants from different ministries delegated to each country's permanent representation in Brussels. COREPER is actually divided in two groups: COREPER I (deputies) and COREPER II (ambassadors). Work is divided according to policy portfolios (EPSCO falls under COREPER I). Ambassadors use weekly meetings to prepare Council decision-making (117 times in 2018; European Parliament 2019b); they also coordinate activities related to joint legislation with the European Parliament. As a 'veritable decision-making factory', COREPER is a place where many EU decisions are effectively made (Lewis 2017, 344). Its vote is indicative of final Council decisions.

Finally, the Council system also relies on a hundred specialized *working parties*, bringing together delegates from national ministries. The member state holding the rotating Council Presidency chairs the meetings. Attempts are made to prepare decisions and reach an agreement among national governments at the working parties level. In 2018 the 138 working parties met more than 4,300 times (European Parliament 2019b). If agreement is not possible, problems are 'uploaded' to the next higher level. Agreed upon items are formally adopted by the Council of the EU as 'A items.' The ministers themselves only debate and vote on 'B Items', when no agreement has been secured at lower levels or when a member state requests discussion. The Council is officially responsible for all decisions, no matter at which level and in which configuration they were taken. Council working parties and COREPER rely on the same decision-making rules used in ministerial meetings. Voting rarely occurs in the preparatory bodies or COREPER; consensus and deliberative culture usually prevail (Puetter 2007, 2014).

The Councils cultivate strong *relations with other EU institutions*. EUCO nominates and elects candidates for select leadership posts: e.g. the European Central Bank and European Commission presidents, and the High Representative of the Union for Foreign Affairs and Security Policy. The latter participates in EUCO meetings. The first two High Representatives were women, Catherine Ashton (2009–2014) and Federica Mogherini (2014–2019), followed by Josep Borrell as of 2019. In other cases, e.g. international trade policy, the Council extends a mandate to the Commission, which represents the Union and negotiates treaties on its behalf. Both the Council and its preparatory bodies actively engage with the Commission; their working parties are interlinked via 'comitology', that is committees consisting of national and Commission delegates that prepare and implement EU legal acts. The Council now shares most legislative competencies with the European Parliament. Most legislation is adopted under the Ordinary Legislative Procedure (OLP) combined with 'trilogues' i.e. inter-institutional negotiations between Council, European Parliament and Commission.

Gendering mainstream research on the Council system

The main topics dominating Council research, along with its 'dark corners' merit re-inspection employing a gender lens. EU studies conducted by gender scholars have posed new questions ignored by 'mainstream' researchers. One crucial issue pertains to *agency* and the ways in which a dearth of women in the Council system undermines gender-democratic representation in terms of styles, power and policies.

Fiona Hayes-Renshaw and Helen Wallace (2006) published the first comprehensive account of the Council in 1997. By then intergovernmentalism had become the 'baseline theory' (Moravcsik and Schimmelfennig 2019, 64; Naurin 2018) for Council research. Its origins owe to high politics, i.e. constitutional issues. Work on ground-breaking policies and budgetary issues in the 1960s inspired Hoffmann's classic conceptualization in 1966; Moravcsik's (1998) focus on the 1992 Maastricht Treaty gave rise to liberal intergovernmentalism (LI), while post-Maastricht

developments, especially the Euro crisis or currently the Covid-19 pandemic, saw a shift to new intergovernmentalism (Bickerton et al. 2015; Puetter 2014). LI 'is by far the most frequently used theoretical source' (Naurin 2018, 1527) – and also the most criticized. It is applied not only to the 'grand bargains' of intergovernmental conferences and treaty negotiations but also to everyday low politics. LI proponents claim that state preferences, resulting from international or domestic politics, are decisive for understanding member state behaviour at the EU level. Agreements among national governments result from interstate bargaining, essentially rendering EU institutions 'agents' of their national 'principals.'

