Council of the European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	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 - Adoption of the legislative act = Statement

Delegations will find attached a statement by the German delegation in relation to the abovementioned proposal.

ANNEX

STATEMENT BY GERMANY

‘We agree with the general approach on the Directive, subject to the following interpretation:

1. We appreciate the fact that, during the negotiations at the Council Working Party meeting, the Commission assured us that we can also implement Article 8 exclusively by means of an alternative dispute resolution procedure in which the defendant must participate. To that end, the equality body, at the request of a person claiming discrimination, will examine and decide on the case on the basis of the information provided to it, taking into account the reversal of the burden of proof. Germany interprets Article 8 as meaning that the requests for information are not compulsorily enforced, but that the defendant will be made aware of the reversal of the burden of proof.

2. We also appreciate the fact that Germany can prohibit equality bodies from publishing private or company data in the context of the summaries referred to in Article 9.

3. At the Council Working Party meeting, the Commission also assured us that we would have the possibility of implementing Article 10(3), point (a) in such a way that ‘competent entities’, i.e. recognised anti-discrimination associations in Germany, would be able to initiate proceedings on behalf of victims and thus provide judicial support to those affected by discrimination. This will ensure effective judicial support for those affected by discrimination.’