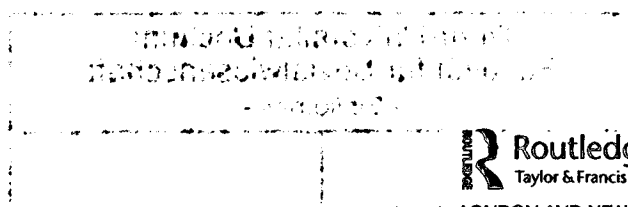

The Routledge Handbook of Gender and EU Politics

*Edited by Gabriele Abels, Andrea Krizsán,
Heather MacRae and Anna van der Vleuten*



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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

Abbreviations and acronyms

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

Abbreviations and acronyms

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

Gender equality and the European Commission

Miriam Hartlapp, Henriette Müller and Ingeborg Tömmel

The European Commission (Commission) is one of the core institutions of the EU political system. It is headed by a president and 26 Commissioners (one for each member state) and structured into a number of services employing around 32,000 officials. The Commission interacts with other EU institutions and governments and administrations of the member states in decision-making and policy implementation. It holds a quasi-monopoly on the proposal of legislation and acts as a powerful agenda-setter. Furthermore, the Commission is endowed with monitoring and enforcement powers to ensure the implementation of commonly agreed mandates. These roles render the Commission a central actor in shaping the course and substance of European integration.

Within this broad spectrum of functions and responsibilities, the Commission has played a role in setting up, expanding and, more recently, limited updating of gender equality policies, both at European and member state levels and within its own ranks (Ahrens 2019; Jacquot 2015). Its activities in these realms have often been impelled by advocacy and pressure from internal as well as external actors – notably the European Parliament, women’s lobbies, and the women’s movement more broadly. This has resulted in the establishment of basic principles of gender equality at the European level, in the heightened awareness and development of policy tools for counteracting sex discrimination across the Union, and in transforming the Commission from a male-dominated into a more gender-balanced institution.

There is a rich literature of studies and critical commentary on the Commission’s actions in the realm of gender equality, with focal points typically encompassing legislative initiatives, policy developments, implementation strategies, and the impact of legislation. By contrast, research on women’s participation and representation in the Commission and the agency of its leading female Commissioners, managers, and civil servants has been very scarce.

Against this background, this chapter pursues four aims. First, it analyzes the development and current state of gender equality in the Commission. It explores how the increase in women’s participation and representation has altered the Commission’s organizational structure. Second, the chapter focuses on the Commission’s record in fostering gender equality through governance modes and policy tools. It shows the Commission’s commitment, but also the manifold constraints it faces to proactive policy-making and implementation. Third, the chapter provides an overview of the policies and regulations that the Commission has adopted to improve gender

equality within its own ranks. It highlights the Commission's successes and setbacks in gradually transforming its own institutional structure. Fourth, the chapter examines the question of agency in the enhancement of gender equality policies both within the Commission and across the EU. Here, we explore the Commission's gender strategy in the context of interinstitutional dynamics and constraints, as well as pressures from civil society actors.

We conclude that the Commission, when pressured by other actors and institutions, has shown a strong commitment to gender equality. However, when pressures are weak or member state resistance strong, the Commission's engagement has been reduced to the expression of noble policy objectives.

The state of gender equality in the European Commission

With its dual role as agenda-setter and guardian of the treaties, the Commission has political and administrative roles. The Commissioners and the President constitute the political apex. They give political guidance to their portfolios and take all decisions on Commission affairs collectively. The administrative level consists of the Directorates-General (DGs), also called the services, which bear responsibility for the individual portfolios. Each DG is headed by a Director-General.

To date, a total of 63 women have held top-level positions of Directors-General and Commissioners in the Commission. Beginning with just two women working at the upper echelons of the Commission in the late 1980s, the number has increased to 24 in the von der Leyen Commission (December 2019). The share of women working in the administrative staff has increased as well. This increase in women's participation and representation has altered the organizational makeup of the Commission in its College and the DGs over time and across sectors.¹ For the analysis, we differentiate by term in office (not individual) and for each legislature separately, since Commissioners may be appointed for more than one term, either on the same portfolio or on different ones. This is quite typical for Directors-General, too. We also distinguish between the different leadership positions the individuals occupy in the Commission, i.e. Commissioners (political level) versus Directors-General (administrative level). The characteristics of women in these positions are likely to differ, not least because they enter the Commission via different career paths.

