EUROPEAN POLICY ANALYSIS

Gender mainstreaming in the European Commission

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Summary

Gender mainstreaming has significant potential to promote gender equality, as it aims to transform both formal and informal dimensions of institutions. Within the European Union (EU), there is a constitutional commitment to gender mainstreaming across all the EU's policies and activities (Article 8 TFEU).

This European Policy Analysis presents five dimensions along which the institutionalisation of gender mainstreaming in the European Commission can be assessed: formalised adoption; structures and procedures; quality; accountability and compliance; and stability. In applying this framework to the Commission's mainstreaming activity, the weaknesses in the Commission's institutionalisation of gender mainstreaming are exposed.

Five barriers to the institutionalisation of mainstreaming are identified and discussed, including the Commission's "masculine" culture, weaknesses in the institutional ownership and oversight of gender mainstreaming and the failure to promote effective gender mainstreaming through the "Better Regulation Agenda". Although there are examples of good practice within the Commission, the authors point to the need to transform not only the Commission's policy activity but the Commission as an organisation itself. The analysis is concluded with six recommendations for the successful promotion and institutionalisation of gender mainstreaming.

1. Introduction

This European Policy Analysis focuses on the institutionalisation of gender mainstreaming in the European Commission. The aim of the analysis is to contribute to informed debate on strengthening gender mainstreaming in the European Union (EU), as per the EU's constitutionalised commitment to promoting equality between women and men (Article 8 TFEU). Working towards gender equality through gender mainstreaming is not just a matter of social justice; there are ample reasons why continued efforts to advance gender equality are essential. Gender mainstreaming results in better policies that are sensitive to differences in society which, in turn, contribute to the improved well-being of citizens whose varying needs are addressed and who feel more confident and safe. Gender equality is also paramount for economic prosperity, and it helps to prevent inter-personal and domestic violence. In this paper, we are specifically concerned about an approach to gender mainstreaming that can promote greater sensitivity to intersectional considerations or, in other words, how gender inequality interacts and intersects with other inequalities.[1]

In particular, we seek to understand and explore the different dimensions of and barriers to the institutionalisation of gender mainstreaming in the Commission. The Council of Europe provided a milestone definition of gender mainstreaming that has been widely acknowledged in European policy circles: "Gender mainstreaming is the (re) organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making" (Council of Europe 1998: 15). Whilst acknowledging the significance of the Council of Europe's definition, we prefer to understand gender mainstreaming as explicitly requiring changes to both the formal and informal elements of an institution, such that gender equality can be said to have been, "[systematically integrated] into all systems and structures, into all policies, processes and procedures, into the organisation and its culture, into ways of seeing and doing" (Rees 2005: 560). In turn, the analysis is sensitive to both the formal structures, rules and practices (formal institutions) and informal culture and "ways of doing" (informal institutions) within the Commission that support or undermine the full incorporation of gender mainstreaming into its activity. It is through both these formal and informal institutions that organisations are gendered and gender inequality is perpetuated (MacKay, Kenny and Chappell 2010).

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The European Commission is a key site for gender mainstreaming analysis given its central position as the EU's supranational executive. Amongst its other roles, it is the guardian of the EU Treaties and enjoys the sole right of initiative of EU legislative proposals. As such, the Commission's commitment to and institutionalisation of gender mainstreaming is significant for the politics and policies of the EU. Notably, gender mainstreaming is the longest standing of a number of horizontal agendas, with mainstreaming adopted as a "solution" to an array of different "problems". Six of these horizontal agendas have been constitutionalised in the EU Treaties, namely gender mainstreaming (Article 8 TFEU), the horizontal social clause (Article 9 TFEU), non-discrimination mainstreaming (Article 10 TFEU), environmental policy integration (EPI) (Article 11 TFEU), consumer protection mainstreaming (Article 12 TFEU) and fundamental rights mainstreaming (Article 6 TEU and the Charter of Fundamental Rights). Importantly, there is no "one size fits all" approach to mainstreaming and the Commission is bound to uphold and promote all of these constitutionalised horizontal agendas.

