













Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 2022/0400(COD) Directive</p>	Procedure completed, awaiting publication in Official Journal
<p>Union of equality: standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation</p>	
<p>Subject 4.10.04 Gender equality 4.15.08 Work, employment, wages and salaries: equal opportunities women and men, and for all</p>	
<p>Legislative priorities Joint Declaration 2023-24 Joint Declaration 2022</p>	

Key players			
European Parliament	Joint Committee Responsible	Rapporteur	Appointed
	 Women's Rights and Gender Equality		19/06/2023
	Employment and Social Affairs	 PIETIKÄINEN Sirpa	19/06/2023
		 ANGEL Marc	
		Shadow rapporteur	
		 ESTARÀS FERRAGUT Rosa	
		 OHLSSON Carina	
		 ORVILLE Max	
		 TOLLERET Irène	
		 FRANZ Romeo	
		 PETER-HANSEN Kira Marie	
		 REIL Guido	
		 DE LA PISA CARRIÓN Margarita	
		 GUSMÃO José	



[RODRÍGUEZ PALOP](#)
Eugenia

FEMM [Women's Rights and Gender Equality](#)

[Employment and Social Affairs](#)

Committee for opinion

Rapporteur for opinion

Appointed

JURI [Legal Affairs](#)

The committee decided not to give an opinion.

LIBE [Civil Liberties, Justice and Home Affairs](#)
(Associated committee)

28/06/2023



[KUHNE Alice](#)

Council of the European Union
European Commission

Commission DG


Commissioner

[Justice and Consumers](#)

DALLI Helena

European Economic and
Social Committee

Key events

07/12/2022	Legislative proposal published	COM(2022)0688	Summary
15/12/2022	Committee referral announced in Parliament, 1st reading		
15/06/2023	Referral to associated committees announced in Parliament		
15/06/2023	Referral to joint committee announced in Parliament		
07/11/2023	Vote in committee, 1st reading		
07/11/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
10/11/2023	Committee report tabled for plenary, 1st reading	A9-0354/2023	Summary
20/11/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
23/11/2023	Results of vote in Parliament		
23/11/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71 - vote)		
11/01/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE757.960 GEDA/A/(2023)007166	
10/04/2024	Decision by Parliament, 1st reading	T9-0196/2024	Summary
07/05/2024	Act adopted by Council after Parliament's 1st reading		

Technical information	
Procedure reference	2022/0400(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 57; Treaty on the Functioning of the EU TFEU 157-p3; Rules of Procedure EP 58
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed, awaiting publication in Official Journal
Committee dossier	CJ21/9/12285

Documentation gateway					
Legislative proposal		COM(2022)0688	07/12/2022	EC	Summary
Document attached to the procedure		SWD(2022)0386	08/12/2022	EC	
Document attached to the procedure		SWD(2022)0387	08/12/2022	EC	
Document attached to the procedure		N9-0015/2023 OJ C 064 21.02.2023, p. 0046	21/02/2023	EDPS	
Economic and Social Committee: opinion, report		CES5875/2022	22/03/2023	ESC	
Committee draft report		PE749.992	06/07/2023	EP	
Amendments tabled in committee		PE752.805	08/09/2023	EP	
Committee opinion	LIBE	PE751.894	12/10/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0354/2023	10/11/2023	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2023)007166	20/12/2023	CSL	
Text agreed during interinstitutional negotiations		PE757.960	20/12/2023	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0196/2024	10/04/2024	EP	Summary
Draft final act		00092/2023/LEX	14/05/2024	CSL	

Union of equality: standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation

PURPOSE: to establish standards for equality bodies in matters of equal treatment between women and men in matters of employment, occupation, including self-employment.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: equality bodies play a key role in the EU's anti-discrimination architecture.

[Directive 2006/54/EC](#) prohibits discrimination on grounds of sex in access to employment and occupation, including promotion, and vocational

training, working conditions, including pay, and occupational social security schemes. [Directive 2010/41/EU](#) prohibits discrimination between men and women engaged in a self-employed capacity.

