

Proposal for a 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 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, and deleting Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC (2022/0401 (APP)):

Suggested amendments by Equinet, European Network of Equality Bodies¹

Proposed amendments are indicated in bold.

COMMISSION PROPOSAL	EQUINET SUGGESTED AMENDMENTS
	(2a) The Court of Justice has held that the scope of the principle of equal treatment for men and women cannot be confined to the prohibition of discrimination based on the fact that a person is of one or other sex. In view of its purpose and the nature of the rights which it seeks to safeguard, it also applies to discrimination arising from the gender reassignment of a person.

Rationale: This amendment would ensure that the Directive is in line with the case law of the Court of Justice of the EU as regards the scope of the ground of sex.

COMMISSION PROPOSAL	EQUINET SUGGESTED AMENDMENTS
(12) Although Directives 79/7/EEC and 2000/78/EC do not require Member States to designate equality bodies to deal with the matters covered by those Directives, such bodies do have competence for those matters in most Member States, where	(12) Although Directives 79/7/EEC and 2000/78/EC do not require Member States to designate equality bodies to deal with the matters covered by those Directives, such bodies do have competence for those matters in most Member States, where

¹ Equinet is the European Network of Equality Bodies, composed of 47 member organisations from 36 European jurisdictions, including all EU Member States. These amendment proposals are based on a consultation with the whole Equinet Network, but they do not necessarily fully reflect the views of each Equinet member organisation.

required by national law. However, that is not the case in all Member States, which leads to differing levels of protection against discrimination as regards the matters covered by those Directives across the Union.

required by national law. However, that is not the case in all Member States, which leads to differing levels of protection against discrimination as regards the matters covered by those Directives across the Union. **In a number of Member States, as a good practice, equality bodies also have competence for promoting equality and tackling discrimination on other grounds, including gender identity and expression, sex characteristics, health status and socio-economic disadvantage.**

Rationale: This amendment would acknowledge that in several Member States the mandate of Equality Bodies also extends to grounds beyond those included in Article 19. This is also in line with the open list of grounds in Article 21 of the Charter of Fundamental Rights of the EU.

COMMISSION PROPOSAL

(16) In promoting equal treatment, preventing discrimination and assisting victims of discrimination, equality bodies should pay particular attention to discrimination based on several of the grounds protected by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC.

EQUINET SUGGESTED AMENDMENTS

(16) In promoting equal treatment, preventing discrimination and assisting victims of discrimination, equality bodies should pay particular attention to **multiple and intersectional** discrimination based on several of the grounds protected by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC, 2004/113/EC, **2006/54/EC and 2010/41/EU, acknowledging that discrimination often affects persons on more than one ground, and this creates specific disadvantage. Provisions relating to intersectional discrimination in the proposed Directive to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms should be taken into account in the implementation of this Directive.**

Rationale: This amendment would clarify the recital relating to multiple and intersectional discrimination and bring the Directive in line with Directive (EU) 2023/970 on pay transparency.

COMMISSION PROPOSAL

(18) To ensure that equality bodies can exercise all their competences and fulfil all their tasks, Member States should ensure that the internal structure of equality bodies allows the independent exercise of their various competences. **Particular attention should be paid to situations where bodies are required both to be impartial and to offer support to victims. This is particularly relevant where the equality body holds binding decision-making powers requiring impartiality or is part of a multi-**

EQUINET SUGGESTED AMENDMENTS

(18) To ensure that equality bodies can exercise all their competences and fulfil all their tasks, **they should determine their internal structure in a way that** allows the independent exercise of their various competences.

mandate body where another mandate requires impartiality. An internal structure ensuring a strict separation between the relevant competences and tasks should guarantee that the equality body can effectively exercise them.

Rationale: This amendment would make the text consistent with the recital and article on independence, that requires independence in setting the Equality Body’s internal structure. The current formulation (‘Member States should ensure’) could lead to limiting this aspect of independence.

