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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	COM(2022) 688 final
Subject:	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

Delegations will find attached the four-column table for the interinstitutional negotiations on the above proposal. The EP mandate set out in the second column was adopted by the Plenary on 23 November.

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

2022/0400(COD)

24-11-2023 at 13h16

		Commission Proposal	EP Mandate	Doc. 10038/23 + input from jurist-linguists. Council Mandate	Draft Agreement	
Formula						
G	1	2022/0400 (COD)	2022/0400 (COD)	2022/0400 (COD)		G
Proposal Title						
	2	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	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	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*~~***amending Directives*** 2006/54/EC and ~~*Article 11 of Directive*~~ 2010/41/EU		
Formula						
G	3					G

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	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
G 4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 157(3) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 157(3) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 157(3) thereof,	
Citation 2				
G 5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
G 6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
G 7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	

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Citation 5				
G 8	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C , , p. .	G
Citation 6				
G 9	Having regard to the opinion of the European Data Protection Supervisor[1], 1. OJ C , , p. .	Having regard to the opinion of the European Data Protection Supervisor[1], 1. OJ C , , p. .	Having regard to the opinion of the European Data Protection Supervisor[1], 1. OJ C , , p. .	G
Citation 7				
G 10	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	G
Formula				
G 11	Whereas:	Whereas:	Whereas:	G
Recital 1				
12	(1) The Treaties and the Charter of Fundamental Rights of the European Union recognise the right to equality and the right to non-discrimination as essential values of the Union[1],	(1) The Treaties and the Charter of Fundamental Rights of the European Union recognise the right to equality and the right to non-discrimination as essential values of the Union[1]~~,~~	(1) ***Equality and non-discrimination are recognised as essential values of the Union in Articles 2 and 3 of the Treaty on European Union (TEU). Articles 8***	

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	and the Union has already adopted several Directives on the prohibition of discrimination. _____ 1. Articles 2 and 3 of the Treaty on European Union ('TEU'), Articles 8 and 10 of the Treaty on the Functioning of the European Union ('TFEU'), and Articles 21, 23 and 26 of the Charter.	~~and~~. The Union has already adopted several Directives on the prohibition of discrimination***, but has yet to adopt a horizontal Equal Treatment Directive outside the field of employment and occupation, covering all protected grounds***. _____ 1. Articles 2 and 3 of the Treaty on European Union ('TEU'), Articles 8 and 10 of the Treaty on the Functioning of the European Union ('TFEU'), and Articles 21, 23 and 26 of the Charter.	***and 10 of the Treaty on the Functioning of the European Union (TFEU) provide that the Union is to promote equality between men and women and combat discrimination based on sex respectively, in all its activities.*** ~~The Treaties and~~ The Charter of Fundamental Rights of the European Union ~~recognise~~***protects*** the right to ~~equality~~***non-discrimination*** and the right to ~~non-discrimination as essential values of the Union[1]~~, and ***equality between women and men in Articles 21 and 23.*** The Union has already adopted several Directives ~~on the prohibition of~~***to combat*** discrimination. _____ ~~1. Articles 2 and 3 of the Treaty on European Union ('TEU'), Articles 8 and 10 of the Treaty on the Functioning of the European Union ('TFEU'), and Articles 21, 23 and 26 of the Charter.~~	
Recital 2				
13	(2) Pursuant to Article 157(3) TFEU, the European Parliament and the Council shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and	(2) Pursuant to Article 157(3) TFEU, the European Parliament and the Council shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and	(2) ~~Pursuant to Article 157(3) TFEU, the European Parliament and the Council shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of~~	

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	occupation, including the principle of equal pay for equal work or work of equal value.	occupation, including the principle of equal pay for equal work or work of equal value***, taking into account multiple and intersectional discrimination***.	~~*employment and occupation, including the principle of equal pay for equal work or work of equal value.*~~	
Recital 2a				
13a		***(2a) The Court of Justice of the European Union (the 'Court of Justice') has held that the scope of the principle of equal treatment of men and women cannot be confined to discrimination based on the fact that a person is of one or other sex. In view of its purpose and the nature of the rights which it seeks to safeguard, that principle also applies to discrimination arising from gender reassignment of a person.***		
Recital 2b				
13b		***(2b) In some Member States, it is currently possible for persons to legally register as having a third, often a neutral, gender. This Directive does not affect relevant national rules giving effect to such recognition.***		

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Recital 2c				
13c		***(2c) Article 21 of the Charter of Fundamental Rights of the European Union (the 'Charter') prohibits any discrimination, inter alia, on the grounds of sex. Article 23 of the Charter provides that equality between women and men must be ensured in all areas. It is important to point out that in a number of Member States, equality bodies also have competences in promoting equality and tackling discrimination on the grounds of gender identity and expression and sex characteristics.***		
Recital 3				
14	(3) The purpose of this Directive is to lay down minimum requirements for the functioning of equality bodies to improve their effectiveness and guarantee their independence in order to strengthen the application of the principle of equal treatment as derived from Directives 2006/54/EC[1] and 2010/41/EU[2]. _____ 1. Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of	(3) The purpose of this Directive is to lay down minimum requirements for the functioning of equality bodies to improve their effectiveness and guarantee their ***mandate, competences*** independence ***and autonomy*** in order to strengthen the application of the principle of equal treatment as ***enshrined in the Treaty on the European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and the Charter and as*** derived from	(3) The purpose of this Directive is to lay down minimum requirements for the functioning of equality bodies to improve their effectiveness and guarantee their independence in order to strengthen the application of the principle of equal treatment as derived from ***Council*** Directives 2006/54/EC[1] and 2010/41/EU[2]. _____ 1. Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of	

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	men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23). 2. Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).	Directives 2006/54/EC[1] and 2010/41/EU[2]. _____ 1. Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23). 2. Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).	men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23). 2. Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).	
Recital 4				
G 15	(4) Directive 2006/54/EC prohibits discrimination based on sex, in matters of access to employment and occupation, including promotion, and to vocational training, working conditions, including pay, and occupational social security schemes.	(4) Directive 2006/54/EC prohibits discrimination based on sex, in matters of access to employment and occupation, including promotion, and to vocational training, working conditions, including pay, and occupational social security schemes.	(4) Directive 2006/54/EC prohibits discrimination based on sex, in matters of access to employment and occupation, including promotion, and to vocational training, working conditions, including pay, and occupational social security schemes.	G
Recital 5				
G 16	(5) Directive 2010/41/EU prohibits discrimination between men and women engaged in an activity in a self-employed capacity.	(5) Directive 2010/41/EU prohibits discrimination between men and women engaged in an activity in a self-employed capacity.	(5) Directive 2010/41/EU prohibits discrimination between men and women engaged in an activity in a self-employed capacity.	G

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Recital 6				
17	(6) Directives 2006/54/EC and 2010/41/EU require Member States to designate one or more bodies for the promotion of equal treatment, including the analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds covered by the respective Directives (hereinafter 'equality bodies'). They require Member States to ensure that the competences of these bodies include providing independent assistance to victims, conducting independent surveys concerning discrimination, publishing independent reports and making recommendations on any issue relating to such discrimination. They also require Member States to ensure that the tasks of these bodies include the exchange of information with corresponding European bodies, such as the European Institute for Gender Equality.	(6) Directives 2006/54/EC and 2010/41/EU require Member States to designate one or more bodies for the promotion of equal treatment, including the analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds covered by the respective Directives (hereinafter 'equality bodies'). They require Member States to ensure that the competences of these bodies include providing independent assistance ***free of charge to persons who have experienced discrimination***~~to victims~~, conducting independent surveys concerning discrimination, publishing independent reports and making recommendations on any issue relating to such discrimination. They also require Member States to ensure that the tasks of these bodies include the exchange of information with corresponding European bodies, such as the European Institute for Gender Equality ***and the European Union Agency for Fundamental Rights. The provisions relating to the designation of equality bodies set out in Directives 2006/54/EC and 2010/41/EU should be replaced by***	(6) Directives 2006/54/EC and 2010/41/EU require Member States to designate one or more bodies for the promotion of equal treatment, including the analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds covered by the respective ~~Directives~~***Directive*** (hereinafter 'equality bodies'). ~~They~~***Those Directives*** require Member States to ensure that the competences of ~~these~~***equality*** bodies include providing independent assistance to victims, conducting independent surveys concerning discrimination, publishing independent reports and making recommendations on any issue relating to such discrimination. They also require Member States to ensure that the tasks of these bodies include the exchange of information with corresponding European bodies, such as the European Institute for Gender Equality.	

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		the provision related to the designation of equality bodies set out in this Directive. Equality bodies designated under this Directive should exercise the competences laid down therein. This Directive is without prejudice to the competences of labour inspectorates, other enforcement bodies and the social partners.		
Recital 7				
18	(7) Directive 2000/43/EC[1] of the Council and Directive 2004/113/EC[2] of the European Parliament and the Council also provide for the designation of equality bodies. _____ 1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22). 2. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).	(7) Directive 2000/43/EC[1] of the Council and Directive 2004/113/EC[2] of the European Parliament and the Council also provide for the designation of equality bodies ***for the promotion, analysis, monitoring and support of equal treatment of all persons, without discrimination on grounds of sex, race or ethnic origin.***. _____ 1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22). 2. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).	(7) Directive 2000/43/EC[1] of the Council and Directive 2004/113/EC[2] of the European Parliament and the Council also provide for the designation of equality bodies ***for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on grounds of sex***. _____ 1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22). 2. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).	

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Recital 8				
19	(8) All Member States have established equality bodies pursuant to Directive 2006/54/EC and 2010/41/EU. A diverse system of equality bodies has been put in place, and good practices have emerged. However, many equality bodies face challenges, in particular concerning the resources, independence and powers necessary to perform their tasks[1]. 1. See the detailed analysis in SWD(2021) 63 final "Equality bodies and the implementation of the Commission Recommendation on standards for equality bodies".	(8) All Member States have established equality bodies pursuant to Directive 2006/54/EC and 2010/41/EU. A diverse system of equality bodies has been put in place, and good practices have emerged. However, many equality bodies face challenges, in particular concerning the resources, independence and powers necessary to perform their tasks[1]. 1. See the detailed analysis in SWD(2021) 63 final "Equality bodies and the implementation of the Commission Recommendation on standards for equality bodies".	(8) All Member States have ~~established~~***designated*** equality bodies pursuant to Directive 2006/54/EC and 2010/41/EU. A diverse system of equality bodies has been put in place, and good practices have emerged. However, many equality bodies face challenges, in particular concerning the resources, independence and powers necessary to perform their tasks~~1~~. ~~1. See the detailed analysis in SWD(2021) 63 final "Equality bodies and the implementation of the Commission Recommendation on standards for equality bodies".~~	
Recital 9				
20	(9) Directives 2006/54/EC and 2010/41/EU leave a wide margin of discretion to Member States as regards the structure and functioning of equality bodies. This results in significant differences between the equality bodies established in the Member States, in terms of the bodies' mandates, competences, structures, resources and operational functioning. This, in turn, means that	(9) Directives 2006/54/EC and 2010/41/EU leave a wide margin of discretion to Member States as regards the structure and functioning of equality bodies. This results in significant differences between the equality bodies established in the Member States, in terms of the bodies' mandates, competences, structures, resources and operational functioning. This, in turn, means that	(9) Directives 2006/54/EC and 2010/41/EU leave a wide margin of discretion to Member States as regards the structure and functioning of equality bodies. ~~This results in~~***As a result, there are*** significant differences between ~~the~~ equality bodies ~~established~~ in the Member States, in terms of ~~the bodies'~~***their*** mandates, competences, ~~structures~~***structure***, resources and	

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	protection against discrimination differs from one Member State to another.	protection against discrimination differs from one Member State to another***, resulting in unequal protection for persons who have experienced discrimination across the Union and the inadequate implementation of the legal acts of Union concerning equal treatment. In order to ensure holistic, effective and comprehensive protection against discrimination, Member States should promote and fund equality bodies to cover all grounds of discrimination covered by Article 21 of the Charter. Levels of discrimination remain high, awareness among persons who have experienced discrimination of their rights remains low and underreporting is still a considerable problem. Public awareness about and knowledge of discrimination remain limited and a lack of sufficient powers and resources hampers equality bodies' ability to assist persons who have experienced discrimination effectively or to prevent and address the development of discrimination, such as discrimination based on gender identity or health or socio-economic status***.	operational functioning. This, in turn, means that protection against discrimination differs from one Member State to another.	
Recital 10				

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21	(10) To ensure that equality bodies can effectively contribute to the enforcement of Directives 2006/54/EC and 2010/41/EU by promoting equal treatment, preventing discrimination and offering assistance to all individuals and groups that are discriminated against to access justice across the Union, it is necessary to adopt binding minimum standards for the functioning of those bodies. The new standards should draw on the lessons learnt through the application of Commission Recommendation 2018/951[1], building on some of its provisions and laying down new rules where necessary. They should also draw from other relevant instruments, such as the General Policy Recommendation N°2[2] on equality bodies adopted by the European Commission against Racism and Intolerance (ECRI) and the Paris Principles[3] adopted by the United Nations and applicable to national human rights institutions. _____ 1. Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies (OJ L 167, 4.7.2018, p. 28). 2. ECRI General Policy Recommendation N°2 revised on Equality Bodies to combat racism and intolerance at national level -	(10) To ensure that equality bodies can effectively contribute to the enforcement of Directives 2006/54/EC and 2010/41/EU by promoting equal treatment, preventing discrimination and offering assistance to all individuals***, such as young people, families in all their diversity, and all*** ~~and~~ groups that are discriminated against to access justice across the Union, it is necessary to adopt binding minimum standards for the functioning of those bodies. The new standards should draw on the lessons learnt through the application of Commission Recommendation 2018/951[1], building on some of its provisions and laying down new rules where necessary. They should also draw from other relevant instruments, such as the General Policy Recommendation N°2[2] on equality bodies adopted by the European Commission against Racism and Intolerance (ECRI) and the Paris Principles[3] adopted by the United Nations and applicable to national human rights institutions. _____ 1. Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies (OJ L 167, 4.7.2018, p. 28). 2. ECRI General Policy Recommendation	(10) To ensure that equality bodies can effectively contribute to the enforcement of Directives 2006/54/EC and 2010/41/EU by promoting equal treatment, preventing discrimination and offering assistance ***in accessing justice*** to all individuals and groups that are discriminated against ~~to access justice~~ across the Union, it is necessary to ~~adopt binding~~***establish*** minimum standards for the functioning of those bodies. The ~~new~~***minimum*** standards ~~should draw on the lessons learnt through the application of Commission Recommendation 2018/951[1], building~~***laid down in this Directive take into account Commission Recommendation (EU) 2018/951[1], drawing on*** on some of its provisions and ~~laying down new rules where necessary. They should~~ ***the approach recommended therein. They*** also draw ~~from~~***on*** other relevant instruments, such as the ***revised*** General Policy Recommendation N°2~~[2]~~ on equality bodies adopted by the European Commission against Racism and Intolerance (ECRI) and the Paris Principles~~[3]~~ ***relating to the Status of National Human Rights***	

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	adopted on 13 June 1997 and revised on 7 December 2017. 3. Principles relating to the Status of National Institutions adopted by General Assembly resolution 48/134 of 20 December 1993.	N°2 revised on Equality Bodies to combat racism and intolerance at national level - adopted on 13 June 1997 and revised on 7 December 2017. 3. Principles relating to the Status of National Institutions adopted by General Assembly resolution 48/134 of 20 December 1993.	***Institutions*** adopted by the United Nations***, which are*** ~~and~~ applicable to national human rights institutions. _____ 1. Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies (OJ L 167, 4.7.2018, p. 28). ~~2. *ECRI General Policy Recommendation N°2 revised on Equality Bodies to combat racism and intolerance at national level - adopted on 13 June 1997 and revised on 7 December 2017.*~~ ~~3. *Principles relating to the Status of National Institutions adopted by General Assembly resolution 48/134 of 20 December 1993.*~~	
Recital 11				
22	(11) The same binding minimum standards for the functioning of equality bodies as regards the matters covered by Directives 79/7/EEC[1], 2000/43/EC, 2000/78/EC[2] and 2004/113/EC are provided for in Directive (EU) …/… [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	(11) The same binding minimum standards for the functioning of equality bodies as regards the matters covered by Directives 79/7/EEC[1], 2000/43/EC, 2000/78/EC[2] and 2004/113/EC are provided for in Directive (EU) …/… [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	(11) ***[(11)*** The same ~~*binding*~~ minimum standards for the functioning of equality bodies as regards the matters covered by Directives 79/7/EEC[1], 2000/43/EC, 2000/78/EC[2] and 2004/113/EC are provided for in Directive (EU) …/… ~~[~~***of the European Parliament and of the Council*** 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*~~***matters*** of employment and occupation between persons irrespective of their religion or	

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	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][3]. _____ 1. Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ L 6, 10.1.1979, p. 24). 2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16). 3. COM(2022)689.	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][3]. _____ 1. Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ L 6, 10.1.1979, p. 24). 2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16). 3. COM(2022)689.	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~~***amending Directives*** 2000/43/EC and ~~Article 12 of Directive~~ 2004/113/EC~~]~~[3].***[*** _____ 1. Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ L 6, 10.1.1979, p. 24). 2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16). 3. COM(2022)689.	
Recital 12				
23	(12) This Directive should apply to equality bodies' action as regards the matters covered by Directives 2006/54/EC and 2010/41/EU. The standards should only concern the functioning of equality bodies and should not extend the material or personal scope of those Directives.	(12) This Directive should apply to equality bodies' action as regards the matters covered by Directives 2006/54/EC and 2010/41/EU. The standards should ~~only~~ concern the functioning ***and the competences*** of equality bodies***. In order to ensure the application of the principle of equal opportunities and equal treatment of men and women, equality bodies address grounds of***	(12) This Directive should apply to equality bodies' action as regards the matters covered by Directives 2006/54/EC and 2010/41/EU.***The minimum requirements laid down in this Directive*** ~~The standards~~ should only concern the functioning of equality bodies and should not extend the material or personal scope of those Directives.	