Directives 2006/54/EC and 2010/41/EU define the competences of the equality bodies, which are to: (i) provide independent assistance to victims of discrimination in pursuing their complaints about discrimination; ii) carry out independent surveys concerning discrimination; iii) publish independent reports and make recommendations on all matters relating to discrimination; iv) exchange available information with corresponding European bodies.

The existing EU equality Directives do not include provisions on the actual structure and functioning of equality bodies, but only require that they have certain minimum competences, and that they act independently within the exercise of their remit. Due to the wide margin of discretion left to the Member States in implementing these provisions, there are significant differences between equality bodies across Member States, in particular as regards their mandate, powers, leadership, independence, resources, accessibility and effectiveness.

To ensure that equality bodies can achieve their full potential, contribute effectively to the enforcement of all equality Directives and help victims of discrimination access justice, the Commission adopted a Recommendation on standards for equality bodies in 2018. However, most of the issues the Recommendation aimed at addressing remained unresolved.

Therefore, the Commission proposes binding rules to strengthen the role and independence of equality bodies. The European Parliament and the Council have expressed their support for the adoption of new rules to strengthen the equality bodies.

CONTENT: the proposed Directive aims to set minimum standards for equality bodies, addressing their mandate, tasks, independence, structure, powers, accessibility and resources, to ensure that they can, alongside other actors:

- contribute effectively to the enforcement of Directive 2006/54/EC, including the provisions of the Work-Life Balance Directive, and Directive 2010/41/EU;
- effectively assist victims of discrimination to access justice; and
- promote equal treatment and preventing discrimination.

In concrete terms, the proposal:

- provides for the designation of an equal treatment body or bodies by Member States to combat discrimination falling within the scope of Directives 2006/54/EC and 2010/41/EU;
- establishes a general obligation of independence for equal treatment bodies. The specific requirements to ensure this independence relate to the legal structure, accountability, budget, staffing and organisational matters of equality bodies, as well as the rules applicable to their staff and management;
- establishes a general obligation for Member States to provide equality bodies with adequate resources to carry out all their tasks and exercise all their competences effectively;
- clarifies the role of equal treatment bodies in promoting equal treatment and preventing discrimination;
- specifies the way in which equality bodies are required to assist victims after receiving their complaint by providing information on the legal framework, the available remedies, the services they offer, the confidentiality rules applicable, the protection of personal data and the possibilities of obtaining psychological support;
- requires Member States to provide for the possibility of out-of-court dispute settlement, led by the equality body itself or by another existing specialised body, if all parties agree to initiate such a procedure;
- allows equality bodies to investigate possible cases of discrimination and to issue a motivated (non-binding) opinion or adopt a (binding) decision, following a complaint or on their own initiative;
- gives the equality bodies litigation powers to ensure compliance with the principle of equal treatment as set out in Directives 2006/54/EC and 2010/41/EU;
- requires accessibility of all services and reasonable accommodation for people with disabilities;
- ensures that equality Bodies are regularly consulted by government and other public institutions on public policies with equality and non-discrimination aspects;
- provides that equality Bodies (i) are obliged to collect data on their own activities, (ii) are entitled to conduct surveys, and (iii) have the possibility to play a coordinating role in the collection of equality-related data by other public or private entities;
- ensure that the equality bodies regularly plan and publicly report on their work and on the state of equal treatment and non-discrimination.

Union of equality: standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation

The Committee on Employment and Social Affairs and the Committee on Women's Rights and Gender Equality adopted the report jointly presented by Marc ANGEL (S&D, LU) and Sirpa PIETIKÄINEN (EPP, FI) on the proposal for a directive of the European Parliament and of the Council on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter, scope

The Directive lays down minimum requirements for the functioning of equality bodies to improve their effectiveness and guarantee their

mandate, competences, independence and autonomy in order to strengthen the application of the principle of equal treatment enshrined in the TEU, the TFEU and the Charter and as derived from Directives 2006/54/EC and 2010/41/EU.

Member States should ensure that when complying with their obligations under this Directive and when equality bodies exercise their tasks thereunder the principle of equal treatment applies to all persons in all their diversity, irrespective of their sex, gender, gender identity, gender expression or sex characteristics.