From a gender perspective, intergovernmentalism ranks as a 'dinosaur' among European integration theories (van der Vleuten 2016). Even if it appears in different shades, the 'focus on national governments is too limited', although van der Vleuten (2016, 94) argues that it 'could be strengthened further by including feminist agency.' This requires knowledge about *where and how women are actually represented* in the Council system. The Council system is still overwhelmingly male, despite the fact that it is subject to a high degree of personnel turnover, among all configurations (including EPSCO), which affects its role in the legislative process (Perez and Scherpereel 2017; Scherpereel and Perez 2015). Given the large number of member states with average national electoral cycles of four to five years, roughly six to seven national elections per year can potentially redefine the party and gender composition of national governments – and thus bodies comprising the Council system. A rising number of women in the Councils is attributed to women's growing representation in national parliaments. Currently 21 EU member states utilize gender quotas (11 with compulsory legislative quotas), which we would expect to influence the number of female ministers; this is true of their increasing presence in Council of the EU. During the third quarter of 2019, women, on average, held 30% of the senior positions in EU-28 national governments.[1] The Scandinavian countries are the frontrunners reaching (almost) gender parity; yet, others in western and southern Europe have also seen increases (see below). Eight member states qualify as laggards with fewer than 20% female ministers. A growing number of female ministers no longer correlates strongly with left-wing parties – the traditional pattern until 2000; liberal parties are also promoting women in office (Stockemer and Sundström 2018, 668). Eventually, we see governments where female ministers are in fact the majority such as in the current Spanish Social Democratic government under Prime Minister Pedro Sanchez (50% women), or in the French government under President Emmanuel Macron (53%). Both leaders made parity part of their progressive agenda. Conservative-dominated governments under German Chancellor Merkel also raised the number of female ministers; 44% of her cabinet post (including her own) are held by women. In the new conservative–green government in Austria (March 2020) women hold 53% of ministerial post, including a female minister for EU affairs who is a GAC member. Often changes in government bring in more female ministers (Stockemer and Sundström 2018), reflecting greater electoral volatility, growing fragmentation in party systems and difficulties in coalition-building. More women in power at the national level brings more women ministers into the Council. While women were usually assigned to 'gendered' portfolios in the past, more are now being assigned to formerly 'male' portfolios, mirrored in the sectoral councils (for assignment patterns see Annesley et al. 2019). In 2019, five of 28 EU defence ministers are currently women (Denmark, France, Germany, Netherlands and Spain), though only two (from Bulgaria and Sweden) hold seats in the FAC. Among the different Council configuration women's representation ranges between 21% (ECOFIN) and 38% (EYCS) and varies strongly among member states (European Parliament 2019b, 6).

Gender imbalance is much more prevalent in the EUCO. While 'women have made important strides in attaining executive office in Europe', as presidents and prime ministers, the 'durable glass ceiling' persists (Jalalzai 2014, 591). Currently (December 2020), EUCO has three female

members: the prime ministers of Denmark and Finland as well as the German Chancellor (www.consilium.europa.eu/en/european-council/members/). Germany offers something of an exceptional case: Holding office since 2005, Angela Merkel is the longest serving head of a European government and certainly an influential leader (Mushaben 2017). Other Council bodies remain male-dominated. The General Secretariat employs almost 3,000 people as officials or as temporary staff delegated by the member states (September 2019); although 59% of the GSC staff is female, women occupy only one-third of the senior and middle management positions (www.consilium.europa.eu/en/general-secretariat/staff-budget/). They are overrepresented among assistants, secretaries and in the translation service.

The national diplomatic corps in Brussel was all-male for a long time until in 1995 the first woman was appointed to COREPER I (Hayes-Renshaw and Wallace 2006, 74–75). In fact, it is still very male today with about 20% of women among the member state ambassadors. It is difficult to obtain reliable membership information for numerous Council committees and working parties, due to constant change. These bodies, along with national representatives' networks, engage in highly political, not just technical work (e.g. the Advisory Committee on Equal Opportunities), necessitating further research (Ahrens 2018, 56).