The analysis in this EPA comprises five substantive sections. The first section introduces gender mainstreaming, and presents the different tools

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[1] In scholarly literature this perspective is commonly referred to as gender+. Thus, when we write recommendations for strengthening gender mainstreaming, we refer to gender+ mainstreaming.

and approaches used in its implementation. Importantly, this paper is focused on more transformative variants of gender mainstreaming that are explicit in attending to diversity *amongst* women, thus integrating the gender+ dimension. The second section considers the institutionalisation of gender mainstreaming, such that it is a normalised and stable part of the decision-making process. This section presents five dimensions of institutionalisation and their empirical indicators. The next section turns to the European Commission. It draws on extant research and recent advances to highlight the strengths and weaknesses in the European Commission's institutionalisation of mainstreaming, with respect to the five dimensions outlined in section two. Following this, the fourth section investigates the different institutional barriers and resistance to gender mainstreaming in the Commission, in order to understand the varying levels of institutionalisation. The final section presents a set of recommendations to strengthen gender mainstreaming in the Commission.

2. Introducing gender mainstreaming

Gender mainstreaming was adopted by the European Commission in the mid-1990s (Commission of the European Communities 1996), prior to its constitutionalisation through the 1997 Treaty of Amsterdam (Article 13 TEC, now Article 8 TFEU). It is the "third phase" of promoting gender equality in the European Union (Rees 1998), advancing the conceptualisation of gender equality beyond equal treatment and positive action approaches which were introduced in the 1970s and 1980s respectively and which focused predominantly on the area of employment policy. Unlike equal treatment legislation and positive action initiatives, gender mainstreaming – once set in place – is a *process* that seeks to promote gender equality throughout decision-making and across all policy activity, using a range of different tools. The aim of gender mainstreaming is to ensure that all policy and activity work to increase gender equality. Currently, the three approaches – equality treatment legislation, positive action and gender mainstreaming – co-exist within the European Commission. However, the institutionalisation of these tools such that the promotion of gender equality becomes embedded within the culture

of an organisation and "into [its] ways of seeing and doing" (Rees 2005: 560) requires a significant institutional transformation. Not only is it necessary to change formal policy processes and procedures, but the wider context and ways in which these policy processes and procedures are implemented must also be interrogated and reshaped.

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The tools used for gender mainstreaming can be categorised as, 1) analytical, 2) educational, and 3) consultative and participatory (Council of Europe 1998: 27–33). First, analytical tools identify the male-bias inherent in policy activity (Council of Europe 1998: 27–9). These tools include gender disaggregated statistics, research, forecasts, cost-benefit analyses, gender impact assessments (GIA) and gender budgeting. These analytical tools are to inform the development of gender-sensitive policy. GIAs are key in this regard in their evaluation of the (expected) gendered impact of particular policy decisions. In effect, policy is seen through a "gender lens" (Rees 2002: 7). Secondly, educational tools serve to raise awareness and improve the understanding of gender mainstreaming. This includes all forms of capacity-building, like workshops, training courses and the use of "mobile flying experts", as well as the dissemination of literature about the meaning and implementation of gender mainstreaming (Council of Europe 1998: 29–31). Finally, the consultative and participatory tools of gender mainstreaming seek engagement with a variety of actors, both across policy areas and at all levels of governance. This includes civil society organisations, think tanks, academics, and the beneficiaries of the policies (Council of Europe 1998: 31–3). It is through consultation and

participation that gender mainstreaming remains responsive to the diverse and evolving needs of women and men.

Importantly, there is not one definitive model of gender mainstreaming. Indeed, research has highlighted that gender mainstreaming may be interpreted in different ways, which differ in the challenge they levy to mainstream decision-making (e.g. Jahan 1995; Squires 2005; Lombardo and Meier 2006). More transformative approaches (including those which can cater for the diversity amongst women and men) reserve an important role for civil society organisations, stakeholders and "experts by experience". These actors have a key role to play in setting and shaping the policy agenda through participatory tools that enable co-creation (e.g. Parken et al. 2019), as opposed to more technocratic approaches that "add women in" to established policy paradigms. As mentioned above, gender scholars and practitioners have also afforded increased attention to intersectionality, which has given rise to the notion of gender+ mainstreaming.