Furthermore, we consider that the second to fourth sentences of the recital are unnecessarily detailed and thus may go against the principle of subsidiarity.

COMMISSION PROPOSAL

(22) Beyond prevention, a central task of equality bodies is to provide assistance to victims of discrimination. This assistance should always include the provision of key information to complainants **and a preliminary assessment of their complaint, based on the initial information gathered from the parties on a voluntary basis. Member States should be in charge of defining the modalities under which the equality body would issue this assessment, such as the timeframe of the process or procedural safeguards against repetitive or abusive complaints.**

EQUINET SUGGESTED AMENDMENTS

(22) Beyond prevention, a central task of equality bodies is to provide assistance to victims of discrimination. This assistance should always include the provision of key information to complainants, **including whether the procedure based on their complaint will be closed or there are grounds to pursue it further.**

Rationale: This recital is unnecessarily detailed and has the potential of drawing out and complicating the procedure of Equality Bodies, which also goes against the interest of the complainant. The proposed amendment would simplify this part of the procedure.

COMMISSION PROPOSAL

(27) On the basis of the evidence gathered, **either voluntarily or through an investigation**, equality bodies should provide their assessment to the complainant and the alleged perpetrator. Member States should determine the legal value of this assessment that can be a non-binding opinion or a binding enforceable decision. Both should state the reasons for the assessment and include, where necessary, measures to remedy any breach found and to prevent further occurrences. To ensure the effectiveness of equality bodies’ work, Member States should adopt appropriate measures for the follow-up of opinions and the enforcement of decisions.

EQUINET SUGGESTED AMENDMENTS

(27) On the basis of the evidence gathered, equality bodies should **be empowered to** provide their assessment to the complainant and the alleged perpetrator. Member States should determine the legal value of this assessment that can be a non-binding opinion or a binding enforceable decision. Both should state the reasons for the assessment and include, where necessary, measures to remedy any breach found and to prevent further occurrences. To ensure the effectiveness of equality bodies’ work, Member States should adopt appropriate measures for the follow-up of opinions and the enforcement of decisions.

Rationale: This amendment takes into account the fact that for the Equality Body having to provide a formal assessment of the complaint may not be desirable or appropriate, for instance in cases where

the Equality Body is planning to litigate the case. The amendment leaves it to the discretion of the Equality Body whether they make use of their decision-making power in a given case.

COMMISSION PROPOSAL	EQUINET SUGGESTED AMENDMENTS
(28) To promote their work and equality law, equality bodies should be able to publish a summary of their opinions and decisions without disclosing personal data.	(28) To promote their work and equality law, equality bodies should be able to publish a summary of their opinions and decisions without disclosing personal data, except if the disclosure of personal data has a legal basis, for instance as a sanction in discrimination cases.

Rationale: This amendment takes into account that in certain legal systems the disclosure of personal data (of the respondent) may have a legal basis, for instance if publication of the case can be used as a sanction in discrimination cases.

COMMISSION PROPOSAL	EQUINET SUGGESTED AMENDMENTS
(33) Equality bodies’ rights to act in court must respect the principles of fair trial and equality of arms. Therefore, except where the equality body acts as a party in proceedings on the enforcement or judicial review of an own decision or acts as amicus curiae, the equality body should not be allowed to submit in court proceedings evidence obtained through previous investigations of the same case which the alleged perpetrator or any third party was legally bound to provide.	(32) (deleted)

Rationale: This recital relates to Article 9(4), which Equinet also proposes to delete, given that it has the potential to seriously undermine the procedure and effectiveness of Equality Bodies and even represents a regression compared to the current legal framework in a number of countries.

