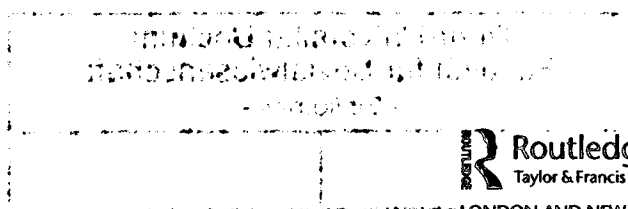

The Routledge Handbook of Gender and EU Politics

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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

The politics of gender in the field of European agencies

Sophie Jacquot and Andrea Krizsán

Agencies are important instruments of European governance. The European Union (EU) itself differentiates between four main types of agencies: agencies under Common Security and Defense Policy, EURATOM agencies and bodies, executive agencies (set up for a limited period by the European Commission to help manage EU programs), and decentralized agencies. This chapter focuses on this last type, i.e. agencies set up for an indefinite period and aimed at supporting the EU institutions in the elaboration and implementation of EU policies. These are defined as “EU level public authorities with a legal personality and a certain degree of organizational and financial autonomy that are created by acts of secondary legislation in order to perform clearly specific tasks” (Kelemen and Tarrant 2011, 929). Based on these characteristics they are classified as independent structures. However, some authors consider them as “semi-autonomous”, given that they receive funding directly from the EU budget and are subject to supervision of the Commission – and indirectly of the European Parliament (EP) through budget control (Andoura and Timmerman 2008). Agencies’ existence is justified either by the need to perform tasks of technical nature or to manage an issue within the framework of European competences. With transfer of competences to the EU, by 2014 there were over 30 independent EU agencies active in highly specialized sectors, including gender equality. Academic literature devotes increasing attention to EU agencies (Trivino and Jordana 2016). In general, it is important to remember that agencies are an integral part of the administrative network of the EU, which marks an important difference from non-governmental organizations such as the European Women’s Lobby (EWL), or expert groups such as the European Equality Law Network, which are not part of the EU’s administrative constellation.

While agencies are frequently investigated in their own right with designated theoretical lenses, the gender and politics literature has also paid attention to their powers, especially with regard to women’s policy and gender equality agencies. Widely advocated for within the UN Women’s World Conference processes, women’s policy agencies are recognized as fundamental policy instruments. These are instruments of state feminism and can be “state-based structures at all levels and across all formal government arenas assigned to promote the rights, status, and condition of women or strike down gender-based hierarchies” (McBride and Mazur 2010, 655). The 1995 Beijing Platform for Action provided a blueprint for the creation of institutional mechanisms enabling the advancement of women as “the central policy-coordinating unit inside

government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas" (United Nations 1995). As such, gender equality agencies are instruments for women's voices, for knowledge production and coordination in the gender equality project.

We look at how gender equality is articulated in the arena of agencies coming from gender and politics and EU governance literatures. We aim to understand if, and how, the importance given to independent agencies as gender equality advancement mechanisms by gender advocates is effective within the EU regulatory system, and to what degree. Gender equality agencies are relevant from a variety of perspectives. First, gender equality policy is a specialized field in the EU, which has its own specific agency: the European Institute for Gender Equality (EIGE). The politics leading to EIGE's creation and the role and efficiency of EIGE in the framework of EU gender policy is one of the issues we discuss. Second, the field of anti-discrimination and the EU Agency for Fundamental Rights (FRA), created to address broader questions of inequality, is another policy area of relevance for gender. FRA has gender equality among the rights it has to cover, and some of its activities are crucially contributing to this purpose. Third, gender mainstreaming (GM) is the principle guiding the EU approach to gender equality. As such, gender should become a horizontal principle integrated in the work of all EU agencies. Whether this is the case, to what extent, and through what mechanism is also an important yet under-researched issue. Finally, gender equality bodies (agencies) are one of the "hard law" based components of gender equality, thus, being an integral part of Europeanization in the field.

In the chapter, we first look at theoretical debates around agencies in mainstream literature. We then turn to each of the four perspectives outlined above to understand how EU agencies are relevant for gender. We conclude with some remarks on the potential impact of recent political changes, including the economic crisis and attacks on gender equality, and with identifying gaps in research and literature in the field for future consideration.