3. Institutionalising gender mainstreaming

The institutionalisation of gender mainstreaming is itself a process that will result in changes to both formal institutions (structures, rules and practices) and informal institutions (culture and ways of doing). An institutionalised practice is one that has become a normalised and stable part of the institution's functioning, with the quality of this practice being maintained through the investment of resources (human and financial) and consistent monitoring.

The table below (table 1) lists five "dimensions of institutionalisation" that would be expected as part of normalising gender mainstreaming (from Minto and Mergaert 2018; based on Mergaert and Wuiame 2013). These five dimensions are: i) formalised adoption; ii) structures and procedures; iii) quality; vi) accountability and compliance; and v) stability. This five-fold framework has a dual purpose. Firstly, it clearly presents the ways in which gender mainstreaming ought to effect organisations, from formal adoption to everyday practice. Secondly, it can be used as an analytical framework to gauge the level of institutionalisation of gender mainstreaming in a particular case. We have applied this framework to the case of the European Commission and present the findings on the level of institutionalisation of gender mainstreaming in the next section. Specifically, to undertake this analysis we have drawn on empirical evidence of mainstreaming in the Commission and secondary research.

Table 1: Dimensions of Institutionalisation and Empirical Indicators to Assess its Level

Dimensions	Empirical Indicators
Formalised Adoption: The practice has been formally adopted by the Commission	Formal adoption Explicit and high-level commitment
Structures and Procedures: A regularised practice has been established, with supporting structures	Standard approach with clear guidelines Dedicated tools to support daily routines and processes Dedicated bodies to support implementation
Quality: There is institutional investment in achieving and maintaining a high-quality practice	Investment of resources (human and financial) Training of staff Quality assurance mechanisms
Accountability and Compliance: The practice is transparent, is adequately monitored on a regular basis and there are mechanisms in place to ensure compliance	Process is transparent to enable external oversight Process is monitored on a regular basis Policy documents are publicly available Actors are identifiable Mechanisms to ensure guidelines are followed (incentives/sanctions)
Stability: Practice does not vary across policy areas or over time	Implementation is consistent across policy areas and over time

4. The institutionalisation of gender mainstreaming in the European Commission

There is extensive empirical research that has analysed gender mainstreaming in the European Commission (e.g. Pollack and Hafner-Burton 2000; Lombardo 2005; Woodward 2008; Hafner-Burton and Pollack 2009; Debusscher 2011; Minto and Mergaert 2018). This section draws data from the existing research and recent advances to identify and explore the strengths and weaknesses in the institutionalisation of gender mainstreaming in and by the Commission. To this, personal insights have been added, gained through years of working with and for the European Commission as a gender equality expert and contractor (Lut Mergaert). It is sensitive to two notable changes in recent years. Firstly, since 2015, the framework for policy-making in the Commission has been provided by the "Better Regulation Agenda". This was a significant introduction, as the Better Regulation Agenda provides guidelines and a toolbox that encompass all stages of the policy-making process (from ex ante impact assessment to ex post policy evaluation). Secondly, in November 2019, there was a change in leadership in the European Commission, with Ursula von der Leyen appointed as Commission President.

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Looking across the data and with respect to the different dimensions of institutionalisation, overall, gender mainstreaming can be seen to have been weakly institutionalised (for a more detailed exploration of the institutionalisation of gender mainstreaming in the Commission, see Minto and Mergaert 2018). However (and as stressed through the "stability" dimension in the framework), it must be noted that the institutionalisation of gender mainstreaming is not a linear process and neither does it happen synchronously across DGs and Commission services. Ups and downs can be identified both over time and across areas

of activity. These processes have been analysed in detail for DG Research and Innovation, with research highlighting examples of good practice (Linková and Mergaert 2021). Importantly, more recent advances under the leadership of Commission President von der Leyen have the potential to strengthen the institutionalisation of gender mainstreaming.