COMMISSION PROPOSAL	EQUINET SUGGESTED AMENDMENTS
(41) Equality data are crucial for raising awareness, sensitising people, quantifying discrimination, showing trends over time, proving the existence of discrimination, evaluating the implementation of equality legislation, demonstrating the need for positive action, and contributing to evidence-based policymaking. Equality bodies have a role to play in contributing to the development of relevant equality data for those purposes, for example by organising regular roundtables gathering all relevant entities. They should also collect and analyse data on their own activities or conduct surveys and should be able to access and make use of statistical information collected by other public or private entities – such as the national statistical offices, national courts, labour	(41) Equality data are crucial for raising awareness, sensitising people, quantifying discrimination, showing trends over time, proving the existence of discrimination, evaluating the implementation of equality legislation, demonstrating the need for positive action, and contributing to evidence-based policymaking. Equality bodies have a role to play in contributing to the development of relevant equality data for those purposes, for example by organising regular roundtables gathering all relevant entities. They should also collect and analyse data on their own activities or conduct and commission surveys and reports and should be able to access and make use of statistical information collected by other public or private entities – such as the national

and education inspectorates, trade unions or civil society organisations - concerning the matters they are entrusted with under Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC. That statistical information should not contain any personal data.

statistical offices, national courts, labour and education inspectorates, trade unions or civil society organisations - concerning the matters they are entrusted with under Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC. That statistical information should not contain any personal data **and it should be made available in an accessible format so that it can be readily used by equality bodies.**

The work of equality bodies on equality data should take into account existing guidance and resources on equality data, including those developed in the framework of the Subgroup on Equality Data of the EU High Level Group on Non-discrimination, Equality and Diversity.

Rationale: This amendment acknowledges that Equality Bodies not only conduct surveys themselves but may also commission these to external providers. It also acknowledges, in line with existing equal treatment directives, that Equality Bodies also prepare and commission reports. Furthermore, the amendment requires that information handed over to the Equality Body should be made available in an accessible format, to ensure useability. Finally, the amendment also makes reference to guidance provided by the Commission’s Subgroup on Equality Data as an authoritative source of good practice.

COMMISSION PROPOSAL

(44) In order to assess the effectiveness of this Directive it is necessary to establish a mechanism to monitor its application and, in addition to monitoring compliance, assess its practical effects. The Commission should be in charge of that monitoring and regularly draw up an application report. In order to ensure uniform conditions for the implementation of Member States’ reporting obligations pursuant to Article 16(2) as regards the practical effects of this Directive, implementing powers should be conferred on the Commission to establish a list of relevant indicators, on the basis of which data should be collected. This monitoring should not involve the processing of personal data.

EQUINET SUGGESTED AMENDMENTS

(44) In order to assess the effectiveness of this Directive it is necessary to establish a mechanism to monitor its application and, in addition to monitoring compliance, assess its practical effects. The Commission should be in charge of that monitoring and regularly draw up an application report, **based on information received from Member States and additional relevant data collected at national and Union level, from equality bodies, other stakeholders, by the European Union Agency for Fundamental Rights and the European Institute for Gender Equality.** In order to ensure uniform conditions for the implementation of Member States’ reporting obligations pursuant to Article 16(2) as regards the practical effects of this Directive, implementing powers should be conferred on the Commission to establish a list of relevant indicators, on the basis of which data should be collected. This monitoring should not involve the processing of personal data.

Rationale: This amendment seeks to clarify the sources of information that the European Commission should take into account when preparing its report on the application of the Directive.

COMMISSION PROPOSAL

Article 3 Independence

1. Member States shall take measures to ensure that equality bodies are independent and free from external influence in performing their tasks and exercising their competences, in particular as regards their legal structure, accountability, budget, staffing, and organisational matters.

2. Member States shall provide for transparent rules and safeguards concerning the selection, appointment, revocation and potential conflict of interest of the staff of equality bodies, in particular persons holding a managerial position, in order to guarantee their competence and independence.