Figure 11.1 shows that in the first 35 years of integration no women achieved top-level positions, but since the Delors II Commission (1989–1993) more and more women have ascended to those ranks.

Looking at women in political positions, we see that they first entered the Commission as members of the Delors II College. In 1989, Vasso Papandreou from Greece became Commissioner for Employment and Social Affairs, and Christiane Scrivener from France became Commissioner for Tax Policy. There were five female Commissioners under Santer and Prodi, eight and ten under Barroso I and Barroso II respectively, nine under Juncker, and 12 under von der Leyen. Research assumes that women may exert more influence to put issues on the political agenda or to shape discourse and decision-making dynamics once they reach a critical mass of roughly 30% (Childs and Krook 2008). This threshold was first reached under Prodi (35%) and Barroso II (37%), as well as under Juncker (32%). Since then, female empowerment at the political top of the Commission gained traction again and reached near-parity under von der Leyen (44%).

We can link these developments to changes in the appointment process of Commissioners, who are proposed by their national governments and approved by the European Parliament. Over time, the power of national governments in this process has been constrained, rendering it more

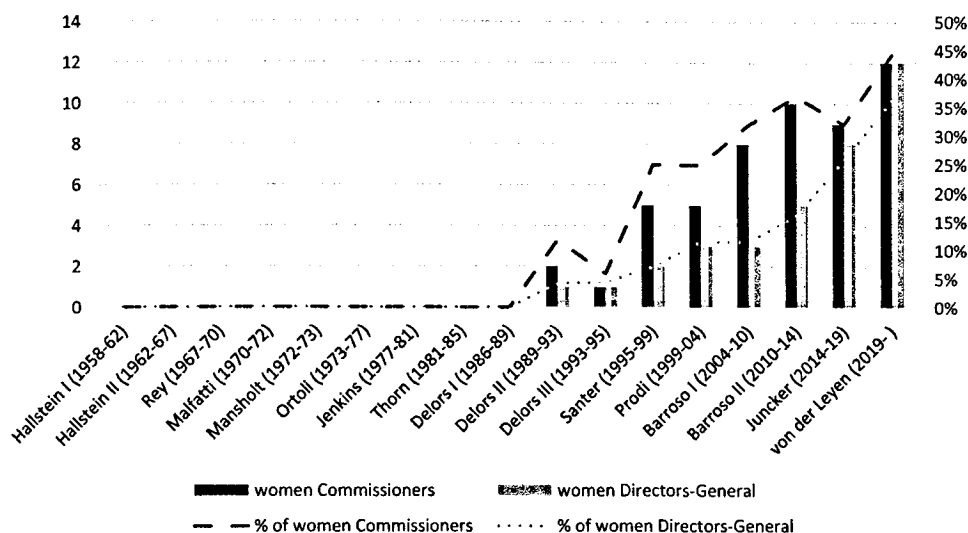


Figure 11.1 Women at the top of the Commission, 1958–2020

Source: authors' analysis, women's terms with $N = 87$, 52 women Commissioners and 35 women Directors-General including double entries of persons serving in more than one Commission (as per June 2020).

difficult to appoint men only. First, votes on the Commission President and the new College of Commissioners moved from unanimity to majority decisions in the European Council and the Council. Second, in 1995 the Parliament empowered itself to scrutinize individual candidates in hearings (Wonka 2007, 169–189). Third, largely as a consequence of those hearings, the selection process has become much more publicly visible. This has allowed the Commission President and the European Parliament to be more demanding of member states to put forward candidates that meet their criteria, facilitating the quest for more female candidates.

Commission President Prodi is reported to have been the first incumbent who, “understanding at least the rhetoric of balanced participation ... explicitly encouraged member states to put forward women's names for consideration to the College of Commissioners” (MacRae 2012, 310). Public debate about gender balance in the top EU jobs has further increased with the *Spitzenkandidaten* process, first employed in the European elections of 2014.

Women's representation has also been on the rise in the Commission's top administrative positions. However, here the trend set in later and, until recently, remained much less robust. Shortly after the appointment of the first female Commissioners, Colette Flesch from Luxembourg followed as the first female Director-General. Heading the DG for Communication on the administrative side, she remained the only female Director-General under Delors III; the number of female DG heads subsequently grew, more or less steadily, to three (Prodi), five (Barroso II), eight (Juncker) and now 12 (von der Leyen).