The five dimensions of the institutionalisation of mainstreaming are heavily interlinked and also influence each other. As such, they ought not to be considered in isolation from one another. Whilst addressing each dimension in turn below, we have been sensitive to the inter-relationship between the dimensions and aware that some analysis may be applicable across dimensions.

4.1 Formalised adoption: Renewed commitment towards a "Union of Equality"

Whilst the EU has a constitutionalised commitment to gender mainstreaming across policy activity and throughout the policy cycle (Article 8 TFEU), there has not been a consistent high-level commitment to gender mainstreaming within the European Commission, with Commission Presidents, Commissioners and Directors-General displaying varying degrees of motivation for promoting gender equality. Under the leadership of Commission President von der Leyen there has been some development in this dimension. Specifically, there is now a dedicated Commissioner for Equality whose responsibilities encompass the implementation of a European Gender Equality Strategy (2020–2025), which includes gender mainstreaming. Although there is now a team within the Secretariat General to support the work of the Commissioner for Equality, to institutionalise gender mainstreaming, this team must be afforded the responsibility and power to enforce mainstreaming. At this early stage of their existence, it is not possible to assess the extent to which this is the case.

The dedication of a Commissioner portfolio to Equality speaks to the Commission's broader equality agenda (the "Union of Equality" policy objective), under President von der Leyen. This overarching framework of a Union of Equality provides scope for a more intersectional approach to mainstreaming gender. Indeed, it makes explicit reference to sex, racial or ethnic origin, religion

or belief, disability, age and sexual orientation, and includes an EU anti-racism Action Plan 2020–2023, an EU Roma Strategic Framework for Equality, Inclusion and Participation 2020–2030 and a LGBTIQ Equality Strategy 2020–2025. Furthermore, as part of the recent gender equality activity in the Commission, there have been efforts to integrate equality into key Commission priorities, for example relating to the Covid-19 recovery and the Green Deal.

4.2 Structures and procedures: A weak base but promising prospects

In the context of shifting political commitment, the promotion and uptake of gender mainstreaming has waxed and waned. Key to any gender mainstreaming process is a strategy on gender equality, in which there are clearly defined gender equality objectives. The Commission has produced multiple strategies over time; however, under Juncker's presidency of the Commission (2014–2019), it was downgraded to a staff working document, entitled, "Strategic engagement for gender equality 2016–2019". Von der Leyen's Commission has re-introduced the Gender Equality Strategy (2020–2025), as part of the umbrella, "Union of Equality".

Apart from the new Commissioner for Equality, some dedicated infrastructure for gender equality has been in place for years within the administration. There is a Gender Equality unit in DG Justice which coordinates the Commission's work on gender equality. An Inter-Service Group (ISG) for Gender Equality was also established, with members from all Commission DGs and services, to "coordinate the implementation of actions for equality between women and men in their respective policies as well as the annual work programme for their respective policy area" (Mergaert and Wuiame 2013: 62). While the Gender Equality unit still exists, the situation of the ISG is opaque. The evaluation report of the Strategic Engagement for Gender Equality 2016–2019 points out that there is no information about the functioning of the ISG, since there is no report about gender mainstreaming in the Commission (González Gago 2019). It is thus unclear whether the ISG is still operational.

Under the leadership of von der Leyen, a Task Force on Equality was established at the beginning of her

mandate. It is composed of representatives from all Commission services and the European External Action Service and is supported by a Secretariat based in the Secretariat General of the European Commission. According to the Commission, this Task Force plays a key role in mainstreaming equality (not just gender equality) in all policies, from their design to their implementation. It is to provide, "strategic guidance, design a toolbox for policy-makers, organise trainings and facilitate the work on equality undertaken by different services" (European Commission 2020). At this stage, it is too early to assess the effectiveness of this Task Force for promoting mainstreaming.

It is noteworthy that the Task Force will design a toolbox for policy-makers, since the above-mentioned evaluation (González Gago 2019) refers to guidelines and toolkits published by the European Institute for Gender Equality (EIGE) as if they are indeed the reference for mainstreaming gender in the Commission. However, there is no trace of any formal document imposing their implementation and (as noted above) there is no report on gender mainstreaming by the Commission. Clearly, any such guidelines or toolboxes do not have the standing that the Better Regulation Agenda enjoys.