3. Member States shall ensure that appropriate safeguards are in place, in particular in the internal structure of equality bodies, to guarantee the independent exercise of their competences, **notably where some require impartiality and others focus on support to victims.**

4. Member States shall ensure that appropriate safeguards are in place in the internal structure of multi-mandate bodies to guarantee the **autonomous** exercise of the equality mandate.

EQUINET SUGGESTED AMENDMENTS

Article 3 Independence

1. Member States shall take measures to ensure that equality bodies are independent and free from external influence in performing their tasks and exercising their competences, in particular as regards their legal structure, accountability, budget, staffing, and organisational matters. **Equality bodies shall not be set up as part of a ministry or body taking instructions from the government.**

2. Member States shall provide for transparent rules and safeguards concerning the selection, appointment, revocation and potential conflict of interest of the staff of equality bodies, in particular persons holding a managerial position, **including members of governing or management boards where applicable**, in order to guarantee their competence and independence.

3. Member States shall ensure that appropriate safeguards are in place, in particular in the internal structure of equality bodies, to guarantee the independent exercise of their competences.

4. Member States shall ensure that appropriate safeguards are in place in the internal structure of multi-mandate bodies to guarantee the **effective** exercise of the equality mandate.

Rationale: The amendment of Article 3(1) clarifies, in line with the recitals, that Equality Bodies should not be set up as part of a ministry or body taking instructions from the government.

The amendment of Article 3(2) explicitly extends the provision to members of governing or management boards where applicable, acknowledging that in several Member States these boards play a crucial role in the functioning of the Equality Body.

The amendment of Article 3(3) is aimed at an interpretation that prevents an unnecessary strict firewall between different competencies.

The amendment of Article 3(4) is proposed as ‘autonomous exercise of the equality mandate’ may be misunderstood or misinterpreted. This provision should not require a hermetic separation between the different mandates in cases where they can be used to strengthen and complement each other, especially as this is for the benefit of the people who turn to the institution as well as efficient spending of public funds. Requiring the ‘effective exercise of the equality mandate’ better expresses this requirement.

COMMISSION PROPOSAL

Article 5 Prevention, promotion and awareness raising

Member States shall:

(a) adopt a strategy to raise awareness of the general population, throughout their territory, with particular attention to individuals and groups at risk of discrimination, on the rights under Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC and on the existence of equality bodies and their services;

(b) ensure **that** equality bodies engage in the prevention of discrimination and in the promotion of equal treatment, **and adopt a strategy defining how they will engage in public dialogue, communicate with individuals and groups at risk of discrimination, provide training and guidance, and promote equality duties, equality mainstreaming and positive action among public and private entities.**

In doing so, Member States and equality bodies shall take into consideration the most appropriate communication tools and formats for each target group. They shall focus in particular on disadvantaged groups whose access to information can be hindered, for example by their economic status, age, disability, literacy, nationality, residence status or their lack of access to online tools.

EQUINET SUGGESTED AMENDMENTS

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(b) ensure **the conditions for** equality bodies to engage in the prevention of discrimination and in the promotion of equal treatment.

In doing so, Member States and equality bodies shall take into consideration the most appropriate communication tools and formats for each target group. They shall focus in particular on disadvantaged groups whose access to information can be hindered, for example by their economic status, age, disability, literacy, nationality, residence status or their lack of access to online tools.

Rationale: This amendment ensures that Member States provide the conditions, but Equality Bodies keep their independence in defining what forms of prevention and promotional activities they engage in.

COMMISSION PROPOSAL

Article 6 Assistance to victims

1. Member States shall ensure that equality bodies are able to provide assistance to victims as set out in paragraphs 2 to 4.

2. Equality bodies shall be able to receive complaints of discrimination, orally, in writing and online.

3. Equality bodies shall provide assistance to victims, initially by informing them on the legal framework, including advice targeted to their specific situation, on the services offered by the equality body and related procedural aspects, as well as on available remedies, including the possibility to pursue a case in court.

