

Call for Expert(s)

TERMS OF REFERENCE

Legal analysis of the provisions of the new EU Directives on Standards for Equality Bodies

EQUINET

Equinet is the European Network of Equality Bodies, a membership organisation bringing together 47 equality bodies from across Europe, including all EU Member States.

National equality bodies are public institutions designated by EU law to combat discrimination based on race and ethnic origin and gender discrimination. Some Member states have gone beyond the EU law minimal requirements and extended the mandate of equality bodies to grounds such as disability, age, sexual orientation, religion or belief, gender identity and/or other grounds.

Equinet promotes equality in Europe through supporting and enabling the work of national equality bodies. It supports equality bodies to be independent and effective as valuable catalysts for more equal societies.

More information about Equinet and equality bodies is available on [the Equinet website](#).

BACKGROUND & CONTEXT

Following authoritative, but legally non-binding recommendations from [ECRI](#) and the [European Commission](#), the past three years saw an unprecedented focus on strengthening the role and independence of equality bodies, culminating in the adoption of two EU Directives:

- [Council Directive \(EU\) 2024/1499 of 7 May 2024 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](#)
- [Directive \(EU\) 2024/1500 of the European Parliament and of the Council of 14 May 2024 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 amending Directives 2006/54/EC and 2010/41/EU](#)

These are the first international legally binding instruments laying out detailed standards for the setup and operations of equality bodies, including their independence, resources,



mandate, powers and accessibility. Such international legally binding standards for public bodies working in the field of human rights are rare and therefore highly significant.

Equinet has advocated for and supported the adoption of these EU Directives, creating a significant body of knowledge and tools (including indicators to measure adherence to the standards), available on [the Equinet website](#).

OBJECTIVES and OUTPUT

The current project, funded by the German Federal Anti-Discrimination Agency, a member of Equinet, foresees the production, with the help of a legal expert(s), of a **(1) thorough legal analysis of the provisions in the directives**, to the benefit of equality body staff working on transposition and implementation and legal practitioners (including CSOs and public authority experts), as well as a **(2) shorter document in the form of a toolkit summarizing the main findings in an easily accessible format**.

This will entail the interpretation of each article and development of general guidelines for their practical implementation in the national context to ensure the best possible contribution to the national equality framework. The analysis should also seek to identify potential risks, particularly for provisions where Member States have a wide margin of appreciation. The [Standards Indicators for equality bodies](#) developed by Equinet will be used in developing the guidance.

Accordingly, the commissioned expert(s) will be expected to produce:

- **An Equinet Report, with a view to:**
 - **Analyse and shine a light on potential different interpretations of all relevant articles of the EU Directives, with a focus on their scope, added value and potential risks;**
 - **Reflect on relevant interactions between different articles of the EU Directives, especially where, read together, they may provide additional opportunities or entail risks;**
 - **Summarise, taking a practical approach, the most important opportunities and risks identified;**
 - **Suggest practical steps that Equality Bodies and other equality stakeholders can take in the transposition process to ensure that the EU Directives live up fully to their objective of strengthening the role and independence of equality bodies.**
- **A short Equinet Toolkit, with a view to:**
 - **Summarise the key takeaways from the above Equinet Report;**
 - **Raise awareness about the importance of the directives' transposition and clarify the role CSOs and other partners can play in the transposition process, including practical steps (for instance, advocacy or awareness-raising) they could take to ensure a transposition that strengthens equality bodies at the national level.**

EXPECTED APPROACH

This assignment is mainly based on desk research and legal analysis. The commissioned expert(s) can rely on Equinet materials and advice from expert colleagues of the Equinet Secretariat. For the Equinet Report, it may also be possible to organize a small number of interviews with representatives of Equinet member organisations. However, for this assignment (given its general overview nature) it will not be recommended to run a survey of the whole membership. For the Equinet Toolkit, the commissioned expert will be expected to carry out a brief consultation with key Equinet's CSO partners on their needs and priorities to ensure a greater understanding of the Directives and how they can strategically engage in the transposition process. The Equinet Secretariat will provide a list of partners and their contacts and, if necessary, guidance on the consultation process and analysis of the results. In the course of their work, the researcher should regularly update the Equinet Secretariat on their progress. Specifically, commissioned experts are encouraged to inform the Equinet Secretariat in a timely manner and seek support from the Secretariat team should they encounter any obstacles and delays.

EXPERTISE REQUIREMENT

The selected expert(s) is expected to demonstrate:

- Very good knowledge of the work of national equality bodies and their diversity, ideally with a thorough understanding of the EU Directives on standards for equality bodies and the process that led to their adoption
- A track record of work in the field of EU equality law and its national transposition and implementation
- Publication(s) in the field of EU equal treatment law
- Capacity to communicate complex issues in a clear, concise and accessible manner
- Excellent drafting skills in English

SELECTION PROCESS

The Equinet Secretariat will select the winning tender.

In the selection process the following criteria will be taken into account:

- Quality and content of the proposal
- Demonstrated expertise working on/with equality bodies
- Demonstrated expertise working on/with EU equality law and its national transposition and implementation
- Price

The proposal offering the best value for money will be selected.



TIMEFRAME

The indicative timeframe for the commissioned Report and Toolkit is as follows:

- Deadline for applications to be submitted: 25 June 2024
- Result of the selection process and start of the work: 1 July 2024
- Draft Equinet Report presented to the Equinet Secretariat: 4 August 2024
- Feedback on the draft Equinet Report by the Equinet Secretariat: by 14 August 2024
- Final draft of the Equinet Report sent to the Equinet Secretariat and Executive Board: 25 August 2024
- Feedback on the final draft of the Equinet Report by the Equinet Secretariat and Executive Board: 4 September 2024
- Approval of the final Equinet Report by the Equinet Executive Board: 15 September 2024
- Draft Equinet Toolkit presented to the Equinet Secretariat: 15 September 2024
- Feedback on the draft Equinet Toolkit by the Equinet Secretariat: by 22 September 2024
- Submission of the final Equinet Toolkit for approval by the Equinet Executive Board: 6 October 2024

BUDGET

The maximum budget for the commissioning of this Report and Toolkit is **9.000 EUR** (VAT and all overhead costs included). Belgian VAT (21%) applies.

SUBMISSION OF PROPOSALS

Your proposal should include:

- Brief approach, methodology and timeline proposal
- Proposed budget breakdown

Proposals, alongside the expert's CV need to be submitted by **Tuesday, 25 June 2024** to the attention of Tamás Kádár, Equinet Co-Director (Operations, Legal and Policy) (tamas.kadar@equineteurope.org). Please put the following Equinet Secretariat staff member in copy, when submitting your application: Jone Elizondo-Urrestarazu, Senior Legal and Policy Officer (jone.elizondo@equineteurope.org).

CONTACT PERSON FOR QUERIES

Tamás Kádár, Co-Director (Operations, Legal and Policy)

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