# REGULATION (EC) No 806/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

## of 21 April 2004

## on promoting gender equality in development cooperation

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 179 thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ([1]),

Whereas:

(1) The United Nations Millennium Development Goals call for gender equality and empowerment of women, setting clear targets in the field of education that have to be achieved no later than 2015.

(2) Two-thirds of children out of school are girls. Enrolment rates for girls are still lower than those for boys and drop-out rates for girls are higher.

(3) Article 3(2) of the Treaty stipulates that in all the activities referred to therein, including a policy in the sphere of development cooperation, the Community is to aim to eliminate inequalities, and to promote equality, between men and women.

(4) A disproportionate majority of the world's poor are women. Therefore, the promotion of gender equality is important for the overarching goal of poverty reduction by 2015.

(5) Gender equality of women and men of all ages is recognised as being important to effective and efficient work against poverty. To achieve the goal of gender equality through the gender mainstreaming strategy, there is a need to combine it with specific measures in favour of women of all ages.

(6) Women's contribution to development is achieved in the face of numerous obstacles, limiting the outcome of their work and reducing the benefits for themselves and to society as a whole. The importance of women's economic, social, and environmental roles across the life course, in developing countries has led to increasing international recognition that their full participation without discrimination is indispensable for sustainable and effective development.

(7) The Community and its Member States were signatories to the Declaration and Platform for Action of the 1995 Fourth World Conference on Women in Beijing, which stressed the need for action against world-wide obstacles to gender equality and established gender mainstreaming as a strategy to promote gender equality.

(8) The United Nations Convention on the Elimination of all forms of Discrimination against Women considers discrimination against women as an obstacle to development, and the parties to the Convention agree to eliminate this discrimination using all appropriate means.

(9) Council Regulation (EC) No 2836/98 of 22 December 1998 on integrating of gender issues in development cooperation ([2]) aims to support the mainstreaming of gender analysis in all area of development cooperation policies and to support and facilitate the inclusions of actions addressing major gender disparities. It ensures that gender equality is promoted in national plans designed to implement major elements of the Beijing Platform for Action. That Regulation expired on 31 December 2003.

([1]) Opinion of the European Parliament of 18 December 2003 (not yet published in the Official Journal), Common Position of the Council of 19 February 2004 (not yet published in the Official Journal) and Position of the European Parliament of 30 March 2004 (not yet published in the Official Journal).

([2]) OJ L 354, 30.12.1998, p. 5. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

(10) The Declaration by the Council and the Commission on the European Community's development policy, adopted on 10 November 2000, states that gender equality is a cross-cutting issue.

(11) The Commission's Communication to the Council and the European Parliament of 21 June 2001 on the Programme of Action on the mainstreaming of gender equality in Community development cooperation sets the implementation framework for that mainstreaming. That programme of action was endorsed by the Council in its Conclusions of 8 November 2001.

(12) The European Parliament stressed in its Resolution of 25 April 2002 ([1])1 on that programme of action its commitment to gender mainstreaming as the approach to furthering the goal of gender equality and improving the position of women in developing countries.

(13) This Regulation lays down, for the entire duration of the programme, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ([2]), for the budgetary authority during the annual budgetary procedure. In general, EC development-related funding should also contribute towards gender equality as a cross-cutting issue.

(14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([3]).

(15) Since the objective of the proposed action, namely to promote gender equality in development cooperation, cannot be sufficiently achieved by the Member States, and can therefore, by reason of the scale and effects of that action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

([1]) OJ C 131 E, 5.6.2003, p. 153

([2]) OJ C 172, 18.6.1999, p. 1. Agreement as amended by Decision 2003/429/EC of the European Parliament and of the Council (OJ L 147, 14.6.2003, p. 25).

([3]) OJ L 184, 17.7.1999, p. 23.

HAVE ADOPTED THIS REGULATION:

CHAPTER I

**SCOPE**

*Article 1*

1. The purpose of this Regulation is to implement measures to promote gender equality in Community development cooperation policies, strategies and interventions.

To this end, the Community shall provide financial assistance and appropriate expertise aimed at promoting gender equality into all its development cooperation policies and interventions in developing countries.

2. The Community support shall be aimed at complementing and reinforcing the policies and capacities of developing countries as well as the assistance provided through other instruments of development cooperation.

*Article 2*

For the purposes of this Regulation:

(a) 'gender mainstreaming' concerns planning, (re)organisation, improvement, and evaluation of policy processes, so that a gender equality perspective is incorporated in all development policies, strategies and interventions, at all levels and at all stages by the actors normally involved therein;

(b) specific measures to prevent or compensate for disadvantages linked to sex may be maintained or introduced with a view to ensuring equality in practice between men and women; such measures should, in the first instance, aim at improving the situation of women in the field covered by this Regulation.

*Article 3*

The objectives to be pursued by this Regulation, in accordance with the goal of promoting gender equality and empower women as specified by the United Nations Millennium Development Goals, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women, the outcome of the

Special Session of the General Assembly 'Women 2000: gender equality, development and peace for the 21st Century', are the following:

(a) to support gender mainstreaming in all areas of development cooperation, combined with specific measures in favour of women of all ages, with the goal of promoting gender equality as an important contribution to poverty reduction;

(b) to support endogenous public and private capacities in developing countries which can take the responsibility and initiative for promoting gender equality.

*Article 4*

1. Activities in the field of promoting gender equality eligible for financing include, in particular:

(a) supporting specific measures related to access to, and monitoring of, resources and services for women, in particular, in the areas of education and training, health, economic and social activities, employment and infrastructure, and to participation in political decision-making processes;

(b) promoting the collection, dissemination, analysis and improvement of statistics disaggregated by sex and age, development and dissemination of methodologies, guidelines, ex-ante and ex-post gender impact assessments, thematic studies, qualitative and quantitative indicators, and other operational instruments;

(c) supporting awareness-raising and advocacy work and the establishment of stakeholders' networks in the field of gender equality;

(d) supporting activities aiming at strengthening institutional and operational capacities of key stakeholders in partner countries in the development process, such as the provision of gender specialists, training and technical assistance.

2. The instruments to be financed in the course of the activities referred to in paragraph 1 may take the form of:

(a) methodological and organisational studies on gender mainstreaming relevant to all age-groups;

(b) technical assistance including gender impact assessment, education, training, the information society or other services;

(c) supplies, audits, evaluation and monitoring missions.

3. Community financing may cover:

(a) investment projects, with the exception of the purchase of real estate, and

(b) operating expenditure of a beneficiary body including recurring administrative and maintenance costs that should not exceed the cost foreseen for administrative expenditure.

Operating grants shall be awarded on a gradually decreasing basis.

*Article 5*

In the selection and implementation of activities referred to in Article 4(1), particular attention shall be paid to:

(a) the potential of interventions and programmes to act as a catalyst and a multiplier in order to support the strategy of gender mainstreaming on a large scale in Community interventions;

(b) strengthening strategic partnerships and initiating transnational cooperation which reinforces, in particular, regional cooperation in the area of gender equality;

(c) the pursuit of cost-effectiveness and sustainable impact in the design and planning of interventions;

(d) the clear definition and monitoring of objectives and indicators;

(e) efforts made to promote synergies with policies and programmes targeting reproductive and sexual health and rights and poverty diseases, in particular HIV/AIDS programmes, measures to combat violence, girl-child issues, the education and training of women of all ages, ageing people, the environment, human rights, conflict prevention, democratisation and the participation of women in the political, economic and social decision-making process;

(f) gender mainstreaming in the six priority areas of EC development policy;