> "However, there is no trace of any formal document imposing their implementation and [...] there is no report on gender mainstreaming by the Commission."

Indeed, in the absence of clear Commission-wide guidance for mainstreaming gender, the Commission appears to assume that routine impact assessment, monitoring and evaluation will help to mainstream gender. These activities fall under the Commission's Better Regulation Agenda (introduced in 2015 and updated in 2017) which provides a framework for policy-making, encompassing all stages of the policy-making process: from the Integrated Impact Assessment to inform the development of policy proposals through to ex post policy evaluation. The Commission has developed specific Guidelines (European Commission 2017a) and a Toolbox

(European Commission 2017b) that span the policy cycle. However, there is no clear guidance for mainstreaming gender in these either, with incoherence between the two with respect to how gender inequality is understood (as a social concern or a fundamental rights issue). In turn, there is little evidence that there is attention to gender equality throughout the policy cycle, with research exposing that gender is addressed inconsistently through the Integrated Impact Assessment process (Smismans and Minto 2017) and in ex post policy evaluations (e.g. Minto and Mergaert 2015; Minto, Mergaert and Bustelo 2019).

4.3 Quality: No mechanisms in place

The adoption of gender mainstreaming in the European Commission has not been accompanied by a requisite investment of resources to ensure its full and effective implementation and institutionalisation (Minto and Mergaert 2018). Such investment would not only support the creation and maintenance of the necessary structures and processes, but also ensure that "the actors normally involved in policy-making" (Council of Europe 1998: 15) were equipped to mainstream gender.

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Indeed, there is no evidence of any consistent efforts to build the capacity of staff to understand and promote gender mainstreaming. DG International Partnerships (formerly DG EuropeAid) provides a more positive example where there has been investment in developing internal expertise through the employment of gender experts although there is nothing to indicate that this practice is widespread in the Commission. Looking across the Commission, officials do not receive any systematic gender training or coaching. As such, the level of understanding of gender and its relevance to policy-making in the Commission is patchy at best, in turn undermining the possibility for and quality of gender mainstreaming. There is evidence that when the Commission does recognise the need for gender expertise, it will draw

on external gender experts (e.g. Minto, Mergaert and Bustelo 2020, with reference to gender expertise in ex post evaluation in DG Research and Innovation).

Furthermore, whilst there is certainly potential for EIGE's gender mainstreaming toolkits and guidelines to serve as a standardised approach for the European Commission, in the absence of any quality assurance mechanisms (such as regular monitoring), the quality of implementation cannot be assured.

4.4 Accountability and compliance: No mechanisms in place

The Gender Equality unit in DG Justice produces Annual Reports on Equality between Women and Men (see European Commission 2021). These annual reports are synthesised from reports provided by individual DGs, in a process coordinated by the Gender Equality unit. Notably, these reports from the individual DGs are not publicly available, which undermines the potential for scrutiny from external stakeholders. Also, whilst the overarching Annual Report from the Gender Equality unit in DG Justice is publicly available and provides useful information about gender equality activity at the EU level (as they reach beyond the activity of the European Commission specifically), there is no evidence that these are used as part of a robust monitoring process and to hold actors to account.

Neither is there full transparency about the evaluation of the implementation of the gender equality strategies. Whilst an evaluation of the Roadmap for Equality between Women and Men 2006–2010 was undertaken (including an analysis of gender mainstreaming, governance, and transversal issues linked to delivery mechanisms), the report from this study was not published. However, the report on the Evaluation of the Strengths and Weaknesses of the Strategic Engagement for Gender Equality (2016–2019) is publicly available (González Gago 2019). This document identifies the absence of a report on gender mainstreaming in the Commission as an important gap. Clearly, the absence of such a report hampers accountability, transparency and external oversight.

The lack of accountability mechanisms to support gender mainstreaming is thrown into sharp relief given the hierarchical nature of the Commission.