Agencies as a (new) form of governance in the EU

Two main ideas stood at the basis of creating European-level independent agencies: first, the need for independent expert knowledge to support implementation and monitoring of various European policies, and, second, discussions around centralization vs. power delegation in a changing context of legitimacy in the EU.

Although a first wave led to the creation of Community-level agencies in the 1970s, the number grew significantly during the 1990s in the wake of the single market program (Majone 1996). This is referred to as the second wave of "agencification" (Andoura and Timmerman 2008). The basic concern behind the development of the EU's regulatory capacity at this time was the necessity to reconcile free movement of goods with protection imperatives (in fields such as environmental or consumer protection, food safety, public health, workers' health and safety, etc.). This led the Commission – with a mandate from the Council – to set up autonomous structures in which expertise could be developed and shared.

In parallel, agencies came as responses to power-sharing dilemmas within the EU. Institutional complexity, that is to say the multiplicity of sites of power, decision and execution, is one of the long-time trademarks of European governance. From the outset, member states conceived a polycentric institutional system that would avoid any concentration of power. Since the beginning of the 1990s, the EU has confronted a two-pronged legitimacy crisis: on the one hand, citizens are in increasing defiance of the European building process; on the other hand, member states are expressing ever-greater distrust, or even resistance, towards the power-delegation mechanisms. It is this double-faced phenomenon that has prompted the development of what

has been called “new governance” as a solution to the EU’s legitimacy crisis, and the onset of a third wave of agency creation, which accounts for more than 60% of the total of EU independent agencies (Tömmel and Verdun 2009). Independent agencies were indeed one of the instruments of the new European governance that could contribute to developing the EU’s *modus operandi* by introducing a model of “governance by delegation” (Boussaguet et al. 2011). In this context, the idea behind the creation of independent agencies was the delegation of a number of prerogatives both from the European Commission and from the member state level to autonomous European-level administrative structures. This third wave, around the start of the new millennium, was embedded in this governance turn in the context of debates on legitimacy and transparency in policies and in the European system, along with demands for the Commission to systematically ground its proposals based on scientific data. New forms of EU regulation are based on the principle of a supposedly neutral technical and scientific expertise, aimed at informing political decision – what Majone called “the primacy of information over persuasion” (Majone 1997, 263). The recent multiplication of agencies reflects both the centrality of expertise and technocratic policy work, and the demands on delegation of power in the context of the legitimacy crisis.

Recent analyses of EU agencies (32 of them) show that, despite the intention for agencies to bring decentralization and improved control by member states over a variety of policy issues, in practice the activities of most agencies are under the control of the European Commission as a “parent” rather than a “partner” (Egeberg et al. 2014). Agencies tend to serve as facilitators of EU policy implementation through enforcement mechanisms, various regulatory activities or through production and dissemination of knowledge and expertise and networking with national policy agents. Some literature places different forms of agencies according to their functions on a spectrum with quasi-regulatory enforcement agencies as the strongest at one end of the scale, and information-providing agencies as the weakest at the other end of the spectrum (Trivino and Jordana 2016).

EIGE was created in 2006 (inaugurated in 2010), to “contribute to and strengthen the promotion of gender equality, including in all EU policies and the resulting national policies” (<https://eige.europa.eu/about>). FRA was inaugurated in 2007, to collect and analyze data on fundamental rights listed in the Charter for Fundamental Rights (including gender equality). With their introduction the EU has now made gender equality a policy domain addressed by EU agencies. The creation of these two agencies has been part of the trend towards “governance by delegation”, but is also very much in line with the demand for information and expertise especially in the context of GM. Compared to other EU agencies – in terms of independence and distribution of power between member states and the European Commission – Egeberg et al. (2014) classify both EIGE and FRA as agencies subordinated under their “parent” DG (Justice) more than accountable to member states. Looking at their function, both EIGE and FRA classify as information and networking service providers to the Commission (Trivino and Jordana 2016). That is, both are on the less independent and more limited mandate end of the spectrum of EU agencies and clearly not endowed with a regulatory mandate.

The European Institute for Gender Equality

The creation process of EIGE

Gender equality was first made part of EU administration structures in 1976 when the first specific unit on equal treatment at work for women and men was created in DGV (Employment and Social Affairs), alongside with the Women’s Information Service in DG X (Information).

