








Procedure file

Basic information	
APP - Consent procedure Directive	2022/0401(APP)
Awaiting final decision	
Union of equality: standards for equality bodies in the field of equal treatment between persons, in the field of employment, in matters of social security and in the access to and supply of goods and services	
Subject 4.10.04 Gender equality 4.10.08 Equal treatment of persons, non-discrimination	
Legislative priorities Joint Declaration 2023-24	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Women's Rights and Gender Equality	 PIETIKÄINEN Sirpa	24/05/2023
Council of the European Union European Commission	Commission DG Justice and Consumers	Shadow rapporteur	
		 OHLSSON Carina	
		 TOLLERET Irène	
		 PETER-HANSEN Kira	
		Marie	
		 DE LA PISA CARRIÓN	
		Margarita	
		 RODRÍGUEZ PALOP	
		Eugenia	
		Commissioner	
		DALLI Helena	

Key events			
07/12/2022	Preparatory document	COM(2022)0689	Summary
20/02/2024	Legislative proposal published	10788/2023	Summary
11/03/2024	Committee referral announced in		

	Parliament		
14/03/2024	Vote in committee		
18/03/2024	Committee report tabled for plenary, 1st reading/single reading	A9-0128/2024	Summary
10/04/2024	Decision by Parliament	T9-0197/2024	Summary

Technical information

Procedure reference	2022/0401(APP)
Procedure type	APP - Consent procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the EU TFEU 019-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Awaiting final decision
Committee dossier	FEMM/9/10957

Documentation gateway

Preparatory document	COM(2022)0689	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	
Legislative proposal	10788/2023	20/02/2024	CSL	Summary
Committee draft report	PE759.668	23/02/2024	EP	
Amendments tabled in committee	PE759.784	08/03/2024	EP	
Committee report tabled for plenary, 1st reading/single reading	A9-0128/2024	18/03/2024	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T9-0197/2024	10/04/2024	EP	Summary

Union of equality: standards for equality bodies in the field of equal treatment between persons, in the field of employment, in matters of social security and in the access to and supply of goods and services

PURPOSE: to establish standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services.

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

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

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

[Directive 79/7/EEC](#) prohibits discrimination in social security on the grounds of sex. [Directive 2000/43/EC](#) prohibits discrimination on the grounds of racial or ethnic origin. [Directive 2000/78/EC](#) prohibits discrimination on the grounds of religion or belief, disability, age or sexual

orientation in employment, occupation and vocational training. [Directive 2004/113/EC](#) prohibits discrimination on the grounds of sex in the access to and supply of goods and services.

Directives 2000/43/EC and 2004/113/EC require Member States to designate a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds they cover.

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:

- effectively contribute to the enforcement of Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC;
- 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.

The Commission adopted a [parallel proposal](#) aiming to establish standards for equality bodies in matters of equal treatment between women and men in matters of employment, occupation, including self-employment.

Union of equality: standards for equality bodies in the field of equal treatment between persons, in the field of employment, in matters of social security and in the access to and supply of goods and services

PURPOSE: to establish standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services.

PROPOSED ACT: Council Directive.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

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

[Directive 79/7/EEC](#) prohibits discrimination in social security on the grounds of sex. [Directive 2000/43/EC](#) prohibits discrimination on the grounds of racial or ethnic origin. [Directive 2000/78/EC](#) prohibits discrimination on the grounds of religion or belief, disability, age or sexual orientation in employment, occupation and vocational training. [Directive 2004/113/EC](#) prohibits discrimination on the grounds of sex in the access to and supply of goods and services.

Directives 2000/43/EC and 2004/113/EC require Member States to designate a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds they cover.

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.

Therefore, binding rules are needed to strengthen the role and independence of equality bodies.

CONTENT: the Councils draft aims at ensuring the functioning of equality bodies according to minimum standards, with a view to improving their effectiveness and guaranteeing their independence, so as to strengthen the application of the principle of equal treatment. It sets minimum standards for equality bodies, addressing their mandate, tasks, independence, structure, powers, accessibility and resources, to ensure that they can, alongside other actors:

- effectively contribute to the enforcement of Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC;
- effectively assist victims of discrimination to access justice; and
- promote equal treatment and preventing discrimination.

In concrete terms, the proposal, inter alia:

- provides for the designation of an equal treatment body or bodies by Member States to combat discrimination;
- 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;
- requires Member States to provide for the possibility of out-of-court dispute settlement;
- 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;
- ensures 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 between persons, in the field of employment, in matters of social security and in the access to and supply of goods and services

The Committee on Women's Rights and Gender Equality adopted the report by Sirpa PIETIKÄINEN (EPP, FI) on the draft Council directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC.

The committee recommended that the European Parliament give its consent to the draft Council directive.

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:

- effectively assist victims of discrimination to access justice; and
- promote equal treatment and preventing discrimination.

Equality bodies and their staff need to be free from all external interference and this must be ensured by using all possible safeguards. Equality bodies must genuinely be able to be independent in their actions. For this, adequate funding that corresponds accordingly to the amount and nature of tasks of the equality body should be guaranteed.

Equality bodies should have the 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.

Member States should also provide for the possibility for parties to seek an alternative dispute resolution to their disputes, for example through a conciliation and mediation process that can be led by the equality body or another existing independent dedicated entity which is not government related.

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.

Union of equality: standards for equality bodies in the field of equal treatment between persons, in the field of employment, in matters of social security and in the access to and supply of goods and services

The European Parliament adopted by 495 votes to 106, 18 abstentions, a legislative resolution on the draft Council directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC.

Parliament gave its consent to the draft Council Directive.

The Councils draft aims at ensuring the functioning of equality bodies according to minimum standards, with a view to improving their effectiveness and guaranteeing their independence, so as to strengthen the application of the principle of equal treatment. It sets minimum standards for equality bodies, addressing their mandate, tasks, independence, structure, powers, accessibility and resources, to ensure that they can, alongside other actors.

Transparency				
PIETIKÄINEN Sirpa	Rapporteur	FEMM	27/09/2023	The European Confederation of Independent Trade Unions