

Council directive on equal treatment: Potential European added value

SUMMARY

In June 2024, the Belgian Council Presidency put forward a compromise proposal for a new Council directive on equal treatment and it won the support of a broad majority of Member States. The proposed law calls for the EU acquis on non-discrimination and equality to be extended to four new grounds beyond the area of employment (religion or belief, age, sexual orientation and disability). This briefing looks into what might be the European added value of such a directive.

While most Member States already offer legal protection for the stated grounds and areas, the proposed law could still be expected to generate benefits for society by ensuring comprehensive and consistent protection against discrimination throughout the EU. Everyone living in the EU could stand to benefit from the proposed law, although those groups that face greater risk of discrimination would likely benefit to a greater extent. An analysis of European Social Survey data suggests that about three quarters of the EU population (aged over 15) identify with at least one of four characteristics: (i) belonging to a religion or denomination; (ii) over 65 years of age; (iii) hampered in daily activities to some extent; (iv) not heterosexual.

Providers of goods and services (e.g. businesses, schools, hospitals, landlords) could be expected to incur some costs to comply with the proposed law. Such costs, however, would be subject to proportionality and the availability of public support. Other costs could include the preparation of guidelines to ensure neutral provision of goods and services in times of limited supply.

The compromise proposal could **offer EU added value by improving the efficiency and effectiveness of the EU's anti-discrimination framework** in fulfilling Treaty commitments. This added value would depend on the extent to which legal certainty were improved and discrimination recognised and internalised by service providers. The proposed law could nevertheless **promote more harmonised living standards and free movement** in the internal market.



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Introduction

The EU's founding values, as reflected in [Article 2](#) of the Treaty on European Union (TEU), call for equality and protection of human rights. [Article 19](#) of the Treaty on the Functioning of the European Union (TFEU) grants the EU competence to address discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. [Article 21](#) of the EU Charter of Fundamental Rights underscores the right to equality and non-discrimination.

To support these Treaty commitments, the European Commission proposed an equal treatment directive on [2 July 2008](#). The European Parliament adopted its [opinion](#) under the consultation procedure on 2 April 2009, supporting the Commission's proposal as amended. Despite several rounds of modification under the leadership of different Council presidencies, the legislative procedure has yet to meet the unanimity requirement. Following the entry into force of the Lisbon Treaty in December 2009, the adoption of the legislative procedure also requires the consent of the European Parliament. The Belgian Council Presidency put forward a [compromise proposal](#) in June 2024 and it won the support of a broad majority of Member States.

This briefing, prepared between November 2024 and February 2025, provides a rapid assessment of the potential impacts and European added value of the compromise proposal.

What does the proposed law call for?

The proposed law would expand EU-level anti-discrimination legislation to offer protection on grounds of religion or belief, disability, age or sexual orientation, in the following areas outside of the realm of employment:

- access to social protection, including access to social security and healthcare;
- access to education; and
- access to goods and services, including housing.

The personal scope of the proposed law remains unchanged since 2008. However, the material scope has been refined and narrowed over time to address concerns of legal certainty, subsidiarity and financial impact.

Key elements of the [European Parliament's 2009 position](#) retained in the compromise proposal include:

- consideration of both direct and indirect discrimination;
- consideration of multiple and intersectional discrimination;
- references to freedom of expression as well as to freedom of thought, conscience and religion;
- differences in treatment (e.g. differential pricing of insurance by age) that can be 'objectively and reasonably justified' and that do not constitute discrimination; and
- the term 'social protection', which is further developed to include social security, social assistance, social housing and healthcare.

Some key elements in the compromise proposal that diverge from the European Parliament's 2009 position include the following.

- Measures to ensure reasonable accommodation for disability, including in the area of transport, a key element defended by Parliament in its 2009 position, would 'only be required to the extent that they do not impose a disproportionate burden'.
- Access to healthcare explicitly excludes 'laws on reproductive rights'.
- It would be up to Member States to '[authorise] or [prohibit] the wearing of religious symbols'. This goes beyond the 2008 Commission proposal, which included this provision only in the area of education.
- There is no reference to loss and damages for victims of discrimination.

The proposed law would complement other anti-discrimination laws that were in place before 2008 as well as laws and strategies adopted subsequently.

