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# Proposal for a horizontal equal treatment directive

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Complementary  
impact assessment

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STUDY

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Ex-Ante Impact Assessment Unit  
PE 774.698 – November 2025

EN



# Proposal for a horizontal equal treatment directive

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## Complementary impact assessment

This study provides a complementary impact assessment of the proposed Council directive on equal treatment outside of employment on the grounds of religion or belief, disability, age, and sexual orientation. It covers all EU Member States. Moreover, it includes five case studies: Czechia, Germany, Italy, Romania and Sweden. It reviews the necessity of the proposed EU initiative and its added value, considering subsidiarity and proportionality. The study analyses the coherence of the proposed directive with existing and future frameworks and its likely effectiveness in achieving the objectives of increased protection and inclusion, and combating discrimination. It also assesses the proposal's likely costs and benefits.

The findings suggest that the proposed directive responds to the need for EU action and complies with the principles of subsidiarity and proportionality. It is coherent with the existing legal and policy framework, and would significantly strengthen fundamental rights and close the protection gap against discrimination. The proposed directive is expected to generate limited costs, mainly relating to reasonable accommodation in education, while delivering significant social and economic benefits, notably through improved access to goods and services.

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## List of abbreviations

AI	Artificial intelligence
AME	Average marginal effect
CJEU	Court of Justice of the European Union
CoNE	Cost of non-Europe
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
EFTA	European Free Trade Association
EPRS	European Parliamentary Research Service
Equinet	European network of equality bodies
ESF+	European Social Fund Plus
ESS	European Social Survey
EU	European Union
EU Charter	Charter of Fundamental Rights of the European Union
FRA	European Union Agency for Fundamental Rights
GDP	Gross Domestic Product
HORECA	Hotel, restaurant, and café/catering
LAU	Local administrative units
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex and queer
LIBE	European Parliament's Committee on Civil Liberties, Justice and Home Affairs
NACE	Statistical classification of economic activities
NGO	Non-governmental organisation
NUTS	Nomenclature of territorial units for statistics
OECD	Organisation for Economic Co-operation and Development
pp	Percentage point
SBS	Eurostat Structural Business Statistics
SME	Small and medium-sized enterprise
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations

UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNESCO	United Nations Educational, Scientific and Cultural Organization
WHO	World Health Organization

## Executive summary

### Background and purpose of the study

The proposal for a Council directive on implementing the principle of equal treatment irrespective of religion or belief, disability, age or sexual orientation<sup>1</sup> (horizontal equal treatment directive) aims to extend protection against discrimination beyond the field of employment. Currently, individuals are protected from discrimination on the grounds of sex and race in employment and in some areas beyond the labour market. However, the grounds of religion or belief, disability, age and sexual orientation are only protected in relation to employment at the EU level through the Employment Equality Directive (Directive 2000/78/EC). This creates significant protection gaps in areas such as social protection, healthcare, education and access to goods and services, resulting in different levels of protection for different grounds of discrimination within and across the EU.

The European Commission introduced a proposal for a directive covering discrimination on grounds of religion or belief, disability, age or sexual orientation outside of employment in 2008. However, the legislative process to date has been slow, owing both to divergent views among Member States,<sup>2</sup> and to the procedural requirement for unanimous agreement in the Council of the EU. In 2024, during the Belgian Council Presidency, renewed discussions resulted in amendments to the proposal, as set out in a Council progress report (commonly referred to as a 'compromise proposal'). The aim of these proposed modifications was to strike a balance between the need for comprehensive protection and the concerns of some Member States in relation to subsidiarity, cost implications, the role of service providers and the division of competences. The Council's progress report was not supported by an impact assessment or other type of evidence.

Following a request by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), this study provides a complementary impact assessment to support Parliament in considering the Commission's proposal, as amended in the 2024 Council progress report (hereafter 'proposed directive'). It examines the need for EU action and its added value, as well as the alignment of the proposed directive with EU and international frameworks. It provides evidence on the provisions' expected effects on Member States, target groups, stakeholders, service providers and society as a whole, and analyses the costs and benefits likely to arise from the proposed directive.

### Methodology

The study was conducted using desk research, focusing particularly on EU, international and national legislation, case law, academic literature, relevant reports from EU and international institutions, bodies and agencies, reports from relevant stakeholders and non-governmental organisations (NGOs), and news articles. It was also informed by the replies received to semi-structured interviews with 17 key stakeholders at EU level, including EU institutions and agencies, international organisations, NGOs, academics, anti-discrimination experts, industry stakeholder groups, social partners, and 18 interviews at national level (from five countries), as well as six responses to questionnaires sent to equality bodies.

Case studies were conducted in five countries – Czechia, Germany, Italy, Romania and Sweden – which involved deeper desk research and interviews with national stakeholders. The selected countries provide geographical balance and encompass legal frameworks with varying degrees of

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<sup>1</sup> European Commission, Proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [COM\(2008\) 426 – 2008/0140 \(CNS\)](#), 2 July 2008.

<sup>2</sup> See, for instance, Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024; M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025.

alignment with the proposed directive, including those with close and limited alignment. The selection also includes countries that have expressed support for the proposed directive, as well as those that have expressed concerns. All but Italy were part of the previous European Parliament impact assessment,<sup>3</sup> providing clearer insights through existing data and impact visibility.

## **Key findings**

### *Subsidiarity, necessity and proportionality of the proposed directive*

The proposed directive is consistent with the principle of subsidiarity. Divergent national rules and the cross-border nature of discrimination demonstrate that Member States alone cannot adequately ensure equal treatment or tackle discrimination beyond employment throughout the EU. It respects national competences, leaves no ambiguity regarding the scope of the action, and enables a more coherent, harmonised approach across the Union. The necessity of EU action is confirmed, as failure to adopt the proposed directive would contravene the objectives of the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU), and international obligations. The current fragmented system would remain in place if the proposed directive were not adopted, perpetuating unequal protection and exposing individuals to discrimination in key areas of daily life. The proposed directive complies with the principle of proportionality, ensuring that Union action is not going beyond what is necessary. The choice of instrument, its limited scope, numerous exemptions and wording of provisions reaffirming Member State competence and leaving the choice of specific action guarantee that the proposed directive respects national prerogatives while addressing identified protection gaps.

### *EU added value of the proposed directive*

The proposed directive provides clear added value by addressing disparities between national systems and ensuring equal treatment for all individuals within the EU. Without EU intervention, progress would be uneven, and inequalities perpetuated. The proposed directive would provide greater harmonisation, legal certainty and comprehensive protection across the EU, which could not be achieved through individual national measures alone.

### *Coherence with international and EU frameworks*

The proposed directive aligns with international instruments, in particular the European Convention on Human Rights (ECHR) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It strengthens Member States' obligations under these conventions while providing a common EU framework for implementation. Within the EU legal framework, the proposed directive is consistent with the values and rights set out in the Charter of Fundamental Rights of the European Union (EU Charter), and supplements existing secondary legislation. It ensures consistency and prevents normative conflicts across policy areas. Its alignment with EU policy initiatives, such as the European Pillar of Social Rights and the EU's various anti-discrimination strategies, is further demonstrated through its interaction with them.

### *Fundamental rights implications and impact on stakeholders*

The proposed directive would have significant positive implications for the protection of fundamental rights. It would enhance protection and access to justice for individuals belonging to at least one of the protected groups. It would also enhance legal certainty, strengthen procedural, social and economic rights and accessibility, increase awareness, and improve quality of life and

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<sup>3</sup> L. Altan et al. (Milieu Consulting), [Implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) – Impact assessment of the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, as well as amendments 37 and 41 of the European Parliament, EPRS and Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2014.



health outcomes. The proposed directive would have a positive impact on precarity and remove some barriers to independent living. It would reduce unfair treatment and create opportunities, helping to drive cultural change to reduce prejudice and increase inclusion.

#### *Impact on national frameworks*

The impact of the proposed directive will vary depending on the extent to which existing legislation covers the areas set out and the cultural context of each Member State. It is likely to require all Member States to amend their national legislation, although those with more comprehensive anti-discrimination regimes would need only minor adjustments. The positive impact will be more significant for countries lacking existing legislation covering all grounds in the areas of the proposed text. Implementing the proposed directive could foster mutual support among Member States and prompt the development of guidelines to enhance legal clarity.

#### *Limitations and enablers of implementation*

The proposed directive faces several concerns that could limit its effectiveness. These include the narrow scope of protected grounds, the several exemptions relating to age, disability, religious symbols, the financial sector, family law and education, and potential implementation difficulties, such as issues relating to access to justice, a rising level of discrimination and hate speech during the legislative procedure, and the risk of some countries lowering their current standards when transposing the directive into national law. Nevertheless, the vast majority of the stakeholders consulted in the context of the study supported its adoption, recognising its positive impact on fundamental rights. Successful implementation could be facilitated by training, capacity building, practical guidance, sharing good practices, and the use of international tools to address contentious provisions. Clear transposition and enforcement could build public trust, while updating the proposed directive to reflect future developments, such as artificial intelligence (AI) and forthcoming instruments, would ensure its continued relevance.

#### *Expected costs and benefits*

The costs associated with the proposed directive are expected to mainly relate to providing reasonable accommodation for persons with disabilities. These costs would likely vary depending on the level of existing protection in each Member State. However, owing to the nature of provisions on reasonable accommodation and the option not to provide such accommodation where this would impose a disproportionate burden, the costs are expected to be limited. Initial costs may arise from legislative reforms, adjustments to physical spaces and digital services, and training and administrative costs. While compliance may require some adjustments from service providers, these costs are likely to be offset over time by efficiencies gained from a more consistent legal framework and reduced spending on litigation.

The proposed directive is expected to generate a variety of tangible (e.g. improved access to services), non-tangible (e.g. improved social cohesion) and monetary benefits (e.g. increased wages and tax revenues due to better access to education) for individuals, public institutions and service providers. For those at risk of discrimination, it will improve access to goods and services, and to justice, while promoting social inclusion and participation. This will be particularly beneficial for persons with disabilities, older people, lesbian, gay, bisexual, trans, intersex and queer (LGBTIQ) people, and religious minorities. Public institutions will benefit from clearer legal frameworks, stronger equality bodies and more predictable enforcement, enhancing trust and regulatory coherence across the Member States. Service providers will benefit from harmonised rules that reduce ambiguity, litigation risks and reputational harm, particularly in cross-border contexts. These improvements will also deliver monetary gains by increasing labour market participation, reducing dependency on subsidies and healthcare costs through better preventive care, and generating long-term efficiency savings. Overall, the proposed directive strikes a balance between costs and measurable and qualitative benefits, fostering inclusion, legal certainty and societal cohesion.

The study uses a sectoral analysis to provide monetary values for the expected costs and benefits. The cost analysis focuses on moderate and intensive reasonable accommodation measures, adjusted for how well existing national legislation is aligned with the proposed directive. It does not account for existing accessibility provisions. The benefits model calculates economic gains linked to better education, health, housing outcomes and consumer participation, providing a balanced evidence base to show that the proposed directive's societal and economic benefits will outweigh its costs, according to the assumptions made in this study.

### *Recommendations*

Chapter 4 sets out a series of recommendations, drawing on the study's key findings. These recommendations call for the adoption of the proposed directive with clear, harmonised rules to strengthen protection against discrimination, ensure legal certainty, address emerging challenges, promote reasonable accommodation, and ensure effective enforcement. They also emphasise the need for guidance, training, awareness raising, adequate resources for equality bodies and for strategic litigation, and the use of EU funds to support implementation and foster cooperation between Member States.

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# 1. Introduction

This chapter provides an overview of the background to the proposed directive. It sets out the study's objectives and scope, describes the methodological approach adopted, and identifies the limitations of the research process.

## 1.1. Background

The EU has developed a legislative framework to combat discrimination, primarily through the Racial Equality Directive<sup>4</sup> and the Employment Equality Directive<sup>5</sup>, which prohibit direct and indirect discrimination based on specific grounds. The level of protection provided at EU level varies depending on the ground of discrimination. While individuals are protected from discrimination on the grounds of sex and race in employment and in some areas beyond the labour market<sup>6</sup>, protection on the grounds of religion or belief, disability, age, and sexual orientation is limited to employment<sup>7</sup>. As a result, the scope of protection differs across grounds. This uneven coverage at EU level can also translate into diverging levels of protection within and between Member States, depending on how national frameworks address the **gaps** left by **EU legislation**.

In July 2008, the **European Commission proposed a Council Directive**<sup>8</sup>, commonly referred to as the horizontal equal treatment directive, to address these gaps by extending protection against discrimination on the grounds of religion or belief, disability, age, or sexual orientation beyond the realm of employment. The 2008 proposal was accompanied by an **impact assessment**<sup>9</sup> examining evidence of discrimination beyond the labour market, as well as possible measures to address such discrimination. The assessment concluded that an EU directive covering all four grounds would be the most suitable instrument to achieve the objectives of increasing protection, ensuring legal certainty and enhancing social inclusion and the full participation of all groups in society and the economy.

The proposed legislation was initially considered under the **consultation procedure**. However, following the entry into force of the Lisbon Treaty in December 2009, the legislative process was modified, and the file has since been examined under the **consent procedure**. Accordingly, the

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<sup>4</sup> [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.

<sup>5</sup> [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.

<sup>6</sup> [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; [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; [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.

<sup>7</sup> [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.

<sup>8</sup> European Commission, Proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [COM\(2008\) 426 – 2008/0140 \(CNS\)](#), 2 July 2008.

<sup>9</sup> European Commission, Staff working document: Accompanying the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [Impact assessment](#), SEC(2008) 2180, 2 July 2008. This impact assessment preceded the better regulation standards as applicable since 2015. Therefore, it is worthwhile noting that its breadth and depth differ from a fully fledged impact assessment conducted under today's Better Regulation Guidelines.

European Parliament is not a co-legislator but has to still approve or veto the text without amending it.

In **2012**, the Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) requested a **complementary impact assessment**<sup>10</sup>. This assessment was primarily intended to analyse the proposal's potential cost implications for small and medium-sized enterprises (SMEs) and public service providers, and was delivered to the Committee in 2014.

The proposal for the horizontal equal treatment directive has undergone a lengthy negotiation process. It has been under discussion in the Council for over **17 years without being adopted to date**. Successive Council Presidencies included it in their agendas, and the vast majority of Member State delegations consistently supported its aim to complete the EU's legal equality framework by covering all four grounds of discrimination in a single instrument. However, achieving unanimity in the Council has proven difficult, with concerns raised by certain delegations. Key issues include questions about the division of competence between the EU and Member States (i.e. compliance with the **principle of subsidiarity**) and concerns about the potential **financial implications** of obligations relating to disability. In response, the proposed text has, over the years, undergone significant revisions in the Council, including clarifications and delineations of legal obligations and the deletion of some obligations. These changes were intended to make the proposal more acceptable to all Member States, while preserving its core purpose.

Intensive work by the **Belgian Presidency of the Council** during the first half of 2024 resulted in a compromise version of the text, outlined in the **Council's progress report of 14 June 2024**<sup>11</sup>. By that time, all but three Member States had expressed support for its adoption.

Accordingly, this study **focuses on the amended Council text from June 2024** (hereinafter: proposed directive) to identify any impacts it may have that could differ from previous versions, given its revisions and the legal, policy and practical developments since 2008.

In **November 2024**, the Parliament's LIBE Committee again requested a complementary impact assessment of the proposed directive. The aim was to obtain an updated assessment of the proposal, with a particular focus on recent developments and changes introduced in the Council compromise document.

## 1.2. Objective and scope of the study

The **overall objective** of the study is to provide a complementary impact assessment on the proposed directive to support the Parliament's consideration and decision on the proposal (proposal for the horizontal equal treatment directive, as amended by the Belgian Presidency in 2024). Its **specific objectives** are:

- ❖ To outline good practices and lessons learnt in Member States;
- ❖ To identify the issues addressed by the proposed directive that are not already covered by national legislation, with a particular focus on those Member States that have expressed concerns/reservations about the proposed directive;
- ❖ To provide a high-level synthesis of the evidence on the costs and potential benefits of EU

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<sup>10</sup> L. Altan et al. (Milieu Consulting), [Implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) – Impact assessment of the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, as well as amendments 37 and 41 of the European Parliament, EPRS and Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2014.

<sup>11</sup> Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024.

action, in view of recent developments.

The study's geographical scope covers all **27 EU Member States** (EU-27), with in-depth case studies on five countries — Czechia, Germany, Italy, Romania and Sweden. These countries were selected to achieve geographical balance and to cover a variety of legal frameworks. The study includes countries that have expressed concerns about the proposed directive and countries that support its adoption. Additionally, all these countries except Italy were included in the European Parliament's 2014 impact assessment of the Commission's proposal. This allows a clearer assessment of developments thanks to existing data and visibility of impacts.

The material scope extends to **areas** covered by the proposed directive, including access to social protection, social assistance, social housing and healthcare, access to education, access to and supply of goods and services, including housing. It also covers the **grounds** of discrimination based on religion or belief, disability, age and sexual orientation.

### 1.3. Methodological approach

The study primarily relies on **desk research**, combining comparative legal and policy analysis with empirical qualitative research of primary and secondary sources. It considers relevant information and data on the proposal, as well as its international, European and national context.

Materials from a **wide range of sources** have been reviewed, including legislation and case law at international, EU and national level, policy documents by EU institutions, bodies and agencies, Member States and international organisations, reports by civil society organisations, academic literature, institutional datasets and grey literature.

**Input was gathered from key stakeholders** through detailed questions and semi-structured interviews at both EU and national level. Interviewees included representatives from EU and international institutions, EU agencies, Member State authorities, civil society representatives, academic experts, legal practitioners, or representatives from service providers and various sectors. Additionally, a questionnaire was circulated to all EU equality bodies through the European network of equality bodies (Equinet). Six responses were received from equality bodies. The **key national findings** (blue boxes) in Chapter 3 summarise the findings of national-level research and interviews, as well as those from the equality bodies' questionnaires. Where appropriate and necessary, explicit reference to stakeholder input is made.

**EU- and national-level research** for all Member States was conducted in parallel and complemented by **five in-depth country case studies** using standardised templates to ensure comparability. **Quantitative evidence**, such as data from Eurostat, the European Social Survey (ESS) and the European Union Agency for Fundamental Rights (FRA), was retrieved and organised to supplement the **qualitative analysis**. This approach enables a thorough and systematic assessment of the relevant legal and policy tools and frameworks, while identifying their impact on Member States and stakeholders.

**This study does not constitute a full impact assessment.** The Commission conducted an impact assessment in support of its original initiative in 2008<sup>12</sup>, and, as mentioned above, a complementary impact assessment was also commissioned in 2014 by the European Parliament<sup>13</sup>. As the legislative

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<sup>12</sup> European Commission, Staff working document: Accompanying the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [Impact assessment](#), SEC(2008) 2180, 2 July 2008.

<sup>13</sup> L. Altan et al. (Milieu Consulting), [Implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) – Impact assessment of the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or

proposal has evolved, this present study is intended as a **complementary analysis** focusing on the latest version of the proposal (i.e. the Council's 2024 progress report). Consequently, it does not develop or compare alternative policy options or undertake multi-criteria ranking. Instead, it uses the principles of the Commission's 2021 Better Regulation standards<sup>14</sup> to structure the assessment of impacts in relation to the EU added value, effectiveness, coherence and efficiency of the proposed directive. Particular attention is paid to the question of subsidiarity, cost-benefit considerations and the implications for fundamental rights.

Each assessment criterion, namely EU added value, coherence, effectiveness and efficiency, is presented as an individual section in Chapter 3. These sections present the findings of the data collection in a triangulated way. The findings from the national research are highlighted separately (in boxes), as required by the technical specifications for the study.

## 1.4. Methodological challenges

The main methodological challenges for this study stemmed from the reasonable accommodation provisions and their impact calculations, the tight overall study timeline, particularly for national-level interviews, and the diverging level of details provided in the literature consulted for the country mapping process as well as the development of pragmatic rules for categorising the legislative framework of the 22 Member States not covered by case studies.

The project team held internal discussions, as well as discussions with the senior expert on discrimination and some of the EU-level interviewees, on the specific differences between the accessibility provisions for persons with disabilities included in previous versions of the proposed directive (structural *ex-ante* duty) and the current **reasonable accommodation provision** (case-by-case *ex-post* duty). As the accommodation duty relies on individual requests and may be set aside if it imposes a 'disproportionate burden', developing a robust method to calculate the related costs proved particularly challenging and delayed the finalisation of the country case studies. The methodology for mitigating this challenge is set out in Section 3.4.1 and in Annex II – Cost methodology.

The delay, combined with stakeholders' summer break, compressed the available window for national-level interviews for the five case studies. Consequently, some country experts had **limited time to conduct interviews**, gather testimony and validate preliminary findings. Despite follow-up reminders, non-responses and interview refusals persisted, leaving gaps in the evidence for some assessment criteria in certain Member States.

A further point concerns the classification logic used for the legal mapping of the 22 Member States not covered by case studies. In several countries, national law does not cover, or does not fully cover, the areas or discrimination grounds set out in the proposed directive. Any such gap in scope was treated as a deviation affecting the alignment of the overall legislative framework.

This approach may give the impression of widespread misalignment, since any shortcoming in scope, whether for one or several grounds or areas, results in a lower alignment category. However, it does not mean that relevant legal instruments are completely absent. In many cases, some or most of the required provisions exist mainly due to obligations under other EU directives. Nonetheless, national frameworks may confine these mechanisms to specific grounds, such as race or ethnic origin, and

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sexual orientation, as well as amendments 37 and 41 of the European Parliament, EPRS and Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2014.

<sup>14</sup> European Commission, [Better Regulation Guidelines](#), November 2021 (Chapter IV – Impact assessment) and [Better Regulation Toolbox](#), July 2023 (in particular Chapter III – Identifying impacts in evaluations, fitness checks and impact assessments, Tool #29 – Fundamental rights, and Chapter VIII – Methodologies for analysing impacts in impact assessments, evaluations, and fitness checks, Tool #63 – Cost-benefit analysis).

therefore do not automatically extend them to all the grounds covered by the proposed directive. The alignment scores should be interpreted with this understanding in mind. While many Member States appear only minimally aligned, most already possess the structural elements needed to achieve alignment with the proposed directive, provided the scope of their legislation is extended accordingly.

Finally, the **country mapping** (covering 22 Member States) is largely based on publicly available English-language sources, such as the country reports of the European Network of Legal Experts in Gender Equality and Non-Discrimination<sup>15</sup>. While these reports provide most of the necessary information, they may not be exhaustive or up to date on certain recent amendments. Additionally, they do not always cover sector-specific legislation (such as social security legislation) that could contain relevant information. In federal countries, the mapping may also exclude regional or sectoral laws that fall outside the federal framework. Despite these limitations, the mapping has been completed as thoroughly as possible within the available resources.

## 1.5. Structure of the study

This study is divided into four chapters. **Chapter 1** introduces the subject matter and provides background information on the study. It also summarises the study's objectives and scope, the adopted methodology, and the limitations encountered. **Chapter 2** outlines the legal and policy framework for the proposed directive, focusing on international and EU instruments. It also presents an overview of the legislative process leading up to the proposal. **Chapter 3** provides the main critical analysis of the impacts of the proposed directive. It evaluates the proposal's EU added value, coherence with international and EU instruments, and effectiveness in achieving its policy objectives. It also assesses the proposed directive's efficiency in terms of the expected costs and benefits. Finally, **Chapter 4** summarises the study's main findings and provides concrete recommendations for the proposed directive and its implementation.

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<sup>15</sup> European Commission, [Country reports on non-discrimination](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, 2023–2025.

## 2. State of play: legal and policy framework and evolution

This chapter presents an overview of the main international and European legal standards on equal treatment to provide context for the proposed directive and the analysis of its potential impacts.

### 2.1. Legal and policy framework

#### 2.1.1. International framework

At a global level, the United Nations (UN) has established binding instruments that articulate equality and non-discrimination as fundamental human rights, placing them at the forefront of the international human rights framework. Among these, the **Convention on the Rights of Persons with Disabilities**<sup>16</sup> (UNCRPD) is particularly significant both for its rapid uptake<sup>17</sup> and for the transformative approach it brings to equality as, unlike earlier instruments, the UNCRPD advances a shift from formal to substantive equality by recognising that identical treatment does not<sup>18</sup>. Central to this approach is the concept of 'reasonable accommodation', defined in Article 2 of the UNCRPD as *'necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms'*. By embedding this obligation across its provisions (Articles 2, 5, and 9), the UNCRPD requires state parties to take proactive measures to dismantle barriers and ensure full participation of persons with disabilities, moving equality from a purely declaratory principle into a concrete obligation<sup>19</sup>.

Since its entry into force in 2008, the UNCRPD has gained broad international recognition, with near-universal ratification, including by the EU and its Member States, and now serves as an important reference point for assessing domestic disability laws and policies<sup>20</sup>. Its influence extends beyond the disability context, reshaping the way courts, policymakers, and scholars understand the relationship between non-discrimination and positive obligations<sup>21</sup>. This international momentum has also carried over into regional and domestic legal frameworks. Within the EU, both the Court of Justice of the European Union (CJEU) and national courts of the Member States have increasingly turned to the UNCRPD when interpreting disability equality standards, treating it as an authoritative source of guidance<sup>22</sup>. At the same time, the European Court of Human Rights (ECtHR) has integrated the UNCRPD into its case law, reading the guarantees of the **European Convention on Human Rights** (ECHR)<sup>23</sup> in line with the UNCRPD provisions. In doing so, the ECtHR has not only reinforced the rights of persons with disabilities under its own framework but has arguably drawn

<sup>16</sup> UN General Assembly, [Convention on the Rights of Persons with Disabilities](#), A/RES/61/106, 24 January 2007.

<sup>17</sup> Adopted in late 2006, it was opened for signature on 30 March 2007 and entered into force on 3 May 2008 upon ratification of the 20<sup>th</sup> State Party. By 2021, the Convention counted 183 State Parties. See Committee on the Rights of Persons with Disabilities, [Background to the Convention](#), United Nations.

<sup>18</sup> A. Broderick, [The long and winding road to equality and inclusions for persons with disabilities: The United Nations Convention on the Rights of Persons with Disabilities](#), Intersentia, 2015, pp. 138-140.

<sup>19</sup> A. Lawson, 'People with psychosocial impairments or conditions, reasonable accommodation and the Convention on the Rights of Persons with Disabilities', *International Trends in Mental Health Laws*, Vol. 26 (2), 2008, pp. 65-66.

<sup>20</sup> J. Grue, [The CRPD and the economic model of disability: undue burdens and invisible work](#), *Disability & Society*, Vol. 39 (12), 2023, pp. 3119-3135.

<sup>21</sup> D. Ferri, [Reasonable accommodation as a gateway to the Equal enjoyment of human rights: From New York to Strasbourg](#), *Social Inclusion*, Vol. 6 (1), 2018, pp. 40-50.

<sup>22</sup> L. Waddington and A. Lawson, [The United Nations Convention on the Rights of Persons with Disabilities in practice: A comparative analysis of the role of courts](#), Oxford University Press, 2018.

<sup>23</sup> Council of Europe, [European Convention on Human Rights](#), as amended by Protocols Nos. 11, 14 and 15, ETS No. 005, 4 November 1950.



on the interpretative line of the UNCRPD and, in some cases<sup>24</sup>, even treated its core provisions as general principles of international law necessary for compliance with the ECHR<sup>25</sup>. While the UNCRPD has played an important role in introducing and operationalising key equality concepts, its scope remains confined to the field of disability and its impact depends on how consistently it is implemented at national level, leaving gaps in protection across other grounds and contexts.

Building on the framework established by the UNCRPD, other global human rights instruments reinforce the principle of equal treatment across the full spectrum of rights. The **International Covenant on Civil and Political Rights**<sup>26</sup> and the **International Covenant on Economic, Social and Cultural Rights**<sup>27</sup> both impose binding obligations on state parties to ensure equality and non-discrimination in the enjoyment of civil, political, economic, social, and cultural rights<sup>28</sup>. These Covenants articulate equality in formal terms, establishing a baseline that underpins the development of more targeted, substantive protections, such as those required by the UNCRPD. For instance, the **UN Committee on Economic, Social and Cultural Rights'** General Comment No. 20<sup>29</sup> clarifies that non-discrimination under Article 2(2) of the International Covenant on Economic, Social and Cultural Rights requires States to address not only formal distinctions but also substantive or *de facto* discrimination, taking proactive measures to eliminate conditions that perpetuate disadvantage for historically marginalised groups. Beyond these established instruments, ongoing discussions about a **potential UN Convention on the Rights of Older Persons** illustrate that the international legal order continues to evolve to address the needs of historically under-protected groups. In April 2025, the UN Human Rights Council formally adopted a resolution<sup>30</sup> to launch an intergovernmental process for the elaboration of a legally binding instrument on the promotion and protection of the human rights of older persons, marking an important step towards filling longstanding gaps in the international human rights framework, following years of sustained advocacy by older persons and civil society networks, led by the Global Alliance for the Rights of Older People<sup>31</sup>. By seeking to codify specific obligations for States, the process signals a growing recognition that equality and non-discrimination must encompass all stages of life, ensuring that older persons enjoy protections equivalent to those afforded to other groups under international law.

<sup>24</sup> e.g. ECtHR, *R.P. and others v the United Kingdom*, App. No. 28245/08, judgment of 9 October 2012.

<sup>25</sup> S. Favalli, 'The United Nations Convention on the Rights of Persons with Disabilities in the case law of the European Court of Human Rights and in the Council of Europe Disability Strategy 2017–2023: 'From zero to hero'', *Human Rights Law Review*, Vol. 18 (3), 2018, pp. 517–538.

<sup>26</sup> UN, *International Covenant on Civil and Political Rights*, adopted 16 December 1966, entered into force 23 March 1976, United Nations Treaty Series, vol. 999, p. 171.

<sup>27</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations Treaty Series, vol. 993, 16 December 1966, p. 3.

<sup>28</sup> Article 2(1) *International Covenant on Civil and Political Rights* lays down obligations on State Parties to be carried out 'without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status', while the ICESCR obliges the State Parties to guarantee the exercise of rights 'without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'.

<sup>29</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General comment No. 20: Non-discrimination in economic, social and cultural rights* (Article 2, paragraph 2 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/20, 2 July 2009, paragraph 8(b).

<sup>30</sup> UN General Assembly, Human Rights Council, *Fifty-eighth session*, A/HRC/58/L.24/Rev.1, 28 March 2025, Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development; Open-ended intergovernmental working group for the elaboration of a legally binding instrument on the promotion and protection of the human rights of older persons.

<sup>31</sup> Human Rights Watch, *UN: Treaty on Older People's Rights moves ahead: Proposed international instrument will strengthen protections for a population at risk*, news release, 3 April 2025.

At the regional level, the **Council of Europe** has built a multi-layered equality regime that brings together binding guarantees with interpretive and monitoring tools<sup>32</sup>. On the social rights side, the **Revised European Social Charter**<sup>33</sup> hardwires non-discrimination across its provisions through the general clause in Article E, which guarantees that all rights under the Charter must be enjoyed without discrimination on grounds such as sex, race, colour, language, religion, political or other opinion, national extraction or social origin, association with a national minority, birth, or other status<sup>34</sup>. It also provides targeted equality guarantees, such as the right of persons with disabilities to vocational training, rehabilitation, and social services (Article 15), and equal opportunities and treatment in employment without sex discrimination (Article 20). The **European Committee of Social Rights** has read Article E to cover both direct and indirect discrimination, stressing that failing to *take 'due and positive account of all relevant differences'*<sup>35</sup> can itself be discriminatory. Indeed, its landmark decision in **Autism-Europe v France**<sup>36</sup> clarified the duties of States to make mainstream education genuinely accessible to learners with autism, finding that structural barriers meant that France had failed to take adequate steps to ensure genuine access and thereby violated Articles 15 and 17 of the Revised European Social Charter. Similarly, in complaints concerning discrimination against Roma minorities in access to healthcare, health insurance and adequate housing in Bulgaria and Italy<sup>37</sup>, the European Committee of Social Rights noted that States must address structural and indirect barriers, pointing to the interpretation that substantive equality under Article E extends beyond generally applicable formal guarantees to the lived realities of disadvantaged groups. This broad reading is also supported by the European Committee of Social Rights' reasoning in **FIDH v France**<sup>38</sup> concerning French restrictions on medical assistance for undocumented migrants, which the Committee interpreted as a violation of Article 17 of the Revised European Social Charter, illustrating that non-discrimination obligations extend to groups often excluded from mainstream social protections.

In parallel, the ECtHR has progressively developed its equal treatment and non-discrimination case law under the ECHR. Unlike the EU equality regime, which relies heavily on secondary legislation, the **ECHR framework** is rooted directly in the Convention's provisions and judicial interpretation by the Court. Article 14 ECHR does not enshrine an autonomous right to equal treatment, but, rather, prohibits discrimination in the enjoyment of the other rights guaranteed by the ECHR<sup>39</sup>. Its scope has been interpreted broadly, covering both direct and indirect forms of discrimination and a wide range of protected grounds, whether explicitly mentioned in the text or derived from evolving

<sup>32</sup> PACE, [Defending the acquis of the Council of Europe: preserving 65 years of successful intergovernmental co-operation](#), Doc. 14406, Reference 4009 of 2 October 2015, September 2017.

<sup>33</sup> Council of Europe, [European Social Charter \(revised\)](#), ETS No. 163, Strasbourg, 3 May 1996.

<sup>34</sup> Article E of the Revised European Social Charter reads 'the enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status'.

<sup>35</sup> European Committee of Social Rights, [International Association Autism-Europe \(IAAE\) v. France](#), Complaint No. 13/2002, Council of Europe, 2003, paragraph 52.

<sup>36</sup> *ibid.*, paragraphs 52-54.

<sup>37</sup> European Committee of Social Rights, [European Roma Rights Centre \(ERRC\) vBulgaria](#), Complaint No. 46/2007, Council of Europe, 3 December 2008; European Committee of Social Rights, [European Roma Rights Centre \(ERRC\) v Italy](#), Complaint No. 73/2011, Council of Europe, 13 May 2014.

<sup>38</sup> European Committee of Social Rights, [International Federation of Human Rights Leagues \(FIDH\) vFrance](#), Complaint No. 14/2003, Council of Europe, 8 September 2004, paragraphs 36-37.

<sup>39</sup> Article 14 ECHR states that 'the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.



societal contexts<sup>40</sup>. With the adoption of **Protocol No. 12** to the ECHR<sup>41</sup>, the prohibition of discrimination was reinforced into a general guarantee, extending protection beyond ECHR rights to any right 'set forth by law'. Unlike Article 14, which only applies in conjunction with other ECHR rights, Protocol 12 establishes a stand-alone prohibition of discrimination, allowing examination of complaints that would otherwise fall outside the 'ambit' of ECHR rights<sup>42</sup>. Its purpose, reflected in the preamble, is to ensure the equality of all persons and their equal protection before the law, in line with the principles of the **Universal Declaration of Human Rights**<sup>43</sup>. This broadening of scope has enabled the ECtHR to develop a rich body of jurisprudence, gradually moving from a formalistic approach towards a more substantive understanding of equality, providing a clearer legal basis to address discrimination in areas previously difficult to reach, such as same-sex relationships<sup>44</sup> or rights not expressly recognised under the ECHR, such as social rights<sup>45</sup>.

The Grand Chamber's judgment in *Sejdić and Finci v Bosnia and Herzegovina*<sup>46</sup> illustrates the extended reach of Protocol No. 12, which the ECtHR used alongside Article 14 ECHR to condemn constitutional exclusions from elective office based on ethnicity, while confirming the Protocol's broader scope beyond ECHR rights. In its Article 14 case law, the ECtHR has developed several key principles for examining claims of unequal treatment. In *D.H. and Others v Czech Republic*<sup>47</sup>, it recognised both indirect discrimination and structural disadvantage, holding that the disproportionate placement of Roma children in 'special schools' for children with learning difficulties violated Article 14 in conjunction with Article 2 Protocol No. 1 to the ECHR (on the right to education) since they were assigned to such schools because of their ethnic background rather than their intellectual capacity. The Grand Chamber emphasised that discrimination may arise from the effects of ostensibly neutral policies, even in the absence of intent, and that systemic practices producing disproportionate disadvantages for a racial or ethnic group fall within Article 14's ambit. The judgment also clarified that racial segregation in education constitutes discrimination and underlined the persistent challenges faced by Roma across Europe. It confirmed that reliable statistical evidence can be sufficient to establish a *prima facie* case of indirect discrimination, after which the burden of proof shifts to the State. In addition, it underlined that the Roma, as a historically disadvantaged group, require specific safeguards to secure genuine equality<sup>48</sup>. These principles had already been foreshadowed in *Stec and Others v United Kingdom*<sup>49</sup>, where the Grand Chamber held that Article 14 covers social security benefits within the ECHR ambit and that neutral rules can amount to indirect discrimination if they disproportionately disadvantage women. The case

<sup>40</sup> In *Tyrer v the United Kingdom* (ECtHR, *Tyrer v the United Kingdom*, App. No. 5856/72, judgment of 25 April 1978), the ECtHR developed the reading of the ECHR as a 'living instrument' evolving over time in response to societal developments.

<sup>41</sup> [Protocol No. 12](#) to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the general prohibition of discrimination, ETS No. 177, 4 November 2000.

<sup>42</sup> P. Johnson, *The UK and Protocol 12 to the European Convention on Human Rights*, 2025, p. 2; European Court of Human Rights, [Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention – Prohibition of discrimination](#), 2025, paragraphs 10, 20.

<sup>43</sup> UN General Assembly, [Universal Declaration of Human Rights](#), 217 A (III), 10 December 1948.

<sup>44</sup> Before 2010, the ECtHR did not regard same-sex relationships as falling within the scope of 'family life' under Article 8, which limited Article 14's protection against discrimination. Recognising same-sex couples as enjoying 'family life' enabled Article 14, read together with Article 8, to protect them from discrimination. See e.g. ECtHR, ECtHR, [Schalk and Kopf v Austria](#), App. No. 30141/04, judgment of 24 June 2010, paragraphs 94–95.

<sup>45</sup> See ECtHR, [Moraru and Marin v Romania](#), App. Nos. 53282/18 and 31428/20, judgment of 20 December 2022; ECtHR, [Napotnik v Romania](#), App. No. 33139/13, judgment of 20 October 2020.

<sup>46</sup> ECtHR, [Sejdić and Finci v Bosnia and Herzegovina](#), App. Nos. 27996/06 and 34836/06, judgment of 22 December 2009.

<sup>47</sup> ECtHR, [D.H. and Others v Czech Republic](#) [GC], App. No. 57325/00, judgment of 13 November 2007.

<sup>48</sup> *ibid.*, paragraphs 205–210.

<sup>49</sup> ECtHR, [Stec and Others v United Kingdom](#) [GC], App. No. 65731/01 and 65900/01, judgment of 12 April 2006.

confirmed that once a *prima facie* disadvantage is shown, the State must provide objective and reasonable justification.

In ***Thlimmenos v Greece***<sup>50</sup>, the ECtHR clarified that formal equality does not preclude differential treatment where the circumstances of individuals are materially different. The case involved a person barred from the accounting profession due to a prior conviction, while others with similar qualifications but no criminal record could enter freely. It found that applying the same rule rigidly, without accounting for the particular context of the applicant's prior conviction, which resulted from his refusal to undergo military service because of his religious beliefs, violated Article 14 ECHR. This reasoning established that States may be required to provide differential treatment to achieve substantive equality, laying the groundwork for obligations analogous to reasonable accommodation in situations where uniform application of a measure would disproportionately disadvantage certain individuals<sup>51</sup>. The same logic of requiring States to adjust rigid rules has been further developed in ***Glor v Switzerland***<sup>52</sup>, where the ECtHR found discrimination in requiring a person with a minor disability to pay a military service exemption tax, while those with more severe disabilities were not taxed. The judgment reinforced that blanket application of legal rules without regard to individual circumstances may produce unjustified disadvantages, and that proportionality is essential to achieving genuine equality. Similarly, in the context of religious expression, in ***Eweida and Others v United Kingdom***<sup>53</sup>, the ECtHR found that strict employer policies preventing the wearing of religious symbols without considering individual circumstances disproportionately interfered with the applicants' ECHR rights. This line of reasoning has been extended to education, where the ECtHR, drawing on the UNCRPD, required practical measures to remove barriers to participation. In ***Çam v Turkey***<sup>54</sup>, it found a violation of Article 14 ECHR read together with Article 2 Protocol No. 1 because the applicant was refused entry to a conservatory solely due to the lack of reasonable accommodations, meaning he could not access education on account of his disability. Similarly, in ***Enver Şahin v Turkey***<sup>55</sup>, the ECtHR held that universities failed to make practical modifications, such as accessible classrooms or examination arrangements, necessary for students with disabilities to participate fully, which effectively barred them from higher education. In both cases, the ECtHR underlined that formal equality is insufficient where institutions fail to address the specific needs of persons with disabilities, emphasising that substantive equality may require differential treatment and concrete, systemic measures to dismantle structural barriers to educational access<sup>56</sup>.

In recent years, ECtHR jurisprudence has expanded to address specific forms of discrimination. In ***X and Others v Bulgaria***<sup>57</sup>, it confronted intersectional vulnerabilities, recognising the compounded disadvantages faced by children who belong to multiple marginalised groups, such as abandoned minors and alleged victims of sexual abuse in State care. The judgment highlighted two key principles. Firstly, safeguards must be meaningful in practice, ensuring that victims are appropriately involved and that their specific needs are considered. Secondly, mere compliance with domestic law is not enough when operational measures fail to meet international standards for protecting those

<sup>50</sup> ECtHR, *Thlimmenos v Greece*, App. No. 34369/97, judgment of 6 April 2000.

<sup>51</sup> K. Henrard, 'Duties of reasonable accommodation on grounds of religion in the jurisprudence of the European Court of Human Rights: A tale of (baby) steps forward and missed opportunities', *International Journal of Constitutional Law*, Vol. 14(4), 2016, pp. 961–983.

<sup>52</sup> ECtHR, *Glor v Switzerland*, App. No. 13444/04, judgment of 30 April 2009.

<sup>53</sup> ECtHR, *Eweida and Others v United Kingdom*, App. No. 48420/10, 59842/10, 51671/10 and 36516/10, judgment of 15 January 2013.

<sup>54</sup> ECtHR, *Çam v Turkey*, App. No. 51500/08, judgment of 23 May 2016.

<sup>55</sup> ECtHR, *Enver Şahin v Turkey*, App. No. 23065/12, judgment of 30 January 2018.

<sup>56</sup> J. Damamme, *Disability discrimination because of denial of 'reasonable accommodations': a very positive connection between the ECHR and the UNCRPD in Çam v Turkey*, Strasbourg Observers, 2016; J. Damamme, *Disability and university (pragmatic) activism: the pros and cons of Enver Şahin v Turkey*, Strasbourg Observers, 2018.

<sup>57</sup> ECtHR, *X and Others v Bulgaria*, App. No. 22457/16, judgment of 2 February 2021.

at heightened risk. The ECtHR's approach showcases a growing willingness to interpret the ECHR in light of intersecting vulnerabilities. This signals a shift towards requiring States to take concrete, context-sensitive measures that respect the choices of those affected, minimise the risk of further harm, and fulfil positive obligations to protect human rights<sup>58</sup>. The landmark 2024 ruling in *KlimaSeniorinnen v Switzerland*<sup>59</sup> was the ECtHR's first recognition of States' positive obligations to mitigate climate change under Article 8 ECHR. However, from the perspective of equality, it is more ambivalent. While the ECtHR acknowledged evidence that climate change disproportionately affects older women, it fell short of engaging with their intersectional vulnerabilities. By framing the issue through supposedly neutral standards, the reasoning ended up sidelining women's lived experiences and reproducing male-oriented baselines, disregarding those most at risk<sup>60</sup>.

A move towards substantive equality can be traced in the work of the Council of Europe's **European Commission against Racism and Intolerance** (ECRI). Its general policy recommendations provide detailed blueprints for national anti-discrimination frameworks. More specifically, the revised General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination<sup>61</sup> provides detailed recommendations covering constitutional, criminal, civil and administrative measures. Other general policy recommendations address intolerance against Muslims, combating antisemitism, and protection of LGBTIQ persons. Importantly, the ECRI complements these standards with a system of country monitoring that identifies enforcement gaps, resource deficits, and weak institutional capacity, creating an iterative audit mechanism that puts pressure on States to align their approaches with best practices<sup>62</sup>. While these recommendations are non-binding, they establish a standard collectively endorsed by state parties, offering guidance and a reference point against which domestic laws and policies can be assessed.

