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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	5128/24
Subject:	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 - *Agreement in principle* - *Request for the consent of the European Parliament*

I. INTRODUCTION

"Equality Bodies" were first established by the Racial Equality Directive (2000/43/EC) to provide assistance to victims of discrimination, conduct independent surveys, publish reports, and make recommendations on matters relating to discrimination. Subsequently the Gender Equality Directive 2004/113/EC has similarly mandated Equality Bodies in its respective fields.

On 7 December 2022, the Commission adopted a 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.

This proposal falls under the special legislative procedure foreseen in Article 19(1) TFEU (unanimity in the Council, following the consent of the European Parliament). The proposal was issued by the Commission together with *a parallel proposal* on standards for Equality Bodies based on Article 157 TFEU (ordinary legislative procedure), which concerns the Equality Bodies designated pursuant to other equality directives not covered by the present proposal.[1]

The proposed Directive aims to strengthen the role and independence of Equality Bodies, and to set minimum standards for their functioning, and to extend their mandate to the matters covered by Directives 79/7/EEC and 2000/78/EC, which do not currently confer powers to Equality Bodies. It addresses Equality Bodies' mandate, tasks, independence, structure, powers, accessibility and resources, to ensure that they can, alongside other actors:

(a) effectively contribute to the enforcement of Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC;

(b) effectively assist victims of discrimination to access justice; and

(c) promote equal treatment and prevent discrimination.

The proposal builds on the substance of the existing provisions on equality bodies contained in Directives 2000/43/EC and 2004/113/EC, replacing them with a strengthened and more detailed set of rules.

[1] See doc. 9541/23.

The national parliaments of IT and PT and one of the two chambers of the CZ Parliament (Senate) submitted opinions on the Commission's proposal. The LT parliament also issued a resolution on the proposal.[2]

The European Economic and Social Committee adopted its opinion on 22 March 2023.[3]

The European Data Protection Supervisor issued its opinion on 2 February 2023.[4]

II. STATE OF PLAY IN THE COUNCIL

The Council reached a general approach on 12 June 2023,[5] after which the text was fine-tuned by the lawyer-linguists of the Council.[6]

Meanwhile, on 12 December 2023, the Council and the European Parliament reached a provisional agreement on the parallel proposal. That agreement was confirmed in Coreper on 20 December 2023.[7]

With the aim of ensuring maximum consistency between the two Directives, the Council adjusted the text of its original general approach in order to align it with the wording of the compromise provisionally agreed on the parallel proposal, *mutatis mutandis*. The resulting revised general approach was approved by the Council on 22 January 2024.[8] The text has once again been revised by the lawyer-linguists of the Council.[9]

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2 No review of the proposal was required on the part of the Commission.
3 Doc. 8910/23.
4 Doc. 6296/23.
5 Doc. 10027/23.
6 Doc. 10788/23.
7 Doc. 16772/23 + ADD 1.
8 Doc. 5128/24.
9 Doc. 10788/1/23 REV 1.

III. CONCLUSION

The Permanent Representatives Committee is therefore invited to recommend that the Council, through an 'A' item in one of its next meetings:

- agree in principle on the draft text of the directive set out in document 10788/1/23 REV 1; and

- decide to request the consent of the European Parliament on that text.