While descriptive gender representation matters, a key dimension of gender studies, one cannot assume a direct impact on substantive representation, i.e. how gender equality concerns are incorporated into actual policies. The lack of a formal gender equality council per se is problematic. Yet, informal meetings are frequently organized. Despite changes in the gender and party composition of Council bodies, Council negotiations evince a high degree of policy continuity. Differences among national gender regimes can affect the internal dynamics and legislative decision-making in the Council system, e.g., in shaping a Polish or Swedish presidency.

Representing national preferences, the Council responds not only to economic interests, but also to social practices and normative beliefs. National gender regimes, norms and traditions (see von Wahl in this volume) make a difference, influencing governments' position and strategies regarding equality policies. Gender ideologies shape national welfare state models, with consequences for implementation back home. The 2019 Gender Equality Index, developed by the European Institute for Gender Equality (EIGE; see Jacquot and Krizsán in this volume), gives Sweden a score of 83.2, compared to Greece and Hungary with a score of 51 (https://eige. europa.eu/gender-equality-index/2019).

Another focus of mainstream research, the internal working of the Councils, ignores its impact on the making of gender equality policy. Power imbalances between large and small, old and new, west and east, north and south contribute to a complex system of relative power sharing (Thomson 2010), which affects coalition-building, consensus-formation, voting behaviour, the speed of decision-making speed and the role of veto-players. The Council remains a highly complex 'consensus machine', relying on formal as well as informal rules (see MacRae and Weiner in this volume). Although QMV is legally prescribed, consensual decision-making still dominates. From a rationalist perspective, national governments do not want to find themselves in a (defeatable) minority position; they prefer compromises that keep them part of the majority.

Constructivist interpretations emphasize the 'culture of consensus' developed and internalized by national institutions. Actual voting was sooner the exception than the rule exception (Hayes-Renshaw et al. 2006; Warntjen 2010) – and remains so today. A rising number of right-wing populist governments, however, triggers more ideological conflicts over gender equality beyond an economic framing of equality. The EU accession to the Council of Europe's 'Convention on preventing and combating violence against women and domestic violence' (Istanbul Convention), for example, is still blocked (December 2020) by several member states, which resist gender concepts countering their traditional views on the family.

The Council's preparatory bodies have been covered in mainstream research, albeit without a gender lens. National representatives at different levels, such as COREPER (Lewis 2017), committees and working parties (Beyers and Dierickx 1998) – and the Council itself – regularly adhere to social norms and follow a logic of appropriateness. COREPER, for instance, constitutes a 'dense normative environment' (Lewis 2017, 347), in which 'thick trust', fostered by long tenure, leads to the development of a 'club' following its own rules. Many scholars emphasize the strong effect of 'EU socialization' among these, despite differences in the conditions for cooperative negotiations (Lewis 2010).

'Rather than constituting faithful voices of domestic political equilibria, Brussels negotiators may be vulnerable to the influence of socialization, persuasion and informal norms inherent to the negotiation "environment", possibly deriding (sic) them from the path determined in the domestic political game.'

(Naurin 2018, 1530)

How might this play out with regard to gender equality policies? Given the Council's key legislative tasks, relations to the European Parliament are especially important. Both seek leverage over the balance of power between them, yet, 'day-to-day decision-making is … characterized by a high level of consensus … also between the institutions' (Mühlböck and Rittberger 2015, 3). The European Parliament is considered a 'champion' of gender equality; studies attest that, in contrast to the European Parliament, the Council continues to offer a difficult environment for adopting gender equality policies at the EU level as well as for effective implementation at the national level. National filters, referred to as the 'needle's eye' (Ostner and Lewis 1995) or 'policy hinterland' (Mazey 1998) have a restrictive effect; this implies that exogenous, domestic preferences dominate EU politics (a key LI argument). In the 1980s and 1990s, however, the Council did adopt ten directives advancing gender equality, which had a tremendous effect in 'Europeanizing' national policies (see chapters by von Wahl, Forest and Millner in this volume).