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		discrimination such as gender, gender identity and gender expression and take due account of the combination of such grounds with the grounds listed in Article 21 of the Charter, such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Equality bodies should therefore adopt an inclusive approach in countering multiple and intersectional discrimination as well ~~*and should not extend the material or personal scope of those Directives*~~.		
Recital 13				
24	(13) This Directive applies to equality bodies when tackling discrimination covered by Directive (EU) 2019/1158 on work-life balance for parents and carers by virtue of the reference in Article 15 of the latter to Article 20 of Directive 2006/54/EC that is being replaced by the provisions of this Directive.	(13) This Directive applies to equality bodies when tackling discrimination covered by Directive (EU) 2019/1158 on work-life balance for parents and carers by virtue of the reference in Article 15 of the latter to Article 20 of Directive 2006/54/EC that is being replaced by the provisions of this Directive.	(13) This Directive ~~*applies*~~***should apply*** to equality bodies when tackling discrimination covered by Directive (EU) 2019/1158 on work-life balance for parents and carers by virtue of the reference in Article 15 of the latter to Article 20 of Directive 2006/54/EC that is being replaced by the provisions of this Directive.	
Recital 14				

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25	(14) The proposed Directive to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms[1] should be considered lex specialis to the enforcement provisions of Directive 2006/54/EC that will be replaced by this Directive. Any higher minimum standards established by the future Directive on Pay Transparency for equality bodies in matters relating to equal pay for the same work or work of equal value, including in pay transparency, as compared to those set out in this Directive, should prevail over those set out in this Directive. 1. Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (COM/2021/93 final).	(14) ~~The proposed~~ Directive ~~to strengthen the application~~***(EU) 2023/970*** of the ~~principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms~~***European Parliament and of the Council***[1] should be considered lex specialis to the enforcement provisions of Directive 2006/54/EC that will be replaced by this Directive. ~~Any~~ Higher minimum standards established by the ~~future~~ Directive ~~on Pay Transparency~~***(EU) 2023/970*** for equality bodies in matters relating to equal pay for the same work or work of equal value, including in pay transparency, as compared to those set out in this Directive, should prevail over those set out in this Directive. ***Member States are expected to transpose Directive (EU) 2023/970 without any delay, including by establishing good practices and codes of conduct in matters relating to equal pay for the same work or work of equal value based on that Directive.*** 1. ~~Proposal for a Directive~~***Directive (EU) 2023/970*** of the European Parliament and of the Council ***of 10 May 2023*** to strengthen	(14) ~~The proposed Directive~~***Directive (EU) 2023/970***[1] to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms[1] should be considered ***lex specialis***~~lex specialis~~ to ~~the enforcement provisions of~~ Directive 2006/54/EC ~~that will be replaced by~~***only regarding matters covered therein.*** This Directive ~~Any higher minimum standards established by the future~~ ***should not affect more specific provisions contained in*** Directive ~~on Pay Transparency~~***(EU) 2023/970*** for equality bodies ~~in matters relating to equal pay for the same work or work of equal value, including in pay transparency, as compared to those set out in this Directive, should prevail over those set out in this Directive.~~. 1. ~~Proposal for a Directive~~***Directive (EU) 2023/970*** of the European Parliament and of the Council ***of 10 May 2023*** to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, ***OJ L 132, 17.5.2023, p. 21-44*** ~~(COM/2021/93 final)~~.	

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		the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (~~*COM/2021/93 final*~~***OJ L 132, 17.5.2023, p. 21***).		
Recital 15				
26	(15) In promoting equal treatment, preventing discrimination and assisting victims of discrimination, equality bodies should pay particular attention to discrimination based on several of the grounds protected by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC, 2004/113/EC, 2006/54/EC and 2010/41/EU.	(15) In promoting equal treatment, preventing discrimination and assisting ~~*victims of*~~***persons who have experienced*** discrimination, equality bodies should pay particular attention to ***multiple and intersectional*** discrimination based on several of the grounds protected by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC, 2004/113/EC, 2006/54/EC and 2010/41/EU***, acknowledging that discrimination often affects persons on more than one ground and creates a specific disadvantage. In implementing this Directive, Member States should take into account provisions relating to intersectional discrimination set out in the Directive (EU) 2023/970 in order to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement***	(15) In promoting equal treatment, preventing discrimination***, collecting data on discrimination*** and assisting victims of discrimination, equality bodies should pay particular attention to discrimination based on several of the grounds ~~*protected*~~***covered*** by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC, 2004/113/EC, 2006/54/EC and 2010/41/EU.	

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		mechanisms.		
Recital 15a				
26a			***(15a) Member States should designate one or more bodies to exercise the competences laid down in this Directive. Member States may divide the competences between several equality bodies, for example by entrusting one body with prevention of discrimination, promotion of equal treatment and assistance to victims of discrimination, and another with decision-making functions. This Directive should be without prejudice to the competences of labour inspectorates or other enforcement bodies, as well as the social partners.***	
Recital 16				
27	(16) Equality bodies can only effectively play their role if they are able to act with complete independence without being subject to any external influence. For that purpose, Member States should take into account a number of criteria that contribute to the independence of	(16) Equality bodies can only effectively play their role if they are able to act with complete independence without being subject to any external influence***, such as religious, political or financial influence***. For that purpose, Member States should take into account a	(16) Equality bodies can only ~~effectively play~~***fulfil*** their role ***effectively*** if they are able to act with complete independence without being subject to any external influence. For that purpose, Member States should take ~~into account~~ a number of ~~criteria~~***measures*** that	

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	equality bodies. Equality bodies should not be set up as part of a ministry or body taking instructions directly from the government. Any staff member or person holding a managerial position – for example as member of a board managing the equality body, head of the equality body, deputy or in case of interim – should be independent, qualified for their position, and selected through a transparent process. Equality bodies should be able to manage their own budget and resources, including by selecting and managing their own staff, and be able to set their own priorities.	number of criteria that ~~contribute to~~***ensure*** the independence of equality bodies. Equality bodies should not be set up as part of a ministry or body taking ***or seeking*** instructions directly from the government ***or working to achieve governmental objectives. Any permanent or temporary*** ~~. Any~~ staff member or person holding a managerial position – for example as member of a board managing the equality body~~, head of the equality body,~~ ***or the head or*** deputy ~~or in case of interim~~***head of the equality body*** – should be independent, qualified for their position, and selected through a transparent***, participatory and competence-based*** process. ***The primary safeguard for securing independent leadership of equality bodies is to select the people for leadership positions by means of a transparent and competency-based process with safeguards to prevent any influence by the executive in any stage of the selection process, in particular during the nomination, pre-selection or selection phase of candidates and during the decision-making phase. The transparency of such processes should be ensured by, for example, publishing vacancy	contribute to the independence of equality bodies. Equality bodies ~~should not be set up as~~***that exercise competence laid down in this Directive may be*** part of a ministry or ~~body taking instructions directly from the government. Any staff member or person holding a managerial position – for example as member of a board managing the equality body, head of the equality body, deputy or in case of interim – should be independent, qualified for their position, and selected through a transparent process.~~***another organisational entity, provided that their independence is ensured. While performing their tasks and exercising their competences, equality bodies should retain their independence in relation to any external influence, whether direct or indirect, by refraining from seeking or taking instructions from anybody. Within the existing legal framework*** equality bodies should be able to manage their own ~~budget and~~ ***financial and other*** resources, including by selecting and managing their own staff, and be able to set their own priorities. ***Staff members holding a decision-making or managerial position, whether permanent or temporary, such as***	

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		notices publicly and consulting, during the staff selection process, experts working with groups exposed to discrimination. Equality bodies should be able to ***decide their internal structure and how to*** manage their own budget and resources ***on a stable basis***, including by selecting and managing their own staff, ***while trying to achieve gender balance at all levels of staff,*** and be able to set their own priorities ***and implement them accordingly***.	***the head or deputy head of the equality body and, where applicable, members of the governing board, should be independent, qualified for their position and selected through a transparent process. Transparency in that process can be ensured, for example, by publishing vacancy notices publicly.***	
Recital 17				
28	(17) To ensure that equality bodies can exercise all their competences and fulfil all their tasks, Member States should ensure that the internal structure of equality bodies allows the independent exercise of their various competences. Particular attention should be paid to situations where bodies are required both to be impartial and to offer support to victims. This is particularly relevant where the equality body holds binding decision-making powers requiring impartiality or is part of a multi-mandate body where another mandate requires impartiality. An	(17) To ensure that equality bodies can exercise all their competences and fulfil all their tasks, Member States should ensure that the internal structure of equality bodies allows the independent exercise of their various competences. Particular attention should be paid to situations where bodies are required both to be impartial and to offer support to ~~victims~~***persons who have experienced discrimination***. This is particularly relevant where the equality body holds binding decision-making powers requiring impartiality or is part of a multi-	(17) ~~*To ensure that equality bodies can exercise all their competences and fulfil all their tasks,*~~ Member States should ensure that the internal structure of equality bodies***, such as*** ~~*allows the independent exercise of*~~ their ~~*various competences. Particular attention should be paid to situations*~~***internal organisation and processes, allows the independent, and*** where ~~*bodies are required both to be*~~***appropriate*** impartial***, exercise of their various competences, by establishing appropriate safeguards*** ~~*and to offer support to victims. This is*~~	

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	internal structure ensuring a strict separation between the relevant competences and tasks should guarantee that the equality body can effectively exercise them.	mandate body where another mandate requires impartiality. An internal structure ensuring a strict separation between the relevant competences and tasks should guarantee that the equality body can effectively exercise them.	~~*particularly relevant*~~ where ~~*the*~~ equality ~~*body holds binding decision-making powers requiring impartiality or is part of a multi-mandate body where another mandate requires impartiality. An internal structure ensuring a strict separation between the relevant competences and tasks should guarantee that*~~***bodies have potentially conflicting tasks, especially when some of those tasks focus on support to alleged victims. Equality bodies should, in particular, act impartially while conducting an inquiry or assessing a case, especially when*** the equality body ~~*can effectively exercise them*~~***holds binding decision-making powers***.	
Recital 17a				
28a			***(17a) Where the equality body is part of a multi-mandate body such as an ombudsperson with a broader mandate or a national human rights institution, the internal structure of such a multi-mandate body should guarantee the effective exercise of the specific equality mandate.***	

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Recital 18				
29	(18) The lack of appropriate resources is a key issue hampering the ability of equality bodies to adequately fulfil their tasks. Therefore, Member States should ensure that equality bodies receive sufficient funding, can hire qualified staff and have appropriate premises and infrastructure to carry out each of their tasks effectively, within reasonable time and within the deadlines established by national law. Their budgetary allocation should be stable, except in case of increase in competences, planned on a multi-annual basis, and allow them to cover costs that may be difficult to anticipate such as costs linked to litigation. To ensure that equality bodies are provided with sufficient resources, their budget should for instance not suffer cuts that are significantly higher than the average cuts to other public entities; similarly, their annual growth should at least be pegged to the average growth in funding to other entities. Resources should increase proportionally if equality bodies' tasks and mandate are expanded.	(18) The lack of ~~appropriate~~***adequate and stable human, material, technical and financial*** resources is a key issue hampering the ability of equality bodies to ~~adequately~~ fulfil their tasks ***effectively***. Therefore, Member States should ensure that equality bodies receive ~~sufficient~~***adequate*** funding, can hire ***the necessary number of*** qualified staff and have appropriate premises and infrastructure to carry out each of their tasks effectively, within reasonable time and within the deadlines established by national law. ***Equality bodies should be independent in the management of their finances in accordance with the principle of budgetary and financial autonomy.*** Their budgetary allocation should be stable~~, except in case of~~ ***and planned on a multi-annual basis. Where there is an*** increase in ***the*** competences ***of equality bodies, Member States should ensure that their resources and budget are adjusted accordingly. Member States should ensure that equality bodies' budgets*** ~~, planned on a multi-annual basis, and~~ allow them	(18) ~~The lack of appropriate resources is a key issue hampering the ability of equality bodies to adequately fulfil their tasks. Therefore~~***Through their respective national budgetary processes***, Member States should ensure that equality bodies receive sufficient ~~funding, can hire~~***resources, including*** qualified staff~~ and have~~***,*** appropriate premises and infrastructure to carry out each of their tasks effectively, within ***a*** reasonable time ~~and~~***or*** within the deadlines established by national law. ~~Their budgetary allocation should be stable, except in case of increase in competences, planned on a multi-annual basis, and allow them to cover costs that may be difficult to anticipate such as costs linked to litigation. To ensure that~~***Receiving such sufficient resources is key to the effective functioning of*** equality bodies ~~are provided with sufficient resources, their budget should for instance not suffer cuts that are significantly higher than the average cuts to other public entities; similarly,~~***and the fulfilment of*** their ~~annual growth should at least be pegged to the average growth in~~	

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		to cover costs that may be difficult to anticipate such as costs linked to litigation. To ensure that equality bodies are provided with ~~*sufficient resources, their budget should for instance not suffer cuts that are significantly higher than the average cuts to other public entities; similarly*~~***adequate and stable resources***, their annual growth should at least be pegged to the average growth in funding to other entities ***and should take into account national inflation rates***. Resources should increase proportionally if equality bodies' tasks and mandate are expanded***, and they should be sufficient to enable equality bodies to collect data, conduct research and carry out their tasks relating to promotion and awareness-raising activities***.	~~*funding to other entities. Resources should increase proportionally if equality bodies'*~~tasks~~*and mandate are expanded*~~.	
Recital 18a				
29a			***(18a) It is important that the allocation of financial resources remain stable, be planned on a multi-annual basis and allow equality bodies to cover costs that can be difficult to anticipate, such as in the event of increases in complaints, litigation costs and the***	

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			use of automated systems. Devoting attention to the opportunities and risks presented by the use of automated systems, including artificial intelligence is key. In particular, equality bodies should be equipped with appropriate human and technical resources. Those resources should, in particular, enable equality bodies to use automated systems for their work on the one hand and to assess such systems as regards their compliance with non-discrimination rules on the other hand. Where the equality body is part of a multi-mandate body the resources necessary to carry out its equality mandate should be ensured.	
Recital 19				
30	(19) Automated systems, including artificial intelligence, represent a useful tool to identify discrimination patterns, but algorithmic discrimination is also a risk. Equality bodies should therefore have access to qualified staff or services, able to use automated systems for their work on the one hand and to assess them as regards their compliance	(19) Automated systems, including artificial intelligence, represent a useful tool to identify discrimination patterns, but ***might also lead to*** algorithmic discrimination***, which risks replicating and exacerbating existing inequalities and discrimination and contributing to exclusion and poverty*** ~~*is also a risk*~~. Equality bodies should therefore	(19) ~~*Automated systems, including artificial intelligence, represent a useful tool to identify discrimination patterns, but algorithmic discrimination is also a risk. Equality bodies should therefore have access to qualified staff or services, able to use automated systems for their work on the one hand and to assess them as regards*~~	

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	with non-discrimination rules on the other hand. Particular attention should be devoted to equipping equality bodies with appropriate digital resources, be it directly or by way of subcontracting.	have access to qualified staff or services, able to use automated systems for their work on the one hand and to assess them as regards their compliance with non-discrimination rules ***by addressing algorithmic discrimination, preventing its potential consequences on individuals and providing support to persons who have experienced this form of discrimination***~~*on the other hand*~~. Particular attention should be devoted to equipping equality bodies with appropriate digital resources ***and training and expertise***, be it directly or by way of subcontracting. ***Automated systems are to comply with the accessibility requirements for persons with disabilities set out in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council.***[1a] _____ ***1a. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).***	~~*their compliance with non-discrimination rules on the other hand. Particular attention should be devoted to equipping equality bodies with appropriate digital resources, be it directly or by way of subcontracting.*~~	
Recital 20				
31	(20) Equality bodies, alongside	(20) Equality bodies, alongside	(20) Equality bodies, alongside	

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	other actors, have a key role to play in the prevention of discrimination and the promotion of equality. To address the structural aspects of discrimination and to contribute to social change, they should promote equality duties, good practices, positive action and equality mainstreaming among public and private entities, and provide them with relevant training, information, advice, guidance and support. They should communicate with public and private entities and groups at risks of discrimination and engage in public debate in order to combat stereotypes and raise awareness about diversity and its benefits, a key pillar of the Union's equality strategies.	other actors ***and, in particular, the social partners and civil society organisations*** ~~,~~ have a key role to play in the prevention of discrimination and the promotion of equality. To address the structural aspects of discrimination and to contribute to social change, ***equality bodies should be empowered to carry out activities to prevent discrimination and to promote equal treatment.*** They should promote equality duties, good practices, positive action and equality mainstreaming among public and private entities, and provide them with relevant training, information, advice, guidance and support. They should communicate with***, and provide information to,*** public and private entities***, in particular labour inspectorates, the social partners, civil society organisations*** and groups at risks of discrimination ***in order to ensure an intersectional approach and to combat underreporting. They should also***~~and~~ engage in public debate in order to combat stereotypes and raise awareness about diversity and its benefits, a key pillar of the Union's equality strategies.	other actors, have a key role ~~to play~~ in the prevention of discrimination and the promotion of equality. To address the structural aspects of discrimination and to contribute to social change, ~~they~~***equality bodies*** should ***be empowered to carry out activities to prevent discrimination on the grounds and in the fields covered by Directives 2006/54/EC and 2010/41/EU and to*** promote ~~equality duties, good practices~~***equal treatment. Such activities can include the sharing of good practice***, positive action and equality mainstreaming among public and private entities, and ~~provide~~***providing*** them with relevant training, information, advice, guidance and support. ~~They should communicate with public and private entities and groups at risks of discrimination~~***It is also vital that equality bodies communicate with relevant stakeholders*** and engage in public debate***.*** ~~in order to combat stereotypes and raise awareness about diversity and its benefits, a key pillar of the Union's equality strategies.~~	

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Recital 20a				
31a		***(20a) To ensure that equality bodies actively consider the objective of equality between women and men, in all their diversity, when implementing provisions in the areas referred to in this Directive, Member States should actively promote gender mainstreaming and gender budgeting, as internationally recognised tools to reach gender equality.***		
Recital 21				
32	(21) Beyond prevention, a central task of equality bodies is to provide assistance to victims of discrimination. This assistance should always include the provision of key information to complainants and a preliminary assessment of their complaint, based on the initial information gathered from the parties on a voluntary basis. Member States should be in charge of defining the modalities under which the equality body would issue this assessment, such as the timeframe of the process or procedural safeguards against repetitive or abusive	(21) Beyond prevention, a central task of equality bodies is to provide assistance ***free of charge to persons who have experienced***~~to victims of~~ discrimination ***and their mandated trade union representatives***. This assistance should ~~always~~***at least*** include the provision ***to complainants of legal advice, of advice targeted to their specific needs and of key information, such as information concerning procedural aspects, including the procedures for bringing a case before the courts and other available remedies. That assistance***	(21) ~~Beyond~~***In addition to*** prevention, a central task of equality bodies is to provide assistance to ***alleged*** victims of discrimination. ~~This~~***Such*** assistance should always include ***at least*** the provision of key information to complainants***, including information as to whether the*** ~~and a preliminary assessment of their~~ complaint~~, based on the initial information gathered from the parties on a voluntary basis~~ ***will be closed or whether there are grounds to pursue it further, unless the complaint was made anonymously***. Member States ~~should be in charge~~	

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	complaints.	***should also include the provision to the complainant of a first consultation on their case. Equality bodies*** ~~*of key information to complainants and a preliminary assessment of their complaint, based on the initial information gathered from the parties on a voluntary basis. Member States*~~ should be ~~*in charge of defining the modalities under*~~***able to establish the arrangements of such initial consultations. This Directive does not prevent persons who have experienced discrimination from being supported and represented by persons, bodies or organisations with expertise related to the discrimination they have experienced throughout the process in*** which ***they receive assistance from*** the equality ~~*body would issue this assessment, such as the timeframe of the process or procedural safeguards against repetitive or abusive complaints*~~***bodies. For the purposes of this Directive, a person who has experienced discrimination is to be understood as a person who might have been subjected to discrimination, regardless of that person's potential legal status as a victim of discrimination***.	~~*of*~~***are responsible for*** defining the modalities under which the equality body would ~~*issue this assessment*~~***inform the complainants***, such as the timeframe of the process or procedural safeguards against repetitive or abusive complaints.	