A permanent EP Committee on Women's Rights and Gender Equality (FEMM) was also made part of EU structures in 1984 (see Ahrens and Rolandsen Agustín (European Parliament) in this volume). These structures were further complemented with a series of committees, high-level groups and expert groups dealing with gender equality (Jacquot 2015). The idea of supplementing this institutional regime with an independent structure aimed at coordinating and diffusing information and knowledge on the subject within the EU system was first evoked in the mid-1990s.

This idea of an independent agency responsible for providing expertise on gender equality and supporting policy-making was supported by Sweden, which organized a first joint seminar with EU partners on this question as early as 1999 (Hubert and Stratigaki 2011, 179). The rationale for its creation consisted of three aspects: systematic knowledge production, legitimacy and participation, and the need to keep gender equality policy clearly identifiable (European Parliament 2004; EWL 2005). A resolution and an EP report followed in 2004 and the Commission officially proposed the EIGE creation in 2005. The new EIGE was finally established by a regulation of the EP and the Council in 2006 (Regulation (EC) No 1922/2006). The operational and functional budget was agreed in 2007, yet, because of recruitment problems, EIGE became fully operational only in 2010. The objectives adopted were more scientific and technocratic than political, compared to the originally targeted ones. The focus was more on knowledge management than production, and also the formal participation of women's organization was limited (Hubert and Stratigaki 2011, 170).

The institutional and political compromises found during the long negotiation period had a direct impact on the functioning of the new structure. Firstly, EIGE has been installed in Vilnius, away from the other EU institutions, complicating its initial relationship with other sectoral actors. Secondly, its budget was very small compared to other agencies – it has only one third of the budget allocated to FRA at its disposal; yet, the administrative burden imposed on it was equivalent to other, much larger agencies. Hence, a large part of the budget had to be allocated for handling administrative burdens, at the expense of content. Third, the composition of the internal governance bodies has awarded a large part of the decisional power to representatives of member states and a small part to civil society organizations.¹ These aspects have strongly hindered EIGE's ability of finding a place in the "velvet triangle" (Woodward 2004), or policy community, of the EU gender equality policy. Many DG Justice officials, EP members, members from the EWL and from the EIGE forum of experts used to express skepticism and dissatisfaction with the functioning of EIGE in its first years of existence (Jacquot 2014, 312, 313f). Weaknesses were visible not only in how EIGE performed on the participation objective but also in its performance regarding the knowledge-production objective, given its limited in-house expertise and the need to subcontract most tasks under conditions of stringent European Commission administrative rules. However, recent accounts underline its progressive professionalization. The same findings could be applied with regard to its relations with the main members of the EU gender equality policy community. After a rocky start, exchanges have progressively developed, even if distance remains and confirms that EIGE has more the status of a dependent "parent" than of an autonomous "partner" (Egeberg et al. 2014).

As mentioned before, a recent comparative assessment of activities of EU agencies (Trivino and Jordana 2016) classifies EIGE as mainly an information provider and networking service entrusted with both limited mandate and autonomy. EIGE's objectives are stated in its founding regulation:

to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies, and the fight against discrimination based on sex, and to raise EU citizens' awareness of gender equality by

providing technical assistance to the Community institutions, in particular the Commission, and the authorities of the Member States.

(EC Regulation 1922/2006, Article 2)

To our knowledge, no systematic research on EIGE activities exists. Based on a non-systematic search of their website, the main areas of activity are the preparation of the gender equality index, provision of technical knowledge on violence against women, and some selected areas for GM such as gender in research and academia. The website also operates as a hub for information, data, policies, and expertise on gender equality, broken down by policy fields. However, in the absence of a more thorough assessment, it is unclear how systematic these sets of data are and to what extent they serve as a source of knowledge for GM.

One of its most widely referenced outputs is likely the gender equality index (<https://eige.europa.eu/gender-equality-index>), which aims to compare countries' degree of gender equality achieved. The index is an interesting example of an instrument produced by gender expertise, which has had some success (both in the media and in terms of use in comparative scholarly works) as a quantitative measurement that offers simplified results and a stylized vision of reality. This index can operate in a "naming and shaming" perspective in line with the new governance and new public management ethos. Beginning in 2019, it will be updated on an annual basis.

