
**DECISION No 848/2004/EC OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL
of 29 April 2004**

establishing a Community action programme to promote organisations
active at European level in the field of
equality between men and women

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular, Article 13(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee ¹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ²,

¹ OJ C 80, 30.3.2004, p. 115.

² Opinion of the European Parliament of 20 November 2003 (not yet published in the Official Journal), Council Common Position of 6 February 2004 (OJ C 95 E, 20.4.2004, p. 1), Position of the European Parliament of 30 March 2004 (not yet published in the Official Journal) and Council Decision of 20 April 2004.

Whereas:

- (1) The principle of equality between men and women is a fundamental principle of Community law, laid down in Article 2 and Article 3(2) of the Treaty and clarified by the case-law of the Court of Justice of the European Communities. Under the Treaty, equality between men and women is one of the Community's specific tasks and objectives and the Community is actively to promote such equality in all fields of Community action.
- (2) Article 13(1) of the Treaty confers on the Council the power to take appropriate action to combat all discrimination based, *inter alia*, on sex. Pursuant to Article 13(2), when the Council adopts Community incentive measures, excluding any harmonisation of the laws and regulations of the Member States, to support action taken by the Member States in order to contribute to the achievement of that objective, it is to act in accordance with the procedure referred to in Article 251 of the Treaty.
- (3) Article 21 of the Charter of Fundamental Rights of the European Union prohibits any discrimination on grounds of sex and Article 23 lays down the principle of equality between men and women in all areas.
- (4) Experience of action at Community level has shown that promoting gender equality calls in practice for a combination of measures and, in particular, of legislation and practical action designed to reinforce one another.
- (5) The Commission's White Paper on European Governance advocates the participation of citizens in shaping and implementing policy, the involvement of civil society and civil society organisations, and more effective and transparent consultation of interested parties.

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- (6) The Fourth World Conference on Women held in Beijing adopted on 15 September 1995 a Declaration and a Platform for Action calling on governments, the international community and civil society to take strategic action to eliminate both discrimination against women and the barriers to gender equality.
 - (7) By Decision 2001/51/EC ¹, the Council established a Community Action Programme relating to the Community framework strategy on gender equality. These actions should be supplemented by support measures in the areas concerned.
 - (8) Budget lines A-3037 (No ABB 040501) and A-3046 (No ABB 040503) of the general budget of the European Union for the year 2003 and preceding years were intended to support the European Women's Lobby and women's organisations working to promote equality between men and women.
 - (9) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ², hereinafter referred to as "the Financial Regulation", requires the adoption of a basic act for existing support measures which is in line with its provisions.
 - (10) The activities of certain organisations help to promote gender equality, particularly in the case of Community measures targeted specifically at women.

¹ OJ L 17, 19.1.2001, p. 22.

² OJ L 248, 16.9.2002, p. 1.

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- (11) The European Women's Lobby, in particular, which comprises most of the women's organisations in the 15 Member States and has over 3 000 members, plays a major role in promoting, monitoring and disseminating Community measures aimed at women with a view to achieving equality between men and women. Its activity serves the general European interest.
- (12) Consequently, a structured programme should be adopted to provide financial assistance to such organisations in the form of an operating grant for activities with aims of general European interest in the area of gender equality or with an objective which forms part of the European Union's policy in this area and in the form of certain grants for action.
- (13) This programme covers a wide geographic area owing to the fact that the new Treaty of Accession was signed on 16 April 2003 and that the Agreement on the European Economic Area (EEA) provides for increased cooperation in the field of gender equality between the European Community and its Member States, on the one hand, and the countries of the European Free Trade Association (EFTA), on the other. The EEA Agreement lays down the procedures for the participation of the EFTA States party to the EEA Agreement in Community programmes in this field. Furthermore, this programme should be opened up for participation by Romania and Bulgaria, in accordance with the conditions set out in their Europe Agreements, in their Additional Protocols and in the decisions of the respective Association Councils, and to Turkey in accordance with the conditions laid down in the Framework Agreement between the European Community and the Republic of Turkey on the general principles for the participation of the Republic of Turkey in Community programmes ¹.

¹ OJ L 61, 2.3.2002, p. 29.