Historically, national networks and national quotas had been crucial to the appointment of individuals to the Commission's administrative top positions. Officials were sometimes “parachuted” into the services by their national governments without having worked in the EU before. For much of the integration process this seems to have benefited men more than women. Following the alleged mismanagement and resignation of the Santer Commission in 1999, the career system in the Commission underwent important changes. Administrative careers in the

body are now much more merit-based (Bauer 2008), and there are many more women in top-level positions. The share of female Directors-General has increased from a little less than 3% under Delors II to 40% today. In particular, the Barroso and Juncker Commissions continuously advanced the share of female administrative leaders.

The Commission's administrative base has also become more gender balanced, although internal differences persist. Schmidt (2005, 197) shows that between 1984 and 2000 female staff increases were most pronounced at the D level (qualified workers) and LA level (heads of linguistic units, interpreters, and translators). The composition of the C grade (secretaries), comprising around 80% of the Commission's female staff, hardly changed. The B level (principal assistants) remained stable as well (between 38% and 40% women). In contrast, female representation at the A level grew from almost 10% in 1984 to about 21% in 2000 (Schmidt 2005, 198). Between 2008 and 2014, female representation continued to grow, from 21% to 28% in senior management, from 20% to 31% in middle management, and from 40% to 44% in non-management positions (Connelly and Kassim 2017, 19). Overall, despite the increased access to management positions, women comprise a much greater share of work as secretaries, translators, and interpreters than men. Women's relative gains in management positions have largely been at the lower ranks and they still tend to only slowly work their way up through the Commission hierarchy.²

Regarding sectoral distribution, the majority of portfolios have been headed by women at the political and/or administrative level for at least some amount of time. Exceptions are the DGs for Economic and Financial Affairs, and for Enlargement. Counting each Commission term in which a female Commissioner or a female Director-General presided over a DG, the number of women has been highest in the areas of Education (seven terms), Health and Safety and Justice (six terms each) as well as in the European External Action Service (five terms) – indeed, Justice and the External Action Service have now been led by women on both the political and administrative sides for three or more successive terms. The three DGs of Communication, and Budget (five terms each) also stand out as relatively “female” portfolios.

Concentration of women leaders in conventionally “female” portfolios such as social welfare and education is typical at the national level, too (Goddard 2018). Yet, in contrast to the national level, women in the Commission seem to be more likely to work in budget, foreign affairs, competition, and justice. For these traditionally “male” portfolios, women's empowerment seems to have been driven by political decisions, while on the administrative side, female Directors-General were more often nominated for “female” portfolios. This points to the differences in the career paths of Commissioners and Directors-General. While a powerful member state may be eager to push high-ranking politicians into important portfolios – including women if this increases its chances of securing desired posts – Directors-General typically are recruited to the Commission at earlier stages of their career and work their way up through the administration. On this path, they are likely to end up in portfolios that are perceived as dealing with “women's issues,” perhaps due to self-selection as well as internal promotion logics.

In sum, while the data indicate the growth of female empowerment in the Commission, the rise of women into leadership positions has been slow. At the political level, it started earlier; in top administrative positions, a “critical mass” of women has been reached only recently. Today, the Commission is approaching parity, with 44% (political) and 36% (administration) women in the top posts. These numbers may well increase further under President Ursula von der Leyen, who, upon assumption of her office, strongly urged member states to nominate female Commissioners. While the Commission's agency has been constrained by member states' political interests, other actors and institutions, in particular the European Parliament, have pushed and pulled for female empowerment, as we will see below.

Gendering EU policies

Despite its mainly male top-level composition, the Commission embarked early on policy initiatives aimed at fostering gender equality in the European Community/Union. Starting in the mid-1970s, the Commission's activities in promoting gender equality evolved in three phases: the first focused exclusively on policy-making in the workplace, with the initiation of European legislation to ensure equal pay for men and women; the second widened the perspective to the societal position of women, in which gender-mainstreaming constituted the main policy approach to foster gender equality across a broad set of policy areas; and the third took all forms of discrimination into account, while gender inequalities were addressed mainly through the updating of prior commitments and heightened attention to implementation deficits (for a similar distinction of phases, see also Jacquot 2015 and Solanke in this volume).

Phase one: fostering equal pay for men and women

In the mid-1970s, in the context of the increased commitment by the then European Community (EC) to complement economic integration with social policy, the issue of equal pay for men and women reached the legislative agenda (Mazey 1988). Referring to a provision in the EEC Treaty of 1957 that stipulated equal pay for men and women for equal work (Article 119; now Article 157 TFEU), the Commission proposed a series of directives to enforce various aspects of the general rule. Over the course of two decades, this resulted in the adoption of six directives at European level.

