



Plenary sitting

A9-0128/2024

15.3.2024

RECOMMENDATION

on the draft 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 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
(10788/2023 – C9-0031/2024 – 2022/0401(APP))

Committee on Women's Rights and Gender Equality

Rapporteur: Sirpa Pietikäinen

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft 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 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 (10788/1/2023 – C9-0031/2024 – 2022/0401(APP))

(Special legislative procedure – consent)

The European Parliament,

- having regard to the draft Council directive (10788/1/2023),
 - having regard to the request for consent submitted by the Council in accordance with Article 19(1) of the Treaty on the Functioning of the European Union (C9-0031/2024),
 - having regard to Rule 105(1) and (4) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Women's Rights and Gender Equality (A9-0128/2024),
1. Gives its consent to the draft Council directive;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

National equality bodies are public organisations that promote equal treatment in each European Union Member State by providing independent assistance to victims of discrimination, acting and/or representing victims in court, conducting independent surveys and enquiries, publishing independent reports, collecting data, raising awareness and making recommendations on matters relating to discrimination. They are legally required to do so in case of a discrimination based on any ground defined under article 19 TFEU, including sex, race and ethnicity, age, sexual orientation, religion or belief, and disability. Equality bodies shall also require doing so in case of multiple and intersectional discrimination. To reflect the evolvement of the society and to be in line with the ECJ case, the scope of equal treatment of men and women cannot be limited to discrimination based on the fact that a person is of one or other sex. Thus, intersectional and multiple discrimination should be taken into account.

Equality bodies are core actors in the anti-discriminatory work in the EU, and their abilities to assist victims of discrimination and promote anti-discrimination in the EU need to be both strengthened and supported. European Union values, amongst them equality, can only become reality if they are properly put in practice. This is why this directive is important - it contributes to implementing the objectives of the Treaties not only in theory, but also in practice.

Due to their specific roles, equality bodies are also involved in workplace related matters. In that particular situation, equality bodies should always respect the autonomy, competences and prerogatives of social partners as well as the recognised competences of all relevant government agencies, including labour inspectorates, national courts and/or statutory tribunals, in line with national law and practices.

Equality bodies were first established by the Racial Equality Directive (2000/43/EC). Three subsequent equality directives entrusted equality bodies with the same missions in their respective field: the Gender Equality Directive in the field of goods and services (2004/113/EC), the Gender Equality Directive in the field of employment (2006/54/EC) and the Gender Equality Directive in the field of self-employment (2010/41/EU).

In 2018, the Commission issued a positive Recommendation on binding standards for equality bodies that recommended a set of measures for Member States to improve their respective equality bodies' independence and effectiveness, in particular in terms of their capacity to ensure that any individuals and groups that are discriminated against can fully enjoy their rights.

However, despite these efforts, the existing legislation and the 2018 recommendation have not ensured sufficient resources and tools, nor have they achieved an ideal operational environment for equality bodies. Most issues that the 2018 recommendation addressed are still not resolved. In addition, the conditions for effective functioning of equality bodies differ significantly between different Member States. As a result, the level of protection against discrimination is different, asymmetrical and inconsistent for citizens around Europe. Not everyone is protected to the same standards. This needs to be corrected swiftly, and differences in levels of protection between groups of people in different Member States need to be made transparent.

To achieve this goal, strong minimum standards for equality bodies are needed. The basis of well-functioning equality bodies in democratic states is the independence of these organisations. Equality bodies and their staff need to be free from all external interference and this must be ensured by using all possible safeguards. Equality bodies must genuinely be able to be independent in their actions. For this, adequate funding that corresponds accordingly to the amount and nature of tasks of the equality body should be guaranteed, which is too often not the case. Equality bodies should never have to face the same regrettable situation with which for example the European Institute for Gender Equality (EIGE) and a number of other agencies are confronted, namely being understaffed and under-resourced with an ever-increasing workload and research demands.

An effective equality body has litigation powers. At present, equality bodies in some EU Member States do not enjoy the right to act in court. Equality bodies should have the rights to act as a party in proceedings, to submit observations to the court or to initiate or participate in proceedings on behalf or in support of one or several victims.

