



SENATE OF THE PARLIAMENT OF THE CZECH REPUBLIC

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14TH TERM

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143<sup>rd</sup>

RESOLUTION OF THE SENATE

Delivered on the 9<sup>th</sup> session held on 30<sup>th</sup> March 2023

**on the Package on Standards for Equality Bodies**

**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 /Senate Print no. N 018/14, COM(2022) 689/**

**Proposal for a Directive of the European Parliament and of the Council 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 deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU /Senate Print no. N 019/14, COM(2022) 688/**

**The Senate**

**I.**

- 1. Supports** in all aspects the Government's position, which has both legal and conceptual reservations about the proposals for they change the existing concept of equality bodies, and calls for greater flexibility for Member States which would enable to take into account their different constitutional approaches to the organisation of public authorities;
- 2. Stresses** that the proposed powers do not comply with the nature of equality bodies such as the Ombudsman, which enjoy broad guarantees of independence but do not have coercive powers;
- 3. Would therefore consider it appropriate** for the proposals to allow for the maintenance of a division of powers between several types of public authorities, for example between the independent Ombudsman on the one hand and inspectorates, which are standard administrative bodies, on the other;

4. **Notes in general** that the requirement that the equality body should carry out impartial investigations, presumably in private law relations, while appearing before the courts on behalf of the victims of discrimination is incompatible with the requirement of its impartiality and independence;
5. **In agreement with the Government, disagrees** with the vaguely stated power of the equality body to initiate legal proceedings to address structural and systematic discrimination (Article 9(3) of both proposals), as the proposal lacks any further specification of such proceedings, thus allowing for an interpretation that would undermine the constitutional principles of the separation of powers;

## II.

### 1. Requests

the Government to inform the Senate no later than on 30<sup>th</sup> September 2023 about the way this Resolution was taken into account and about the further development of negotiations;

### 2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Miloš Vystrčil  
sign manual  
President of the Senate

Jarmila Smotlachová  
sign manual  
Senate Verifier