Finally, it should be mentioned that EIGE has also become visible in public debates and news lately in connection to organizational anomalies including repeated cases of sexual harassment and budgetary problems around procurement and contracting. These have recently weighted on the relationship between the agency and its partners (Hervey 2018). However, in the absence of systematic research into EIGE's activities it is difficult to discuss the significance and consequences of these problems on the influence of the organization within the EU as well as on how it is perceived in the EU galaxy of agencies.

EIGE and the question of the de-politicization of gender expertise

The creation of EIGE is part of a general trend towards de-politicization linked to a managerial dynamic that affects all organizations responsible for gender equality, as well as a certain number of feminist organizations. As such, the agency is characteristic of the transformation of "feminist activism" and knowledge into "gender expertise" (Cavaghan 2017; Prügl 2013), or of the emergence of "market feminism" (Kantola and Squires 2012) in a general context of "knowledge democracy" at the EU level (Gornitzka and Krick 2018). Indeed, in a situation of high regulatory complexity, of complex and interconnected public problems, EU policy-makers are increasingly expected to draw on specialized and technical information in order to elaborate and formulate "evidence-based" proposals. The "expertization" of contemporary EU governance, or increased reliance of policy-making on knowledge is seen as a way to add procedural legitimacy to policy solutions. However, some voices have raised concerns that this general trend towards a more, or even completely, exclusive technocratic approach to gender equality policy-making will result in gender expertise being hollowed out and emptied of feminist and political perspectives for bureaucratic purposes (Paterson 2010; Verloo 2005; Warat 2018).

Even though it was initially conceived as a tool aimed at producing and distributing gender expertise along with liaising with a variety of gender equality actors, in practice EIGE produces technical knowledge rather than alternatives or a political vision (Hubert and Stratigaki 2011). This focus on evidence-based policy-making contributes to downplay both political mobilization and polarization of public opinion on gender issues, which then appear as less salient. Simultaneously, this makes EIGE more similar to other agencies leading to a dilemma, which

concerns many EU independent agencies, but which is particularly acute for gender equality and perfectly illustrated by EIGE's situation. On the one hand, a necessity to produce technical knowledge in order to gain legitimacy for intervening in the policy process exists. Ferguson (2018) claims that in most institutional settings, such as the EU, it is constantly necessary to defend the "validity" of specialist gender expertise. On the other hand, this emphasis on technical expertise contributes to a more general trend towards de-politicization, but also dismantling and marginalization of EU gender equality policy (Jacquot 2015).

Gender vs. diversity? Anti-discrimination and the question of the unification of equality agencies

With the Amsterdam Treaty (1999) and the Charter for Fundamental Rights (2000) coming into force, the EU has not only extended its scope of action on gender equality, but has also introduced the prohibition of discrimination on grounds beyond gender: race and ethnicity, disability, age, sexual orientation, and religion (see Solanke in this volume). Two new directives introduced in the early 2000s have signalled an important shift in EU equality policy from a single focus on gender (up until 2000), to a multiple focus in which a total of six inequality grounds are now protected (Kantola and Nousiainen 2009). This dynamics has now been institutionalized with the von der Leyen Commission and the appointment of a "Commissioner for Equality", with an understanding of "equality" both as gender equality and anti-discrimination, whose portfolio covers "inclusion and equality in all of its senses, irrespective of sex, racial or ethnic origin, age, disability, sexual orientation or religious belief" (https://ec.europa.eu/commission/commissioners/2019-2024/dalli_en). In the same line, the new EU Gender Equality Strategy 2020-2025 highlights the importance of intersectionality as a cross-cutting principle alongside GM.

This shift has had various implications. The extension of the number of protected inequality grounds and, most specifically, the heightened protection against race discrimination, was important progress. The extension of the list can also be analyzed as a move towards levelling protection for all inequality grounds and a way towards better integration of intersectionality (Lombardo and Verloo 2009). Concurrently, gender scholars have noted a number of concerns. The privileged protection gender has previously received was now challenged: rather than celebrating wider overall protection, competition for resources was feared in which the special status of gender was difficult to justify, especially in the context of striving for more efficiency (Cullen 2014). The other worry was about more limited protection of "new" grounds, potentially seen by decision-makers as an alternative to the comprehensive protection gender equality strived for. The newly introduced anti-discrimination approach was largely individualist, with its actions relying heavily on the initiatives of the victims (Kantola 2014; Krizsán 2012). Meanwhile EU-level protection for gender equality was based on the complementarity of three approaches, which in addition to anti-discrimination and equal treatment also included positive action and mainstreaming (Booth and Bennet 2002), implying a much more proactive approach from the executive.

