## Basic information

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|---|---|
| **2022/0401(APP)**<br><br>APP - Consent procedure<br>Directive | Procedure completed |
| 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<br><br>**Subject**<br><br>4.10.04 Gender equality<br>4.10.08 Equal treatment of persons, non-discrimination | |

## Key players

**European Parliament**

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| FEMM Women's Rights and Gender Equality | PIETIKÄINEN Sirpa (EPP) | 24/05/2023 |
| | Shadow rapporteur<br><br>OHLSSON Carina (S&D)<br><br>TOLLERET Irène (Renew)<br><br>PETER-HANSEN Kira Marie (Greens/EFA)<br><br>DE LA PISA CARRIÓN Margarita (ECR)<br><br>RODRÍGUEZ PALOP Eugenia (The Left) | |

**Council of the European Union**

**European Commission**

| Commission DG | Commissioner |
|---|---|
| Justice and Consumers | DALLI Helena |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 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 | | |

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|---|---|---|---|
| 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 |
| 10/04/2024 | Results of vote in Parliament | | |
| 07/05/2024 | Act adopted by Council after consultation of Parliament | | |
| 29/05/2024 | Final act published in Official Journal | | |

## 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 European Union TFEU 019-p1 |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | FEMM/9/10957 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE759.668 | 23/02/2024 | |
| Amendments tabled in committee | | PE759.784 | 08/03/2024 | |
| Committee report tabled for plenary, 1st reading/single reading | | A9-0128/2024 | 18/03/2024 | Summary |
| Text adopted by Parliament, 1st reading/single reading | | T9-0197/2024 | 10/04/2024 | Summary |

**Council of the EU**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | 10788/2023 | 20/02/2024 | Summary |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Preparatory document | COM(2022)0689 | 07/12/2022 | Summary |
| Document attached to the procedure | SWD(2022)0386 | 08/12/2022 | |
| Document attached to the procedure | SWD(2022)0387 | 08/12/2022 | |

**National parliaments**

| Document type | Parliament /Chamber | Reference | Date | Summary |
|---|---|---|---|---|
| Contribution | IT_SENATE | COM(2022)0689 | 24/03/2023 | |
| Contribution | CZ_SENATE | COM(2022)0689 | 05/04/2023 | |
| Contribution | PT_PARLIAMENT | COM(2022)0689 | 15/09/2023 | |

**Other institutions and bodies**

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| EDPS | Document attached to the procedure | N9-0015/2023<br>OJ C 064 21.02.2023, p. 0046 | 21/02/2023 | |
| EESC | Economic and Social Committee: opinion, report | CES5875/2022 | 22/03/2023 | |

**Additional information**

| Source | Document | Date |
|---|---|---|
| European Parliament | Briefing | 19/06/2024 |
| European Commission | EUR-Lex | |

## Meetings with interest representatives published in line with the Rules of Procedure

**Rapporteurs, Shadow Rapporteurs and Committee Chairs**

**Transparency**

| Name | Role | Committee | Date | Interest representatives |
|---|---|---|---|---|
| PIETIKÄINEN Sirpa | Rapporteur | FEMM | 27/09/2023 | The European Confederation of Independent Trade Unions |

**Final act**

Directive 2024/1499
OJ OJ L 29.05.2024 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

2022/0401(APP) - 20/02/2024 - Legislative proposal

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 Council's 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

2022/0401(APP) - 07/12/2022 - Preparatory document

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

2022/0401(APP) - 18/03/2024 - Committee report tabled for plenary, 1st reading/single reading

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

2022/0401(APP) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

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 Council's 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.

# 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

2022/0401(APP) - 29/05/2024 - Final act

PURPOSE: to ensure 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.

LEGISLATIVE ACT: Council Directive (EU) 2024/1499 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.

CONTENT: this Directive lays down **minimum requirements for the functioning of equality bodies** to improve their effectiveness and guarantee their independence in order to strengthen the application of the principle of equal treatment. It sets minimum standards for equality bodies in terms of their mandate, competences, independence, structure, powers, accessibility and resources.

In concrete terms, the Directive, *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;

- requires Member States to ensure that equal treatment bodies have the right to act in civil and administrative law matters concerning the implementation of the principle of equal treatment;

- 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 are obliged to collect data on their own activities;

- ensures that the equality bodies regularly plan and publicly report on their work and on the state of equal treatment and non-discrimination.

By 19 June 2026, the Commission will establish, by means of an implementing act, a list of common indicators concerning the functioning of the equality bodies designated under the Directive.

No later than 19 June 2031, and every five years thereafter, Member States must provide the Commission with all relevant information concerning the application of the Directive. Based on this information, the Commission will draw up a report on the application and practical effects of the Directive.

Any processing of personal data by equality bodies under this Directive must be carried out in full compliance with the General Data Protection Regulation.

ENTRY INTO FORCE: 18.6.2024.

TRANSPOSITION: no later than 19.6.2026.