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Recital 22				
33	(22) To ensure that all victims are able to complain, it should be possible to submit complaints in various ways. Member States should also pay due regard to Commission Recommendation 2018/951 under which submission of complaints should be possible in a language of the complainant's choosing which is common in the Member State where the equality body is located. To address one of the causes of underreporting, namely, fear of reprisals, and without prejudice to Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law[1], confidentiality should be offered to witnesses and whistle-blowers, and as far as possible, to complainants. 1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).	(22) To ensure that all ~~victims~~***persons who have experienced discrimination*** are able to complain, it should be possible to submit complaints in various ways***, including orally, in writing and by digital means***. Member States should also pay due regard to Commission Recommendation 2018/951 under which submission of complaints should be possible in a language of the complainant's choosing which is common in the Member State where the equality body is located***, with the assistance of an interpreter if needed. Similarly, assistance in submitting complaints in accessible formats for persons with disabilities should also be ensured***. To address one of the causes of underreporting, namely, fear of reprisals, and without prejudice to Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law[1], confidentiality should be offered to witnesses and whistle-blowers, and as far as possible, to complainants ***and alleged perpetrators***.	(22) To ensure that all ***alleged*** victims are able to complain, it should be possible to submit complaints in various ways. ~~*Member States should also pay due regard to Commission Recommendation 2018/951 under which*~~***According to Recommendation (EU) 2018/951, the*** submission of complaints should be possible in a language of the complainant~~'~~***'***s choosing which is common in the Member State where the equality body is located. To address one of the causes of underreporting, namely~~,~~ ***the*** fear of reprisals, ~~*and without prejudice to Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law*~~[~~*1*~~]~~,***equality bodies should inform alleged victims about the applicable*** confidentiality ~~*should be offered to witnesses and whistle-blowers, and as far as possible, to complainants.*~~***rules.*** ~~*1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).*~~	

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		1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).		
Recital 22a				
33a		***(22a) The obligations placed on Member States and the tasks of equality bodies under this Directive in relation to assistance to victims should be considered in conjunction with the Member States' obligations and the victims' rights set out in Directive 2012/29/EU.***		
Recital 23				
34	(23) To offer a possibility for a quick, affordable, out of court resolution of disputes, Member States should provide for the possibility for parties to seek an amicable resolution to their disputes, by the equality body or another existing dedicated entity. They should define the modalities of the amicable settlement process according to national law.	(23) To offer a possibility for a quick, affordable, out of court resolution of disputes, Member States should provide for the possibility for parties to ~~seek an amicable~~***resolve their disputes by means of alternative dispute resolution, including within the framework of a conciliation and mediation structure. Such alternative dispute*** resolution ~~to~~	(23) To offer a possibility for a quick, affordable, out of court resolution of disputes, Member States should provide for the possibility for parties to seek ~~an amicable~~***alternative dispute*** resolution ~~to their disputes.~~***, as offered*** by the equality body ***itself or by*** ~~or~~ another existing ~~dedicated~~***competent*** entity. ~~They~~***The absence of a resolution, for***	

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		~~their disputes,~~***should be led*** by the equality body or another existing***, independent,*** dedicated entity ***which is not related to the government***. They should define the modalities of the amicable settlement process according to national law. ***Engaging in a conciliation and mediation process should be subject to the agreement of the parties and should not prevent a party from exercising the right of access to court where that party does not accept the decision issued within the framework of the conciliation and mediation structure. The conciliation and mediation structure should consist of experts in human rights law from both parties. Decisions issued within the framework of the conciliation and mediation structure should be legally binding, provided that both parties to the dispute agree. Member States should ensure a sufficient limitation period to guarantee that the parties to a dispute have access to court where they do not reach an agreement at the end of the conciliation and mediation process.***	***example because one of the parties rejected the outcome of the process, should not prevent the parties from acting in court proceedings. Member States*** should define the modalities of the ~~amicable settlement~~***alternative dispute resolution*** process according to national law ***and practice***.	
Recital 24				

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35	(24) Where the equality bodies suspect a possible violation of the principle of equal treatment laid down by Directives 2006/54/EC and 2010/41/EU, they should be able to act further following a complaint or on their own initiative.	(24) Where the equality bodies suspect a possible violation of the principle of equal treatment laid down by Directives 2006/54/EC and 2010/41/EU, they should be able to act further following a complaint or on their own initiative.	(24) Where the equality bodies suspect a possible violation of the principle of equal treatment laid down by Directives 2006/54/EC and 2010/41/EU, ~~-~~they should be able to ~~*act further*~~***conduct inquiries, notably*** following a complaint or on their own initiative.	
Recital 25				
36	(25) Evidence is key in determining whether discrimination has taken place and it is often in the hands of the alleged perpetrator. Equality bodies should therefore be able to access the necessary information to establish discrimination and cooperate with the relevant public services – such as labour inspectorates or education inspectorates. Member States should establish an appropriate framework for the exercise of this competence, in accordance with national rules and procedures.	(25) Evidence is key in determining whether discrimination has taken place and it is often in the hands of the alleged perpetrator. Equality bodies should therefore be able to access the necessary information ***and documents*** to establish discrimination and cooperate with the relevant public services – such as labour inspectorates ~~*or*~~***,*** education inspectorates ***and the social partners***. Member States should establish an appropriate framework for the exercise of this competence, in accordance with national rules and procedures. ***Where they consider it useful and necessary for the proper conduct of investigations, equality bodies should be able to entrust other competent bodies with the power to***	(25) Evidence is key in determining whether discrimination has taken place and it is often ***not*** in the ~~*hands*~~***possession*** of the alleged ~~*perpetrator*~~***victim***. Equality bodies should therefore be able to access the ***information*** necessary ~~*information*~~ to establish ***whether*** discrimination ***has occurred and to*** ~~*and*~~ cooperate with ***other competent bodies, which can include*** the relevant public services~~—~~***,*** such as labour inspectorates or education inspectorates***, and the social partners***. Member States should establish an appropriate framework for the exercise of ~~*this*~~***that*** competence, in accordance with national rules and procedures. ***Member States may entrust another competent body, in accordance with***	

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		investigate whether breaches of the principle of equal treatment have occurred.	***national law and practice, with conducting inquiries. In order to avoid a duplication of processes, such a competent body should provide the equality body, upon its request, with information on the results of the inquiry when the process is completed.***	
Recital 26				
37	(26) On the basis of the evidence gathered, either voluntarily or through an investigation, equality bodies should provide their assessment to the complainant and the alleged perpetrator. Member States should determine the legal value of this assessment that can be a non-binding opinion or a binding enforceable decision. Both should state the reasons for the assessment and include, where necessary, measures to remedy any breach found and to prevent further occurrences. To ensure the effectiveness of equality bodies' work, Member States should adopt appropriate measures for the follow-up of opinions and the enforcement of decisions.	(26) On the basis of the evidence gathered, either voluntarily or through an investigation, equality bodies should ***be able to*** provide their assessment to the complainant and the alleged perpetrator. Member States should determine***, in consultation with other entities, such as the social partners and civil society organisations,*** the legal value of this assessment that can be a non-binding opinion or a binding enforceable decision. Both should state the reasons for the assessment and include, where necessary, measures to remedy any breach found and to prevent further occurrences. To ensure the effectiveness of equality bodies' work, Member States should adopt appropriate measures for the follow-up of ***non-binding*** opinions and the	(26) ~~*On the basis of the evidence gathered, either voluntarily or through an investigation, equality bodies should provide their assessment to the complainant and the alleged perpetrator*~~***Equality bodies should be able to document their assessment of the complaint on the basis of the evidence gathered***. Member States should determine the legal ~~*value*~~***nature*** of this assessment that can be a non-binding opinion or a binding ~~*enforceable*~~ decision. Both should state the reasons for the assessment and include, where ~~*necessary*~~***appropriate***, measures to remedy any breach ***of the principle of equal treatment*** found and to prevent further occurrences ***while taking into account the different nature of opinions and decisions***.	

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		enforcement of ***binding*** decisions.	To ensure the effectiveness of equality bodies' work, Member States should adopt appropriate ~~measures~~***mechanisms*** for the follow-up of opinions and the enforcement of decisions.	
Recital 27				
38	(27) To promote their work and equality law, equality bodies should be able to publish a summary of their opinions and decisions without disclosing personal data.	(27) To promote their work and equality law, equality bodies should be able to publish ~~a summary of~~***their opinions and decisions, including summaries thereof, without disclosing personal data. Equality bodies should be able to disclose in*** their opinions and decisions ~~without disclosing~~***the*** personal data ***of the parties concerned where provided for, and in accordance with the conditions laid down by national law, in particular for the purpose of enforcing their decisions***.	(27) To ~~promote~~***raise awareness of*** their work and ***of*** equality law, equality bodies should be able to publish ~~a summary~~***at least the summaries of those*** of their opinions and decisions ~~without disclosing personal data~~***which they consider to be of particular relevance***.	
Recital 28				
39	(28) Equality bodies should have the right to act in court proceedings in civil or administrative law matters in order to contribute to ensuring the respect of the principle of equal treatment laid down in Directives	(28) Equality bodies should have the right to act ***and to be present and heard in any***~~in court~~ proceedings in civil or administrative law matters in order to contribute to ensuring the respect of the principle of equal	(28) Equality bodies should have the right to act in court proceedings in ~~civil or administrative law matters in~~ order to contribute to ensuring the respect of the principle of equal treatment laid down in Directives	

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	2006/54/EC and 2010/41/EU. While those court proceedings should be subject to national procedural law, including national rules on admissibility of actions, such rules, and in particular any condition of legitimate interest, cannot be applied in a way so as to undermine the effectiveness of the equality bodies' right to act. The powers of investigation and decision-making and the right to act in court proceedings given to equality bodies by this Directive will facilitate the practical implementation of the current provisions of Directives 2000/43/EC, 2000/78/EC and 2004/113/EC on the burden of proof and defence of rights. Under the conditions provided for in this Directive, equality bodies will be able to establish facts "from which it may be presumed that there has been direct or indirect discrimination", thereby fulfilling the conditions provided for in Article 8 of Directive 2000/43/EC, Article 10 of Directive 2000/78/EC and Article 9 of Directive 2004/113/EC. Their support will therefore facilitate access to justice for victims.	treatment laid down in Directives 2006/54/EC and 2010/41/EU. While those court proceedings should be subject to national procedural law, including national rules on admissibility of actions, such rules, and in particular any condition of legitimate interest, cannot be applied in a way so as to undermine the effectiveness of the equality bodies' right to act. The powers of investigation and decision-making and the right to act in court proceedings given to equality bodies by this Directive will facilitate the practical implementation of the current provisions of Directives 2000/43/EC, 2000/78/EC, ***2004/113/EC and 2019/1158/EU*** ~~and 2004/113/EC~~ on the burden of proof and defence of rights. Under the conditions provided for in this Directive, equality bodies will be able to establish facts "from which it may be presumed that there has been direct or indirect discrimination", thereby fulfilling the conditions provided for in Article ~~8~~***9*** of Directive 2000/43/EC, Article 10 of Directive 2000/78/EC ~~and~~, Article 9 of Directive 2004/113/EC ***and Articles 12 and 15 of Directive 2019/1158/EU***. Their support will therefore facilitate access to justice	2006/54/EC and 2010/41/EU. ~~While those~~***Such*** court proceedings ~~should be subject to national procedural law, including~~***can take place in courts or equivalent bodies handling matters of equal treatment and discrimination, in accordance with*** national ~~rules on~~ ***law and practice. National law and practice on the*** admissibility of actions, ~~such rules,~~ and in particular any condition of legitimate interest, cannot be applied in a way ~~so as~~***that is liable*** to undermine the effectiveness of the equality bodies' right to act. The powers ~~of investigation and decision-making~~***to conduct inquiries and to take decisions,*** and the right to act in court proceedings given to equality bodies ~~by~~***under*** this Directive ~~will~~***are expected to*** facilitate the practical implementation of the current provisions of ~~Directives 2000/43/EC, 2000/78/EC and 2004/113/EC~~***Directive 2006/54/EC*** on the burden of proof and ***2006/54/EC and 2010/41/EU on the*** defence of rights. Under the conditions provided for in this Directive, equality bodies will be able to establish facts ~~"~~from which it ~~may~~***can*** be presumed that there has been direct or indirect	

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		for ~~victims~~***persons who have experienced discrimination***.	discrimination~~"~~, thereby fulfilling the conditions provided for in Article ~~8 of Directive 2000/43/EC, Article 10 of Directive 2000/78/EC and Article 9 of~~***19 of 2006/54/EC. The support provided by equality bodies under this*** Directive ~~2004/113/EC. Their support~~ will therefore facilitate access to justice for victims. ***It should be possible for equality bodies to select the cases they decide to pursue in court proceedings so as to contribute to the proper interpretation and application of equal treatment legislation.***	
Recital 28a				
39a			***(28a) Where equality bodies have the power to take binding decisions, they should be empowered to act as a party in proceedings on the enforcement or judicial review of those decisions. Equality bodies should also be able to submit observations to the courts, for example by providing their expert opinion, in accordance with national law and practice.***	
Recital 28b				

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39b			***(28b) The right of equality bodies to act in court proceedings can take different forms in different national legal frameworks. Therefore, Member States should choose, in accordance with national law and practice, one or more of the following forms of action for equality bodies: acting on behalf of one or several victims, or in support of one or several victims, or initiating court proceedings in its own name.***	
Recital 29				
40	(29) Legal standing allows equality bodies to act on behalf or in support of victims, allowing them to access justice where procedural and financial barriers or a fear of victimisation often deters them. Legal standing also allows equality bodies to strategically select the cases they decide to pursue in front of national courts, and to contribute to the proper interpretation and application of equal treatment legislation.	(29) Legal standing allows equality bodies to act on behalf or in support of victims, allowing them to access justice where procedural and financial barriers or a fear of victimisation often deters them. Legal standing also allows equality bodies to strategically select the cases they decide to pursue in front of national courts, and to contribute to the proper interpretation and application of equal treatment legislation***, as well as to make proposals to improve and update existing legislation***.	(29) ~~*Legal standing allows*~~ Equality bodies ~~*to*~~***should be able*** act on behalf ***of*** or in support of victims, ***where applicable with their approval,*** allowing them to access justice where procedural and financial barriers or a fear of victimisation often ~~*deters them. Legal standing also allows equality bodies to strategically select the cases they decide to pursue in front of national courts, and to contribute to the proper interpretation and application of equal treatment legislation*~~***deter victims. Where equality bodies act on behalf of one***	

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			or several victims, they represent the victims before the court. Where equality bodies act in support of one or several victims, they take part in court proceedings initiated by the victims, to support the claim.	
Recital 30				
41	(30) Some instances of discrimination are difficult to fight because there is no complainant pursuing the case themselves. In its judgment in Case C-54/07 (Feryn)[1], which was brought by an equality body in its own name, the Court of Justice confirmed that discrimination can be established even in the absence of an identified victim. It is therefore important that equality bodies can act in their own name, to defend the public interest. _____ 1. Judgment of 10 July 2008 in Feryn (C-54/07, ECLI:EU:C:2008:397).	(30) Some instances of discrimination are difficult to fight because there is no complainant pursuing the case themselves. In its judgment in Case C-54/07 (Feryn)[1], which was brought by an equality body in its own name, the Court of Justice confirmed that discrimination can be established even in the absence of an identified ~~victim~~***person who has experienced discrimination, as for instance in cases of structural or institutional discrimination***. It is therefore important that equality bodies can act ***and initiate court proceedings*** in their own name, to defend the public interest ***where discrimination has been detected, without the presence of an individual, identified person who has experienced discrimination. It is also important that they can act in cases where collective redress is used***. ***When an***	(30) Some instances of discrimination are difficult to ~~fight~~***combat*** because there is no complainant pursuing the case themselves. In its judgment in case C-54/07~~ (Feryn)~~[1], which was brought by an equality body in its own name, the Court of Justice confirmed that discrimination can be established even in the absence of an identified victim. ~~It is therefore important~~***Therefore, in order to combat discrimination in the public interest, Member States should have the option to provide*** that equality bodies ~~can~~***be able to*** act in their own name ***in certain cases of discrimination, for example due to the abundance or seriousness of cases or the need for legal clarification, each of which could imply that the discrimination is structural or systematic in nature***~~, to defend the public interest~~.	

