



Anne Gaspard
Executive Director
Equinet AISBL Rue Royale,
138 B-1000 Brussels
Belgium

Madrid, 5th October 2018

Dear Ms. Gaspard,

On behalf of the Spanish Institute of Women and for Equal Opportunities, an autonomous body under the State Secretariat for Equality, who works to support the progress of women in all areas of society since 1983, and that is also the National Equality Body under the Gender Equal Treatment EU Directives (the 2010/41 on self-employed persons, the 2006/54 Recast Directive, and the 2004/113 Goods and Services Directive).

I request formal membership of Equinet AISBL/INFPA – European Network of Equality Bodies, enjoying the full rights that members of Equinet are entitled to and respecting the obligations that membership brings with it, including adhering to Equinet statutes.

Please, find here below the link to the English version of the *Act 3/2007, of 22 March, for effective equality between women and men* nominating the Institute of Women as the National Equality Body under the Gender Equal Treatment Directives (*twenty-eight additional provision. Designation of the Women's Institute*).

http://www.igualdadenaempresa.es/recursos/normativa/docs/LO_3-2007_EN.pdf

Yours sincerely,



Silvia Buabent Vallejo
Director

Institute of Women and for Equal Opportunities



Tamás Kádár
Head of Legal and Policy Team
EQUINET
Tamas.Kadar@equineteurope.org

Madrid, 17 October 2018

Dear Mr. Kádár

Many thanks for your e-mail and for taking into consideration our application membership in such a prompt and diligent manner.

Please, find here below the additional information requested by Equinet:

1) **Information of the relevant amendments to the Constitutional Act 3/2007, of 22 March, for effective equality between women and men, since 2010 (year of the English translation provided):**

- **Amendments introduced by Law 11/2013, of July 26, on measures to support the entrepreneur and stimulate growth and job creation (BOE July 27, 2013):**

Article 71 of the Constitutional Act 3/2007, of 22 March, hereinafter Gender Equality Act, was **amended by Law 11/2013, of July 26, on measures to support the entrepreneur and stimulate growth and job creation (BOE July 27, 2013)** - [Final Disposition first, thirteenth, fourteenth and transitory provision six] to comply with the judgment of the Court of Justice of the European Union, of March 1, 2011, in case C-236/09, "Test-Achats", which declared invalid, as of December 21, 2012, article 5.2 of Council Directive 2004/113/CE of December 13.

The second paragraph of section 1 of article 71 of the Gender Equality Act was deleted, eliminating the regulatory authorization that allowed establishing proportional differences in individual premiums and benefits, when sex constituted a determining factor of the risk assessment. The fifth transitory



disposition of the referred Gender Equality Act, that collected the tables of mortality and survival, was also deleted.

Likewise, Law 11/2013, of July 26, modified the recast text of the Law on the organization and supervision of private insurance, approved by Royal Legislative Decree 6/2004, of October 29, adding a new additional provision twelfth on "Equality of treatment between women and men".

Finally, the sixth transitory provision of Law 11/2013, of July 26, established the beginning of the effects of these amendments.

2) An English copy or at least summary of the Act 16/1983 of 24 December creating the Women's Institute in order for the Board to have a clear overview of the Institute's mandate, powers and activities.

An English informal translation of the last available consolidated version of the Act 16/1983, of 24 December, creating the Women's Institute is being attached for your information.

In addition, please note that according to the **Royal Decree 816/2018, of July 6, which develops the basic organizational structure of the Ministry of the Presidency, Parliamentary Relations and Equality**, the Institute of Women and for Equal Opportunities is currently attached, as an autonomous body, to the Ministry of the Presidency, Parliamentary Relations and Equality, through the State Secretariat for Equality.

3) A short explanation of our links with the Council for the Elimination of Ethnic or Racial Discrimination in Spain (current Equinet member, covering the ground of race or ethnic origin).

It must be stated that **since July 2018** and due to the amendments made by the above-mentioned Royal Decree 816/2018, of July 6, the Deputy Directorate General for Equal Treatment and non-discrimination is now under the new Directorate General for Equality of Treatment and Diversity, which in its turn is under the State Secretariat for Equality. Additionally, the Council for the Elimination of Racial or Ethnic Discrimination is attached to the Ministry of the Presidency, Parliamentary Relations and Equality, through the Directorate General for Equality of Treatment and Diversity.



Therefore, the Institute of Women and for Equal Opportunities is the Spanish Equality Body under the Gender Equal Treatment Directives while the Council for the Elimination of Racial or Ethnic Discrimination is the Spanish Equality Body under the Directive 2000/43/EC, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

It will be greatly appreciated if the following information and documentation could be provided to the Equinet Executive Board for consideration and approval in order to be considered in the next Equinet General Assembly that will take place in November 2018.

Thank you very much in advance for your considerations and diligence.

Please, do not hesitate to contact us for any additional related query.