In this structure, the significant power afforded to senior civil servants (who have the ability to over-rule policy work undertaken at more junior levels) can act to undermine efforts to mainstream gender (Mergaert and Lombardo 2014). The opaque nature of this structure also means it is not always possible to identify actors with responsibility for gender mainstreaming, as well as those who have the ability to undo work to mainstream gender.

4.5 Stability: Variability across DGs and over time

There was early activity at the end of the 1990s following the initial adoption of gender mainstreaming and it has remained a commitment of the European Commission. However, over time, there have been highs and lows with respect to its implementation. Furthermore, the implementation of gender mainstreaming is uneven across the European Commission's DGs (see e.g. Hafner-Burton and Pollack 2009; Pollack and Hafner Burton 2000; Abels, Krizsan, MacRae, van der Vleuten 2021). There are examples of good practice (e.g. by DG Research and Innovation, see Linková and Mergaert 2021), although some DGs have paid little attention to the EU's commitment to advancing gender equality.

> "As such, gender mainstreaming is yet to be institutionalised."

In sum, and looking across the five dimensions to assess the level of institutionalisation in the Commission, although there is a commitment to gender mainstreaming which is in principle mandatory, there is no system of incentives or sanctions, peer pressure, or accountability mechanisms in place to ensure compliance. Furthermore, gender mainstreaming in the European Commission has focused exclusively on the policy process as opposed to also tackling the organisational culture and informal norms in the Commission itself. As such, gender mainstreaming is yet to be institutionalised (see Minto and Mergaert 2018). It is at the same time worth noting that under the leadership of Commission President von der Leyen there have been some recent developments that have the potential to strengthen the mainstreaming of gender in the European Commission.

5. Institutional barriers and resistance to gender mainstreaming

Drawing on the findings from empirical analyses of gender mainstreaming in the European Commission presented above, this section identifies and explores the barriers to the institutionalisation of gender mainstreaming. These barriers (as patterns) constitute institutional resistance to the mainstreaming of gender (Mergaert and Lombardo 2014). As with the five dimensions of mainstreaming, the institutional barriers and resistance identified and explored below are over-lapping and cannot be considered in isolation from one another.

5.1 Weaknesses in the institutional ownership and oversight of gender mainstreaming

It has been a long-standing concern of feminists that as all actors are made responsible for gender mainstreaming, "gender equality becomes everybody's – and nobody's – responsibility" (Mazey 2002: 228). This is certainly the case in the European Commission as there has not been a clear "owner" who has exercised oversight of gender mainstreaming, and who can ensure quality, accountability and compliance. It is important to draw a distinction here between the political and the administrative arms of the Commission and the ownership of mainstreaming in each. Over time, women Commissioners have indeed played an important role in promoting gender equality (Linková and Mergaert 2021); however, the lack of robust institutional oversight in the Commission services is a significant barrier to mainstreaming (Minto and Mergaert 2018). Particularly given the hierarchical nature of the institution which affords significant *de facto* veto power to senior civil servants, without high level buy-in and commitment, with flanking accountability mechanisms, the lack of institutional ownership stands as a key barrier to mainstreaming gender.

5.2 Prevalent "masculine" culture

The culture of the European Commission itself undermines the effective implementation of gender mainstreaming. There are two dimensions to this. The first dimension is that the Commission, like other Western, liberal bureaucracies espouses the norm of "neutrality". This bureaucratic neutrality is "profoundly gendered" (Chappell 2006: 226) in that it has incorporated and reiterates a male bias.

In turn, promoting gender equality in this context is particularly challenging as gender equality is resisted as an ideological, politicised objective that is in tension with the "neutral" norms of the institution. This conceptualisation of the Commission diminishes its potential to deliver equitable policies. As such, as part of efforts to promote gender equality, there is a preference for drawing on "gender experts" as opposed to actors who are more politicised (such as those from civil society). There is scarce engagement with the participatory and co-creative approaches that support a more transformative variant of mainstreaming and that are a key route to mainstreaming intersectionality.

The second dimension of the "masculine" culture in the Commission compounds the challenges posed by the first (Braithwaite 2000). The Commission is a very hierarchical institution and, as mentioned before, decision-making is opaque. This affords significant power to the upper echelons of the administration and gives senior officials an ability to oppose and over-rule gender equality activity, with no internal accountability mechanisms to challenge this resistance (Mergaert 2012).