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		equality body initiates or participates in proceedings on behalf or in support of one or several persons who have experienced discrimination, that person or those persons should be able to withdraw their tacit approval prior to the court proceeding. _____ 1. Judgment of 10 July 2008 in Feryn (C-54/07, ECLI:EU:C:2008:397).	***Member States should be able to provide, in accordance with national law and practice, that such cases of discrimination require an identified person or entity as a respondent.*** _____ 1. Judgment of ***the Court of Justice of*** 10 July 2008***, Centrum voor gelijkheid van kansen en voor racismebestrijding v Firma*** ~~in~~ Feryn ~~(~~***NV,*** C-54/07, ECLI:EU:C:2008:397~~)~~.	
Recital 30a				
41a		***(30a) This Directive also aims to address instances of structural and systemic discrimination involving procedures, norms, routines and internal structure of any private or public organisation, including law enforcement authorities that contribute to reinforcing inequalities for some particular groups of the population. Equality bodies should be able to step up measures to prevent such discrimination and should develop systemic remedies that enable a coherent response to structural or systemic discrimination across all sectors.***		

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Recital 31				
42	(31) Equality bodies should also be able to submit oral or written statements to the courts - e.g. amicus curiae – as a lighter way to support cases with their expert opinion.	(31) Equality bodies should also be able to submit oral or written statements to the courts***, as a third party or as an expert, as an additional*** ~~– e.g. amicus curiae – as a lighter~~ way to support cases with their expert opinion.	(31) ~~*Equality bodies should also be able to submit oral or written statements to the courts – e.g. amicus curiae – as a lighter way to support cases with their expert opinion.*~~	
Recital 32				
G 43	(32) Equality bodies' rights to act in court must respect the principles of fair trial and equality of arms. Therefore, except where the equality body acts as a party in proceedings on the enforcement or judicial review of an own decision or acts as amicus curiae, the equality body should not be allowed to submit in court proceedings evidence obtained through previous investigations of the same case which the alleged perpetrator or any third party was legally bound to provide.	(32) ~~*Equality bodies' rights to act in court must respect the principles of fair trial and equality of arms. Therefore, except where the equality body acts as a party in proceedings on the enforcement or judicial review of an own decision or acts as amicus curiae, the equality body should not be allowed to submit in court proceedings evidence obtained through previous investigations of the same case which the alleged perpetrator or any third party was legally bound to provide.*~~	(32) ~~*Equality bodies' rights to act in court must respect the principles of fair trial and equality of arms. Therefore, except where the equality body acts as a party in proceedings on the enforcement or judicial review of an own decision or acts as amicus curiae, the equality body should not be allowed to submit in court proceedings evidence obtained through previous investigations of the same case which the alleged perpetrator or any third party was legally bound to provide.*~~	G
Recital 33				
44	(33) To ensure the respect of individual rights, Member States should frame the powers of equality	(33) To ensure the respect of individual rights, Member States should frame the powers of equality	(33) To ensure the respect of individual rights, Member States should frame the powers of equality	

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	bodies with appropriate procedural safeguards, ensuring that key principles such as the right of defence, the right to judicial review and the right to confidentiality are appropriately protected.	bodies with appropriate procedural safeguards, ensuring that key principles such as the right of defence, the right to judicial review and the right to confidentiality are appropriately protected.	bodies ~~with~~***within*** appropriate procedural safeguards, ensuring that key principles such as the right of defence~~,~~ ***and*** the right to judicial review ~~and the right to confidentiality~~***of binding decisions*** are appropriately protected. ***Member States can, for example, offer confidentiality to witnesses and whistle-blowers as an important way of encouraging the reporting of instances of discrimination.***	
Recital 34				
45	(34) The provisions on the equality bodies' right to act in court proceedings do not alter the rights of victims and of associations, organisations or other legal entities that enforce the rights of victims which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that Directives 2006/54/EC and 2010/41/EU are complied with, as laid down in those Directives.	(34) The provisions on the equality bodies' right to act in court proceedings do not alter the rights of ~~victims~~***persons who have experienced discrimination*** and of associations, organisations or other legal entities that enforce the rights of ~~victims~~***persons who have experienced discrimination*** which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that Directives 2006/54/EC and 2010/41/EU are complied with, as laid down in those Directives. ***The role of equality bodies in court proceedings should be clearly specified in order to avoid a***	(34) The provisions ***of this Directive*** on the equality bodies' right to act in court proceedings do not alter the rights of victims ~~and~~***of discrimination or*** of associations, organisations or other legal entities that enforce the rights of victims which have, in accordance with the criteria laid down by ~~their~~ national law, a legitimate interest in ensuring that Directives 2006/54/EC and 2010/41/EU are complied with, as laid down in those Directives***, including when those victims, associations, organisations or other legal entities have engaged in any judicial or administrative proceedings or both***.	

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		needless overlap with the tasks of other monitoring bodies, assuring a balanced approach to discrimination, and to avoid overlapping measures.		
Recital 35				
46	(35) The effectiveness of equality bodies' work also depends on giving groups at risk of discrimination full access to their services. In a survey conducted by the European Union Fundamental Rights Agency[1], 71% of members of ethnic or immigrant minority groups reported to be unaware of any organisation offering support or advice to victims of discrimination. A key step to support this access is for Member States to ensure that people know their rights and are aware of the existence of and services offered by equality bodies. This is particularly important for disadvantaged groups and groups whose access to that information can be hindered, for example by their economic status, their disability, their literacy or their lack of access to online tools. 1. FRA EU-MIDIS II Survey.	(35) The effectiveness of equality bodies' work also depends on giving groups at risk of discrimination full access to their services. In a survey conducted by the European Union Fundamental Rights Agency[1], 71% of members of ethnic or immigrant minority groups reported to be unaware of any organisation offering support or advice to ~~victims of~~***persons who have experienced*** discrimination. A key step to support this access is for ***each*** Member ~~States~~***State to provide information in all of its official languages, to ensure accessibility for people with disabilities and to provide key information in English in order*** to ensure that people know their rights and are aware of the existence of and services offered by equality bodies. This is particularly important for disadvantaged groups and groups whose access to that information can be hindered, for example by their	(35) The effectiveness of equality bodies' work also depends on giving groups at risk of discrimination full access to their services. In ~~a~~***the Second European Union Minorities and Discrimination*** Survey conducted by the European Union Fundamental Rights Agency~~[1]~~, 71% of members of ethnic or immigrant minority groups reported to be unaware of any organisation offering support or advice to victims of discrimination. A key step to support ~~this~~***such*** access is for Member States to ensure that people know their rights and are aware of the existence of and services offered by equality bodies. This is particularly important for disadvantaged groups and groups whose access to that information can be hindered, for example by their ***precarious*** economic status, ~~their~~***age,*** disability, ~~their literacy~~***literacy, nationality or residence status,*** or their lack of	

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		~~economic~~***health or socio-economic*** status, ~~their~~***age,*** disability, ~~their literacy~~***literacy, nationality, membership of a national minority, language, residence status, remote or rural geographic location*** or their lack of access to online tools. _____ 1. FRA EU-MIDIS II Survey.	access to online tools. _____ ~~1. FRA EU-MIDIS II Survey.~~	
Recital 36				
47	(36) Access to equality bodies' services and publications on an equal basis for all should be guaranteed. For that purpose, potential barriers to access to equality bodies' services should be identified and addressed. Services should be free of charge for complainants. Member States should also make sure that the services of equality bodies are available to all potential victims throughout their territory, for example through the establishment of local offices, including mobile ones, the organisation of local campaigns or cooperation with local delegates or civil society organisations.	(36) Access to equality bodies' services and publications on an equal basis for all should be guaranteed***, including online***. For that purpose, potential barriers to access to equality bodies' services should be identified and addressed. Services should be free of charge for complainants. Member States should also make sure that the services of equality bodies are available to all ~~potential victims~~***persons who have potentially experienced discrimination*** throughout their territory, for example through the establishment of local ***and regional*** offices, including mobile ones, the ***establishment of accessible and user-friendly digital tools and platforms for contacting equality***	(36) Access to equality bodies' services and publications on an equal basis for all should be guaranteed. For that purpose, potential barriers to access to equality bodies' services should be identified and addressed. Services should be free of charge for complainants. Member States should also***, without prejudice to the autonomy of regional and local authorities,*** make sure that the services of equality bodies are available to all potential victims throughout their territory, for example through the establishment of local offices, including mobile ones, the ***use of communication tools, the*** organisation of local campaigns ~~or~~***,*** cooperation with local	

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		bodies, the organisation of local campaigns or cooperation with local delegates***, local governments, the social partners, including trade unions,*** or civil society organisations ***that are adapted to local needs. Special attention should be paid to the most vulnerable groups. Educational campaigns on human rights and anti-discrimination should be planned and addressed to children and young people at school, starting from an early age. The social partners and civil society organisations should be included in conducting such educational campaigns and in the preparation and dissemination of information as part of such educational campaigns***.	delegates or civil society organisations ***or through contracted service providers***.	
Recital 36a				
47a		***(36a) To guarantee access to their services on an equal basis, equality bodies must acknowledge that some occupations, performed mainly by women, are historically devalued and taken as natural. Statistics on the pay gap between men and women often do not include the vast number of women who, across the Union, are not properly paid due to***		

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		their involvement in informal work. If unpaid domestic and care work were accounted for, gross domestic product would increase in many Member States. Invisibility of domestic and care work contributes directly to the discrimination against women in matters of employment and occupation. If these women engaged in many forms of informal work were included in statistics, the relative disadvantage of women in the labour market would be much more evident, as well as their inability to benefit from labour market regulation, in particular anti-discrimination provisions. Equality bodies must play a key role in making these occupational discriminations visible, namely by collecting data, promoting reports and recommending public policies to make clear that domestic and care work are real occupations involving millions of Union workers.		
Recital 37				
48	(37) The Union and all Member States are parties to the UN Convention on the Rights of Persons	(37) The Union and all Member States are parties to the UN Convention on the Rights of Persons	(37) ~~*The Union and all Member States are parties to the UN Convention on the Rights of*~~***In order***	

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	with Disabilities[1] (UNCRPD), which includes the obligation to prohibit discrimination on the basis of disability and to guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. This Directive should be interpreted in a manner consistent with the UNCRPD. To guarantee equal and effective legal protection and access for persons with disabilities to all services and activities of equality bodies, it is necessary to ensure accessibility, in accordance with requirements set out in Directive (EU) 2019/882, and reasonable accommodation. Equality bodies should ensure physical and digital[2] accessibility by preventing and removing the barriers that persons with disabilities may face in accessing their services and information, and provide reasonable accommodation, taking necessary and appropriate modification and adjustments where needed in a particular case. _____ 1. OJ L 23, 27.1.2010, p. 37. 2. See Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016 p.1-15)	with Disabilities[1] (UNCRPD), which includes the obligation to prohibit discrimination on the basis of disability and to guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. This Directive should be interpreted in a manner consistent with the UNCRPD. To guarantee equal and effective legal protection and access for persons with disabilities to all services and activities of equality bodies, it is necessary to ensure accessibility, in accordance with requirements set out in ~~Directive~~***Directives (EU) 2016/2102 and*** (EU) 2019/882, and reasonable accommodation. Equality bodies should ensure physical and digital[2] accessibility by preventing and removing the barriers that persons with disabilities may face in accessing their services and information, and provide reasonable accommodation, taking necessary and appropriate modification and adjustments where needed in a particular case. ***Under their mandate, equality bodies should cover all forms of discrimination faced by persons with disabilities in line with the UNCRPD, including direct and indirect discrimination,***	***to guarantee access for*** persons with disabilities[1]~~ (UNCRPD), which includes the obligation to prohibit discrimination on the basis of disability and to guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. This~~ ***to all services and activities of equality bodies, it is necessary to ensure accessibility, in accordance with the requirements set out in*** Directive ~~should be interpreted in a manner consistent with the UNCRPD. To guarantee equal and effective legal protection and access for persons with disabilities to all services and activities of equality bodies, it is necessary to ensure accessibility, in accordance with requirements set out in Directive (EU) 2019/882, and reasonable accommodation.~~ ***(EU)2019/882 of the European Parliament and of the Council[1] and to ensure reasonable accommodations in line with the United Nations Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006. Therefore,*** equality bodies should ensure physical and digital[2] accessibility by preventing and removing the barriers that persons with disabilities ~~may~~***can***	

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	and related Implementing Decision.	***denial of reasonable accommodation, discrimination by association, harassment, instruction to discriminate, victimisation and hate speech.*** _____ 1. OJ L 23, 27.1.2010, p. 37. 2. See Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016 p.1-15) and related Implementing Decision.	face in accessing ~~their~~***equality bodies'*** services and information, and provide reasonable ~~accommodation, taking~~***accommodations, making*** necessary and appropriate ~~modification~~***modifications*** and adjustments where needed in a particular case. _____ 1. ***[1] Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70)***~~OJ L 23, 27.1.2010, p. 37~~. ~~2. See Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016 p.1-15) and related Implementing Decision.~~	
Recital 38				
49	(38) Enabling equality bodies to regularly coordinate and cooperate at different levels, on a long-term basis, is key for mutual learning, coherence and consistency, and it may broaden the outreach and impact of their work. Equality bodies should cooperate, in particular, with other equality bodies in the same Member State and in	(38) Enabling equality bodies to regularly coordinate and cooperate at different levels, on a long-term basis, is key for mutual learning, coherence and consistency, and it may broaden the outreach and impact of their work. ~~Equality bodies should cooperate, in particular, with other~~***In order to address overlapping competences,***	(38) Enabling equality bodies to regularly coordinate and cooperate at different levels, on a long-term basis, is key for mutual learning, coherence and consistency, and it ~~may~~***can*** broaden the outreach and impact of their work. Equality bodies should cooperate, ~~in particular~~***within their respective fields of competence***, with other	

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	other Member States – including in the framework of the European Network of Equality Bodies (Equinet) – and with public and private entities at local, regional, national, Union and international level, such as civil society organisations, data protection authorities, trade unions, labour and education inspectorates, law enforcement bodies, agencies with responsibility at national level for the defence of human rights, authorities managing Union funds, National Roma Contact Points, consumer bodies, and national independent mechanisms for the promotion, protection and monitoring of the UNCRPD. Such cooperation should not involve the exchange of personal data (i.e. equality data in the form that individuals can be identified).	***to enable joint action and to optimise the use of resources, where several*** equality bodies ~~in~~***exist within*** the same Member State***, coordination between them should be ensured and their competences should be adjusted accordingly. Equality bodies also should cooperate with other equality bodies*** ~~and~~ in other Member States – including in the framework of the European Network of Equality Bodies (Equinet) – and with public and private entities at local, regional, national, Union and international level, such as ***the social partners,*** civil society organisations, ***Union bodies, offices and agencies,*** data protection authorities, trade unions, labour and education inspectorates, law enforcement bodies, agencies with responsibility at national level for the defence of human rights, ***national statistical offices,*** authorities managing Union funds, National Roma Contact Points, ***indigenous groups such as Samí Parliaments,*** consumer ***protection*** bodies, and national independent mechanisms for the promotion, protection and monitoring of the UNCRPD. Such cooperation should not involve the exchange of personal data (i.e. equality data in the form	equality bodies ~~in~~***within*** the same Member State and ~~*in other Member States – including in the framework of the European Network of Equality Bodies (Equinet) – and*~~ with public and private entities at local, regional, national, Union and international level, such as ***networks of equality bodies at Union level,*** civil society organisations, data protection authorities, ~~*trade unions*~~***the social partners***, labour and education inspectorates, law enforcement bodies, agencies with responsibility at national level for the defence of human rights, ***national statistical offices,*** authorities managing Union funds, National Roma Contact Points, consumer bodies, and national independent mechanisms for the promotion, protection and monitoring of the ~~*UNCRPD. Such cooperation should not involve the exchange of personal data (i.e. equality data in the form that individuals can be identified)*~~***United Nations Convention on the Rights of Persons with Disabilities***.	

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		that individuals can be identified). ***Furthermore, any involvement of equality bodies in workplace-related matters should respect the autonomy, competences and prerogatives of the social partners and the recognised competences of all relevant government agencies, including labour inspectorates, national courts and statutory tribunals in accordance with national law and practice.***		
Recital 39				
50	(39) Equality bodies cannot fully play their role as experts in equal treatment if they are not consulted sufficiently early during the policymaking process on matters related to rights and obligations derived from Directives 2006/54/EC and 2010/41/EU. Therefore, Member States should establish transparent procedures to ensure that consultation in a timely manner. They should also allow equality bodies to make recommendations and publish them.	(39) Equality bodies cannot fully play their role as experts in equal treatment if they are not consulted sufficiently early during the policymaking process on matters related to rights and obligations derived from Directives 2006/54/EC and 2010/41/EU. Therefore, Member States should establish transparent procedures to ensure that consultation in a timely manner. They should also allow equality bodies to make recommendations and publish ***and update them as often as they deem necessary***~~*them*~~.	(39) Equality bodies cannot ~~*fully play*~~***fulfil*** their role as experts in equal treatment if they are not consulted ~~*sufficiently early*~~***in sufficient time*** during the policymaking process on matters related to rights and obligations derived from Directives 2006/54/EC and 2010/41/EU. Therefore, Member States should establish ~~*transparent*~~ procedures to ensure ~~*that*~~***such*** consultation in a timely manner~~*. They*~~ ***and*** should***, where*** ~~*also allow*~~ equality bodies ***consider it necessary, allow them*** to make recommendations and publish them ***in time for them to be taken into consideration***.	