EQUINET SUGGESTED AMENDMENTS

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3. Equality bodies shall provide assistance to victims, initially by informing them on the legal framework, including advice targeted to their specific situation, on the services offered by the equality body and related procedural aspects, as well as on available remedies, including the possibility to pursue a case in court.

Equality bodies shall also inform victims about the confidentiality rules applicable, on the protection of personal data and on the possibilities to obtain psychological or other types of relevant support from other bodies or organisations.

4. Equality bodies shall issue a preliminary assessment of a complaint based on information voluntarily submitted by the parties involved. Member States shall define the precise modalities under which the equality body will issue such preliminary assessment. Equality bodies shall inform the complainants of their preliminary assessment and whether it will close their complaint or whether there are grounds to pursue it further, including via the procedures laid down in Articles 7, 8 and 9.

Equality bodies shall also inform victims about the confidentiality rules applicable, on the protection of personal data and on the possibilities to obtain psychological or other types of relevant support from other bodies or organisations.

4. Equality bodies shall inform the complainants whether **the procedure based on their complaint will be closed or** there are grounds to pursue it further.

Rationale: This provision is unnecessarily detailed and has the potential of drawing out and complicating the procedure of Equality Bodies, which also goes against the interest of the complainant. The proposed amendment would simplify this part of the procedure.

COMMISSION PROPOSAL

Article 8 Opinions and decisions

1. Member States shall ensure that **where**, following a complaint or on their own initiative, equality bodies **consider that the principle of equal treatment laid down in Directives 79/7/EEC, 2000/43/EC, 2000/78/EC OR 2004/113/EC may have been breached, those bodies** are empowered to **further investigate the case.**

2. Member States shall provide for a framework which enables equality bodies to carry out fact-finding. In particular, that framework shall provide equality bodies with effective rights to access information which is necessary to establish whether discrimination has occurred. It shall also provide for appropriate mechanisms for equality bodies to cooperate with relevant public bodies for that purpose.

3. Member States may also provide that the alleged perpetrator and any third party is legally bound to provide any information and documents requested by equality bodies.

4. Member States shall ensure that equality bodies record in writing their assessment of the case, including establishing the facts and a reasoned

EQUINET SUGGESTED AMENDMENTS

Article 8 Investigations

1. **Member States shall ensure that equality bodies are empowered to effectively investigate, following a complaint or on their own initiative, whether a breach of the principle of equal treatment laid down in Directives 79/7/EEC, 2000/43/EC, 2000/78/EC or 2004/113/EC has occurred.**

2. Member States shall provide for a framework which enables equality bodies to carry out fact-finding. In particular, that framework shall provide equality bodies with effective **and obligatory** rights to access information which is necessary to establish whether discrimination has occurred, **including by legally binding the alleged perpetrator and third parties to provide information and documents.** It shall also provide for appropriate mechanisms for equality bodies to cooperate with relevant public bodies, **such as labour and education inspectorates,** for that purpose.

conclusion on the existence of discrimination. Member States shall determine whether this is to be done by means of non-binding opinions or by means of binding enforceable decisions. Where appropriate, opinions and decisions shall include specific measures to remedy any breach found and to prevent further occurrences. Member States shall establish appropriate mechanisms for follow-up to opinions, such as feedback obligations, and for enforcement of decisions. Equality bodies shall publish summaries of their opinions and decisions, without disclosing personal data.

Rationale: We propose that Article 8 of the Directive should be separated into an article on investigations and another one on opinions and decisions. The amendments to Article 8(1) and 8(2) further clarify that Equality Bodies must be vested with effective investigative powers. In light of the changes, Article 8(3) is superfluous and is proposed to be deleted. Article 8(4) is moved to the new Article 8a, on opinions and decisions.