Designation of Equality Bodies

Member States should ensure that equality bodies:

- are visible and involved at all stages and shall allow for full transparency and accountability in the process where they are part of national bodies responsible for the promotion of human rights or the protection of individuals' rights;
- cover single or multiple grounds of discrimination with a clear and appropriate focus on each of the grounds;
- ensure gender parity in leadership and senior management positions reflecting the diversity of society at large.

To ensure the transparency of these staff selection processes, for example, vacancy notices should be published and experts working with groups at risk of discrimination should be consulted throughout these processes.

Independence

Members insisted that equality bodies:

- be totally independent, autonomous and free from any external influence in the performance of their tasks and in the definition of their objectives and actions;
- not be set up within a ministry, a government agency or a body taking or seeking instructions from the government.

Resources

Each equality body should have budgetary and financial autonomy and be provided with the stable human, material, technical and financial resources necessary to perform all its tasks and to exercise all its competences effectively, on all the grounds and in all fields covered. Member States should ensure that equality bodies are allocated their budget in a stable manner, that their budget is planned on a multi-annual basis and that their resources and budget are adjusted upwards accordingly when their competences are increased. Member States shall ensure that equality bodies budgets cover costs that might be difficult to anticipate, such as costs linked to litigation.

Prevention, promotion and awareness raising

Member States should adopt a strategy to raise awareness of the general population, throughout their territory, with particular attention to individuals at risk of discrimination, such as young people, families in all their diversity, and groups at risk of discrimination, in a manner and in formats that are accessible for all, on the rights under Directives 2006/54/EC and 2010/41/EU and the way in which they can be exercised.

Equality bodies should be empowered to:

- carry out activities to prevent discrimination and to promote equal treatment, to guarantee their independence when they adopt a strategy defining how they will engage in public dialogue;
- provide training, advice and guidance to individuals and institutions in the public and private sector on good practices for promoting and achieving equality and preventing discrimination;
- promote equality duties, equality and gender mainstreaming and positive action among public and private entities, and to support, and provide guidance on, the implementation of equality duties, equality and gender mainstreaming and positive action, and;
- be able to carry out research on discrimination, including structural or systemic discrimination, and on online discrimination, including biases and algorithmic discrimination.

Equality bodies also should engage in the prevention of discrimination and in the promotion of equal treatment, to guarantee their independence when they adopt a strategy defining how they will engage in public dialogue, communicate with individuals, social partners, civil society and groups at risk of discrimination, and to ensure an inclusive approach in combating intersectional and multiple discrimination and underreporting.

Assistance to victims

Member States should ensure that equality bodies are able to provide support and assistance free of charge to victims. Equality bodies should be able to receive complaints of discrimination in any possible means, including orally, in writing and online.

Act in court

In addition to equality bodies rights to act as a party in proceedings, to submit observations to the court or to initiate or participate in proceedings on behalf or in support of one or several victims, they should also be able to initiate court proceedings in their own name when there is no individual complainant pursuing the case themselves, or to act in court proceedings when collective redress is used.

Member States should provide for the possibility for parties to resolve their disputes by means of alternative dispute resolution, including within the framework of a conciliation and mediation structure. Such alternative dispute resolution should be led by the equality body or another existing, independent, dedicated entity which is not related to the government.

Cooperation

Member States need to ensure that equality bodies have appropriate mechanisms in place to cooperate with other equality bodies within the same Member State, and with relevant public and private entities, including civil society organisations, at national, regional and local level, as well as in other Member States and at Union and international level. Local governments should be afforded the opportunity to approach equality bodies when they see examples of discrimination at a national level, irrespective of whether the alleged case of discrimination has taken place within that particular local area. Equality bodies should equally have the right to cooperate with the European Institute for Gender

Union of equality: standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation

The European Parliament adopted by 479 votes to 116, with 25 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU.

The position adopted by the European Parliament at first reading under the ordinary legislative procedure is as follows:

Independence

Member States should:

- take measures to ensure that equality bodies are independent and free from external influence, and that they do not seek or take instructions from the government or from any other public or private entity while performing their tasks and exercising their competences;
- provide for transparent procedures concerning the selection, appointment, revocation and potential conflicts of interest of the staff of equality bodies holding decision-making or managerial positions, and where applicable members of the governing board, in order to guarantee their competence and independence;
- ensure that equality bodies establish an internal structure that guarantees the independent, and where appropriate impartial, exercise of their competences.
- ensure that the internal structure of multi-mandate bodies guarantees the effective exercise of the equality mandate.