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Recital 40				
51	(40) Equality data are crucial for raising awareness, sensitising people, quantifying discrimination, showing trends over time, proving the existence of discrimination, evaluating the implementation of equality legislation, demonstrating the need for positive action, and contributing to evidence-based policymaking[1]. Equality bodies have a role to play in contributing to the development of relevant equality data for those purposes, for example by organising regular roundtables gathering all relevant entities. They should also collect and analyse data on their own activities or conduct surveys and should be able to access and make use of statistical information collected by other public or private entities – such as the national statistical offices, national courts, labour and education inspectorates, trade unions or civil society organisations - concerning the matters they are entrusted with under Directives 2006/54/EC and 2010/41/EU. That statistical information should not contain any personal data.	(40) Equality data***, in particular gender-disaggregated data and gender statistics,*** are crucial for raising awareness, sensitising people, quantifying discrimination, showing trends ***and shifts in social attitudes*** over time, proving the existence of discrimination, ***including multiple and intersectional discrimination,*** evaluating the implementation of equality legislation, demonstrating the need for positive action, and contributing to evidence-based policymaking[1]. Equality bodies have a role to play in contributing to the development of relevant equality data for those purposes, for example by organising regular roundtables gathering all relevant entities. They should also collect and analyse ***disaggregated*** data on their own activities or conduct ***or commission*** surveys***, research and studies*** and should be able to access and make use of statistical information collected by other public or private entities – such as the national statistical offices, national courts, labour and education inspectorates,	(40) Equality data are crucial for raising awareness, sensitising people, quantifying discrimination, showing trends over time, proving the existence of discrimination, evaluating the implementation of equality legislation, demonstrating the need for positive action, and contributing to evidence-based policymaking[1]. Equality bodies ~~have a role to play in contributing~~***can contribute*** to the development of ~~relevant~~ equality data for those purposes, for example by organising ~~regular~~ roundtables gathering all relevant entities. ~~They~~***Equality bodies*** should also collect and analyse data on their own activities***, be able to*** ~~or~~ conduct surveys and***, in accordance with national law,*** ~~should~~ be able to access and make use of ~~statistical information collected by other public or private entities – such as the national statistical offices, national courts, labour and education inspectorates, trade unions or civil society organisations – concerning the matters they are entrusted with under Directives 2006/54/EC and~~	

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	_____ 1. Report from the Commission to the European Parliament and the Council on the application of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('the Racial Equality Directive') and of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation ('the Employment Equality Directive') SWD(2021) 63 final.	trade unions, ***the media*** or civil society organisations - concerning the matters they are entrusted with under Directives 2006/54/EC and 2010/41/EU. That statistical information should not contain any personal data ***and should be available in an accessible format so that it can be readily used by equality bodies. Member States should ensure that equality bodies receive sufficient funding for their data collection and analysis tasks. The work of equality bodies on equality data should take into account existing guidance and resources on equality data, including those developed in the framework of the Subgroup on Equality Data of the Union's High Level Group on Non-Discrimination, Equality and Diversity.*** _____ _____ 1. Report from the Commission to the European Parliament and the Council on the application of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('the Racial Equality Directive') and of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation ('the Employment Equality Directive')	~~*2010/41/EU. That statistical information should not contain any personal data*~~***statistics related to the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU. Personal data collected by the equality body should be anonymised or, where this is not possible, pseudonymised***. _____ ~~*1. Report from the Commission to the European Parliament and the Council on the application of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('the Racial Equality Directive') and of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation ('the Employment Equality Directive') SWD(2021) 63 final.*~~	

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		SWD(2021) 63 final.		
Recital 40a				
51a			***(40a) Equality bodies should adopt a work programme setting out their priorities and prospective activities, allowing them to ensure the coherence of their different strands of work over time and to address systemic issues of discrimination falling under their mandate as part of a long-term action plan.***	
Recital 41				
52	(41) In addition to publishing an annual report on their activities, equality bodies should regularly publish a report featuring an overall assessment of the situation regarding discrimination falling under their mandate in the Member States. That report should provide information for public and private entities and serve as a guide to determine the equality bodies' priorities for the future. Reports should not contain any personal data.	(41) ~~*In addition to publishing*~~***Equality bodies should publish*** an annual report on their activities~~*, equality bodies*~~***. Every three years, they*** should ~~*regularly*~~***also*** publish***, as part of the annual report of that year,*** a report featuring an overall assessment of the situation regarding discrimination falling under their mandate in the Member States. That report should provide information***, recommendations and follow-up thereto*** for public and private entities and serve as a guide to determine the equality bodies'	(41) In addition to publishing an annual ***activity*** report~~*on their activities*~~, equality bodies should regularly publish a report ~~*featuring*~~***including*** an overall assessment of the situation regarding discrimination falling under their mandate in the Member States~~*. That report should provide information for public and private entities and serve as a guide to determine the equality bodies' priorities for the future.*~~***, as well as other*** reports ~~*should not contain any personal data*~~***relating to discrimination***.	

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		priorities for the future. Reports should not contain any personal data. ***Equality bodies should be provided with sufficient resources in order to carry out the reporting tasks with which they are entrusted.***		
Recital 42				
53	(42) To determine their vision for the future and identify their organisation's goals and objectives, equality bodies should adopt a multi-annual programme. This should allow them to ensure the coherence of their different strands of work over time and address systemic issues of discrimination falling under their mandate as part of a long-term action plan.	(42) To determine their vision for the future and identify their organisation's goals and objectives, equality bodies should adopt a multi-annual programme. This should allow them to ensure the coherence of their different strands of work over time and address ***structural or*** systemic issues of discrimination***, including online,*** falling under their mandate as part of a long-term action plan. ***The competence and powers attached to all mandates in such institution should be harmonised and reinforced so that each mandate should as far as possible enjoy the broadest competences and powers available to any of the other mandates.***	(42) ~~*To determine their vision for the future and identify their organisation's goals and objectives, equality bodies should adopt a multi-annual programme. This should allow them to ensure the coherence of their different strands of work over time and address systemic issues of discrimination falling under their mandate as part of a long-term action plan.*~~	
Recital 43				
54	(43) In order to assess the	(43) In order to assess the	(43) ~~*In order to assess the*~~	

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	effectiveness of this Directive it is necessary to establish a mechanism to monitor its application and, in addition to monitoring compliance, assess its practical effects. The Commission should be in charge of that monitoring and regularly draw up an application report. In order to ensure uniform conditions for the implementation of Member States' reporting obligations pursuant to Article 16(2) as regards the practical effects of this Directive, implementing powers should be conferred on the Commission to establish a list of relevant indicators, on the basis of which data should be collected. This monitoring should not involve the processing of personal data.	effectiveness of this Directive it is necessary to establish a mechanism to monitor its application and, in addition to monitoring compliance, assess its practical effects. The Commission should be in charge of that monitoring and regularly draw up an application report~~. In order to ensure uniform conditions for the implementation of~~ ***every three years based on information received from*** Member States~~' reporting obligations pursuant to Article 16(2) as regards the practical effects of this Directive, implementing powers should be conferred on the Commission to establish a list of relevant indicators, on the basis of which data should be collected. This monitoring should not involve the processing of personal data.~~ ***and additional relevant data collected, at national and Union level and from equality bodies and other stakeholders, by the European Union Agency for Fundamental Rights, the European Institute for Gender Equality and Equinet.***	~~effectiveness of this Directive it is necessary to establish a mechanism to monitor its application and, in addition to monitoring compliance, assess its practical effects. The Commission should be in charge of that monitoring and regularly draw up an application report.~~ In order to ensure uniform conditions for the implementation of Member States' reporting obligations ~~pursuant to Article 16(2)~~ as regards the ~~practical effects of~~***functioning of equality bodies designated under*** this Directive, implementing powers should be conferred on the Commission to establish a list of relevant indicators, on the basis of which data should be collected. ~~This monitoring~~***Such indicators*** should not ~~involve the processing of personal data~~***be for the purpose of ranking or of issuing specific recommendations addressed to individual Member States***.	
Recital 43a				
54a		***(43a) In order to ensure uniform conditions for the implementation***	***(43a) Those powers should be exercised in accordance with***	

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		of Member States' reporting obligations under this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of establishing a list of common indicators to measure the practical effects of this Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1a]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ *1a. OJ L 123, 12.5.2016, p. 1.*	*Regulation (EU) No 182/2011 of the European Parliament and of the Council.[1]* _____ *1. [1] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*	
Recital 44				
55				

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	(44) This Directive lays down minimum requirements, thus giving the Member States the option of introducing or maintaining more favourable provisions. The implementation of this Directive should not serve to justify any regression in relation to the situation which already prevails in each Member State.	(44) This Directive lays down minimum requirements, thus giving the Member States the option of introducing or maintaining more favourable provisions. ***Member States are encouraged to introduce or maintain more favourable provisions.*** The implementation of this Directive should not serve to justify any regression in relation to the situation which already prevails in each Member State.	(44) This Directive lays down minimum requirements, thus giving the Member States the option of introducing or maintaining more favourable provisions. The implementation of this Directive should not serve to justify any regression in relation to the situation which already prevails in each Member State.	
Recital 44a				
55a			***(44a) Any processing of personal data by equality bodies under this Directive should be carried out in full compliance with Regulation (EU) 2016/679. Member States should ensure that the tasks of equality bodies are clearly laid down in law, in accordance with Article 6(1), point (e), of Regulation (EU) 2016/679, read in conjunction with Article 6(2) and (3) of that Regulation. Equality bodies should process personal data only to the extent necessary to fulfil their tasks under this Directive. Individuals whose personal data are processed should be informed about their rights as data subjects, including***	

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			the remedies available to them at national level.	
Recital 44b				
55b			***(44b) Where the fulfilment of the tasks of equality bodies requires the processing of the special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679, Member States should also ensure that national law respects the essence of the right to data protection and provides for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject, in accordance with Article 9(2), point (g), of Regulation (EU) 2016/679. Such safeguards should include for example internal policies and measures to ensure data minimisation, including through anonymisation of personal data, where possible; to apply pseudonymisation and encryption to personal data; to prevent unauthorised access and transmission of personal data; and to ensure that personal data is not processed longer than is necessary for the purposes for which they are processed.***	

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Recital 45				
56	(45) This Directive builds on the rules laid down in Directives 2006/54/EC and 2010/41/EU by introducing strengthened standards for the functioning of equality bodies. Previous provisions on equality bodies in Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU should therefore be deleted.	(45) This Directive builds on the rules laid down in Directives 2006/54/EC and 2010/41/EU by introducing strengthened standards for the functioning of equality bodies. Previous provisions on equality bodies in Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU should therefore be deleted.	(45) This Directive builds on the rules laid down in Directives 2006/54/EC and 2010/41/EU-by introducing strengthened standards for the functioning of equality bodies. Previous provisions on equality bodies in ~~*Article 20 of Directive*~~***Directives*** 2006/54/EC and ~~*Article 11 of Directive*~~ 2010/41/EU should therefore be deleted.	
Recital 46				
57	(46) This Directive aims at ensuring the functioning of equality bodies according to minimum standards, with a view to improving their effectiveness and guaranteeing their independence, to strengthen the application of the principle of equal treatment. Since the objective of this Directive cannot be sufficiently achieved by the Member States and should therefore be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the	(46) This Directive aims at ensuring the functioning of equality bodies according to minimum standards, with a view to improving their effectiveness and guaranteeing their independence, to strengthen the application of the principle of equal treatment. Since the objective of this Directive cannot be sufficiently achieved by the Member States and should therefore be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the	(46) This Directive aims at ensuring the functioning of equality bodies according to minimum standards, with a view to improving their effectiveness and guaranteeing their independence, ***so as*** to strengthen the application of the principle of equal treatment. Since the objective of this Directive cannot be sufficiently achieved by the Member States ~~*and should therefore be*~~***but can rather, by reason of its scale and effects, be better*** achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in	

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	principle of proportionality as set out in that Article, this Directive, which limits itself to setting minimum standards, does not go beyond what is necessary to achieve that objective.	principle of proportionality as set out in that Article, this Directive, which limits itself to setting minimum standards, does not go beyond what is necessary to achieve that objective.	Article 5 ~~of the Treaty on European Union~~***TEU***. In accordance with the principle of proportionality as set out in that Article, this Directive, which limits itself to setting minimum standards, does not go beyond what is necessary to achieve that objective.	
Recital 47				
58	(47) Any processing of personal data by equality bodies under this Directive should be carried out in full compliance with Regulation (EU) 2016/679. Member States should ensure that the tasks of equality bodies are clearly laid down in law, in accordance with Article 6(1), point (e), of Regulation (EU) 2016/679, read in conjunction with Article 6(2) and (3) of that Regulation. Equality bodies should process personal data only to the extent necessary to fulfil their tasks under this Directive which aims to enforce the fundamental rights and obligations derived from Directives 2006/54/EC and 2010/41/EU. Individuals whose personal data are processed should be informed about their rights as data subjects, including the remedies available to	(47) Any processing of personal data by equality bodies under this Directive should be carried out in full compliance with Regulation (EU) 2016/679. Member States should ensure that the tasks of equality bodies are clearly laid down in law, in accordance with Article 6(1), point (e), of Regulation (EU) 2016/679, read in conjunction with Article 6(2) and (3) of that Regulation. Equality bodies should process personal data only to the extent necessary to fulfil their tasks under this Directive which aims to enforce the fundamental rights and obligations derived from Directives 2006/54/EC and 2010/41/EU. Individuals whose personal data are processed should be informed about their rights as data subjects, including the remedies available to	(47) ~~*Any processing of personal data by equality bodies under this Directive should be carried out in full compliance with Regulation (EU) 2016/679. Member States should ensure that the tasks of equality bodies are clearly laid down in law, in accordance with Article 6(1), point (e), of Regulation (EU) 2016/679, read in conjunction with Article 6(2) and (3) of that Regulation. Equality bodies should process personal data only to the extent necessary to fulfil their tasks under this Directive which aims to enforce the fundamental rights and obligations derived from Directives 2006/54/EC and 2010/41/EU. Individuals whose personal data are processed should be informed about their rights as data subjects, including the remedies available to*~~	

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	them at national level.	them at national level.	~~them at national level.~~	
Recital 48				
59	(48) Where the fulfilment of the tasks of equality bodies requires the processing of special categories of personal data, namely data on racial or ethnic origin, religion or belief, disability or sexual orientation, Member States should also ensure that national law respects the essence of the right to data protection and provides for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject, in accordance with Article 9(2), point (g), of Regulation (EU) 2016/679. Such safeguards should include for example internal policies and measures to ensure data minimisation, including through anonymisation of personal data, where possible; to apply pseudonymisation and encryption to personal data; to prevent unauthorised access and transmission of personal data; and to ensure that personal data is not processed longer than is necessary for the purposes for which they are processed.	(48) Where the fulfilment of the tasks of equality bodies requires the processing of special categories of personal data, ~~*namely data on racial or ethnic origin, religion or belief, disability or sexual orientation*~~***within the meaning of Regulation (EU) 2016/679***, Member States should also ensure that national law respects the essence of the right to data protection and provides for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject, in accordance with Article 9(2), point (g), of Regulation (EU) 2016/679. Such safeguards should include for example internal policies and measures to ensure data minimisation, including through anonymisation of personal data, where possible; to apply pseudonymisation and encryption to personal data; to prevent unauthorised access and transmission of personal data; and to ensure that personal data is not processed longer than is necessary	(48) ~~*Where the fulfilment of the tasks of equality bodies requires the processing of special categories of personal data, namely data on racial or ethnic origin, religion or belief, disability or sexual orientation, Member States should also ensure that national law respects the essence of the right to data protection and provides for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject, in accordance with Article 9(2), point (g), of Regulation (EU) 2016/679. Such safeguards should include for example internal policies and measures to ensure data minimisation, including through anonymisation of personal data, where possible; to apply pseudonymisation and encryption to personal data; to prevent unauthorised access and transmission of personal data; and to ensure that personal data is not processed longer than is necessary for the purposes for which they are processed.*~~	

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		for the purposes for which they are processed.		
Recital 49				
60	(49) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [date].	(49) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [date].	(49) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 ***of the European Parliament and of the Council***[1] and delivered an opinion on ~~[date].~~***2 February 2023,*** ***1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).***	
Formula				
61	HAS ADOPTED THIS DIRECTIVE:	HAS ADOPTED THIS DIRECTIVE:	~~HAS~~***HAVE*** ADOPTED THIS DIRECTIVE:	
Article 1				
G 62	Article 1 Purpose, subject matter and scope	Article 1 Purpose, subject matter and scope	Article 1 Purpose, subject matter and scope	G

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Article 1(1)				
63	1. This Directive lays down minimum requirements for the functioning of equality bodies to improve their effectiveness and guarantee their independence in order to strengthen the application of the principle of equal treatment as derived from Directives 2006/54/EC and 2010/41/EU.	1. This Directive lays down minimum requirements for the functioning of equality bodies to improve their effectiveness and guarantee their ***mandate, competences,*** independence ***and autonomy*** in order to strengthen the application of the principle of equal treatment ***enshrined in the TEU, the TFEU and the Charter and*** as derived from Directives 2006/54/EC and 2010/41/EU.	1. This Directive lays down minimum requirements for the functioning of equality bodies to improve their effectiveness and guarantee their independence in order to strengthen the application of the principle of equal treatment as derived from Directives 2006/54/EC and 2010/41/EU.	
Article 1(2)				
64	2. The obligations placed on Member States and the tasks of equality bodies under this Directive shall cover the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU.	2. The obligations placed on Member States and the tasks of equality bodies under this Directive shall cover the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU.	2. The obligations placed on Member States and the tasks of equality bodies under this Directive ~~shall~~ cover the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU.	
Article 1(2a)				
64a		***2a. For the purpose of complying with the prohibition of discrimination as laid down in Article 4 of Directive 2006/54/EC***		

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		and in Directive 2010/41/EU and as derived from the case law of the Court of Justice, Member States shall ensure that when complying with their obligations under this Directive and when equality bodies exercise their tasks thereunder the principle of equal treatment applies to all persons in all their diversity, irrespective of their sex, gender, gender identity, gender expression or sex characteristics.		
Article 1(2a)				
64b			***2a. This Directive is without prejudice to more specific provisions contained in Directive (EU) 2023/970.***	
Article 2				
G 65	Article 2 Designation of equality bodies	Article 2 Designation of equality bodies	Article 2 Designation of equality bodies	G
Article 2, first paragraph				
66	Member States shall designate one or more bodies (hereinafter referred to as 'equality bodies') to exercise the competences laid down in this	Member States shall designate ***and make the necessary arrangements for*** one or more bodies (hereinafter referred to as 'equality bodies') to	***1.*** Member States shall designate one or more bodies (~~*hereinafter referred to as*~~ 'equality bodies') to exercise the competences laid down	

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	Directive.	exercise the competences laid down in this Directive. ***Member States shall ensure that the institutional architecture of equality bodies is coherent in such a way that it would not hamper the ability of equality bodies to exercise their competences.***	in this Directive.	
Article 2, second paragraph				
67	Equality bodies may form part of agencies with responsibility at national level for the defence of human rights or the safeguarding of individuals' rights.	Equality bodies may form part of agencies with responsibility at national level for the defence of human rights or the safeguarding of individuals' rights. ***Where equality bodies form part of such agencies, Member States shall ensure that they are visible and involved at all stages and shall allow for full transparency and accountability in the process.***	~~*Equality bodies may form part of agencies with responsibility at national level for the defence of human rights or the safeguarding of individuals' rights.*~~ See row 28a (Recital 17a).	
Article 2, second paragraph a				
67a		***Member States shall ensure that equality bodies cover single or multiple grounds of discrimination with a clear and appropriate focus on each of the grounds.***		
Article 2 second paragraph b				

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67b		***Equality bodies shall ensure gender parity in leadership and senior management positions reflecting the diversity of society at large.***		
Article 2(3)				
67c			***2. This Directive is without prejudice to the competences of labour inspectorates or other enforcement bodies or the social partners.***	
Article 3				
G 68	Article 3 Independence	Article 3 Independence	Article 3 Independence	G
Article 3(1)				
69	1. Member States shall take measures to ensure that equality bodies are independent and free from external influence in performing their tasks and exercising their competences, in particular as regards their legal structure, accountability, budget, staffing, and organisational matters.	1. Member States shall take measures to ensure that equality bodies are ***fully*** independent***, autonomous and are*** ~~and~~ free from external influence in performing their tasks***, deciding on their objectives and actions*** and exercising their competences, in particular as regards their legal structure, accountability, budget,	1. Member States shall take measures to ensure that equality bodies are independent and free from external influence ~~in~~***while*** performing their tasks and exercising their competences, in particular as regards their ~~legal~~***internal*** structure, accountability, ~~budget, staffing, and organisational matters~~***staffing, organisational matters and***	

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		resources, staffing, ***communication*** and organisational matters.	***management of financial resources***. See row 27 (Recital 16).	
Article 3(1 a)				
69a		***1a. Member States shall ensure that equality bodies are not set up within a ministry, a government body or a body taking or seeking instructions from the government in order to preserve their nature as independent bodies.***		
Article 3(2)				
70	2. Member States shall provide for transparent rules and safeguards concerning the selection, appointment, revocation and potential conflict of interest of the staff of equality bodies, in particular persons holding a managerial position, in order to guarantee their competence and independence.	2. Member States shall provide for transparent***, participatory and competence-based*** rules***, processes*** and safeguards concerning the selection, appointment, revocation and potential conflict of interest of the staff of equality bodies, ***for example by consulting experts during the process for selecting staff. Those rules, processes and safeguards shall concern,*** in particular***,*** persons holding ~~a managerial position,~~ ***managerial positions, for example members of boards managing equality bodies, heads of equality bodies, deputy heads of equality bodies and, where***	2. Member States shall provide for transparent ~~rules and safeguards~~***procedures*** concerning the selection, appointment, revocation and potential ~~conflict~~***conflicts*** of interest of the staff of equality bodies ***holding decision-making or managerial positions, and where applicable members of the governing board***~~, in particular persons holding a managerial position~~, in order to guarantee their competence and independence. See row 27 (Recital 16).	