- (14) The specific nature of organisations active at European level in the field of the promotion of equality between men and women should be taken into account when laying down the procedures for granting such assistance.
- (15) This Decision 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 procedure¹, for the budgetary authority during the annual budgetary procedure.
- (16) The Joint Declaration of the European Parliament, the Council and the Commission of 24 November 2003 on the basic acts for grants provides, on an exceptional basis, for transitional clauses concerning the period of eligibility of expenditure to be introduced in this programme,

HAVE DECIDED AS FOLLOWS:

Article 1

Objective of the programme

1. This Decision hereby establishes a Community Action Programme (hereinafter referred to as "the programme") to promote organisations active at European level in the field of equality between men and women.

¹ 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).

2. The general objective of the programme is to support the activities of such organisations, of which an ongoing programme of work or a specific action serves the general European interest in the field of equality between men and women or pursues an objective which is part of the European Union's policy in this area.
3. The programme shall start on 1 January 2004 and shall end on 31 December 2005.

Article 2

Access to the programme

1. In order to be eligible for a grant, an organisation active at European level in the field of equality between women and men must comply with the provisions laid down in the Annex and its activities must:
 - (a) contribute to the development and implementation of Community actions to promote equality between men and women;
 - (b) be in accordance with the principles underlying, and the legal provisions governing, Community action in the policy area of equality between men and women;
 - (c) have transnational potential.
2. The organisation in question must have been legally established for more than one year, acting alone or in the form of various coordinated associations.

Article 3

Participation of third countries

In addition to organisations established in the Member States, participation in the programme shall be open to organisations active at European level in the field of equality between men and women which are established in:

- (a) Accession States which signed the Treaty of Accession on 16 April 2003;
- (b) the EFTA/EEA countries, in accordance with the conditions laid down in the EEA Agreement;
- (c) Romania and Bulgaria, on the basis that the conditions for their participation are to be laid down in accordance with the European Agreements, their additional Protocols and the Decisions of the respective Association Councils;
- (d) Turkey, on the basis that the conditions for its participation are to be laid down in accordance with the Framework Agreement between the European Community and the Republic of Turkey on the general principles for the participation of the Republic of Turkey in Community programmes.

Article 4

Selection of beneficiaries

1. Operating grants shall be awarded directly to the beneficiaries referred to in point 2.1 of the Annex.
2. The award of an operating grant on the basis of an ongoing programme of work, or the award of a grant for a specific action, to an organisation which is pursuing an objective of general European interest forming part of the European Union's policy of promoting equality between men and women must meet the general criteria laid down in the Annex. Organisations entitled to receive grants under points 2.2 and 2.3 of the Annex shall be selected following a call for proposals.

Article 5

Awarding of the grant

1. Operating grants awarded under points 2.1 and 2.2 of the Annex to organisations active at European level in the field of equality between men and women may cover no more than 80% of the organisation's total eligible expenditure for the calendar year for which the grant is awarded.
2. Pursuant to Article 113(2) of the Financial Regulation, and by reason of the nature of the organisations covered by this Decision, a derogation shall be made from the principle of degressivity for grants awarded under the programme.

Article 6

Financial provisions

1. The financial framework for the implementation of the programme for the period from 2004 to 2005 shall be EUR 2,2 million.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 7

Transitional clauses

For grants awarded in 2004, it will be possible for the period of eligibility of expenditure to start on 1 January 2004, provided that the expenditure does not precede the date on which the grant application was lodged or the date on which the beneficiary's budgetary year starts.

During 2004, in the case of beneficiaries whose budgetary year starts before 1 March, an exception may be granted to the obligation to sign the grant agreement within the first four months of the start of the beneficiary's budgetary year, as referred to in Article 112(2) of the Financial Regulation. In this case, the grant agreement should be signed by 30 June 2004 at the latest.

Article 8

Monitoring and evaluation

By 31 December 2006 at the latest, the Commission shall submit a report to the European Parliament and the Council on the achievement of the objectives of the programme. That report shall be based on the results obtained by the beneficiaries and shall assess, in particular, their effectiveness in achieving the objectives set out in Article 1 and the Annex.

Article 9

Entry into force

This Decision shall enter into force on the day following that of its publication in the Official Journal of the European Union.

It shall apply from 1 January 2004.