COMMISSION PROPOSAL

EQUINET SUGGESTED AMENDMENTS

Article 8a Opinions and decisions

1. Member States shall ensure that equality bodies **are empowered to** record in writing their assessment of the case, including establishing the facts and a reasoned conclusion on the existence of discrimination. Member States shall determine whether this is to be done by means of non-binding opinions or binding enforceable decisions.
2. Where appropriate, **both** opinions and decisions shall include specific measures to remedy any breach found and to prevent further occurrences. Member States shall establish appropriate mechanisms for follow-up to opinions, such as feedback obligations, and for enforcement of decisions.
3. Equality bodies shall publish summaries of their opinions and decisions, without disclosing personal data. **Equality Bodies may disclose personal data in opinions, decisions or their summaries, if this has a legal basis, for instance as a sanction in discrimination cases.**

Rationale: The new Article 8a(1) is formulated in a way that takes into account the fact that for the Equality Body having to provide a formal assessment of the complaint may not be desirable or appropriate, for instance in cases where the Equality Body is planning to litigate the case. The amendment leaves it to the discretion of the Equality Body whether they make use of their decision-making power in a given case.

Article 8a(3) takes into account that in certain legal systems the disclosure of personal data (of the respondent) may have a legal basis, for instance if publication of the case can be used as a sanction in discrimination cases.

COMMISSION PROPOSAL

Article 9 Litigation

1. Member States shall ensure that equality bodies have the right to act in court proceedings in administrative and civil law matters relating to the implementation of the principle of equal treatment laid down in Directives 79/7/EEC, 2000/43/EC, 2000/78/EC AND 2004/113/EC in accordance with paragraphs 2 to **5**, without prejudice to national rules on the admissibility of actions.
2. The right to act in court proceedings shall include:
 - (a) the right of the equality body to act as a party in proceedings on the enforcement or judicial review of a decision taken pursuant to **Article 8(4)**;
 - (b) the right of the equality body to submit observations to the court **as amicus curiae**;
 - (c) the right of the equality body to initiate or participate in proceedings on behalf or in support of one or several victims; **in this case, the approval of the victims shall be necessary.**
3. Member States shall ensure that the equality body can initiate court proceedings in its own name, in particular in order to address structural and systematic discrimination in cases selected by the equality body because of their abundance, their seriousness or their need for legal clarification.
- 4. Member States shall ensure that, except in cases referred to in paragraphs 2(a) and (b), the equality body does not submit in court proceedings evidence that it has obtained through the exercise of powers pursuant to Article 8(3).**
- 5. Member States shall ensure that no investigations pursuant to Article 8(2) to (4) are initiated or continued while court proceedings on the same case are pending.**

EQUINET SUGGESTED AMENDMENTS

Article 9 Litigation

1. Member States shall ensure that equality bodies have the right to act in court proceedings in administrative and civil law matters relating to the implementation of the principle of equal treatment laid down in Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC in accordance with paragraphs 2 to **3**, without prejudice to national rules on the admissibility of actions.
2. The right to act in court proceedings shall include:
 - (a) the right of the equality body to act as a party in proceedings on the enforcement or judicial review of a decision taken pursuant to Article **8a**;
 - (b) the right of the equality body to submit observations to the court;
 - (c) the right of the equality body to initiate or participate in proceedings on behalf or in support of one or several victims.
3. Member States shall ensure that the equality body can initiate court proceedings in its own name, in particular in order to address structural and systematic discrimination in cases selected by the equality body because of their abundance, their seriousness or their need for legal clarification.

Rationale: The amendment proposed to Article 9(2)b takes into account that the specific term ‘amicus curiae’ is not used in every legal system in the EU.

The amendment to Article 9(2)c takes into account that the approval of victims is not necessary in every EU jurisdiction for the Equality Body to initiate or participate in proceedings on behalf or in support of one or several victims.