The compromise proposal notes that 'discrimination is understood to include direct discrimination, indirect discrimination, harassment, instructions to discriminate and denial of reasonable accommodation to persons with disabilities'. Some [legal experts](#) have noted that 'harassment' and 'instructions to discriminate', while reflected in other EU equality legislation, are relatively obscure because of a lack of EU case law in the area. The Council proposal appears to present a **narrowed scope of indirect discrimination** by indicating that 'differences of treatment resulting from regional or local variations in the level of services of general interest do not constitute discrimination within the meaning of this Directive'.

Box 1 – Definitions

Direct discrimination: where one person is treated less favourably on the basis of a protected ground than another is, has been or would be treated in a comparable situation

Indirect discrimination: where an apparently neutral provision, criterion or practice would put persons of a particular protected ground (e.g. religion or belief, disability, age, or sexual orientation) at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary

The compromise proposal refers to **multiple and intersectional discrimination** although only in the preamble and without clarity as to whether the scope covers only four grounds (religion or belief, disability, age, and sexual orientation) or all six grounds mentioned in the Treaty (in addition, sex and race/ethnicity). As stated by the [European Parliament](#) in a 2022 resolution, while the case law of the Court of Justice of the EU has taken intersectionality into account, some gaps remain. The EU Agency for Fundamental Rights (FRA) has called for 'EU legislators to [broaden] the concept of discrimination to include [intersectional discrimination](#) in existing and new legislation in the area of equality and non-discrimination'.

Legal expert [Martijn van den Brink](#) from the University of Leiden argues that 'it is occasionally assumed that mutable characteristics (or a consequence of personal choice) are less worthy of protection than immutable characteristics'. This 'occasional assumption' might explain why the 'wearing of **religious symbols**' is not protected by the compromise proposal, something that may not be coherent with [Article 17 TFEU](#). In a report written for the European Network against Racism, research team coordinator [Đermana Šeta](#) notes that restrictions on the 'wearing of religious symbols' disproportionately affects [women](#). [Amnesty International](#) meanwhile points out that this is of particular concern in the area of education.

What has happened since 2008?

The EU's framework to promote equality and non-discrimination has evolved ...

EU action in the area of equality dates back to the Treaty of Rome, which established the principle of equal pay for women and men. Today the EU equality framework (including both legislative and non-legislative measures) is most advanced for [sex-based discrimination](#) and in the sector of employment.

The EU's legal framework has been improved since 2008 most notably when it comes to the ground of disability, with the following legislation:

- the [European disability card](#), adopted in October 2024, seeks to promote the free movement of persons with disabilities across the EU through a system of mutual recognition of disability status between Member States; and

- the [European Accessibility Act](#) adopted in March 2019, seeks to improve access to products and services that are most important for persons with disabilities (e.g. banking services, e-commerce and public transport).

According to [Equinet](#), the network of equality bodies, a clear challenge for the EU framework is the 'asymmetric nature and formulation of the current legislation which, through different Directives, offers different levels of protection to different grounds'. At the same time, there are shortcomings in the implementation of the legislation. For example, [sanctions](#) imposed by Member States under the 2000 'Equality Directives' – the Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC) – have been found to be insufficiently 'effective, proportionate and dissuasive'.

[Judgments](#) relating to the Equality Directives have increased in number and diversified over time. An estimated 75 % of cases between 2006 and 2021 pertained to sex-based discrimination. Among the four grounds within the personal scope of the proposed equal treatment directive, 64 % of cases related to age, followed by disability (17 %), religion (11 %) and sexual orientation (7 %). About half of preliminary ruling requests during this period were raised by courts in Germany and Austria.

Non-legislative instruments at EU level have also been adopted since 2008 to promote equality and non-discrimination on different grounds. Examples include:

- the Council recommendation on Pathways to School Success ([2022/C 469/01](#)), which calls for 'specific attention to children and young people at risk of disadvantage or discrimination';
- the Council recommendation establishing a European Child Guarantee ([2021/1004](#)), which calls for children to have effective and free access to high equality early childhood education and care, education and healthcare, as well as adequate housing and
- the 2017 [European Pillar of Social Rights](#), which sets out 20 principles to build a strong social Europe. Eight of these principles overlap with the material scope of the proposed law (Pillars 1 – education, 3 – equal opportunities, 12 – social protection, 16 – healthcare, 17 – inclusion of persons with disabilities, 19 – housing and 20 – essential services).