### 2.1.2. EU framework

The EU's primary law framework for equal treatment is anchored in the **Treaty on the European Union** (TEU) and the **Treaty on the Functioning of the European Union** (TFEU), and reinforced by the **Charter of Fundamental Rights of the European Union**<sup>63</sup> (EU Charter). Article 19 TFEU provides a specific legal basis for Union action by empowering the Council, acting unanimously with the consent of the European Parliament, to adopt measures to combat discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. While this special legislative procedure was intended to secure broader legitimacy for measures of such political sensitivity<sup>64</sup>, in practice it has slowed the expansion of the EU's non-discrimination *acquis*<sup>65</sup>, as

<sup>58</sup> T. Liefwaard, J. Valentine and L. van Dijk, [Victims of 'vulnerability': Balancing protection, privacy and participation of child victims in X and Others v. Bulgaria](#), Strasbourg Observers, 2021.

<sup>59</sup> ECtHR, *KlimaSeniorinnen v Switzerland*, App. No. 22457/16, judgment of 9 April 2024.

<sup>60</sup> D. B. Kartepe and M. Zheltukha, [Gender, climate, and the illusion of neutrality: Rethinking intra- and intergenerational equity in the ECtHR's climate jurisprudence](#), Völkerrechtsblog, 2025.

<sup>61</sup> Council of Europe, European Commission against Racism and Intolerance (ECRI), [General Policy Recommendation No. 7](#) (revised): National legislation to combat racism and racial discrimination, 2018.

<sup>62</sup> Council of Europe, European Commission against Racism and Intolerance (ECRI), [Country monitoring](#), 2025.

<sup>63</sup> The Treaty of Lisbon, which entered into force on 1 December 2009, elevated the EU Charter of Fundamental Rights to the status of primary law, giving it the same legal value as the Treaties themselves.

<sup>64</sup> K. Lenaerts, P. Van Nuffel and T. Corthaut, [The legislative procedures](#), *EU Constitutional Law*, Oxford, 2021; online edn, Oxford Academic, 2022, pp. 529–564.

<sup>65</sup> European Parliament, [Resolution](#) of 19 April 2023 on combating discrimination in the EU – the long-awaited horizontal anti-discrimination directive; Y. Devuyt, [Europe's equality pledge in peril: Can a landmark anti-discrimination law be saved?](#), Social Europe, 2025.

shown by the long-standing stalemate over the proposed horizontal equal treatment directive and the Parliament's 2023 proposal to remove the unanimity requirement from Article 19(1) TFEU<sup>66</sup>.

Article 10 TFEU complements this competence-based approach by requiring the Union to '*aim to combat discrimination*' on the same grounds '*when defining and implementing its policies and activities*'. This mainstreaming clause does not create an autonomous legislative power, but rather reinforces the scope of Union action by shaping secondary law, guiding institutional practice and informing judicial interpretation<sup>67</sup>. More generally, the Union's ability to legislate in the field of equality remains circumscribed by the principles of conferral and subsidiarity as defined in Article 5 TEU. These limits are counterbalanced by the positive obligation set out in Article 19(1) TEU, which requires Member States to ensure effective judicial protection in '*all areas governed by Union law*'. The result is a primary law framework that is perhaps restrictive in terms of EU legislative competence, but expansive in the obligations it imposes on Member States, embedding equality both as a sectoral legal basis and as a horizontal commitment<sup>68</sup>.

While the Treaties set the normative framework for equality, the **EU Charter** translates these principles into enforceable rights shaping both EU and national law. Article 21 EU Charter prohibits discrimination on a non-exhaustive list of grounds, including those in Article 19 TFEU, while Article 23 EU Charter specifically guarantees equality between men and women. Article 47 EU Charter further ensures the right to an effective remedy and a fair trial. By contrast, Article 51 defines the EU Charter's field of application, limiting it to Union institutions and to Member States '*only when they are implementing Union law*'.

In *Åkerberg Fransson*, the CJEU gave this clause a functional interpretation, holding that the EU Charter applies whenever national measures fall '*within the scope of EU law*', thereby aligning the reach of fundamental rights protection with the practical boundaries of Union competence<sup>69</sup>. More recently, in *Repubblika*, the CJEU suggested that the limits of Article 51 EU Charter do not restrict the scope of fundamental rights protection under Article 19 TEU, which requires Member States to guarantee effective judicial protection as an autonomous obligation even outside direct EU Charter implementation<sup>70</sup>. Beyond these formal guarantees, the EU Charter plays a dynamic role in shaping EU law in that it informs the interpretation of secondary legislation, guides judicial review by the CJEU, and impacts national courts in applying EU law at the national level<sup>71</sup>. Its rights, particularly regarding non-discrimination and remedies, interact closely with sectoral directives on employment and racial and gender equality. In practice, the EU Charter's provisions operate both vertically and, in certain circumstances, horizontally<sup>72</sup>, ensuring coherent protection for individuals regardless of whether the invoked rights derive from primary law, secondary legislation, or national measures implementing EU law.

The rights enshrined in the EU Charter are given practical effect through EU secondary legislation, which imposes concrete obligations on national authorities. At the heart of this framework are the horizontal and sectoral directives adopted under Article 19 TFEU, which together form the core of

<sup>66</sup> European Parliament, [Resolution](#) of 22 November 2023 on proposals of the European Parliament for the amendment of the Treaties.

<sup>67</sup> E. Muir, V. Davio and L. van der Meulen, '[The horizontal equality clauses \(Arts. 8 & 10 TFEU\) and their contribution to the course of EU equality law: Still an empty vessel?](#)', *European Papers*, Vol. 7(3), 2022, pp. 1381-1403.

<sup>68</sup> N. Foster, '[Article 19 TFEU: The expansion of EU equality law](#)', Foster, N., *EU law directions*, Oxford University Press, 2023, pp. 451-456.

<sup>69</sup> European Court of Justice, judgment in [Case C-617/10 – Åkerberg Fransson](#), 2013.

<sup>70</sup> European Court of Justice, judgment in [Case C-896/19 – Repubblika v. Il-Prim Ministru](#), 2021, paragraphs 36, 44.

<sup>71</sup> K. Lenaerts, '[The role of the EU Charter in the Member States](#)', in M. Bobek and J. Adams-Prassl (eds.), *The EU Charter of Fundamental Rights in the Member States*, Hart Publishing, 2022, pp. 19-36.

<sup>72</sup> E. Frantziou, '[The horizontal effect of the Charter of Fundamental Rights of the EU: Rediscovering the reasons for horizontality](#)', *European Law Journal*, Vol. 21 (5), 2015, pp. 657-679.

the EU's equality legislation. A key example is the **Employment Equality Directive**<sup>73</sup>, which establishes a general framework for equal treatment on grounds of religion or belief, disability, age, and sexual orientation, albeit confined to the field of employment and occupation, including vocational guidance and training. Article 5 of the Directive is particularly significant in operationalising this framework for disability by introducing the duty of employers to provide '**reasonable accommodation**'. This obligation requires them to take '*appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer*'. By embedding this duty into its secondary legislation, the EU anticipated and paralleled the UNCRPD's later consolidation of reasonable accommodation as a cornerstone of substantive equality<sup>74</sup>.

The **Racial Equality Directive**<sup>75</sup> runs in parallel to the employment-focused framework by establishing a broader material scope covering employment, social protection, healthcare, education, access to goods and services, and housing. Like the Employment Equality Directive, it provides a well-developed toolkit of equality concepts that not only defines prohibited conduct such as direct and indirect discrimination, harassment and instructions to discriminate, but also establishes the procedural mechanisms crucial to ensuring the practical effectiveness of these rights, such as positive action and a reversed burden of proof<sup>76</sup>. It also requires Member States to designate national equality bodies to promote equal treatment and support victims of discrimination.

Similarly, the **Gender Goods and Services Directive**<sup>77</sup> extends the sex-equality *acquis* beyond employment, prohibiting gender-based discrimination in access to and supply of goods and services. Its implementation initially involved proportionality-based carve-outs, allowing Member States or service providers to justify differential treatment on the basis of 'objective' and 'reasonable' criteria, provided the measure was 'appropriate', 'necessary', and 'proportionate' to achieve a legitimate aim. This raised particular concerns in the insurance and financial services sectors, where statistical differences between genders had historically influenced pricing<sup>78</sup>. In **Test-Achats**, the CJEU invalidated the carve-out permitting gender-based actuarial factors, emphasising that such practices undermine the Directive's objective of ensuring equal treatment. This ruling prompted both national courts and the CJEU to closely scrutinise the balance between non-discrimination and proportionality, clarifying that formal equality cannot be overridden by risk-based differentiation<sup>79</sup>.

<sup>73</sup> [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.

<sup>74</sup> D. Ferri, '[Reasonable accommodation as a gateway to the equal enjoyment of human rights: From New York to Strasbourg](#)', *Social Inclusion*, Vol. 6 (1), 2018, pp. 40–50.

<sup>75</sup> [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.

<sup>76</sup> Euractiv, [Handbook on the Racial Equality Directive with a special focus on Italy, Romania and Sweden: Independent report](#), 2020.

<sup>77</sup> [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.

<sup>78</sup> H. Werner and E. Caracciolo di Torella, [Gender equal access to goods and services Directive 2004/113/EC: European implementation assessment](#), EPRS, European Parliament, 2017.

<sup>79</sup> The CJEU's ruling in *Test-Achats* emphasised that such justifications must align with the directive's overarching goal of ensuring equal treatment. It specifically held that permitting gender-based pricing undermined the Directive's objective of eliminating discrimination. However, the Court acknowledged that Member States could still apply gender-based pricing in certain circumstances. For more details, see European Court of Justice, judgment in [Case C-236/09 – Association Belge des Consommateurs Test-Achats and Others](#), 2011.



Over time, the EU has deepened and modernised the equality *acquis*, with two recent developments standing out: firstly, the European Accessibility Act<sup>80</sup>; secondly, the Equality Bodies Directives. The **European Accessibility Act** integrates part of the equality agenda into internal market mechanisms by establishing accessibility requirements for a wide range of products and services, including computers, smartphones, e-books, e-commerce platforms, banking services and passenger transport ticketing. Member States are required to implement these obligations as from 28 June 2025<sup>81</sup>, without prejudice to the transitional periods set out in Article 32<sup>82</sup>. While not an anti-discrimination directive *per se*, it operationalises the rights of persons with disabilities by embedding accessibility as an *ex-ante* compliance standard, and in turn, reducing reliance on reactive litigation under reasonable accommodation duties<sup>83</sup>. However, its limited scope, excluding areas such as housing or education, has prompted criticism that it delivers only partial realisation of the UNCRPD<sup>84</sup>.

The EU strengthened and harmonised the institutional framework for equality enforcement through the 2024 **Equality Bodies Directives**: Directive (EU) 2024/1499<sup>85</sup>, covering racial or ethnic origin, religion or belief, disability, age, sexual orientation and gender, and Directive (EU) 2024/1500<sup>86</sup>, addressing gender equality. Building on the original Racial Equality Directive requirement to designate equality bodies, these new measures seek to rectify uneven national infrastructures, which the European Commission identified as producing wide variation in access to justice, capacity for strategic litigation and data collection<sup>87</sup>. However, academic commentators note that effectiveness will depend on ensuring genuine independence and adequate resourcing, both of which are historically inconsistent across the Member States<sup>88</sup>.

<sup>80</sup> [Directive \(EU\) 2019/882](#) of the European Parliament and of the Council of 17 April 2019 on accessibility requirements for products and services (European Accessibility Act), OJ L 151, 7 June 2019.

<sup>81</sup> Article 31 of the European Accessibility Act set the transposition deadline on 28 June 2022, with Member States having to apply the transposition measures by 28 June 2025 (paragraphs 1 and 2). Notwithstanding, Article 31(3) provided the possibility that Member States delay the application of the relevant measures to 28 June 2027 in the case of emergency communications to the single European emergency number '112'.

<sup>82</sup> The transitional period applies until 28 June 2030. Notwithstanding, for service contracts agreed before 28 June 2025, these may continue without alteration until they expire, but no longer than five years from that date. Regarding self-service terminals, provided these were lawfully used by service providers for the provision of services before 28 June 2025, Member States may opt to allow for their continuation until the end of their economically useful life, but no longer than 20 years after their entry into use.

<sup>83</sup> European Commission, [The EAA comes into effect in June 2025. Are you ready?](#), AccessibleEU, 2025; L. Waddington, 'The European Union', in L. Waddington and A. Lawson (eds), *The UN Convention on the Rights of Persons with Disabilities in practice: A comparative analysis of the role of courts, international law and domestic legal orders*, online edn, Oxford Academic, 2018, pp. 131–152.

<sup>84</sup> A. Broderick, 'The European Accessibility Act: A paradigm of inclusive digital equality for persons with disabilities?', in C. Ricci (ed.), *Building an inclusive digital society for persons with disabilities, new challenges and future potentials*, Pavia University Press, 2019, pp. 19–38.

<sup>85</sup> [Council Directive \(EU\) 2024/1499](#) of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC, OJ L 29.5.2024.

<sup>86</sup> [Directive \(EU\) 2024/1500](#) of the European Parliament and of the Council of 14 May 2024 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 amending Directives 2006/54/EC and 2010/41/EU, PE/92/2023/REV/1, OJ L, 2024/1500, 29.5.2024.

<sup>87</sup> N. Crowley, [Strengthening the role and independence of equality bodies](#), Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2023.

<sup>88</sup> Euractiv, [Handbook on the Racial Equality Directive with a special focus on Italy, Romania and Sweden: Independent report](#), 2020.

A series of other EU directives consolidate equality in employment and related domains. These include the **Gender Equality Directive (recast)**<sup>89</sup>, the **Gender Self-Employment Directive**<sup>90</sup>, and the **Directive on public-sector web accessibility**<sup>91</sup>. The latter aligns with the European Accessibility Act by imposing harmonised accessibility standards on public-sector websites and mobile applications. This illustrates a gradual move from a litigation-driven model of equality enforcement towards a structural and preventive approach, although questions of coverage, resources and implementation remain.

The European Commission's equality strategies have provided medium-term policy focus. The **EU Strategy for the Rights of Persons with Disabilities 2021–2030**<sup>92</sup> mainstreams accessibility and non-discrimination across policy fields ranging from mobility to digitalisation, and deploys tools such as *ex-ante* accessibility requirements, EU funding conditionality, and standardisation mechanisms. It frames accessibility as an intersection of EU Charter rights, EU obligations under the UNCRPD, and internal market instruments such as the European Accessibility Act. Other EU initiatives, such as the **EU Anti-Racism Action Plan 2020–2025**<sup>93</sup>, the **LGBTIQ Equality Strategy 2026–2030**<sup>94</sup> and the **Gender Equality Strategy 2020–2025**<sup>95</sup> set priorities for tackling enforcement gaps, addressing data deficits, and ensuring legislative follow-through, including through the strengthening of equality bodies. Although these strategies do not have direct legal effect, they still influence the EU's work by shaping future legislation, setting enforcement priorities, directing funding, and informing the European Commission's reviews of how equality directives are applied. It is worth noting that several of these strategies are currently under review. Once adopted, the revised strategies will set out specific activities, measures and initiatives that the EU intends to undertake over the upcoming years to advance equality<sup>96</sup>.

The CJEU has been decisive in giving substance to key equal treatment concepts<sup>97</sup>. *Chacón Navas*<sup>98</sup> initially drew a narrow, and at the time controversial, distinction between sickness and disability, effectively limiting the scope of protection. Subsequent case law gradually aligned the concept with the UNCRPD's social model, which views disability not merely as a medical condition, but as the result of interactions between a person and societal barriers. In *HK Danmark*<sup>99</sup>, the CJEU confirmed that 'disability' entails a long-term limitation which, in interaction with various social and structural

<sup>89</sup> [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 (recast), OJ L 204, 26.7.2006.

<sup>90</sup> [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.

<sup>91</sup> [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.

<sup>92</sup> European Commission, Union of equality – Strategy for the rights of persons with disabilities 2021–2030, [COM\(2021\) 101](#), 2021.

<sup>93</sup> European Commission, Union of equality: EU anti-racism action plan 2020–2025, [COM\(2020\) 565](#), 2020.

<sup>94</sup> European Commission, Union of Equality: LGBTIQ + Equality Strategy 2026–2030, [COM\(2025\)725](#), 2025.

<sup>95</sup> European Commission, Union of Equality: Gender Equality Strategy 2020–2025, [COM\(2020\) 152](#), 2020. The adoption of the new Gender Equality Strategy is planned for the first quarter of 2026. See European Commission, [Call for evidence – Gender Equality Strategy 2026–2030](#), website.

<sup>96</sup> European Commission, Commission work programme 2025 – Moving forward together: A bolder, simpler and faster Union, [COM\(2025\) 45](#), 2025.

<sup>97</sup> See FRA and Council of Europe, [Handbook on European non-discrimination law](#), 2018. For a review of CJEU rulings relating to discrimination on grounds of disability in the work environment, see I. Anglmayer, [Implementation of the Employment Equality Directive in the light of the UN CRPD](#): European Implementation Assessment, EPRS, European Parliament, 2020, pp. 31–38.

<sup>98</sup> European Court of Justice, judgment in [Case C-13/05](#) – *Chacón Navas*, 2006.

<sup>99</sup> European Court of Justice, judgment in [Joined Cases C-335/11 and C-337/11](#) – *HK Danmark*, 2013.

barriers, may hinder full participation in professional life. It further clarified the duty of reasonable accommodation under Article 5 of the Employment Equality Directive, including adjustments to working hours and task allocation, while allowing exceptions only where measures would impose a disproportionate burden on the employer. The CJEU recognised discrimination by association in **Coleman**<sup>100</sup>, where it held that less favourable treatment of a worker because of the disability of her child fell within the Employment Equality Directive's prohibition, thereby unlinking protection from the claimant's own status where the unfavourable treatment is 'on grounds of' a protected characteristic. In **Kaltoft**<sup>101</sup>, the CJEU considered whether obesity can constitute a disability for the purposes of the Employment Equality Directive, answering in the affirmative where the condition entails a long-term limitation on participation in professional life. These decisions have practical consequences for employers' accommodation policies and further guide national courts in determining when the threshold of 'disproportionate burden' is met.

**CHEZ**<sup>102</sup> is the leading judgment on indirect discrimination and evidentiary standards. The CJEU found that installing electricity meters at heights inaccessible to Roma residents, though seemingly neutral, could constitute indirect discrimination on the basis of ethnic origin, demonstrating that apparently neutral rules can produce disparate effects. In doing so, the judgment clarified the notion of 'particular disadvantage' and recognised that even a non-Roma resident in the affected district could claim discrimination due to associational harm and social stigmatisation<sup>103</sup>. The case illustrates the role of structural and contextual evidence in shifting the burden of proof, a principle also used in discrimination cases related to recruitment, such as **Feryn**<sup>104</sup>, and later cases on discriminatory public statements, such as **Asociația ACCEPT**<sup>105</sup>. Discrimination based on religion or belief has similarly been shaped by **Achbita**<sup>106</sup> and **Bougnaoui**<sup>107</sup>, and more recently by **WABE and Müller**<sup>108</sup>. The CJEU recognised that an employer's neutrality policy can pursue legitimate aims, but emphasised that such policies must be strictly proportionate, i.e. necessary, applied consistently, and avoiding less restrictive alternatives. The CJEU also warned that customer preference alone cannot justify restrictions on religious expression of employees. These judgments illustrate the delicate balance between Article 16 (freedom to conduct a business) and Articles 10 and 21 of the EU Charter (freedom of religion and non-discrimination), which continue to produce varying interpretations and applications across the Member States.

Age discrimination jurisprudence, with **Kücükdeveci**<sup>109</sup> as a key reference, illustrates the growing prominence of equality as a fundamental principle in EU law. By recognising the prohibition of discrimination as a general principle rooted in the Treaties, the CJEU empowers national courts to set aside domestic provisions contrary to the principle of equal treatment, including in horizontal relationships, with practical consequences for limitation periods, available remedies, and the scope and intensity of judicial review<sup>110</sup>.

<sup>100</sup> European Court of Justice, judgment in [Case C-303/06](#) – *Coleman*, 2008.

<sup>101</sup> European Court of Justice, judgment in [Case C-354/13](#) – *FOA*, 2014.

<sup>102</sup> European Court of Justice, judgment in [Case C-83/14](#) – *CHEZ Razpredelenie Bulgaria*, 2015.

<sup>103</sup> S. B. Lahuerta, '[Ethnic discrimination, discrimination by association and the Roma community: CHEZ](#)', *Common Market Law Review*, Vol. 53 (3), 2016, pp. 797-817.

<sup>104</sup> European Court of Justice, judgment in [Case C-54/07](#) – *Feryn*, 2008.

<sup>105</sup> European Court of Justice, judgment in [Case C-81/12](#) – *Asociația ACCEPT*, 2013.

<sup>106</sup> European Court of Justice, judgment in [Case C-157/15](#) – *G4S Secure Solutions*, 2017.

<sup>107</sup> European Court of Justice, judgment in [Case C-188/15](#) – *Bougnaoui and ADDH*, 2017.

<sup>108</sup> European Court of Justice, judgment in [Joined Cases C-804/18 and C-341/19](#) – *MH Müller Handel*, 2021.

<sup>109</sup> European Court of Justice, judgment in [Case C-555/07](#) – *Kücükdeveci*, 2010.

<sup>110</sup> D. Schiek, '[Constitutional principles and horizontal effects: Kücükdeveci revisited](#)', *European Labour Law Journal*, Vol. 1(3), 2010, pp. 368-379.



Despite these advances, important gaps remain. Firstly, the lack of consensus on the adoption of the 2008 proposal for an equal treatment directive, covering access to goods and services on grounds of religion or belief, disability, age, and sexual orientation, has left uneven protection between the Racial Equality Directive's broader material scope and the Employment Equality Directive's employment-focused reach. Sectoral instruments such as the European Accessibility Act partially mitigate this gap, but individuals continue to face different levels of protection depending on the specific ground and context. Secondly, although equality bodies now benefit from a strengthened EU framework, their practical effectiveness depends on Member States' choices of investigative powers, litigation mandates (e.g. *actio popularis*<sup>111</sup>), sanctions, and independence safeguards, all of which were identified as weak in monitoring reports on the Racial Equality Directive and the Employment Equality Directive<sup>112</sup>. Thirdly, religion-related headscarf litigation continues to expose uncertainty in applying proportionality to workplace neutrality policies, with national courts diverging on how to assess genuine need, consistency, and the availability of less restrictive means in specific service settings<sup>113</sup>. Finally, while the CJEU has developed concepts such as indirect discrimination, discrimination by association, and burden of proof, comparatively few judgments address multiple or intersectional discrimination outside of employment<sup>114</sup>. The ECtHR's systemic discrimination cases offer a better framework of protection, but its translation into EU law litigation strategies, particularly in goods and services or education beyond the Racial Equality Directive's ethnic-origin ground, remains challenging.

The table below aims to provide a visual summary of what is covered under currently applicable EU legislation, with a specific focus on the grounds and areas covered by the proposed directive. This table also aims to aid the understanding of Section 2.2 and Section 3.

Table 1 – Scope of existing EU legislative and non-legislative measures

Ground	Employment	Social security and healthcare	Education	Access to goods and services, including housing
Gender	Gender Equality Directive (Directive 2006/54/EC)	Directive 79/7/EEC on equal treatment in social security	<i>Council recommendation of 28 November 2022 on pathways to school success (2022/C 469/01) *</i>	Gender Goods and Services Directive (Directive 2004/113/EC)
	Gender Self-employment Directive (Directive 2010/41/EU)*			
	<i>Gender Equality Strategy 2020–2025 (COM(2020) 152)*</i>			

<sup>111</sup> 'Actio popularis' may be defined as a claim related to a case affecting a larger and potentially unidentifiable group of persons 'whereby the organisation bringing the claim before a court acts in the public interest and represents the common good on its own behalf, without a specific complainant to support or represent' – Equality Law in Practice Working Group, [Equality Bodies working on cases without an identifiable victim: Actio popularis](#), Discussion paper, Equinet, 2022, p. 8.

<sup>112</sup> N. Crowley, [Strengthening the role and independence of equality bodies](#), Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2023.

<sup>113</sup> E. Howard, [Headscarves and the Court of Justice of the European Union: An analysis of the case law](#), Routledge, 2023.

<sup>114</sup> Centre for Intersectional Justice, [Report on the Relevance, challenges and ways forward](#), commissioned by the European Network Against Racism, 2019.

Ground	Employment	Social security and healthcare	Education	Access to goods and services, including housing
Race or ethnic origin	Racial Equality Directive (Directive 2000/43/EC)			
	EU framework for Roma equality, inclusion and participation (COM(2020) 620)*			
Religion or belief	Employment Equality Directive (Directive 2000/78/EC)	EU strategy on combating antisemitism and fostering Jewish life (2021–2030) (COM(2021) 615) <sup>115*</sup>		
Age		Council recommendation establishing a European Child Guarantee (Council Recommendation (EU) 2021/1004)*		
Disability		Strategy on rights of persons with disabilities 2021–2030*		European Accessibility Act (Directive (EU) 2019/882)*
		Directive (EU) 2024/2841 on European Disability Card*		
Sexual orientation		LGBTIQ equality strategy 2026–2030 (COM(2025) 725)*		

Note: this entry is based on the table in the EPRS briefing 'Council Directive on equal treatment: Potential European added value'<sup>116</sup>. Unlike the original, it does not use colour coding. Non-legislative measures, including Commission strategies, are shown in italics; legislative measures are not italicised. Measures adopted after 2008 are marked with an asterisk. References have been aligned with those used in this study. The table also includes reference to the Gender Self-employment Directive and to the Gender Equality Strategy 2020–2025.

## 2.2. Council position on the proposal

### 2.2.1. Overview of the legislative process

On 2 July 2008, the European Commission submitted to the Council and the European Parliament a proposal for a Council directive extending protection against discrimination on the grounds of religion or belief, disability, age, or sexual orientation to areas beyond employment<sup>117</sup>.

Following the entry into force of the **Lisbon Treaty** on 1 December 2009, the proposal became subject to the **special legislative procedure** under Article 19(1) TFEU, which requires **unanimity** in the Council after obtaining the consent of the European Parliament. The requirement for unanimity in the Council has had significant implications for the legislative process, with any single Member State in a position to block progress, making negotiations highly sensitive. This procedural requirement has been recognised as a major factor contributing to the slow and uneven advancement of the proposed directive, which has remained stalled in the Council for 17 years despite broad political and societal support for its objectives<sup>118</sup>. Successive European Commissions have maintained the proposal on their agenda and explored ways to facilitate decision-making in the area of non-discrimination, including through proposals to move to enhanced qualified majority

<sup>115</sup> European Commission, *EU strategy on combating antisemitism and fostering Jewish life (2021–2030)*, [COM\(2021\) 615](#), 2021.

<sup>116</sup> M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025.

<sup>117</sup> European Commission, *Proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation*, [COM\(2008\) 426 – 2008/0140 \(CNS\)](#), 2 July 2008.

<sup>118</sup> Migration Policy Group, [European Commission revives Equal Treatment Directive – A critical step forward for equality in the EU](#), website, 2025.

voting and the ordinary legislative procedure, as was the case with a Juncker Commission's 2019 Communication<sup>119</sup>.

The European Parliament, acting under the consultation procedure, adopted its initial **opinion on 2 April 2009**<sup>120</sup>, making a number of specific proposals, including outlawing multiple discrimination, prohibiting discrimination based on assumptions about a person's religion, beliefs, disability, or sexual orientation, and extending the prohibition of discrimination to transport. Throughout its eighth (2014 to 2019) and ninth (2019–2024) terms, the European Parliament consistently called for the adoption of the proposed directive, most recently in its **resolutions of 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU**<sup>121</sup> and of **19 April 2023 on combating discrimination in the EU – the long-awaited horizontal anti-discrimination directive**<sup>122</sup>. The European Parliament has also raised concerns about the unanimity requirement under Article 19(1)TFEU, including through the resolution of 22 November 2023 for the amendment of the Treaties, suggesting the removal of this requirement to facilitate adoption of the proposed directive<sup>123</sup>.

Similarly, FRA has recommended that the EU continue its efforts, underlining the need to eliminate the hierarchy of grounds and ensure comprehensive protection against discrimination across key areas of life<sup>124</sup>.

Since 2008, the proposal has been a recurring agenda item under successive Council Presidencies<sup>125</sup>, but agreement has consistently proven difficult to secure. While a substantial majority of Member States have expressed support for the proposed directive, recognising its value in completing the existing legal framework and addressing all four grounds of discrimination through a horizontal approach, certain delegations voice persistent concerns<sup>126</sup>. Some Member States question the need for the Commission's proposal, arguing that it could infringe on national competences and conflict with the **principles of subsidiarity and proportionality**. Specific reservations include the practicability of including multiple discrimination, as well as the extension of safeguards to social protection and education. Budgetary implications and costs for implementation, particularly in relation to the ground of disability, have been a major concern<sup>127</sup>.

Successive Council Presidencies have presented amended versions of the proposal to address these concerns and facilitate consensus, but failed to achieve unanimity<sup>128</sup>. Throughout this prolonged

<sup>119</sup> European Commission, More efficient decision-making in social policy: Identification of areas for an enhanced move to qualified majority voting, [COM\(2019\) 186](#), 2019.

<sup>120</sup> European Parliament, [Report on the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#), 20 March 2009.

<sup>121</sup> European Parliament, [Resolution](#) of 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU.

<sup>122</sup> European Parliament, [Resolution](#) of 19 April 2023 on combating discrimination in the EU – the long-awaited horizontal anti-discrimination directive.

<sup>123</sup> European Parliament, [Resolution](#) of 22 November 2023 on proposals of the European Parliament for the amendment of the Treaties.

<sup>124</sup> I. Zamfir, [Anti-discrimination Directive](#), Legislative Train Schedule, European Parliament, March 2025.

<sup>125</sup> With almost every presidency placing the file on the Council's agenda. See Council of the European Union, [Progress report](#) on the Proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, 6 June 2025, p. 2.

<sup>126</sup> Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024.

<sup>127</sup> I. Zamfir, [Anti-discrimination Directive](#), Legislative Train Schedule, European Parliament, March 2025; Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024.

<sup>128</sup> Aside from the 2024 [progress report](#) of the Belgian Council Presidency, these include, for example, the compromise proposals of the Portuguese Council Presidency in 2021 – Council of the European Union, Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [8549/21](#) – Interinstitutional File: 2008/0140(CNS), 18 May 2021; or of the

process, other EU bodies have also provided their perspectives, with the European Economic and Social Committee and the European Parliament repeatedly emphasising the importance of extending anti-discrimination protections beyond employment, signalling broad political and societal support for the initiative<sup>129</sup>. Moreover, in 2017, the European Parliament, the Council, and the European Commission proclaimed the **European Pillar of Social Rights**<sup>130</sup>, which includes as its third principle the right of every person, regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, to equal treatment and opportunities regarding employment, social protection, education, and access to goods and services available to the public. Nevertheless, these opinions and initiatives have not been sufficient to overcome the procedural and political hurdles inherent in the unanimity requirement in the Council.

Recent Council work has continued to address discrimination on the grounds covered by the proposed directive. In October 2025, the Council prepared draft conclusions on the social inclusion of persons with disabilities through the promotion of independent living<sup>131</sup>, emphasising that disability issues must be incorporated into all European policies and future equality strategies beyond 2025. The Council also reaffirmed Member States' commitment to implementing the UNCRPD and the EU Disability Strategy 2021-2030<sup>132</sup>. The Council also initiated an exchange of views on combatting hate, discrimination and violence against LGBTIQ persons<sup>133</sup>. This discussion coincided with the upcoming LGBTIQ equality strategy for 2026-2030 and aimed to strengthen cooperation to ensure equal treatment across the EU.

The **Belgian Council Presidency in 2024** renewed efforts to advance the proposal, including through multiple meetings of the Working Party on Social Questions, discussions in Coreper, and consideration at the Council level<sup>134</sup>. The Belgian Presidency tabled four sets of drafting suggestions to address outstanding concerns, clarifying Member States' obligations in education, social protection, and services of general interest, and refining provisions on differences of treatment based on age, disability, or health condition. While 24 Member States expressed support for the compromise text, three maintained reservations (Czechia, Germany, Italy<sup>135</sup>), indicating that further dialogue will be crucial if the proposed directive is to move forward<sup>136</sup>.

In early 2025, the **Polish Presidency** attempted to relaunch discussions based on the Belgian proposed revision. However, continued opposition from Czechia, Italy and Germany led the European Commission to initially include the proposal in its 2025 draft withdrawal list due to 'no

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Romanian Presidency in 2019 – Council of the European Union, Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [10740/19](#) – Interinstitutional File: 2008/0140(COD), 26 June 2019.

<sup>129</sup> European Parliament, [Resolution](#) of 20 May 2008 on progress made in equal opportunities and non-discrimination in the EU (the transposition of Directives 2000/43/EC and 2000/78/EC), paragraphs 35, 37, 38, 45-47; European Parliament, [Resolution](#) of 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014), paragraph 44; European Parliament, [Resolution](#) of 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU, paragraph 5; European Parliament, [Resolution](#) of 19 April 2023 on combating discrimination in the EU – the long-awaited horizontal anti-discrimination directive, paragraphs 1, 3, 4, 6.

<sup>130</sup> European Commission, [The European Pillar of Social Rights action plan](#), 2021.

<sup>131</sup> Council of the European Union, [Draft Council Conclusions](#) on the social inclusion of persons with disabilities through the promotion of independent living, 2 October 2025.

<sup>132</sup> European Commission, Union of equality – Strategy for the rights of persons with disabilities 2021-2030, [COM\(2021\) 101](#), 2021.

<sup>133</sup> Council of the European Union, [Exchange of views](#) – Combating hate, discrimination and violence against LGBTIQ persons, 1 October 2025.

<sup>134</sup> Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024, p. 5.

<sup>135</sup> I. Zamfir, [Anti-discrimination Directive](#), Legislative Train Schedule, European Parliament, September 2025.

<sup>136</sup> *ibid.*

*foreseeable agreement'*, with no further details or information on an alternative initiative<sup>137</sup>. Following consultations and opposition from Member States, the European Parliament and civil society, the European Commission decided in July 2025 not to withdraw the Directive, according to unofficial sources<sup>138</sup>. This was officially confirmed on 6 October 2025, when the European Commission published the final withdrawals list in the Official Journal.<sup>139</sup>

Subsequently, the **Danish Presidency**, which has been holding the rotating presidency since July 2025, announced its intention to continue to work on the proposed directive, provided it remained 'on the table'<sup>140</sup>. Reflecting this commitment, the Danish Presidency brought the file forward for discussion at the Working Party on Social Questions meeting held on 2 October 2025<sup>141</sup>.

### 2.2.2. State of play of the legislative process: Council progress report 2024

The original 2008 Commission proposal for a horizontal equal treatment directive was conceived as a far-reaching instrument to extend protection against discrimination. At the time, protection against discrimination was firmly established in the field of employment, but remained weak or non-existent in other areas of social life<sup>142</sup>. The proposed directive sought to remedy this gap by extending equal treatment on the grounds of religion or belief, disability, age and sexual orientation to social protection, including social security and healthcare, education, and access to goods and services, including housing<sup>143</sup>. The scope of the proposal was deliberately broad, and its general clauses were formulated to ensure that individuals would enjoy comparable protection across all Member States, irrespective of the sector in which discrimination occurred. In this sense, the proposal was framed as a cross-cutting, horizontal measure building on the pre-existing equality *acquis*. However, from the outset, Member States expressed concerns about subsidiarity, financial implications, and the division of competences, which led to prolonged negotiations that gradually reshaped the content of the proposal (see Section 2.2.1). The 2024 compromise text prepared by the Belgian Presidency embodies the revisions in response to these concerns, as well as additions and clarifications to the text<sup>144</sup>.

One of the most significant changes concerned the approach to **disability**. Article 4(1) of the Commission's proposal went beyond individual accommodation and contemplated a **general obligation of accessibility** across areas such as social protection, healthcare, education, housing, transport, and access to goods and services. Measures were to be provided *by anticipation*, including through appropriate modifications or adjustments, and were only limited by the requirement not to impose a disproportionate burden or require fundamental alterations to products and services<sup>145</sup>. This wording reflected international developments, notably the recently concluded

<sup>137</sup> European Commission, Commission work programme 2025 – Moving forward together: A bolder, simpler, faster Union, [COM\(2025\) 45](#), 2025, Annex IV (withdrawals).

<sup>138</sup> Euronews, [Exclusive: Commission has change of heart on anti-discrimination directive](#), website, 24 July 2025.

<sup>139</sup> European Commission, [Withdrawals of Commission proposals](#), OJ C, C/2025/5423, 6 October 2025.

<sup>140</sup> Danish Presidency of the Council of the European Union, [A strong Europe in a changing world: Programme July 1 – 31 December 2025](#), 2025.

<sup>141</sup> Council of the European Union, [Notice of meeting and provisional agenda](#), 1 October 2025.

<sup>142</sup> The 2000 Racial Equality Directive already extended protection against racial or ethnic discrimination beyond employment, while the Employment Equality Directive covered religion or belief, disability, age and sexual orientation, but only in employment. What was therefore missing was equivalent protection against these latter grounds of discrimination in other areas of social life.

<sup>143</sup> European Commission, Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [COM\(2008\) 426 – 2008/0140 \(CNS\)](#), 2 July 2008.

<sup>144</sup> Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024.

<sup>145</sup> See Recital 20 and Article 4 of the 2008 proposal.



UNCRPD. However, some Member States quickly identified potentially high financial and administrative costs of broad accessibility duties as an obstacle. In response, successive drafts moved away from imposing a general obligation of accessibility, with the 2024 compromise text narrowing the focus considerably. Article 4(1), together with Recitals 19a–20d, requires only the provision of **reasonable accommodation** in the areas covered by the proposed directive, explicitly distinguishing this from any obligation to ensure general accessibility<sup>146</sup>. This change is intended to strike a balance between ensuring some level of protection for persons with disabilities while alleviating the concerns of governments about costly structural reforms<sup>147</sup>. For disability rights advocates and civil society, the removal of binding accessibility provisions represents a step backward, leaving systemic barriers in place and shifting the burden on individuals to claim accommodations on a case-by-case basis<sup>148</sup>.

Table 2 – Comparison of Article 4 wording

Commission proposal	2024 Council compromise text
<p><i>Article 4</i></p> <p><i>Equal treatment of persons with disabilities</i></p> <p>1. In order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities:</p> <p>a) The measures necessary to enable persons with disabilities to have effective non-discriminatory access to social protection, social advantages, health care, education and access to and supply of goods and services which are available to the public, including housing and transport, shall be provided by anticipation, including through appropriate modifications or adjustments. Such measures should not impose a disproportionate burden, nor require fundamental alteration of the social protection, social advantages, health care, education, or goods and services in question or require the provision of alternatives thereto.</p> <p>b) Notwithstanding the obligation to ensure effective non-discriminatory access and where needed in a particular case, reasonable accommodation shall be provided unless this would impose a disproportionate burden.</p>	<p><i>Article 4a</i></p> <p><i>Reasonable accommodation for persons with disabilities</i></p> <p>1. In order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities, reasonable accommodation shall be provided within the areas set out in Article 3.</p> <p>2. For the purpose of paragraph 1, reasonable accommodation means necessary and appropriate modification and adjustments not imposing a disproportionate burden, where needed in a particular case, to ensure the person with a disability the enjoyment or exercise on an equal basis with others of access to social protection measure, access to education, and access to and supply of goods and services within the scope of this Directive.</p> <p>3. In the provision of housing, paragraphs 1 and 2 shall not require the provider to make structural alterations to the premises or to pay for them. In accordance with national law and practice, a housing provider shall accept such alterations if they are funded otherwise and do not impose a disproportionate burden.</p> <p>4. The provisions of this Article shall be without prejudice to the provisions of Union law covering accessibility or reasonable accommodation in respect of particular goods or services.</p>

The narrowing of scope between the Commission proposal and the 2024 Council compromise text impacts **social protection**. While the Commission's proposal included healthcare, social protection, and broader 'social advantages' as essential for ensuring equal access to vital services, the 2024 text

<sup>146</sup> Recitals 19a–20d, Article 4(1), [proposed directive](#).

<sup>147</sup> Council of the European Union, [Progress report](#) on the Proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, ST 13070 2022 INIT, 16 November 2022.

<sup>148</sup> *ibid.*

focuses on social security, social assistance, social housing and healthcare. It clarifies that access includes seeking information, applying, registration, and the actual provision of services, but removes the reference to 'social advantages'<sup>149</sup>.

Table 3 – Comparison of Article 3(1) wording

Commission proposal	2024 Council compromise text
<p><i>Article 3</i></p> <p><i>Scope</i></p> <p>1. Within the limits of the powers conferred upon the Community, the prohibition of discrimination shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to:</p> <p>(a) Social protection, including social security and healthcare;</p> <p>(b) Social advantages;</p> <p>(c) Education;</p> <p>(d) Access to and supply of goods and other services which are available to the public, including housing.</p> <p>Subparagraph (d) shall apply to individuals only insofar as they are performing a professional or commercial activity.</p>	<p><i>Article 3</i></p> <p><i>Scope</i></p> <p>1. Within the limits of the competences conferred upon the European Union and within the limits set out in paragraph 2 and in full respect of the principles of subsidiarity and proportionality, the prohibition of discrimination shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to:</p> <p>(a) access to social protection, in so far as it relates to social security, and to social assistance, social housing and healthcare.</p> <p>Access under this point shall include the process of seeking information, applying and registration as well as the actual provision of social protection measures.</p> <p>(b)</p> <p>(c) access to education.</p> <p>Access under this point shall include the process of seeking information, applying and registration as well as the actual admission to and participation in educational activities;</p> <p>(d) access to and supply of goods and services, including housing, which are available to the public.</p> <p>Access under this point shall include the process of seeking information, applying, registration, ordering, booking, renting and purchasing as well as the actual provision and enjoyment of the goods and services in question.</p>

Article 3(2) explicitly preserves Member States' discretion by excluding family law, adoption, reproductive rights and related social security entitlements, indicating a deliberate limitation of the proposed directive's reach in politically sensitive areas<sup>150</sup>. **Education** remains within the scope of the proposed directive, but the 2024 compromise text clarifies and narrows EU intervention. Article 3(2)(d) explicitly safeguards Member States' control over the organisation and funding of their education systems, including the management of institutions, curricula, teaching content, examinations, eligibility conditions, fees, and age limits for schools, courses, scholarships, student grants, and loans. In addition, Article 3(2)(e) introduces an explicit exemption allowing differences of treatment based on religion or belief in religiously affiliated schools, in line with national laws, traditions, and practices. This amended wording clarifies Member States' prerogatives in education

<sup>149</sup> Article 3, [proposed directive](#).

<sup>150</sup> Article 3(2), [proposed directive](#).

and provides legal certainty regarding areas of exclusive national competence<sup>151</sup>. **Services of general interest** were similarly clarified: while the proposal did not explicitly address regional or local variations, the 2024 compromise text makes clear that differences in the provision, organisation, or level of such services across regions or municipalities do not in themselves constitute discrimination<sup>152</sup>. This change confirms Member States' broad discretion in providing, commissioning, and organising services of general interest, offering legal certainty and protecting national and subnational authorities from potential claims. Critics warn that such discretion could inadvertently reinforce regional inequalities, affecting vulnerable populations.

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<sup>151</sup> Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024.

<sup>152</sup> Article 3(5a), [proposed directive](#).