Awareness raising, prevention and promotion

Equality bodies should be empowered to carry out activities to prevent discrimination and to promote equal treatment. Such activities may, inter alia, include: (i) promoting positive action and gender mainstreaming among public and private entities, (ii) providing them with relevant training, advice and support, (iii) engaging in public debate, (iv) communicating with relevant stakeholders, including the social partners, and (v) promoting the exchange of good practices.

In carrying out such activities, equality bodies can take into consideration specific situations.

Assistance to victims

The amended text stipulated that equality bodies should provide assistance to victims, initially by informing them about the following: (a) the legal framework, including advice targeted to their specific situation; (b) the services offered by the equality body and related procedural aspects; (c) available remedies, including the possibility to pursue the case before the courts; (d) the confidentiality rules applicable, and the protection of personal data; and (e) the possibility of obtaining psychological or other types of relevant support from other bodies or organisations.

Alternative dispute resolution

Equality bodies should be able to offer the parties the possibility of seeking an alternative resolution to their dispute. That process may be led by the equality body itself or by another competent entity, in accordance with national law and practice, in which case the equality body may formulate observations to that entity. Such alternative dispute resolution may take different forms, such as mediation or conciliation, in accordance with national law and practice. The absence of a resolution should not preclude the parties from exercising their right to act in court proceedings.

Opinions and decisions

Equality bodies should be empowered to provide and document their assessment of the case, including establishing the facts and a reasoned conclusion on the existence of discrimination. Member States should determine whether this is to be done by means of non-binding opinions or binding decisions.

Litigation

The right of the equality body to act in court proceedings should include the right to submit observations to the court, in accordance with national law and practice. It should include at least one of the following: (a) the right to initiate court proceedings on behalf of one or several victims; (b) the right to participate in court proceedings in support of one or several victims; or, (c) the right to initiate court proceedings in its own name, in order to defend the public interest.

Accessibility and reasonable accommodations for persons with disabilities

Member States should ensure accessibility and provide reasonable accommodations for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including assistance to victims, complaint handling, alternative dispute resolution, information and publications, as well as prevention, promotion and awareness-raising activities.

Monitoring and reporting

By 24 months after the date of entry into force of this Directive, the Commission should, by means of an implementing act, establish a list of common indicators on the functioning of the equality bodies designated under this Directive.

Within the context of the monitoring and reporting exercise, and in order to enhance the dialogue between the Union institutions and to ensure greater transparency, the European Parliament may invite the Commission annually to discuss matters concerning the functioning of the equality bodies designated under this Directive. The European Parliament may express its views in resolutions.

Transparency				
ANGEL Marc	Rapporteur	EMPL	16/11/2023	Advocate of the Principle of Equality
KUHNKE Alice	Rapporteur for opinion	LIBE	05/09/2023	Diskrimineringsombudsmannen
ORVILLE Max	Shadow rapporteur	EMPL	31/08/2023	Défenseur des droits
TOLLERET Irène	Shadow rapporteur	FEMM	30/08/2023	Equinet - the European Network of Equality Bodies
PIETIKÄINEN Sirpa	Rapporteur	FEMM	30/08/2023	Equinet - the European Network of Equality Bodies
PETER-HANSEN Kira Marie	Shadow rapporteur	FEMM	12/07/2023	Equinet - the European Network of Equality Bodies
GUSMÃO José	Shadow rapporteur	EMPL	11/07/2023	European Confederation of Independent Trade Unions
KUHNKE Alice	Rapporteur for opinion	LIBE	10/07/2023	Organisation Intersex International Europe e.V. The European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association Transgender Europe Oxford In
PETER-HANSEN Kira Marie	Shadow rapporteur	FEMM	10/07/2023	Organisation Intersex International Europe e.V. The European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association Transgender Europe
TOLLERET Irène	Shadow rapporteur	FEMM	14/06/2023	Défensuer des Droits
RINZEMA Catharina	Member	14/11/2023	Osborne Clark	