During the 2019–2024 legislature, the Commission adopted strategies promoting the rights of LGBTIQ persons and persons with disabilities, as part of efforts to build a '[union of equality](#)'. The 2020–2025 [LGBTIQ equality strategy](#) includes a pillar for tackling discrimination through improved legal protection and the tackling of inequalities in education, health, culture and sport. The Commission also adopted the 2021–2030 [disability strategy for the rights of persons with disabilities](#), which calls on Member States to promote financing for accessibility and inclusive housing.

... while Member States have improved their legislation too

All Member States offered some legal protection against discrimination on the grounds of religion or belief, disability, age or sexual orientation outside the area of employment at the time the new equal treatment directive was proposed in 2008. Only some, however, had ground-specific legislation in place (namely Bulgaria, Ireland, Luxembourg, Hungary and Slovenia).¹

A [2023 assessment](#) found that Member States with constitutional equality guarantees (namely Belgium, France, Croatia, Italy, Latvia, Lithuania, Luxembourg, Hungary, Poland, Portugal, Romania, Slovenia and Slovakia) were less likely to have fully transposed the Racial Equality and Employment Equality Directives and more likely not to have defined the grounds of discrimination in their implementing legislation. Some countries have relied on definitions or guidelines for definitions from national court rulings (e.g. Denmark, Germany, Ireland, France, Italy, Cyprus, the Netherlands and Austria).

Table 1 – Scope of ground- or sector-specific EU action on equality and non-discrimination

Ground	Employment	Social security & healthcare	Education	Access to goods and services including housing
Gender	<u>Directive 2006/54/EC</u> – principle of equal opportunities and equal treatment of men and women in matters of employment	<u>Directive 79/7/EEC</u> – principle of equal treatment between men and women in matters of social security	<u>Council recommendation 2022/C 469/01 on pathways to school success</u>	<u>Directive 2004/113/EC</u> – principle of equal treatment between men and women in access to goods and services
Race or ethnic origin	Racial Equality Directive (<u>2000/43/EC</u>)			
	<i>EU 2020–2025 anti-racism action plan 2020–2025 (<u>COM(2020) 565 final</u>)</i> <i>EU framework for Roma equality, inclusion and participation (<u>COM(2020) 620 final</u>)</i>			
Religion or belief	Employment Equality Directive (<u>2000/78/EC</u>)	<i>EU strategy on combating antisemitism and fostering Jewish life (2021–2030) (<u>2021/615 final</u>)</i>		
Age		<i>Council recommendation establishing a European Child Guarantee – (<u>EU</u>) 2021/1004</i>		
Disability		<i>Directive (EU) 2024/2841 establishing the European disability card helps to ensure access to services for short stays in another Member State (<3 months)</i>		<i>Directive (EU) 2019/882 on accessibility requirements for products and services</i>
		<i>Strategy on rights of persons with disabilities 2021–2030 – <u>COM(2021) 101 final</u></i>		
Sexual orientation		<i>LGBTIQ equality strategy 2020–2025 – <u>COM(2020) 698 final</u></i>		

Note: EU legislative measures in blue, EU non-legislature measures in red and Commission strategies in green. Measures introduced after 2008 are in italics.

It is worth noting that some Member States have gone beyond the personal scope of the Employment Equality Directive, which covers the same four grounds as the compromise proposal. Examples of additional grounds for discrimination covered by some Member States include:

- **(trans)gender identity, (trans)gender expression, and/or gender characteristics** (Denmark, Germany, Greece, France, Croatia, Hungary, Malta, Slovenia, Sweden);
- **trade union or interest representation organisation** (Belgium, France, Croatia, Hungary, Finland);
- **political opinion and/or conviction** (Belgium, Bulgaria, Denmark, France, Lithuania, Poland, Finland);
- **health and/or chronic illness** (Belgium, Greece, Spain, France, Croatia, Hungary, Finland).

Some Member States offer specific legal provisions for multiple discrimination (Bulgaria, Germany, Greece, Spain, Croatia, Malta, Austria, Portugal, Romania, Slovenia, Finland) and intersectional discrimination (Belgium, Spain, Finland). In others, the issue has been addressed to some extent through case law (e.g. France, Malta, the Netherlands, Portugal).