Table 4 – Comparison of Article 3 wording (save for Article 3(1))

Commission proposal	2024 Council compromise text
<p><i>Article 3</i> <i>Scope</i></p> <p>2. This Directive is without prejudice to national laws on marital or family status and reproductive rights.</p> <p>3. This Directive is without prejudice to the responsibilities of Member States for the content of teaching, activities and the organisation of their educational systems, including the provision of special needs education. Member States may provide for differences in treatment in access to educational institutions based on religion or belief.</p> <p>4. This Directive is without prejudice to national legislation ensuring the secular nature of the State, State institutions or bodies, or education, or concerning the status and activities of churches and other organisations based on religion or belief. It is equally without prejudice to national</p>	<p><i>Article 3</i> <i>Scope</i></p> <p>2. This Directive does not apply to:</p> <p>(a) matters covered by family law, including marital status and adoption, as well as reproductive rights, nor to related entitlements to social security benefits linked to marital status;</p> <p>(b) the organisation and funding of Member States' social protection systems, the setting up and management of such systems and related arrangements as well as the substance, the amount, the calculation and the duration of benefits and services, and the conditions of eligibility for these benefits and services, including age limits;</p> <p>(c)</p> <p>(d) the organisation and funding of the Member States' educational systems, including the setting up and management of educational institutions, the content of teaching and of educational activities, the development of curricula, the definition of examination processes, and the conditions of eligibility, including the setting of fees as well as age limits for schools, courses or scholarships, student grants and loans;</p> <p>(e) differences of treatment based on a person's religion or belief in respect of admission to educational institutions, the ethos of which is based on religion or belief, in accordance with national laws, traditions and practice.</p> <p>(f) access to and supply of goods and services, including housing, which are offered within the area of private and family life and the transactions carried out in this context.</p> <p>3.</p> <p>3a. This Directive is without prejudice to national measures authorising or prohibiting the wearing of religious symbols and does not limit the competence of Member States in these matters.</p> <p>4. This Directive is without prejudice to national legislation ensuring the secular nature of the State, State institutions or bodies, or education, or concerning the status of churches and other organisations based on religion or belief and does not limit the competence of Member States in these matters as recognised by Article 17 of the Treaty on the Functioning of the European Union.</p>

<p>legislation promoting equality between men and women.</p> <p>5. This Directive does not cover differences of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons in the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.</p>	<p>4a. This Directive is without prejudice to targeted national measures granting non-discriminatory preferential treatment as regards certain social benefits where and as long as this is necessary to address the demographic challenge of declining birth rates as evidenced by accurate data demonstrating such a decline in birth rates.</p> <p>5. This Directive does not cover differences of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons in the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.</p> <p>5a. Differences of treatment resulting from regional or local variations in the level of services of general interest do not constitute discrimination within the meaning of this Directive.</p>
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Beyond these substantive changes, the 2024 compromise text introduces new provisions and clarifications absent from the Commission's proposal. For example, the Council document provides much more detailed and extensive guidance on **financial services**<sup>153</sup>. While the Commission proposal allowed proportionate differences in treatment based on age or disability where these were key risk factors, the 2024 compromise text clarifies that differences in premiums, benefits, prices, charges, or fees in insurance, banking, and other financial services do not constitute discrimination. It specifies that such differences must be objectively justified by a legitimate aim, necessary and appropriate to achieve that aim, and based on accurate, relevant, and up-to-date actuarial or statistical data, or, where unavailable, on reliable medical knowledge, while taking account of the individual applicant's situation. This brings better clarity to exceptions relating to age and health conditions in financial services.

<sup>153</sup> Article 2(7a) and (7), [proposed directive](#).

Table 5 – Comparison of Article 2 wording

Commission proposal	2024 Council compromise text
<p><i>Article 2</i> <i>Concept of discrimination</i></p> <p>7. Notwithstanding paragraph 2, in the provision of financial services Member States may permit proportionate differences in treatment where, for the product in question, the use of age or disability is a key factor in the assessment of risk based on relevant and accurate actuarial or statistical data.</p>	<p><i>Article 2</i> <i>Concept of discrimination</i></p> <p>7a. Differences in individuals' premiums, insurance benefits, prices, charges or fees in the provision of insurance, banking and other financial services based on age shall not constitute age discrimination in case such differences are objectively and reasonably justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. This shall be the case only if the use of age is a determining factor in the assessment of risk for the service in question and only to the extent the assessment of the risks is based on accurate, relevant and up-to-date actuarial or statistical data or—if this data is not available or is insufficient—based on relevant and reliable medical knowledge and the assessment of the risks takes account of the individual situation of the applicant for the insurance, banking or other financial service.</p> <p>7. Differences in individuals' premiums, insurance benefits, prices, charges or fees in the provision of insurance, banking and other financial services based on a health condition shall not constitute discrimination within the meaning of this Directive in case such differences are objectively and reasonably justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. This shall be the case only if the use of health condition is a determining factor in the assessment of risk for the service in question and shall be the case only to the extent the assessment of risks is based on accurate, relevant and up-to-date actuarial or statistical data or—if this data is not available or is insufficient—based on relevant and reliable medical knowledge and the assessment of the risks takes account of the individual situation of the applicant for the insurance, banking or other financial service.</p>

Article 2(3) of the proposed directive introduces the concept of multiple and intersectional discrimination, recognising that disadvantage may arise from a combination of protected grounds<sup>154</sup>. Article 3(4) sets out an explicit safeguard allowing Member States to adopt measures to address **demographic challenges, such as declining birth rates**, without fear that such measures will be challenged as discriminatory<sup>155</sup>. Another amendment **strengthens the recital's language on subsidiarity and proportionality**. The Belgian Presidency's compromise text goes to considerable

<sup>154</sup> Article 2(3), [proposed directive](#).

<sup>155</sup> Article 3(4), [proposed directive](#).

lengths to emphasise that the proposed directive had been subjected to a careful assessment of these principles, as reflected in Recital 9 and Article 3(1)<sup>156</sup>. Procedural changes have also been introduced, with the transposition period shortened to three years and the reporting obligation extended to four years<sup>157</sup>.

By mid-2024, 24 Member States supported the compromise text, leaving three in opposition (Czechia, Germany, Italy)<sup>158</sup>.

The remainder of the study builds on this context, analysing the impact of the proposed directive as amended by the 2024 Belgian Council progress report (hereinafter: proposed directive), with particular focus on its EU added value, coherence, effectiveness, and efficiency in addressing the set policy objectives.

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<sup>156</sup> Recital 9 and Article 3(1), [proposed directive](#).

<sup>157</sup> Article 15(2), [proposed directive](#).

<sup>158</sup> I. Zamfir, [Anti-discrimination Directive](#), Legislative Train Schedule, European Parliament, March 2025.

### 3. Assessment of impacts

This chapter examines the potential impacts of the proposed directive by assessing its **EU added value**, **coherence** with existing instruments, **effectiveness** in achieving its objectives, and **efficiency** in expected costs and benefits.

The intervention logic (see Figure 1) presents the guiding framework for analysing these assessment criteria. It identifies the problem to be tackled and maps the general and specific objectives of the proposed directive and the expected results thereof. It clarifies the causal pathways between actions and results and serves as the reference point for the assessment of the proposed directive's compliance with 'better regulation' criteria.

Figure 1 – Intervention logic



#### 3.1. EU added value

This section examines whether there is a legal basis for EU action and considers whether the principle of subsidiarity is respected. It also explores why the EU should act, how it should do so, and whether the objectives could be better achieved by Member States acting alone or at the Union level.

##### 3.1.1. Legal basis

The proposed directive relies on a clear legal basis, as set forth in **Article 19(1)** TFEU.

### Article 19(1) TFEU

Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the **Council, acting unanimously** in accordance with a special legislative procedure and after obtaining the **consent** of the **European Parliament**, may take **appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.**

This legal basis entails a **special legislative procedure**, which requires the consent of the European Parliament and unanimity within the Council of the EU. Under Article 19(1) TFEU, the Union is empowered to legislate against discrimination on various grounds, including the four grounds covered by the proposed directive.

As this Treaty Article falls under the Union's **shared competence**<sup>159</sup>, the Union and Member States may each legislate on it. This triggers the need for a subsidiarity analysis to assess whether the objectives can be better achieved by Union action rather than action by the Member States.

The proposed directive aims to complement existing non-discrimination legislation adopted under Article 13 of the Treaty Establishing the European Community (TEC) (the predecessor to Article 19 TFEU), particularly the Racial Equality Directive<sup>160</sup>, the Employment Equality Directive<sup>161</sup> and the Gender Equal Access to Goods and Services Directive<sup>162</sup>, by extending protection on the grounds of religion or belief, disability, age and sexual orientation beyond the area of employment. Notable, that the more recently adopted Directive (EU) 2024/1499<sup>163</sup> on standards for equality bodies is also based on Article 19(1) TFEU.

### 3.1.2. Subsidiarity

As set out in Article 5(3) TEU, the principle of subsidiarity requires an assessment of whether the objectives of the proposed directive **can be sufficiently achieved by Member States acting alone** or if they are unable to secure the necessary level of protection by acting individually.

<sup>159</sup> Shared competences (Article 4 of the TFEU). The EU and its Member States are able to legislate and adopt legally binding acts. Member States exercise their own competence where the EU does not exercise, or has decided not to exercise, its own competence.

<sup>160</sup> [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.

<sup>161</sup> [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.

<sup>162</sup> [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.

<sup>163</sup> [Council Directive \(EU\) 2024/1499](#) of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC, OJ L 29.5.2024.

### Article 5(3) TEU

Under the **principle of subsidiarity**, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. [...]

According to the **impact assessment**<sup>164</sup> accompanying the 2008 Commission proposal, national measures alone could neither ensure a common minimum level of protection nor prevent fragmentation. It also found that the choice of instrument and the inclusion of flexibilities respected the prerogatives and national specificities of Member States. The assessment noted that similar measures had already been adopted through other directives, which also satisfied the subsidiarity considerations.

However, progress reports from the different Council Presidencies since 2008 have recorded several Member States' **concerns about subsidiarity**<sup>165</sup>. Questions of whether action at EU level is justified in sensitive areas such as education or social protection<sup>166</sup> led to the narrowing of the material scope of the proposed directive to satisfy the subsidiarity test. The proposed directive clarifies, under Recital 17a and Article 3(1)–(2), that Member State competence in the organisation and funding of their social protection and education systems remains unaffected, as the proposed directive merely ensures that discriminatory barriers to access are removed across the EU. Moreover, recital 11 of the proposed directive explicitly recognises the broad discretion and competence of Member States in providing, commissioning and organising services of general interest. Provisions such as the 'without prejudice' clauses reinforce the design features intended to ensure the fulfilment of subsidiarity and support the view that the proposal aims to set minimum requirements, limiting interference with Member States' choices.

The proposed directive thus **complies with the principle of subsidiarity**. Divergent national rules and the cross-border implications of unequal treatment demonstrate that Member States alone cannot sufficiently promote equal treatment, increase protection and social inclusion, or combat discrimination on the grounds of religion or belief, disability, age, or sexual orientation beyond employment. The proposed directive preserves national competence and leaves no ambiguity in the scope of its action. EU action can therefore ensure a more consistent approach while respecting national competences.

### 3.1.3. Necessity

The necessity of EU action is assessed in relation to the **consequences of inaction**. This involves considering the need to uphold Treaty objectives and fundamental rights, ensuring that the EU intervenes only where Member States cannot sufficiently achieve the objectives on their own and where Union-level action can deliver greater effectiveness.

Outside employment, **EU law** provides protection for discrimination only on the grounds of race and sex, leaving religion or belief, disability, age and sexual orientation to be regulated solely by national

<sup>164</sup> European Commission, Staff working document: Accompanying the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [Impact assessment](#), SEC(2008) 2180, 2 July 2008.

<sup>165</sup> Council of the European Union, [Progress report](#) on the Proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, 6 June 2025.

<sup>166</sup> Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024, p. 2.



frameworks. However, the national legal frameworks on anti-discrimination outside of employment are **fragmented**<sup>167</sup>. While some Member States have adopted comprehensive protection, others provide **only partial or no coverage** in areas such as social protection, education, and access to goods and services<sup>168</sup>. These divergences mean that the level of protection varies from one country to another, producing unequal access to rights and differences in treatment for individuals moving across borders within the Union<sup>169</sup>.

#### Article 2 TEU

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Equality and non-discrimination are founding values of the Union and form part of the **Treaty objectives**. Article 2 TEU identifies equality as a core Union value, while Article 3(3) TEU commits the EU to combating social exclusion and discrimination. According to Article 10 TFEU, the Union should aim to combat discrimination in all its policies, with Article 19(1) providing the specific legal base for adopting measures to that effect (see Section 3.1.1). Article 21 of the EU Charter also prohibits discrimination<sup>170</sup>. Accordingly, the EU's ability to fulfil these Treaty obligations is compromised if protection against discrimination remains incomplete in large parts of the Union. The stakeholder consultation carried out in the context of the study further highlighted that closing this gap is seen as part of the EU's responsibility to uphold its fundamental values, including international human rights standards, fundamental rights, equality, justice, and access to rights<sup>171</sup>.

The fact that Member States currently have different protection regimes could prevent people from exercising their **right to free movement**<sup>172</sup>, as they may be reluctant to travel to other Member States where they would receive less protection<sup>173</sup>. Discrimination in accessing education, housing or healthcare can deter mobility<sup>174</sup>. The proposed directive aims to ensure that individuals moving between Member States retain basic protection against discrimination when accessing essential services, thereby reinforcing the internal market. The stakeholder consultation emphasised that although the proposed directive does not cover employment, inconsistent protection of social rights across the Member States indirectly affects workers' mobility, as differences in access to healthcare,

<sup>167</sup> M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025.

<sup>168</sup> See national alignment categorisation in Annex I.

<sup>169</sup> FRA, [Equality in the EU 20 years on from the initial implementation of the equality directives](#), 2021, pp. 10, 40; European Commission, Union of Equality: LGBTIQ Equality Strategy 2026–2030, [COM\(2025\)725](#), 2025.

<sup>170</sup> Article 21, [Charter of Fundamental Rights of the European Union](#), OJ C 326, 26.10.2012.

<sup>171</sup> For example, interview with an NGO representative on 10 June 2025.

<sup>172</sup> M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025.

<sup>173</sup> Interview with an NGO representative on 22 May 2025.

<sup>174</sup> European Commission, Staff working document: Accompanying the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [Impact assessment](#), SEC(2008) 2180, 2 July 2008; European Citizen Action Service, [Freedom of movement in the EU: A look behind the curtain](#), 2018, p. 46 – referring to discrimination as a potential obstacle for citizens while residing in other Member States.



social assistance, housing, or education may discourage individuals from moving to another country or create unequal conditions for those who do<sup>175</sup>.

Turning to **international obligations**, the EU is a signatory to the UNCRPD. Articles 4 and 5 UNCRPD<sup>176</sup> oblige state parties to take all appropriate measures to combat discrimination and ensure protection for all persons with disabilities, including by providing reasonable accommodation beyond the area of employment. Without further EU action, the Union would not fully meet its obligations under the UNCRPD. Recent reports recall that, with regard to disability discrimination, Article 13 TEC (the predecessor to Article 19 TFEU) has served as the legal basis for only one legislative act: the Employment Equality Directive. Owing to its sectoral focus on employment and vocational training, this Directive provides only a partial implementation of Article 5 of the UNCRPD<sup>177</sup>.

Notable that all EU Member States have already ratified the UNCRPD. Moreover, 23 Member States<sup>178</sup> have also ratified the Optional Protocol of the UNCRPD<sup>179</sup>. At the EU level, the FRA systematically reports on the UNCRPD's implementation by the Member States. For example, its 2023 fundamental rights report highlights that progress in meeting the relevant standards remains uneven across the Member States<sup>180</sup>. By setting coordinated minimum standards, the proposed directive could help Member States translate their UNCRPD commitments into more consistent protection across the Union.

Similarly, the European Social Charter (Part V, Article E)<sup>181</sup> and the ECHR (Article 14; Protocol No. 12)<sup>182</sup> establish anti-discrimination duties that are binding on all Council of Europe Member States. EU-level legislation could give consistent effect to these international commitments across the EU.

The fact that some grounds are protected in some areas at EU level and others are not has resulted in a **'hierarchy of grounds'**<sup>183</sup> that undermines the overall coherence of the Union's equality framework<sup>184</sup> and leads to disparities at national level. Despite many Member States having advanced legislation on religion or belief, age, disability and sexual orientation<sup>185</sup>, national legal frameworks remain highly fragmented<sup>186</sup>. This results in **uneven levels of protection, persistent divergences and legal uncertainty** in certain areas, leaving individuals' rights dependent on their country of residence and in a hierarchy of protection, a situation that is **inconsistent with the EU's**

<sup>175</sup> Interview with representative of social partner organisation on 23 June 2025.

<sup>176</sup> Articles 4 and 5, [UNCRPD](#).

<sup>177</sup> See for example, European Commission, [Annotated review of European Union law and policy with reference to disability](#), December 2024, p. 137; European Disability Forum, [Alternative report for the second review of the European Union by the CRPD Committee, Submission for the adoption of Concluding observations on the EU](#), 2025, p. 25.

<sup>178</sup> All EU Member States, but Bulgaria, the Netherlands, Poland and Romania.

<sup>179</sup> For the ratification status, see: UN, [Optional Protocol to the Convention on the Rights of Persons with Disabilities - Status](#), United Nations Treaty Collection, 2006.

<sup>180</sup> FRA, [Fundamental rights report](#), 2023, Section 10.2.

<sup>181</sup> Council of Europe, [European Social Charter \(revised\)](#), ETS No. 163, Strasbourg, 3 May 1996.

<sup>182</sup> Council of Europe, [European Convention on Human Rights](#), as amended by Protocols Nos. 11, 14 and 15, ETS No. 005, 4 November 1950.

<sup>183</sup> FRA, [Fundamental rights report](#), 2018.

<sup>184</sup> FRA, [Equality in the EU: 20 years on from the initial implementation of the equality directives](#), 2021, p. 10.

<sup>185</sup> I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024, p. 11.

<sup>186</sup> See national alignment categorisation in Annex I.

**legal and political commitments**<sup>187</sup>. The stakeholder consultation revealed that this highly fragmented legal protection also exists at the level of the Member States, where some laws cover social protection and others cover housing, for example, with no comprehensive framework. This makes it difficult for individuals to understand their rights<sup>188</sup> and results in substantial and persistent reported discrimination in key areas of life<sup>189</sup>. Without the proposed directive, the difference in levels of protection would persist<sup>190</sup>, national laws across Member States would remain inconsistent and inadequate<sup>191</sup>, and victims would continue to face significant barriers when attempting to **access justice**, often lacking effective remedies. In particular, without legislation providing a clear legal basis, victims would lack the means to seek redress and enforce their rights before the courts<sup>192</sup>. Legal fragmentation also contributes to **low awareness of rights** and **underreporting** of discrimination incidents, as people are less likely to report incidents when protection is unclear or absent<sup>193</sup>. This in turn limits the availability of statistical data on discrimination and weakens evidence-based arguments for policymakers.

Quantitative evidence of barriers comes, among others, from the European Social Survey (ESS), which provides insight into **the evolving situation of persons experiencing and reporting discrimination on various grounds from 2008 to 2023**. Individuals identifying age as the basis for discrimination were the only group to show a decline in the percentage reporting such experience, with a decrease of six percentage points (pp). It is a notable decrease; however, this group began the period with the highest level of reported discrimination, at 19 %. Reported discrimination against persons with disabilities has seen slight variations over the reporting period, peaking at 10 % in 2020, but overall remaining nearly unchanged, at 8 %. Reported discrimination on the grounds of religion has increased from 10 % to 16 %, as the only group not following the upward trend in 2020. Reported discrimination on the grounds of sexuality<sup>194</sup> has seen a tripling in the population reporting discrimination, from 4 % to 12 %. In general, it should be noted that there is a distinction between reported and factual or experienced discrimination, particularly due to the widespread underreporting of such cases.

<sup>187</sup> FRA, [Equality in the EU 20 years on from the initial implementation of the equality directives](#), 2021, p. 10.

<sup>188</sup> Interview with NGO representative on 2 June 2025.

<sup>189</sup> FRA, [Equality in the EU 20 years on from the initial implementation of the equality directives](#), 2021.

<sup>190</sup> Interview with NGO representative on 22 May 2025; Interview with NGO representative on 2 June 2025; Interview with representatives of a European agency on 12 June 2025.

<sup>191</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>192</sup> Interview with NGO representative on 10 June 2025.

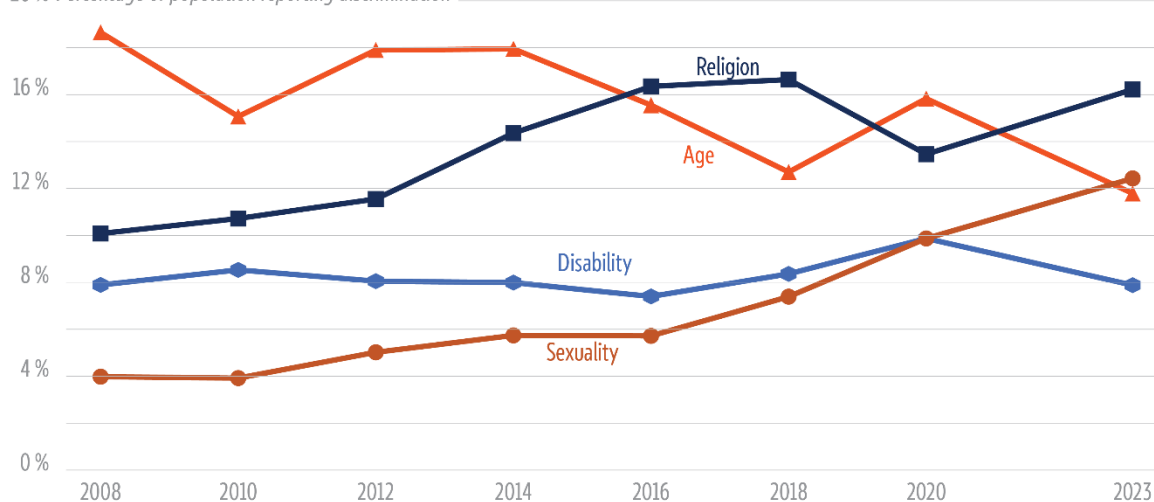
<sup>193</sup> Interview with representatives of a European agency on 12 June 2025; FRA, [Second European Union minorities and discrimination survey, main results](#), 2017.

<sup>194</sup> The European Social Survey asked 'On what grounds is your group discriminated against?' and the response options included sexuality, which in this analysis is taken to be equivalent to sexual orientation.

Figure 2 – Percentage of respondents reporting having experienced discrimination, by ground, 2008–2023

Percentage of respondents reporting having experienced discrimination

20 % Percentage of population reporting discrimination



Source: ESS 2008–2023; authors' own calculations.

**Age discrimination** is among the least protected grounds at EU level<sup>195</sup>. The stakeholders consulted<sup>196</sup> highlighted that age, unlike gender, race, LGBTIQ rights, and rights of persons with disabilities, does not have a dedicated EU strategy or action plan<sup>197</sup>. It was also noted that this lack of protection was particularly evident during the COVID-19 pandemic, with older people denied access to necessary healthcare solely based on their age<sup>198</sup>. While other groups could challenge discrimination through national laws or international instruments such as the UNCPRD, older people lack equivalent protections. Cases relating to the denial of treatment on the basis of age often do not reach the courts<sup>199</sup>. To illustrate where comprehensive protection across different areas is needed and how the proposed directive could help to close the gap, the stakeholder consultation highlighted that, currently, only four Member States provide legal protection for older people when accessing digital services<sup>200</sup>. This highlights the need for harmonisation, or at least the establishment of legal protections. With ageing populations and an increasing reliance on digital public services, this issue is becoming more urgent<sup>201</sup>. Considering that age-based discrimination is an under-litigated and under-examined area, and the fact that ageism is thought to reduce life expectancy by up to seven and a half years<sup>202</sup>, there is significant potential for EU development<sup>203</sup>, especially in light

<sup>195</sup> E. Dewhurst, 'Is age exceptional? Challenging existing rationales and exploring realities', *Harvard Human Rights Journal*, Vol. 36, 2023, pp. 247–260.

<sup>196</sup> For example, interview with NGO representative on 2 June 2025.

<sup>197</sup> European Commission, Union of equality – Strategy for the rights of persons with disabilities 2021–2030, [COM\(2021\) 101](#), 2021; European Commission, Union of equality: EU anti-racism action plan 2020–2025, [COM\(2020\) 565](#), 2020; European Commission, Union of Equality: European Commission, Union of Equality: LGBTIQ Equality Strategy 2026–2030, [COM\(2025\)725](#), 2025.

<sup>198</sup> Interview with NGO representative on 2 June 2025.

<sup>199</sup> *ibid.*

<sup>200</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>201</sup> FRA, [Fundamental rights of older people: ensuring access to public services in digital societies](#), 2023.

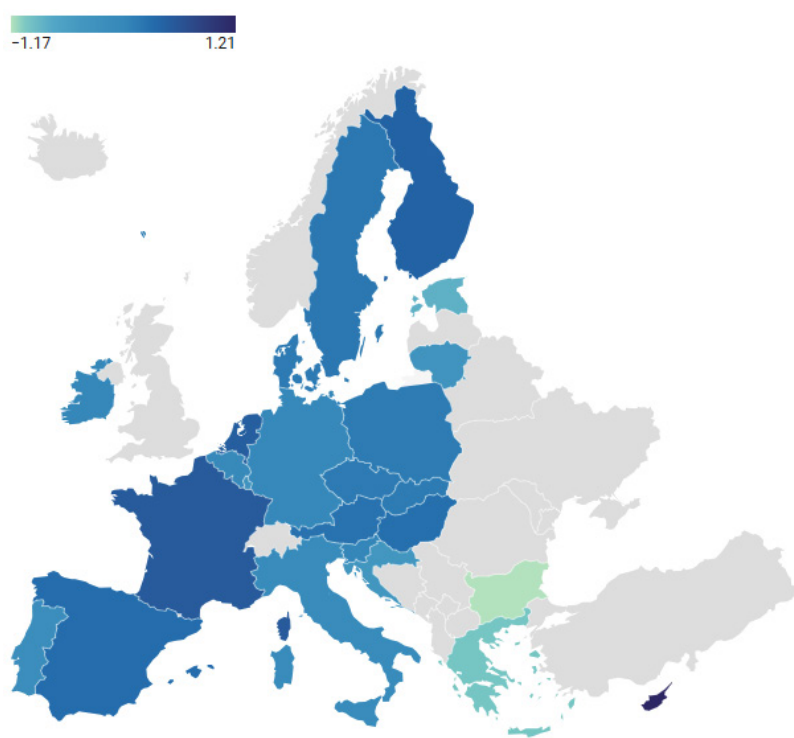
<sup>202</sup> WHO, [Ageing: Ageism, questions and answers](#), website, April 2025.

<sup>203</sup> For example, written reply by representatives of an international organisation on 3 June 2025.

of the efforts to adopt a UN Convention on the Rights of Older Persons<sup>204</sup>. The World Health Organization (WHO) has also identified legislation and policy as key strategies to combat ageism<sup>205</sup>.

Despite existing legal challenges, reported age-based discrimination has decreased in more Member States compared to other grounds. Map 1 shows the change (in pp) in the reported levels of discrimination on the grounds of age from 2008 to 2023, based on the ESS. Nine Member States experienced a decrease, ranging from more than 1 pp in Bulgaria to 0.03 pp in Belgium. Other Member States showing a decrease include Germany, Estonia, Greece Croatia, Italy, Lithuania, and Portugal. The largest increases in reported discrimination were in Cyprus and France, at 1.2 and 0.5 pp, respectively.

Map 1 – Change in reported discrimination on the grounds of age (pp), ESS 2008–2023\*



\*Note: Some Member States were not represented in every round of the ESS. In Austria, the difference is calculated between 2014 and 2023; in Italy, between 2012 and 2023; in Lithuania, between 2010 and 2023; in Bulgaria, Czechia, and Estonia, between 2008 and 2020; and in Denmark, between 2008 and 2018. Romania and Latvia only appear once in the ESS rounds. Luxembourg and Malta are not included in any ESS rounds.

**Persons with disabilities** continue to face discrimination in social protection, education and access to and supply of goods and services<sup>206</sup>. They are, for instance four times more likely to report unmet healthcare needs than those without disabilities<sup>207</sup>. Early school leaving is also significantly higher, affecting 22.2 % of young persons with disabilities aged 18–24, compared to 8.4 % of their peers

<sup>204</sup> In April 2025, the UNHCR decided to initiate the intergovernmental process of drafting the UN Convention on the Rights of Older Persons, see: Human Rights Watch, [UN: Treaty on Older People's Rights Moves Ahead - Proposed international instrument will strengthen protections for a population at risk](#), news release, 3 April 2025.

<sup>205</sup> WHO, [Ageing: Ageism, questions and answers](#), website, April 2025.

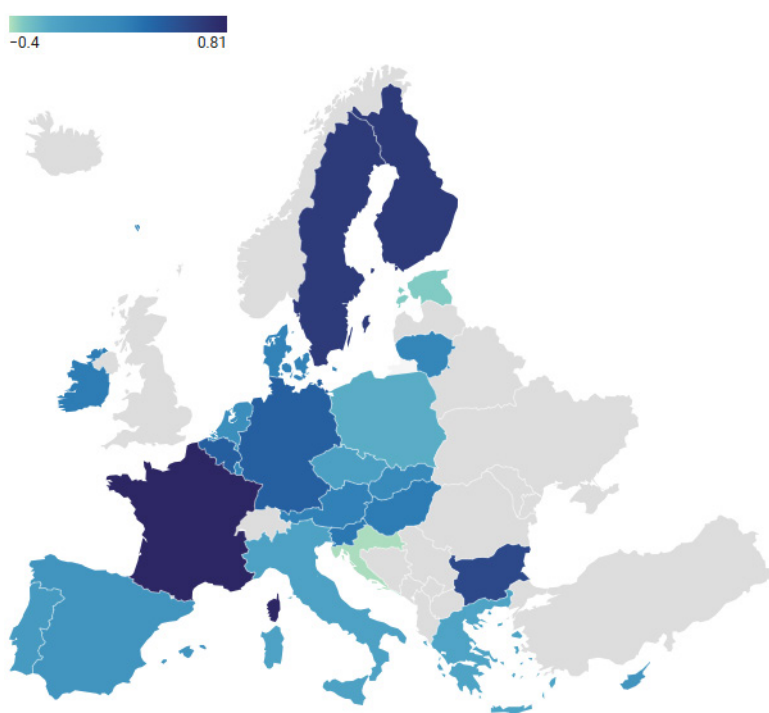
<sup>206</sup> European Court of Auditors, Supporting persons with disabilities. Practical impact of EU action is limited, [Special report 20/2023](#), 2023.

<sup>207</sup> D. Ahrendt and D. Chédorge-Farnier, [Respondents with disabilities hit harder by unmet medical needs](#), Eurofound, 4 February 2025.

without disabilities<sup>208</sup>. The stakeholder consultation carried out highlighted examples of discrimination against persons with intellectual disabilities, including limited opportunities to live in mainstream or community-based housing due to insufficient reasonable accommodation and inadequate information<sup>209</sup>. Similar concerns were raised in relation to education, where the absence of inclusive, person-centred curricula and insufficient teacher training limit participation in mainstream schools<sup>210</sup>. In healthcare, information is not consistently provided in easy-read formats, creating further barriers<sup>211</sup>. Stakeholders stressed that without the proposed directive, such patterns of discrimination are likely to persist, further deepening existing inequalities<sup>212</sup>.

Map 2 presents the Member States with the largest increases in reported discrimination on the grounds of disability. This includes France (+0.81 pp), Finland and Sweden (+0.7 pp each). The largest decrease was reported in Croatia and Estonia.

Map 2 – Change in reported discrimination on the grounds of disability (pp), ESS 2008–2023\*



\*Note: Some Member States were not represented in every round of the ESS. In Austria, the difference is calculated between 2014 and 2023; in Italy, between 2012 and 2023; in Lithuania, between 2010 and 2023; in Bulgaria, Czechia, and Estonia, between 2008 and 2020; and in Denmark, between 2008 and 2018. Romania and Latvia only appear once in the ESS rounds. Luxembourg and Malta are not included in any ESS rounds.

**Discrimination on the grounds of religion or belief** remains a persistent challenge in the EU<sup>213</sup>, affecting religious groups such as Muslims and Jews.

<sup>208</sup> S. Grammenos, [Comparability of statistical data on persons with disabilities across the EU](#), Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, November 2024.

<sup>209</sup> For example, interview with NGO representative on 2 June 2025.

<sup>210</sup> *ibid.*

<sup>211</sup> *ibid.*

<sup>212</sup> For example, written reply by an NGO representative on 25 June 2025.

<sup>213</sup> For example, interview with representatives of an international organisation on 5 June 2025.

Surveys and recent research highlight that reported discrimination, intimidation and harassment against Muslims is on the rise in the EU<sup>214</sup>. FRA's EU-MIDIS II survey (2017) found widespread reported discrimination in employment, housing and healthcare<sup>215</sup>, while its 2019 Fundamental Rights Survey<sup>216</sup> revealed negative attitudes towards Muslims in everyday social relations and the workplace. Although the 2023 Eurobarometer survey<sup>217</sup> suggested a slight improvement in acceptance, this preceded the Hamas attack of 7 October 2023, after which online anti-Muslim hate speech surged dramatically<sup>218</sup>. Analyses of social media content have also documented unprecedented increases in anti-Muslim content, a trend also confirmed by the 2023 ECRI annual report<sup>219</sup>. Moreover, recent reports also confirm that Muslims continue to face barriers in several areas including access to housing, public transport, shops, bars, administrative and public services, education and health<sup>220</sup>.

At the same time, Jews face a rising level of antisemitism in the EU especially since Israel's military response in Gaza to the Hamas attack of 7 October 2023<sup>221</sup>. A 2024 survey on antisemitism found that half of respondents feared becoming victims of verbal insults or harassment, while 44 % feared physical attacks<sup>222</sup>. Moreover, following the events of 7 October 2023, some Jewish communities have reported on a 400% increase of antisemitic incidents<sup>223</sup>. To prevent such experiences, over 70 % of Jewish individuals conceal their identity at work, at school or in public. In addition, 41 % have emigrated or considered emigrating due to safety concerns. The stakeholder consultation confirmed that there are growing problems and increasing divisions based on religion<sup>224</sup>, with the rise of antisemitism posing a particular challenge, both within the EU and globally<sup>225</sup>.

The ECRI country reports highlight that while there is progress in some Member States, there is significant backlash in other countries, for instance in relation to anti-Muslim hatred or antisemitism<sup>226</sup>.

The largest reported increases in discrimination, as reported by the ESS from 2008 to 2023, were on the ground of religion (Map 3). France recorded the largest increase (nearly +2.5 pp), followed by Finland (+1.4 pp), Belgium (+1.2 pp) Germany (+1.1 pp), and Austria (+1.0 pp). The only Member States to report decreases were the Netherlands, Croatia, Czechia and Cyprus.

Map 3 – Change in reported discrimination on the ground of religion (pp), ESS 2008–2023\*

<sup>214</sup> Council of the European Union, Proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation – [Policy debate](#), 30 April 2024; Vision of Humanity, [Gaza conflict leads to rise in antisemitism and islamophobia](#), 9 May 2025.

<sup>215</sup> FRA, [Second European Union minorities and discrimination survey](#), Muslims – Selected findings, 2017, p. 9.

<sup>216</sup> FRA, [Fundamental rights survey](#), 2019.

<sup>217</sup> European Commission, [Discrimination in the European Union](#), Special Eurobarometer 535, 2023.

<sup>218</sup> This has been reported upon among others by: European Commission, [Ecosystems of hate speech online in the EU related to the Israel-Hamas conflict](#), February 2024.

<sup>219</sup> European Commission against Racism and Intolerance, [Annual report on ECRI'S activities](#) covering the period from 1 January to 31 December 2023, 2024, p. 11.

<sup>220</sup> See FRA, [Being Muslim in the EU – Experiences of discrimination, hate crime and police stops](#), 2024, p. 47 and European Commission, [The legal framework to combat anti-Muslim hate in the European Union](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, 2024, pp. 22–38.

<sup>221</sup> FRA, [Jews in Europe still face high levels of antisemitism](#), 2024.

<sup>222</sup> FRA, [Jewish people's experiences and perceptions of antisemitism – EU survey of Jewish people](#), 2024, pp. 1, 53, 94.

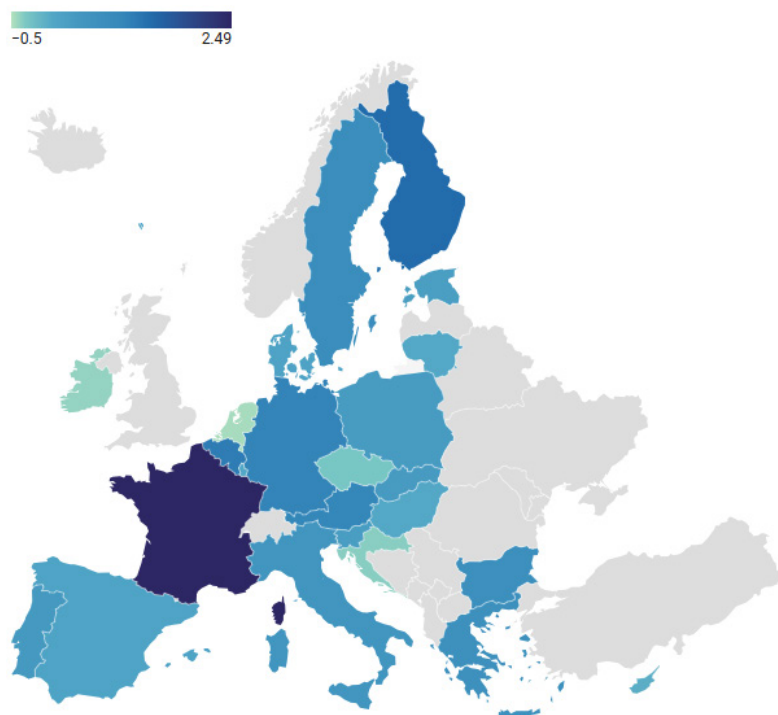
<sup>223</sup> *ibid.*, p. 24.

<sup>224</sup> For example, interview with representatives of an international organisation on 5 June 2025.

<sup>225</sup> For example, interview with representatives of a European agency on 12 June 2025.

<sup>226</sup> ECRI, [Country monitoring](#), 2025; Interview with representatives of an international organisation on 5 June 2025.





\*Note: Some Member States were not represented in every round of the ESS. In Austria, the difference is calculated between 2014 and 2023; in Italy, between 2012 and 2023; in Lithuania, between 2010 and 2023; in Bulgaria, Czechia, and Estonia, between 2008 and 2020; and in Denmark, between 2008 and 2018. Romania and Latvia only appear once in the ESS rounds. Luxembourg and Malta are not included in any ESS rounds.

Recent surveys on **LGBTIQ rights** indicate that 30 % of LGBTIQ respondents avoid public spaces due to perceived discrimination or harassment<sup>227</sup>. LGBTIQ people face discrimination in everyday life, including in housing, healthcare, and education, with consequences for their socioeconomic situation, health outcomes, mental well-being, and overall quality of life<sup>228</sup>. Figure 3 shows reported levels of discrimination in education, healthcare or social services, and housing<sup>229</sup>.

<sup>227</sup> FRA, [LGBTIQ equality at a crossroads: progress and challenges](#), 2024, p. 61.

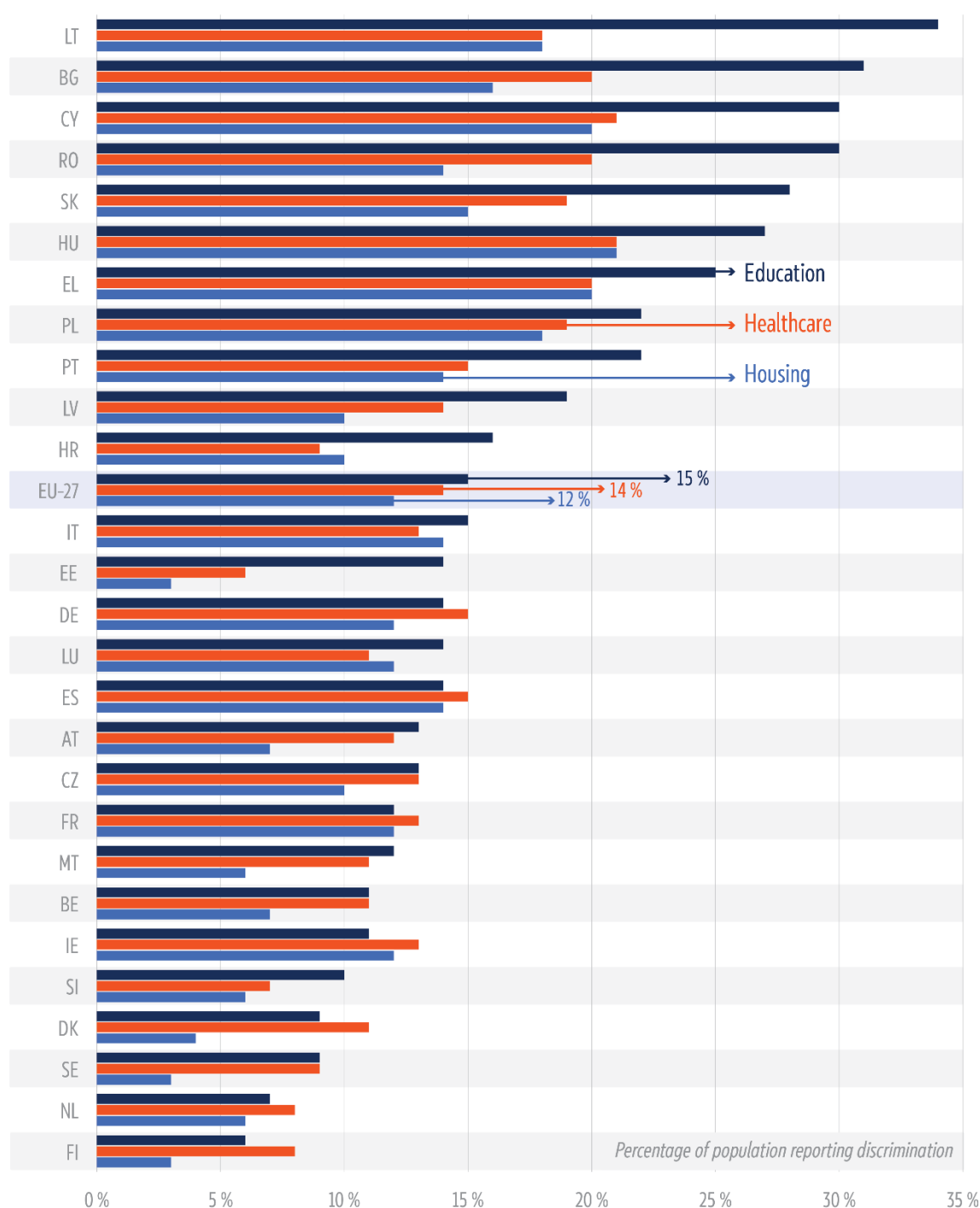
<sup>228</sup> Interview with NGO representative on 10 June 2025; FRA, [LGBTIQ equality at a crossroads: progress and challenges](#), 2024.

<sup>229</sup> FRA, [EU LGBTIQ survey III](#), 2023.



Figure 3 – Reported levels of discrimination in education, healthcare or social services, and housing, 2023

Percentage of respondents reporting having experienced discrimination



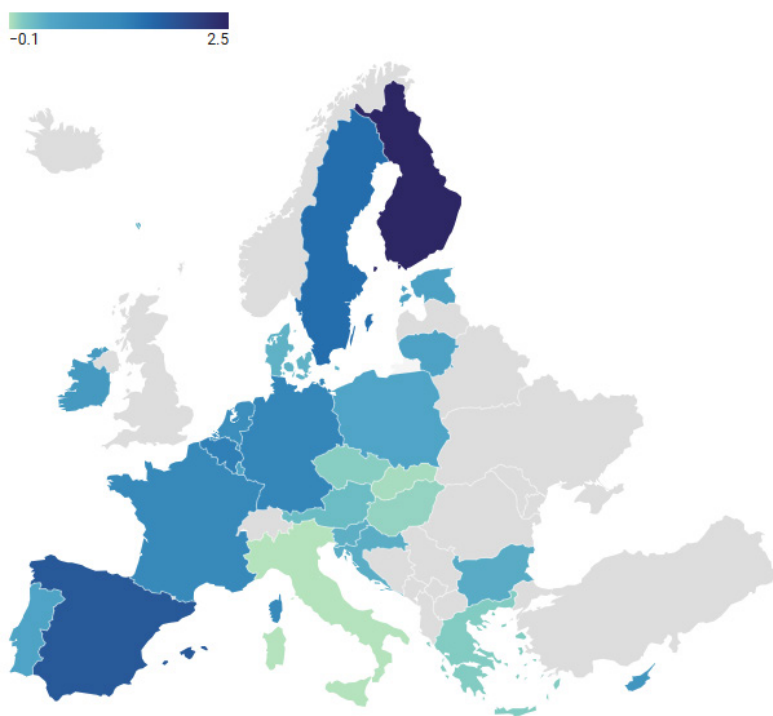
Source: FRA, EU LGBTIQ Survey III, 2023.