5.3 Focus on gender mainstreaming in policy and not the organisation itself
Related to the point above (sub-section ii), the Commission does not have a Gender Equality Plan to promote gender equality within the organisation itself, through tackling problems and issues related to its own structures and ways of functioning. A plan for gender mainstreaming in the Commission (as an organisation) would support institutional change that could challenge the dominant culture which undermines the mainstreaming of gender in the policy process. Instead, the primary focus of mainstreaming activity (when it has taken place) has been the policy-making process. Senior officials understand the Commission as a "neutral" institution and in such situations the status quo can be maintained through understanding gender inequality as an issue for others (e.g. Ely and Meyerson 2000). This persistent absence of self-reflection can be interpreted as a form of resistance to promoting gender equality.

5.4 Limited expertise and capacity to mainstream gender
The implementation of gender mainstreaming is dependent upon the investment of human and financial resources. There must be sufficient institutional capacity to establish the necessary structures for mainstreaming gender and to ensure that those "normally involved in policy-making" have a certain level of gender expertise. As such, it is essential that officials are provided with the appropriate training and coaching to develop their gender expertise. A systematic reliance on external gender experts hinders the development of the institution's own capacity.

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Beyond specific gender expertise, capacity (and therefore capacity building) is needed for steering institutional change based on participatory and co-creation techniques. This is an element of expertise that is largely lacking, also among the "gender experts" that are mobilised or called in to run or to support gender mainstreaming endeavors. Without this expertise, severe limits to the transformative potential of gender mainstreaming will persist, including with respect to reflecting the diverse needs and experiences of different groups of women and men.

5.5 The impact of the "Better Regulation Agenda"
The Better Regulation Agenda, which provides an over-arching framework for policy-making in the European Commission, does not support gender mainstreaming. The provision for promoting gender equality through the Better Regulation Agenda is weak and the dominant approaches it adopts to policy-making also undermine the promotion of effective gender mainstreaming. Unless this framework itself is amended such that it supports and becomes a tool for gender mainstreaming, efforts to promote gender equality through mainstreaming will continue to be impaired.

Notably, the Better Regulation Agenda promotes a more technocratic approach to policy-making that favours the use of quantitative data over qualitative data and also prioritises the measurement of "outcomes" over the "process" (as part of demonstrating "value added") (Minto,

Mergaert and Bustelo 2019). Both of these pose problems for gender mainstreaming. Qualitative data is an important complement to quantitative data when seeking to understand and monitor any social issue, as quantitative data serves to flatten the nature of the policy issue in hand (Espinosa 2013). Furthermore, given that social change can take time to manifest, successful gender mainstreaming requires attention to the process by which change can be achieved, as well as the outcome of that process. The consultation mechanisms are also weak insofar as they do not require (or accommodate) engagement with civil society organisations, activists or "experts by experience" as part of co-creating the policy agenda, despite the fact that gender and feminist scholars – such as Woodward who coined the concept of "velvet triangle"[2] (2004) – have repeatedly insisted on the importance of engaging with stakeholders.

6. Recommendations to strengthen gender mainstreaming

Responding to the identified barriers to gender mainstreaming, this section presents a set of six recommendations to strengthen gender mainstreaming in the Commission.

Recommendation 1: Embed a commitment to gender equality and gender mainstreaming in EU legal texts across policy domains
The commitment to gender mainstreaming in the EU's primary legislation (Article 8 TFEU) must be reflected across EU legal texts, to ensure that gender mainstreaming is fully embedded in all strategic frameworks and initiatives across all policy domains. Specifically, the requirement to and objectives of gender mainstreaming must be part of the legal base of any major initiative. This must include the Commission's own framework for policy-making (the Better Regulation Agenda).

Recommendation 2: Designate an owner of gender mainstreaming in the Commission Services
It is essential for successful gender mainstreaming that the agenda is owned by a senior official and

their team in the administrative branch of the Commission. This senior official and their team must have the authority to ensure that gender mainstreaming is effectively implemented across the Commission services such that they can oversee compliance and hold others accountable.