Legal experts have underscored the challenges in implementation. In the few court cases that have emerged, experts have noted a lack of consistency when identifying discrimination and in the proportionality of compensation awarded.

The [equality bodies](#) of most Member States, which were set up to support the Racial Equality and Employment Equality Directives, already offer support to victims of discrimination on all four grounds beyond employment. The equality body in Greece covers only three of the four grounds (religion/belief, disability and sexual orientation). In Austria the equality bodies cover only one of the four grounds (disability). The equality bodies in Estonia and Spain do not provide coverage for any of the four grounds.²

Box 2 – Multiple and intersectional discrimination: The case of Belgium

In June 2023, Belgium revised its [anti-discrimination legislation](#). Among the key changes, the revised text includes the recognition of multiple discrimination and discrimination by association.

Multiple discrimination refers to discrimination on more than one ground. According to [Unia](#), the Belgian law recognises two types of multiple discrimination:

- (1) cumulative discrimination – where discrimination can be assessed for each ground separately; and
- (2) intersectional discrimination – where discrimination on all relevant grounds must be assessed jointly.

Intersectional discrimination has historical roots in feminism and reflections on the multiple identities of women and forms of their exclusion.

Source: European Commission, [Belgium: Evolution of anti-discrimination law](#), European Website on Integration, June 2023.

What discrimination do people experience in the EU?

There is a growing wealth of [data](#) and [research](#) about discrimination experiences in the EU. Statistics in this domain are typically organised by type of discrimination, the relevant ground(s), and subsequent reporting and actions taken. Data gathered by the European Union Agency for Fundamental Rights (FRA) suggests that many victims of discrimination do not report incidents because they believe little action would be taken as a result. Research suggests there are other factors at play, such as limited knowledge of what constitutes discrimination and barriers to reporting incidents to the relevant body, including law enforcement.

Religion or belief

About 6 % of Jews responding to a [2023 FRA survey](#) reported experiences with discrimination in public spaces during the previous 12 months as compared with 19 % of Muslims responding to a [2022 FRA survey](#). These surveys also show that Jewish and Muslim young people (aged 16 to 24) are especially at risk in school and university (67 % and 31 % respectively). About 1 in 10 Muslims reported experience of discrimination in accessing healthcare services. The share is likely higher among Muslim [women](#).

Sexual orientation

Responding to a [2023 FRA survey](#) LGBTIQ individuals reported having experienced discrimination in public spaces (17%), education (15%), healthcare (14%) and housing (12%).

Disability

The [housing cost overburden rate](#) was 11.1 % for people with a disability as compared with 8.3 % for people without a disability in 2023. In a [workshop](#) organised by Parliament's Committee on Women's Rights and Gender Equality in December 2024, stakeholders highlighted challenges faced by women with disabilities in healthcare, for example, the limited availability of height-adjustable examination tables in gynaecologists' offices.

Age

Ageism is notable with respect to trends in digitalisation. Only four Member States offer legal protection for the rights of older persons to access digitalised [public services](#). [Ageism](#) is also evident in age limits for education and lifelong learning and exclusion from health treatments.

Multiple/intersectional discrimination

According to the [European Network Against Racism](#), people living in the EU, especially those at the intersections of inequalities, are still not equally protected by law. One [study](#) found that ethnic minorities were more than five times more likely to experience discrimination on more than one ground as compared with the majority population. As noted in an article in the [The Lancet](#), the higher rate of deaths among women aged over 80 during the COVID-19 pandemic raised awareness of gendered ageism.

Who might be affected by the proposed law?