This shift from a single gender focus to one on multiple inequalities not only meant an extension of the *acquis communautaire*. It has also impacted EU-level thinking about the field of equality policy, its location within the EU regulatory framework, and, consequently, EU agencies addressing the field. As the idea of an EU gender equality agency was developing, the anti-discrimination agenda was also strengthened, and questions about the legitimacy of a separate gender equality field were raised and had to be defended. Amidst preparatory work for EIGE, the EU proceeded to also create FRA, in charge of the protection of rights under the Charter

of Fundamental Rights. FRA was created as the successor to the European Monitoring Centre on Racism and Xenophobia (EUMC) in Vienna. Throughout this political process and in much of the gender equality literature on EIGE, FRA was perceived as a competitor, a challenge to the legitimacy of the specific gender equality agency (European Parliament 2004; Hubert and Stratigaki 2011; Lombardo and Verloo 2009). Ultimately, the dual structure of EIGE and FRA was maintained with both agencies receiving roughly similar competencies: both working mainly as information providers, and, to some extent, as networkers, but with little to no independent regulatory functions (Trivino and Jordana 2016). No comprehensive research compares them in their competences and activities. However, based on a limited analysis, differences seem evident: FRA has roughly three times EIGE's budget, and a staff that is two times EIGE's staff, besides the geographical marginalization of EIGE (based in Vilnius compared to FRA in Vienna).

The parallel creation of EIGE and FRA has helped to raise questions concerning the maintaining of specific mechanisms and institutional structures aimed at gender equality, and the transversal integration of gender in the broader perspective of anti-discrimination. Yet, what is FRA's role in promoting gender equality? FRA works on the promotion of *all* rights under the Charter – including gender equality. In its early years, worry existed that given FRA's predecessor (EUMC) FRA will be likely to follow the path and make race and ethnicity the core issue for its activities (Lombardo and Verloo 2009). In practice, in the first years of its activities, FRA's output mainly focused on anti-discrimination issues more widely (with few exceptions dealing with procedural questions such as data protection and access to justice). Moreover, FRA conducted one of the most prominent pieces of EU-level gender research in the last decades, the European comparative gender-based violence survey (FRA 2014), and published several related reports. Another important output is the EU-wide survey of LGBT hate crime and discrimination and related reports (FRA 2013). The relevance of its work to gender equality is evident. There is no research available on the rationale for FRA taking up gender topics, whether based on cooperative or rather competitive relations with EIGE.

Mainstreaming gender within EU agencies?

While gender equality became the specific focus of EU agencies only with EIGE and FRA, gender equality and its different aspects are included under activities of various other EU agencies. Even though GM was only introduced as an EU-level principle in 1996 (COM(1996)0067), gender issues were covered already by agencies established in the early waves.

The two agencies created in the first wave both had high relevance to gender equality in the traditional EU policy area for gender equality, i.e. employment. Established in the 1970s, the European Center for the Development of Vocational Training (CEDEFOP) had within its scope policies on vocational training for women, while the European Foundation for the Improvement of Living and Working Conditions (EUROFOUND) dealt with reconciliation of work and care issues. The European Training Foundation (ETF) and the European Agency for Safety and Health at Work (EU OSHA), also of relevance, were established in the second wave. Current websites of all of these agencies devote specific attention to gender equality. However, it is important to underline that no systematic analysis of the gender aspects of these or other agencies is available, which is clearly a major research gap. A brief analysis of all agencies' websites and publications presents rather inconsistent results. While some agencies mention the fact that they include a gender perspective into their work (such as the European Asylum Support Office), and some other include gender as a specific issue of concern (like the European Monitoring Centre for Drugs and Drug Addiction), most of them produce sex-disaggregated statistics but do not take gender into account beyond that. A systematic analysis of how gender is integrated in activities

of agencies other than EIGE or FRA would be central to understanding the spread of GM to a large number of EU policy fields.

