



## BACKGROUND DOCUMENT ON STRUCTURE

The two Directives on Standards for equality bodies (EU-2024-1499 and EU-2024-1500, thereafter “the Directives”) leave a large margin of manoeuvre to Member States in terms of organisational structure of equality bodies in the national system. The provisions aim at allowing the diversity of pre-existing systems to be preserved, as long as the minimum standards are fulfilled.

This document aims to clarify some of the conditions around the possibilities to designate one or several equality bodies, to attribute the equality mandate (or part of it) to a multi-mandate body, to entrust other competent bodies with some of the tasks/competences under the Directives, and to ensure the provision of services throughout the territory including in rural and remote areas.

### 1. One or several equality bodies

Article 2 of the Directives and its corresponding recital clearly highlight that Member States can designate one or several bodies. This is understood as encompassing:

- different bodies for different grounds and fields,
- different bodies at national, regional or local level,
- different bodies exercising different competences/tasks,
- a mix of the above.

No matter how many equality bodies they designate, Member States have to make sure that all the grounds and fields are covered, that all tasks and competences are exercised in all the grounds and fields, and that the whole territory is effectively covered.

Whenever several equality bodies are designated, Member States must pay particular attention to establish clear procedures for cooperation between the bodies.

All “horizontal” standards apply to all the designated equality bodies. In particular, all equality bodies must be independent, have adequate resources, cooperate with each other and collect data/report on their activities. Where relevant, they must provide access to their services on an equal basis to all, and in particular ensure accessibility



and provide reasonable accommodation for persons with disabilities. Where relevant, they must also be consulted and have the right to make recommendations in accordance with Article 15 of the Directives.

Member States may decide to divide specific competences/tasks between several bodies. In such cases, some competences/tasks may be exercised only by one body (e.g. this would be the case if a specific body was set up to deal exclusively with promotion and prevention). When deciding on their preferred set-up, Member States must ensure that all competences/tasks of the Directives are **collectively** fulfilled by all designated bodies.

*Information about designated equality bodies will be collected through the relevant indicators. Where a body has regional/local offices, data will be aggregated, without distinguishing between the national/regional and local levels of the same body. However data concerning regional or local self-standing bodies, which fulfil part of the functions included in the Directives, will be collected separately.*

### RELEVANT PROVISIONS

#### *Article 2*

#### ***Designation of equality bodies***

1. Member States shall designate **one or more bodies** ('equality bodies') to exercise the competences laid down in this Directive.

(17) 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.

## **2. Equality mandate as part of a multi-mandate body**

Articles 3 and 4 of the Directives address the situation where equality bodies are part of multi-mandate bodies, such as national human rights institutions (NHRIs) or ombudspersons.

As regards independence, the provisions emphasise the need to ensure that the internal structure of the body guarantees the effective exercise of the equality



mandate. In particular, the existence of other mandates alongside the equality mandate, mandates which include other tasks and competences, must not prevent the equality body from fulfilling all its tasks and exercising all its competences in accordance with the Directives. Where there are synergies between mandates and some competences are common to several mandates (e.g. promotion of human rights/equality both by the equality body and the NHRI or providing information to complainants both by the equality body and the ombudsperson, etc.), the non-discrimination angle has to be specifically taken into account.

Under resources, the provisions aim at ensuring that the equality mandate receives dedicated resources, necessary to carry out its tasks and exercise its competences. It should be possible to isolate the part of resources – financial, human, technical – dedicated to the equality mandate. Where there are synergies with the other mandates, some resources may be shared, as long as it is possible to make an approximate calculation of the part dedicated to the equality mandate.

*Information about the resources and effective exercise of the equality mandate will be collected through the relevant indicators.*

### RELEVANT PROVISIONS

#### *Article 3*

##### ***Independence***

4. *Member States shall ensure that the internal structure of multi-mandate bodies guarantees the effective exercise of the equality mandate.*

(20) *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.*

#### *Article 4*

##### ***Resources***

(...) *including where the equality bodies are part of multi-mandate bodies.*

(22) *Where the equality body is part of a multi-mandate body, the resources necessary to carry out its equality mandate should be ensured.*



### 3. Involvement of other competent bodies

The Directives clearly provide the possibility to involve other competent bodies to fulfil the tasks under the Directives. These provisions target in particular (but not only) situations where other bodies already exercise some of the competences attributed to equality bodies in the Directives.