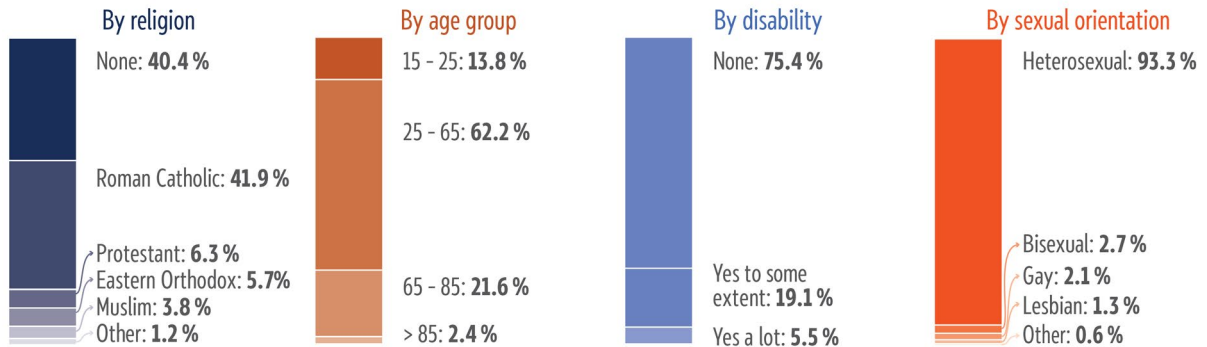
All persons living in the EU could benefit from anti-discrimination protection on grounds of religion or belief, age, disability or sexual orientation. While the proposed law would offer symmetric protection for all groups, certain groups are at a greater risk of discrimination, for example, Muslims and the elderly. There is limited data however on the composition of the EU population to identify groups that are at greater risk of discrimination. The authors of this briefing therefore analysed [European Social Survey](#) data in order to explore this further.

The European Social Survey European Research Infrastructure Consortium (ESS ERIC) collects and shares data from persons aged 15 years and up in European countries. The survey gathers replies from respondents about disability ('hampered in daily activities by illness, disability, infirmity or mental problem'), religion or belief ('belonging to particular religion or denomination') and ethnicity ('belonging to minority ethnic group in country'). Survey respondents can indicate more than one characteristic, allowing an investigation into the risk of multiple discrimination. For the present analysis, the authors drew on data collected from more than 40 000 individuals aged 15 and over for the European Social Survey.³ Information about sexual orientation was inferred from the FRA's third LGBTIQ survey. These data were used to gain a clearer picture of what proportion of the EU population identify with each the four characteristics; the results are shown in Figure 1.

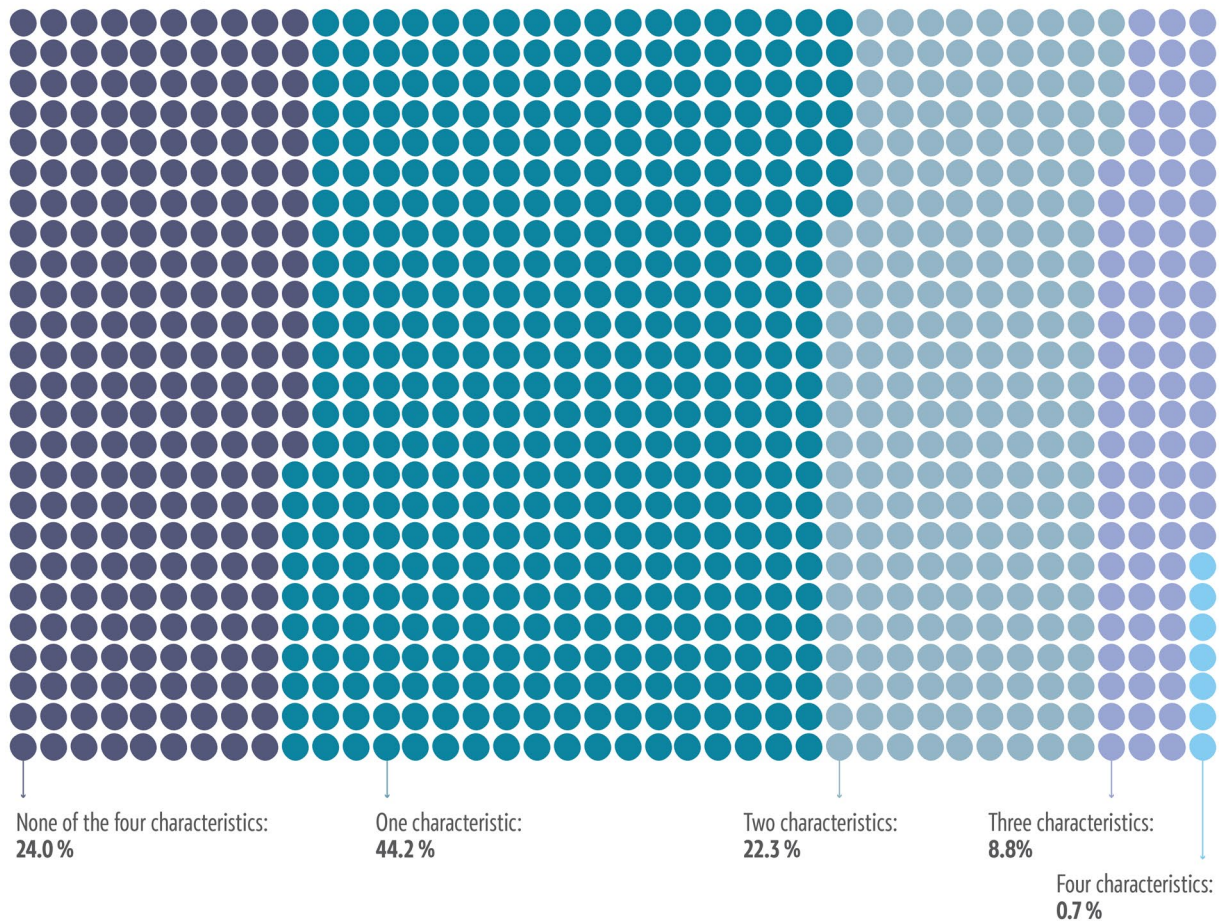
The EPRS analysis shows that a large share of the EU population (76 %) identify with at least one of the four characteristics: (i) belonging to a religion or denomination; (ii) aged over 65; (iii) hampered in daily activities to some extent; (iv) not heterosexual. About 1 in 5 people identify with at least two characteristics, while about 1 in 10 identify with three or more characteristics.