Article 9(4) of the Directive has to be deleted, thereby allowing Equality Bodies to use in court proceedings evidence collected through their Article 8(3) investigation powers. Many Equality Bodies currently already have similar effective investigation powers. For them, and the rights-holders they support, this provision would represent a regression. This provision also stands in contrast with other fields of law, where such investigation powers are granted to a public authority, for instance to Data Protection Authorities. They are also contrary to the principle of subsidiarity, difficult to put in practice, and they run the risk of creating a perverse effect in that all perpetrators (and possibly third parties) may refuse to cooperate with Equality Bodies, until they are legally bound to do so under Article 8(3).

We further propose to delete Article 9(5). There are some jurisdictions where the Equality Bodies can initiate or continue proceedings while court proceedings on the same case are pending. For them, such a blanket prohibition would represent a great risk of regression, contrary to Article 17.

COMMISSION PROPOSAL

Article 10 Procedural safeguards

Member States shall ensure that, in the procedures referred to in Articles 6, 7, 8 and 9, the rights of defence of natural and legal persons involved are duly protected. Member States shall ensure that equality bodies guarantee confidentiality of witnesses and whistle-blowers, and as far as possible, of complainants. Decisions referred to in Article **8(4)** shall be subject to judicial review, in accordance with national law.

EQUINET SUGGESTED AMENDMENTS

Article 10 Procedural safeguards

Member States shall ensure that, in the procedures referred to in Articles 6, 7, 8, **8a** and 9, the rights of defence of natural and legal persons involved are duly protected. Member States shall ensure that equality bodies guarantee confidentiality of witnesses and whistle-blowers, and as far as possible, of complainants. Decisions referred to in Article **8a** shall be subject to judicial review, in accordance with national law.

Rationale: Amendments for consistency

COMMISSION PROPOSAL

Article 12 Cooperation

Member States shall ensure that equality bodies have appropriate mechanisms in place to cooperate, within their respective fields of competence, with other equality bodies within the same Member State, and with relevant public and private entities, including civil society organisations, at national, regional, local level as well as in other Member States and at Union and international level.

EQUINET SUGGESTED AMENDMENTS

Article 12 Cooperation

Member States shall ensure that equality bodies have appropriate mechanisms in place to cooperate, within their respective fields of competence, with other equality bodies within the same Member State, **with equality bodies in other countries in the framework of Equinet, the European Network of Equality Bodies**, and with relevant public and private entities, including civil society organisations, at national, regional, local level as well as in other Member States and at Union and international level.

Rationale: This amendment acknowledges, in line with the recitals, the role of Equinet in facilitating coordination and cooperation between Equality Bodies.

COMMISSION PROPOSAL

Article 14 Data collection and access to equality data

1. Member States shall ensure that equality bodies collect data on their activities, with a view to producing the reports referred to in Article 15, points (b) and (c). The data collected shall be disaggregated by grounds and fields covered by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC, and in accordance with the indicators referred to in Article 16. The personal data collected shall be anonymised and, where not possible, pseudonymised.

2. Member States shall ensure that equality bodies can access statistics related to the rights and obligations derived from Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC collected by public and private entities including public authorities, trade unions, companies, and civil society organisations where they deem such statistics necessary to make an overall assessment of the situation regarding discrimination in the Member State, and for drawing up the report referred to in Article 15, point (c).

3. Member States shall allow equality bodies to make recommendations on which data is to be collected in relation to the rights and obligations derived from Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC to public and private entities including public authorities, trade unions, companies and civil society organisations. Member States shall also allow equality bodies to play a coordination role in the collection of equality data.

4. Member States shall ensure that equality bodies may conduct independent surveys concerning discrimination.

EQUINET SUGGESTED AMENDMENTS

Article 14 Data collection and access to equality data

1. Member States shall ensure that equality bodies collect data on their activities, with a view to producing the reports referred to in Article 15, points (b) and (c). The data collected shall be disaggregated by grounds and fields covered by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC, and in accordance with the indicators referred to in Article 16. The personal data collected shall be anonymised and, where not possible, pseudonymised.