Northern enlargement in 1995 was a game changer, thanks to progressive, social-democratic gender regimes in Sweden and Finland. This led to the 'revolutionary' inclusion of gender mainstreaming in the 1996 Amsterdam Treaty (Lomazzi and Crespi 2019). One needs 'to look at issue-specific actor constellations in order to explain agenda-setting and the adoption of or resistance to gender equality policies'; these, in turn, are 'shaped by the institutional setting (intergovernmental or supranational decision-making structures) and the underlying power relations' which are also gendered (van der Vleuten 2016, 94). Member state preferences not only derive from domestic politics; the EU context has its own impact, coupled with Council party politics (Hagemann and Hoyland 2008; Tallberg and Johansson 2008). Political parties' responsiveness to gender equality vary, although centre-left parties tend to be more sensitive than centre-right or right-wing populist parties (see Ahrens and Rolandsen Agustín (Party politics) in this volume).

Gender research focuses primarily, though not exclusively on social policy, a domain in which the Council shares legislative competencies with the European Parliament. Council positions depend on multiple factors, including national gender regimes. Strong, neoliberal trends shaping EU politics often invoke strong resistance against gender equality and anti-discrimination directives, which allegedly generate costly public expenditures and bureaucratic burdens for the economy. In 2008 the Commission proposed a directive aimed at extending protection against discrimination by applying 'equal treatment' outside the labour market; it failed to secure consensus in the Council. The global financial crisis intensified resistance against social policy; economic issues were prioritized, and gender equality was dismissed as too expensive (Ahrens 2018, 59). Gender equality, anti-discrimination and even violence against women are often framed in

terms of improving women's labour market integration, rather than as human rights violations. Although this framing is often criticized (Walby and Olive 2014;Young 2000), it has allowed for the adoption of hard law, despite strong resistance.[2]

The Council is not limited to hard legislation; it also adopts non-legislative resolutions, conclusions and decisions on gender equality, including the medium-term action programmes on equal opportunities for women and men in the 1990s, and its 2001 decision on the framework strategy on gender equality strategy (Ahrens 2018, 51, 57). As part of the Europe 2020 Strategy, the Council adopted a European Pact for Gender Equality (2011–2020) in March 2011, to encourage action at national level (Lomazzi and Crespi 2019, 41). EPSCO is the Council configuration most concerned with gender equality, although the latter entails more than social policy. Gender mainstreaming mandates that gender concerns should be addressed across *all* policy domains, yet certain policy sectors are immune to gender concerns, as empirical studies demonstrate (see policy chapters in this volume).

Missing are studies assessing which member states oppose gender equality policies, their reasons for doing so, and the conditions that might change their preferences. Researchers have neglected legislative patterns in the EPSCO (or other Council formations), investigating whether gender parity has an impact. Does the gender of officials influence their interests and, if so, how might gender imbalance influence 'the way in which negotiations are conducted as well as their outcomes' (van derVleuten 2016, 87). Early research on gender differences in international negotiations has uncovered surprising results regarding the impact of gender stereotyping. Studying EU diplomats, Naurin et al. (2019) determined unconscious gender interactions can produce 'chivalry patterns', rendering male negotiators more inclined to yield to demands of female counterparts. Gender mainstreaming also requires us to investigate other Council formations and bodies in the Council system regarding gendered patterns of deliberation and negotiation. Now that a majority of EU policies fall under the OLP, trilogue interactions between the Council and the European Parliament, mediated by the Commission also harbour gender consequences, as Mushaben (2019) argues.