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		applicable, interim heads of equality bodies in order to guarantee ~~their~~***the*** competence ***of equality bodies and that they are fully independent from any kind of external or internal interference*** ~~and independence~~.		
Article 3(3)				
71	3. Member States shall ensure that appropriate safeguards are in place, in particular in the internal structure of equality bodies, to guarantee the independent exercise of their competences, notably where some require impartiality and others focus on support to victims.	3. Member States shall ensure that appropriate safeguards are in place, in particular in the internal structure of equality bodies, to guarantee the independent exercise of their competences, notably where some require impartiality and others focus on support to ~~victims~~***persons who have experienced discrimination, while allowing for cooperation and coordination among mandates and the sharing of staff experience and practices in view of promoting coherence and making the best use of staff's expertise***.	3. Member States shall ensure that ~~appropriate safeguards are in place, in particular in the~~***equality bodies establish an*** internal structure ~~of equality bodies, to guarantee~~***that guarantees*** the independent ~~exercise of their competences, notably~~***, and*** where ~~some require impartiality and others focus on support to victims.~~***appropriate impartial, exercise of their competences.***	
Article 3(4)				
72	4. Member States shall ensure that appropriate safeguards are in place in the internal structure of multi-mandate bodies to guarantee the	4. Member States shall ensure that appropriate safeguards are in place in the internal structure ***and operation*** of multi-mandate bodies	4. Member States shall ensure that ~~appropriate safeguards are in place in~~ the internal structure of multi-mandate bodies ~~to guarantee the~~	

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	autonomous exercise of the equality mandate.	to guarantee the ***effective fulfilment of their tasks and the*** autonomous exercise of the equality mandate ***without external influence***.	~~autonomous~~***guarantees the effective*** exercise of the equality mandate.	
Article 4				
G 73	Article 4 Resources	Article 4 Resources	Article 4 Resources	G
Article 4(1)				
74	1. Member States shall ensure that each equality body is provided with the human, technical and financial resources necessary to perform all its tasks and to exercise all its competences effectively, on all the grounds and in all fields covered by Directives 2006/54/EC and 2010/41/EU including in the event of increases in competences, increases in complaints, litigation costs and the use of automated systems.	1. Member States shall ensure***, in accordance with their national budgetary processes,*** that each equality body ***has budgetary and financial autonomy and*** is provided with the ***stable*** human, ***material,*** technical and financial resources necessary to perform all its tasks and to exercise all its competences effectively, on all the grounds and in all fields covered by Directives 2006/54/EC and 2010/41/EU including ***where equality bodies are part of a multi-mandate body, and*** in the event of increases in competences, increases in complaints, litigation costs and the use of ***special expertise in developing areas with the potential for discrimination such as the use***	1. Member States shall***, in accordance with their national budgetary processes,*** ensure that each equality body is provided with the human, technical and financial resources necessary to perform ~~all~~ its tasks and to exercise ~~all~~ its competences effectively, on ~~all~~ the grounds ~~and in all~~***set out in and in*** fields covered by Directives 2006/54/EC and 2010/41/EU***,*** including ~~in the event of increases in competences, increases in complaints, litigation costs and the use of automated systems~~***where the equality bodies are part of multi-mandate bodies***. See row 29a (Recital 18a).	

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		of automated systems. ***Member States shall ensure that equality bodies are allocated their budget in a stable manner, that their budget is planned on a multi-annual basis and that their resources and budget are adjusted upwards accordingly when their competences are increased. Member States shall ensure that equality bodies' budgets cover costs that might be difficult to anticipate, such as costs linked to litigation.***		
Article 4(2)				
75	2. Where equality bodies are part of a body in charge of several mandates, paragraph 1 shall apply specifically to the equality mandate and its support staff and systems.	2. Where equality bodies are part of a body in charge of several mandates, paragraph 1 shall apply specifically to the equality mandate and its support staff and systems.	2. ~~*Where equality bodies are part of a body in charge of several mandates, paragraph 1 shall apply specifically to the equality mandate and its support staff and systems.*~~ See row 29a (Recital 18a).	
Article 5				
76	Article 5 Prevention, promotion and awareness raising	Article 5 Prevention, promotion and awareness raising	Article 5 ~~*Prevention, promotion and awareness raising*~~***Awareness raising, prevention and promotion***	
Article 5, first paragraph				

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77	Member States shall:	Member States shall:	~~Member States shall:~~	
Article 5, first paragraph, point (a)				
78	(a) adopt a strategy to raise awareness of the general population, throughout their territory, with particular attention to individuals and groups at risk of discrimination, on the rights under Directives 2006/54/EC and 2010/41/EU and on the existence of equality bodies and their services;	(a) adopt a strategy to raise awareness of the general population, throughout their territory, with particular attention to individuals ***at risk of discrimination, such as young people, families in all their diversity,*** and groups at risk of discrimination, ***in a manner and in formats that are accessible for all,*** on the rights under Directives 2006/54/EC and 2010/41/EU and ***the way in which they can be exercised and*** on the existence ***and competences*** of equality bodies and their services;	~~(a)~~***1. Member States shall*** adopt ~~a strategy~~***appropriate measures, such as strategies,*** to raise awareness ~~of~~***among*** the general population, throughout their territory, with particular attention to individuals and groups at risk of discrimination, ~~on~~***of*** the rights under Directives 2006/54/EC and 2010/41/EU and on the existence of equality bodies and their services~~;~~***.***	
Article 5, first paragraph, point (b)				
79	(b) ensure that equality bodies engage in the prevention of discrimination and in the promotion of equal treatment, and adopt a strategy defining how they will engage in public dialogue, communicate with individuals and groups at risk of discrimination, provide training and guidance, and	(b) ensure ~~that equality bodies engage in the prevention of discrimination and in the promotion of equal treatment, and adopt a strategy defining how they will engage in public dialogue, communicate with individuals and groups at risk of discrimination, provide training and guidance, and~~	~~(b)~~***2. Member States shall*** ensure that equality bodies ~~engage in the prevention of discrimination and in the promotion of equal treatment, and adopt a strategy defining how they will engage in public dialogue, communicate with individuals and groups at risk of~~***are empowered to carry out activities to prevent***	

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	promote equality duties, equality mainstreaming and positive action among public and private entities.	~~promote equality duties.~~***the conditions for*** equality ~~mainstreaming and positive action among public and private entities.~~***bodies to:***	discrimination~~, provide training and guidance, and~~ ***and to*** promote ~~equality duties, equality mainstreaming and positive action among public and private entities~~***equal treatment***.	
Article 5, first paragraph, point (aa), second subparagraph				
79a		***(i) engage in the prevention of discrimination and in the promotion of equal treatment, to guarantee their independence when they adopt a strategy defining how they will engage in public dialogue, communicate with individuals, social partners, civil society and groups at risk of discrimination, and to ensure an inclusive approach in combating intersectional and multiple discrimination and underreporting;***		
Article 5, first paragraph, point (aa), third subparagraph				
79b		***(ii) provide training, advice and guidance to individuals and institutions in the public and private sector on good practices for promoting and achieving equality and preventing discrimination;***		

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Article 5, first paragraph, point (aa), fourth subparagraph				
79c		***(iii) promote equality duties, equality and gender mainstreaming and positive action among public and private entities, and to support, and provide guidance on, the implementation of equality duties, equality and gender mainstreaming and positive action, and;***		
Article 5, first paragraph, point (aa), fifth subparagraph				
79d		***(iv) be able to carry out research on discrimination, including structural or systemic discrimination, and on online discrimination, including biases and algorithmic discrimination.***		
Article 5, second paragraph				
80	In doing so, Member States and equality bodies shall take into consideration the most appropriate communication tools and formats for each target group. They shall focus in particular on disadvantaged groups whose access to information can be hindered, for example by their economic status, age, disability, literacy, nationality, residence status	In doing so, Member States and equality bodies shall take into consideration the most appropriate communication tools and formats for each target group ***and include digital tools and means of communication***. They shall focus in particular on disadvantaged groups whose access to information can be hindered, for example by their	***3.*** ~~*In doing so,*~~ Member States and equality bodies shall take into consideration ~~*the most*~~ appropriate communication tools and formats for each target group. They shall focus in particular on ~~*disadvantaged*~~ groups whose access to information can be hindered, for example ~~*by*~~***due to*** their ***precarious*** economic status, age, disability, literacy, nationality~~,~~	

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	or their lack of access to online tools.	~~economic~~***health and socio-economic*** status, age, disability, literacy, nationality, ***membership of a national minority, language,*** residence status***, remote and rural geographic location,*** or their lack of ***public or private*** access to online tools.	***or*** residence status***, or due to*** ~~or~~ their lack of access to online tools.	
Article 6				
81	Article 6 Assistance to victims	Article 6 Assistance to ~~victims~~***persons who have experienced discrimination***	Article 6 Assistance to victims	
Article 6(1)				
82	1. Member States shall ensure that equality bodies are able to provide assistance to victims as set out in paragraphs 2 to 4.	1. Member States shall ensure that equality bodies are able to provide assistance ***free of charge to persons who have experienced discrimination in accordance with this Directive*** ~~to victims as set out in paragraphs 2 to 4~~.	1. Member States shall ensure that equality bodies are able to provide assistance to ***alleged*** victims as set out in paragraphs 2 to 4.	
Article 6(2)				
83	2. Equality bodies shall be able to receive complaints of discrimination, orally, in writing and online.	2. Equality bodies shall be able to receive complaints of discrimination ***by all possible means, including*** orally, in writing and online.	2. Equality bodies shall be able to receive complaints of discrimination~~, orally, in writing and online~~. See row 111a (Article 11(1a)).	

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Article 6(3), first subparagraph				
84	3. Equality bodies shall provide assistance to victims, initially by informing them on the legal framework, including advice targeted to their specific situation, on the services offered by the equality body and related procedural aspects, as well as on available remedies, including the possibility to pursue a case in court.	3. Equality bodies shall provide assistance to ~~*victims, initially by informing them on*~~***persons who have experienced discrimination and to their mandated trade union representatives, including legal advice and information about*** the legal framework, ~~*including*~~ advice targeted to ~~*their*~~***the*** specific situation~~,~~ ***and needs of the persons who experienced discrimination*** on the services offered by the equality body and related procedural aspects, as well as on available remedies, including the possibility to pursue a case in court.	3. Equality bodies shall provide assistance to ***alleged*** victims, initially by informing them ~~*on the legal framework, including advice targeted to their specific situation, on the services offered by the equality body and related procedural aspects, as well as on available remedies, including the possibility to pursue a case in court.*~~***about the following:***	
Article 6(3), first subparagraph a				
84a			***a) the legal framework, including advice targeted to their specific situation;***	
Article 6(3), second subparagraph b				
84b			***b) the services offered by the equality body and related procedural aspects;***	

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Article 6(3), third subparagraph c				
84c			***c) available remedies, including the possibility to pursue the case before the courts;***	
Article 6(3), fourth subparagraph d				
84d			***d) the confidentiality rules applicable, and the protection of personal data; and***	
Article 6(3), sixth subparagraph e				
84e			***e) the possibility of obtaining psychological or other types of relevant support from other bodies or organisations.***	
Article 6(3), second subparagraph				
85	Equality bodies shall also inform victims about the confidentiality rules applicable, on the protection of personal data and on the possibilities to obtain psychological or other types of relevant support from other bodies or organisations.	Equality bodies shall also inform ~~victims~~***persons who have experienced discrimination*** about the confidentiality rules applicable, on the protection of personal data and on the possibilities to obtain psychological or other types of ~~*relevant*~~ support from other bodies	~~*Equality bodies shall also inform victims about the confidentiality rules applicable, on the protection of personal data and on the possibilities to obtain psychological or other types of relevant support from other bodies or organisations.*~~	

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		or organisations.		
Article 6(3), second subparagraph a				
85a		***Information as referred to in the second subparagraph of this paragraph shall be provided in an accessible manner and in a format which is adapted to the needs of people with disabilities.***		
Article 6(4), first subparagraph				
86	4. Equality bodies shall issue a preliminary assessment of a complaint based on information voluntarily submitted by the parties involved. Member States shall define the precise modalities under which the equality body will issue such preliminary assessment.	4. Equality bodies ~~*shall issue a preliminary assessment of a complaint based on information voluntarily submitted by the parties involved. Member States*~~***may provide persons who have experienced discrimination with a first consultation on their case. Equality bodies*** shall ~~*define the precise modalities under which the equality body will issue such preliminary assessment*~~***be able to establish the arrangements of such first consultations***.	4. ~~*Equality bodies shall issue a preliminary assessment of a complaint based on information voluntarily submitted by the parties involved. Member States shall define the precise modalities under which the equality body will issue such preliminary assessment.*~~	
Article 6(4), second subparagraph				
87	Equality bodies shall inform the	***Following a first consultation as***	***4.*** Equality bodies shall inform the	

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	complainants of their preliminary assessment and whether it will close their complaint or whether there are grounds to pursue it further, including via the procedures laid down in Articles 7, 8 and 9.	***referred to in the first subparagraph of this paragraph,*** equality bodies shall inform the ~~complainants of~~ ***person who has experienced discrimination of the conclusion they have reached and*** their ~~preliminary assessment~~***reasons therefor*** and whether it will close their complaint or whether there are grounds to pursue it further, including via the procedures laid down in Articles 7, 8***, 8a*** and 9.	complainants***, within a reasonable time, whether the complaint will be closed or*** ~~of their preliminary assessment and whether it will close their complaint or whether~~ there are grounds to pursue it further~~, including via the procedures laid down in Articles 7, 8 and 9~~.	
Article 7				
G 88	Article 7 Amicable settlements	Article 7 ~~Amicable settlements~~***Alternative dispute resolution***	Article 7 ~~Amicable settlements~~***Alternative dispute resolution*** See row 34 (Recital 23).	G
Article 7, first paragraph				
89	Equality bodies shall be able to offer the parties the possibility to seek an amicable resolution to their dispute. That process shall be subject to the agreement of the parties and may be led by the equality body itself or by another existing dedicated entity, in which case the equality body may formulate observations to that entity. Engaging in such a process shall not	Equality bodies ***or other existing dedicated entities*** shall be able to offer the parties ~~the possibility to seek an amicable resolution to~~ ***to a dispute the possibility to resolve*** their dispute~~. That process shall be subject to the agreement of the parties and may~~ ***by means of alternative dispute resolution, including within the framework of***	Equality bodies shall be able to offer the parties the possibility ~~to seek an amicable~~***of seeking an alternative*** resolution to their dispute. That process ~~shall be subject to the agreement of the parties and~~ may be led by the equality body itself or by another ~~existing dedicated~~***competent*** entity ***in accordance with national law and practice***, in which case the	

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	prevent the parties from exercising their right of access to court.	***a conciliation and mediation structure. This alternative dispute resolution shall*** be led by the equality body itself or by another existing ***independent*** dedicated entity, in which case the equality body may formulate observations to that entity. ~~*Engaging in such a process shall not prevent the parties from exercising their right of access to court*~~***Parties shall have a possibility to be assisted or represented by social partners. The conciliation and mediation structure shall consist of experts in human rights law from both parties to the dispute. Where a dispute is heard within the conciliation and mediation structure, impartial lawyers shall prepare the case. Decisions issued within the framework of the conciliation and mediation structure shall be legally binding, provided that both parties to the dispute agree***.	equality body may formulate observations to that entity. ~~*Engaging in such a process*~~***The absence of a resolution*** shall not ~~*prevent*~~***preclude*** the parties from exercising their right ~~*of access to*~~***to act in*** court.	
Article 7, first paragraph a				
89a		***Engaging in such a conciliation and mediation process shall be subject to the agreement of the parties to the dispute and shall not prevent the parties from exercising***		

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		their right of access to court where one of them does not accept the decision issued within the framework of the conciliation and mediation structure. Such a conciliation and mediation process shall not replace or undermine existing national conciliatory procedures where such procedures are able to provide better anti-discrimination protection.		
Article 7, first paragraph b				
89b		***Member States shall ensure a sufficient limitation period to guarantee that the parties to the dispute have access to court where they do not reach an agreement at the end of the conciliation and mediation process. The limitation period shall be suspended during the conciliation and mediation process.***		
Article 8				
90	Article 8 Opinions and decisions	Article 8 ~~*Opinions and decisions*~~***Investigation***	Article 8 ~~*Opinions and decisions*~~***Inquiries*** See rows 97c-97f (Article 8a).	
Article 8(1)				