EIGE is part of different agency networks both at the level of its parent domain (Justice and Home Affairs Agencies) and, more widely, of the network of European agencies. Both of these networks allow EIGE to work towards mainstreaming gender to the activities of other European agencies by introducing gender topics in network meetings or upon presiding these networks. Overall, however, it is important to note that GM has not delivered its promises when it comes to infusing a gender equality perspective in the work of most of the EU agencies. A recent FEMM opinion issues regrets and voices criticisms concerning the lack of implementation of GM in the Commission's budget in general and the absence of a gender perspective in the agencies' work in particular (2018/2166(DEC)).

Europeanization and the transformation of governance through agencies at the national level

Gender equality agencies are also part of the EU gender equality *acquis communautaire*. The *acquis* prescribed the requirement of establishing "equality bodies" for race and ethnicity in its 2000 Race Directive (Council Directive 2000/43/EC). A similar requirement was set for gender in 2002, reasserted in the 2006 Recast Directive (Directive 2006/54/EC). This Directive requires member states to designate a body "for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on grounds of sex" (Directive 2006/54/EC, Article 20). The creation of such bodies for better enforcement of EU norms became a key requirement especially for the new, central and eastern European member states where there was a tendency to harmonize laws with EU equality norms, but do little about their enforcement (Falkner et al. 2008), but also set new requirements for many old member states by explicitly requiring that these bodies provide "independent assistance to victims of discrimination in pursuing their complaints about [sex] discrimination" (Directive 2006/54/EC, Article 20).

Equality bodies are discussed widely in the literature on EU enlargement (Avdeyeva 2015; Bego 2015; Krizsán 2009; see also Chiva in this volume) as easy standards to capture the level of Europeanization. They were feasible indicators not only to measure continued compliance with gender equality norms after accession (Sedelmeier 2009), but also to show eloquently the gendered impact on countries of the economic crisis and de-democratization (Krizsán and Roggeband 2018). Research showed remarkable budget cuts, refraining and even dismantling of gender equality agencies in recent years (Bettio 2012; Kantola and Lombardo 2017) also indicative of the limited importance the EU has devoted to gender dimensions in crisis management (Krizsán and Zentai 2017).

Another strand of literature discusses gender equality agencies in the context of the diversity debate detailed above, where gender equality agencies may have to compete for resources with other inequality grounds. Gender equality agencies in most EU member states, including many central and eastern European new member states (Krizsán 2012), were created much earlier than their introduction was demanded by EU hard law, with the purpose of giving voice to the gender perspective in policy-making. The novelty of the new EU norms was their focus on addressing complaints. In this, the norms defined for race and gender looked similar in that they required now the creation of enforcement agencies for anti-discrimination norms. Nousiainen (2008) has analyzed how the EU favored the development of human rights-based equality bodies at the expense of ombudsman type of equality bodies – the former enjoying more independence, but less political influence and conceiving their work in a less proactive manner. The institutional shifts across Europe were widely discussed (Krizsán et al. 2012; Verloo and Walby 2012). Research

showed that despite fears about the disappearance of gender equality agencies by integration within agencies covering all inequality grounds under one institutional umbrella, in most cases Europeanization induced changes ended up adding a new layer of equality institutions. Besides the agencies addressing gender equality already in place, new anti-discrimination enforcement agencies were introduced in many member states, which indeed addressed gender together with several other inequality grounds (Krizsán 2012; Krizsán et al. 2012).

EU agencies and gender in the context of the crisis and illiberalism

The early years of EIGE are characterized by two processes, both detrimental to progress in gender equality: (1) the economic crises are seen to have hit particularly hard on gender equality agencies at national level (Bettio et al. 2012; Kantola and Lombardo 2017; Krizsán and Zentai 2017; see also Kantola and Lombardo in this volume), but also gender equality policy at EU level (Jacquot 2017); (2) the increasing attacks on the legitimacy of the gender equality project, particularly from the far right (Kuhar and Patternote 2017; Verloo and Patternote 2018).