Another key issue is *leadership* in an increasingly heterogeneous Union. Hoffmann's classical account of intergovernmentalism highlighted a need to analyze the quality of leadership early on. Although histories of European integration frequently reference key leaders like 'the founding fathers', this approach is less common in political science. Exceptions include 'grand decisions' by Jacques Delors (over the internal market) or Helmut Kohl (monetary union). Ongoing crises have raised new leadership questions, e.g. regarding Chancellor Merkel's performance during the Euro-crisis (Mushaben 2017, 161–211; Schoeller 2018).Van der Vleuten (2016, 94) suggest that a leadership focus 'would open up the possibility of examining the role of gender when more women are in power at the highest levels', for example, in the Council of Ministers and European Council. Positional leadership is one dimension, while the behavioural approach poses the questions: Does gender matter (Müller and Tömmel forthcoming, Sykes 2014,Tömmel 2013)? How has Merkel's leadership style shaped her policy decisions (Mushaben 2017)? Does her performance differ from that of Scandinavian and east European heads of state or government?

Council *presidencies* also provide fertile ground for gendering leadership research, given presidential bargaining power and their broker-role among member states (Tallberg 2010;Tömmel 2017).Who places gender equality makes on the Council agenda, how and why? Pioneering Scandinavians have used the presidency for fostering gender equality. Assuming the presidency for the first time in 1999, Finland encouraged debate on member state implementation of gender mainstreaming in national employment programmes, and prepared to monitor outcomes regarding the progress report of Beijing World Conference on Women (Beijing+5). During

its second rotation (2006), Finland focussed on family policy, work–family reconciliation and equality. The third Finnish presidency (2019) focused heavily on labour market issues, emphasizing the need for a gender equality strategy that combined mainstreaming, specific actions and gender budgeting. Finland drafted a related Council conclusion adopted by the EPSCO Council in December 2019. Sweden focussed during its first presidency in 2001 on labour market integration, in 2009 on better protection against gender-based discrimination. The 2012 Danish presidency highlighted women's underrepresentation on company boards, gender equality in education, violence against women, and commissioned a report on gender and climate change (see Allwood in this volume).

Others have also stressed gender equality, such as Ireland (2013), Lithuania (2013), Italy (2014), Luxembourg (2015), Malta (2017), Austria (2018), Romania (2019) and Germany (2020; see Abels 2020). Labour market discrimination and violence against women are common themes. The Belgian presidency in 2001 was the first to put gender budgeting on the agenda; a theme taken up by the 2019 Finnish presidency. In 2018, the Austrian presidency convened informal meetings of gender equality ministers (under EPSCO auspices) as an ad hoc substitute for the lack of a permanent Gender Equality Council. These presidencies' agenda-setting and framing processes merit further study.

Future perspectives

Despite a growing body of research on the Council system, few scholars have applied a gender lens. Experts have analyzed the Council's legislator role with regard to gender equality and anti-discrimination policies, but not the 'gendering' of the Council system per se. Three dimensions offer particularly fertile ground for future research: a focus on women's agency, treatments of the diverse and subtle dimensions of power; and the democratic quality of EU governance.

For starters, researchers need to broaden their *epistemological and theoretical perspectives on the Council*, beyond intergovernmentalism and its critique. EU gender scholars have never been fond of intergovernmentalism, characterized as a 'dinosaur' still roaming the landscape of European integration theory. Given its state-centric and rationalist axioms, intergovernmentalism essentially 'reproduces existing gender relations' (Kronsell 2005, 1025), though it can be a helpful heuristic tool, if domestic social relations serve as a 'starting point' (Galligan 2019, 183). Gender scholars need to scrutinize its 'baseline' as to who and what is included/excluded. This calls for exploring women's agency, gendered power structures and domestic preference formation. Governments do respond to public opinion with their Council voting behaviour when the issues are especially salient (Hagemann et al. 2017), but what creates saliency? Eurobarometer data attest to strong support for gender equality among national publics; the question is, how this might be reflected in Council negotiations.

Just as understanding EU complexity requires multiple theoretical approaches, there can be no single gender integration theory (Abels and MacRae 2016). Scholars need to utilize a broad range of theories, including neo-institutionalism, social constructivism and other critical approaches (Stivachtis et al. 2020), which pinpoint factors shaping government preferences on gender policies. Considering the Commission and the European Parliament as equality advocates, pushing strong '"constitutional" advocacy of gender equality' (Galligan 2019, 177), questioning the 'logic of appropriateness' and existing socialization effects: these approaches could work in favour of gender equality. However, norm-based advocacy is 'conditional', as Galligan (2019, 177) argues: policy domains bearing directly on gender equality (e.g. family law, social protection) 'are subject to the unanimous decision-making rule in the Council – a higher bar than is required in other policy areas.'