Figure 1 – Breakdown of the EU-27 population on the basis of four characteristics covered by the proposed equal treatment directive

Distribution of EU-27 population on the basis of four characteristics covered by the proposed equal treatment directive (449 million people, aged 15 and over)



Distribution of EU-27 population identifying with the four characteristics covered by the proposed equal treatment directive (449 million people, aged 15 and over)



Note: The four characteristics are: (i) belonging to a religion or denomination; (ii) over 65 years of age; (iii) hampered in daily activities to some extent; (iv) not heterosexual.

Data source: EPRS analysis of European Social Survey data and assumptions based on estimates from the third LGBTIQ survey by the EU Agency for Fundamental Rights.

What are the potential impacts of the proposed directive?

The Commission's proposal for the equal treatment directive was accompanied by an [impact assessment](#) in 2008. The European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) requested a [complementary impact assessment](#) in 2014 to provide a deeper review of certain elements, in particular the costs and benefits for small and medium-sized service providers. EPRS investigated the [cost of non-Europe](#) in the area of equality, and looked at the potential adoption of the equal treatment directive.

These studies suggested two main types of impact. The first pertained to the potential costs for service providers (e.g. businesses, hospitals, schools) in ensuring equal treatment in terms of access to the service. The second concerned the potential benefits for individuals at risk for discrimination in accessing goods and services. A review of the evidence, taking into account the changes in the proposal between 2008 and 2024, is presented below.

Potential costs of the proposed law for service providers

The Commission's 2008 [impact assessment](#) investigated the compliance costs that service providers would have to incur to adapt procedures, infrastructure and services, and to boost human resources. The assessment included a quantitative calculation of costs relating to reasonable accommodation for persons with disabilities.

The 2014 EPRS [complementary impact assessment](#) investigated the costs of providing reasonable accommodation for persons with disabilities in a selection of Member States. A cost benefit analysis carried out for five countries (Czechia, Germany, Spain, Romania and Sweden) found that the costs of ensuring reasonable accommodation for persons with disabilities exceeded the benefits in all countries for a 5- and 10-year implementation scenario. The costs of ensuring accessibility were relatively low for health facilities and relatively high for educational, hotel, restaurant and catering settings.

The provisions for reasonable accommodation have changed in the [compromise proposal](#), which would reduce the expected costs of the law. Measures of reasonable accommodations would only be required 'to the extent that they do not impose a disproportionate burden'. The proposal also mentions that landlords would not be required to make structural alterations or to pay for them unless there the Member State provided specific support. The consideration of proportionality and public financial support reduces the likelihood that service providers would have to incur costly measures themselves. At the same time, the proposed text is in line with the United Nations [Convention on the Rights of Persons with Disabilities](#), to which all EU Member States are party.