Note: Data sorted by the percentage of respondents that answered yes to experiencing discrimination across any of the eight areas specified in the survey.

According to the ESS, there was an increase in reported discrimination on the ground of sexual orientation (Map 4). From 2008 to 2023, only two Member States reported a decrease in the share of the population reporting discrimination, Italy and Slovakia, both less than 0.1 pp. The largest

increases were in Finland (+2.5 pp), Spain (+1.8 pp), Sweden (+1.5 pp), Belgium (+1.3 pp), Germany (+1.2 pp), and France (+1.1 pp).

Map 4 – Change in reported discrimination on the ground of sexuality (pp), ESS 2008–2023\*



\*Note: Some Member States were not represented in every round of the ESS. In Austria, the difference is calculated between 2014 and 2023; in Italy, between 2012 and 2023; in Lithuania, between 2010 and 2023; in Bulgaria, Czechia, and Estonia, between 2008 and 2020; and in Denmark, between 2008 and 2018. Romania and Latvia only appear once in the ESS rounds. Luxembourg and Malta are not included in any ESS rounds.

According to input received during the stakeholder consultation, even in countries with broader protection across areas and grounds of discrimination, there has been a significant backlash related to sexual orientation and religion – the latter particularly in the form of anti-Muslim hatred and antisemitism<sup>230</sup>.

Research also provides evidence of **significant reported discriminatory experiences faced by the four groups** in the areas covered by the proposed directive, emphasising the need for targeted action<sup>231</sup>. Enhanced EU-level protection would provide safeguards against these developing trends. When protection for targeted groups is weak, individuals and civil society organisations that support them face increasing threats, funding cuts and other pressures, affecting their ability to support victims of discrimination<sup>232</sup>.

National legislation to a large extent overlooks intersectional discrimination<sup>233</sup>. Evidence shows that disability, in particular, intersects with other grounds in ways that exacerbate vulnerability. For

<sup>230</sup> For example, interview with representative of European network on 14 May 2025.

<sup>231</sup> FRA, [Being Muslim in the EU – Experiences of discrimination, hate crime and police stops](#), 2024; FRA, [EU LGBTIQ survey III – Technical report](#), 2025; FRA, [Jewish people's experiences and perceptions of antisemitism – EU survey of Jewish people](#), 2024; FRA, [Fundamental rights of older people: ensuring access to public services in digital societies](#), 2023; FRA, [Fundamental rights report](#), 2025.

<sup>232</sup> For example, interview with representatives of a European agency on 12 June 2025.

<sup>233</sup> I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024, pp. 36–38.

example, Roma individuals with severe limitations due to disability or chronic illness report experiencing discrimination at a higher rate (11 %) than those without such limitations (4 %)<sup>234</sup>. Nearly half (46 %) of people of African descent who identify as persons with disabilities report having experienced discrimination in the last 12 months, compared to 36 % of those without a disability<sup>235</sup>. Stakeholders noted that intersectionality exacerbates discrimination<sup>236</sup> and the fragmented framework prevents an efficient intersectional approach<sup>237</sup>.

The **new standards for equality bodies**, set out in two directives adopted in 2024<sup>238</sup>, represent important milestones in the development of the EU's equality *acquis*. Stakeholder consultation suggests, however, that unless national law protects all grounds of discrimination across all areas, it will remain difficult for equality bodies to perform their work effectively<sup>239</sup>. Stakeholders also noted that without the proposed directive, Member States would probably not focus much on missing grounds and areas, partly because the current focus is on implementing the Equality Bodies Directives. Therefore, it would take longer for the situation to evolve<sup>240</sup>.

This situation is compounded by growing socio-political polarisation, populism, and resistance to equality measures<sup>241</sup>. To illustrate how equality is being given less priority, stakeholders raised concerns about the practices of US-based companies instructing their European subsidiaries to scale back or discontinue anti-discrimination and inclusion policies<sup>242</sup>. In this context, failure to adopt the proposed directive could allow discrimination to deepen further. Reaffirming commitments to equality through forward-looking strategies and legislation is therefore essential, both symbolically and in practice<sup>243</sup>.

To conclude, **if the proposed directive is not adopted, Treaty objectives and international obligations would continue to be compromised**. The status quo of fragmented and unequal protection would persist, leaving people at risk of discrimination exposed in key aspects of daily life.

<sup>234</sup> FRA, [Roma in 10 European countries – Main results](#): Roma survey 2021, 2022, p. 30.

<sup>235</sup> FRA, [Being black in the EU: Experiences of people of African descent](#) – EU survey on immigrants and descendants of immigrants, 2023, p. 31.

<sup>236</sup> For example, interview with representatives of a European agency on 12 June 2025.

<sup>237</sup> For example, interview with NGO representative on 18 June 2025.

<sup>238</sup> [Council Directive \(EU\) 2024/1499](#) of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, OJ L 29.5.2024; [Directive \(EU\) 2024/1500](#) of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, OJ L, 2024/1500, 29.5.2024.

<sup>239</sup> I. Zamfir, [Standards for equality bodies – Discrimination under Article 19 TFEU grounds](#), EPRS, European Parliament, June 2024; Interview with representatives of a European agency on 12 June 2025.

<sup>240</sup> This was highlighted for example via an interview with an anti-discrimination expert on 13 June 2025.

<sup>241</sup> This was highlighted for example via an interview with NGO representative on 18 June 2025 and an interview with representatives of a European agency on 12 June 2025; it is also acknowledged in several other sources, such as I. Zamfir, [Roadmap for women's rights Next steps for EU action on gender equality](#), EPRS, European Parliament, 2025; or Equinet, [25 years of equality: Milestones, challenges, and horizons](#), 2025, p. 3.

<sup>242</sup> This was particularly highlighted in interview with representative of a social partner organisation on 23 June 2025.

<sup>243</sup> For example, interview with representatives of a European agency on 12 June 2025.

Box 1 – Key national findings – Necessity<sup>244</sup>**Key national findings**

Several common patterns of discrimination were identified across the five case study countries underlying the need for EU action.

- ❖ In **Czechia**, the most pressing discrimination issues relate to discrimination against persons with disabilities, with frequent complaints about their participation in social activities and the physical accessibility of public spaces. New concerns have also arisen around the digital exclusion of older people.
- ❖ In **Germany**, discrimination remains evident in housing and services on the grounds of religion or belief, with Muslim applicants sometimes explicitly excluded, and ongoing prejudice, such as antisemitism and anti-Muslim hatred. Persons with disabilities face obstacles in accessing shops, restaurants, medical services and financial institutions, where physical barriers, insufficient accommodation and inaccessible digital systems hinder equal participation. Age-based discrimination is increasingly visible in banking and insurance, where older people are denied loans or credit cards. Multiple discrimination remains a significant concern.
- ❖ In **Italy**, students with disabilities continue to require stronger support measures to ensure full participation in education. Discrimination based on sexual orientation persists. Muslim women

<sup>244</sup> As noted in Section 1.4, stakeholder engagement at national level was challenging in some Member States, resulting in the completion of a relatively low number of interviews in the Member States concerned. As a result, the level of details provided for the countries covered by the case studies varies. **Czechia**: Interview with representative of academia on 9 July 2025; Interview with representative of an equality body on 30 June 2025. **Germany**: Interview with representative of the equality body on 17 June 2025; Interview with disability expert on 01 July 2025; Interview with a trade union representative on 13 June 2025; Interview with representative of a national authority on 13 June 2025. **Italy**: Interview with a judge on 16 June 2025; Interview with an academic on 7 July 2025. **Romania**: Interview with representatives of a national authority on 13 June 2025; Interview with NGO representatives on 19 June 2025; Interview with representatives of a national authority on 2 July 2025. **Sweden**: Interview with representative of a national human rights institution on 4 July 2025; Interview with NGO representative on 16 June 2025; Diskriminerings Ombudsmannen, [The state of discrimination 2023 – Annual report from the Equality Ombudsman](#), 2023. **Equality bodies**: Questionnaire received from an equality body on 11 July 2025; Questionnaire received from an equality body on 11 July 2025 (2); Questionnaire received from an equality body on 27 June 2025 (2); Questionnaire received from an equality body on 1 September 2025; Questionnaire received from an equality body on 14 August 2025; Questionnaire received from an equality body on 27 June 2025.

- ❖ In **Italy**, students with disabilities continue to require stronger support measures to ensure full participation in education. Discrimination based on sexual orientation persists. Muslim women wearing headscarves frequently encounter prejudice, reflecting the intersection of discrimination on grounds of religion and gender.
- ❖ In **Romania**, persons with disabilities continue to face discrimination, particularly in access to education and healthcare. Discrimination based on sexual orientation is still common, particularly among teenagers. There has been a notable rise in discriminatory public discourse targeting LGBTIQ communities and religious groups. Religious discrimination for example increased during the COVID-19 pandemic in relation to the vaccine hesitancy, due to religious beliefs being a factor in delayed or refused vaccination. This led to stigmatising narratives portraying religious communities as resistant to public health measures.
- ❖ In **Sweden**, discrimination remains reportedly widespread and affects the living conditions of many people. This manifests for example in the increasing numbers of complaints filed with the Swedish Equality Ombudsman (95 % increase between the period of 2015–2022). Discrimination cases commonly concern disability, although age and religion have emerged as growing issues, for example in access to financial services. Evidence shows that 9 % of complaints relate to discrimination in areas or situations that are not covered by existing Swedish legislation (for example, decisions made by authorities within the legal system that put one or more individuals at a disadvantage in relation to one of the seven grounds of discrimination).
- ❖ Several **equality bodies** expressed the need for a single EU baseline to end uneven protection and remove the 'hierarchy of grounds'. One argued that, as access to goods and services is increasingly occurring online and across borders, a harmonised EU-level framework is essential. Some stressed that this would promote alignment with the UNCRPD. Persistent or rising issues demonstrate the need for EU action. Although several equality bodies said that EU intervention is essential, one argued that it would be unnecessary or harmful at a national level, given the limitations of the reasonable accommodation provisions in the current draft, which offer less protection than the accessibility provisions also provided for by the UNCRPD.

### 3.1.4. EU added value

The added value of EU action lies in the ability of the proposed directive to **provide greater harmonisation, legal certainty and comprehensive protection** across the EU than what could be achieved by individual national measures.

#### Article 5(3) TEU

[...] but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. [...]

One of the key benefits of the proposed directive is that it could **close the existing gap in material scope**, ensuring that all grounds of discrimination currently recognised under EU law are protected in relation to access to social protection, social assistance and social housing, healthcare, education, and the access to and supply of goods and services (including housing) across the Union. In practice, this would extend the obligation to provide equal treatment for these grounds to the same non-employment areas that are already covered for racial and ethnic origin under the Racial Equality Directive, such as education, healthcare, and housing<sup>245</sup>.

By setting common minimum requirements, the proposed directive would ensure that all EU citizens and residents **enjoy consistent rights**, regardless of where they live.

<sup>245</sup> [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.

Experience (since 2008) has shown that EU-level action can be valuable, even in areas where **many Member States have tried to act alone**. Many countries have expanded their anti-discrimination legislation beyond the minimum requirements set out in EU law<sup>246</sup>. However, the scope of this legislation still differs considerably across the Member States, and horizontal protection for the four grounds and areas covered by the proposed directive are not guaranteed everywhere<sup>247</sup>. The stakeholder consultation has confirmed that the proposed directive could achieve results that could not be attained by Member States acting alone<sup>248</sup>. Likewise, it was pointed out that the main benefit of the proposed directive would be to set standards for countries that might not be very proactive on this issue, resulting in significant added value for many EU citizens<sup>249</sup>.

Moreover, the proposed directive would **enhance legal certainty**. Currently, citizens and service providers are uncertain as to the applicability of equal treatment rules in certain areas, particularly when operating across borders<sup>250</sup>. A related concern has recently been highlighted in connection with persons with disabilities. Although the European disability and parking cards were recently introduced<sup>251</sup>, differing national assessment methods mean that disability status and related benefits are not automatically recognised when people move between Member States. This disrupts access to services and support, can result in unequal treatment and may create legal uncertainty for both individuals and service providers<sup>252</sup>.

The proposed directive clarifies the scope of obligations and definitions of discrimination, the conditions under which different treatment may be justified and, importantly, what constitutes a disproportionate burden in the context of reasonable accommodation<sup>253</sup>. Most stakeholders confirmed that the proposed directive would improve legal clarity and harmonisation across the Member States<sup>254</sup>. However, one stakeholder argued that the proposal would create unnecessary legal complexity without clear added value, noting that many businesses already apply anti-discrimination measures internally. From this perspective, the stakeholder noted that efforts should focus on practical guidance and support for voluntary, non-legislative initiatives rather than new legislation<sup>255</sup>.

Action at EU level has a **symbolic and normative value**<sup>256</sup>. Adopting a comprehensive equal treatment directive would demonstrate the Union's commitment to the values set out in Article 2 TEU and provide a concrete response to the rising challenges of intolerance, as highlighted

<sup>246</sup> Equinet, [National equality bodies: Champions of equality and non-discrimination](#), 2024; I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024, p. 11.

<sup>247</sup> See national alignment categorisation in Annex I.

<sup>248</sup> For example, interview with representative of a social partner organisation on 23 June 2025; Interview with anti-discrimination expert on 13 June 2025; Interview with representative of a European network on 14 May 2025; Interview with representatives of a European agency on 12 June 2025.

<sup>249</sup> Interview with NGO representative on 10 June 2025.

<sup>250</sup> European Commission, Staff working document: Accompanying the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [Impact assessment](#), SEC(2008) 2180, 2 July 2008; M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025.

<sup>251</sup> [Directive \(EU\) 2024/2841](#) of 23 October 2024 establishing the European Disability Card and the European Parking Card for persons with disabilities, OJ L, 2024/2841, 14.11.2024.

<sup>252</sup> European Trade Union Institute, [Mobility for people with disabilities in the EU: next steps](#), 2025.

<sup>253</sup> Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024.

<sup>254</sup> For example, interview with NGO representative on 2 June 2025; Interview with representative of a social partner organisation on 23 June 2025; Written reply by NGO representative on 25 June 2025.

<sup>255</sup> Interview with representatives of an industry stakeholder group on 19 June 2025.

<sup>256</sup> For example, interview with NGO representative on 2 June 2025.

in recent Council conclusions on combating antisemitism, among others<sup>257</sup>. Stakeholders' views stressed that adopting the proposed directive would send a strong political message that equality remains a priority for the EU and that discrimination on any grounds will not be tolerated<sup>258</sup>. Conversely, non-adoption would suggest that equality has been deprioritised and could weaken the incentive for Member States whose laws do not yet align with EU standards to improve their national frameworks<sup>259</sup>. The proposed directive's stalled status, which is blocked by three Member States in the Council despite near-unanimous support from the rest, was also seen as problematic from the perspective of EU leadership and values<sup>260</sup>.

Given the increased mobility of people within the EU<sup>261</sup>, an EU-wide approach is essential to address the cross-border dimension of discrimination<sup>262</sup> and to ensure consistent protection through a common framework<sup>263</sup>.

Crucially, the proposed directive, if adopted, **would become part of EU law**, ensuring that the EU Charter applies in these cases and can be interpreted by the CJEU<sup>264</sup>. Currently, discrimination on the grounds covered by the proposed text can only be invoked in employment contexts. The draft legislation, if adopted, would extend protection beyond this scope, allowing the CJEU to develop case law and bringing greater clarity<sup>265</sup>.

In summary, EU action would be valuable in leading to greater harmonisation, legal certainty and comprehensive protection across national borders within the EU, **which could not be achieved through individual national measures**.

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<sup>257</sup> Council of the European Union, Council Declaration on fostering Jewish life and combating antisemitism, [14245/24](#), 2024, p. 4.

<sup>258</sup> This was highlighted in several interviews with for example a representative of a social partner organisation on 23 June 2025, an NGO representative on 18 June 2025; written reply by representatives of an international organisation on 3 June 2025 and an interview with representatives of a European agency on 12 June 2025

<sup>259</sup> For example, interview with NGO representative on 18 June 2025.

<sup>260</sup> For example, written reply by representatives of an international organisation on 3 June 2025.

<sup>261</sup> European Commission, [Annual report on intra-EU labour mobility](#) – 2024 Edition, 2025.

<sup>262</sup> European Commission, Union of equality – Strategy for the rights of persons with disabilities 2021-2030, [COM\(2021\) 101](#), 2021; European Commission, Union of Equality: LGBTIQ + Equality Strategy 2026-2030, [COM\(2025\)725](#), 2025.

<sup>263</sup> For example, interview with NGO representative on 2 June 2025.

<sup>264</sup> For example, interview with NGO representative on 2 June 2025; Interview with an academic on 4 June 2025.

<sup>265</sup> For example, interview with NGO representative on 2 June 2025; interview with representative of a European network on 14 May 2025.



Box 2 – Key national findings – EU added value<sup>266</sup>**Key national findings**

- **Czechia:** According to the sources consulted, the key added value of the proposed directive lies in its practical applicability and symbolic value, as well as its ability to fill existing legal gaps, by clarifying key definitions, and providing conceptual tools. CJEU jurisprudence would strengthen anti-discrimination legislation, and harmonisation in this area is particularly important in the context of the internal market and free movement.
- **Germany:** A unified EU framework is seen as key in ensuring equal protection across all Member States. National efforts over the last 17 years have been insufficient to fully address the gaps. The proposed directive is therefore seen as a logical and necessary step towards completing the EU's non-discrimination framework.
- **Italy:** Based on insights gathered, the EU added value of the proposed directive lies in its objective to bring greater coherence to the field of non-discrimination by setting out clear and detailed rules.
- **Romania:** According to the sources consulted, the proposed directive would promote legislative harmonisation across the Member States by ensuring uniform protection standards for the grounds covered. As previous efforts to update EU anti-discrimination legislation have stalled, the proposed directive (as consolidated by the Belgian Presidency) is considered a valuable opportunity to advance and unify protections throughout the Union. It would establish clear, minimum requirements for all Member States, thereby reducing current disparities in interpretation and enforcement across the EU.
- **Sweden:** It is perceived that harmonised standards across the EU could lead to more consistent outcomes for companies, by enhancing legal certainty and ensuring more effective protection. Without the proposed directive, it is unlikely that Sweden would review legislation to the same

- **Sweden:** It is perceived that harmonised standards across the EU could lead to more consistent outcomes for companies, by enhancing legal certainty and ensuring more effective protection. Without the proposed directive, it is unlikely that Sweden would review legislation to the same extent.
- The majority of **equality bodies** expressed the view that EU action would harmonise uneven national protections, create a non-negotiable baseline, and provide legal certainty and coherence. Some equality bodies mentioned that national reform is unlikely without EU impetus. By contrast, one equality body that responded to the questionnaire saw no added value in the context of its own country and warned of the risk of backsliding in reasonable accommodation.

<sup>266</sup> As noted in Section 1.4, stakeholder engagement at national level was challenging in some Member States, resulting in the completion of a relatively low number of interviews in the Member States concerned. As a result, the level of details provided for the countries covered by the case studies varies. **Czechia:** Interview with a representative of academia on 9 July 2025; Interview with a representative of the equality body on 30 June 2025. **Germany:** Interview with representative of the equality body on 17 June 2025. **Italy:** Interview with a judge on 16 June 2025. **Romania:** Interview with representatives of a national authority on 13 June 2025; Interview with NGO representatives on 19 June 2025; Interview with representatives of a national authority on 2 July 2025. **Sweden:** Interview with representative of a national authority on 16 July 2025; Interview with representative of a national human rights institution on 4 July 2025. **Equality bodies:** Questionnaire received from an equality body on 11 July 2025; Questionnaire received from an equality body on 11 July 2025 (2); Questionnaire received from an equality body on 14 August 2025; Questionnaire received from an equality body on 27 June 2025; Questionnaire received from an equality body on 27 June 2025 (2); Questionnaire received from an equality body on 1 September 2025.

### 3.1.5. Proportionality

Proportionality requires ensuring that the proposed EU action is **no greater than is necessary to achieve the desired objectives**, as set out in Article 5(4) TEU, thereby respecting the competences of the Member States.

#### Article 5(4) TEU

Under the **principle of proportionality**, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties. [...]

The proportionality of the proposed directive was **particularly scrutinised** during the Council negotiations. The 2024 Council progress report explicitly redrafted certain provisions to clarify subsidiarity and proportionality<sup>267</sup>. Article 3 of the proposed directive states that its scope is established in full respect of the principles of subsidiarity and proportionality<sup>268</sup>. Recital 9 reaffirms that a careful assessment was performed in light of these principles. These adjustments reflect efforts to ensure that EU action is both tailored and proportionate. The content and the scope of the initiative are narrowly defined and extend the protection only to the specific grounds and sectors identified, without going any further than closing the gaps in existing EU law.

The proposed directive has been carefully calibrated and limited to ensure that the principle of proportionality is respected. It covers **specific areas** only, related to access to social protection, education, and goods and services (including housing), and provides an explicit definition of what is covered by the notion of access. For example, Article 3(1)(a) of the proposed directive states that access to social protection is only covered insofar as it relates to social security, social assistance, social housing, and healthcare. By 'access to', it means the processes of seeking information, applying, registering, and receiving social protection measures. The aim is not to regulate the content of social security or education systems, but simply to require non-discriminatory access. Article 3(2) and Recitals 17f and 17g provide a detailed list of what is not included in the scope of the proposed directive, which reemphasises that Member States retain full competence over the organisation, financing, establishment, management and content of social protection and education systems. These provisions demonstrate respect for the prerogatives of Member States.

In addition to the limitations in relation to the areas covered by the proposed directive, the text provides for **numerous exemptions** to the principle of equal treatment, including some particularly extensive exemptions in relation to age discrimination. Although this might impact the potential effectiveness of the proposed directive (see Section 3.3), it precludes any issue relating to proportionality arising.

Figure 4 presents an overview of the exemptions provided by Articles 2, 3 and 4 of the proposed directive. They cover a variety of aspects, ranging from those related to the secular nature of the State and the status of churches, to regional and local variations in the level of services of general interest, as well as age- and health-related differences in financial services that are justified and proportionate.

<sup>267</sup> Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024, p. 4.

<sup>268</sup> *ibid.*, p. 13.

Figure 4 – Exclusions from the scope of the proposed directive



The obligations set out in the proposed directive regarding **reasonable accommodation** are tailored to prevent undue burden and respect the principle of proportionality. Reasonable accommodation is required for persons with disabilities only if such measures do not impose a disproportionate burden on providers. The proposed directive lays down all criteria to be considered when determining what constitutes a disproportionate burden<sup>269</sup>.

Finally, the **choice of instrument** supports proportionality, as a directive gives Member States discretion over transposition and implementation, enabling them to adapt it to their national legal systems. As a **minimum harmonisation directive**, it allows Member States whose legal system already provides more protection to continue to do so, while enabling others to introduce provisions which are more favourable to the protection of the principle of equal treatment.

Overall, given the care taken to tailor the text of the proposed directive by limiting its scope, introducing exemptions, adjusting specific provisions, carefully selecting the legal instrument, and defining the measures it sets out, the principle of **proportionality is considered as fully respected**.

<sup>269</sup> Article 4a(5), [proposed directive](#).

## 3.2. Coherence

This section examines coherence between the proposed directive and the existing legal and policy frameworks at international and European level. It considers whether the proposed legislation aligns with these frameworks and whether there are any gaps, inconsistencies or overlaps. This section looks first at coherence with international treaties and conventions, then assesses coherence with EU legislation and policy frameworks.

### 3.2.1. Coherence with international instruments

The proposed directive sets out a non-discrimination framework that aligns with the **ECHR** and its protocols, to which all Member States are contracting parties. Article 14 ECHR and Protocol No. 12 establish a prohibition of discrimination including discrimination on religious grounds. They also indirectly prohibit discrimination based on disability, age and sexual orientation, as confirmed by the ECtHR<sup>270</sup>. The proposed directive builds on these protections and imposes a more detailed positive obligation on public and private sectors to avoid discrimination, as reflected in the ECHR and enforced by the ECtHR. The proposed directive is designed to further the protection of rights in a manner that is consistent with the ECHR, as confirmed by the reference to the ECHR in its first Recital<sup>271</sup>.

A key consideration is the **EU's accession to the ECHR**. A draft accession agreement was prepared in 2023<sup>272</sup> and the next steps may include the European Commission requesting a new opinion from the CJEU. In this context, it will be important for Member States to consider how the ECtHR interprets discrimination, as any differences between the ECtHR and CJEU approaches will eventually need to be reconciled. While both courts generally strive for consistency, current CJEU case law is shaped by the limits of secondary EU legislation, for instance regarding intersectionality and the scope of existing directives<sup>273</sup>. Once the EU accedes to the ECHR, however, the ECtHR's broader interpretation will have to be considered, and objections based on the CJEU's current limitations may no longer hold.

The **UNCRPD**<sup>274</sup>, which has been binding on the EU since 2011, requires state parties to ensure non-discrimination on the ground of disability and to take all appropriate steps to provide reasonable accommodation. The proposed directive explicitly refers to the UNCRPD confirming that its drafting is in line with these obligations<sup>275</sup> and its horizontal scope facilitates the direct implementation of certain UNCRPD requirements in the EU context. By using consistent terminology such as '*reasonable accommodation*', the proposed directive avoids inconsistencies. Drawing on Article 2 of the UNCRPD, it adopts a similar definition of reasonable accommodation but replaces the reference to a '*disproportionate or undue burden*' with '*disproportionate burden*'. In addition, it specifies criteria for determining when a burden is disproportionate, operationalising the UNCRPD standard and making it more readily applicable within the EU legal order. The proposed directive also adapts and narrows the scope of the provision on reasonable accommodation by limiting it to the areas covered by the proposed EU legislation. Stakeholder views highlighted that adopting the proposed directive would bring the EU framework more closely in line with its obligations under the

<sup>270</sup> ECtHR, [Glor v Switzerland](#), App. No. 13444/04, judgment of 30 April 2009; ECtHR, [Salgueiro da Silva Mouta v Portugal](#), App. No. 33290/96, judgment of 21 December 1999.

<sup>271</sup> Recital 1, [proposed directive](#).

<sup>272</sup> Council of Europe, [CDDH ad hoc negotiation group \("46+1"\) on the accession of the European Union to the European Convention on Human Rights](#), 46+1(2023)35, 2023.

<sup>273</sup> For example, interview with representatives of a European agency on 12 June 2025.

<sup>274</sup> UN General Assembly, [Convention on the Rights of Persons with Disabilities](#), A/RES/61/106, 24 January 2007.

<sup>275</sup> For example, Recital 2, [proposed directive](#).

UNCRPD and other international instruments, addressing current gaps that leave protection fragmented and inconsistent with those commitments<sup>276</sup>.

While the **UNCRPD establishes a general duty of accessibility** that is proactive and not limited to individual cases, the proposed directive only acknowledges the accessibility component stemming from the UNCRPD in Recital 19ab. The obligation was deliberately excluded from the operative provisions to facilitate a compromise on the text. As a result, several interviewees expressed the view that the proposed directive only partially aligns with the international instrument<sup>277</sup> (see Section 3.3.2 for implications of its removal).

Certain provisions and exclusions in the proposed directive, however, arguably **reduce its alignment with the UNCRPD**. For instance, Article 3(2)(d) excludes the organisation and funding of education systems from its scope, leaving Member States bound only by the broader obligations of the UNCRPD, which are generally considered less enforceable than EU legislation. The stakeholders consulted highlighted that the consequences of not complying with the UNCRPD are less severe than those under EU law, as not all Member States have signed the optional protocol<sup>278</sup>.

Moreover, the UNCRPD contains specific articles requiring regular **data collection and monitoring** of its implementation. By contrast, the proposed directive, like existing equality directives (with the exception of the Gender-Based Violence Directive<sup>279</sup>), does not include such obligations<sup>280</sup>.

In March 2025, the UN Human Rights Council adopted a resolution establishing a working group to begin drafting a **UN Convention on the Rights of Older Persons**<sup>281</sup>. This demonstrates a growing recognition of the rights of older people, which could influence the context of the proposed directive<sup>282</sup> and create new international commitments for the EU.

**The proposed directive reflects, complements and aligns with European Commission against Racism and Intolerance (ECRI) recommendations.** These include General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTIQ persons<sup>283</sup>, which calls for clear legal frameworks to ensure equal treatment and protection from discrimination in areas covered by the proposed directive. Similarly, revised General Policy Recommendation No. 9 on preventing and combating antisemitism<sup>284</sup> and revised General Policy Recommendation No. 5 on preventing and combating anti-Muslim racism and discrimination<sup>285</sup> highlight the importance of comprehensive legal measures to prohibit discrimination on the grounds of religion or belief. Intersectional discrimination is an increasingly relevant issue, with ongoing developments at the

<sup>276</sup> For example, interview with an anti-discrimination expert on 13 June 2025.

<sup>277</sup> For example, written reply by representatives of a European agency on 9 July 2025; Written reply by representatives of an international organisation on 3 June 2025.

<sup>278</sup> For example, interview with an academic on 4 June 2025.

<sup>279</sup> Article 44, [Directive \(EU\) 2024/1385](#) of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, OJ L, 2024/1385, 24.5.2024.

<sup>280</sup> For example, interview with representatives of a European agency on 12 June 2025.

<sup>281</sup> UN General Assembly, [Human Rights Council Fifty-eight session](#), A/HRC/58/L.24/Rev.1, 28 March 2025.

<sup>282</sup> Interview with NGO representative on 2 June 2025.

<sup>283</sup> Council of Europe, ECRI, [General Policy Recommendation N°17 on preventing and combating intolerance and discrimination against LGBTI persons](#), 2023.

<sup>284</sup> Council of Europe, ECRI, [General Policy Recommendation No. 9 \(Revised\) on preventing and combating antisemitism](#), 2021.

<sup>285</sup> Council of Europe, ECRI, [General Policy Recommendation No. 5 \(Revised\) on preventing and combating anti-Muslim racism and discrimination](#), 2021.

Council of Europe aiming to address intersectionality and potentially produce recommendations<sup>286</sup>. This would support the inclusion of this dimension in the proposed directive.

The proposed directive aims to complement **other core international human rights conventions that prohibit discrimination**. Recital 2 mentions the Universal Declaration of Human Rights<sup>287</sup>, the United Nations Convention on the Elimination of all forms of Discrimination Against Women<sup>288</sup>, the International Convention on the Elimination of all forms of Racial Discrimination<sup>289</sup>, the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights<sup>290</sup> and the European Social Charter<sup>291</sup>. These are in addition to the UNCPRD and ECHR. No inconsistencies were identified between the text of the proposed directive and these international instruments. The stakeholder consultation highlighted the European Social Charter, noting that the proposed directive could undergo a 'dynamic' interpretation, similar to that of the European Social Charter by the European Committee of Social Rights. The Committee has interpreted the Charter's welfare-based provisions dynamically to address issues such as ageism, even though these are not explicitly mentioned in the text<sup>292</sup>.

To conclude, overall, the proposed directive would **align the Union's internal legislation with the international standards** to which Member States have subscribed.

### 3.2.2. Coherence with EU legal and policy framework

The proposed directive is expressly designed to **complement existing EU equality and non-discrimination legislation**<sup>293</sup>. The Racial Equality Directive<sup>294</sup> already prohibits discrimination based on racial or ethnic origin in areas beyond employment. Similarly, several directives ensure coverage in relation to gender-based discrimination in access to goods and services<sup>295</sup> and in matters of social security<sup>296</sup>. However, the protection granted by EU law for the grounds of religion or belief, disability, age or sexual orientation is limited to employment and related fields in the Employment Equality Directive<sup>297</sup>. The proposed directive would therefore address a gap in the current legislation by extending protection on the grounds of religion or belief, disability, age and sexual orientation to areas outside the labour market. These changes would make the EU legal framework more coherent and consistent, ensuring that these grounds listed in Article 21 EU Charter<sup>298</sup> enjoy the same level of

<sup>286</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>287</sup> UN General Assembly, [Universal Declaration of Human Rights](#), 217 A (III), 10 December 1948.

<sup>288</sup> UN General Assembly, [Convention on the Elimination of All Forms of Discrimination Against Women](#), United Nations Treaty Series, vol. 1249, 18 December 1979.

<sup>289</sup> UN General Assembly, [International Convention on the Elimination of All Forms of Racial Discrimination](#), United Nations Treaty Series, vol. 660, 21 December 1965.

<sup>290</sup> UN General Assembly, [International Covenant on Economic, Social and Cultural Rights](#), United Nations Treaty Series, vol. 993, 16 December 1966.

<sup>291</sup> Council of Europe, [European Social Charter \(revised\)](#), ETS No. 163, Strasbourg, 3. May 1996.

<sup>292</sup> G. Quinn and I. Doron, [Against ageism and towards active social citizenship for older persons – The current use and future potential of the European Social Charter](#), Council of Europe, 2022.

<sup>293</sup> Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024, p. 1.

<sup>294</sup> [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.

<sup>295</sup> [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.

<sup>296</sup> [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.

<sup>297</sup> [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.

<sup>298</sup> Article 21, [Charter of Fundamental Rights of the European Union](#), OJ C 326, 26.10.2012.



protection across areas. The stakeholder consultation confirmed that the proposed directive is perceived as coherent with the existing EU legal framework<sup>299</sup>.

The **values and rights enshrined in the EU Charter** are reflected and directly referenced in the text of the proposed directive<sup>300</sup>. While Article 21 of the EU Charter prohibits discrimination on the grounds covered by the proposed legislation, the EU Charter primarily addresses EU institutions and Member States when applying EU law. The proposed directive would therefore translate the EU Charter's broad principle into concrete, enforceable rights across the Member States. By acting under Article 19 TFEU to cover religion or belief, disability, age and sexual orientation outside of employment, the Union would implement the EU Charter's provisions on these grounds in the same way as for race and sex. This would ensure that EU secondary legislation is consistent with its fundamental rights framework. The revised text further reinforces this consistency, for example by clarifying how freedom of thought, conscience and religion is balanced with non-discrimination duties.

The proposed directive does not cover gender or racial and ethnic origin, targeting only the other grounds listed in Article 19 TFEU in areas beyond employment. This delineation **prevents any normative conflict or duplication**. In cases of multiple or intersectional discrimination, where the grounds are interconnected, Article 2(3) of the proposed directive makes it clear that discrimination based on a combination of several grounds is covered, including the grounds already protected under existing directives. The proposed directive however does not use the terms 'multiple' or 'intersectional' discrimination in its operative provisions, but rather 'combination' of grounds. When referring to multiple and intersectional discrimination, two situations are covered. The first is when a person is the victim of discrimination on two or more different grounds in a cumulative way. The second is when only the combination of two or more grounds leads to discrimination in an interlinked or inseparable way.

No substantive inconsistencies were found between the new text provisions and those of older directives. The proposed directive **adopts the same key concepts as previous equality directives**, including direct and indirect discrimination, harassment, and instructions to discriminate. It also incorporates settled CJEU interpretations, for instance on discrimination by association<sup>301</sup>, or on reasonable accommodation<sup>302</sup>. The concept of intersectional discrimination, which is explicitly cited in the recitals, was also included in the most recent pieces of EU legislation, such as the Equality Bodies Directives<sup>303</sup>, or the Pay Transparency Directive<sup>304</sup>.

<sup>299</sup> For example, interview with representative of a social partner organisation on 23 June 2025; Interview with NGO representative on 2 June 2025; Interview with NGO representative on 22 May 2025.

<sup>300</sup> Recitals 1, 3, 5ab, 17 and Article 2(8), [proposed directive](#).

<sup>301</sup> European Court of Justice, judgment in [Case C-303/06 – Coleman](#), 2008.

<sup>302</sup> European Court of Justice, judgment in [Joined Cases C-335/11 and C-337/11 – HK Danmark](#), 2013.

<sup>303</sup> [Council Directive \(EU\) 2024/1499](#) of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC, OJ L 29.5.2024; [Directive \(EU\) 2024/1500](#) of the European Parliament and of the Council of 14 May 2024 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 amending Directives 2006/54/EC and 2010/41/EU, OJ L, 2024/1500, 29.5.2024.

<sup>304</sup> [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.



In relation to disability, the proposed directive **complements and is consistent with existing EU measures that promote accessibility**, even though its provisions no longer cover accessibility itself, focusing solely on reasonable accommodations for persons with disabilities.

Regarding accessibility, it is notable that two particularly important pieces of legislation have been adopted since 2008, namely the Directive (EU) 2016/2102<sup>305</sup> on the accessibility of public sector websites and mobile applications, and the European Accessibility Act<sup>306</sup>, which sets out accessibility requirements for a variety of products and services. These instruments impose specific obligations on public authorities and economic operators, ensuring the *ex-ante* accessibility of certain content, goods and services for persons with disabilities. The proposed directive would add a general duty not to discriminate on grounds of disability in all areas covered, including an *ex-post* duty to provide for reasonable accommodations when requested in individual cases, and where it does not impose a disproportionate burden<sup>307</sup>. In practice, the European Accessibility Act and related laws, which set baseline requirements for certain sectors, could work in synergy with the proposed directive to ensure that persons with disabilities can assert their right to equal treatment in situations where accessibility alone could not guarantee it.

The proposed directive further ensures coherence by cross-referring the duty to provide reasonable accommodation under the Employment Equality Directive, as interpreted by the CJEU<sup>308</sup>. It explicitly intends to align with the definitions and principles found in other EU instruments and case law. This contributes to the creation of a more consistent regime in which the denial of reasonable accommodation is a form of discrimination in employment and in areas outside employment alike, in line with Article 2 UNCRPD and CJEU case law<sup>309</sup>.

Although the proposed directive has been updated since its initial drafting in 2008, it **does not systematically reflect legislative developments** at EU level<sup>310</sup>. For example, the proposed directive does not take into account certain recent instruments, such as the AI Act<sup>311</sup>, a recently adopted Regulation that addresses risks from AI technologies and, among others, seeks to mitigate discrimination and bias in the development, deployment and use of high-risk AI systems<sup>312</sup>.

Beyond substantive norms, coherence is ensured in operational structures, as the proposed directive is designed to **work alongside the recently adopted Directive on standards for equality bodies**<sup>313</sup>. The proposed directive explicitly requires Member States to extend the mandates of their

<sup>305</sup> [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.

<sup>306</sup> [Directive \(EU\) 2019/882](#) of the European Parliament and of the Council of 17 April 2019 on accessibility requirements for products and services (European Accessibility Act), OJ L 151, 7 June 2019.

<sup>307</sup> Article 4a, [proposed directive](#).

<sup>308</sup> Recital 19ca, [proposed directive](#).

<sup>309</sup> European Court of Justice, judgment in [Joined Cases C-335/11 and C-337/11 – HK Danmark](#), 2013.

<sup>310</sup> European Parliament, [Taking forward the horizontal anti-discrimination directive](#) (plenary debate), 22 October 2019; European Network Against Racism (ENAR), [The end of the EU Equal Treatment Directive: A blow to equality or a chance to rethink?](#), 2025.

<sup>311</sup> [Regulation \(EU\) 2024/1689](#) of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), OJ L, 2024/1689, 12.7.2024.

<sup>312</sup> S. De Luca and M. Federico, [Algorithmic discrimination under the AI Act and the GDPR](#), EPRS, European Parliament, February 2025.

<sup>313</sup> [Council Directive \(EU\) 2024/1499](#) of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC, OJ L 29.5.2024

equality bodies to cover the additional grounds and areas introduced by the proposed directive (where not already covered). In line with Article 17b of the proposed directive, **Directive 2024/1499/EU would have to be amended** to ensure that all EU equality bodies are competent in matters relating to religion or belief, disability, age and sexual orientation, and prevent some from failing to cover certain areas or grounds<sup>314</sup>. As a result, potential victims of discrimination would be able to rely on the same independent assistance and guidance from equality bodies, whether they face racial discrimination or, for example, discrimination based on sexual orientation in the field of social protection.

Alongside legislative norms, the proposed directive would **contribute to the EU's policy framework**, which aims to promote equality, social inclusion, and fundamental rights. Notably, it resonates with the European Pillar of Social Rights<sup>315</sup>, which advocates for equal treatment and opportunities for all, and in particular with Principle 17, which emphasises the inclusion of persons with disabilities. Additionally, the EU Strategy for the Rights of Persons with Disabilities explicitly calls on Member States to adopt the long-awaited proposed equal treatment directive to address the existing protection gap<sup>316</sup>. Similarly, the EU Anti-Racism Action Plan 2020–2025<sup>317</sup>, the LGBTIQ Equality Strategy 2026–2030<sup>318</sup>, and the EU Strategy on the Rights of the Child<sup>319</sup> all emphasise the need for robust anti-discrimination measures in areas such as education, healthcare, social services and housing to promote equality for minority and vulnerable groups in practice. The proposed directive establishes a legal framework for equal treatment in these areas, providing a robust legislative backing to policy initiatives. In addition to the existing policy framework, upcoming policy developments—such as the planned poverty strategy and the EU's affordable housing plan—are seen as crucial to reinforcing the importance of equality in housing<sup>320</sup>.

**In conclusion, the proposed directive is coherent with international and EU legal and policy frameworks.** No notable inconsistencies were found, with instruments mutually reinforcing in favour of anti-discrimination and inclusion.

<sup>314</sup> I. Zamfir, [Standards for equality bodies – Discrimination under Article 19 TFEU grounds](#), EPRS, European Parliament, June 2024.

<sup>315</sup> European Commission, [The European Pillar of Social Rights action plan](#), 2021.

<sup>316</sup> European Commission, Union of equality – Strategy for the rights of persons with disabilities 2021–2030, [COM\(2021\) 101](#), 2021.

<sup>317</sup> European Commission, Union of equality: EU anti-racism action plan 2020–2025, [COM\(2020\) 565](#), 2020.

<sup>318</sup> European Commission, Union of Equality: LGBTIQ Equality Strategy 2026–2030, [COM\(2025\) 725](#), 2025.

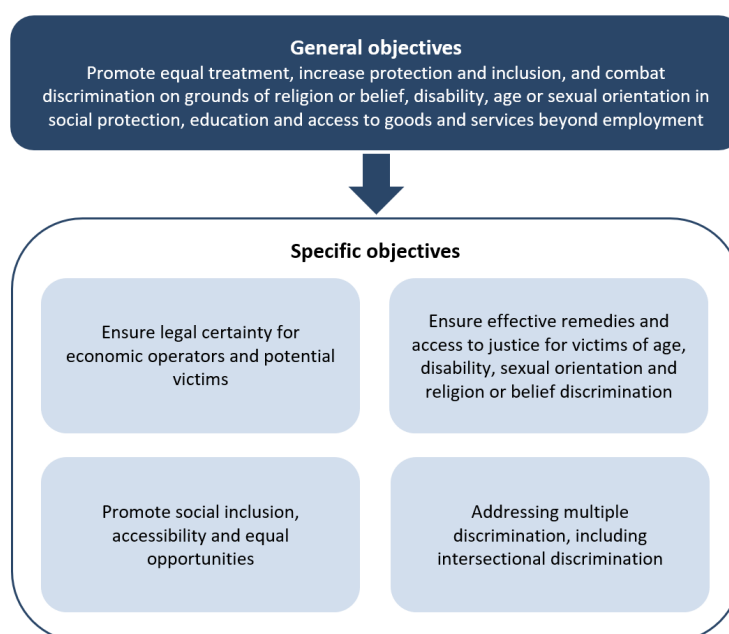
<sup>319</sup> European Commission, EU strategy on the rights of the child, [COM\(2021\) 142](#), 2021.

<sup>320</sup> For example, interview with representatives of a European agency on 12 June 2025.

### 3.3. Effectiveness

This section evaluates the expected effectiveness of the proposed directive in meeting its objectives. These objectives are presented in the figure below. They were developed based on the objectives identified when the proposal for the directive was first introduced in 2008 and adapted to reflect subsequent changes. It considers its effects in closing the gap in the EU framework, signalling effect, and key practical changes it would introduce compared to current frameworks, particularly the recognition of multiple and intersectional discrimination. It also considers the positive effects on fundamental rights, national frameworks, society, victims and stakeholders, as well as potential limitations and factors that could facilitate implementation.