2. Member States shall ensure that equality bodies can access statistics related to the rights and obligations derived from Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC collected by public and private entities including public authorities, trade unions, companies, and civil society organisations where they deem such statistics necessary to make an overall assessment of the situation regarding discrimination in the Member State, and for drawing up the report referred to in Article 15, point (c). **The statistical data collected by public and private entities shall be made available in an accessible format so that it can be readily used by Equality Bodies.**

3. Member States shall allow equality bodies to make **and follow up the implementation of** recommendations on which data is to be collected in relation to the rights and obligations derived from Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC, to public and private entities including public authorities, trade unions, companies and civil society organisations. Member States shall also allow equality bodies to play a coordination role in the collection of equality data.

4. Member States shall ensure that equality bodies may conduct **and commission** independent surveys **and reports** concerning discrimination.

Rationale: The amendments to this Article acknowledge that Equality Bodies not only conduct surveys themselves but may also commission these to external service providers. It also acknowledges, in line with existing equal treatment directives, that Equality Bodies also prepare and commission reports. Furthermore, the amendment requires that information handed over to the Equality Body should be made available in an accessible format, to ensure useability.

COMMISSION PROPOSAL

Article 16 Monitoring

1. The Commission shall, by means of an implementing act, establish a list of common indicators to measure the practical effects of this Directive. When preparing the indicators, the Commission may seek advice from the European Union Agency for Fundamental Rights **and** the European Institute for Gender Equality. Those indicators shall cover the resources, independent functioning, **activities** and effectiveness of equality bodies, as well as evolutions in their mandate, powers or structure, ensuring the comparability, objectivity and reliability of the data collected at national level.

2. By [5 years after the date of transposition], and every 5 years thereafter, Member States shall provide the Commission with all relevant information regarding the application of this Directive, including data on its practical effects collected on the basis of the indicators referred to in paragraph 1 of this Article, and in particular taking into account the reports drawn up by the equality bodies under Article 15, points (b) and (c).

3. The Commission shall draw up a report on the application and practical effects of this Directive, based on the information referred to in paragraph 2 and additional relevant data collected at national and Union level, in particular from stakeholders, by the European Union Agency for Fundamental Rights and the European Institute for Gender Equality.

EQUINET SUGGESTED AMENDMENTS

Article 16 Monitoring **and reporting**

1. The Commission shall, by means of an implementing act, establish a list of common indicators to measure the practical effects of this Directive. When preparing the indicators, the Commission may seek advice from the European Union Agency for Fundamental Rights, the European Institute for Gender Equality **and Equinet, the European Network of Equality Bodies**. Those indicators shall cover the resources, independent functioning and effectiveness of equality bodies, as well as evolutions in their mandate, powers or structure, ensuring the comparability, objectivity and reliability of the data collected at national level.

2. By [3 years after the date of transposition], and every 5 years thereafter, Member States shall provide the Commission with all relevant information regarding the application of this Directive, including data on its practical effects collected on the basis of the indicators referred to in paragraph 1 of this Article, and in particular taking into account the reports drawn up by the equality bodies under Article 15, points (b) and (c).

3. The Commission shall draw up a report on the application and practical effects of this Directive, based on the information referred to in paragraph 2 and additional relevant data collected at national and Union level, in particular from **equality bodies, Equinet, other** stakeholders, by the European Union Agency for Fundamental Rights and the European Institute for Gender Equality.

Rationale: The amendments to Article 16(1) and 16(3) seek to clarify the sources of information that the European Commission should take into account when preparing a list of common indicators and its report on the application of the Directive, so that in both cases the input of Equality Bodies and Equinet is included.

The amendment to Article 16(2) takes into account that the Directives aim at strengthening the effective implementation of existing EU equal treatment law and concern already existing bodies. Therefore, the first report by Member States is proposed to be submitted already 3 years after the date of transposition.