The Equal Pay Directive (75/117/EEC) mainly regulated equal pay for men and women for work of equal value. The Equal Treatment Directive (76/207/EEC) mandated that men and women be treated equally “with respect to access to employment, training and promotion, and working conditions” (Kantola 2010, 34). Furthermore, it “ruled out all forms of direct and indirect discrimination on grounds of sex, particularly to reference of marital or family status” (Ostner 2000, 28). The Social Security Directive (79/7/EEC) covered all aspects of social security payments, “providing protection against the risks of sickness, invalidity, accidents at work, occupational diseases and unemployment” (Mazey 1988, 69). The Occupational Pensions Schemes Directive (86/378/EEC) applied these principles to pension schemes, while the Equal Treatment Directive for the Self-Employed (86/613/EEC) expanded the rules to other social security schemes (Ostner 2000, 28). Finally, the Pregnant Workers Directive (92/85/EEC) ensured protections for expectant mothers as well as workers who had recently given birth (Falkner et al. 2005, 73–77). Beginning in 1982, the Commission also initiated a series of multi-annual action programs, aimed at fostering additional legislative acts and complementing them with measures of positive action (Hoskyns 2000; Mazey 1998; Reinalda 1992). Other proposals for directives launched by the Commission during those years (concerning part-time work, atypical work, and parental leave) were rejected by the Council (Mazey 1988, 76–77). Nevertheless, the six directives as well as the action programs were important steps in the establishment of a gender policy at the European level, especially since at the time these regulations and measures by far transcended those of most member states.

According to many scholars, however, the directives focused too narrowly on the workplace and ignored women's overall position in society. Furthermore, they changed the situation of working women by law, but not in substance (MacRae 2010). As Mazey (1988, 63) states: “In short, the socio-structural causes of sex discrimination lie beyond the reach of existing Equality Directives.”

Phase two: broadening the perspective through gender mainstreaming

In the mid-1990s, the Commission introduced the gender mainstreaming approach as a means to raise attention to sex discrimination across the whole policy spectrum at both the European and member state levels, marking the beginning of the second phase. This change in direction – or even “paradigm shift” (Ostner 2000, 34) – was induced by the Commission’s concern about labor shortages. Accordingly, the Commission aimed to improve women’s access to the labor market by removing some of the manifold barriers, such as the lack of childcare facilities (Jenson 2008).

In 1996, the Commission officially launched gender mainstreaming, defining its foundation as “the systematic consideration of the differences between the conditions, situations and needs of women and men in all Community policies and actions” (COM(1996)67 final, 5). It identified six areas for future action; among these, employment and the labor market figured most prominently (COM(1996)67 final, 6–10). Furthermore, it envisaged mobilizing political and financial support through the Structural Funds (COM(1996)67 final, 15–20). The Action Program 4, also launched in 1996, used mainstreaming as its “main organizing principle” (Hoskyns 2000, 53). The Amsterdam Treaty (adopted in 1997) further underpinned the Union’s commitment to a gendered policy by promoting “throughout the Community ... equality between men and women” (Article 2 TEC, now Article 8 TFEU) and listing a broad set of policy areas where this principle had to be applied (Article 3(2) TEC, now Article 8 TFEU).

The gender mainstreaming approach rested on so-called new modes of governance, that is, steering instruments not reliant on legislation. It encompassed a broad set of nonbinding measures such as raising awareness, providing information, stimulating the commitment and cooperation of the actors actually involved into policy-making, coordinating their performance, and monitoring policy progress (Ahrens 2019; Jacquot 2010; Mazey 2002; Woodward 2012, 96).

During this phase, the Commission also continued to launch legislative initiatives, although success was limited by fierce opposition from national governments. Directives on part-time work, atypical work, and parental leave were subsequently adopted via the European Social Dialogue. This procedure, introduced with the Treaty of Maastricht, allows the social partners – employers’ and workers’ representatives – to negotiate legislative texts, while the Council only formally adopts the results of those negotiations (Falkner et al. 2005, 142–144, 161–164). Furthermore, the Commission succeeded in pushing through a general framework directive for equal treatment in employment and occupation (2000/78/EC) and for equal treatment of men and women regarding the access to and supply of goods and services (2004/113/EC).