Begoña Suárez Suárez

Deputy Directorate for Female Entrepreneurship,
Equality in Companies and Collective Bargaining



ANNEX

Informal up-to date translation of Law 16/1983, of October 24, on the creation of the Autonomous Body Women's Institute.

The autonomous body Women's Institute changes its name to "Institute of Women and for Equal Opportunities", as established in art. 17.1 of Law 15/2014, of September 16. (Ref. BOE-A-2014-9467).

Article 1. Nature and legal regime.

1. The Institute for Women and Equal Opportunities is created as an autonomous body as provided for in Chapter II of Title III of Law 6/1997, of April 14, on the Organization and Functioning of the General Administration of the State, attached to the Ministry of Health, Social Services and Equality through the Secretary of State for Social Services and Equality¹.

2. In accordance with the twenty-eighth additional provision of the Organic Law 3/2007, of March 22, for the effective equality of women and men, the Institute for Women and Equal Opportunities is the competent body in the Kingdom of Spain for the purposes of the provisions of Article 20 of Directive 2006/54 / EC of the European Parliament and of the Council of 5 July 2006, on the application of the principle of equal opportunities and equal treatment for men and women in matters of employment and occupation (recast) and in article 12 of Directive 2004/113 / EC, of the Council, of 13 December 2004, on application of the principle of equal treatment between men and women in access to goods and services and their supply.

3. The Institute for Women and Equal Opportunities is governed by the provisions of this Law, Chapter II of Title III of Law 6/1997, of April 14, and the rest of the regulations that apply to it.

Article 2. Objectives.

The Institute for Women and Equal Opportunities has as its primary purpose the promotion and advancement of the conditions that enable the social equality of both sexes and the participation of women in political, cultural, economic and social life, as well as the prevention and elimination of all kinds of discrimination against people based on birth, sex, racial or ethnic

¹ According to the Royal Decree 816/2018, of July 6, which develops the basic organizational structure of the Ministry of the Presidency, Parliamentary Relations and Equality, the Institute of Women and for Equal Opportunities is no longer a body under the former State Secretariat for Social Services and Equality, attached to the former Ministry of health, Social services and Equality. The Institute of Women and for Equal Opportunities is now a body under the State Secretariat for Equality. The State Secretariat for Equality is attached to the Ministry of the Presidency, Parliamentary Relations and Equality.



origin, religion or ideology, sexual orientation or identity, age, disability or any other condition or personal or social circumstance.

Article 3. Functions

For the fulfillment of its purposes, the Institute for Women and Equal Opportunities will develop, within the scope of the State's competences, the following functions:

- a) To promote and develop the transversal application of the principle of equal treatment and non-discrimination and, especially, of the measures to enforce the principle of equal opportunities between women and men.
- b) Receive and channel in the administrative order the complaints made in specific cases of de facto or de jure discrimination based on sex, independently assisting the victims of discrimination on this basis to process their claims.
- c) Promote measures aimed at assisting and protecting responses for any of the reasons referred to in Article 2, without prejudice to the competences assumed by other bodies.
- d) Compile information and documentation related to women and victims of discrimination, as well as an up-to-date database that serves as a basis for the development of the functions and competencies of the Institute.
- e) Prepare reports, studies and recommendations on the situation of women in Spain and on matters that affect equal treatment and non-discrimination and its dissemination and exchange with other ministerial departments and public or private entities from the international, national, regional or local context.
- f) Carry out as many activities to favor the participation of women in economic activity and in the labor market, in accordance with the provisions of Organic Law 3/2007, of March 22.
- g) Oversee the image of women in advertising and respond to complaints in this field.
- h) Encourage relations within the scope of its powers with State NGO's, as well as with entities of state, autonomous and local basis, both public and private, and seek the linkage of the Institute with International Organizations dedicated to related issues.
- i) Formulate initiatives and activities of social awareness, information, training and participation, as well as carry out activities aiming at the exposed purposes, in accordance with the applicable regulations.
- j) Exercise any other function attributed to by current regulations.

Article 4. Management and coordination.

The head of the Directorate of the Institute for Women and Equal Opportunities will direct and coordinate the functions entrusted to the body. His appointment will be made through a royal decree, a proposal from the person holding the Ministry to whom is attached.



Article 5. Financing.

For the fulfillment of its purposes, the Institute for Women and Equal Opportunities will have the following financial resources:

- a) The transfers and other assignments that appear in the General State Budgets.
- b) Donations, legacies, subsidies and any other financial aid that can be obtained and validly accepted.
- c) The goods and values that constitute its patrimony.
- d) The products and income of said patrimony.
- e) The benefits that, in its case, it may obtain from the activity that is proper to the Institute.
- f) Any other resource that may be attributed to the Body.

First final provision.

The Government is authorized to dictate the necessary provisions for the development and application of this Law, as well as to modify by Royal Decree the secondment of the Women's Institute.

Second final provision.

The Deputy Directorate General for Women, whose functions will be assumed by the Institute for Women, is suppressed.