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91	1. Member States shall ensure that where, following a complaint or on their own initiative, equality bodies consider that the principle of equal treatment laid down in Directives 2006/54/EC and 2010/41/EU may have been breached, those bodies are empowered to further investigate the case.	1. Member States shall ensure that ~~where~~***equality bodies are empowered to effectively investigate***, following a complaint or on their own initiative, ~~equality bodies consider that~~***whether a breach of*** the principle of equal treatment laid down in Directives 2006/54/EC and 2010/41/EU ~~may have been breached, those bodies are empowered to further investigate the case~~***has occurred***.	1. Member States shall ensure that ~~where, following a complaint or on their own initiative, equality bodies consider that~~***equality bodies are empowered to conduct inquiry into whether a breach of*** the principle of equal treatment laid down in Directives 2006/54/EC and 2010/41/EU ~~may have been breached, those bodies are empowered to further investigate the case.~~***has occurred.***	
Article 8(2), first subparagraph				
92	2. Member States shall provide for a framework which enables equality bodies to carry out fact-finding.	2. Member States shall provide for a framework which enables equality bodies to carry out fact-finding.	2. Member States shall provide ***a framework for conducting inquiries***~~for a framework~~ which enables equality bodies to carry out fact-finding.	
Article 8(2), second subparagraph				
93	In particular, that framework shall provide equality bodies with effective rights to access information which is necessary to establish whether discrimination has occurred. It shall also provide for appropriate mechanisms for equality bodies to cooperate with relevant public	In particular, that framework shall provide equality bodies with effective rights to access information ***and documents*** which ~~is~~***are*** necessary to establish whether discrimination has occurred ***and with the power to oblige alleged perpetrators and third parties to***	In particular, that framework shall provide equality bodies with effective rights to access information ~~which is~~***and documents that are*** necessary to establish whether discrimination has occurred. It shall also provide for appropriate mechanisms for equality bodies to	

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	bodies for that purpose.	***provide them with information and documents when requested***. It shall also provide for appropriate mechanisms for equality bodies to cooperate with relevant public bodies***, such as labour inspectorates or other enforcement bodies, and shall provide equality bodies with the power to ensure such public bodies cooperate with them*** for that purpose. ***Equality bodies shall respect the confidentiality of all information and documents received.***	cooperate with relevant public bodies for that purpose.	
Article 8(3)				
G 94	3. Member States may also provide that the alleged perpetrator and any third party is legally bound to provide any information and documents requested by equality bodies.	3. ~~*Member States may also provide that the alleged perpetrator and any third party is legally bound to provide any information and documents requested by equality bodies.*~~	3. ~~*Member States may also provide that the alleged perpetrator and any third party is legally bound to provide any information and documents requested by equality bodies.*~~	G
Article 8(3a)				
94a		***3a. Where they consider it useful and necessary for the proper conduct of investigations, equality bodies may entrust other competent bodies with the power to investigate whether breaches of the principle of***		

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		equal treatment laid down in Directives 2006/54/EC and 2010/41/EU have occurred and with the power to carry out fact finding as provided for in this Directive.		
Article 8(4), first subparagraph				
G 95	4. Member States shall ensure that equality bodies record in writing their assessment of the case, including establishing the facts and a reasoned conclusion on the existence of discrimination. Member States shall determine whether this is to be done by means of non-binding opinions or by means of binding enforceable decisions.	4. ~~*Member States shall ensure that equality bodies record in writing their assessment of the case, including establishing the facts and a reasoned conclusion on the existence of discrimination. Member States shall determine whether this is to be done by means of non-binding opinions or by means of binding enforceable decisions.*~~	4. ~~*Member States shall ensure that equality bodies record in writing their assessment of the case, including establishing the facts and a reasoned conclusion on the existence of discrimination. Member States shall determine whether this is to be done by means of non-binding opinions or by means of binding enforceable decisions.*~~	G
Article 8(4), second subparagraph				
G 96	Where appropriate, opinions and decisions shall include specific measures to remedy any breach found and to prevent further occurrences. Member States shall establish appropriate mechanisms for follow-up to opinions, such as feedback obligations, and for enforcement of decisions.	~~*Where appropriate, opinions and decisions shall include specific measures to remedy any breach found and to prevent further occurrences. Member States shall establish appropriate mechanisms for follow-up to opinions, such as feedback obligations, and for enforcement of decisions.*~~	~~*Where appropriate, opinions and decisions shall include specific measures to remedy any breach found and to prevent further occurrences. Member States shall establish appropriate mechanisms for follow-up to opinions, such as feedback obligations, and for enforcement of decisions.*~~	G
Article 8(4), third subparagraph				

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G 97	Equality bodies shall publish summaries of their opinions and decisions, without disclosing personal data.	~~Equality bodies shall publish summaries of their opinions and decisions, without disclosing personal data.~~	~~Equality bodies shall publish summaries of their opinions and decisions, without disclosing personal data.~~	G
Article 8(4)				
97a			***4. Member States may also entrust another competent body, in accordance with national law and practice, with the powers referred to in paragraphs 1 and 2. When such a competent body has completed its inquiry, it shall provide the equality body, upon its request, with information about the results thereof.***	
Article 8(4), fifth subparagraph				
97b			***5. Member States may provide that no inquiries pursuant to paragraph 1 of this Article and Article 8a be initiated or continued while court proceedings in the same case are pending.***	
Article 8a				
G 97c		***Article 8a***	***Article 8a***	G

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		Opinions and decisions	***Opinions and decisions***	
Article 8a(1)				
97d		***1. Member States shall ensure that equality bodies are empowered to record in writing their assessment of a case. As part of their written assessment, equality bodies shall establish the facts of the case and provide a reasoned conclusion as to whether discrimination has occurred. Member States shall determine, in consultation with other entities, such as the social partners and civil society organisations, whether the equality bodies are to assess cases by means of non-binding opinions or binding enforceable decisions.***	***1. Member States shall ensure that equality bodies are empowered to provide and document their assessment of the case, including establishing the facts and a reasoned conclusion on the existence of discrimination. Member States shall determine whether this is to be done by means of non-binding opinions or binding decisions.***	
Article 8a(2)				
97e		***2. Opinions and decisions issued by equality bodies shall include specific measures to remedy any breach found to have occurred and to prevent further occurrences. Member States shall establish appropriate mechanisms to follow up on non-binding opinions, such***	***2. Where appropriate, both non-binding opinions and binding decisions shall include specific measures to remedy any breach of the principle of equal treatment found and to prevent further occurrences. Member States shall establish appropriate mechanisms***	

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		as obligations to provide feedback, and to follow up on binding enforceable decisions. In the case of binding enforceable decisions, equality bodies may have the competence to impose effective, proportionate and dissuasive sanctions, in accordance with national law and practices.	***for the follow-up to non-binding opinions, such as feedback obligations, and for the enforcement of binding decisions.***	
Article 8a(3)				
97f		***3. Equality bodies shall publish summaries of their opinions and decisions, without disclosing personal data. The personal data of the parties concerned may be disclosed in the opinions and decisions of equality bodies where provided for in, and in accordance with the conditions laid down by, national law, in particular for the purpose of enforcing the decisions of equality bodies.***	***3. Equality bodies shall publish at least a summary of those of their opinions and decisions which they consider to be of particular relevance.***	
Article 9				
G 98	Article 9 Litigation	Article 9 Litigation	Article 9 Litigation See row 34 (Recital 23) and rows 39-45 (Recitals 28-34).	G

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Article 9(1)				
99	1. Member States shall ensure that equality bodies have the right to act in court proceedings in administrative and civil law matters relating to the implementation of the principle of equal treatment laid down in Directives 2006/54/EC and 2010/41/EU in accordance with paragraphs 2 to 5, without prejudice to national rules on the admissibility of actions.	1. Member States shall ensure that equality bodies have the right to act in court proceedings in administrative and civil law matters relating to the implementation of the principle of equal treatment laid down in Directives 2006/54/EC and 2010/41/EU in accordance with paragraphs 2 ~~to 5~~***and 3***, without prejudice to national rules on the admissibility of actions.	1. Member States shall ensure that equality bodies have the right to act in court proceedings in ~~administrative and civil~~***civil and administrative*** law matters relating to the implementation of the principle of equal treatment laid down in Directives 2006/54/EC and 2010/41/EU ~~in accordance with~~***as set out in*** paragraphs 2 to 5 ***of this Article, in accordance with***~~, without prejudice to~~ national ~~rules~~***law and practice*** on the admissibility of actions***, including any rules on requiring the approval of the alleged victim***.	
Article 9(2)				
100	2. The right to act in court proceedings shall include:	2. The right to act in court proceedings shall ***at least*** include:	2. The right ***of the equality body*** to act in court proceedings shall include~~:~~ ***the right to submit observations to the court, in accordance with national law and practice.***	
Article 9(2), point (a)				
101	(a) the right of the equality body to act as a party in proceedings on the	(a) the right of the equality body to act as a party in proceedings on the	(a) ~~the right of the equality body to act as a party in proceedings on the~~	

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	enforcement or judicial review of a decision taken pursuant to Article 8(4);	enforcement or judicial review of a decision taken pursuant to Article ~~8(4)~~***8a***;	~~*enforcement or judicial review of a decision taken pursuant to Article 8(4);*~~	
Article 9(2), point (b)				
102	(b) the right of the equality body to submit observations to the court as amicus curiae;	(b) the right of the equality body to submit observations to the court ~~*as amicus curiae*~~;	(b) ~~*the right of the equality body to submit observations to the court as amicus curiae;*~~	
Article 9(2), point (c)				
103	(c) the right of the equality body to initiate or participate in proceedings on behalf or in support of one or several victims; in this case, the approval of the victims shall be necessary.	(c) the right of the equality body to initiate or participate in proceedings on behalf or in support of one or several ~~*victims; in this case, the approval of the victims shall be necessary.*~~***persons who have experienced discrimination provided that those persons have been notified;***	(c) ~~*the right of the equality body to initiate or participate in proceedings on behalf or in support of one or several victims; in this case, the approval of the victims shall be necessary.*~~	
Article 9(2), point (ca)				
103a		***(ca) the right of the equality body to initiate court proceedings where it has detected discrimination but no individual complainant pursues the case; and***		
Article 9(2), point (cb)				

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103b		*(cb) the right of the equality body to act in court proceedings dealing with collective redress actions.*		
Article 9(2a)				
103c		*2a. Member States shall ensure that equality bodies have the right to monitor the execution of decisions of institutions, adjudicatory bodies and courts dealing with equality and discrimination.*		
Article 9(2a)				
103d			*2a. The right of the equality body to act in court proceedings shall also include at least one of the following:*	
Article 9(2a), point (a)				
103e			*(a) the right to initiate proceedings on behalf of one or several victims;*	
Article 9(2a), point (b)				
103f			*(b) the right to participate in*	

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			proceedings in support of one or several victims; or,	
Article 9(2a), point (c)				
103g			***(c) the right to initiate court proceedings in its own name, in order to defend the public interest.***	
Article 9(2b)				
103h			***2b. The right of the equality body to act in court proceedings shall include the right to act as a party in proceedings on the enforcement or judicial review of binding decisions, where equality bodies are empowered to take such decisions pursuant to Article 8a.***	
Article 9(3)				
104	3. Member States shall ensure that the equality body can initiate court proceedings in its own name, in particular in order to address structural and systematic discrimination in cases selected by the equality body because of their abundance, their seriousness or their need for legal clarification.	3. Member States shall ensure that the equality body can initiate court proceedings in its own name, in particular in order to address structural and systematic discrimination ***or in order to defend the public interest*** in cases selected by the equality body because of their abundance, their seriousness or their	3. ~~*Member States shall ensure that the equality body can initiate court proceedings in its own name, in particular in order to address structural and systematic discrimination in cases selected by the equality body because of their abundance, their seriousness or their need for legal clarification.*~~	

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		need for legal clarification.		
Article 9(4)				
G 105	4. Member States shall ensure that, except in cases referred to in paragraphs 2(a) and (b), the equality body does not submit in court proceedings evidence that it has obtained through the exercise of powers pursuant to Article 8(3).	*deleted*	4. ~~*Member States shall ensure that, except in cases referred to in paragraphs 2(a) and (b), the equality body does not submit in court proceedings evidence that it has obtained through the exercise of powers pursuant to Article 8(3).*~~	G
Article 9(5)				
G 106	5. Member States shall ensure that no investigations pursuant to Article 8(2) to (4) are initiated or continued while court proceedings on the same case are pending.	*deleted*	5. ~~*Member States shall ensure that no investigations pursuant to Article 8(2) to (4) are initiated or continued while court proceedings on the same case are pending.*~~ See row 97b (Article 8(5)).	G
Article 10				
G 107	Article 10 Procedural safeguards	Article 10 Procedural safeguards	Article 10 Procedural safeguards	G
Article 10, first paragraph				
108	Member States shall ensure that, in the procedures referred to in Articles	Member States shall ensure that, in the procedures referred to in Articles	Member States shall ensure that, in the procedures referred to in Articles	

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	6, 7, 8 and 9, the rights of defence of natural and legal persons involved are duly protected. Member States shall ensure that equality bodies guarantee confidentiality of witnesses and whistle-blowers, and as far as possible, of complainants.	6, 7, 8***, 8a, 9 and 14*** ~~and 9,~~ the rights of defence of natural and legal persons involved are duly protected. Member States shall ensure that equality bodies ***establish internal whistleblower contact points and put in place internal whistleblower protection,*** guarantee confidentiality of witnesses and ~~whistle-blowers~~***whistleblowers***, and as far as possible, of complainants ***and alleged perpetrators***.	6, 7, 8***, 8a*** and 9, the rights of defence of natural and legal persons involved are ~~duly~~ protected. ~~Member States shall ensure that equality bodies guarantee confidentiality of witnesses and whistle-blowers, and as far as possible, of complainants~~***Binding decisions referred to in Article 8a shall be subject to judicial review, in accordance with national law***. See row 44 (Recital 33).	
Article 10, second paragraph				
109	Decisions referred to in Article 8(4) shall be subject to judicial review, in accordance with national law.	Decisions referred to in Article ~~8(4)~~***8a*** shall be subject to judicial review, in accordance with national law.	~~Decisions referred to in Article 8(4) shall be subject to judicial review, in accordance with national law.~~	
Article 10, second paragraph a				
109a		***This Directive is without prejudice to the competences of labour inspectorates and other enforcement bodies.***		
Article 10, second paragraph b				
109b		***This Directive is without prejudice to national law, rules, procedures***		

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		and practice concerning representation and defence by the social partners before the courts, to collective redress mechanisms and to other rights, prerogatives and competences of the social partners and workers' and employers' representatives, such as those relating to the enforcement of collective agreements.		
Article 11				
110	Article 11 Access, accessibility and reasonable accommodation	Article 11 ***Equal*** access, accessibility and reasonable accommodation	Article 11 ~~*Access, accessibility and reasonable accommodation*~~***Equal access*** See rows 113a-113b (Article 11a).	
Article 11(1)				
111	1. Member States shall guarantee access to equality bodies' services and publications on an equal basis for all and ensure that there are no barriers to submission of complaints.	1. Member States shall guarantee access to equality bodies' services and publications on an equal basis for all and ensure that there are no barriers to submission of complaints ***or to assistance to persons who have experienced discrimination, through the establishment of local and regional offices, including mobile offices, and the establishment of accessible and***	1. Member States shall guarantee access to equality bodies' services and publications on an equal basis for all~~ *and ensure that there are no barriers to submission of complaints*~~.	

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		user-friendly digital tools and platforms.		
Article 11(1a)				
111a			***1a. Equality bodies shall guarantee that there are no barriers to the submission of complaints, for example by being able to receive complaints orally, in writing and online.***	
Article 11(2)				
112	2. Member States shall ensure that equality bodies provide all their services at no cost to complainants, throughout their territory, including in rural and remote areas.	2. Member States shall ensure that equality bodies provide all their services***, including court representation,*** at no cost to complainants, throughout their territory, including in rural and remote areas ***and in outermost regions***.	2. Member States shall ensure that equality bodies provide ~~*all*~~ their services at no cost to complainants, throughout their territory, including in rural and remote areas.	
Article 11(3)				
113	3. Member States shall ensure accessibility and provide reasonable accommodation for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including	3. Member States shall ensure accessibility***, including in accordance with Directives (EU) 2016/2102 and (EU) 2019/882,*** and provide reasonable accommodation for persons with disabilities ***and***	3. ~~*Member States shall ensure accessibility and provide reasonable accommodation for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including*~~	

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	assistance to victims, complaint handling, amicable settlement mechanisms, information and publications, and prevention, promotion and awareness-raising activities.	***persons belonging to other groups at risk of discrimination, such as LGBTI persons and migrants,*** to guarantee their equal access to all services***, activities and information*** ~~and activities~~ of equality bodies, including assistance to ~~victims~~***persons who have experienced discrimination***, complaint ***submission and*** handling, ~~amicable settlement~~***alternative dispute resolution*** mechanisms, information and publications, and prevention, promotion and awareness-raising activities.	~~assistance to victims, complaint handling, amicable settlement mechanisms, information and publications, and prevention, promotion and awareness-raising activities.~~	
Article 11a				
113a			***Article 11a*** ***Accessibility and reasonable accommodations for persons with disabilities***	
Article 11a, first paragraph				
113b			***Member States shall ensure accessibility and provide reasonable accommodations for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including assistance to victims, complaint***	

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			handling, alternative dispute resolution, information and publications, as well as prevention, promotion and awareness-raising activities.	
Article 12				
G 114	Article 12 Cooperation	Article 12 Cooperation	Article 12 Cooperation	G
Article 12, first paragraph				
115	Member States shall ensure that equality bodies have appropriate mechanisms in place to cooperate, within their respective fields of competence, with other equality bodies within the same Member State, and with relevant public and private entities, including civil society organisations, at national, regional, local level as well as in other Member States and at Union and international level.	Member States shall ensure that equality bodies***, without prejudice to their independence,*** have appropriate mechanisms in place to cooperate, within their respective fields of competence, with other equality bodies within the same Member State***, with equality bodies of other Member States, including in the framework of and with the European Network of Equality Bodies (Equinet),*** and with relevant public and private entities, including ***local governments, the social partners and*** civil society organisations, at national, regional, local level***,*** as well as in other Member States and at Union and international level***. Member States***	Member States shall ensure that equality bodies have appropriate mechanisms in place to cooperate, within their respective fields of competence, with other equality bodies within the same Member State, and with relevant public and private entities, including ***labour inspectorates, the social partners, and*** civil society organisations, at national, regional~~,~~ ***and*** local level as well as in other Member States and at Union and international level.	