The rich literature on the second phase mainly focuses on the gender mainstreaming approach. Scholars have criticized the voluntary approach (Abels and Mushaben 2012), the lack of appropriate incentives (Hafner-Burton and Pollack 2009), and the huge differences in implementation between various policy areas and sectors of intervention as well as member states (e.g. Mergaert and Lombardo 2014). Overall, the second phase was characterized by an anti-discrimination policy going beyond the focus on the employment relationship that had characterized the first phase. New initiatives, however, mostly took the form of soft measures, resulting in a dilution of the Commission’s innovative policy approach and protracted implementation.

Phase three: focusing on wider aspects of discrimination and updating earlier gender equality policies

From 2005 onwards, the Commission once more changed direction by no longer focusing exclusively on gender inequality, but increasingly on broader and more differentiated grounds of

discrimination. Starting with race, it soon expanded its anti-discrimination policies to a broad spectrum of “other disadvantaged groups and minorities” groups.

In terms of concrete gender measures, the Commission replaced the action programs, first by a Roadmap for Equality (2006–2010), followed by a Strategy for Equality between Women and Men (2010–2015), and finally by a Strategic Engagement for Gender Equality (2016–2019) (Ahrens 2019, 58–61; SWD(2015)278 final; Woodward 2012, 100). In 2010, it also adopted a charter for women’s rights (COM(2010)78 final). The most recent Strategic Engagement issued by the Juncker Commission is not an official Communication, but only a staff working document, which “might mean the end of gender equality programmes as a policy instrument” (Ahrens 2019, 61). Much like in the second phase, the most prominent objective of all these documents remained increasing female participation in the labor market. Additional objectives included equal pay for work of equal value, equality in decision-making, ending gender-based violence, and promoting gender equality beyond the EU (SWD(2015)278 final). The Commission’s commitment also became apparent in a number of other steps. The Commission updated and revised existing directives, such as ones addressing the equal treatment of men and women in matters of employment and occupation (2006/54/EC), self-employment (2010/41/EC), and work-life balance for parents and carers (2019/1158/EC). More ambitious legal initiatives advanced by the Commission with potentially higher implementation costs (e.g. the Anti-Discrimination Framework Directive) were, however, blocked by member states. In short, while the Commission updated the policy objectives of earlier phases, it proposed few if any successful new initiatives.

Unsurprisingly, the Commission formulated the corresponding policy tools in vague terms, that is predominantly in the form of intentions and purposes. The Strategic Engagement for Gender Equality, for instance, mentioned as concrete measures: “continuing to support”; “continue to collect and disseminate further data”; “consider measures”; “provide guidance to the Member States”; and “reach the target” (SWD(2015)278 final, 20–33). In sum, the Commission’s recent engagement with gender policy has consisted in coaxing others through weak instruments and vague formulations; in other words, it continues to rely on soft modes of governance.

Feminist scholarly assessments of this phase of the Commission’s gender equality policy are extremely critical. Woodward (2012, 100) argued that “the anti-discrimination framework seems like a step backward for gender.” Jacquot (2015, 181) saw the Commission’s equality policy as in a state of “progressive dismantling,” and Ahrens (2019, 62) concluded that the Commission intentionally avoided giving legal status to its latest policies, the better to “retain the power to design policy instruments that suit its interests.” This perspective, however, might be biased by a focus on gender equality narrowly defined. Others, looking from a broader policy-making perspective and highlighting anti-discrimination directives as scarce examples of hard law-making in the area of EU social policy, argue that the Commission was able to advance the policy field against opposing interests at least in some cases (Hartlapp 2017).

The third phase of the Commission’s gender equality policy is thus characterized by its repositioning within the context of a broader conception of discrimination. In an era of “new intergovernmentalism” (e.g. Bickerton et al. 2015) and extremely heterogeneous member state interests, Commission policy-making on gender issues has been relegated to a prodding role with uncertain impact. It remains to be seen whether and to what extent the new Gender Equality Strategy 2020–2024, initiated by the von der Leyen Commission in March 2020, will be able to change this trend.

Gendering the European Commission

By the end of the 1980s, the Commission had also started to work at improving the gender balance within its own ranks. For this purpose, it defined a set of measures, laid down first in

positive action programs (APs) and, later, in so-called strategies – not to be confused with the APs and strategies directed toward member states. The APs and strategies comprise mainly soft measures and recommendations rather than hard legislation and enforcement. They thus correspond to the new governance approach underlying the Commission's gender equality policy of the second and third phases as described above, and clearly mirror the respective policy shifts. The initiatives presented here contributed to a slow improvement of the gender balance in the Commission's services, as well as their working culture (Schmidt 2005, 48; also see MacRae 2012, 303).