Done at Strasbourg, 29.4.2004

For the European Parliament

The President

P. COX

For the Council

The President

M. McDOWELL

ANNEX**1. Activities to be supported**

The general objective laid down in Article 1 is to reinforce Community action in the field of equality between men and women and the effectiveness of such action by offering financial support to organisations active at European level in the field of equality between women and men, including the European Women's Lobby.

1.1. The activities of organisations working to promote equality between men and women which may help reinforce and increase the effectiveness of Community action will include the following:

- the representation of interested parties at Community level,
- awareness-raising activities aimed at promoting gender equality, in particular through studies, campaigns and seminars,
- the dissemination of information on Community action to promote gender equality;
- action promoting, inter alia, the reconciliation of working and family life, the involvement of women in decision-making, the fight against gender-related violence, gender stereotyping and discrimination at work,
- measures fostering cooperation with women's organisations in third countries and raising awareness of the situation of women worldwide.

- 1.2. Activities carried out by the European Women's Lobby in representing and coordinating non-governmental women's organisations, and in relaying information on women to the European institutions and non-governmental organisations, will include the following:
- following-up the Beijing Platform for Action (United Nations),
 - working towards improving European legislation on gender equality and the inclusion of women in all policy areas,
 - participation at meetings and conferences on gender equality,
 - taking action to ensure that the views and interests of women are included in national and European policies, in particular by encouraging their participation in decision-making,
 - reinforcing equality between men and women in the EU enlargement process and developing cooperation with women's organisations in the acceding Member States.
2. Carrying-out of the activities to be supported

The activities carried out by organisations which are eligible to receive a Community grant under the programme will come under one of the following strands:

2.1. Strand 1: ongoing activities of the European Women's Lobby, whose members are inter alia, women's organisations in the Member States of the European Union, subject to observance of the following principles:

- it must be free to select its members,
- it must be free to pursue its activities in accordance with point 1.2.

2.2. Strand 2: ongoing activities of an organisation pursuing an objective of general European interest in the field of gender equality or an objective forming part of the European Union's policy in this area.

In accordance with Article 2, this applies to a non-profit-making body carrying out its activities exclusively in order to achieve equality between women and men or an organisation with a wider aim which carries out part of its activities exclusively to promote equality between women and men.

An annual operating grant may be awarded to support the implementation of such an organisation's ongoing programme of work.

2.3. Strand 3: specific actions of an organisation pursuing an objective of general European interest in the field of equality between women and men or an objective forming part of the European Union's policy in this area.

3. Selection of beneficiaries

3.1. An operating grant may be awarded directly to the European Women's Lobby under Strand 1 of the programme upon approval of an appropriate workplan and budget.

3.2. Organisations entitled to receive an operating grant under Strand 2 of the programme will be selected on the basis of calls for proposals.

3.3. Organisations entitled to receive a grant for specific action under Strand 3 of the programme will be selected on the basis of calls for proposals.

4. Checks and audits

4.1. The beneficiary of an operating grant is to keep available for the Commission all the supporting documents, including the audited financial statement, regarding expenditure incurred during the grant year, for a period of five years following the last payment. The beneficiary of a grant is to ensure that, where applicable, supporting documents in the possession of partners or members of the organisations are made available to the Commission.

- 4.2. The Commission may arrange for an audit of the use made of the grant to be carried out either by its own staff or by any other qualified outside body of its choice. Such audits may be carried out at any time during the lifetime of the grant agreement and during a period of five years from the date of payment of the balance. Where appropriate, the audit findings may lead to recovery decisions by the Commission.
- 4.3. Commission staff and outside personnel authorised by the Commission are to have an appropriate right of access, in particular to the beneficiary's offices and to all such information, including information in electronic format, as may be needed in order to conduct such audits.
- 4.4. The Court of Auditors and the European Anti-Fraud Office (OLAF) are to enjoy the same rights, especially of access, as the Commission.
- 4.5. In order to protect the European Communities' financial interests against fraud and other irregularities, the Commission may carry out on-the-spot checks and inspections under the programme in accordance with Council Regulation (Euratom, EC) No 2185/96¹. Where necessary, investigations shall be conducted by the European Anti-Fraud Office (OLAF) and these shall be governed by Regulation (EC) No 1073/1999 of the European Parliament and of the Council².
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¹ OJ L 292, 15.11.1996, p. 2.

² OJ L 136, 31.5.1999, p. 1.