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		shall ensure that equality bodies cooperate in an equal manner with relevant Union bodies, offices and agencies, such as the European Institute for Gender Equality and the European Union Agency for Fundamental Rights.		
Article 13				
G 116	Article 13 Consultation	Article 13 Consultation	Article 13 Consultation	G
Article 13, first paragraph				
117	Member States shall put in place transparent procedures to ensure that the government and other public institutions consult equality bodies on legislation, policy, procedure, programmes, and practices related to the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU in a timely manner.	Member States shall ***implement gender mainstreaming effectively in their national policies as an important tool to achieve gender equality and*** put in place transparent procedures to ensure that the government and other public institutions consult equality bodies on legislation, policy, procedure, programmes, and practices related to the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU in a timely manner. ***Member States shall ensure that equality bodies have the necessary means to provide feedback received as a result of such consultations***	Member States shall put in place ~~*transparent*~~ procedures to ensure that the government and ~~*other*~~***relevant*** public ~~*institutions*~~***authorities*** consult equality bodies on legislation, policy, procedure~~*, programmes, and practices*~~ ***and programmes*** related to the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU ~~*in a timely manner*~~.	

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		with Equinet.		
Article 13, second paragraph				
118	They shall ensure that equality bodies have the right to make recommendations on those matters, to publish them and to require feedback from the authorities concerned.	They shall ensure that equality bodies have the right to make recommendations on those matters, to publish them and to require feedback from the authorities concerned.	~~They~~***Member States*** shall ensure that equality bodies have the right to make recommendations on those matters, to publish ~~them~~***the recommendations*** and to ~~require feedback from the authorities concerned~~***request follow-up regarding such recommendations***.	
Article 14				
119	Article 14 Data collection and access to equality data	Article 14 Data collection and access to equality ~~data~~***statistics***	Article 14 Data collection and access to equality data	
Article 14(1)				
G 120	1. Member States shall ensure that equality bodies collect data on their activities, with a view to producing the reports referred to in Article 15, points (b) and (c).	1. Member States shall ensure that equality bodies collect data on their activities, with a view to producing the reports referred to in Article 15, points (b) and (c).	1. Member States shall ensure that equality bodies collect data on their activities, with a view to producing the reports referred to in Article 15, points (b) and (c).	G
Article 14(2)				
121	2. The data collected shall be	2. The data collected shall be	2. The data collected ***by equality***	

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	disaggregated by grounds and fields covered by Directives 2006/54/EC and 2010/41/EU, and in accordance with the indicators referred to in Article 16. The personal data collected shall be anonymised and, where not possible, pseudonymised.	disaggregated by grounds and fields covered by Directives 2006/54/EC and 2010/41/EU, ***taking into account multiple and intersectional discrimination,*** and in accordance with the indicators referred to in Article 16. The personal data collected shall be anonymised and, where not possible, pseudonymised.	***bodies*** shall be disaggregated by ***the*** grounds and fields covered by Directives 2006/54/EC and 2010/41/EU, and in accordance with the indicators referred to in Article 16 ***of this Directive. Any***~~. The~~ personal data collected shall be anonymised ~~and~~***or***, where ***that is*** not possible, pseudonymised.	
Article 14(2a)				
121a			***2a. Member States shall ensure that equality bodies may conduct independent surveys concerning discrimination.***	
Article 14(3)				
122	3. Member States shall ensure that equality bodies can access statistics related to the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU collected by public and private entities including public authorities, trade unions, companies, and civil society organisations where they deem such statistics necessary to make an overall assessment of the situation regarding discrimination in the Member State, and for drawing up the report referred to in Article	3. Member States shall ensure that equality bodies can access statistics related to the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU collected by public and private entities including public authorities, ~~trade unions~~***the social partners***, companies, and civil society organisations where they deem such statistics necessary to make an overall assessment of the situation regarding discrimination in the Member State, and for drawing	3. Member States shall ensure that equality bodies ~~can~~***are able to*** access statistics related to the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU ~~collected by public and private entities including public authorities, trade unions, companies, and civil society organisations where they~~***in accordance with national law, where the equality bodies*** deem such statistics necessary to make an overall	

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	15, point (c).	up the report referred to in Article 15, point (c)***, of this Directive. The statistical data collected by public and private entities shall be made available in an accessible format so that it can be easily used by equality bodies***.	assessment of the situation regarding discrimination in the Member State, and for drawing up the ~~report~~***reports*** referred to in Article 15, point (c)***of this Directive***.	
Article 14(4)				
123	4. Member States shall allow equality bodies to make recommendations on which data is to be collected in relation to the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU, to public and private entities including public authorities, trade unions, companies and civil society organisations. Member States shall also allow equality bodies to play a coordination role in the collection of equality data.	4. Member States shall allow equality bodies to make recommendations on which data ~~is to~~***could*** be collected in relation to the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU, to public and private entities including public authorities, ~~trade unions~~***the social partners***, companies and civil society organisations. Member States shall also allow equality bodies to play a coordination role in the collection of equality data.	4. Member States shall allow equality bodies to make recommendations on which data is to be collected in relation to the rights and obligations derived from Directives 2006/54/EC and 2010/41/EU, to public and private entities including public authorities, ~~trade unions~~***the social partners***, companies and civil society organisations. Member States ~~shall~~***may*** also allow equality bodies to play a coordination role in the collection of equality data.	
Article 14(5)				
124	5. Member States shall ensure that equality bodies may conduct independent surveys concerning discrimination.	5. Member States shall ensure that equality bodies may conduct ***and commission*** independent surveys***, research and reports*** concerning ***discrimination, including***	5. ~~Member States shall ensure that equality bodies may conduct independent surveys concerning discrimination.~~ See row 121a (Article 14(2a)).	

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		intersectional, structural and systemic discrimination.		
Article 14(5a)				
124a		***5a. Member States shall ensure that equality bodies have the right to make public statements and produce and publish research, recommendations and reports without prior permission or approval from or without being required to notify the government or any institution or external party.***		
Article 15				
G 125	Article 15 Reports and strategic planning	Article 15 Reports and strategic planning	Article 15 Reports and strategic planning	G
Article 15, first paragraph				
G 126	Member States shall ensure that equality bodies:	Member States shall ensure that equality bodies:	Member States shall ensure that equality bodies:	G
Article 15, first paragraph, point (a)				
127	(a) adopt a multi-annual programme setting out their priorities and prospective activities, including the	(a) adopt a multi-annual programme setting out their priorities and prospective activities, including the	(a) adopt a ~~*multi-annual*~~***work*** programme setting out their priorities and prospective activities~~,~~	

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	strategy referred to in Article 5, point (b);	strategy referred to in Article 5, point (b);	~~including the strategy referred to in Article 5, point (b)~~;	
Article 15, first paragraph, point (b)				
128	(b) produce and make available to the public an annual activity report, including their annual budget, staff and financial reporting;	(b) produce and make available to the public an annual activity report, including their annual budget, staff and financial reporting;	(b) produce and make available to the public an annual activity report, including their annual budget, staff and financial reporting; ***and***	
Article 15, first paragraph, point (c)				
129	(c) publish a report, with recommendations, at least every four years, on the state of equal treatment and discrimination, including potential structural issues, in their Member State.	(c) publish ~~a~~***an independent*** report, with recommendations, ***ensuring an intersectional approach,*** at least every ~~four~~***three*** years, on the state of equal treatment and discrimination, including potential structural issues, ***and any action or attempt to backslide in those areas, as well as an analysis of their budget*** in their Member State~~.~~***;***	(c) publish ~~a report~~***one or more reports***, with recommendations, at least every four years, on the state of equal treatment and discrimination, including potential structural issues, in their Member State.	
Article 15, first paragraph, point (ca)				
129a		***(ca) engage in a sustainable dialogue with the government and other authorities; the government and other authorities shall take into account the equality bodies' recommendations on legislation,***		

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		policies, procedures, programmes and practice, and take action where necessary, and;		
Article 15, first paragraph, point (cb)				
129b		***(cb) develop and track output and impact indicators established in accordance with Article 16 to assess their progress and conduct, with Equinet, an evaluation of their functioning at least every four years.***		
Article 16				
130	Article 16 Monitoring	Article 16 Monitoring	Article 16 Monitoring ***and reporting***	
Article 16(1)				
131	1. The Commission shall, by means of an implementing act, establish a list of common indicators to measure the practical effects of this Directive. When preparing the indicators, the Commission may seek advice from the European Union Agency for Fundamental Rights and the European Institute for Gender Equality. Those indicators shall	1. The Commission shall, by means of ~~*an implementing*~~***a delegated*** act, establish a list of common indicators to measure the practical effects of this Directive***, in cooperation with Equinet and making use of Equinet's indicators***. When preparing the indicators, the Commission ~~*may*~~***shall also*** seek advice from the European Union	1. ***By … [24 months after the date of entry into force of this Directive],*** the Commission shall, by means of an implementing act, establish a list of common indicators ~~*to measure the practical effects of*~~***on the functioning of the equality bodies designated under*** this Directive. When preparing the indicators, the Commission may seek advice from	

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	cover the resources, independent functioning, activities, and effectiveness of equality bodies, as well as evolutions in their mandate, powers or structure, ensuring the comparability, objectivity and reliability of the data collected at national level.	Agency for Fundamental Rights and the European Institute for Gender Equality. Those indicators shall cover the ***human, technical, material and financial*** resources, independent functioning, activities, ***accessibility*** and effectiveness of equality bodies, as well as evolutions in their mandate, powers, ***appointments*** or structure, ensuring the comparability, objectivity and reliability of the data collected at national level.	the European Union Agency for Fundamental Rights ~~and~~, the European Institute for Gender Equality ***and from networks of equality bodies at Union level. The*** ~~. Those~~ indicators shall cover the resources, independent functioning, ~~activities,~~ and effectiveness of equality bodies, as well as ~~evolutions~~***developments*** in their mandate, powers or structure, ensuring the comparability, objectivity and reliability of the data collected at national level. ***The indicators shall not be for the purpose of ranking or of issuing specific recommendations to individual Member States.*** ***The implementing act shall be adopted in accordance with the examination procedure referred to in Article 18a(2).***	
Article 16(2)				
132	2. By [5 years after the date of transposition], and every 5 years thereafter, Member States shall provide the Commission with all relevant information regarding the application of this Directive, including data on its practical effects	2. By [~~5~~***3*** years after the date of transposition], and every ~~5~~***3*** years thereafter, Member States shall provide the Commission with all relevant information regarding the application of this Directive, including data on its practical effects	2. By ***…*** [~~5~~***7 years after the date of entry into force of this Directive*** ~~years after the date of transposition~~], and every 5 years thereafter, Member States shall provide the Commission with all relevant information regarding the	

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	collected on the basis of the indicators referred to in paragraph 1 of this Article, and in particular taking into account the reports drawn up by the equality bodies under Article 14, points (b) and (c).	collected on the basis of the indicators referred to in paragraph 1 of this Article, and in particular taking into account the reports drawn up by the equality bodies under Article ~~14~~***15***, points (b) and (c).	application of this Directive~~,~~ ~~*including data on its practical effects collected*~~***. Such information shall include at least data*** on the ~~*basis of the indicators referred to in paragraph 1 of this Article, and in particular taking*~~***functioning of equality bodies and shall take*** into account the reports drawn up by the equality bodies under Article ~~14~~***15***, points (b) and (c).	
Article 16(3)				
133	3. The Commission shall draw up a report on the application and practical effects of this Directive, based on the information referred to in paragraph 2 and additional relevant data collected at national and Union level, in particular from stakeholders, by the European Union Agency for Fundamental Rights and the European Institute for Gender Equality.	3. The Commission shall draw up a report on the application and practical effects of this Directive, based on the information referred to in paragraph 2 and additional relevant data collected at national and Union level, in particular from ***equality bodies, Equinet, civil society organisations and*** stakeholders, by the European Union Agency for Fundamental Rights and the European Institute for Gender Equality. ***The Commission shall evaluate, with the involvement of Equinet, the European Institute for Gender Equality, the European Union Agency for Fundamental Rights, Eurofound and other relevant bodies, offices and***	3. The Commission shall draw up a report on the application and practical effects of this Directive, based on the information referred to in paragraph 2 and additional relevant data collected at national and Union level~~*, in particular from stakeholders,*~~ by the European Union Agency for Fundamental Rights and the European Institute for Gender Equality***, in particular from networks of equality bodies at Union level and other stakeholders***.	

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		agencies of the Union, based on the information it has received, the situation of discrimination in each Member State. The Commission shall draw up an index and a balance sheet for each Member State describing the situation regarding discrimination and their performance as regards anti-discrimination measures and shall issue follow-up recommendations. The Commission's report on the application and practical effects of this Directive shall contain a specific assessment of the independent functioning of equality bodies. Complaints on any interference may be submitted to the Commission. The Commission shall add such complaints to the report and shall further investigate the allegations contained therein.		
Article 17				
G 134	Article 17 Minimum requirements	Article 17 Minimum requirements	Article 17 Minimum requirements	G
Article 17(1)				
G 135	1. Member States may introduce or maintain provisions which are more	1. Member States may introduce or maintain provisions which are more	1. Member States may introduce or maintain provisions which are more	G

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	favourable than the minimum requirements laid down in this Directive.	favourable than the minimum requirements laid down in this Directive.	favourable than the minimum requirements laid down in this Directive.	
Article 17(2)				
136	2. The implementation of this Directive shall under no circumstances constitute grounds for a reduction in the level of protection against discrimination already afforded by Member States in the matters covered by this Directive.	2. The implementation of this Directive shall under no circumstances constitute grounds for a reduction in the level of protection against discrimination already afforded by Member States in the matters covered by ~~this Directive~~***Directives 2006/54/EC, 2010/41/EU and 2023/970/EU***.	2. The implementation of this Directive shall under no circumstances constitute grounds for a reduction in the level of protection against discrimination already afforded by Member States in the matters covered by ~~this Directive~~***Directives 2006/54/EC and 2010/41/EU***.	
Article 18				
G 137	Article 18 Processing of personal data	Article 18 Processing of personal data	Article 18 Processing of personal data	G
Article 18(1)				
138	1. Member States shall ensure that equality bodies may collect personal data only where necessary for the fulfilment of a task under this Directive.	1. Member States shall ensure that equality bodies may collect ***and process*** personal data only where necessary for the fulfilment of ~~a task~~***the tasks*** under this Directive ***and where the data collection and processing is in full compliance with Regulation (EU) 2016/679***.	1. Member States shall ensure that equality bodies may collect ***and process*** personal data only where necessary for the fulfilment of a task under this Directive.	

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Article 18(2)				
139	2. Member States shall ensure that when equality bodies process special categories of personal data, namely data on racial or ethnic origin, religion or belief, disability or sexual orientation, suitable and specific measures are provided to safeguard the fundamental rights and the interests of the data subject.	2. Member States shall ensure that when equality bodies process special categories of personal data, ***within the meaning of Regulation (EU) 2016/679,*** namely data on racial or ethnic origin, ***where possible under national law,*** religion or belief, disability ~~or~~, sexual orientation, suitable and specific measures are provided to safeguard the fundamental rights and the interests of the data subject ***in accordance with Article 9(2), point (g), of Regulation (EU) 2016/679***.	2. Member States shall ensure that when equality bodies process ***the*** special categories of personal data~~, namely data on racial or ethnic origin, religion or belief, disability or sexual orientation,~~ ***referred to in Article 9(1) of Regulation (EU) 2016/679*** suitable and specific measures are provided to safeguard the fundamental rights and ~~the~~ interests of the data subject.	
Article 18a				
139a			***Article 18a*** ***Committee procedure***	
Article 18a(1)				
139b			***1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.***	

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Article 18a(2)				
139c			***2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.***	
Article 19				
140	Article 19	Article 19	Article 19 ***Amendments to Directives 2006/54/EC and 2010/41/EU***	
Article 19, first paragraph				
G 141	Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU are deleted.	Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU are deleted.	Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU are deleted.	G
Article 19, second paragraph				
142	References to the bodies for the promotion of equal treatment referred to in those Articles shall be construed as references to the equality bodies referred to in Article 2 of this Directive.	References to the bodies for the promotion of equal treatment referred to in those Articles shall be construed as references to the equality bodies referred to in Article 2 of this Directive.	References to the bodies for the promotion of equal treatment referred to in those Articles shall be construed as references to the equality bodies referred to in Article ~~2~~***2(1)*** of this Directive.	
Article 20				
143	Article 20	Article 20	Article 20	

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			Transposition	
Article 20(1), first subparagraph				
144	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [18 months] at the latest. They shall immediately inform the Commission thereof.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [~~18~~***12*** months] at the latest. They shall immediately inform the Commission thereof.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ***...*** [~~18~~***36 months after the date of entry into force of this Directive]*** ~~months] at the latest~~. They shall immediately inform the Commission thereof.	
Article 20(1), second subparagraph				
145	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or ***shall*** be accompanied by such a reference on the occasion of their official publication. ~~Member States shall determine how~~***The methods of making*** such reference ~~is to be made~~***shall be laid down by Member States***.	
Article 20(2)				
G 146	2. Member States shall communicate to the Commission the text of the main provisions of	2. Member States shall communicate to the Commission the text of the main provisions of	2. Member States shall communicate to the Commission the text of the main provisions of	G

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	national law which they adopt in the field covered by this Directive.	national law which they adopt in the field covered by this Directive.	national law which they adopt in the field covered by this Directive.	
Article 21				
147	Article 21	Article 21	Article 21 ***Entry into force***	
Article 21, first paragraph				
G 148	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	G
Article 21, second paragraph				
149	Article 19 shall apply from [date referred to in Article 20(1)].	Article 19 shall apply from [date referred to in Article 20(1)].	Article 19 shall apply from ***…*** [***36 months after the date of entry into force of this Directive***~~*date referred to in Article 20(1)*~~].	
Article 22				
150	Article 22	Article 22	Article 22 ***Addressees***	
Article 22, first paragraph				
G 151				G

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	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	
Formula				
G 152	Done at Brussels,	Done at Brussels,	Done at Brussels,	G
Formula				
G 153	For the European Parliament	For the European Parliament	***For the European Parliament***~~*For the European Parliament*~~	G
Formula				
G 154	The President	The President	***The President***~~*The President*~~	G
Formula				
G 155	For the Council	For the Council	***For the Council***~~*For the Council*~~	G
Formula				
G 156	The President	The President	***The President***~~*The President*~~	G