The First Positive Action Programme (1988–1990) and the Second Positive Action Programme (1992–1996) targeted female personnel only (though in the second AP as part of an integrated human resources policy, MEMO/04/46), and aimed at expanding women's career opportunities through vocational training and recruitment, as well as raising awareness of the importance of equal opportunities among officials and staff. As of 1995, the Second Positive Action Programme also set annual targets for the gender composition of the Commission's staff, especially with regard to A-grade posts (SEC(2004)447/5, 4). It also established the Equal Opportunities Unit to evaluate and monitor the progress and implementation of the gender equality measures (Schmidt 2005, 47). As previously mentioned, both APs met with limited success, at least in regard to the Commission's top leadership positions (see also MEMO/04/46).

The Third Action Programme for Equal Opportunities for Women and Men (1997–2000, extended until 2001 and *de facto* until 2003 (SEC(2004)447/5, 4) went hand in hand with the introduction of the gender mainstreaming approach; consequently, the Commission applied this approach to its own administration (SEC(2004)447/5, 6). This meant moving beyond “positive action,” as the Commission's measures no longer exclusively targeted the underrepresented sex, but envisaged more holistic strategies for creating equal opportunities within the institution. The Commission now published annual reports on the progress of gender mainstreaming in each DG (Schmidt 2005, 191), and DG Administration applied stricter oversight of the recruitment of new officials, ensuring, for instance, that female applicants did not face all-male juries (Schmidt 2005, 193). Beginning in 2000, DG Employment and Social Affairs (DG EMPL) included gender mainstreaming in its training courses for directors and heads of units as well as new officials and staff (Schmidt 2005, 201f.). An evaluation of the Third Action Programme by Commission officials and staff, however, revealed mixed results (SEC(2004)447/5). The AP's measures were seen as weak and patchy and the consensus view was that “there has been a serious lack ... in developing information on, awareness of and sensitization to gender equality matters. Inconsistency of implementation and lack of priority are also underlined” (SEC(2004)447/5, 5).

The Fourth Positive Action Programme for Equal Opportunities for Women and Men at the European Commission (2004–08), introduced as part of the Prodi-Kinnock reforms (1999–2005), stipulated that the onus of proof concerning any form of discrimination no longer lay with the accuser but in all cases with the institution (European Commission 2005, 10). The Commission introduced the publication of an annual “gender equality scoreboard” to improve transparency and consistency across the DGs concerning equal opportunity achievements (SEC(2004)447/5, 12), and established a Senior Women's Network “to encourage women in senior management positions to meet and discuss issues of mutual interest on a regular but informal basis” (SEC(2004)447/5, 10). Soft and indirect measures thus continued to characterize the Commission's promotion of gender equality.

With the launch of a new Equal Opportunities Strategy (2010–2014), the Commission slowly shifted the focus from equal gender representation to creating a more inclusive and diverse organization (IP/10/1742, 1). Nevertheless, it aimed to further increase the number of women

in senior and middle management positions and the recruitment of women administrators. In this regard, targets were set for each DG individually (DG Human Resources, IP/10/1742, 1). To reduce structural barriers to women in management (Ban 2013, 186) and to improve the overall work–life balance, greater emphasis was placed on flexible working methods, such as flextime, telework, and part-time work (IP/10/1742, 1). A target of 25% female representation in senior management posts was set for 2014 (SEC(2010)1554/3, 5). Overall, the strategy only continued already established measures, though with greater visibility and regular reporting of each DG’s achievements (SEC(2010) 1554/3, 8).

Finally, in 2017, the Commission adopted the strategy for A better workplace for all: from equal opportunities towards diversity and inclusion. The aim was to ensure compliance with nondiscrimination of all types – not just on the basis of sex and gender. The Commission explicitly incorporated the perspective of stakeholders ranging from women to staff with disabilities, LGBTI (lesbian, gay, bisexual, transgender, and intersex) staff, and older staff into its new approach (C(2017)5300 final, 5). In line with this commitment, the Commission also adopted its first Diversity and Inclusion Charter on July 19, 2017, which set guiding principles for the institution’s human resources policies. A target of at least 40% female representation in middle and senior management by 2019 was set, which was indeed achieved by the Juncker Commission (IP/19/6139). DG Human Resources was charged with preparing talented staff for management and leadership courses, monitoring progress in diversity and inclusion, drafting the Commission’s diversity and gender equality reports, and galvanizing the exchange of best practices across the different portfolios. The DGs, in turn, were encouraged to set up management programs for female staff (C(2017) 5300 final, 14–15, 21).