However, not all cases ever go to court nor should they need to. To offer a quick, affordable, out of court resolution of disputes, Member States should also provide for the possibility for parties to seek an alternative dispute resolution to their disputes, for example through a conciliation and mediation process that can be led by the equality body or another existing independent dedicated entity which is not government related.

Monitoring is key to ensuring that equality bodies truly enjoy the rights they are assigned in this legislation. The Commission must, by means of an implementing act, establish a list of common indicators for monitoring. In this work, the Commission should work closely with other relevant institutes. The Commission must also regularly evaluate the situation of discrimination in each Member State.

As is the case in all policy areas, cooperation is key. Member States need to ensure that equality bodies have appropriate mechanisms in place to cooperate with other equality bodies within the same Member State, and with relevant public and private entities, including civil society organisations, at national, regional and local level, as well as in other Member States and at Union and international level. Local governments should be afforded the opportunity to approach equality bodies when they see examples of discrimination at a national level, and equality bodies should equally have the right to cooperate with EIGE, FRA and Equinet, as well as social partners and labour inspectorates.

Far too often, citizens across our continent see their basic human rights both disregarded and disrespected. With the help of this legislative proposal and the minimum standards it lays down, people in all Member States will be able to enjoy strengthened level of protection against discrimination. At the same time, Member States are allowed to apply or introduce laws, regulations or administrative provisions that are more favourable than the minimum standards laid down in this Directive. There is no time to wait - the success of this legislation is key to preserving our core EU values.

ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
European Confederation of Independent Trade Unions
European Disability Forum
European Network of Equality Bodies
Finnish Ombudsman for Equality

The list above is drawn up under the exclusive responsibility of the rapporteur.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	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 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						
References	10788/2023 – C9-0031/2024 – 2022/0401(APP)						
Committee responsible Date announced in plenary	FEMM 11.3.2024						
Rapporteurs Date appointed	Sirpa Pietikäinen 24.5.2023						
Date adopted	14.3.2024						
Result of final vote	<table> <tr> <td>+</td><td>26</td></tr> <tr> <td>–</td><td>2</td></tr> <tr> <td>0</td><td>1</td></tr> </table>	+	26	–	2	0	1
+	26						
–	2						
0	1						
Members present for the final vote	Robert Biedroń, Vilija Blinkevičiūtė, Maria da Graça Carvalho, Gwendoline Delbos-Corfield, Rosa Estaràs Ferragut, Frances Fitzgerald, Lina Gálvez Muñoz, Guy Lavocat, Elżbieta Katarzyna Łukacijewska, Radka Maxová, Karen Melchior, Johan Nissinen, Maria Noichl, Sirpa Pietikäinen, Evelyn Regner, Eugenia Rodríguez Palop, María Soraya Rodríguez Ramos, Maria Veronica Rossi, Sylwia Spurek						
Substitutes present for the final vote	Barry Andrews, Annika Bruna, Marina Kaljurand, Aušra Seibutytė, Vera Tax, Irène Tolleret						
Substitutes under Rule 209(7) present for the final vote	Karolin Braunsberger-Reinhold, Pär Holmgren, Erik Marquardt, Michal Wiezik						
Date tabled	18.3.2024						

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

26	+
PPE	Karolin Braunsberger-Reinhold, Maria da Graça Carvalho, Rosa Estaràs Ferragut, Frances Fitzgerald, Elżbieta Katarzyna Łukacijewska, Sirpa Pietikäinen, Aušra Seibutytė
Renew	Barry Andrews, Guy Lavocat, Karen Melchior, María Soraya Rodríguez Ramos, Irène Tolleret, Michał Wiezik
S&D	Robert Biedroń, Vilija Blinkevičiūtė, Lina Gálvez Muñoz, Marina Kaljurand, Radka Maxová, Maria Noichl, Evelyn Regner, Vera Tax
The Left	Eugenia Rodríguez Palop
Vers/ALE	Gwendoline Delbos-Corfield, Pär Holmgren, Erik Marquardt, Sylwia Spurek

2	-
ID	Annika Bruna, Maria Veronica Rossi

1	0
ECR	Johan Nissinen

Key to symbols:

+ : in favour

- : against

0 : abstention