Figure 5 – General and specific objectives of the proposed EU action



#### 3.3.1. Closing gaps and signalling protection

The proposed directive would **fill the gaps in the EU's anti-discrimination framework** by extending protection to the grounds of religion or belief, disability, age and sexual orientation in the areas of access to social protection, education, and access to and supply of goods and services. As a result, it would ensure that these discrimination grounds are protected in the same areas as other discrimination grounds listed under Article 10 TFEU, thereby reducing disparities<sup>321</sup>. Equal treatment cannot be achieved if the legal framework offers stronger protections to some groups than to others<sup>322</sup>. As widely emphasised during the stakeholder consultation for this study and confirmed by the relevant literature, the adoption of the proposed directive would have the key positive effect of filling the current legislative gap and aligning protection across the 27 EU Member States, which would represent a significant development in the field<sup>323</sup>. The need to close this gap is considered

<sup>321</sup> I. Zamfir, [Anti-Discrimination Directive](#), Legislative Train Schedule, European Parliament, March 2025; M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025; I. Zamfir, [Combating multiple discrimination through EU law and policy](#), EPRS, European Parliament, September 2025; ILGA Europe, [Equality betrayed: Commission unilaterally gives up on anti-discrimination law](#), website, 17 February 2025; Interview with NGO representative on 2 June 2025.

<sup>322</sup> OECD, [Combating discrimination in the European Union](#), 2025.

<sup>323</sup> For example, Interview with representatives of an international organisation on 5 June 2025; Interview with representatives of a European agency on 12 June 2025; Interview with an anti-discrimination expert on 13 June 2025;

to be the main reason for the proposed directive<sup>324</sup>. Aligning the protection within society with the protection available in the labour market would be beneficial and mutually reinforcing<sup>325</sup>.

By addressing the gaps in coverage, the proposed directive would **enhance the coherence** of the EU's anti-discrimination framework. While the proposed directive would not necessarily create a perfect unified framework that covers all areas (e.g. it covers access to certain areas only), it would improve coherence in the current fragmented situation and bring the protection levels of these four grounds closer to those of other grounds already covered<sup>326</sup>. In general, this would contribute to a more comprehensive approach to equality throughout the EU.

The adoption of the proposed directive would serve as a **clear and impactful message, both practically and symbolically**, that discriminatory behaviour is not acceptable in the EU<sup>327</sup>. Its adoption would demonstrate the EU's commitment to protecting individuals against discrimination and reaffirm adherence to EU values<sup>328</sup>. Developments at the EU level often prompt corresponding adjustments at national level: even non-binding EU level actions can have an immediate effect on judicial interpretation and stakeholder behaviour, as actors respond to evolving expectations<sup>329</sup>. The proposed directive would reaffirm the primacy of social rights, countering the trend whereby Member States gradually prioritise economic interests over discrimination protection in the absence of strong EU emphasis<sup>330</sup>. Closing gaps at the EU level would reinforce the EU's message about the values it upholds.

The proposed directive has the potential to guide social change by **shaping public opinion and attitudes**. Laws can encourage societies towards greater equality, helping to establish standards of respect and equal treatment. Legislation can positively influence public opinion, as demonstrated by the introduction of same-sex partnership laws, which have often led to a reduction in stigma against LGBTIQ people<sup>331</sup>.

Another expected positive outcome is that the proposed directive would act as a **safeguard against legal backsliding or regression**<sup>332</sup>. Its adoption would prevent national governments from weakening or withdrawing their anti-discrimination legislation, ensuring continuity of protection<sup>333</sup>.

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Written reply by representatives of an international organisation on 3 June 2025; Interview with NGO representative on 22 May 2025; Equinet, [25 years of equality: Milestones, challenges, and horizons](#), 2025, p. 4.

<sup>324</sup> For example, interview with NGO representative on 18 June 2025; interview with NGO representative on 10 June 2025.

<sup>325</sup> Interview with representative of a social partner organisation on 23 June 2025.

<sup>326</sup> For example, interview with NGO representative on 2 June 2025; M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025; European Network Against Racism, [The end of the EU Equal Treatment Directive: A blow to equality or a chance to rethink?](#), 2025.

<sup>327</sup> Equinet, [Time to adopt the equal treatment Directive](#), 25 June 2018, accessed on 22 August 2025; AGE Platform Europe, [Joint statement – Equality betrayed: Commission unilaterally gives up on anti-discrimination law](#), website, 17 February 2025.

<sup>328</sup> For example, interview with representatives of an international organisation on 5 June 2025; interview with representative of a European network on 14 May 2025; interview with representatives of a European agency on 12 June 2025.

<sup>329</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>330</sup> For example, interview with representatives of a European agency on 12 June 2025; M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025.

<sup>331</sup> Interview with NGO representative on 10 June 2025.

<sup>332</sup> Recital 22, [proposed directive](#); Equinet, The Greens/EFA, [Future of equality legislation in Europe – Synthesis report of the online roundtable](#), 2020.

<sup>333</sup> For example, interview with representative of a European network on 14 May 2025; written reply by representatives of an international organisation on 3 June 2025.

Finally, the effect of the proposed directive could extend **beyond the borders of the EU-27**. Other countries could decide to mirror the change made by EU Member States, and candidate countries would also have to align their legislation<sup>334</sup>.

Overall, the proposed directive **would have the effect of closing the gap** in the EU's legislative framework and enhancing its coherence, while also sending a strong signal regarding EU values. This would help to shape public opinion in favour of inclusion and anti-discrimination, act as a safeguard against backsliding, and could positively influence third countries.

#### Box 3 – Key national findings – Closing gaps and signalling protection<sup>335</sup>

##### Key national findings

- **Czechia:** The national stakeholder consultation signalled a generally positive view on adoption of the proposed directive, as it would close an important gap in EU anti-discrimination law. It would also protect the Czech legal framework against potential political backsliding and the weakening of protections.
- In **Sweden**, one interviewee expressed the view that adopting the proposed directive would signal that the EU considers this issue a priority at both European and global level. While the proposed directive would have little effect in Sweden other than requiring the prohibition of multiple/intersectional discrimination, stakeholders consulted considered the move towards levelling up the discrimination grounds within the EU a key benefit. This would represent a step away from the hierarchy of grounds established by EU law.
- Two **equality bodies** indicated that the proposed directive would eliminate the hierarchy of grounds and provide safeguards against regression or fragmentation.

### 3.3.2. Key changes and provisions

#### Recognition of multiple and intersectional discrimination

The proposed directive recognises discrimination based on a **combination of different grounds**, as set out in Article 2(3).

##### Article 2(3) proposed directive

Discrimination under this Directive includes discrimination based on a combination of the grounds of discrimination set out in Article 1, as well as a combination of one or more of those grounds and any of the grounds of discrimination protected under Directive 2000/43/EC, Directive 2004/113/EC, or Directive 79/7/EEC.

<sup>334</sup> Interview with representatives of an international organisation on 5 June 2025.

<sup>335</sup> Relevant information relating to this theme was only mentioned by certain stakeholders in Czechia and Sweden. This may be due to the low response rate to the national consultation, as described in Section 1.4, which outlines the limitations encountered during the study. **Czechia:** Interview with representative of academia on 9 July 2025. **Sweden:** Interview with representative of a national authority on 16 July 2025; Interview with NGO representative on 16 June 2025. **Equality bodies:** Questionnaire received from an equality body on 11 July 2025 (2); Questionnaire received from an equality body on 27 June 2025 (2).

Additionally, recital 12(ab) refers to intersectional discrimination as included in multiple discrimination, also by providing a definition<sup>336</sup>. It specifically acknowledges how the four protected grounds under the proposed directive, as well as race, ethnic origin and sex, can intersect to create new forms of discrimination. This reflects the fact that individuals may experience discrimination on more than one ground simultaneously, requiring Member States to give appropriate legal weight to this concept<sup>337</sup>.

The stakeholder consultation and desk research highlighted strong support for the **explicit inclusion of multiple discrimination and intersectionality**, underlining that legislation should reflect the multidimensional nature of discrimination<sup>338</sup>. While addressing single grounds can be effective, the complexity of lived experience requires an intersectional approach. If all grounds were protected equally across different areas of life, the capacity to recognise and tackle intersectional discrimination would be greatly enhanced<sup>339</sup>.

At the same time, the terms **'multiple' and 'intersectional' discrimination are only mentioned in the recitals** of the proposed directive, while the core text refers to a combination of different grounds. This departs from the approach taken in recent EU legislation, which incorporates the term 'intersectionality' directly in binding articles of the legislation<sup>340</sup>. This **may reduce the effectiveness of the provision**, as recitals have interpretative value but do not create binding obligations. Feedback from the stakeholder consultation stressed that multiple discrimination and intersectionality should be enshrined directly in the operative provisions of the proposed directive, rather than only in the recitals<sup>341</sup>. While it would be preferable to include the notion of intersectionality in the main text of the proposed directive, it was further emphasised that it is crucial to make sure it is present in the document regardless, given its importance<sup>342</sup>.

<sup>336</sup> 'Intersectional discrimination' is understood as discrimination, in any of its forms, occurring on the basis of any combination of two or more of the following grounds, including where taken separately the situation would not give rise to discrimination against the person concerned: religion or belief, disability, age or sexual orientation, as well as a combination of one or more of these grounds and any of the grounds protected under Directive 2000/43/EC, Directive 2004/113/EC or Directive 79/7/EEC'. The proposed directive does not provide a definition of **discrimination on multiple grounds**. However, it mentions the term under the recitals (recitals 12, 12(ab), 13). Moreover, Article 3(3) acknowledges that 'Discrimination under this Directive includes discrimination based on a combination of the grounds of discrimination set out in Article 1, as well as a combination of one or more of those grounds and any of the grounds of discrimination protected under Directive 2000/43/EC, Directive 2004/113/EC, or Directive 79/7/EEC'.

<sup>337</sup> I. Zamfir, [Combating multiple discrimination through EU law and policy](#), EPRS, European Parliament, September 2025.

<sup>338</sup> For example: interview with NGO representative on 18 June 2025; Interview with representative of a social partner organisation on 23 June 2025; Written reply by with representatives of an international organisation on 3 June 2025; FRA, [Equality in the EU 20 years on from the initial implementation of the equality directives](#), 2021; I. Zamfir, [Combating multiple discrimination through EU law and policy](#), EPRS, European Parliament, September 2025; European Parliament, [Resolution](#) of 18 January 2024 on the situation of fundamental rights in the European Union – annual report 2022 and 2023.

<sup>339</sup> For example, interview with NGO representative on 18 June 2025; UN Women, [Intersectionality resource guide and toolkit – An intersectional approach to leave no one behind](#), 2022.

<sup>340</sup> [Council Directive \(EU\) 2024/1499](#) of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, OJ L 29.5.2024; [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.

<sup>341</sup> For example, interview with NGO representative on 2 June 2025; written reply by with NGO representative on 25 June 2025; interview with NGO representative on 22 May 2025; interview with representative of a European network on 14 May 2025; interview with representatives of a European agency on 12 June 2025.

<sup>342</sup> For example, interview with representatives of an international organisation on 5 June 2025.



**Intersectionality is not consistently recognised in existing EU equality legislation**<sup>343</sup>. Some legislation and strategies address intersectional discrimination, while others do not<sup>344</sup>, leading to fragmented EU equality legislation in this regard. Despite intersectionality being integrated into the equality strategies and action plans adopted under the Union of Equality<sup>345</sup>, there is an absence of an overarching legal obligation to systematically consider intersectionality, signalling the need for greater alignment in terminology and definitions throughout the EU legal framework to maximise the impact of existing intersectionality provisions<sup>346</sup>. Furthermore, only a handful of Member States expressly prohibit both multiple and intersectional discrimination in their national equality law framework. This makes this provision one of the most impactful of the proposed directive, as it would require legal amendments in most Member States<sup>347</sup>.

The stakeholder consultation emphasised a **general lack of understanding** across the EU in respect of what multiple and intersectional discrimination entails and how it should be addressed<sup>348</sup>. Courts generally avoid adjudicating intersectional cases, preferring to take a single-ground approach due to the complexity and lack of guidance on how to deal with them<sup>349</sup>. This is due to the difficulty of differentiating between multiple and intersectional discrimination, reflecting them in sanctions and compensation, and defining and proving them<sup>350</sup>. Nevertheless, there has been an increase in references and understanding of intersectionality, as well as an improvement in the ability to address intersectional discrimination<sup>351</sup>. Its inclusion in the proposed directive is a step forward in terms of increasing understanding and addressing the concept of intersectionality, as well as improving the coherence of EU law on the subject.

The proposed directive has been criticised for **not taking a fully intersectional approach**<sup>352</sup>. Although the proposed instrument makes a reference to intersectionality in its recitals, it can be seen as primarily addressing discrimination from a single-axis perspective and not fully reflecting how different grounds can intersect and combine to lead to new forms of discrimination<sup>353</sup>. The stakeholder consultation pointed out that, given the clearer understanding of the additional layers of precarity and marginalisation created by intersectional discrimination, the draft text raises concerns by leaving a discrepancy between the way these issues are dealt with and how they ought to be addressed<sup>354</sup>.

To ensure that the provisions on intersectionality have the maximum possible effect, ambiguity should be **subject to legal interpretation**. These provisions should be clarified and reflected in

<sup>343</sup> Equinet, [25 years of equality: Milestones, challenges, and horizons](#), 2025, p. 4.

<sup>344</sup> It does not appear in the Racial Equality Directive or Employment Equality Directive, but it is included in the Equality Bodies Directives and the Pay Transparency Directive.

<sup>345</sup> European Commission, [Equality and inclusion: key actions \(2020-2025\)](#), website.

<sup>346</sup> For example, interview with NGO representative on 2 June 2025; and interview with representatives of a European agency on 12 June 2025.

<sup>347</sup> See national alignment categorisation in Annex I; I. Zamfir, [Combating multiple discrimination through EU law and policy](#), EPRS, European Parliament, September 2025, pp.9-10; I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024, pp. 36-38.

<sup>348</sup> For example, interview with NGO representative on 2 June 2025.

<sup>349</sup> I. Zamfir, [Combating multiple discrimination through EU law and policy](#), EPRS, European Parliament, September 2025.

<sup>350</sup> Equinet, [Expanding the list of protected grounds within anti-discrimination law in the EU](#), 2021.

<sup>351</sup> Interview with NGO representative on 18 June 2025.

<sup>352</sup> ENAR, [The end of the EU Equal Treatment Directive: A blow to equality or a chance to rethink?](#), 2025.

<sup>353</sup> For example, interview with NGO representative on 18 June 2025; S. Fredman, [Intersectional discrimination in EU gender equality and non-discrimination law](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, May 2016, pp. 10, 69.

<sup>354</sup> Interview with NGO representative on 18 June 2025.



judicial practice and compensation<sup>355</sup>. This addition would enable the CJEU to address intersectionality within the grounds and areas covered, which it is not currently empowered to do, which would represent a significant benefit<sup>356</sup>.

Overall, including the concepts of multiple and intersectional discrimination in the proposed directive would enable Member States to deal with these types of discrimination building on existing legislation. However, referring to the concepts of multiple and intersectional discrimination only in the recitals may reduce the effectiveness of the provisions. At the same time the wording of the main text of the proposal could be made clearer. Nonetheless, the inclusion of these concepts would enable the CJEU to provide interpretative guidance on these difficult-to-deal-with concepts in national settings.

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<sup>355</sup> Interview with an anti-discrimination expert on 13 June 2025; D. Schiek, '[On uses, mis-uses and non-uses of intersectionality before the Court of Justice \(EU\)](#)', *International Journal of Discrimination and the Law*, Vol. 18(2-3), 2018, pp. 82-103.

<sup>356</sup> Interview with representatives of a European agency on 12 June 2025; A. Atrey, '[Illuminating the CJEU's blind spot of intersectional discrimination in Parris v Trinity College Dublin](#)', *Industrial Law Journal*, Vol. 47(2), 2018, pp. 278-296.

Box 4 – Key national findings – Recognition of multiple and intersectional discrimination<sup>357</sup>**Key national findings**

- ❖ In **Czech** legislation, there is no explicit coverage of multiple or intersectional discrimination, and such claims are often overlooked in practice. One interviewee thought that explicitly referencing to multiple and intersectional discrimination in the proposed directive could encourage more consistent judicial reasoning and greater attention to such claims.
- ❖ In **Germany**, multiple discrimination is prohibited by law and the concept of intersectionality is recognised in relation to certain grounds, such as women with disabilities, and in certain case law instances. Interviewees stressed the need to introduce the concept of intersectionality and for equality bodies to obtain a mandate to address cases of compound discrimination and collect relevant data.
- ❖ In **Italy**, multiple discrimination is not explicitly prohibited by law, but is acknowledged to a certain extent in decisions without impacting the judgment. Given the growing diversity of the population, addressing multiple and intersectional discrimination is seen as key to the success of the proposed directive.
- ❖ In **Romania**, multiple discrimination is explicitly recognised under national legislation. A multiple discrimination factor is considered an aggravating circumstance. Although intersectional discrimination is not fully codified, it is increasingly recognised through case law.
- ❖ In **Sweden**, there is no explicit legal prohibition of multiple discrimination, although some judgments appear to be influenced by the combination of grounds. The introduction of multiple/intersectional discrimination is considered the main change that the proposed directive would bring to the Swedish system. The addition of multiple discrimination may encourage civil society to focus more on less favourable treatment in discriminatory situations and less on whether it was their specific ground at issue. This would break away from equality silos.
- ❖ All **equality bodies** that responded to the questionnaire welcomed this element of the proposed directive, with some acknowledging the importance of recognising and addressing multiple and intersectional discrimination. However, one equality body argued that these forms of discrimination should be included in Article 2 of the proposed directive. Another noted that while the definition is helpful, equality bodies and courts require additional guidance to effectively consider intersectional discrimination.

<sup>357</sup> **Czechia:** Interview with a representative of academia on 9 July 2025. **Germany:** [General Equal Treatment Act](#) of August 14, 2006, (*Allgemeines Gleichbehandlungsgesetz vom 14. August 2006*), Federal Law Gazette, Year 2006, Part I No. 39, issued on 17.08.2006, p. 1897, last amended by Article 15 of the Act of December 22, 2023 (BGBl. 2023 I No. 414); Interview with a disability expert on 01 July 2025; Interview with representative of the equality body on 17 June 2025; Interview with a trade union representative on 13 June 2025. **Italy:** [Tribunale di Ferrara ordinance 15.4.2022](#); [Tribunale di Busto Arsizio 3.2.2025](#); Interview with a judge on 16 June 2025; Interview with an academic on 7 July 2025. **Romania:** R. Iordache, [Country report](#), Non-discrimination, Transposition and implementation at national level of Council Directives 2000/43 and 2000/78, Romania, European Commission, 2024; Government Ordinance No. 137/2000 of 31 August 2000 on the prevention and sanctioning of all forms of discrimination (*Ordonanța Guvernului nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare*), Monitorul Oficial No. 431 of 2 September 2000, ([Anti-discrimination Law](#)); Interview with a representative of the equality body on 18 June 2025. **Sweden:** P. Lappalainen, [Country report](#), Non-discrimination, Transposition and implementation at national level of Council Directives 2000/43 and 2000/78, Sweden, European Commission, 2025; Interview with NGO representative on 16 June 2025. **Equality bodies:** Questionnaire received from an equality body on 11 July 2025; Questionnaire received from an equality body on 11 July 2025 (2); Questionnaire received from an equality body on 14 August 2025;

## Reasonable accommodation for persons with disabilities

A key obligation in the proposed directive that would affect the legal system of most Member States is the **duty to provide reasonable accommodation** for persons with disabilities outside employment, even if this duty is already enshrined in the UNCRPD. The proposed directive also recognises the denial of reasonable accommodation as a form of discrimination.

### Article 4a(2) proposed directive

For the purpose of paragraph 1, reasonable accommodation means necessary and appropriate modification and adjustments not imposing a disproportionate burden, where needed in a particular case, to ensure the person with a disability the enjoyment or exercise on an equal basis with others of access to social protection measure, access to education, and access to and supply of goods and services within the scope of this Directive.

In addition to the main obligation set out in Article 4a(2) proposed directive, Article 4a(5) contains more detailed implementation information and establishes detailed criteria to clarify the notion of '**disproportionate burden**'. Examples of criteria to consider when assessing whether reasonable accommodation would impose a disproportionate burden include: the size, resources, nature and net turnover and profit of the duty bearer; the negative impact on the person with disabilities; the estimated cost of the appropriate and necessary measure, as well as the historical or architectural value of the property. However, this list leaves some elements open to interpretation by the Member States. For instance, the stakeholder consultation noted that the proposed directive could provide further clarification on what constitutes a disproportionate burden, either within the text itself or through practical examples. Otherwise, there is a risk of divergence in the implementation of the proposed directive<sup>358</sup>.

**Most Member States would have to introduce amendments to their current legislative framework to align with the provisions on reasonable accommodation** (see Annex I – National alignment categorisation). Implementing this provision would have a substantial impact on the legal systems of most Member States, as even those that provide for a duty of reasonable accommodation outside the employment context would have to transpose the detailed list of criteria for assessing whether or not a burden is disproportionate. These criteria go further than any existing national rules identified in this study and would make an abstract principle more concrete. Court cases in the employment field have shown that the concept of reasonable accommodation can be difficult to interpret<sup>359</sup>. By clarifying it, the proposed directive would increase legal certainty and promote inclusion. As reasonable accommodation is already required under the UNCRPD, the proposed directive would support Member States in applying these obligations more consistently<sup>360</sup>. The stakeholders consulted suggest that the recognition of discrimination on the ground of disability, including the denial of reasonable accommodation, is a key development. They anticipated a chain

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Questionnaire received from an equality body on 27 June 2025; Questionnaire received from an equality body on 27 June 2025 (2); Questionnaire received from an equality body on 1 September 2025.

<sup>358</sup> Written reply by NGO representative on 25 June 2025.

<sup>359</sup> L. Waddington and A. Broderick, [Court practices regarding disability discrimination, including reasonable accommodation, at EU and Member State level, and in light of the UN CRPD](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, 2023.

<sup>360</sup> Interview with NGO representative on 2 June 2025 and interview with NGO representative on 22 May 2025; L. Waddington, [Future prospects for EU equality law: Lessons to be learnt from the proposed Equal Treatment Directive](#), *European Law Review*, Vol. 36(2), 2011, pp. 163-184.

reaction whereby reasonable accommodation would, over time, lead to inclusive services and access to goods, with sanctions and complaint mechanisms available for instances of non-inclusiveness<sup>361</sup>.

Following Council discussions, the proposed directive was amended in respect of provisions for persons with disabilities. While the duty to provide reasonable accommodation was retained in the 2024 text, the **broader accessibility provisions were removed**. This change has major implications for the proposed directive's overall impact<sup>362</sup>. The stakeholder consultation underlined that maintaining an anticipatory duty for duty bearers would have added greater value than limiting the obligation to a reactive duty<sup>363</sup>. Several interviewees considered its removal a significant loss<sup>364</sup>, with national disability organisations voicing concerns about the negative signal it might send to their governments<sup>365</sup>. At the same time, it has been highlighted that, even in its weakened form, the proposed directive would improve the current legal framework<sup>366</sup>.

To conclude, the introduction of a duty to provide reasonable accommodation is important, as the proposed directive sets out more detailed guidance than national provisions do. However, its impact is more limited than if accessibility obligations had been retained, as reasonable accommodation is an individual, *ex-post* duty, whereas accessibility is a structural, *ex-ante* obligation. The provision of reasonable accommodation is expected to strengthen the inclusion of persons with disabilities and support EU and its Member States in meeting their commitments under the UNCRPD.

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<sup>361</sup> For example, interview with NGO representative on 2 June 2025.

<sup>362</sup> L. Waddington and A. Broderick, [Disability law and reasonable accommodation beyond employment](#) – A legal analysis of the situation in EU Member States, European Network of Legal Experts in Gender Equality and Non-Discrimination, 2016; European Disability Forum, [Equal Treatment Directive: governments must find agreement before it's too late](#), website, 12 May 2025.

<sup>363</sup> For example, interview with an academic on 4 June 2025; for information on an anticipatory duty in the United Kingdom, see A. Lawson and M. Orchard, 'The anticipatory reasonable adjustment duty: Removing the blockages?', *The Cambridge Law Journal*, Vol. 80(2), 2021, pp. 308-337.

<sup>364</sup> For example, interview with NGO representative on 22 May 2025; interview with representative of a European network on 14 May 2025; interview with an academic on 4 June 2025; interview with NGO representative on 2 June 2025.

<sup>365</sup> Interview with NGO representative on 22 May 2025.

<sup>366</sup> Interview with NGO representative on 2 June 2025.

Box 5 – Key national findings – Reasonable accommodation for persons with disabilities<sup>367</sup>**Key national findings**

- ❖ In **Czechia**, the duty of reasonable accommodation is enshrined in law, although it is considered somewhat uncertain and rarely litigated. There is no provision allowing housing providers to refuse structural alterations. The proposed directive is expected to provide greater clarity on reasonable accommodation. This is a positive development, particularly due to its alignment with the UNCRPD and other EU anti-discrimination instruments.
- ❖ **Germany** sets out the duty to provide reasonable accommodation, but it mainly applies to public authorities. The proposed directive would extend this duty to all sectors covered. While this is generally welcomed by stakeholders, concerns exist about how 'disproportionate burden' may be interpreted. The proposed directive would align German law more closely with the UNCRPD, strengthening clarity and enforceability. One interviewee suggested that the proposed directive or a guideline should specify that non-material accommodations (e.g. rescheduling) should generally not be considered disproportionate.
- ❖ **Italy** provides for the duty to make reasonable accommodations. The national provision refers to criteria such as feasibility, the extent of protection to be granted, and the specific contextual conditions and available resources for that purpose. Interviewees emphasised the importance of fully defining the notion of non-disproportionality and giving examples of reasonable accommodation.
- ❖ **Romania** does not have a general, cross-sectoral obligation to provide reasonable accommodation to ensure access to social protection, education, goods and services. However, some sector-specific duties exist to provide adequate technical support, such as in the areas of education and access to public buildings.
- ❖ **Swedish** law recognises 'inadequate accessibility' as a distinct form of discrimination, encompassing a failure to provide reasonable accommodation, subject to a proportionality test. However, this duty does not apply to housing. The proposed directive would introduce this requirement.
- ❖ Some **equality bodies** noted that reasonable accommodation is already included in their national frameworks. Nevertheless, one mentioned that the proposed directive sets stronger minimum standards that their country might not yet meet. Some believed that it would align with the UNCRPD, and that it has the potential to drive improvements in physical accessibility,

<sup>367</sup> **Czechia:** Act No. 198/2009 Coll., The Act on Equal Treatment and Legal Means of Protection Against Discrimination and on Amendments to Certain Acts (the [Anti-Discrimination Act](#)) (*Zákon č. 198/2009 Sb. Zákon o rovném zacházení a o právních prostředcích ochrany před diskriminací a o změně některých zákonů (antidiskriminační zákon)*), Official Gazette of the Czech Republic, No. 198/2009 Coll., Part 58, published on 29 May 2009; Interview with a representative of academia on 9 July 2025; Interview with a representative of an equality body on 30 June 2025. **Germany:** Disability Equality Act of April 27, 2002, (*Behindertengleichstellungsgesetz vom 27. April 2002 (BGBl. I S. 1467, 1468)*, *das zuletzt durch Artikel 7 des Gesetzes vom 23. Mai 2022 (BGBl. I S. 760) geändert worden ist*), Federal Law Gazette 2023 I No. 760 p. 1467, 1468; Interview with a trade union representative on 13 June 2025; Interview with a representative of the equality body on 17 June 2025. **Italy:** [Law No. 104 of 5 February 1992](#), Framework law for the assistance, social integration and rights of persons with disabilities (Legge n. 104 del 5 febbraio 1992, Legge-quadro per l'assistenza, l'integrazione sociale e i diritti delle persone handicappate), Official Gazette No. 39 of 17 February 1992, Law 104/1992; Interview with a judge on 16 June 2025; Interview with an academic on 7 July 2025. **Romania:** R. Iordache, [Country report](#), Non-discrimination, Transposition and implementation at national level of Council Directives 2000/43 and 2000/78, Romania, European Commission, 2024. **Sweden:** [Discrimination Act](#), 2008:567 (*Diskrimineringslag SFS 2008:567*); Interview with representative of a national human rights institution on 4 July 2025. **Equality bodies:** Questionnaire received from an equality body on 11 July 2025 (2); Questionnaire received from an equality body on 14 August 2025; Questionnaire received from an equality body on 27 June 2025; Questionnaire received from an equality body on 1 September 2025.

digital services, and communication. However, the 'disproportionate burden' criterion can be subjective and may lead to inconsistent application or reluctance to provide accommodations unless clear guidelines and monitoring are in place. One equality body strongly opposed the wording of the reasonable accommodation provision, stating that it reduces the scope of the existing rights of persons with disabilities set out in the UNCRPD. The equality body suggested the following wording instead: 'In order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities, physical, digital and information accessibility shall be provided within the areas set out in Article 3. Reasonable accommodation can be provided as temporary solution. The time frame shall be defined according to national legislation.'

## Procedural provisions

The proposed directive would extend anti-discrimination measures that already exist in relation to the discrimination grounds of race and sex to religion or belief, age, disability and sexual orientation in areas outside employment for those Member States that have not already taken this step. This extension would **encompass fundamental procedural rights**, including access to justice for victims, shifting the burden of proof, protection against victimisation and penalties, as set out in current directives on other grounds or to these four grounds in an employment context.

In practical terms, these changes translate into a more **accessible justice system** for individuals who suffer from discrimination<sup>368</sup>. They would be able to rely on strengthened national laws, aided by equality bodies and courts applying common EU definitions, and with similar protection when travelling inside the EU. The proposed directive would also strengthen enforcement mechanisms and improve access to justice by ensuring legal remedies and providing appropriate support for victims, such as specialist support services<sup>369</sup>. Crucially, it would also ensure equal recognition for all victims of discrimination, while it would provide the courts with additional tools to protect individuals from discrimination, which would in turn discourage potential perpetrators<sup>370</sup>.

The effectiveness of the framework established by the proposed directive could be hindered by **practical barriers preventing access to justice**<sup>371</sup>. The stakeholder consultation identified access to justice as either the main challenge or one of the main challenges relating to the enforcement of the

<sup>368</sup> I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024; European Commission, Report on the effective legal protection and access to justice: 2023 Annual report on the application of the EU Charter of Fundamental Rights, [COM\(2023\) 786](#), 2023; FRA, [Access to justice in cases of discrimination in the EU: Steps to further equality](#), 2012; UN Human Rights Office, [Protecting minority rights – A practical guide to developing comprehensive anti-discrimination legislation](#), 2022.

<sup>369</sup> I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024; Interview with NGO representative on 2 June 2025; Interview with NGO representative on 10 June 2025; Interview with representatives of a European agency on 12 June 2025.

<sup>370</sup> For example, interview with representatives of a European agency on 12 June 2025; interview with NGO representative on 10 June 2025; I. Zamfir, [Combating multiple discrimination through EU law and policy](#), EPRS, European Parliament, September 2025.

<sup>371</sup> European Commission, Report on the application of Council Directive 2000/43/EC ('the Racial Equality Directive') and of Council Directive 2000/78/EC ('the Employment Equality Directive'), [COM\(2021\) 139](#), 2021; European Commission, Report on the effective legal protection and access to justice: 2023 Annual report on the application of the EU Charter of Fundamental Rights, [COM\(2023\) 786](#), 2023; Equinet, [25 years of equality: Milestones, challenges, and horizons](#), 2025; FRA, [Access to justice in cases of discrimination in the EU: Steps to further equality](#), 2012.

proposed obligations<sup>372</sup>. Barriers to access to justice for instance include the lack of legal aid, short limitation periods, high costs, lengthy and complex proceedings, and procedural hurdles<sup>373</sup>. Underreporting and lack of awareness of existing legal pathways can also prevent access to justice<sup>374</sup>. Some individuals do not assert their rights because they are unaware of them, while others may assume that discrimination is acceptable<sup>375</sup>. In countries that apply 'the loser pays' principle (where the losing party in a legal case must pay not only their own legal costs, but also those of the winning party), the risk of having to pay can be too high<sup>376</sup>. If the proposed directive does not address these issues and permits Member States to impose overly restrictive procedural rules, it may be significantly less effective in practice<sup>377</sup>.

To ensure enforcement, truly **effective, proportionate and dissuasive sanctions** are essential<sup>378</sup>. While the current draft does require such sanctions, it does so only in general terms, and this lack of specificity could still allow Member States to set forth in national legislation or apply minimal, non-deterrent penalties. This could deter victims from seeking justice or reporting discrimination if they perceive little prospect of meaningful remedies<sup>379</sup>. Thus, there is the need for genuinely dissuasive sanctions and proper compensation<sup>380</sup>. Accountability is a significant concern, as sanctions may exist in law but prove ineffective or be applied incorrectly, often due to the difficulty of gathering sufficient evidence<sup>381</sup>.

In summary, the proposed directive would introduce and strengthen procedural rights for victims of the forms of discrimination covered, and ultimately improve access to justice and enforcement. However, its effectiveness could be reduced by existing issues relating to barriers to access to justice and the lack of effectiveness, proportionality and dissuasiveness of sanctions in some legislative frameworks.

<sup>372</sup> Interview with an anti-discrimination expert on 13 June 2025; interview with representatives of an international organisation on 5 June 2025.

<sup>373</sup> Interview with representatives of a European agency on 12 June 2025; interview with an anti-discrimination expert on 13 June 2025; I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024; European Commission, [Study on sanctions for discrimination on racial/ethnic/religious grounds](#) – final report, Milieu Consulting, 2025.

<sup>374</sup> FRA, [Access to justice in cases of discrimination in the EU: Steps to further equality](#), 2012.

<sup>375</sup> Interview with NGO representative on 2 June 2025; M. Peucker, T. Clark and H. Claridge, [Mapping the journey of \(non-\) reporting in response to racism: A change-oriented approach to reporting barriers, motives and support needs](#), *Journal of Intercultural Studies*, Vol. 45(3), 2023, pp. 473–493.

<sup>376</sup> Interview with an anti-discrimination expert on 13 June 2025.

<sup>377</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>378</sup> European Commission, [How can sanctions effectively prevent and combat discrimination? Good practice guide on sanctions for discrimination on racial, ethnic and religious grounds](#), Milieu Consulting, 2025; Equinet, [Preventing and reacting to discrimination through sanctions and remedies](#), 2022.

<sup>379</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>380</sup> Interview with an anti-discrimination expert on 13 June 2025; European Commission, [How can sanctions effectively prevent and combat discrimination? Good practice guide on sanctions for discrimination on racial, ethnic and religious grounds](#), Milieu Consulting, 2025; European Commission, [Study on sanctions for discrimination on racial/ethnic/religious grounds](#) – final report, Milieu Consulting, 2025; UN Human Rights Office, [Protecting minority rights – A practical guide to developing comprehensive anti-discrimination legislation](#), 2022.

<sup>381</sup> Interview with representatives of an international organisation on 5 June 2025; K. Waldasch, [Making antidiscrimination law effective: Burden of proof, remedies and sanctions in discrimination cases](#), in T. Giegerich, *The European Union as protector and promoter of equality: European Union and its neighbours in a globalized world*, Springer, 2020, pp. 235–244.



Box 6 – Key national findings – Procedural provisions<sup>382</sup>**Key national findings**

- **Czech** law already contains many of the proposed directive's substantive provisions, albeit with some procedural gaps. The most significant change would be the consistent reversal of the burden of proof across all discrimination grounds and areas, which is currently not applied uniformly. This would strengthen access to justice and be considered a 'game-changer' in terms of enforcement. However, it would not address the practical issues relating to the complexity and length of proceedings or the underreporting of discrimination cases. The effectiveness, proportionality and dissuasiveness of sanctions are contested.
- In **Germany**, many of the procedural tools provided by the proposed directive are already available. However, interviewees considered enforcement an issue as it is largely left to victims, with few support structures in place. Stakeholders noted that the enforcement powers of equality bodies are limited, as they lack litigation rights. This makes access to justice heavily dependent on the individual's own resources. Compliance monitoring is often lacking. The proposed directive is expected to enhance enforcement and provide greater legal clarity.
- In **Italy**, although procedural mechanisms exist, they do not apply to all areas and grounds covered by the proposed directive, which would therefore extend their scope. In the areas it covers, the burden of proof remains complex and often creates barriers for victims seeking justice, while access to justice is considered uneven.
- In **Romania**, the necessary procedural standards have already been established and are operational. However, the proposed directive would lead to further enforcement capacity and, potentially,

<sup>382</sup> As noted in Section 1.4, stakeholder engagement at national level was challenging in some Member States, resulting in the completion of a relatively low number of interviews in the Member States concerned. As a result, the level of details provided for the countries covered by the case studies varies. **Czechia**: Interview with a representative of academia on 9 July 2025; Tomšej, J., European Network of Legal Experts in the Field of Gender Equality, [Country report non-discrimination Czechia](#), 2024. **Germany**: Interview with a representative of the equality body on 17 June 2025; Interview with a representative of a national authority on 12 June 2025; Interview with a trade union representative on 13 June 2025. **Italy**: Guariso and Militello, La tutela giurisdizionale, in Barbera, M. and Guariso, A. (Eds.), La tutela antidiscriminatoria. Fonti strumenti, interpreti, Giappichelli 2019. **Romania**: Interview with a representative of the equality body on 18 June 2025; Interview with representatives of a national authority on 13 June 2025; Interview with NGO representatives on 19 June 2025; Interview with representatives of a national authority on 2 July 2025; R. Iordache, [Country report](#), Non-discrimination, Transposition and implementation at national level of Council Directives 2000/43 and 2000/78, Romania, European Commission, 2024. **Sweden**: Interview with NGO representative on 16 June 2025; Interview with representative of a national human rights institution on 4 July 2025. **Equality bodies**: Questionnaire received from an equality body on 11 July 2025; Questionnaire received from an equality body on 11 July 2025 (2); Questionnaire received from an equality body on 14 August 2025; Questionnaire received from an equality body on 27 June 2025; Questionnaire received from an equality body on 1 September 2025.

- In **Romania**, the necessary procedural standards have already been established and are operational. However, the proposed directive would lead to further enforcement capacity and, potentially, resource allocation, both of which remain weak in practice. The equality body has developed the practice of issuing non-binding recommendations.
- In **Sweden**, enforcement is hindered by procedural barriers such as high legal costs, the 'loser pays' rule, limited sanctions (compensation can be reduced to zero), and limited access to justice. While the proposed directive would introduce multiple and intersectional discrimination as a new basis for proceedings, procedural enforcement would remain limited without reforms to cost rules, stronger legal aid, and remedies.
- Several **equality bodies** highlighted issues in access to justice and enforcement mechanisms in their country and argued that the proposed directive could improve the situation by enabling enforceable outcomes and raising awareness among affected groups. However, one equality body raised concerns about the reasonable accommodation obligation, as this could make it more difficult for persons with disabilities to prove discrimination before action is taken.

### 3.3.3. Impact on fundamental rights and society

The proposed directive is widely regarded as a **positive step towards strengthening fundamental rights**, particularly the principles of equality before the law and non-discrimination by meaningfully reducing inequalities, and integrating persons with disabilities while ensuring their right to benefit from measures designed to foster their independence, as well as integration of other vulnerable groups<sup>383</sup>.

As highlighted in Recital 1 of the proposed directive<sup>384</sup>, the text of the draft legislation is based on the principles set out in Article 2 TEU, including the respect for human dignity, freedom, equality and the rule of law, as well as respect for human rights, including those minority groups<sup>385</sup>. It also refers to Article 6 TEU, which recognises the rights, freedoms and principles set out in the EU Charter<sup>386</sup>.

As previously mentioned in the study, the proposed text specifically states that it respects the fundamental principles recognised in the UNCRPD, the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the European Social Charter<sup>387</sup>.

In particular, the **operationalisation of the principles of the EU Charter** would help to translate these guarantees into enforceable rights in key areas of life, which Member States would then be required to commit to when applying EU law. The fact that the proposed directive would lead to a greater protection of fundamental rights was largely confirmed by the results of the stakeholder consultation, in which the proposal was considered to be an effective tool for enhancing protection

<sup>383</sup> See for instance, Migration Policy Group, [European Commission revives Equal Treatment Directive – A critical step forward for equality in the EU](#), website, 2025; AGE Platform Europe, [EU steps back on equality protection: Commission withdraws horizontal Equal Treatment Directive](#), website, 13 February 2025; European Disability Forum, [Equal Treatment Directive: governments must find agreement before it's too late](#), website, 12 May 2025; OECD, [Combating discrimination in the European Union](#), 2025; [Article 26](#), EU Charter.

<sup>384</sup> Recital 1, [proposed directive](#).

<sup>385</sup> [Article 2](#), TEU.

<sup>386</sup> Recital 1, [proposed directive](#); [Article 6](#), TEU.

<sup>387</sup> Recital 2, [proposed directive](#).

standards and the effects of such EU action were considered likely to be positive<sup>388</sup>. Clearer and broader standards would help civil society organisations and equality bodies deliver targeted outreach, information and assistance to potential victims.

The proposed directive would establish new channels through which people who are currently not covered by the existing legal framework could seek **judicial protection**<sup>389</sup>, and thus, strengthen the right to an effective remedy and fair trial. One of the main positive effects of the proposed directive would be the possibility for national courts to request a preliminary ruling from the CJEU and having another level of judicial protection with the CJEU<sup>390</sup>.

A central benefit is the increased **legal certainty, harmonisation and consistency** that would be achieved across the Member States<sup>391</sup>. It would reduce fragmentation and ensure that individuals can claim their rights. Although Member States can decide how to transpose the proposed directive into their national legislation, it could bring much-needed clarity in certain countries where anti-discrimination laws are complex and may not necessarily cover all the grounds or areas<sup>392</sup>. Clearer definitions, scope and exceptions would facilitate better guidance for service providers, social protection authorities and educational institutions, thereby reducing the risk of non-compliance. Additionally, the proposed directive would oblige equality bodies to cover these grounds outside of employment and better align policy priorities with legal frameworks<sup>393</sup>. If paired with adequate resources and independence, stronger mandates for equality bodies that do not already cover the four grounds of the proposed directive would help to improve monitoring, data collection and support for victims. While the adoption of the proposed directive would lead to greater harmonisation, it would not necessarily provide more legal clarity, given that preliminary rulings are still being requested on the 2000 Equality Directives and that case law evolves alongside societal change, clarifications will always be needed<sup>394</sup>. Having more rules could lead to greater protection possibilities, but it could also lead to greater complexity, fragmentation, and different interpretations. Nevertheless, having a single horizontal instrument would provide practitioners with a stable reference point, making training and capacity building easier. The proposed directive is also seen as having the potential to help to ensure greater coherence within the European legislative framework, improve enforcement, and increase awareness of rights among potential victims and those responsible for implementing the rules<sup>395</sup>.

<sup>388</sup> For instance, this was raised during Interview with NGO representative on 2 June 2025; Interview with an anti-discrimination expert on 13 June 2025; and Interview with representatives of a European agency on 12 June 2025; Written reply by representatives of an international organisation on 3 June 2025.

<sup>389</sup> Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024.; M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025.

<sup>390</sup> Interview with representative of a European network on 14 May 2025; interview with NGO representative on 2 June 2025.

<sup>391</sup> For example, Migration Policy Group, [MPG is deeply disappointed with EU Commission's withdrawal of equal treatment directive](#), website, 2025; interview with NGO representative on 2 June 2025; Interview with NGO representative on 18 June 2025; Interview with NGO representative on 10 June 2025; Interview with NGO representative on 2 June 2025; Interview with representatives of an international organisation on 05 June 2025; Interview with NGO representative on 22 May 2025; Interview with representative of a European network on 14 May 2025; Interview with representatives of a European agency on 12 June 2025; I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024, pp. 11-16.

<sup>392</sup> Interview with representatives of an international organisation on 5 June 2025.

<sup>393</sup> Interview with NGO representative on 2 June 2025.

<sup>394</sup> Interview with an anti-discrimination expert on 13 June 2025; European Court of Justice, judgment in [Case C-408/23 – Anwaltsnotarin](#), 2024; European Court of Justice, Opinion of Advocate General Čapeta in [Case C-769/22 – European Commission v Hungary](#), 2025.

<sup>395</sup> Interview with representatives of a European agency on 12 June 2025.