In the heyday of gender mainstreaming the Commission thus enthusiastically committed itself to the advancement of equal gender representation within its own ranks, though mainly with soft and indirect measures. Since the mid-2000s, the focus has widened to encompass broader issues of diversity and inclusion. Though some advocates of gender equality perceive this as diluting previous goals, we have recently seen a steep increase in the number of female Directors-General (see Figure 11.1), at last reaching that self-imposed 40% target. With more gender-balanced cohorts advancing up the hierarchy, the Commission is finally turning its goal of greater gender balance into reality.

The Commission’s agency: between pressure and constraints

The Commission’s gender equality policy did not evolve as a self-evident process; on the contrary, during each phase it was actively driven by committed actors – mostly women – within the Commission (so-called femocrats) and advocacy groups from without. The feminist literature has paid much attention to the interaction and networks of like-minded gender advocates in the bureaucracy and civil society (Woodward 2004). In addition, pressure from the European Parliament and, more recently, a “critical mass” of female Commissioners in the College has played an important role.

During the 1970s, such a coalition pushed gender equality in the workplace onto the legislative agenda (phase one) (Kantola 2010, 31–33; Reinalda 1992, 84–88; Schmidt 2005, 41). Advocacy by a small but proactive non-governmental group (Women for Europe) and cause lawyers such as Éliane Vogel-Polsky, who launched the three famous *Defrenne* cases (see Guth and Elfving in this volume) in front of the Court of Justice of the European Union (C-80/70, C-43/75 and C-149/77), enabled committed women inside DG EMPL – such as the French official Jacqueline Nonon – to draft and advance new legislation. The women’s movement of those

years, as well as the accession of three new member states to the Community in 1973 (United Kingdom, Ireland, and Denmark) each with its own advanced equal opportunity laws,³ further facilitated the Commission's agency – not least since Ireland provided the new Commissioner for DG EMPL (Reinalda 1992, 84).

After the second direct European elections in 1984, the European Parliament established a Committee on Women's Rights and Equal Opportunities (renamed the Committee on Women's Rights and Gender Equality (FEMM) in 2004). This committee, as well as the Parliament as a whole, served as a strong voice for gender equality policy, often successfully pressuring the Commission to act in a responsive manner (Ahrens 2016; Mazey 1988, 77–78). For example, in 1995, when the European Parliament had first obtained the power to give or deny consent to the incoming Commission, it announced it would accept the Commission only if it comprised at least 25% female members as previously suggested by the FEMM committee (PE 205.666/final, January 27, 1994). This resulted in a sharp increase in the number of female Commissioners (Figure 11.1). The following year, the Santer Commission – pressured by the Parliament – then created the Group of Commissioners on Equal Opportunities. This group officially launched the gender mainstreaming concept (phase two). At the staff level, the group was supported by an Inter-Service Group on Gender Equality (founded in 1996) and the Group of Gender Mainstreaming Officials composed of heads of units and directors (Schmidt 2005, 206). A European Women's Lobby, established in 1990 in Brussels, acted as a committed external voice on behalf of anti-discrimination policies.

During the presidency of Prodi, the Commissioner for Employment and Social Affairs, Anna Diamantopoulou, pushed for the adoption of additional gender equality directives, against resistance from within the Commission and the member states. When she left the Commission in 2004, her Director-General, Odile Quintin, continued to skillfully advance the agenda (Hartlapp et al. 2014, 71–77). A number of legislative initiatives were subsequently adopted that consolidated existing principles, codified case law advances, and clarified their application.

The Commission's interest in continuing to advance gender policy-making, even against increasing member state opposition in the Council, led it to forge new alliances, in particular with NGOs already involved in the fight against other forms of discrimination (phase three) (Hartlapp 2017). In 2010, under Barroso's second presidency, the gender equality issue became the responsibility of DG Justice, Fundamental Rights, and Citizenship and consequently embedded within broader human rights and anti-discrimination policies. Viviane Reding, the responsible Commissioner, successfully launched "A Women's Charter" (COM(2010)78 final) and pushed other gender equality proposals, such as a directive on gender balance on company boards (COM(2012)0614 final). Though it was forcefully supported by the European Parliament, this latter proposal could not gain the necessary support in the Council. Since then, the Parliament has pushed the Council to continue the debate on legislative action (most recently, in the Employment, Social Policy, Health and Consumer Affairs Council, June 13–14, 2019). Nevertheless, DG EMPL continued to advance gender equality both inside the Commission (jointly with DG Administration), and externally toward member states. In the subsequent Juncker Commission (2014–2019), Věra Jourová acted as Commissioner for Justice, Consumers and Gender Equality. During this period, as previously detailed, the Commission's agency in the field of gender equality was limited, focusing mainly on updating earlier policy objectives. In 2019, Commission President von der Leyen for the first time nominated a Commissioner for Equality, Helena Dalli.

