

# EVELYN REGNER

## Informationen for opinion leaders

The logo for the Social Democrats (S&D) group in the European Parliament, consisting of the letters 'S&D' in white on a black square background.

### Equality Bodies Directive

#### Commission

On the 7 December 2022, the Commission presented a legislative proposal for binding standards to strengthen the role and independence of equality bodies, consisting of two proposals that are identical in content, that are based on different legal bases.

- **Directive 2022/0400** on binding standards for equality bodies in the field of equal treatment and equal opportunities for women and men in matters of employment and occupation and repealing Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU

**Legal basis:** This proposal for a Directive is based on **Article 157(3) TFEU** (equality between men and women in working life).

- **Directive 2022/0401** on standards for equal treatment between persons irrespective of ethnic origin, equal treatment between persons in employment and occupation irrespective of religion or belief, disability and sexual orientation, and between men and women in matters of social security and access to and supply of goods and services

**Legal basis:** This proposal for a Directive is based on **Article 19(1) TFEU** (anti-discrimination measures).

This directive calls on Member States to ensure that equality bodies are able to act **independently** and have the necessary resources to fight discrimination on the following grounds: **sex/gender, race, ethnic origin, religion or belief, disability, age and sexual orientation**. The recommendation furthermore stresses the importance to raise awareness on the role of equality bodies and on **how citizens can access** them to **exercise their rights** if they experience discrimination.

## Background

National equality bodies are independent public bodies promoting equal treatment and combating discrimination in their countries. Under the existing EU Equal Treatment Directives (Directive 2000/43/EC, Directive 2004/113/EC, Directive 2006/54/EU & Directive 2010/41/EC), EU Member States are obliged to designate one or more equality bodies to promote equal treatment and combat discrimination.

However, the current provisions on equality bodies leave Member States a wide margin of discretion with regard to the **mandate, powers, independence** and **resources** of these bodies. Differences between Member States in the structure and functioning of equality bodies lead to unequal protection against discrimination in the EU and insufficient implementation of EU equal treatment rules.

In Austria, the **Ombud for Equal Treatment** (multiple mandate) and the **Austrian Disability Ombudsman** (simple mandate) operate in parallel. In addition, the Austrian Chamber of Labour and the trade unions play an important role, particularly on the representation before court for cases of discrimination in the world of work.

## European Parliament

The dossier will be jointly negotiated in the FEMM & EMPL committee. On 6 July 2023, the two rapporteurs - Marc Angel (S&D, EMPL) and Sirpa Pietikäinen (EPP, FEMM) - presented their preliminary report. Currently the trilogue negotiations between the institutions are ongoing.

Parliament is trying to strengthen the Commission's proposal on the following points:

- It is particularly important to us that the right of **collective redress** is given to equality bodies: this will give us a leverage to **combat structural problems** and make our society fairer rather than bringing individual cases to one by one (introducing new Article 9(2cb)).
- With regard to **legal enforcement**, it is essential that equality bodies will be able to **use evidence in front of court** that was **obtained in the course of investigations**. (deletion of Articles 9(4) and 9(5))
- For public authorities, trade unions and CSOs to work effectively, it is important that equality bodies cannot demand them to prepare data for them. However, equality bodies should have access to publicly available data (Amendment Article 14).

## Further information

**Commission proposal for Directive 2022/0400** on binding standards for equality bodies in the field of equal treatment and equal opportunities for women and men in matters of employment and occupation and repealing Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0688>

<https://rm.coe.int/16806b076a>

**Commission proposal for a Directive 2022/0401** on standards for equal treatment between persons irrespective of ethnic origin, equal treatment between persons in employment and occupation, irrespective of religion or belief, disability and sexual orientation, and between men and women in matters of social security and in the access to and supply of goods and services

<https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=COM:2022:689:FIN>

**EPRS Briefing** Standards for equality bodies Discrimination under Article 19 TFEU grounds

[https://www.europarl.europa.eu/Reg-](https://www.europarl.europa.eu/Reg-Data/etudes/BRIE/2023/751414/EPRS_BRI(2023)751414_EN.pdf)

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**Draft report** European Parliament FEMM & EMPL

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