Article 2 refers to the competences of labour inspectorates or other enforcement bodies and to the rights and prerogatives of the social partners in accordance with national law and practice, including with regard to collective agreements, and representation and defence in court proceedings.

Under Article 6, Member States can decide to entrust “another competent entity” with the task to provide **alternative dispute resolution**, for example if such a service is already provided by an existing entity, for equality matters or in other fields. In this case, it is of utmost importance that the professionals in charge have pre-existing knowledge of equality matters or are adequately trained for that purpose, and that the procedure allows the equality body to provide its expert opinion.

According to Article 7, Member States can also decide to entrust another competent body with **inquiries**, for instance where (labour) inspectorates are already in charge of this competence. In this case, it is of utmost importance that the professionals in charge have knowledge of equality matters, and that the equality body is able to access the data necessary to its assessment of the case, in the best delays.

Where Member States decide to entrust other competent bodies with tasks and competences under the Directives, some of the minimum standards also apply to these bodies, and notably to guarantee that these bodies:

- are independent and free from external influence and that they do not seek or take instructions from the government or from any other public or private entity while performing the tasks and exercising the competence,
- are provided with the human, technical and financial resources to perform the task and/or exercise the competence,



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- where relevant, ensure access to their services on an equal basis to all, and in particular ensure accessibility and provide reasonable accommodation for persons with disabilities,
- cooperate with the equality body and relevant public and private entities
- collect data in relation to their performance of the task and/or exercise of the competence and provide them to the equality bodies in the framework of their data collection and reporting obligations.

*Information from other competent bodies will be collected under the relevant indicators.*

### RELEVANT PROVISIONS

#### *Article 2*

#### ***Designation of equality bodies***

2. This Directive is **without prejudice to the competences of labour inspectorates or other enforcement bodies and to the rights and prerogatives of the social partners** in accordance with national law and practice, including with regard to collective agreements, and representation and defence in court proceedings.

(17)(...) This Directive should be without prejudice to the competences of labour inspectorates or other enforcement bodies, as well as the autonomy and role of the social partners.

#### *Article 7*

#### ***Alternative dispute resolution***

Equality bodies shall be able to offer the parties the possibility of seeking an alternative resolution to their dispute. **That process may be led by the equality body itself or by another competent entity in accordance with national law and practice, in which case the equality body may formulate observations to that entity.**

(26) 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 alternative dispute resolution, as offered by the equality body itself or by another existing competent entity. In selecting another competent entity, it is important to take into consideration **entities established on a durable basis and to ensure that the person(s) in charge of the resolution process are independent, impartial and possess the necessary expertise.**

#### *Article 8*

#### ***Inquiries***





3. 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.**

(28) ... Member States may entrust another competent body, in accordance with 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.

### 4. Coverage of the whole territory

Article 12 of the Directives stipulates that access to the services of equality bodies has to be guaranteed on an equal basis for all, and that this includes their availability throughout the territory, including in rural and remote areas.

The Directives do not specify the modalities of that access and situations may differ a lot from one Member State to another (population, size of the territory, existing local offices or services).

The availability of online services is key to ensure this coverage but cannot be considered as sufficient as groups at risk of discrimination do not all have an equivalent access to online information.

In that regard, Article 5 (3) is helpful to reflect on barriers that can prevent people to access equality bodies services: “groups whose access to information can be hindered, for example due to their precarious economic status, age, disability, level of literacy, nationality or residence status, or due to their lack of access to online tools”.

Recital (39) also gives useful examples of measures to ensure the availability of services throughout the territory: the establishment of local offices, including mobile ones, the use of communication tools, the organisation of local campaigns, cooperation with local delegates or civil society organisations or through contracted service providers.

*Data concerning regional or local self-standing bodies, which fulfil functions included in the Directives, will be collected separately to feed into the relevant indicators.*

### RELEVANT PROVISIONS

#### *Article 12*



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### *Equal access*

3. *Member States shall ensure that equality bodies provide their services at no cost to complainants, throughout their territory, including in rural and remote areas.*

(39) *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, cooperation with local delegates or civil society organisations or through contracted service providers.*

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