

EUDAIMONIA comparative table of institutional design obligations

<p>Equality and non-discrimination law (Dir. 2000/43 ; 2004/113 ; 2006/54 ; 2010/41 / Directive 2024/1500)</p>	<p>Obligations flowing from EU primary law and/or secondary legislation</p>	
<p>Legal form ?</p>	<p>No specific formal requirements, just obligation to designate one or more “equality bodies” (Arts. 13(1) Dir. 2000/43; 2 Dir. 2024/1500) for the promotion (art. 13(1) Dir. 2000/43) or the promotion, analysis, monitoring and support of equal treatment (art. 12(1) Dir. 2004/113 ; art. 20(1) Dir. 2006/54 and art. 11(1) Dir. 2010/41)</p> <p>Designated bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights (art. 13(1) Dir. 2000/43), or the implementation of the principle of equal treatment (art. 12(1) Dir. 2004/113 ; art. 20(1) Dir. 2006/54 and art. 11(1) Dir. 2010/41).</p> <p><i>No specific references to staff, resources or budget</i></p>	<p>Obligation to designate one or more bodies (art. 2); their competences may be divided between several equality bodies (recital 16 of Dir. 2024/1500).</p> <p>They must be independent, free from any external influence, cannot seek or take instructions from the government or any other public or private entity (art. 3(1)).</p> <p>Internal structure of these bodies must guarantee the independent, and, where appropriate, impartial exercise of competences (art. 3(3)).</p> <p>The internal structure of multi-mandate bodies must guarantee the effective exercise of the equality mandate (art. 3(4)).</p> <p>Each body needs to be provided with the human, technical</p>

		<p>and financial resources necessary to perform its tasks and competences effectively (art. 4).</p> <p>The allocation of financial resources must 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 use of automated systems (recital 21).</p> <p>They must be equipped with appropriate human and technical resources, which should enable them to use automated systems and to assess such systems for their compliance with non-discrimination rules (recital 21).</p>
<p>Composition ?</p>	<p><i>No specific references to composition</i></p>	<p>Transparent procedures concerning the selection, appointment, revocation and potential conflict of interest of the staff holding decision-making or managerial positions and, where applicable, members of the governing board, in order to</p>

		<p>guarantee their competence and independence (art. 3(2)).</p> <p>Equality bodies must be able to select and managing their own staff (art. 3(1); recital 17).</p>
<p>Process ?</p>	<p>Competences of relevant bodies must include at least :</p> <p>Providing independent assistance to victims of discrimination in pursuing their complaints of discrimination (art. 13(2) Dir. 2000/43 ; art. 12(2) Dir. 2004/113 ; art. 20(2) Dir. 2006/54 and art. 11(2) Dir. 2010/41);</p> <p>Conducting independent surveys on discrimination (art. 13(2) Dir. 2000/43 ; art. 12(2) Dir. 2004/113 ; art. 20(2) Dir. 2006/54 and art. 11(2) Dir. 2010/41);</p> <p>Publishing independent reports and making recommendations on any issue relating to such discrimination (art. 13(2) Dir. 2000/43 ; art. 12(2) Dir. 2004/113 ; art. 20(2) Dir. 2006/54 and art. 11(2) Dir. 2010/41);</p>	<p>Equality bodies are empowered to carry out activities to prevent discrimination and promote equal treatment (art. 5(2)).</p> <p>Obligation to provide assistance to victims – including by offering them information about their rights and remedies – and to receive complaints (art. 6).</p> <p>Bodies must offer the parties the possibility to seek alternative dispute resolution (art. 7)</p> <p>Equality bodies possess investigative and fact-finding powers; they have to record in writing their assessment of any case; assessment must be conducted impartially (recital 18); they must be able to provide and document their assessment of the case, including establishing the facts and a reasoned</p>

	<p>Exchanging at the appropriate level, the information available with the corresponding European bodies, such as the European Institute for Gender Equality (art. 20(2) Dir. 2006/54 and art. 11(2) Dir. 2010/41)</p>	<p>conclusion on the existence of discrimination; it falls on the MS to decide whether this is done by means of binding or non-binding decisions (arts. 8-9).</p> <p>They have a right to act in court proceedings, following one of three options: right to initiate proceedings on behalf of one or several victims; right to participate in support of victim(s); or right to initiate proceeding in its own name, to defend the public interest (art. 10)</p> <p>MS must guarantee equal access to equality bodies' services, especially to persons with disabilities, and ensure that their services are free (art. 12).</p> <p>Appropriate mechanisms need to be in place to cooperate with other equality bodies, other bodies in the Member State and at the international level (art. 14) – <i>however, no explicit reference to participation in Equinet (an informal</i></p>
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<p>Modus operandi</p>	<p><i>No specific accountability or review provisions against their decisions or activities</i></p>	<p>Victims are entitled to (preliminary) assessment of complaints made (art. 6(4))</p> <p>Procedural safeguards and confidentiality guarantees (recital 35).</p> <p>Judicial review against bodies' decisions (art. 11), in which the latter must be able to act as a party to the proceedings (art. 9(4)), including by</p>

		<p>submitting information to the court (recital 31).</p> <p>Reporting and strategic planning obligations (art. 17).</p>
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