> "It is essential for successful gender mainstreaming that the agenda is owned by a senior official and their team in the administrative branch of the Commission."

Recommendation 3: Establish enforcement and monitoring mechanisms for mainstreaming gender
There must be clear expectations for gender mainstreaming that are applicable across the activity of the Commission. These requirements for gender mainstreaming must promote a transformative version of mainstreaming, that ensures stakeholder engagement through co-creation in the agenda setting and policy formulation process. Crucially, these requirements must be integrated within and afforded the same standing as the policy-making requirements set out in the Better Regulation Agenda. It is essential that expectations for gender mainstreaming are enforced, through the establishment of robust monitoring and compliance mechanisms.

Recommendation 4: Implement institutional change for gender equality within the Commission
The Commission must address gender inequality across the institution itself and ensure a more transparent and inclusive decision-making process to challenge the institution's "masculine culture". This necessitates a transformation of the norms and "ways of doing" in the Commission to promote a more transparent and inclusive culture. This should incorporate *inter alia* promoting a work-life balance for Commission staff, increasing the proportion of women in senior positions and reconfiguring the Commission's hierarchical structure and opaque decision-making.

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[2] This concept refers to the "interactions between policy makers and politicians, feminist academics and experts, and the women's movement in European Union policy-making" (Woodward 2015: 5).

Recommendation 5: Invest resources in building capacity in gender expertise and institutional change expertise

Successful mainstreaming demands that there is sufficient relevant capacity within the institution. All officials ought to be provided with regular gender training and have access to policy-specific gender toolkits. Beyond this base level of understanding of gender equality, the Commission should invest in "in house" gender experts. In order to ensure attention to intersectionality considerations is fully embedded within a transformative approach to gender mainstreaming, investment is needed in expertise to steer institutional change through the use of co-creation techniques. Through this investment, over time, the Commission must embed ownership of gender mainstreaming by all policy actors throughout the institution.

Recommendation 6: Build on more recent gender equality advances

The Commission's recent activity in the area of gender equality must be bolstered to ensure that it can be fully capitalised upon. It is vital that the Commissioner for Equality oversees a designated senior official and their team that has responsibility for promoting gender mainstreaming in the Commission (see recommendation 2). Also, the Equality Task Force must have a clear mandate and Terms of Reference.

7. Conclusion

Gender mainstreaming is a "potentially revolutionary concept" (Pollack and Hafner-Burton 2000: 434) for the promotion of gender equality, through transforming both formal (rules, processes and procedures) and informal (culture, norms and "ways of doing") dimensions of institutions. Whilst gender mainstreaming has not yet led to transformation of and within the European Commission, as an approach to advancing gender equality it retains significant potential. Crucially, inherent within any gender mainstreaming activity

must be the full accommodation of the diverse needs and experiences of women and men, who may sit at the intersection of different inequalities. To realise this, it is essential that mainstreaming engages fully with a range of stakeholders, civil society organisations and "experts by experience", both "upstream" in the policy process (in agenda setting and the early stages of policy development) and "downstream" (in the evaluation of policy implementation and delivery). Furthermore, the institutionalisation of gender mainstreaming must result in changes to both formal *and* informal institutions, therefore changing the culture of and norms within the European Commission so they support (and do not undermine) efforts to mainstream gender.

"Whilst there are indeed examples of good practice within the Commission, significant work remains to be done, and this work must encompass not only the Commission's policy activity but the Commission as an organisation itself."

The six recommendations made in this analysis provide a pathway for the European Commission to live up to the EU's constitutionalised commitment to promoting gender equality through mainstreaming (Article 8 TFEU). Whilst there are indeed examples of good practice within the Commission, significant work remains to be done, and this work must encompass not only the Commission's policy activity but the Commission as an organisation itself. Ultimately, the key ingredients for successful gender mainstreaming are political will and resources. In the absence of these indispensable impact drivers, realising substantive gender equality and the manifold benefits that it brings will remain elusive.

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