The proposed directive would also **improve access to rights and services**<sup>396</sup>. Indeed, it could address the specific challenges faced by vulnerable groups, such as lowering early school leaving rates, unmet healthcare needs, and lack of independent living for persons with disabilities<sup>397</sup>. Good health is essential for full participation in education, employment and society. Conversely, poor health can lead to unemployment, reliance on welfare, poverty, isolation and social exclusion. Therefore, the impact of provisions relating to access to healthcare and social security could be significant. Furthermore, by clarifying their duties with regard to making reasonable accommodations and preventing indirect discrimination, providers would be given a stronger incentive to adjust their procedures, physical environments, and digital interfaces. The stakeholder consultation noted that greater awareness of the rights set out in the proposed directive could **reduce precarity** relating to healthcare<sup>398</sup>. This would also be supported by the general prohibition of discrimination in accessing healthcare and social protection.

A harmonised legal framework against discrimination could **strengthen the EU's principle of free movement**. By reducing barriers to accessing services and opportunities across borders, the proposed directive would promote the mobility of people and workers within the internal market<sup>399</sup>. More predictable rules when relocating within the EU in areas beyond employment would benefit families and mobile citizens. The stakeholder consultation confirmed that this would provide clear benefits in terms of internal freedom of movement<sup>400</sup>. Greater legal certainty would also support businesses and service providers operating in multiple Member States by harmonising their obligations and facilitating the cross-border provision of services.

The proposed directive refers to the rights to **freedom of thought, conscience and religion**, as set out in Article 10 of the EU Charter<sup>401</sup>, and explicitly acknowledges the need to respect other fundamental freedoms, including protection of private and family life, the rights of the elderly, freedom of religion, association, expression, the press, and the freedom to conduct a business. The proposed directive would protect freedom of association, expression and the press by requiring their preservation and allowing Member States to maintain appropriate and necessary measures to protect them. The scope of the proposed text focuses on access to services rather than on regulating editorial content, thereby limiting interactions with journalistic or expressive choices<sup>402</sup>. Due to the limited scope of the proposed directive, in particular with regard to religion, as differences of treatment based on religion or belief in certain educational contexts remain permissible where consistent with national law, traditions and practices<sup>403</sup>, and the exclusion of economic transactions that are carried out in the context of private or family life, the proposed text preserves the observance of these rights and freedoms<sup>404</sup>.

Compared to the situation in 2008, there is a greater awareness of demographic challenges, and the **opportunities legislation can create for all**<sup>405</sup>. Empowering older people to remain active and

<sup>396</sup> European Commission, Staff working document: Accompanying the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, [Impact assessment](#), SEC(2008) 2180, 2 July 2008; Council of the European Union, [Progress report](#) on the Directive on implementing the principle of equal treatment, 14 June 2024.

<sup>397</sup> Written reply by with NGO representative on 25 June 2025.

<sup>398</sup> Interview with NGO representative on 18 June 2025.

<sup>399</sup> M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025.

<sup>400</sup> For example, interview with representative of a social partner organisation on 23 June 2025.

<sup>401</sup> Recital 3, [proposed directive](#); [Article 10](#), EU Charter.

<sup>402</sup> Recital 17, [proposed directive](#).

<sup>403</sup> Article 3(2)(e), [proposed directive](#).

<sup>404</sup> Recital 16 and Article 3(2)(f), [proposed directive](#).

<sup>405</sup> European Commission, Report on the impact of demographic change, [COM\(2020\) 241](#), 2020.

independent has a positive impact on their health and social lives, as well as on social benefits<sup>406</sup>. Anti-discrimination legal protections can support active ageing strategies by ensuring equal access to financial services, transport, cultural activities, and leisure facilities. This helps to reduce health inequalities and enables the older population to remain socially and economically active. Improved, equitable access to healthcare could strengthen well-being, independence and social participation, while reducing the costs associated with health disparities<sup>407</sup>. The proposed directive could address situations where policy priorities contradict existing legal barriers, creating opportunities. For example, older people are encouraged to stay active and volunteer, but they may face certain restrictions due to age limits. These can relate to travel health insurance or loans for home adaptations, which would be refused solely because of their age, even if they have stable finances. Removing these barriers would make it easier to achieve objectives such as independent living, sustainable housing, and climate adaptation. The stakeholder consultation highlighted that aligning these policy priorities with legal protections was essential, and that the proposed directive could help to achieve this<sup>408</sup>. Furthermore, by establishing broad protections against discrimination, the proposed directive could provide a legal basis for tackling algorithmic discrimination and anticipating new forms of inequality arising from the digitalisation of essential services.

Although the proposed directive would establish clearer legal obligations, its **effectiveness will also depend on broader social change**. One of the stakeholders consulted considered that the biggest challenge would ultimately be shifting mentalities and understanding the scope of the exemptions and when discrimination can be justified, rather than the implementation of the proposed directive itself<sup>409</sup>. The latter is likely to take time to become fully effective, hence the directive may not have an immediate effect<sup>410</sup>. Nevertheless, over time, predictable rules and visible enforcement tend to recalibrate expectations and behaviours, gradually embedding norms of equal treatment. As the proposed directive itself mentions, creating a society where everyone has an equal opportunity to flourish and can freely express their individuality is an effective way to combat hatred and intolerance<sup>411</sup>.

Another key positive effect of the proposed directive is its contribution to **improving social and economic inclusion**<sup>412</sup>. It would benefit society as a whole by increasing protection against discrimination throughout the EU, social and economic inclusion, as well as creating opportunities to improve access to inclusive schools and promote inclusive education across the EU<sup>413</sup>. Inclusive learning environments are associated with improved educational outcomes and long-term

<sup>406</sup> A. Solé-Auró, I. Permanyer and M. Luy, [Promoting healthy ageing in the EU: Unravelling the interplay between health and socio-demographic factors](#), EPRS, European Parliament, 2025; Interview with NGO representative on 2 June 2025.

<sup>407</sup> European Parliament, [Resolution](#) of 2 April 2009 on the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation; F. A. S. MacGuire, 'Reducing health inequalities in aging through policy frameworks and interventions', *Front Public Health*, Vol. 8, 2020, Article 315; S. Jackson, R.A. Hackett, and A. Steptoe, 'Associations between age discrimination and health and wellbeing: cross-sectional and prospective analysis of the English longitudinal study of ageing', *The Lancet Public Health*, Vol. 4(4), 2019, pp. e200 – e208.

<sup>408</sup> Interview with NGO representative on 2 June 2025.

<sup>409</sup> *ibid.*

<sup>410</sup> Interview with representative of a European network on 14 May 2025.

<sup>411</sup> Recital 5ab, [proposed directive](#).

<sup>412</sup> M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025; Council of the EU, [Recommendation](#) on promoting common values, inclusive education, and the European dimension of teaching, 22 May 2018.

<sup>413</sup> Recital 6a, [proposed directive](#); M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025; Interview with a representative of an NGO on 2 June 2025; Written reply by with representatives of a European agency on 9 July 2025; Interview with NGO representative on 2 June 2025; Interview with NGO representative on 18 June 2025.

employability, especially among learners who are at risk of exclusion. The proposed directive's implementation could encourage more inclusive policies and better accessibility to goods and services<sup>414</sup>. This encompasses physical accessibility and accessible communication, ensuring that information about rights and services is made available to those who need it most. It could lead to greater awareness, as disability and discrimination would have broader recognition and be more visible, which could favour inclusion. By reducing discrimination, the proposed directive is also expected to improve educational attainment, support productivity, contribute to better health outcomes, better employment prospects, economic growth, and ultimately social cohesion, and higher quality of life<sup>415</sup>.

The proposed directive could **improve social cohesion and well-being throughout the EU**. By reducing exclusion, it would make individuals feel more integrated and valued in society. Society would benefit from people not feeling excluded and significant positive impacts, including reducing the psychosocial risks linked to marginalisation and discrimination, would benefit society as a whole<sup>416</sup>. Reduced psychosocial risks can also lead to fewer absences from work and improved educational attainment, providing benefits that extend beyond the directly protected groups.

Finally, the proposed directive could be a **catalyst for cultural change**. It would help to embed the principle of equal treatment across sectors, contributing to a change in social attitudes and the rejection of prejudice, while promoting diversity. For example, following the change of government in Poland, a shift in narrative led to improvements in perceptions of safety and a decline in reported discrimination against LGBTIQ persons, even without any immediate legal changes<sup>417</sup>. Similar narrative shifts, supported by enforceable rights, can lead to lasting improvements in people's everyday experiences across Member States.

In summary, the proposed directive could have a meaningful impact on fundamental rights. It would extend judicial protection and is expected to increase legal certainty. Clarifying responsibilities and strengthening institutions would make enforcement more predictable and accessible. It could also improve social and economic inclusion and accessibility, raise awareness and enhance quality of life, as well as create better health outcomes. It could reduce precarity and remove some barriers to independent living, such as insufficient support services or inadequate accommodation measures. It could also reduce unfair treatment and create opportunities, helping to move towards a cultural change with less prejudice and more inclusion. Ultimately, the proposed directive is likely to have a positive impact on society as a whole by strengthening freedom of movement, promoting social change, and improving social cohesion and well-being throughout the EU. These cumulative effects suggest a long-term, systemic improvement in the protection and realisation of fundamental rights across the Union.

<sup>414</sup> For example, interview with representative of a social partner organisation on 23 June 2025.

<sup>415</sup> Recital 7, [proposed directive](#); For example, interview with NGO representative on 2 June 2025; Interview with NGO representative on 22 May 2025, OECD, [Combating discrimination in the European Union](#), 2025.

<sup>416</sup> Interview with representative of a social partner organisation on 23 June 2025; OECD, [Combating discrimination in the European Union](#), 2025; Mental Health Europe, [Mental Health Europe reaction – withdrawal of Equal Treatment Directive](#), 20 February 2025; OECD, [The state and effects of discrimination in the European Union](#), 2024.

<sup>417</sup> Interview with representatives of a European agency on 12 June 2025.



Box 7 – Key national findings – Impact on fundamental rights and society<sup>418</sup>**Key national findings**

- In **Czechia**, the proposed directive would reinforce fundamental rights by offering legal clarity and consistency. It would improve accessibility for people with disabilities and enable victims of multiple and intersectional discrimination to access justice. Without the proposed directive, it is unlikely that these structural enhancements would be implemented voluntarily. With regard to judicial review, the proposed directive would strengthen rights by providing a binding interpretation from the CJEU.
- In **Germany**, the proposed directive would strengthen the protection of persons with disabilities by requiring reasonable accommodation and consistent enforcement of equal treatment rights across sectors. It would improve social inclusion, quality of life, legal certainty and freedom of movement, leading to greater equality and reducing discrimination.
- In **Romania**, the proposed directive would increase legal clarity and help to address stark disparities between urban and rural areas, particularly with regard to education. It is seen as being beneficial to both individuals and society as a whole. Adopting the proposed directive would raise awareness of the importance of anti-discrimination measures.
- In **Sweden**, the proposed directive could provide civil society with leverage to promote greater access to justice and, consequently, better enforcement, empowering people. Harmonised standards across the EU could lead to more consistent outcomes for companies, enhancing legal certainty and ensuring more effective protection. The adoption of the proposed directive is expected to contribute to improved data collection and greater public awareness.
- The majority of the **equality bodies** that responded to the questionnaire expect the proposed directive to strengthen fundamental rights, primarily by extending protection to cover the four grounds of discrimination beyond employment and by clarifying the rights and duties of those involved. Some also foresee better access to justice and more uniform protection.

**3.3.4. Impact on target groups and stakeholders**

The primary anticipated advantage of the proposed directive is that it would **empower victims of discrimination to defend their rights more effectively**<sup>419</sup>. Those discriminated against on the grounds of religion or belief, age, disability, sexual orientation, or any combination of these, would have access to justice in all EU Member States. With its provision on combined forms of discrimination, those facing discrimination based on sex or race in combination with any ground

<sup>418</sup> As noted in Section 1.4, stakeholder engagement at national level was challenging in some Member States, resulting in the completion of a relatively low number of interviews in the Member States concerned. As a result, the level of details provided for the countries covered by the case studies varies. **Czechia**: Interview with a representative of academia on 9 July 2025. **Germany**: Interview with a representative of the equality body on 17 June 2025; Interview with a trade union representative on 13 June 2025; Interview with representative of a national authority on 12 June 2025; Interview with a disability expert on 01 July 2025. **Romania**: Interview with representatives of a national authority on 13 June 2025. **Sweden**: Interview with NGO representative on 16 June 2025; Interview with representative of a national authority on 16 July 2025; Interview with representative of a national human rights institution on 4 July 2025. **Equality bodies**: Questionnaire received from an equality body on 11 July 2025; Questionnaire received from an equality body on 11 July 2025 (2); Questionnaire received from an equality body on 14 August 2025; Questionnaire received from an equality body on 27 June 2025 (2); Questionnaire received from an equality body on 1 September 2025.

<sup>419</sup> Article 7, [proposed directive](#).



protected by the proposed directive would also gain improved access to justice. Enabling access to justice and ensuring that people's rights are defended is seen as the main positive aspect of the proposed directive, and would benefit all potential victims of discrimination<sup>420</sup>. It would also bring about positive changes in victim support and protection, and accountability of perpetrators<sup>421</sup>. Although the text does not refer to other grounds such as gender identity, gender expression or sex characteristics, people belonging to these groups may still receive protection under other EU anti-discrimination legislation as it evolves through CJEU case law<sup>422</sup>.

**Civil society organisations** play a central role in combating discrimination, and the proposed directive would **strengthen their ability to act**. Adopting the proposed directive would provide civil society with a legal basis to advocate for improved services and protections, while creating opportunities for collaboration with governments and equality bodies at both EU and national level. This could also increase opportunities for strategic litigation, which has historically proven to advance anti-discrimination law and practice<sup>423</sup>. Stronger protection would empower civil society organisations and equality bodies that support victims. It would also strengthen civic space by encouraging closer collaboration between these organisations and bodies, and helping to bridge the gap between victims and the authorities responsible for assisting them<sup>424</sup>.

Extending the remit of **equality bodies** to cover all four grounds of discrimination outside of employment<sup>425</sup> is expected to improve access to independent assistance and guidance, increase case intake across sectors, and enable more strategic enforcement and support to service providers. It would enable individuals to rely on equality bodies for all six grounds covered by EU law, not only in the context of employment. While most equality bodies already operate in this way<sup>426</sup>, such adoption would bring everyone to the same standard under an EU framework. Therefore, the adoption of the proposed directive would lead to stronger equality bodies<sup>427</sup>. However, the impact of this extension will differ depending on the resources allocated to equality bodies, which are deemed inadequate in most cases<sup>428</sup>. Notably, equality bodies have experienced an increase in their responsibilities over the years without an increase in their budgets<sup>429</sup>. Thus, the positive impact of

<sup>420</sup> For example, interview with NGO representative on 2 June 2025; interview with NGO representative on 22 May 2025; M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025, pp. 9–10.

<sup>421</sup> For example, interview with representatives of an international organisation on 5 June 2025; Equinet, [EU 2026–2030 anti-racism strategy consultation](#), July 2025, pp. 10–13, 20–22, 32, 34–36.

<sup>422</sup> M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025; ILGA Europe, [Joint statement: Landmark CJEU opinion demands legal gender recognition across EU](#), 9 September 2025; European Court of Justice, Opinion of Advocate General Richard de la Tour in [Case C-43/24 – Shipov](#), 2025.

<sup>423</sup> Interview with NGO representative on 2 June 2025; M. Guerrero, European Network of Legal Experts in Gender Equality and Non-Discrimination, [Strategic litigation in EU gender equality law](#), 2020.

<sup>424</sup> Interview with representatives of a European agency on 12 June 2025; FRA, [Protecting civil society – Update 2023](#), 2023.

<sup>425</sup> Article 14b, [proposed directive](#).

<sup>426</sup> Equinet, [National equality bodies: Champions of equality and non-discrimination](#), 2024.

<sup>427</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>428</sup> European Commission, Commission staff working document: [Equality bodies and the implementation of the Commission recommendation on standards for equality bodies](#), accompanying the report on the application of the Racial Equality Directive and the Employment Equality Directive, SWD(2021) 63, 2021, pp. 19–20.

<sup>429</sup> Interview with an anti-discrimination expert on 13 June 2025; C. Collovà and M. Fernandes, [Strengthening equality bodies throughout the EU](#), EPRS, European Parliament, December 2022; N. Crowley, [Strengthening the role and independence of equality bodies](#), Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2023.

the proposed law on the EU could be enhanced by increasing the financial support provided to equality bodies<sup>430</sup>.

**Clearer legal obligations would benefit service providers** in sectors such as health, education and financial services<sup>431</sup>. It would allow them to develop guidance and training for their staff and ensure that everyone understands that discrimination is against the law<sup>432</sup>. Implementing the proposed directive would entail a learning curve to fully understand and apply its scope<sup>433</sup>. For financial services, this could mean reviewing internal policies and creating new opportunities, such as developing new products. It could also mean that healthcare providers need to adapt their protocols<sup>434</sup>. It could simultaneously generate support activity. For example, some service providers could offer their expertise in designing reasonable accommodations<sup>435</sup>.

Overall, the proposed directive would have several positive impacts on stakeholders. It would benefit victims or potential victims of discrimination, civil society and equality bodies, as it would increase their ability to support victims. It would also benefit service providers, which would have clearer obligations and opportunities arising from the new framework.

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<sup>430</sup> Equinet, The Greens/EFA, [Future of equality legislation in Europe – Synthesis report of the online roundtable](#), 2020.

<sup>431</sup> M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025.

<sup>432</sup> Interview with representatives of a European agency on 12 June 2025; Equinet, [EU 2026-2030 anti-racism strategy consultation](#), July 2025, pp. 15, 19–20, 27–28.

<sup>433</sup> Interview with NGO representative on 2 June 2025.

<sup>434</sup> For example, interview with NGO representative on 2 June 2025; Equinet, [EU 2026-2030 anti-racism strategy consultation](#), July 2025, pp. 23–24, 32–34; M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025.

<sup>435</sup> Interview with NGO representative on 2 June 2025.

Box 8 – Key national findings – Impact on target groups and stakeholders<sup>436</sup>**Key national findings**

- In **Czechia**, victims would benefit from greater procedural fairness and empowerment. Service providers would benefit from clearer guidance, particularly on reasonable accommodation, reducing uncertainty. Although their limited legal standing would remain a barrier, equality bodies would indirectly be reinforced. The proposed directive would support other entities, such as NGOs, in pursuing test cases and making better use of strategic litigation. For most stakeholders, particularly providers of goods and services, existing obligations would remain largely unchanged. Another expected benefit of the proposed directive would be to strengthen enforcement at the individual level, which is currently constrained by institutional limitations.
- In **Germany**, the proposed directive would provide victims, particularly people with disabilities and older persons, with enforceable rights and better access to justice. Service providers would face clearer and stronger obligations, with private providers likely to experience more significant changes. The proposed directive and the recent Equality Bodies Directives would strengthen the mandates of equality bodies, which are currently limited. Civil society is expected to play a larger role in litigation and raising awareness.
- In **Italy**, clearer standards and greater access to remedies would benefit victims, particularly Muslim women, people with disabilities and LGBTIQ persons. Individuals, service providers and public authorities would gain legal clarity. Service providers, particularly SMEs, would require specific guidance and practical tools to ensure compliance.
- In **Romania**, clearer standards and enhanced protection would benefit victims, service providers and the public administration. It would strengthen the legal recourse available to victims, particularly persons with disabilities and older persons. The National Council for Combating Discrimination and the People's Advocate institution (Office of the Ombudsman) would benefit from more consistent enforcement and potentially greater institutional capacity.
- In **Sweden**, victims of compounded forms of discrimination would have access to justice on multiple grounds. Service providers would experience few changes, as their obligations are already broad.
- **Equality bodies** emphasised that the proposed directive would generally enhance protection for victims by establishing clearer rules and broader coverage. This would empower individuals to seek redress and encourage inclusion. The equality bodies themselves expected to be given reinforced mandates and greater clarity in enforcement, and anticipated increased caseloads and resource needs. Service providers and public administrations would benefit from harmonised obligations and improved guidance, but may encounter difficulties relating to costs, staff training and infrastructure upgrades. Concerns were raised about uneven implementation, particularly in rural areas.

<sup>436</sup> As noted in Section 1.4, stakeholder engagement at national level was challenging in some Member States, resulting in the completion of a relatively low number of interviews in the Member States concerned. As a result, the level of details provided for the countries covered by the case studies varies. **Czechia**: Interview with representative of an equality body on 30 June 2025; Interview with representative of academia on 9 July 2025. **Germany**: Interview with representative of the equality body on 17 June 2025; Interview with a trade union representative on 13 June 2025. **Italy**: Interview with a judge on 16 June 2025; Interview with an academic on 7 July 2025. **Romania**: Interview with representatives of a national authority on 13 June 2025; Interview with NGO representatives on 19 June 2025; Interviews with representatives of a national authority on 2 July 2025; Interview with representative of the equality body on 18 June 2025. **Sweden**: Interview with representative of a national human rights institution on 4 July 2025; Interview with NGO representative on 16 June 2025. **Equality bodies**: Questionnaire received from an equality body

### 3.3.5. Impact and interaction with national frameworks

**The impact of the proposed directive is expected to differ across the Member States, depending on the level of protection already in place**, according to the majority of stakeholders consulted<sup>437</sup>. An important consideration in assessing the effectiveness of the proposed directive is that Member States' legal frameworks may already meet or exceed some of the proposed directive's requirements. As research shows, most EU Member States protect additional grounds beyond those required by EU law<sup>438</sup>. For instance, Belgian legislation prohibits over 20 grounds of discrimination<sup>439</sup>. These national extensions show that many Member States have already gone beyond the current EU requirements and meet, at least partially, the proposed directive's ambitions. More specifically, in Member States that already provide for a strong legal protection, the proposed directive would largely require only minor adjustments, such as developing definitions (in particular, the definition of disproportionate burden), clarifying the scope of specific provisions, resolving inconsistencies or strengthening some enforcement mechanisms<sup>440</sup>.

**The legislation of some Member States does not fully cover one or more of the grounds of discrimination beyond employment** (see the table below). In such cases, the proposed directive would require broader legal reforms to extend these rights to groups and areas not yet covered. While this would entail greater efforts in transposition and implementation, its effectiveness would be highly transformative. Due to existing equality directives, all Member States already have the main mechanisms set out in the proposed directive in their legal systems, even if they do not currently cover all grounds in access to social protection, education, and the supply and access to goods and services. Therefore, they would primarily need to extend these to the missing grounds or areas.

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on 11 July 2025; Questionnaire received from an equality body on 11 July 2025 (2); Questionnaire received from an equality body on 14 August 2025; Questionnaire received from an equality body on 27 June 2025 (2); Questionnaire received from an equality body on 1 September 2025.

<sup>437</sup> For example, interview with NGO representative on 2 June 2025; interview with NGO representative on 18 June 2025; interview with representative of a social partner organisation on 23 June 2025; interview with representative of a social partner organisation on 23 June 2025; interview with NGO representative on 10 June 2025; interview with NGO representative on 2 June 2025; interview with representatives of a European agency on 12 June 2025.

<sup>438</sup> I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024, pp. 11-16.

<sup>439</sup> Belgium, [Act of 30 July 1981](#) sanctioning certain acts motivated by racism or xenophobia (*Wet van 30 juli 1981 tot bestraffing van bepaalde door racism of xenophobie ingegeven daden*), B.S. 8 August 1981; [Act of 10 May 2007](#) combating certain forms of discrimination (*Wet van 10 mei 2007 ter bestrijding van bepaalde vormen van discriminatie*), B.S. 30 May 2007.

<sup>440</sup> M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025; Interview with NGO representative on 2 June 2025.

Table 6 – Current national coverage of the grounds and areas of the proposed directive

<b>Austria</b> The grounds of age and sexual orientation are not covered in the areas of the proposed directive, and the coverage of religion and disability is not explicit, partial and/or unclear.	<b>Belgium</b> All grounds/areas of the proposed directive are covered.	<b>Bulgaria</b> All grounds/areas of the proposed directive are covered. However, there is no explicit reference to areas, only general provisions stating that the prohibition of discrimination applies to everyone in exercising and protecting rights and freedoms under the Constitution and laws.	<b>Croatia</b> All grounds/areas of the proposed directive are covered.
<b>Cyprus</b> None of the grounds/areas covered by the proposed directive are addressed, except for disability in access to and supply of goods and services. It is unclear in relation to disability in healthcare, education and housing.	<b>Czechia</b> All grounds/areas of the proposed directive are covered.	<b>Denmark</b> The grounds of religion or belief and age are not covered in the areas of the proposed directive.	<b>Estonia</b> None of the grounds/areas covered by the proposed directive are addressed beyond employment.
<b>Finland</b> All grounds/areas of the proposed directive are covered.	<b>France</b> All grounds/areas of the proposed directive are covered.	<b>Germany</b> All grounds/areas of the proposed directive are covered.	<b>Greece</b> The ground of age is not covered in the areas of the proposed directive.
<b>Hungary</b> All grounds/areas of the proposed directive are covered.	<b>Ireland</b> All grounds/areas of the proposed directive are covered, but not explicitly.	<b>Italy</b> The grounds of age and sexual orientation are only covered in relation to (social) housing.	<b>Latvia</b> The areas of healthcare, access to education, access to and supply of goods and services, and housing are either not explicitly covered or not covered.

<b>Lithuania</b> Unclear coverage for all grounds of the proposed directive in relation to access to social protection.	<b>Luxembourg</b> All grounds/areas of the proposed directive are covered.	<b>Malta</b> All grounds/areas of the proposed directive are covered.	<b>Netherlands</b> All grounds/areas of the proposed directive are covered, but no specific provisions exist regarding all the grounds on social security, social assistance, and on all areas except education in relation to age discrimination.
<b>Poland</b> The grounds of religion or belief and sexual orientation are covered outside of employment only in access to and supply of goods and services, and partially in access to education.	<b>Portugal</b> All grounds/areas of the proposed directive are covered.	<b>Romania</b> All grounds/areas of the proposed directive are covered.	<b>Slovakia</b> All grounds/areas of the proposed directive are covered.
<b>Slovenia</b> All grounds/areas of the proposed directive are covered.	<b>Spain</b> All grounds/areas of the proposed directive are covered.	<b>Sweden</b> All grounds/areas of the proposed directive are covered.	

While the degree of divergence varies across the Member States, **none has national legislation that is fully aligned with all provisions of the proposed directive** (see Annex I). The proposal would thus reinforce, specify and harmonise the standards rather than introducing entirely new concepts.

The impact of the proposed directive will inevitably **vary across the EU due to cultural differences**, and will influence the implementation of these standards, which will lead to different effects in each country<sup>441</sup>.

Simultaneously, **Member States implementing the proposed directive are likely to share positive experiences**. One stakeholder consulted expressed the view that governments often seek inspiration from each other and look for peer-to-peer guidance when developing new laws, especially in cases where they have previously been reluctant to engage with a particular topic<sup>442</sup>. Establishing minimum requirements at EU level would guide Member States in improving their legislation, creating a common standard, fostering coherence, and promoting mutual support between Member States<sup>443</sup>.

<sup>441</sup> Interview with representatives of an international organisation on 5 June 2025; I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024, pp. 10-16, 39-61, 89-116.

<sup>442</sup> Interview with NGO representative on 10 June 2025.

<sup>443</sup> Interview with NGO representative on 10 June 2025; Non-discrimination standards and legislation throughout the 27 Member States are increasingly fragmented with a variety of requirements and obligations, see: I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024, pp. 136-142.

One of the anticipated positive effects of the proposed directive is that it **could help to guide the development of new policies and guidelines** in different Member States. The creation of policies and guidelines could be expected in areas covered following the transposition of the legal act<sup>444</sup>.

In summary, the impact of the proposed directive will differ across Member States depending on the extent to which existing legislation covers the areas set out in the proposed directive, as well as the cultural context of each Member State. The positive impact will be more significant for countries that do not already cover all areas of the proposed text, but all Member States will benefit to some extent, as none currently align fully (e.g. some definitions are not as clearly detailed; multiple and intersectional discrimination is not explicitly prohibited). Implementing the proposed directive could promote mutual support between Member States and encourage the development of guidelines to improve legal clarity.

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<sup>444</sup> Written reply by with NGO representative on 25 June 2025; certain research indicates that the adoption of EU anti-discrimination legislation would translate into robust national policies and guidelines, see: M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#), EPRS, European Parliament, February 2025, pp. 4–6; I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024, pp. 39–62; OECD, [Combating discrimination in the European Union](#), 2025, pp. 91–102, 109–128.



Box 9 – Key national findings – Impact and interaction with national frameworks<sup>445</sup>**Key national findings**

- **Czechia's** anti-discrimination framework largely aligns with the proposed directive and goes further on some specific elements. Rather than requiring substantial legislative changes, the proposed directive would mostly lead to more detailed clarifications of existing provisions (e.g. reasonable accommodation) and introduce the formal coverage of multiple/intersectional discrimination.
- While **Germany's** framework largely aligns with the proposed directive, it would clarify the duty to provide reasonable accommodation in particular. It would also be helpful to explicitly mention that the equal treatment provisions cover public schools and universities.
- The **Italian** equality framework is extremely fragmented and, therefore, difficult to grasp. The transposition of the proposed directive could provide an opportunity to clarify the existing framework and consolidate obligations into a single piece of legislation. The protection against discrimination would be extended to include age and sexual orientation in all areas covered by the proposed directive. The stakeholder consulted does not envisage any upcoming changes in the field of anti-discrimination law without an initiative from the EU legislator. As national law provides for *actio popularis* (actions brought by organisations, associations or collective entities in the public interest, instead of on behalf of a specific victim of discrimination), the proposed directive would allow collective entities to initiate collective action within its scope. The interviewees considered this the most effective means of combating discrimination.
- The **Romanian** anti-discrimination legislation covers all areas of the proposed directive and establishes a broad anti-discrimination framework that largely aligns with the provisions of the proposed directive. The main changes would concern the provision of reasonable accommodation for persons with disabilities, which is currently not widely available.
- The **Swedish** anti-discrimination framework already covers the scope of the proposed directive. However, multiple and intersectional discrimination would have to be added. The proposed directive would also lead to changes in the provisions on reasonable accommodation, which are currently unclear and do not cover housing.
- Several **equality bodies** described gaps in their current national systems, as well as fragmentation (e.g. rules at different levels, including regional). They considered that the proposed directive would clarify and broaden these rules. However, they also expressed concerns that national authorities might adopt the proposed directive's narrower scope instead of extending coverage to all government actions. One equality body mentioned that their country already provides comprehensive protection beyond employment, so they expect fewer changes.

<sup>445</sup> As noted in Section 1.4, stakeholder engagement at national level was challenging in some Member States, resulting in the completion of a relatively low number of interviews in the Member States concerned. As a result, the level of details provided for the countries covered by the case studies varies. **Czechia:** Interview with representative of the equality body on 30 June 2025. **Germany:** Interview with representative of the equality body on 17 June 2025. **Italy:** Interview with a judge on 16 June 2025; Interview with a lawyer on 27 June 2025. **Romania:** Government Ordinance No. 137/2000 of 31 August 2000 on the prevention and sanctioning of all forms of discrimination (*Ordonanța Guvernului nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare*), Monitorul Oficial No. 431 of 2 September 2000, [Anti-discrimination Law](#). **Sweden:** Discrimination Act, 2008:567 (Diskrimineringslag SFS 2008:567); Interview with representative of a national human rights institution on 4 July 2025. **Equality bodies:** Questionnaire received from an equality body on 11 July 2025; Questionnaire received from an equality body on

### 3.3.6. Limitations, implementation barriers and enablers

#### Limitations and barriers

While the proposed directive represents a step forward in extending equal treatment rules beyond employment, several limitations may undermine the effectiveness of the proposed legislation. These challenges relate to the scope of the Directive, the breadth of exemptions granted to Member States, and implementation difficulties that may arise during transposition and enforcement.

One recurring criticism is the **limited scope of the protected grounds**<sup>446</sup>. The stakeholder consultation highlighted that the proposal focuses on grounds that are already covered to some extent by existing legislation, combining them into a single framework without necessarily adding new protected characteristics<sup>447</sup>. The text could have included **nationality** and **socioeconomic background** to make the proposed directive truly horizontal<sup>448</sup>. Including nationality would extend protection to third-country nationals and provide clearer protection for mobile EU citizens<sup>449</sup>. Adding socioeconomic background would reflect patterns of disadvantage, poverty, and social exclusion that cut across education, health, housing, and access to goods and services, all of which are areas where socioeconomic disadvantage results from and fuels discrimination<sup>450</sup>. Several stakeholders consulted thought it was regrettable only to include sexual orientation in the draft text, given that secondary EU legislation has developed significantly since 2008, as evidenced by the Victims' Rights Directive<sup>451</sup>, which covers **gender identity, gender expression** and **sex characteristics** in addition to sexual orientation<sup>452</sup>.

As will be explained in more detail in the following paragraphs, both literature and stakeholder consultation indicate that the **scope and wording of definitions and exemptions** are a cause for concern. Giving Member States too much discretion could lead to different interpretations, which could undermine the effectiveness of the proposed directive and create significant legal loopholes<sup>453</sup>. More exceptions lead to greater subsidiarity, but also to less harmonisation and reduced added value of the proposed directive.

First, **exemptions concerning discrimination on the grounds of religion or belief**, particularly those relating to the wearing of religious symbols, were viewed as potentially undermining the objective of equal treatment, given that one of the most common forms of religious discrimination

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27 June 2025 (2); Questionnaire received from an equality body on 1 September 2025; Questionnaire received from an equality body on 14 August 2025.

<sup>446</sup> Equinet, [Expanding the list of protected grounds within anti-discrimination law in the EU](#), 2021.

<sup>447</sup> For example, interview with representatives of a European agency on 12 June 2025.

<sup>448</sup> Interview with NGO representative on 18 June 2025; Equinet, [25 years of equality: Milestones, challenges, and horizons](#), 2025, p. 4; European Network Against Racism, [The end of the EU Equal Treatment Directive: A blow to equality or a chance to rethink?](#), 2025.

<sup>449</sup> FRA, [Fundamental rights report 2022](#), FRA Opinions, 2022; Equinet, [Expanding the list of protected grounds within anti-discrimination law in the EU](#), 2021; S. Morano-Foadi, [Third country nationals versus EU citizens: Discrimination based on nationality and the equality directives](#), 2010.

<sup>450</sup> O. De Schutter, [Combating discrimination on grounds of socio-economic disadvantage: A tool in the fight against poverty](#), CRIDHO Working Paper 2022-7, Institute for Interdisciplinary Research in Legal sciences, Centre for Philosophy of Law (CPDR), 2022; Equality and Rights Alliance, [An analysis of the introduction of socio-economic status as a discrimination ground](#), 2016.

<sup>451</sup> [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012.

<sup>452</sup> Interview with NGO representative on 10 June 2025; interview with representatives of an international organisation on 5 June 2025; Equinet, [25 years of equality: Milestones, challenges, and horizons](#), 2025, p. 4.

<sup>453</sup> Interview with representatives of a European agency on 12 June 2025; Interview with NGO representative on 22 May 2025.

relates to the wearing of such symbols, especially for Jewish and Muslim individuals<sup>454</sup>. While acknowledging the cultural sensitivity of the issue, some stakeholders argued that total exclusion from the scope should not be granted; in particular, limited restrictions in specific contexts, such as certain public services or education, might be acceptable, but not total discretion<sup>455</sup>. In this respect, the proposed directive was considered a missed opportunity, particularly given the increase in anti-Muslim hatred and the fact that it does not adequately protect Muslim women<sup>456</sup>. They indeed face more challenges in accessing employment, healthcare and education<sup>457</sup>, and even when restrictions appear to be neutral, they tend to disproportionately affect Muslim women in practice<sup>458</sup>. Some narratives in debates on the wearing of the headscarf can perpetuate stereotypical and biased perceptions of the Muslim faith and the role of women<sup>459</sup>. Likewise, this exemption would impact symbols of the Jewish communities, such as the kippah or Star of David, while data from 13 Member States indicate that 76 % of Jews who at least sometimes wear or display recognisable items avoid doing so in public at least occasionally<sup>460</sup>. Allowing national discretion on this issue risks creating further disparities in equal treatment and would not ensure harmonised legal protection across the EU<sup>461</sup>.

Secondly, the proposed directive builds on the Employment Equality Directive, which gives Member States considerable leeway to introduce **exceptions relating to the prohibition of age discrimination**<sup>462</sup>. One interviewee was concerned that the extent of the age exemption could nullify the rule itself, depending on its interpretation<sup>463</sup>. This could reinforce the idea that age discrimination is less important than discrimination on other grounds. Laws that tolerate age discrimination send the message that it is acceptable, making it easier to justify in everyday life and reinforcing internalised ageism<sup>464</sup>. Internalised ageism, or self-directed ageism, occurs when older people absorb and accept negative societal stereotypes about ageing, which can undermine their confidence and discourage them from challenging discriminatory treatment and participating in work, education, and social life<sup>465</sup>.

Thirdly, the practical application of the proposed directive may present **specific challenges for persons with disabilities**, particularly where their legal capacity is limited. A risk of having to justify

<sup>454</sup> Interview with NGO representative on 18 June 2025; European Network Against Racism, [Forgotten women: The impact of islamophobia on Muslim women](#), 2016.

<sup>455</sup> For example, interview with an anti-discrimination expert on 13 June 2025; Interview with representative of a European network on 14 May 2025.

<sup>456</sup> Interview with NGO representative on 18 June 2025.

<sup>457</sup> FRA, [Being Muslim in the EU – Experiences of discrimination, hate crime and police stops](#), 2024; Amnesty International, [Choice and prejudice – Discrimination against Muslims in Europe](#), 2012.

<sup>458</sup> UN Human Rights Office, [Human rights of women wearing the veil in Western Europe](#), Research paper, 2019; European Network Against Racism, [Forgotten women: The impact of islamophobia on Muslim women](#), 2016; E. Howard, [German headscarf cases at the ECJ: a glimmer of hope?](#), European Law Blog, July 2021.

<sup>459</sup> Written reply by with representatives of an international organisation on 3 June 2025.

<sup>460</sup> FRA, [Jewish people's experiences and perceptions of antisemitism – EU survey of Jewish people](#), 2024, p. 57.

<sup>461</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>462</sup> Article 6, [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.

<sup>463</sup> Interview with NGO representative on 2 June 2025.

<sup>464</sup> Interview with NGO representative on 2 June 2025; Council of Europe, [Overcoming age-based discrimination against older persons](#), 2024.

<sup>465</sup> European Commission, Joint Research Centre, [Ageism: a challenge for a society of longevity](#), 2024.

discrimination on the grounds of disability exist, which may, for example, be difficult for those lacking legal capacity, such as individuals under legal protection<sup>466</sup>.

In addition to issues relating to the grounds of discrimination covered, concerns also emerged in relation to exemptions to the scope of coverage of the areas. The way in which age and health factors are addressed in financial services is a particularly sensitive issue, as **exemptions should strike a balance between the principle of equal treatment and the practicalities of the financial sector**. The proposed directive seeks to clarify when the use of age and health conditions in insurers' risk assessments should not be considered discrimination<sup>467</sup>. This clarification is seen as essential for safeguarding the sustainability of the private insurance market, in which risk-based underwriting links higher risks to higher premiums<sup>468</sup>. A key judgment is the ruling in the **Test-Achats case**<sup>469</sup>, which concerned the validity of the exemption allowing for sex-based differences in insurance premiums and benefits, provided that they were supported by actuarial and statistical data. The CJEU ruled that this exemption contravened the principle of equal treatment and that maintaining indefinite exemptions from the rule would undermine the objective of gender equality. One stakeholder raised concerns that a similar outcome could occur if the exemptions for age and health conditions in the proposed directive lack clear limitations<sup>470</sup>. This would risk the exemption being annulled by the CJEU, which could even lead to products such as life insurances no longer being offered. To avoid this, they emphasised the importance of framing such provisions, not as derogations, but as data-based differentiations, which would provide greater legal certainty for service providers in that sector<sup>471</sup>.

**These exemptions were also met with concern by several stakeholders for other reasons.** One stakeholder found this exemption in financial sectors difficult to accept because it results in a two-tier system of equality<sup>472</sup>, whereby individuals enjoy full protection against discrimination in some areas but weaker protection in others. Some people are unable to sign documents, meaning they cannot open a bank account and therefore cannot access their money or manage their everyday finances independently, and the proposed directive would not change this situation<sup>473</sup>. The current provisions may not be considered sufficient to fully comply with international legal requirements, particularly the restrictions applied to disability-related discrimination<sup>474</sup>. Past experience shows that fairer and more balanced approaches are possible instead of blanket exemptions, for example, the increasing acknowledgement of a 'right to be forgotten' for certain medical conditions when applying for insurance<sup>475</sup>.

Similarly, the **exemption of family law** — covering areas such as marital status, adoption, and reproductive rights — raises concerns about the effectiveness of the proposed directive. This exclusion is regarded as problematic because these areas directly affect fundamental aspects of

<sup>466</sup> Interview with NGO representative on 2 June 2025; FRA, [Legal capacity of persons with intellectual disabilities and persons with mental health problems](#), 2013.

<sup>467</sup> Article 2(7a) and (7), [proposed directive](#); Interview with representatives of an industry stakeholder group on 16 June 2025.

<sup>468</sup> Interview with representatives of an industry stakeholder group on 16 June 2025.

<sup>469</sup> European Court of Justice, judgment in [Case C-236/09 – Association Belge des Consommateurs Test-Achats and Others](#), 2011.

<sup>470</sup> Interview with representatives of an industry stakeholder group on 16 June 2025.

<sup>471</sup> *ibid.*

<sup>472</sup> Interview with an anti-discrimination expert on 13 June 2025.

<sup>473</sup> Interview with NGO representative on 2 June 2025.

<sup>474</sup> For example, written reply by representatives of an international organisation on 3 June 2025; UN General Assembly, [Convention on the Rights of Persons with Disabilities](#), A/RES/61/106, 24 January 2007.

<sup>475</sup> Interview with an anti-discrimination expert on 13 June 2025; Timelex, [Right to be forgotten in personal insurance](#), website, 2019.

private and family life and can be a source of significant discrimination<sup>476</sup>. Reproductive rights are closely tied to gender equality<sup>477</sup>, as they are essential for women's autonomy, health, and participation in public life. Their exclusion is also difficult to reconcile with the demographic challenges and declining birth rates identified in the proposed directive itself<sup>478</sup>. Exemptions in family law must be carefully framed in light of the growing number of cross-border families in the EU<sup>479</sup>. Without adequate safeguards, discriminatory situations may persist, for example in relation to parental rights when visiting children in hospitals or collecting them from school<sup>480</sup>. Concerns are particularly acute with respect to the protection of non-heterosexual couples. The ECtHR has established, through cases such as *Vallianatos and Others v Greece*<sup>481</sup> and *Oliari and Others v Italy*<sup>482</sup>, that States must provide legal recognition of same-sex partnerships and ensure equality in areas such as adoption. The exemption of family law from the proposed directive could therefore leave a significant gap in protection, falling short of these standards<sup>483</sup>.

Another factor that could affect the effectiveness of the proposed directive is the **exclusion of issues not directly related to access to education**<sup>484</sup>. Article 3(2)(d) states that anything unrelated to access to education is outside the scope of the proposed directive<sup>485</sup>. However, one stakeholder considered this exclusion to be a significant issue because it affects almost every area of education, where stigma, discrimination and bullying are widespread<sup>486</sup>. Bullying is particularly prevalent in schools during a person's formative years and can result in lifelong mental health issues, especially when it is based on aspects of a person's identity<sup>487</sup>. Teaching content and school activities are under growing attack as anti-LGBTIQ views become more common<sup>488</sup>.

In addition to the text itself, **the proposed directive could face implementation challenges that would affect its effectiveness**. Experience with the Employment Equality Directive suggests that there could be implementation difficulties where there is insufficient legal clarity<sup>489</sup>. For example, this could relate to exemptions linked to age or disability discrimination, or justifications for differential treatment<sup>490</sup>. However, as the provisions are based on existing directives, with which

<sup>476</sup> Interview with NGO representative on 10 June 2025; interview with NGO representative on 2 June 2025; written reply by representatives of an international organisation on 3 June 2025.

<sup>477</sup> OECD, [Transforming laws and norms to achieve universal sexual and reproductive health and rights](#), 2025.

<sup>478</sup> Article 3(4a), [proposed directive](#); Interview with representatives of a European agency on 12 June 2025; Interview with NGO representative on 10 June 2025.