The rise of right-wing populism in many member states challenges gender policies and gender mainstreaming, in line with post-functionalism (Hooghe and Marks 2009) and growing politicization (Kriesi 2016), because it espouses traditional gender ideologies and identities (see Siim and Fiig in this volume). These changes influence EU negotiations, as shown by the debate over EU accession to the Istanbul Convention. This legally binding instrument to combat violence against women has been blocked by Bulgaria, Czech Republic, Hungary, Latvia and Lithuania, whose governments defend the family as a 'protected sphere', rather than as a potential realm of domestic violence, and who oppose the concept of gender as such.

Furthermore, while there is a growing knowledge base regarding the Councils' *internal operations*, researchers need to consider the potential impact of gender representation on negotiations, including existing imbalances and stereotyping effects. Preliminary evidence (Naurin et al. 2019) suggests a need to extend our investigations to other 'dark corners.' The role of the Council Presidency also requires further scrutiny.

In addition, there is a further need to study women and gender in relation to *executive leadership*. Gender parity with respect to top EU positions first became a central topic of discussion following the 2019 European Parliament elections (de La Baume and Bayer 2019). Indeed, the EU recently elected its first female Commission President, Ursula von der Leyen; Council members also chose the first female President of the European Central Bank, Christine Lagarde. Both pledged to place equality high on their agenda; as a first step, von der Leyen has deliberately set out to ensure gender parity in constituting the new Commission itself (see Hartlapp et al. in this volume). These Commissioners, in turn will have to work closely with the two Councils, invoking research on their potential impact on EU governance.

Finally, the *relations* among the Councils, Council Presidencies and/or select national governments as well as with the European Parliament, and widely ignored external stakeholders, need to be researched. Many EU gender studies are policy-driven and, thus, investigate the complex EU policy process, while others emphasize civil society involvement and the role of women's and LGBT movements. Efforts by civil society organizations to lobby the Councils have not been thoroughly examined nor has lobbying by member states, with regard to the changing Council Presidencies, for example (Panke 2012). The recently established Women's European Council (WEUCO) functions as an informal European summit convened before European Council's meetings 'to commit women leaders and civil society towards a renewed vision of European Union' (http://europeanwomenalliance.eu/weuco/). WEUCO brings together European Parliament delegates, Commissioners and individuals representing the rotating Council Presidency, to generate 'concrete proposals and undertake actions to change European public policies through a gender perspective' (http://europeanwomenalliance.eu/weuco/). This initiative could also prove worthy of researching, given its effort to tackle the democratic deficit and increase the responsiveness of the Councils by linking EU institutions and civil society. It would allow us to widen the policy scope beyond rather narrowly defined equality policies to gender mainstreaming at large.

Gender scholars agree that political institutions are never gender-neutral; this would also apply to the Councils and the Council system. Studies along these lines would count as a step in lifting the curtain of ignorance with regard to EU operations not easily accessible to informed publics. Efforts to unveiling the gendered nature of the Council are still in their infancy, but they should be recognized as an urgent task in relation to our respective research agendas.

Notes

1   See https://eige.europa.eu/gender-statistics/dgs/browse/wmidm/wmidm_pol/wmidm_pol_gov. For more detailed data on development over time see EIGE's Gender Statistics Database on women and

men in decision-making: https://eige.europa.eu/gender-statistics/dgs; https://eige.europa.eu/gender-equality-index/2019/domain/power

2   After years of legislative inaction, and intense negotiation, the Council approved the directive on work-life balance for parents and care-givers (2019/1158/EU) in May 2019. Member states must implement it by 2022, to narrow the gender employment gap.

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