Potential benefits of the proposed law for society

A horizontal anti-discrimination law protecting access to goods and services could generate benefits for individuals at risk of discrimination and for society as a whole (see Figure 2). Boosting health and social inclusion could promote productivity and economic gains. This is in line with the 2009 position of the [European Parliament](#), which underscored the importance of legal protection in promoting physical and mental health.

Several recent research studies have demonstrated these impact channels.

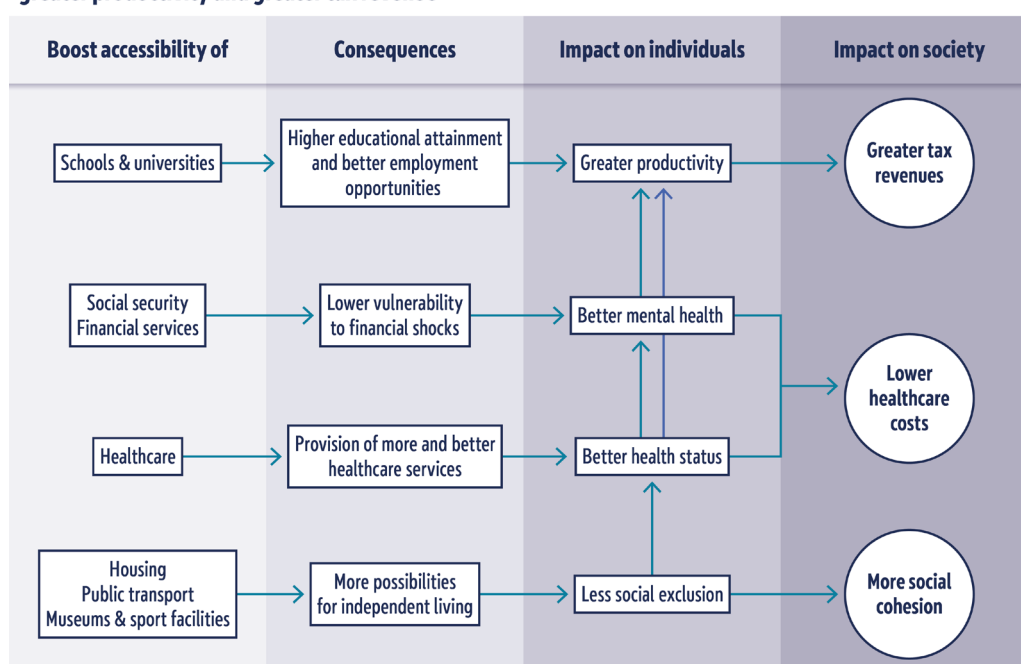
- A [study](#) drawing on data from over 71 000 adolescents in more than 3 000 schools in 25 countries found that policies that support the integration of migrants led to a heightened sense of belonging among adolescents;
- A [study](#) from the United States found that LGBT adolescents in states with stronger LGBT anti-discrimination policies were less likely to be bullied and more likely to have higher test scores.

The 2008 impact assessment noted that the law had the potential to reduce the risk of discrimination by 5 to 20 % depending on the ground and the domain. The 2014 complementary impact assessment found that the benefits of ensuring access to treatment for depression among persons aged over 65 would be greater than the costs for all five countries studied. The [2023 EPRS cost of non-Europe report](#) found that the adoption of a 'horizontal equality directive' could generate up to €55 million per year, assuming a 5 % improvement in health status and educational achievement.

The potential benefits of the compromise proposal would likely be lower than the 2008 proposal given the more narrow and specific scope of protection.

Figure 2 – Tackling discrimination in access to goods and services could have positive impacts on individuals and society

Intervention logic for the proposed directive on equal treatment. The objective is to boost accessibility for people from certain backgrounds to schools and universities, leading to better educational attainment, greater productivity and greater tax revenue



Source: EPRS.

Nevertheless, the proposed law would still offer five types of potential benefit, as outlined below.