<sup>479</sup> European Commission, [Impact assessment](#) of the Proposal for a Council Regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood, SWD(2022) 391.

<sup>480</sup> Interview with NGO representative on 10 June 2025.

<sup>481</sup> ECtHR, *Vallianatos and Others v Greece*, App. No. 29381/09 and 32684/09, judgment of 4 November 2013.

<sup>482</sup> ECtHR, *Oliari and Others v Italy*, App. No. 18766/11 and 36030/11, judgment of 21 July 2015.

<sup>483</sup> Interview with representatives of an international organisation on 5 June 2025.

<sup>484</sup> ILGA Europe, [ILGA-Europe's position on the proposal for a Council Directive on the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#), 2008.

<sup>485</sup> Article 3(c) and 3(2)(d), [proposed directive](#).

<sup>486</sup> Interview with NGO representative on 10 June 2025.

<sup>487</sup> Interview with NGO representative on 10 June 2025; European Commission, European School Education Platform, [Creating safe and inclusive schools for LGBTI+ youth](#), website, 2023; UNESCO, [Over half of LGBTQI students in Europe bullied in school, says UNESCO report](#), website, 2021.

<sup>488</sup> Interview with NGO representative on 10 June 2025.

<sup>489</sup> J. Tymowski, [The Employment Equality Directive – European implementation assessment](#), EPRS, European Parliament, 2016, p. 58.

<sup>490</sup> Interview with NGO representative on 2 June 2025.

Member States are already familiar, they are unlikely to pose new challenges. The barriers would thus not differ significantly from those encountered under the existing directives<sup>491</sup>.

The adoption process of the proposed directive may temporarily lead to an **increase in discrimination and hate speech**. Progressive legislation often provokes intense debate in national parliaments; for example, in some countries, discussions on gender recognition laws coincided with spikes in hate speech from opponents. Similar reactions could occur in the period preceding the adoption of the proposed directive<sup>492</sup>.

Another concern is the **risk of 'levelling down'**, whereby the transposition of the proposed directive could prompt some Member States to lower their existing high standards instead of maintaining or improving protection<sup>493</sup>.

Lastly, although one stakeholder was not in favour of the proposal being adopted<sup>494</sup> and another was neither for nor against<sup>495</sup>, **the vast majority of the participants to the stakeholder consultation would rather have the text adopted in its current version than have nothing at all, notwithstanding their concerns and criticisms**<sup>496</sup>.

To conclude, several elements were identified that could limit the effectiveness of the proposed directive in achieving its objectives. These include the limited scope of the protected grounds covered, the extent and drafting of the exemptions, particularly those relating to the wearing of religious symbols, and the exemptions relating to age, disability, the financial sector, family law (including marital status, adoption and reproductive rights) and education (beyond access). The effectiveness of the proposed directive could be slowed down by implementation challenges, a surge in discrimination and hate speech during the adoption and transposition of the text, and the risk of some countries lowering their standards during transposition into national law. Nevertheless, the vast majority of stakeholders consulted still supported the adoption of the proposed directive, and these limitations do not negate the positive impacts on fundamental rights.

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<sup>491</sup> Written reply by representatives of an international organisation on 3 June 2025; interview with representative of a European network on 14 May 2025.

<sup>492</sup> Interview with representatives of an international organisation on 5 June 2025.

<sup>493</sup> Recital 22, [proposed directive](#) aims at mitigating the risks of levelling down; Interview with representatives of an international organisation on 5 June 2025; Interview with representative of a European network on 14 May 2025.

<sup>494</sup> Interview with representatives of an industry stakeholder group on 19 June 2025.

<sup>495</sup> Interview with representatives of an industry stakeholder group on 16 June 2025.

<sup>496</sup> For instance, Interview with NGO representative on 2 June 2025; Interview with NGO representative on 18 June 2025; Interview with NGO representative on 10 June 2025; Interview with NGO representative on 22 May 2025; Interview with representative of a European network on 14 May 2025; Interview with representatives of a European agency on 12 June 2025; European Network Against Racism, [The end of the EU Equal Treatment Directive: A blow to equality or a chance to rethink?](#), 2025.



Box 10 – Key national findings – Limitations and barriers<sup>497</sup>**Key national findings**

- While the **Czech** framework already provides extensive protection, stakeholders consulted warned that the proposed directive could inadvertently weaken existing safeguards. Unlike current Czech legislation, the proposed directive includes exemptions for religious symbols and restrictions on reasonable accommodation in housing, as well as stricter thresholds for harassment. These factors could reduce the level of protection. One interviewee suggested that the provisions on banking and financial services would provide legal clarity. However, they also noted that the exclusion of reproductive rights could potentially allow discrimination in areas such as same-sex marriage and adoption, or access to assisted reproduction. The exemption on religious symbols was seen as potentially undermining the effectiveness of the proposed directive.
- In **Germany**, the majority of stakeholders did not perceive any significant risks associated with adopting the proposed directive, although some service providers may face additional obligations. One interviewee flagged the risk of the term 'disproportionate burden' being interpreted too broadly, while another highlighted unnecessary concerns about misunderstandings surrounding the proposed directive.
- In **Italy**, the main limitations identified by stakeholders were the weakness of institutional capacity and poor enforcement, the lack of independence and resources of the equality body, and the potential for slow and uneven transposition. They also believed that adoption could lead to increased litigation. There is a risk that the legislator will merely translate the proposed directive without coordinating it with existing provisions. It will be up to case law to clarify that the proposed directive does not lower protection standards. According to one interviewee, the proposed directive provides too many exemptions, which could significantly undermine its aim of tackling discrimination. Experience of the duty of reasonable accommodation in the employment sector demonstrates that companies are reluctant to develop and acquire the necessary knowledge and tools to address disability. On the exemption of religious symbols, leaving such discretion to Member States would result in weak non-discrimination standards on religion and would systematically disadvantage Muslim women.
- In **Romania**, none of the stakeholders consulted expected any significant legal risks. However, one raised the potential for societal disengagement, whereby the proposed directive might be perceived as a bureaucratic document lacking practical impact. Another highlighted the potential risk of disinformation campaigns, particularly those led by external stakeholders.

<sup>497</sup> As noted in Section 1.4, stakeholder engagement at national level was challenging in some Member States, resulting in the completion of a relatively low number of interviews in the Member States concerned. As a result, the level of details provided for the countries covered by the case studies varies. **Czechia**: Interview with representative of the equality body on 30 June 2025; Interview with representative of academia on 9 July 2025. **Germany**: Interview with representative of the equality body on 17 June 2025; Interview with trade union representative on 13 June 2025; Interview with representative of a national authority on 12 June 2025. **Italy**: Interview with a judge on 16 June 2025; Interview with an academic on 7 July 2025. **Romania**: Interview with representative of the equality body on 18 June 2025; Interview with representatives of a national authority on 13 June 2025; Interview with representatives of a national authority on 2 July 2025. **Sweden**: Interview with representative of a national authority on 16 July 2025; Interview with representative of a national human rights institution on 4 July 2025. **Equality bodies**: Questionnaire received from an equality body on 11 July 2025; Questionnaire received from an equality body on 11 July 2025 (2); Questionnaire received from an equality body on 14 August 2025; Questionnaire received from an equality body on 27 June 2025; Questionnaire received from an equality body on 27 June 2025 (2); Questionnaire received from an equality body on 1 September 2025.



- In **Sweden**, none of the stakeholders anticipated any significant risks. However, one interviewee expressed uncertainty about whether the proposed directive would be understood as a minimum requirement or a ceiling. Given the issues of lack of access to justice, the expected effects of the proposed directive were expected to be minor. It was considered unfortunate that reproductive rights were excluded from the proposed directive, although the priority was to ensure that the proposal was enacted. One interviewee mentioned that the exemption on religious symbols should not be left to the Member States, as this concerns fundamental rights such as freedom of religion and expression.
- **Equality bodies** raised concerns about legal uncertainty and potential litigation in sensitive sectors. They highlighted the likelihood of age-based differentiation in financial services being referred to the CJEU and the potential clash between rules on religious symbols and constitutional protections in education in one country. Risks relating to capacity and compliance included uneven enforcement, low awareness among frontline providers, resistance and cost concerns among SMEs and landlords, possible legal fragmentation across overlapping legislation, an increase in complaints without the necessary support and funding pressures on municipalities. For persons with disabilities, if reasonable accommodation was to replace accessibility, this could lead to a risk of backsliding, restricting access to healthcare and education, and weakening access to justice amid budget constraints. Concerns were raised that governments may adopt only the proposed directive's narrower coverage and that the proposed age exceptions are broader than current case law, meaning that exceptions must be tightly tailored. Two equality bodies did not foresee any risks relating to the adoption of the proposed directive.

## Enablers

Effective implementation of the proposed directive across the EU will depend not only on overcoming certain barriers, but on **creating the right conditions**. Several enablers can assist Member States, equality bodies and other stakeholders in implementing the proposed directive consistently and impactfully.

Effective implementation may be greatly **facilitated by training and capacity building**, which would equip professionals with the necessary understanding and skills to apply equal treatment obligations<sup>498</sup>. This should be taken into account by Member States when transposing and implementing the proposed directive to accelerate the learning process. Training, particularly for professionals, would ensure that the law is applied properly. Equality bodies could (continue to) raise awareness of support services<sup>499</sup>.

<sup>498</sup> Interview with NGO representative on 2 June 2025; interview with representatives of an international organisation on 5 June 2025.

<sup>499</sup> [Council Directive \(EU\) 2024/1499](#) of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services; C. Collovà and M. Fernandes, [Strengthening equality bodies throughout the EU](#), EPRS, European Parliament, December 2022.

Implementation could be facilitated by state authorities providing **clear, practical guidance to duty bearers**, such as public service providers<sup>500</sup>. The stakeholder consultation identified the need for practical, knowledge-based guidance on existing instruments, covering all service providers and gathering practical guidelines and best practices<sup>501</sup>. Member States could provide support to SMEs in implementing the provisions of the proposed directive. Alternatively, they could provide very precise guidelines on what constitutes reasonable accommodation, and which justifications are accepted to be considered 'disproportionate burden'<sup>502</sup>. The adoption of the proposed directive would also be the occasion for some countries to bring clarity to their existing anti-discrimination framework, where the different protected grounds and areas covered might be scattered in many different pieces of legislation which reduces legal clarity and prevents access to justice<sup>503</sup>.

Although some provisions are more difficult to implement, such as multiple discrimination or reasonable accommodation, there are **good practices** in Member States<sup>504</sup>. The countries with the already most advanced equality frameworks could serve as models of best practice, especially in drafting and implementing certain provisions<sup>505</sup>.

Adopting EU legislation often leads to **clearer policies and better implementation, which may strengthen trust in institutions**. Legislation would encourage policymakers to clarify and implement the law more effectively. Properly implementing the proposed directive would strengthen public trust in institutions at national and EU level<sup>506</sup>.

Muslim women tend to be disproportionately affected when exemptions from protective provisions are introduced for the wearing of religious symbols<sup>507</sup>. The UN Special Rapporteur on freedom of religion or belief has developed a **set of general criteria to inform legislative and administrative decisions relating to the regulation of religious symbols**<sup>508</sup>. For instance, it builds a list of 'aggravating factors', showing which legislative and administrative actions are typically incompatible with international human rights law. The stakeholder consultation highlighted that Member States should be mindful of how restrictions on wearing the veil can further stigmatise Muslim women and prevent them from seeking redress<sup>509</sup>.

The proposed directive **could create new opportunities for progress** in the field of anti-discrimination. For example, adopting the proposed directive would present a valuable opportunity for legal professionals, as it would enable a more dynamic interpretation of the law that reflects

<sup>500</sup> Interview with NGO representative on 22 May 2025.

<sup>501</sup> For example, interview with representatives of an industry stakeholder group on 19 June 2025; For an example of guidance, see European Commission, [Reasonable accommodation at work – Guidelines and good practices](#), 2024.

<sup>502</sup> Interview with an anti-discrimination expert on 13 June 2025; For an example of national guidelines, see Unia, [Les aménagements raisonnables dans l'emploi – Travailler avec un handicap](#), 2025.

<sup>503</sup> OECD, [Combating discrimination in the European Union](#), 2025; I. Chopin and C. Germaine, [A comparative analysis of non-discrimination law in Europe](#), European Network of Legal Experts in Gender Equality and Non-Discrimination, European Commission, December 2024.

<sup>504</sup> Interview with NGO representative on 22 May 2025; European Commission, [Reasonable accommodation at work – Guidelines and good practices](#), 2024; Unia, [Les aménagements raisonnables dans l'emploi – Travailler avec un handicap](#), 2025.

<sup>505</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>506</sup> D. Ahrendt et al., [Fifth round of the living, working and COVID-19 e-survey: living in a new era of uncertainty](#), Eurofound, 2022; M. Fernandes and M. Arenga, [Council directive on equal treatment: Potential European added value](#) EPRS, European Parliament, February 2025; Interview with NGO representative on 2 June 2025; Interview with representatives of a European agency on 12 June 2025.

<sup>507</sup> UN Human Rights Office, [Human rights of women wearing the veil in Western Europe](#), 2019.

<sup>508</sup> UN Commission on Human Rights, Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, A., [Report of the Special Rapporteur on freedom of religion or belief](#), UN Doc E/CN.4/2006/5, 2006, paragraphs 51–60.

<sup>509</sup> Written reply by representatives of an international organisation on 3 June 2025.

contemporary society<sup>510</sup>. The adoption of a new piece of legislation could also stimulate strategic litigation and stronger partnerships with civil society, which in turn would help clarify the scope of legal provisions, establish precedents, and shed light on systemic forms of discrimination.

**The proposed directive could be amended to reflect ongoing and future changes.** Although one interviewee fully supported adoption of the proposed directive, they recognised that the draft was prepared a long time ago and that, even in its latest version, certain parts may be outdated (e.g. provisions related to disability pre-date the European Accessibility Act)<sup>511</sup>. They therefore considered it advisable to draw on more recent legal and policy developments in the Member States and international bodies, as well as recent case law from human rights courts and Council of Europe developments, to ensure that the proposed directive better addresses current realities and modern challenges<sup>512</sup>. In particular, the proposed directive will need to be adjusted to reflect ongoing societal changes, such as discrimination relating to the use of AI tools and online content, as well as legal and practical enforcement challenges<sup>513</sup>. Therefore, the proposed directive could consider legislation such as the Digital Services Act<sup>514</sup> and the AI Act<sup>515</sup>, as these are also connected to equality and non-discrimination<sup>516</sup>. The stakeholder consultation referred to interesting developments in case law and legislative measures and suggested that the EU could learn from national-level developments relating to intersectionality<sup>517</sup>. Taking future changes into account would also be useful. Instruments such as the future UN Convention on the Rights of Older Persons could help to reinterpret and strengthen these protections over time<sup>518</sup>.

Overall, certain elements would facilitate the smooth implementation of the proposed directive, such as training, capacity building, and providing practical guidance to duty bearers, as well as sharing good practices. Clear transposition and effective implementation of the obligations set out in the proposed directive could strengthen public trust in institutions. Certain tools are available, particularly at an international level, to facilitate the implementation of contentious provisions.

<sup>510</sup> Interview with NGO representative on 2 June 2025.

<sup>511</sup> Interview with representatives of a European agency on 12 June 2025; See European Disability Forum, [Information note to CRPD committee experts – Disability priorities at the European level](#), 2025, calling for the incorporation of the use of AI in accessibility requirements.

<sup>512</sup> Interview with representatives of a European agency on 12 June 2025; Equinet, [25 years of equality: Milestones, challenges, and horizons](#), 2025, p. 4.; European Network Against Racism, [The end of the EU Equal Treatment Directive: A blow to equality or a chance to rethink?](#), 2025.

<sup>513</sup> Interview with representatives of a European agency on 12 June 2025; Equinet, [25 years of equality: Milestones, challenges, and horizons](#), 2025, p. 4.

<sup>514</sup> [Regulation \(EU\) 2022/2065](#) of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 27.10.2022.

<sup>515</sup> [Regulation \(EU\) 2024/1689](#) of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), OJ L, 2024/1689, 12.7.2024.

<sup>516</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>517</sup> Interview with NGO representative on 18 June 2025; the [European Accessibility Act](#), or the [AI Act](#). For an example of case-law development, regarding indirect discrimination and the burden of proof, see European Court of Justice, judgment in [Case C-83/14 – CHEZ Razpredelenie Bulgaria](#), 2015; or regarding the concept of discrimination by association, see European Court of Justice, judgment in [Case C-38/24 – Bervidi](#), 2025. For the national level developments, see for instance Spain, [Law No 15/2022](#) of 12 July, for the equal treatment and non-discrimination (*Ley 15/2022, 12 de Julio, integral para la igualdad de trato y la no discriminación*), Official Bulletin no. 167, 13 July 2022, BOE-A-2022-11589.

<sup>518</sup> Interview with NGO representative on 2 June 2025; UN, [Strengthening older people's rights: Towards a UN Convention](#), A resource for promoting dialogue on creating a new UN Convention on the Rights of Older Persons, 2010.

Finally, amending the proposed directive to reflect ongoing and future changes, such as AI and the future UN Convention on the Rights of Older Persons, would also facilitate its implementation.

#### Box 11 – Key national findings – Enablers<sup>519</sup>

##### Key national findings

- In **Czechia**, the proposed directive could reinforce strategic litigation by involving NGOs and strengthening the role of the Public Defender of Rights in raising awareness and issuing recommendations, improving the implementation of obligations. The sector-specific guidance in the proposed directive would also benefit service providers by clarifying their obligations, particularly on reasonable accommodation, thus facilitating compliance. If the proposed directive is interpreted constructively by state institutions, courts and civil society, it could contribute to a more inclusive and rights-conscious culture. Provisions on preferential treatment were considered useful.
- In **Germany**, stakeholders consulted highlighted the need for clear guidance and practical tools to help businesses, especially SMEs, to interpret and implement non-discrimination obligations. They also identified support from civil society organisations as a key enabler. Strengthened equality bodies, supported by the Equality Bodies Directives, will play a pivotal role in raising awareness and providing assistance to victims. Public financial support for implementation could be justified by the long-term social and economic benefits.
- In **Italy**, the following practical enablers were mentioned: tailored guidance documents in plain language; training programmes for managers and staff on non-discrimination and reasonable

<sup>519</sup> As noted in Section 1.4, stakeholder engagement at national level was challenging in some Member States, resulting in the completion of a relatively low number of interviews in the Member States concerned. As a result, the level of details provided for the countries covered by the case studies varies. **Czechia**: Interview with representative of academia on 9 July 2025; Interview with representative of the equality body on 30 June 2025. **Germany**: Interview with a trade union representative on 13 June 2025; Interview with representative of the equality body on 17 June 2025. **Italy**: Interview with a judge on 16 June 2025; Interview with an academic on 7 July 2025. **Romania**: Interview with representatives of a national authority on 13 June 2025; Interview with NGO representatives on 19 June 2025; Interview with representatives of a national authority on 2 July 2025; Interview with representative of the equality body on 18 June 2025. **Sweden**: Interview with NGO representative on 16 June 2025; Interview with representative of a national human rights institution on 4 July 2025. **Equality bodies**: Questionnaire received from an equality body on 11 July 2025; Questionnaire received from an equality body on 11 July 2025 (2); Questionnaire received from an equality body on 14 August 2025; Questionnaire received from an equality body on 27 June 2025; Questionnaire received from an equality body on 27 June 2025 (2); Questionnaire received from an equality body on 1 September 2025.

- In **Italy**, the following practical enablers were mentioned: tailored guidance documents in plain language; training programmes for managers and staff on non-discrimination and reasonable accommodation; and toolkits containing best practice for businesses. Collective action was also identified as an effective means of combating discrimination, raising awareness, and enabling more systematic enforcement. The proposed directive could put pressure on the government to allocate more resources to enforcement and implementation efforts, effectively prompting them to address persistent gaps and challenges.
- In **Romania**, the key enablers identified include awareness-raising campaigns and targeted initiatives to foster a deeper understanding of equality principles that goes beyond mere formal legal compliance. The proposed directive would also push for greater resource allocation to the National Council for Combating Discrimination, enhancing its capacity to enforce rights and guide stakeholders in implementing equality measures.
- In **Sweden**, civil society is identified as the main enabler and could use the proposed directive to demand better access to justice and enforcement. Recognition of multiple and intersectional discrimination in the proposed directive would also strengthen advocacy and awareness raising, helping civil society organisations to push for more effective remedies. Removing the 'loser pays' rule, except in cases of bad faith, would eliminate a significant obstacle for individuals and civil society organisations seeking to bring cases to court and establish case law. This would in turn provide remedies for individual cases and establish norms that would hopefully encourage non-discriminatory behaviour.
- **Equality bodies** highlighted the need for greater clarity through common definitions and clear criteria on what does not constitute a disproportionate burden in providing reasonable accommodation for persons with disabilities. They also stressed the importance of guidance on penalties and intersectionality. Strengthening equality bodies was seen as essential, with calls for sufficient resources, accessible and low-cost procedures, and mechanisms that lead to binding, enforceable outcomes rather than purely advisory findings. Practical enforcement measures, such as a shift in the burden of proof, legal aid, data collection and monitoring, modern complaint management systems, and clear sanctions, were also considered valuable. Additionally, capacity building and awareness raising were identified as key, including training for frontline staff in sectors such as education, health, and social services, as well as targeted public information and practical toolkits. Finally, implementation support, such as central hubs for services (e.g. pool of interpreters) and financial measures (e.g. subsidies or tax incentives for SMEs), was seen as necessary to create the right conditions for effective application.

### 3.4. Efficiency

Efficiency refers to the relationship between the **resources used and the benefits generated** by an intervention. In the context of the EU Better Regulation Guidelines<sup>520</sup>, it examines whether the expected benefits of the proposed directive on equal treatment are achieved at a reasonable cost, and whether these costs are proportionate across different stakeholders. This section assesses the efficiency of the proposed directive by analysing the expected compliance and administrative costs and identifying who would bear these costs and who would receive the expected benefits. Many stakeholders interviewed could not quantify costs and/or benefits of the proposed directive but

<sup>520</sup> European Commission, [Better Regulation Toolbox](#), July 2023 (Chapter VI – How to carry out an evaluation and fitness check, Tool #47 – Evaluation criteria and questions).

offered qualitative reflections on potential impacts. This section also presents a thorough sector-specific analysis, considering how impacts may vary across sectors and across Member States.

To frame the analysis, the assessment distinguishes two complementary lenses that align with the evidence base and the types of effects expected. On the cost side, the focus is on two key aspects:

1) the incremental **expenditure associated with providing reasonable accommodation for persons with disabilities in selected sectors** – as required in the proposed directive, provided it does not give rise to any disproportionate burden, to drive potentially larger costs, i.e. structural changes, communication means, etc.

2) **training and administrative costs across all grounds of discrimination in those same selected sectors.**

The costing of reasonable accommodation for persons with disabilities uses observable inputs such as unit prices for typical measures, counts of establishments, sector indispensability and Member State alignment. This yields a transparent estimate of compliance outlays that is suitable for comparing across sectors and countries and for testing distributional effects among stakeholders. Cost estimates across all grounds of discrimination reflect the need for relevant institutions to carry out administrative activities to manage and adjust policies and practices as well as the provision of training required to ensure relevant staff and other actors are capable of carrying out the adjusted policies and practices complying with the legislation.

On the benefits side, the scope is intended to match that of the costs to the extent possible. The benefits analysis quantifies how reducing discrimination is associated with gains in education, health and housing, and how closing participation gaps can expand consumption in goods and services when expressed in value added across all grounds. These effects are translated into wages, GDP and tax revenue, which allows the results to be compared.

### 3.4.1. Expected costs

The expected costs resulting from the proposed directive can be divided into three categories: **adjustments to physical space related to the reasonable accommodation provision, training for staff on anti-discrimination and administrative costs, and modifications of digital services.** All categories are expected to be borne by service providers and public institutions alike, while there are additional administrative costs expected to fall on public administration and equality bodies only.

#### Reasonable accommodation costs

In line with the proposed directive (Article 4; Recitals 19a–20d), this assessment distinguishes reasonable accommodation – individual, case-by-case adjustments for persons with disabilities required only where they do not impose a disproportionate burden (Recital 19cc) – from accessibility obligations, which are general/*ex-ante* requirements set by other instruments.

Reasonable accommodation costs are not expected to be high, either because national legislation already exists or because of the disproportionate burden limitation. Costs related to adjustments to physical space are therefore expected to be minimal for service providers overall<sup>521</sup>.

#### Article 4a(5) of the proposed directive

For the purposes of assessing whether measures necessary to comply with this Article would impose a disproportionate burden, account shall be taken, in particular, of:

- a) the size, resources, nature, and net turnover and profit of the duty bearer;
- aa) the negative impact on the person with a disability affected by the fact that the appropriate and necessary measure is not provided;
- b) the estimated cost of the appropriate and necessary measure;
- c) the estimated benefit for persons with disabilities generally, taking into account the frequency and duration of use of the relevant goods and services and the frequency and the duration of the relationship with the seller or provider;
- ca) the amount of public funding available to the duty bearer for taking the appropriate and necessary measure;
- e) the historical, cultural, artistic or architectural value of the movable or immovable property in question; and
- f) the safety and practicability of the measures in question.

The stakeholder consultation suggests that the impact of the proposed directive would **vary significantly between Member States**<sup>522</sup>. In countries where robust frameworks already exist<sup>523</sup>, only limited upgrades of national legislation would be required, while others would need to undertake more substantial reforms. Stakeholders explained that implementation tends to be less costly in Member States that already have mechanisms in place, whereas introducing measures for the first time can entail higher costs. They also noted that the majority of Member States have already extended protection beyond employment to other sectors, meaning that only a small number still face major legal gaps. Many Member States are moving towards compliance with UNCRPD obligations, which reduces the extent of new measures required<sup>524</sup>. To support those with greater adjustment needs, EU-level instruments such as country-specific recommendations<sup>525</sup>, cohesion policy funding and mutual learning could play an important role in facilitating implementation and building administrative capacity.

<sup>521</sup> Interview with representative of a social partner organisation on 23 June 2025; interview with an academic on 4 June 2025; interview with NGO representative on 22 May 2025; interview with NGO representative on 2 June 2025.

<sup>522</sup> Interview with NGO representative on 2 June 2025; interview with NGO representative on 2 June 2025; interview with representative of a social partner organisation on 23 June 2025; interview with an anti-discrimination expert on 13 June 2025.

<sup>523</sup> It was not possible to find studies providing quantitative estimates for the cost of implementing these frameworks.

<sup>524</sup> Written reply by representatives of an international organisation on 3 June 2025.

<sup>525</sup> Country-specific recommendations are tailored guidance provided by the European Commission to each Member State, offering advice on economic, fiscal, employment, and structural policies to promote growth and stability, based on the European Semester fiscal monitoring mechanism.



Some costs would be incurred due to **changes to physical infrastructure**, as well as communication within these physical spaces considering the reasonable accommodation provision for persons with disabilities. For example, this might be the installation of a ramp to access a building for a customer in a wheelchair or the hiring of a full-time sign language interpreter. The impact of such costs would be proportional to the size of the organisation, with larger institutions absorbing the burden more easily. Smaller providers, particularly those in rural municipalities, may face higher relative costs due to (more) limited resources. However, the higher costs of reasonable accommodation measures for small providers might still be more acceptable than new physical infrastructures altogether. For example, adopting reasonable accommodation measures to adapt existing school facilities might be less costly than building a new school specifically for children with disabilities<sup>526</sup>.

### Training for staff on anti-discrimination and related administration costs

Although not explicitly required under the proposed directive, several stakeholders mentioned the costs of providing **training to staff to raise awareness** of the proposed directive and discrimination more generally. This would apply to both private and public providers. Most of these costs would occur during the initial implementation phase, especially in organisations that need to create or expand internal diversity, equality, and inclusion structures, such as dedicated staff, policies, and ongoing training programmes<sup>527</sup>. However, costs are expected to decrease after the initial surge. This should not be significant for large companies, which can also benefit from knowledge-sharing with other businesses<sup>528</sup>. The 2014 complementary impact assessment of the proposed horizontal equal treatment directive noted that for SMEs, staff training *'would require half a working day per year at most'*<sup>529</sup>.

The proposed directive will create certain direct compliance and administrative costs, e.g. familiarisation with the directive or time for planning logistical arrangements, for service providers and public institutions, though **discrimination itself already generates significant economic and social costs**. A recent OECD report highlights that discrimination leads to lower employment and wages for affected groups, under-utilisation of skills, reduced productivity, and increased health-related expenses linked to stress and psychosocial risks<sup>530</sup>. At the societal level, these impacts translate into weaker social cohesion, lower trust in institutions, and measurable losses in economic growth due to the exclusion of individuals from the labour market. Addressing discrimination therefore has the potential to offset many of these existing costs, meaning that the resources required to implement the proposed directive should be viewed against the substantial burden that discrimination already imposes on individuals, businesses, and economies.

The proposed directive is likely to result in a rise in **costs for public services as their administrative responsibilities increase**. Several stakeholders noted that national equality bodies would require more staff and resources to handle the expected higher volume of complaints, although others noted that the proposed directive is unlikely to result in a significant increase in the number of discrimination cases brought to justice<sup>531</sup>. If this increase in resources proves justified, EU funding streams such as the European Social Fund Plus (ESF+), European Regional Development Fund, and

<sup>526</sup> Interview with NGO representative on 2 June 2025.

<sup>527</sup> Interview with NGO representative on 18 June 2025.

<sup>528</sup> Interview with representative of a social partner organisation on 23 June 2025.

<sup>529</sup> Altan, L. et al. (Milieu Consulting), [Implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) – Impact assessment of the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, as well as amendments 37 and 41 of the European Parliament, EPRS and Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2014.

<sup>530</sup> OECD, [The state and effects of discrimination in the European Union](#), 2024.

<sup>531</sup> Interview with representative of academia on 9 July 2025; Interview with representative of a national human rights institution on 4 July 2025.

Digital Europe could help to absorb these costs. Under the Commission's proposal for the 2028–2034 Multiannual Financial Framework, comparable support could be provided through the proposed European Social Fund within National and Regional Partnership Plans, cohesion funding under the proposed European Fund for economic, social and territorial cohesion, and successor Union digital investment instruments, subject to final adoption and programme rules<sup>532</sup>. These direct implementation costs would initially fall onto service providers and public institutions. Over time, some of these compliance costs may be passed on to society more broadly through taxes or higher prices. By contrast, the economic and social benefits of reduced discrimination (improved health outcomes, higher employment, and increased social cohesion) are shared more widely across society.

### Modifications of digital services costs

Costs may be incurred by private and public providers alike to **make their websites and communication channels accessible**. However, costs due to the proposed directive are likely to be low, as the European Accessibility Act<sup>533</sup> already requires many providers to ensure the accessibility of their products and services. Incremental costs under the proposed directive are therefore expected to be limited. For providers not covered by the European Accessibility Act<sup>534</sup>, the proposed directive might introduce new obligations and costs, which could affect smaller private service providers or local public administrations<sup>535</sup>. For these reasons, modifications of digital services costs are not included in this study's calculations.

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<sup>532</sup> European Commission, [The 2028–2034 EU budget for a stronger Europe](#), website.

<sup>533</sup> [Directive \(EU\) 2019/882](#) of the European Parliament and of the Council of 17 April 2019 on accessibility requirements for products and services (European Accessibility Act), OJ L 151, 7 June 2019.

<sup>534</sup> These could be either service providers whose sectors are outside the scope of the Accessibility Act (e.g. local cultural or sport centres) or microenterprises with fewer than 10 employees and an annual turnover of under EUR 2 million.

<sup>535</sup> Interview with representatives of an industry stakeholder group on 19 June 2025.

## Box 12 – Disproportionate burden explained: Restaurant example

Consider a small, independently run restaurant operating from a narrow, rented ground-floor unit with two steps at the entrance and a compact dining area. A proportionate accommodation for a wheelchair user could reasonably include a removable ramp for the entrance and simple operational adjustments (e.g. priority seating at the most accessible table, staff assistance with doors, and an accessible bathroom). These measures are low-cost, immediately implementable, and do not materially affect service capacity or safety.

By contrast, a package of structural works – installation of a permanent ramp, widening a load-bearing doorway, removal of several tables to create wider circulation routes, and a full bathroom remodelling – could impose a disproportionate burden on this establishment. In such a scenario, the restaurant would likely have to close during construction (foregone turnover), permanently lose seating (ongoing revenue reduction), and commit to a level of capital expenditure that, relative to its size, resources, net turnover and profit, could jeopardise its viability. The practicability and safety of the works may be further constrained by the building fabric (e.g. listed or architecturally sensitive features), while the expected frequency and duration of use by the specific clientele and the typically short, one-off nature of the provider-customer relationship in the hospitality context would limit the aggregate benefit of extensive alterations when compared to lighter-touch adjustments. The assessment would also consider any available public funding or support to offset costs; absent such support, the balance may tilt further towards disproportionality. This reasoning reflects the Directive's factors for assessing disproportionate burden, including (inter alia) the size, resources, and nature of the enterprise; net turnover and profit; estimated costs; benefits for persons with disabilities generally (considering frequency and duration of use and of the service relationship); availability of public funding; heritage constraints; and the safety and practicability of the measures.

On this basis, the first set of measures would be expected as reasonable accommodation, while the second could be deemed to impose a disproportionate burden on the restaurant.

## Cost calculation

The cost calculation in this study focuses on two of the three above-mentioned costs, as they are expected to drive the bulk of the costs. These include costs related to adjustments to physical space for the purpose of providing reasonable accommodation for persons with disabilities as per Article 4a(1) of the proposed directive; and training for staff on anti-discrimination and other administrative costs borne by private service providers and public administration (excluding equality bodies and the judiciary).

### Reasonable accommodation costs

#### Article 4a(1) of the proposed directive

In order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities, reasonable accommodation shall be provided within the areas set out in Article 3.

The calculation of the costs of reasonable accommodation under the proposed equal treatment directive is designed to **estimate the incremental financial impact** on each Member State. It does so by combining data on the scale of sectors, the typical costs of adjustments, and how closely national legislation (already) aligns with the proposed directive's requirements on reasonable accommodation. This approach ensures that estimates of additional costs due to the implementation of the proposed directive depend on the level of reasonable accommodation obligations already established – Member States that are fully aligned would see no additional costs

from the implementation of the proposed directive, while those that lack any alignment would incur the largest costs

The model uses a step-by-step process to ensure accuracy and proportionality (see step 3). The steps include:

1. **Determining sector indispensability**

The 2014 complementary impact assessment on the proposed directive<sup>536</sup> covered 10 sectors, which are re-examined here. These sectors are education, healthcare, public administration, retail, professional services, entertainment and culture, sports and leisure, media, walkways/pavements, and hotel, restaurant, and café/catering (HORECA). Annex II – Cost methodology contains a more detailed discussion of each sector, including the frequency and duration of persons with disabilities in that sector, and why it was included/excluded in the analysis. Sectors are then assigned a weight, called an **indispensable factor**, based on how essential they are for everyday participation in society, ensuring that essential services carry proportionately greater cost weight. Factors considered include those noted in Article 4a(5) of the proposed directive, i.e. frequency and duration of use of the good or service and relationship with the provider of the good or service. A full discussion of each sector and the resulting indispensability factor is presented in Annex II.

2. **Costing and categorising examples of reasonable accommodation**

For each sector, examples of reasonable accommodation were gathered, and desk research was carried out to collect price information. Costs were then categorised as minimal (e.g. administrative or costs negligible to the characteristics of a sector), moderate (e.g. portable ramps, braille signage), or intensive (e.g. retrofitting buildings, hiring a full-time sign language interpreter). The model focuses on moderate and intensive measures, excluding negligible costs so as not to skew the average downward. The costing-out of each of the examples of smaller costs would be beyond the proportionality of this assessment.

3. **Identifying the reasonableness discount**

A discount is applied to intensive costs to reflect that such works are rarely likely to be considered proportionate, per discussions with stakeholders, and given the factors that should be considered in Article 4a(5) of the proposed directive. These factors, which include size, resources, turnover, and cost, would result in only a limited number of cases where the burden would be considered proportionate (see Box 12 for a descriptive example). This discount varies depending on the characteristics of the sector. For example, multi-story hospitals would be less likely to require the installation of an elevator.

4. **Counting the number of sector establishments**

The number of establishments acts as a proxy for sector size in each Member State and gives scale to the calculations. These counts are Member State-specific and use Eurostat Structural Business Statistics (SBS) and national sources.

5. **Applying the alignment multiplier**

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<sup>536</sup> *ibid.*

This country-specific factor adjusts for existing accessibility and equality obligations. It is based on the national alignment categorisation described in Annex I – National alignment categorisation. The scale is: fully aligned = 0; largely aligned = 0.05; partially aligned = 0.10; minimally aligned = 0.15; not aligned at all = 0.20. The result of this multiplier is to reflect the additional costs that would result from the proposed directive, e.g. fully aligned Member States would see no costs, while those lacking any alignment would see greater costs.

### Box 13 – Cost of reasonable accommodation equation

Cost calculation equation for first year:

$$C_{sm}^t = IF_s [(c_s^{mod} + \rho_s c_s^{int}) \times (Est_{sm}) \times \lambda_m]$$

$C_{sm}^t$  – Cost for sector  $s$  in Member State  $m$  at time  $t$

$IF_s$  – Indispensability factor: 1 (indispensable), 0.5 (every-day utility) or 0.25 (discretionary)

$c_s^{mod}$  – Average moderate cost for sector  $s$

$c_s^{int}$  – Average intensive cost for sector  $s$

$\rho_s$  – Reasonableness discount for intensive works

$Est_m$  – Number of establishments in sector  $s$  in the Member State  $m$

$\lambda_m$  – Alignment multiplier of Member State  $m$

Total cost for the sector by Member State over the **first five years**:

$$C_{sm} = C_{sm}^t + (C_{sm}^t * 0.90) + (C_{sm}^t * 0.90^2) + (C_{sm}^t * 0.90^3) + (C_{sm}^t * 0.90^4)^*$$

\*The multiplication of yearly costs by .90 reflects that 10% discount applied to the cost calculated in the first year. The exponent reflects the compounding nature of the discount applied to previous year.

The equation calculates the **expected costs of reasonable accommodation in the first year of implementation**. For each of the four subsequent years, a 10 % discount is applied, acknowledging that once the initial wave of adjustments has been made, costs are likely to drop in the following years. It also reflects the reduced number of establishments requiring changes with each passing year.

### Training and administrative costs

The final step of the cost calculation concerns training and administrative costs, referred to as 'generic compliance costs' in the 2014 complementary impact assessment<sup>537</sup>. The study calculated these costs based on a detailed breakdown of expected activities per sector, including time and resources for familiarisation with the directive, updates to internal guidelines, checklists and codes of conduct, and staff training. Depending on the sector, these costs represented between 7% and 16% of the total costs, with a median value of 10.5% across all sectors except housing. In line with that evidence, this study applies a **flat percentage increase of 10.5%** to the sectoral reasonable

<sup>537</sup> Altan, L. et al. (Milieu Consulting Ltd), [Implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) – Impact assessment of the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, as well as amendments 37 and 41 of the European Parliament, EPRS and Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2014.

accommodation costs derived in the previous steps, with a separate approach for the housing sector as detailed below.

For Member States already in full alignment with the reasonable accommodation provisions of the proposed directive, the cost of reasonable accommodation is zero, thus the percentage increase cannot be applied. In these cases, a per capita method is used. A per capita training and administrative cost is calculated based on the costs for those countries expected to incur reasonable accommodation costs, and then multiplied by the population of the fully-aligned Member State to obtain an estimate.

A specific approach is required for **the housing sector, which is expected to require a larger amount of training and administrative capacity than other sectors**. The 2014 assessment found that training and administrative activities in the housing sector were substantial relative to other sectors, accounting for around three quarters of all training and administrative expenditure. To reflect this pattern, the total training and administrative cost for all other sectors is summed and multiplied by three, so that housing accounts for three-quarters of the combined training and administrative total.

It is not unexpected that housing requires a larger share of training and administrative activity than other sectors. Compliance in housing is delivered primarily through day-to-day decisions taken by many dispersed actors, including social housing bodies, local authorities, private landlords and letting agents. The points of potential discrimination are numerous, such as advertising, eligibility screening, allocation, tenancy management and complaint handling<sup>538</sup>, and each requires clear procedures, staff training and periodic refreshers. Provider turnover and staff churn are high, which increases the frequency of induction and refresher training. Costs related to procedural updates, document templates, communication with tenants and applicants, and record keeping, cumulatively raise training and administrative needs. This approach ensures that the model captures the weight of housing in these types of activities while remaining consistent with the legal exclusions on structural works.

#### Box 14 – Cost of training and administration equation

Training and administrative cost calculation over the **first five years, excluding housing**:

$$CA_{sm} = C_{sm} * 1.105$$

$CA_{sm}$  – Training and administrative cost for sector  $s$  in Member State  $m$

$C_{sm}^t$  – Cost for sector  $s$  in Member State  $m$  at time  $t$

Training and administrative cost calculation over the **first five years for housing**:

$$CA_{Hm} = \sum CA * 3$$

$CA_{sm}$  – Training and administrative cost for sector  $s$  in Member State  $m$

$CA_{Hm}$  – Training and administrative cost for the housing sector in Member State  $m$

<sup>538</sup> M. Harrison, et al., [Migrants, minorities and housing](#): Exclusion, discrimination and anti-discrimination in 15 Member States of the European Union. Office for Official Publications of the European Communities, 2006.

## Reasonable accommodation costs by sector

Results of the **sectoral cost estimates of reasonable accommodation** are presented in Table 7. As previously noted, those Member States that are already in full alignment with the proposed directive – Belgium, Spain, Finland, Croatia, Italy, Malta, and Slovenia – would incur zero additional costs. This is reflected in the tables and discussions below.

At the EU level, **education** is the sector with the highest expected costs, at EUR 78 million, or 37 % of all estimated costs. This is reasonable to expect, given the frequency and duration of the relationship of citizens with education, the resulting indispensability factor of 1, and the stock of older school buildings that do not have more costly accommodations, i.e. elevators, or interloop systems. It is thereby understood that the cost would fall mostly on state actors, as well as any private providers of education. For all Member States where costs were calculated, education represents more than 20 % of the estimated cost of reasonable accommodation, with the exception of Latvia (7 %), Portugal (9 %), Estonia (12 %) and Lithuania (12 %). In Sweden and Ireland, education accounts for 73 % and 64 %, respectively. In Poland, the Netherlands and Romania, the education sector accounts for 50 % or more of costs. For learners with intellectual disabilities, reasonable accommodation typically involves pedagogical and organisational measures such as individualised learning plans, simplified materials, extra time, visual supports, predictable routines, small-group or teaching-assistant support, and accessible assessment, which are generally low-cost compared with physical adaptations.

Overall, the **healthcare sector** contributes just 6 % of the total estimated cost of reasonable accommodation for the EU. While the healthcare sector is indispensable, the reasonableness discount is lower than education because most hospitals already include more costly accommodations, i.e. elevators and visual alarm systems (see Annex II). In Bulgaria, the portion of cost from the sector is 11 %, or EUR 471 000, followed by Germany at 9 %, or EUR 1.845 million. All other Member States register 8 % or less. France and Poland have the highest absolute value of cost in the healthcare sector, at EUR 4.4 million (6 %) and EUR 2.4 million (7 %), respectively.

A total of 26 % of the EU estimated cost of reasonable accommodation is expected to occur in the **public administration sector**. This sector is identified as indispensable to life as a citizen in the EU, although costs are expected to be moderate, as newer public administration buildings will have been built with access for all citizens in mind. Five Member States are estimated to have more than 30 % of costs allocated to public administration. These include France (41 %), Czechia (35 %), Cyprus (34 %), Hungary (32 %), and Slovakia (32 %).

In **retail**, a total of 5 % of the estimated cost of reasonable accommodation would be incurred. While encompassing retailers who are frequented less regularly (e.g. shoe sellers), it also includes retailers of essential items, such as food. However, even with its everyday utility, it is also a sector that has seen a rise in online business: from 2010 to 2023, the share of e-shoppers grew from 53 % to 75 %<sup>539</sup>, which lessens the burden of reasonable accommodation. The only outliers are Bulgaria and Portugal, which would see 14 % and 10 %, respectively, of their total costs coming from this sector. However, France, Germany and Poland would record the highest absolute values in this sector, at more than EUR 1 million in each country, 4 %, 7 %, and 3 % respectively.