The creation of EIGE was already a contested issue in 2009, at the beginning of the crisis. So, it could be said that it has not suddenly changed the game, but it has intensified a process of dismantling already underway for some time (Jacquot 2015). Backsliding on several aspects of gender equality policies across member states (Kantola and Lombardo 2017) indicate a combination of the failure of GM, in this case in gendering interventions into the crisis (Karamessini and Rubery 2014; Walby 2015), and even the instrumentalization of the economic crisis to dismantle some of the gender *acquis*.

Moreover, attacks on gender equality are a prevalent phenomenon in many European countries (see Siim and Fiig in this volume). They are mainly concentrated on sexuality, family policy, and reproductive rights issues. Yet, especially in countries where populist parties with an anti-gender agenda enter national governments, they also undermine implementation of all gender policies including the functioning of relevant agencies and how they frame their objectives (Krizsán and Roggeband 2018). While these discourses clearly engage with the role of Europe in spreading “gender ideology” (Korolczuk and Graff 2018), their presence in the EU arena is not yet documented very thoroughly. It is unclear if there have been any direct attacks against EIGE or FRA. Yet, importantly, these trends potentially affect EIGE’s work and the extent to which FRA’s agenda includes gender equality issues or not.

Conclusion and directions for future research

This chapter has taken stock of academic knowledge on gender and EU independent regulatory agencies. We see important research gaps. Except for EIGE and FRA, gender scholarship has been largely silent on the interaction between the system of governance by EU agencies and gender. Considering that this delegation of governance to independent institutions is on the rise in a period of intense legitimacy crisis, analyzing this phenomenon from a gender perspective appears all the more important. Moreover, existing research on EIGE and FRA focuses on the political process of creation (quite similarly with other agencies; see Trivino and Jordana 2016), while limited attention is paid to the analysis of their activities. Further attention should be devoted to their efficiency, conception(s) of gender used, relationship with other agencies (at European level), and with gender equality agencies operating at national level. Also relations developed (if at all) with women’s movement actors (at both European and national levels), or independence from the European Commission and member states and their scope of influence are important. As illustrated, independent agencies are not blind spots in EU gender research.

However, the panorama presented here demonstrates that there is still a lot of ground to cover and that agencies are crucial pieces to understand the dynamics of gender politics at EU level.

Indeed, agencies are sometimes considered as satellites within the EU political and institutional system and cosmology. This chapter aims to show that they can be meaningful points of observation concerning the dynamics of gender politics at EU level. Looking at agencies actually shows a number of features of the EU gender equality policy on the eve of the third decade of the 21st century. From a policy design point of view, it underlines the weaknesses of GM as a policy instrument. It also underlines the difficulty in combining positive actions and specific structures for women with a GM commitment. It finally underlines the ambiguities of the institutionalization of intersectionality and diversity at EU level. From an institutional point of view, the functioning of EIGE exemplifies the transformation of the balance of powers within the EU gender equality policy. Indeed, the creation of EIGE means for the Commission an important externalization of its expertise, which has historically been one of its main sources of leverage and influence in order to develop gender equality policy (Mazey 1995). It remains to be seen how this transfer will impact upon the larger governance of the policy sector. More fundamentally, the limited strength and marginality of the agency exemplifies the decreasing importance of both gender expertise and gender equality as a policy field in the EU. Finally, the emergence and evolution of EIGE and FRA illustrate the difficulties of the EU gender equality “velvet triangle” as a support base for policy-making and, ultimately, an attempt to de-politicize gender equality. We see a weak role of civil society actors, and their limited voice in shaping the activities of the agencies, alongside the changing strategies of gender advocates, who have to rely on a less normative and more technical expertise, while not necessarily increasing their chance of being heard in the policy process. Whether a stance of de-politicization remains possible in the current context of attacks on gender equality remains to be seen.

More generally, our analysis shows the fragile and vulnerable nature of gender equality policy and institutions in a period of – both economic and political – crisis. Even though, the creation of EIGE has constituted a way to “normalize” the EU gender equality policy and to apply to this domain the standards of “new” and “good” governance, legitimacy remains an ongoing challenge for gender equality at EU level.

Note

- 1 EIGE’s management board, i.e. its main decision-making body, is made up of a representative of the Commission and 18 representatives of member states, rotating every three years. The Expert Forum (consultative body) is made up of one qualified person (generally from one of the national equality body) appointed by each member state, two persons appointed by the EP and three persons appointed by the Commission (one NGO representative, one union representative and one employer representative).

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