A more comprehensive, uniform level of protection against discrimination in the EU



The proposed law could help to reduce the 'artificial hierarchy of grounds' in EU anti-discrimination legislation in particular by extending protection to the grounds of age and religion. The proposed law could also promote a broader, harmonised approach where there are currently differences across Member States in the protection offered, for example, [age limits in the education sector](#). EU citizens traveling in another Member State for work, leisure or study purposes would have better assurance of the non-discriminatory access to healthcare, offered by the [European Health Insurance Card](#). While the proposed law does not make reference to gender identity, gender expression and/or sex characteristics, persons identifying with these groups may benefit from other EU anti-discrimination legislation as it develops through CJEU case law.



Support for the development of a legal framework that distinguishes between discrimination on grounds of age versus disability

These two grounds are often conflated although they are distinct and could also be understood from an intersectional perspective. Analysis of European Social Survey data found that

42 % of persons with a disability are over 65, while 44 % of persons aged over 65 report having a disability. [Research](#) has questioned the medical model that claims that old age problems are natural and cannot be avoided. This distinction is especially relevant in light of the EU's aging population.



Better recognition of 'real life' cases of discrimination

The proposed law could boost recognition of multiple and intersectional discrimination. An estimated three in four people identify with more than one characteristic that pertains to the personal scope of the proposed law. As noted by CJEU Advocate General Maciej Szpunar in an opinion on a case ([C-396/18](#)) relating to a similar horizontal EU law (Directive 2000/78): '[the law] is very broad in scope, so that it catches the widest variety of discrimination in the most diverse forms'.



Improved access to justice

By increasing the coverage and coherence of the EU's anti-discrimination framework, the proposed law could reduce '[structural obstacles](#)' to claims of discrimination. This improved access could offer victims justice while also making discrimination less likely in the first place. The proposed law could provide a basis for addressing the risk of [algorithmic discrimination](#) in the rationing and delivery of goods and services, for example on the ground of age with respect to healthcare and financial services.



Reinforced rule of law in the EU

A comprehensive EU anti-discrimination framework could reinforce the protection of individuals across the EU and provide an additional recourse to justice via the CJEU in addition to the national courts. The proposed law could help to restore [trust in national institutions](#) and reinforce [trust in the EU](#). The [European Parliament](#) has underscored that fair and accessible justice is a basic rule of law principle that is essential to ensure that citizens can exercise their rights and hold decision-makers accountable.

What might the EU added value be?

Beyond the potential benefits described above, the proposed law would offer some [EU added value](#) in terms of a more effective and comprehensive protection against discrimination at EU level. The level of EU added value would depend on the extent to which the following two factors applied.



Improved legal certainty for actors (service providers, schools, hospitals) to ensure inclusion in access to goods and services.

A more coherent framework could support legal certainty. Moreover, increased legal certainty could reduce the occurrence of discrimination and also support access to justice. This efficiency could also result in more harmonised living standards across Member States and support the free movement of people whether they be workers, students or tourists.



Integration of externalities faced by persons at risk of discrimination.

An externality is a consequence of a third party's behaviour that is not priced accordingly. The experience of certain groups of people with discrimination in access to goods and services carries a cost for these people that can be corrected to some extent by the proposed law. From this perspective, the adaptation costs that service providers (e.g. landlords, schools, hospitals) incur could be understood as a normal part of operating a business.

The EU added value of the proposed law could be boosted by increasing the financial support provided for [national equality bodies](#) and improving the effectiveness of [sanctions](#) for breaches of anti-discrimination law.

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Icons from [Noun Project](#) (CC BY 3.0) in order of presentation: Comprehensive by Eucalyp, Growing by Adrien Coquet, Identify by Topicons, Justice by Kosong Tujuh, Legal by apixlabs, Efficiency by Kamin Ginkaew and Leak by Jamil Akhtar.

MAIN REFERENCES

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[European Social Survey](#), Rounds 9 and 10.

Fundamental Rights Agency, surveys on [LGBTIQ](#) and [Being Muslim in the EU](#).

ENDNOTES

- ¹ The review of national legislation draws significantly on the European Commission's 2023 study [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, 2023.
- ² The 2022 [Equal Treatment Law](#) adopted in Spain calls for the creation of a new equality body that would support all supported grounds.
- ³ Data from rounds 9, 10 and 11 of the survey (covering the period 2018 to 2023) were combined to achieve a sample from 24 Member States (Romania, Luxembourg and Cyprus were not covered). About 5 % of the EU's population is not reflected in the analytic dataset.

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