Overall, the Commission's engagement in the promotion of gender equality has evolved largely in reaction to the pressure of external actors, most notably various advocacy coalitions and networks, the European Parliament, and the women's movement more broadly. Within the

Commission, deeply committed women in leadership positions – Commissioners, Directors-General, and other high-level civil servants – took up the ball and pushed forward the gender equality agenda. Throughout the three phases described above, however, especially during the last decade, the Commission faced strong resistance from the member states, inhibiting substantial advances in equal treatment.

Conclusion

This chapter has provided a comprehensive overview of the development and current state of women's representation within the Commission as well as the organization's record in promoting gender equality policies throughout the Union and implementing them within its own ranks. It has also provided an overview of the main actors who have influenced the Commission's agency in this domain. On the basis of this analysis, we can draw the following conclusions.

The Commission has evolved from an initially male-dominated institution to one whose top leadership is now around 40% female, both at the political and administrative levels. Beginning in the mid-1970s, it has established gender equality policies for the member states. These policies developed out of a limited legal approach involving a broad, but soft governance concept, leading more recently to a set of revisions of earlier commitments and weak voluntary measures. Since 1988, the Commission has also actively promoted growth in the share of female leaders and staff across the different ranks of its administration through a variety of policies, measures, and tools, though again mainly voluntary in nature.

Assessing the Commission strategies for establishing and implementing gender equality policies both intra- and inter-institutionally, we see a strong commitment early on, triggered by the women's movement of the 1970s and an effective advocacy coalition at the European level. This resulted in the enshrinement of certain basic principles of gender equality in the form of directives and treaty articles. In the 1990s, this legally based approach expanded through the application of the concept of gender mainstreaming to all EU policy areas as well as, institutionally, to the Commission itself. The broad policy objectives have been pursued through soft modes of governance, making their implementation contingent on the commitment of the actors involved. Since the mid-2000s, the Commission has focused less on specific gender equality policies in favor of a more sweeping approach, covering a variety of discrimination grounds.

The Commission's strategies and particularly its periodic revisions of its gender policy reflect fundamental developments in European integration and society at large. When the issue of sex discrimination was highly politicized, as in the 1970s, the Commission reacted with a progressive and authoritative policy approach, clearly transcending the policies of the member states at the time. When such pressures were weaker, the Commission reacted to perceived problems in the market – that is, shortages in the labor supply – with a more diffuse and less assertive approach, characterized by soft modes of governance. This turn was also a reaction to externally imposed constraints, as national governments increasingly sought to curb legislative initiatives at European level. Given the significant increase in female representation within the Commission's leadership, now at more than 40%, it will be interesting to observe if there is a corresponding improvement in gender equality policies.

Future research would benefit from more systematic study of the link between women's representation in positions of power and authority and their substantive representation of political interests in a number of policy areas. The field is ripe for innovative research that targets female empowerment in "male" portfolios and considers whether and under what conditions women leaders might make a difference in fostering gender equality. Research on this issue will

be of particular consequence in the years to come as, with Ursula von der Leyen's election to the presidency, for the first time a woman has accessed the highest leadership position in the European Commission.

Notes

- 1 Data is taken from the PEU data base on the Commission (Hartlapp 2019). The database covers information about individuals (e.g. names, sex/gender, nationality or DG affiliation) as well as organizational features of the Commission and can be accessed at www.polsoz.fu-berlin.de/polwiss/forschung/international/de-fr/Forschung/PEU-Database1/index.html.
- 2 Data can be accessed at https://eige.europa.eu/genderstatistics/dgs/indicator/wmidm_adm_eur_wmid_euadmin_eurins/line (download: March 1, 2019).
- 3 Oral history interview with Jacqueline Nonon, recorded October 25, 2010, accessed via the EUI Archives, reference Code INT226.

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