The **professional services sector** is estimated to account for 14 % of the estimated cost of reasonable accommodation in the EU. In Portugal and Luxembourg, this sector comprises a notable portion of their costs, at 34 % and 30 %, respectively. Poland, Germany and Portugal would see the largest absolute value of costs in this sector, at EUR 6.9 million (22 %), EUR 3.5 million (16 %), and EUR 2.9 million (34 %), respectively.

<sup>539</sup> European Council, [E-commerce in the EU](#), website, 5 August 2025.



The **sector of entertainment, culture, sports and leisure** would account for 13 % of total EU estimated cost of reasonable accommodation. This sector is driven by the number of establishments, i.e. Member States with more establishments in this category would incur greater costs, even though the sector is considered discretionary. It is noteworthy as a sector of cost in Latvia (87 %), Estonia (67 %), Bulgaria (21 %), and Lithuania (55 %). Latvia, France, and Greece have the largest monetary values, at EUR 5.4 million (87 %), EUR 3.4 million (5 %), and EUR 3.3 million (27 %), respectively

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Table 7 – Total estimated cost of implementation (€) for reasonable accommodation of physical disabilities, first five years, by sector\*

Member State	Education	Healthcare	Public administration	Retail	Professional services	Entertainment, etc.	Total
AT	3 399 577	387 082	1 693 290	319 840	638 922	1 058 289	<b>7 496 999</b>
BG	1 435 509	471 294	214 392	564 463	216 824	1 239 993	<b>4 142 474</b>
CY	347 912	115 238	497 551	39 766	150 845	294 919	<b>1 446 231</b>
CZ	1 389 170	78 795	1 687 627	109 747	409 028	1 214 984	<b>4 889 352</b>
DE	8 535 740	1 845 779	5 922 065	1 529 126	3 539 780	175 934	<b>21 548 425</b>
DK	993 185	93 077	80 094	106 687	169 824	574 791	<b>2 017 657</b>
EE	195 267	98 494	85 217	21 828	136 074	1 105 514	<b>1 642 394</b>
EL	2 542 434	138 877	3 312 689	760 323	2 320 662	3 342 640	<b>12 417 626</b>
FR	22 696 802	4 407 117	28 272 198	2 444 954	7 037 634	3 444 845	<b>68 303 550</b>
HU	3 293 270	233 431	2 552 475	554 507	1 022 168	270 357	<b>7 926 208</b>
IE	1 729 648	84 705	89 532	105 268	298 766	395 740	<b>2 703 660</b>
LT	263 908	184 676	48 542	27 930	458 355	1 202 772	<b>2 186 183</b>
LU	178 416	14 774	80 903	19 966	167 139	87 813	<b>549 011</b>
LV	449 758	82 735	34 788	24 833	233 833	5 404 280	<b>6 230 227</b>
NL	3 423 613	111 298	184 458	404 294	1 345 046	842 814	<b>6 311 523</b>
PL	16 192 284	2 391 436	2 671 941	1 109 015	6 938 712	2 653 434	<b>31 956 821</b>
PT	744 889	357 533	2 501 506	829 770	2 899 903	1 203 107	<b>8 536 709</b>
RO	4 906 452	747 570	2 573 509	403 298	15 935	390 780	<b>9 037 545</b>
SE	4 432 905	150 696	234 617	230 353	615 825	408 469	<b>6 072 866</b>
SK	1 226 613	93 569	1 578 678	37 387	381 724	1 554 739	<b>4 872 711</b>
<b>Total</b>	<b>78 377 355</b>	<b>12 088 177</b>	<b>54 316 071</b>	<b>9 643 354</b>	<b>28 997 001</b>	<b>26 866 214</b>	<b>210 288 172</b>

\* Belgium, Spain, Finland, Croatia, Italy, Malta, and Slovenia are already in full alignment with the proposed directive in terms of reasonable accommodation and would therefore not incur any additional costs. See Annex II – Cost methodology.

## Training and administrative cost

Given that training and administrative costs are calculated as a function of the reasonable costs incurred, it is to be expected that the sectors with higher reasonable accommodation costs will be accompanied by higher training and administrative costs. As for those Member States where a per capita approach to costs was taken, it is also expected that the most populous of the group, i.e. Spain and Italy, will incur greater costs.

Total estimated costs for training and administrative activities come to EUR 118 million. Costs in the housing sector are estimated to total EUR 63 million, and public administration a distant second with EUR 5.4 million. The retail sector is estimated to produce the lowest total cost, just under EUR 1 million.

Table 8 – Total estimated cost of training and administration across all grounds, first five years, by sector\*

Member State	Education	Healthcare	Public administration	Retail	Professional services	Entertainment, etc.	Housing	Total
AT	339 958	38 708	169 329	31 984	63 892	105 829	2 249 100	<b>2 998 800</b>
BE*	291 489	44 957	202 004	35 864	107 841	99 917	2 346 217	<b>3 128 290</b>
BG	143 551	47 129	21 439	56 446	21 682	123 999	1 242 742	<b>1 656 990</b>
CY	34 791	11 524	49 755	3 977	15 085	29 492	433 869	<b>578 492</b>
CZ	138 917	7 880	168 763	10 975	40 903	121 498	1 466 806	<b>1 955 741</b>
DE	853 574	184 578	592 207	152 913	353 978	17 593	6 464 527	<b>8 619 370</b>
DK	99 318	9 308	8 009	10 669	16 982	57 479	605 297	<b>807 063</b>
EE	19 527	9 849	8 522	2 183	13 607	110 551	492 718	<b>656 958</b>
EL	254 243	13 888	331 269	76 032	232 066	334 264	3 725 288	<b>4 967 050</b>
ES*	1 199 290	184 967	831 117	147 558	443 697	411 093	9 653 164	<b>12 870 885</b>
FI*	138 229	21 319	95 794	17 007	51 140	47 382	1 112 613	<b>1 483 484</b>
FR	2 269 680	440 712	2 827 220	244 495	703 763	344 485	20 491 065	<b>27 321 420</b>
HR*	95 262	14 692	66 017	11 721	35 244	32 654	766 772	<b>1 022 362</b>
HU	329 327	23 343	255 247	55 451	102 217	27 036	2 377 862	<b>3 170 483</b>
IE	172 965	8 470	8 953	10 527	29 877	39 574	811 098	<b>1 081 464</b>
IT*	1 454 629	224 348	1 008 068	178 974	538 164	498 618	11 708 402	<b>15 611 203</b>
LT	26 391	18 468	4 854	2 793	45 836	120 277	655 855	<b>874 473</b>
LU	17 842	1 477	8 090	1 997	16 714	8 781	164 703	<b>219 604</b>
LV	44 976	8 274	3 479	2 483	23 383	540 428	1 869 068	<b>2 492 091</b>
MT*	13 898	2 144	9 632	1 710	5 142	4 764	111 868	<b>149 158</b>
NL	342 361	11 130	18 446	40 429	134 505	84 281	1 893 457	<b>2 524 609</b>
PL	1 619 228	239 144	267 194	110 901	693 871	265 343	9 587 046	<b>12 782 728</b>
PT	74 489	35 753	250 151	82 977	289 990	120 311	2 561 013	<b>3 414 684</b>
RO	490 645	74 757	257 351	40 330	1 594	39 078	2 711 264	<b>3 615 018</b>
SE	443 291	15 070	23 462	23 035	61 583	40 847	1 821 860	<b>2 429 147</b>

Member State	Education	Healthcare	Public administration	Retail	Professional services	Entertainment, etc.	Housing	Total
SI*	52 391	8 080	36 307	6 446	19 383	17 959	421 698	<b>562 264</b>
SK	122 661	9 357	157 868	3 739	38 172	155 474	1 461 813	<b>1 949 084</b>
<b>Total</b>	<b>11 082 924</b>	<b>1 709 325</b>	<b>7 680 546</b>	<b>1 363 615</b>	<b>4 100 311</b>	<b>3 799 008</b>	<b>89 207 185</b>	<b>118 942 913</b>

\* Costs in Belgium, Spain, Finland, Croatia, Italy, Malta, and Slovenia are calculated using a per capita average of the other 20 Member States who are estimated to incur costs related to reasonable accommodation. See Annex II – Cost methodology

## Total cost

The resulting Member State-sector estimates over five years are then summed producing a **total cost that is transparent and evidence-based** (see Table 9). Estimates reflect not only the costs of reasonable accommodation and training and administration, but also the social context in which they are applied, acknowledging that these measures in essential sectors carry greater significance.

Table 9 – Estimated total cost (€) of reasonable accommodation for physical disabilities as well as training and administration across all grounds, first five years of implementation, by Member State\*

Member State	Year 1	Year 2	Year 3	Year 4	Year 5	5-Year Total
AT	2,563,014	2,306,713	2,076,041	1,868,437	1,681,594	<b>10,495,799</b>
BE	763,910	687,519	618,767	556,891	501,202	<b>3,128,290</b>
BG	1,416,196	1,274,576	1,147,119	1,032,407	929,166	<b>5,799,464</b>
CY	494,426	444,983	400,485	360,436	324,393	<b>2,024,723</b>
CZ	1,671,532	1,504,379	1,353,941	1,218,547	1,096,692	<b>6,845,092</b>
DE	7,366,803	6,630,123	5,967,110	5,370,399	4,833,359	<b>30,167,795</b>
DK	689,780	620,802	558,722	502,850	452,565	<b>2,824,720</b>
EE	561,489	505,340	454,806	409,325	368,393	<b>2,299,352</b>
EL	4,245,238	3,820,715	3,438,643	3,094,779	2,785,301	<b>17,384,676</b>
ES	3,142,996	2,828,697	2,545,827	2,291,244	2,062,120	<b>12,870,885</b>
FI	362,258	326,032	293,429	264,086	237,678	<b>1,483,484</b>
FR	23,351,071	21,015,964	18,914,367	17,022,931	15,320,638	<b>95,624,970</b>
HR	249,655	224,689	202,221	181,998	163,799	<b>1,022,362</b>
HU	2,709,749	2,438,774	2,194,896	1,975,407	1,777,866	<b>11,096,691</b>
IE	924,306	831,875	748,688	673,819	606,437	<b>3,785,124</b>
IT	3,812,166	3,430,950	3,087,855	2,779,069	2,501,162	<b>15,611,203</b>
LT	747,395	672,655	605,390	544,851	490,366	<b>3,060,656</b>
LU	187,691	168,922	152,030	136,827	123,144	<b>768,615</b>
LV	2,129,940	1,916,946	1,725,251	1,552,726	1,397,454	<b>8,722,318</b>
MT	36,423	32,781	29,503	26,553	23,897	<b>149,158</b>
NL	2,157,733	1,941,960	1,747,764	1,572,987	1,415,689	<b>8,836,132</b>
PL	10,925,142	9,832,628	8,849,365	7,964,429	7,167,986	<b>44,739,549</b>
PT	2,918,462	2,626,615	2,363,954	2,127,559	1,914,803	<b>11,951,392</b>
RO	3,089,684	2,780,715	2,502,644	2,252,379	2,027,141	<b>12,652,564</b>
SE	2,076,143	1,868,529	1,681,676	1,513,508	1,362,157	<b>8,502,013</b>
SI	137,302	123,571	111,214	100,093	90,084	<b>562,264</b>
SK	1,665,843	1,499,259	1,349,333	1,214,400	1,092,960	<b>6,821,795</b>
<b>Total</b>	<b>80,396,348</b>	<b>72,356,713</b>	<b>65,121,042</b>	<b>58,608,938</b>	<b>52,748,044</b>	<b>329,231,085</b>

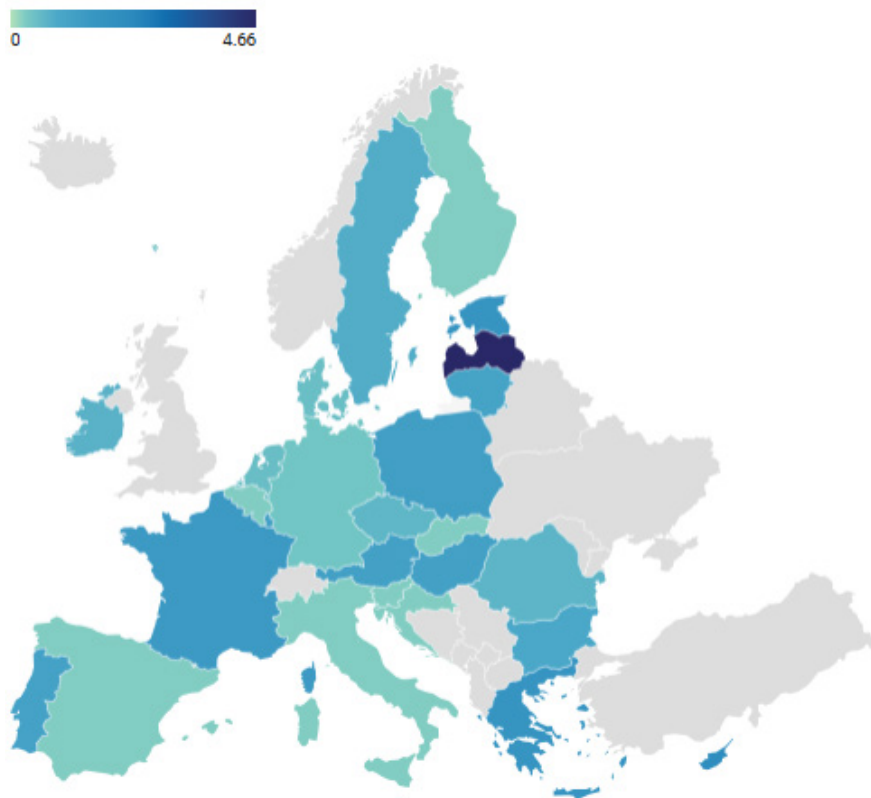
Note: See Annex II for detailed explanation of the cost methodology.

\* Belgium, Spain, Finland, Croatia, Italy, Malta, and Slovenia are already in full alignment with the proposed directive and would therefore not incur any additional costs.

Table 9 displays the total cost for the EU over the first five years following the implementation of the proposed directive, which is estimated at **EUR 329 million**. The highest level of costs is estimated to occur in France, at EUR 95 million, followed by Poland, with less than half of France, at EUR 44 million.

Based on the current EU population (449 million people), the result is **a per capita cost of EUR 0.73 over the first five years of implementation of the proposed directive**. Latvia is estimated to have the highest per capita cost (EUR 4.66). Cyprus, Estonia, and Greece have estimated per capita cost of greater than EUR 1.50. Aside from the seven Member States for which costs were derived as a function of the per capita costs, Germany has lowest estimated per capita cost, at EUR 0.36, followed by Denmark and the Netherlands, at EUR 0.47 and EUR 0.49 per capita.

Map 5 – Total 5-year per capita costs, by Member State



Source: Authors' own elaboration based on cost estimates.

This cost calculation should be interpreted with caution due to several important limitations. First, the calculation investigates a subset of the four cost categories identified at the start of this section, namely the costs associated with providing reasonable accommodation, training and administrative cost; it does not quantify other potential cost areas such as modifications of digital services, and public sector administrative costs, i.e. related to the judiciary and equality bodies. Stakeholder evidence indicates that these uncoded areas are generally expected to be minimal, often much smaller than the tangible, establishment-level adjustments costed in this analysis. Second, the analysis focuses primarily on accommodations linked to physical disabilities and does not systematically include needs associated with intellectual disabilities. Although as previously noted, accommodations for this group will more likely concern pedagogical and organisational measures. These are not without costs, but based on interviews with stakeholders, they are considered to be minor in comparison. Third, the model of reasonable accommodation assumes that establishments within the relevant sectors may need to implement measures without detailed adjustment for existing levels of accessibility or for differences in national regulation and enforcement; because the alignment categorisation is based on reasonable accommodation rather than the full accessibility framework, costs may be overstated in jurisdictions with stronger accessibility law and practice. These caveats mean the figures should be read as indicative rather than definitive and not interpreted as a forecast or a precise ceiling on expenditure.



Box 15 – Key national findings – Expected costs<sup>540</sup>**Key national findings**

- **Czechia:** The overall financial impact of the proposed directive is expected to be modest. Any extra costs should be small and spread out, mainly for private service providers. New buildings already have to be accessible, so most spending would be to upgrade older facilities. Discrimination cases are rare and legal costs are not expected to increase substantially.
- **Germany:** Precise cost estimates are not available but are expected to be mostly low-to-moderate, and often procedural rather than structural (e.g. adjustments to information provision). This is substantiated by the cost estimates reflecting Germany having the lowest per capita costs.
- **Italy:** Cost calculations were not undertaken as the country is already in full alignment with the aspects of the proposed directive that concern reasonable accommodation, which is what is expected to generate the most cost for Member States.
- Only one **equality body** provided examples of reasonable accommodation measures, along with their costs, but noted that costs would be proportional to organisation size and frequency or use and highlighted the proposed directive's reference to 'disproportionate burden'.

**3.4.2. Expected benefits**

The proposed directive is expected to generate a range of benefits across tangible, non-tangible, and monetary dimensions, with impacts for multiple stakeholders. Individuals at risk of discrimination are expected to experience improved access, protection, and social inclusion (see Section 3.3.3 on fundamental rights' impacts), public institutions would benefit from stronger frameworks, increased trust, and more predictable enforcement mechanisms, and service providers would gain from legal harmonisation across the EU, clearer obligations, and reduced risks of litigation and reputational harm.

**Tangible benefits**

**Tangible benefits refer to direct, measurable improvements in access, procedures, and service delivery.** The proposed directive provides clearer minimum standards and enhanced legal clarity, ensuring consistency across sectors and Member States. This legal clarity is directly linked to potentially improved access to justice, as victims can bring discrimination claims with greater certainty, and equality bodies and courts can process cases more efficiently<sup>541</sup>. Individuals at risk of discrimination, including persons with disabilities, older persons, LGBTIQ persons, and religious minorities are likely to benefit from improved access to goods and services. The proposed directive is also expected to enhance digital and physical accessibility, enabling inclusive participation in social, educational, and economic activities, although the incremental benefit is likely to depend on prior compliance with the European Accessibility Act.

<sup>540</sup> **Czechia:** Interview with representative of an equality body on 30 June 2025; **Germany:** Interview with representative of the equality body on 17 June 2025.

<sup>541</sup> Interview with NGO representative on 2 June 2025; interview with representatives of an industry stakeholder group on 16 June 2025; interview with representatives of a European agency on 12 June 2025.

## Non-tangible benefits

**Non-tangible benefits include improvements** that contribute to social cohesion, institutional trust, and organisational culture. Several stakeholders highlighted that individuals at risk of discrimination would likely experience increased dignity and inclusion, while public confidence would be strengthened through more predictable enforcement and stronger equality frameworks<sup>542</sup>. The proposed directive is expected to enhance the capacity and visibility of equality bodies, allowing them to address complaints more effectively and provide guidance to public and private actors. In addition, harmonisation of legal obligations across the Member States fosters a sense of fairness and consistency that goes beyond legal compliance, supporting social trust and cohesion. The proposed directive could also lead to increased democratic participation<sup>543</sup>.

## Monetary benefits

Some of the potential benefits of the proposed directive can be presented in **monetary terms**. Although the labour market is not included in the proposed directive, making areas beyond employment more accessible could indirectly result in increased participation of persons with disabilities in the labour market, reducing precarity and dependence on subsidies<sup>544</sup>. The stakeholder consultation suggests that decreased spending on healthcare because of reduced psychosocial risks<sup>545</sup>, and that an expected decrease in long-term healthcare costs, as better access to health services would lead to better preventive healthcare<sup>546</sup>.

Another monetary benefit may occur in the form of the litigation costs and reputational harm avoided by service providers, as clearer rules reduce the risks of disputes<sup>547</sup>.

## Benefits calculation

The calculation of the benefits expected from the adoption of the proposed directive builds on the work of two previous studies on related topics. The first is the Cost of Non-Europe Report (CoNE) on Equality and the Fight against Racism and Xenophobia<sup>548</sup> and the second one is the study of the socioeconomic impacts of improved accessibility<sup>549</sup>. These approaches allow for examination of the potential benefits due to better wage outcomes stemming from greater educational achievement, better health outcomes, improved housing (via better health outcomes), and greater spending due to increased access to goods and services.

However, the benefits deriving from improved access to social protection under the proposed directive are not quantified in this study. That is because of the complexity and diversity of national systems, which vary widely in structure, financing, and eligibility rules, making EU-level modelling difficult within the study's scope. Any attempt to use aggregate data instead of data with the necessary granularity would risk producing speculative figures. Accordingly, the study focuses on

<sup>542</sup> Interview with representatives of an industry stakeholder group on 19 June 2025; interview with NGO representative on 18 June 2025; interview with representative of a social partner organisation on 23 June 2025; interview with representatives of a European agency on 12 June 2025; Written reply by representatives of an international organisation on 3 June 2025.

<sup>543</sup> Interview with representative of a social partner organisation on 23 June 2025.

<sup>544</sup> Interview with NGO representative on 18 June 2025; interview with representative of a social partner organisation on 23 June 2025.

<sup>545</sup> Interview with a representative of a European network on 14 May 2025.

<sup>546</sup> Interview with representatives of a European agency on 12 June 2025.

<sup>547</sup> *ibid.*

<sup>548</sup> W. van Ballegooij and Milieu Consulting, [Cost of non-Europe report on equality and the fight against racism and xenophobia](#), EPRS, European Parliament, 2018.

<sup>549</sup> European Commission, [Study on the socio-economic impact of new measures to improve accessibility of goods and services for people with disabilities](#), 2014.

areas where established methodologies and reliable data allow for robust estimates, avoiding overcommitment and maintaining analytical integrity.

The CoNE study translated **statistical relationships between discrimination and adverse socioeconomic outcomes into monetary terms**, estimating losses in wages and tax revenue that stem from unequal treatment<sup>550</sup>. A similar approach was taken in a recent OECD report, which estimated the economic costs of discrimination in the EU<sup>551</sup>. The current analysis adapts this methodology to present the inverse scenario: rather than focusing on losses, it calculates the additional wages and fiscal revenue that would be realised if discrimination were eliminated. Notably, this method identifies correlations, not causal effects, and the results should be interpreted as indicative of economic potential rather than precise forecasts.

This analysis drew on the four most recent waves of the **ESS**<sup>552</sup>, covering the period from 2016 to 2023, to ensure up-to-date and comparable information across Member States. For housing outcomes, data came from the 2014 ESS round, which is the most recent to include detailed questions on housing quality. Logistic and ordered-logistic regression models were used to examine whether membership in a group reporting discrimination on the grounds of race or ethnicity, religion, age, disability or sexual orientation is associated with three main outcomes: lower educational attainment, poorer health status, and substandard housing conditions. Each outcome was analysed separately.

The **regression coefficients** were used to calculate marginal effects, representing the increased probability of experiencing a negative outcome due to belonging to a group that reports discrimination. These probabilities were then converted into monetary estimates. For health, as in the CoNE study, self-reported health status was used, with declines in health linked to expected reductions in income, which were then assumed to impact tax revenue. For education, the increased likelihood of not completing tertiary education was mapped to the estimated wage penalty associated with lower levels of education, again converted into tax revenue terms. This conceptualisation was also used for a study in Spain that examined the cost of discrimination of foreign residents which found EUR 102 million per year (0.01 % GDP) in wage loss from in-classroom discrimination via higher drop-out risk<sup>553</sup>. For housing, the greater probability of poor housing conditions served as a proxy for broader exclusion from goods and services markets, which can reduce productivity and earnings through the health channels. This interpretation follows the original CoNE logic, which demonstrated how disadvantages in housing contribute to wider economic costs.

In addition to updating the data sources, this analysis was conducted at **Member State level** to allow for greater precision and policy relevance. The model also controlled for a standard set of socio-demographic characteristics<sup>554</sup> and used a 5 % significance threshold to ensure robust results. Once the marginal effects were established, they were applied to national wage data, enabling calculation of the total additional wages that would be earned if discrimination were absent. From these estimates, corresponding tax revenue gains were calculated using Member State-specific effective tax rates.

<sup>550</sup> J. Alvarez-Galvez and L. Salvador-Carulla, '[Perceived discrimination and self-rated health in Europe: Evidence from the European Social Survey \(2010\)](#)', *PLOS One*, Vol. 8(9), 2013. While the relationships may be causal, there is also the potential for omitted variable bias or reverse causality, which is why the calculations are presented with caution.

<sup>551</sup> OECD, '[The state and effects of discrimination in the European Union](#)', 2024.

<sup>552</sup> [European Social Survey European Research Infrastructure](#) (ESS ERIC).

<sup>553</sup> R. Mahía and E. Medina, '[Analysis of economic impact of inequality and discrimination between Spanish nationals and foreigners residing in Spain: Summary](#)', Madrid: Spanish Observatory on Racism and Xenophobia (OBERAXE), Ministry for Inclusion, Social Security and Migration, 2024.

<sup>554</sup> Including sex, age, education, and city dwellers.

For comparability with the cost estimates, the amount of benefits estimated for the elimination of discrimination on persons with disabilities have been removed in all areas for Belgium, Spain, Finland, Croatia, Italy, Malta, and Slovenia. This is because, as mentioned in the previous sub-section, these Member States are already in full alignment with the reasonable accommodation provision in the proposed directive, which drives the majority of costs related to persons with disabilities. As these Member States are not expected to incur any additional costs if the proposed directive comes into effect, they are also not expected to accrue additional the benefits.

Alongside the analysis based on ESS data, a complementary approach captured the **potential benefits in goods and services markets**. This draws directly on the methodology developed in the study on the socioeconomic impact of new measures to improve accessibility of goods and services for persons with disabilities<sup>555</sup>. In that study, gaps in participation between persons with and without disabilities were quantified for a range of priority goods and services, and the resulting figures were used to estimate the unrealised market potential. The gaps are meant to capture unmet demand caused by accessibility barriers, reflecting the proportion of potential market participation that is effectively 'lost' because of exclusion. The analysis uses these gaps to quantify potential economic benefits: if barriers are removed, the participation of persons with disabilities would rise to match that of persons without disabilities, unlocking additional value added, consumer spending, and related social and economic gains. The current analysis adapts this framework by using sectoral data from Eurostat and applying a conservative participation gap to calculate the economic value that would be unlocked if barriers to access were removed.

To achieve this, **value-added figures were collected for each relevant sector in every Member State** (see Annex III – Benefit methodology). Using value added rather than turnover ensures that the resulting estimates align with Gross Domestic Product (GDP) measures. A single participation gap of 2.1 % – the lowest observed in the previous study – was chosen to generate a cautious estimate of the potential gains from the proposed directive. For each sector and Member State, this gap was applied to the baseline value added to calculate the portion of economic activity currently foregone due to barriers faced by persons with disabilities.

This approach is **complementary to the CoNE methodology** in both scope and output. The ESS-based analysis focuses on how discrimination affects individuals' capacity to earn, achieve educational qualifications, and maintain good health, and converts those disadvantages into wage and tax revenue losses. By contrast, the goods and services model assesses the demand-side consequences of barriers, calculating the increase in economic output that would arise if consumers with disabilities could more fully participate in markets. One approach measures how equal treatment improves individual outcomes and human capital, while the other quantifies how it strengthens consumption and business activity.

Given that these two approaches represent distinct and non-overlapping channels of economic impact, a final summation of the two is provided as the total estimated benefits of the proposed directive. The CoNE-derived model captures the supply-side effects of removing discrimination: higher educational attainment and better health (also through improved housing) outcomes for persons in discriminated groups, which translate into higher earnings and greater fiscal revenues. By contrast, the Accessibility Act-adapted model quantifies the demand-side impact of closing participation gaps in goods and services markets, i.e. the additional consumption and business activity that would be generated if persons with disabilities could fully access markets. Taken together, they provide a coherent, complementary picture of the potential macroeconomic benefit of the proposed directive.

<sup>555</sup> European Commission, [Study on the socio-economic impact of new measures to improve accessibility of goods and services for people with disabilities](#), 2014.

A key limitation of these approaches is that it represents the upper bound of the benefits realised – i.e. in a situation where discriminatory barriers would be fully removed. In practice, complete elimination is unlikely and, where progress occurs, benefits materialise gradually. For example, educational attainment and associated earnings cannot be rectified instantaneously for those who have already left formal education, while changes in service delivery require time to diffuse through institutions and markets. Behavioural change, institutional learning and uptake by beneficiaries will also occur over time. To reflect these dynamics, the benefits horizon is 30 years, corresponding to one generation. The 30-year horizon is treated as the period during which the benefits of the changes created by the proposed directive would be fully realised. Accrual of these benefits is therefore phased, rather than immediate. Early years capture only a fraction of the total benefits, with larger effects emerging as new cohorts enter education, procedures are embedded, and markets adjust.

While the proposed directive is not expected to eliminate all discrimination, it is also designed to increase access to effective remedies. Over the 30-year horizon, greater availability and use of redress mechanisms can be assumed to reduce uncompensated monetary harms associated with remaining discriminatory behaviour.

The results presented in this section refer to the first five years of the 30-year horizon. They should be interpreted as the initial tranche of benefits realised during the transition, not as the full long-run gains. This framing reduces the risk of overstatement, aligns estimates with realistic implementation and uptake timelines, and preserves comparability with the cost figures, which are front-loaded in the early years.

Notably, this analysis does not incorporate multiple discrimination or **intersectionality**, i.e. the compounding effects experienced by individuals belonging to multiple protected groups, because doing so would significantly complicate the modelling, require data granularity that is not available, and risk undermining the clarity and credibility of the estimates. The most relevant precedent analyses, such as the CoNE report and the study on the socioeconomic impact of new measures to improve accessibility of goods and services for persons with disabilities, are structured around single-ground distinctions (e.g. race, disability) and rely on aggregate statistical modelling that cannot sufficiently disaggregate to reflect the intersections between multiple grounds. Academic literature, including work by EU equality bodies, underscores that intersectional effects are both deeply important and empirically elusive; however, national and EU-level surveys (including the ESS) do not consistently collect sufficiently large samples of respondents who simultaneously belong to multiple protected groups to support robust, ground-specific intersectional analysis. Given these limitations, the benefits analysis deliberately focuses on one-ground-at-a-time modelling, ensuring transparency, comparability, and methodological soundness while providing a solid foundation for future research that might explore intersectionality, should better-quality data and more tailored methodologies become available.

## Sectoral benefit

The **benefits calculated by sector** are presented in Table 10. Of the potential wages generated from additional **education** due to the implementation of the proposed directive, France is estimated to experience an increase of over EUR 8.5 million in the first five years. France would also benefit from the greatest increases in tax revenue. Of the total value of benefits, 16 % (EUR 3.2 million) of Hungary's benefits would derive from increased earnings generated as a result of a reduction of the likelihood of discrimination in education. Hungary would also experience a larger portion of their benefits derived from the generated tax revenue, at 23 %.

In the **healthcare sector**, France would be expected to experience the greatest increases as a reflection of better health outcomes due to the reduction in the likelihood of discrimination, followed closely by Germany. Both Member States would potentially see wage increases of more than EUR 24 million, plus considerable additional tax revenues generated. The wages and tax revenue

generated in Germany would account for 8 % (EUR 24 million) and 7 % (EUR 21 million), respectively, of the total benefits calculated.

For the **housing sector**, it is important to remember that in this case the impact of decreased discrimination in housing results in better health outcomes, which are then translated into increased earning and tax revenues. Poor housing conditions decrease health outcomes, with poorer health then translating into wage loss. That loss is calculated as the wages and tax revenues that could be generated if discrimination were to end, thus ending poor housing conditions and poor health outcomes. A limited number of countries asked this question in the 2014 round of the ESS, resulting in a limited sample size. Nevertheless, Sweden would have the greatest benefits derived from wages and taxes generated, EUR 1.4 million and EUR 0.5 million, respectively.

The **goods and services sector** is approached differently: the study calculates the additional GDP generated by eliminating the gap in uptake between persons with and without disabilities. For several Member States, the only benefits estimated are from this sector. Even where this is not the case, the sector still accounts for more than 90 % of benefits in Cyprus (98 %), Ireland (96 %), Sweden (98 %), the Netherlands (92 %), Denmark (91 %), Croatia (91 %) and Poland (91 %). The largest absolute value for the sector is estimated in Germany (EUR 268 million), followed by France (EUR 164 million) and Italy (EUR 118 million). In total, this sector is estimated to generate benefits that total EUR 756 million, or EUR 1.68 per capita benefits.

Table 10 – Total benefits of implementation across all grounds, first five years, by sector

	Education		Healthcare		Housing		Goods & services	
Member State	Earnings	Tax revenue	Earnings	Tax revenue	Earnings	Tax revenue	GDP	Total
AT	1 120 145	1 074 739	3 654 234	2 410 271			28 185 722	<b>36 445 110</b>
BE*	6 432 475	4 318 421	956 261	825 721			37 175 471	<b>49 708 349</b>
BG	2 828 064	3 246 689	459 129	153 454			5 123 669	<b>11 811 005</b>
CY			41 781	7 944			2 438 697	<b>2 488 421</b>
CZ	1 272 661	1 366 858	1 692 867	496 591	1 207 513	354 216	14 950 154	<b>21 340 860</b>
DE			24 236 976	21 370 052			268 929 713	<b>314 536 741</b>
DK	1 058 809	765 621					19 563 735	<b>21 388 164</b>
EE			332 108	82 500	306 356	76 103	2 052 534	<b>2 849 602</b>
EL	2 746 675	3 329 452	1 298 043	533 812			12 108 490	<b>20 016 472</b>
ES*	7 536 666	4 913 976	6 176 380	1 897 968			97 726 611	<b>118 251 601</b>
FI*			2 494 851	1 351 646	733 390	397 332	12 923 628	<b>17 900 847</b>
FR	8 522 734	4 212 851	24 685 935	11 139 367			164 889 511	<b>213 450 399</b>
HR*			307 929	190 741			5 059 415	<b>5 558 085</b>
HU	3 255 143	4 738 827	243 926	170 240			12 219 165	<b>20 627 301</b>
IE			762 424	320 949			28 921 985	<b>30 005 358</b>
IT*	7 941 120	5 970 225					118 218 661	<b>132 130 007</b>
LT	251 759	186 814	728 834	648 423	775 675	690 096	3 451 920	<b>6 733 522</b>
LU**							1 973 596	<b>1 973 596</b>
LV***							2 222 545	<b>2 222 545</b>
MT*							2 654 085	<b>2 654 085</b>
NL			4 448 112	1 968 127			77 391 003	<b>83 807 242</b>
PL			2 803 617	1 127 760			40 567 533	<b>44 498 910</b>
PT***							17 447 687	<b>17 447 687</b>
RO**							13 117 427	<b>13 117 427</b>



	Education		Healthcare		Housing		Goods & services	
Member State	Earnings	Tax revenue	Earnings	Tax revenue	Earnings	Tax revenue	GDP	Total
SE					1 405 763	488 412	32 598 514	<b>34 492 689</b>
SI*							3 874 910	<b>3 874 910</b>
SK	288 632	1 177 434	379 063	148 955			8 518 085	<b>10 512 169</b>
<b>Total</b>	<b>43,254,881</b>	<b>35,301,906</b>	<b>75,702,469</b>	<b>44,844,521</b>	<b>4,428,698</b>	<b>2,006,159</b>	<b>1,034,304,468</b>	<b>1,239,843,102</b>

\* Belgium, Spain, Finland, Croatia, Italy, and Malta are already in full alignment with the reasonable accommodation provision in the proposed directive and would therefore not incur any additional benefits in the education, healthcare, and housing sectors on the grounds of disabilities. Costs in these sectors are calculated for the other grounds.

\*\* Luxembourg and Romania are not present in 2016, 2018, 2020 and 2023 rounds of ESS.

\*\*\* Portugal and Latvia present in ESS but analysis does not result in any statistically significant results at 5 % level.

\*\*\*\* All other empty cells are due to the lack of statistically significant regression results.

## Total benefit

Although it is not possible to calculate estimates of the impact on wages and tax revenue in Luxembourg and Romania due to their absence in the ESS and in Portugal and Latvia due to the lack of statistically significant regression results, calculations were possible across all Member States for changes to GDP. Summing the first five years of these three sources of impact on the economy results in an estimated additional **EUR 1.23 billion** in the first five years of implementation of the proposed directive, **or an average of EUR 247 million per year**. In comparison, a 2024 OECD study estimated that fully eliminating discrimination – a scope which differs widely from that of the proposed directive – across the EU could generate EUR 450 to EUR 500 billion in additional GDP and tax revenue<sup>556</sup>.

The greatest total value of benefits is estimated to occur in Germany, followed by France, both projected to see benefits of over EUR 5 billion over the first five years. The Netherlands is estimated to experience benefits of EUR 2.2 billion and Poland EUR 1.2 billion over the first five years.

Table 11 – Estimated total benefits of proposed directive implementation across all grounds, first five years, by Member State\*

Member State	Earnings (5-year total)	Tax revenue (5-year total)	GDP (5-year total)	Total
AT	4 774 378	3 485 010	28 185 722	<b>36 445 110</b>
BG*	7 388 736	5 144 142	37 175 471	<b>49 708 349</b>
BG	3 287 193	3 400 143	5 123 669	<b>11 811 005</b>
CY	41 781	7 944	2 438 697	<b>2 488 421</b>
CZ	4 173 041	2 217 665	14 950 154	<b>21 340 860</b>
DE	24 236 976	21 370 052	268 929 713	<b>314 536 741</b>
DK	1 058 809	765 621	19 563 735	<b>21 388 164</b>
EE	638 465	158 604	2 052 534	<b>2 849 602</b>
EL	4 044 718	3 863 264	12 108 490	<b>20 016 472</b>
ES*	13 713 045	6 811 944	97 726 611	<b>118 251 601</b>
FI*	3 228 241	1 748 978	12 923 628	<b>17 900 847</b>
FR	33 208 669	15 352 218	164 889 511	<b>213 450 399</b>
HR*	307 929	190 741	5 059 415	<b>5 558 085</b>
HU	3 499 069	4 909 067	12 219 165	<b>20 627 301</b>
IT	762 424	320 949	28 921 985	<b>30 005 358</b>
IE	7 941 120	5 970 225	118 218 661	<b>132 130 007</b>
LT	1 756 269	1 525 333	3 451 920	<b>6 733 522</b>
LU**			1 973 596	<b>1 973 596</b>
LV***			2 222 545	<b>2 222 545</b>
MT*			2 654 085	<b>2 654 085</b>
NL	4 448 112	1 968 127	77 391 003	<b>83 807 242</b>
PL	2 803 617	1 127 760	40 567 533	<b>44 498 910</b>
PT***			17 447 687	<b>17 447 687</b>
RO**			13 117 427	<b>13 117 427</b>

<sup>556</sup> OECD, [The state and effects of discrimination in the European Union](#), 2024. This summation is based on the results presented in Table 5.1 for discrimination based on race and ethnicity, religion and belief, sexual orientation, age, and disability.

Member State	Earnings (5-year total)	Tax revenue (5-year total)	GDP (5-year total)	Total
SE	1 405 763	488 412	32 598 514	<b>34 492 689</b>
SI*			3 874 910	<b>3 874 910</b>
SK	667 694	1 326 389	8 518 085	<b>10 512 169</b>
<b>Total</b>	<b>123 386 048</b>	<b>82 152 586</b>	<b>1 034 304 468</b>	<b>1 239 843 102</b>

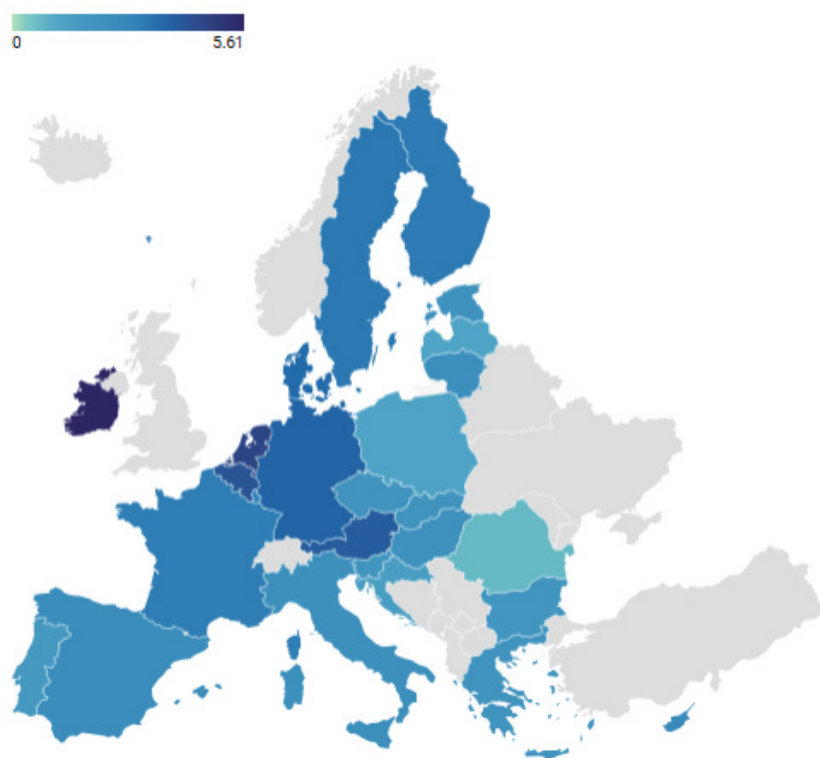
\*Belgium, Spain, Finland, Croatia, Italy, and Malta are already in full alignment with the reasonable accommodation provision in the proposed directive and would therefore not incur any additional benefits in the education, healthcare, and housing sectors on the grounds of disabilities. Costs in these sectors are calculated for the other grounds.

\*\* Luxembourg and Romania are not present in 2016, 2018, 2020 and 2023 rounds of ESS.

\*\*\* Portugal and Latvia present in ESS but analysis does not result in any statistically significant results at 5 % level.

Based on the current EU population (nearly 449 million people), the result is **a per capita benefit of EUR 2.76** for the first five years following adoption of the proposed directive. The per capita benefit varies by Member State (see Map 6). A per capita benefit of over EUR 4 is estimated for Ireland (EUR5.61), Malta (EUR 4.71), the Netherlands (EUR 4.67), and Belgium (EUR4.21). Romania, Latvia, and Poland would see the lowest per capita benefit, EUR 0.69, EUR 1.19, and EUR 1.22, respectively.

Map 6 – Total 5-year per capita benefits, by Member State



Source: Authors' own elaboration based on benefits estimates.

Box 16 – Key national findings – Expected benefits<sup>557</sup>**Key national findings**

- **Italy:** One of the main expected benefits is the stronger incentive to initiate litigation and bring forward collective actions, which is seen as the strongest tool in combating discrimination.
- **Germany:** The highest level of benefits of the proposed directive is estimated to occur in Germany, which would also see one of the highest levels of per capita benefits.
- **Sweden:** The proposed directive is not expected to yield substantial benefits for Sweden specifically but will contribute to levelling up the discrimination grounds in the EU.

**3.4.3. Efficiency assessment**

Efficiency considers whether the expected benefits of the proposed directive are achieved at reasonable cost, and how burdens and gains are distributed across stakeholders and sectors. This study has attempted to put estimated costs and benefits into this perspective.

On the cost side, the model has a sector-by-sector structure based on observable inputs such as typical unit prices for reasonable accommodation, numbers of establishments, sector indispensability and Member State alignment. Additionally, training and administrative activities are explicitly costed by applying a 10.5 % percentage increase to the sectoral reasonable accommodation totals, reflecting generic compliance tasks such as familiarisation, internal guidance updates and staff training across all grounds, with a modified approach taken to accommodate greater requirements in the housing sector. For Member States already in full alignment with the reasonable accommodation provisions, the related costs are zero and a per capita method is applied for the training and administrative cost.

On the benefits side, the time horizon is 30 years to reflect cohort dynamics in education, health and housing. Benefits build gradually as procedures are embedded, cohorts pass through education and into work, and institutional learning accumulates. Results reported in the main tables correspond to the first five years of this 30-year horizon and should be interpreted as initial gains during the transition. While the directive is not expected to eliminate all discrimination, increased access to effective remedies has the potential to, in the long run, offset some monetary harms of residual discrimination. The benefits model translates reduced discrimination into wages, GDP and tax revenue using established empirical links.

The cost model enumerates concrete compliance tasks that follow directly from the proposed directive's obligations, while the benefits model quantifies monetisable gains arising from reduced discrimination through established channels in education, employment and housing, along with greater access to goods and services. Although these scopes are not identical, they are aligned as both are anchored to the same sectors and population coverage, apply the same legal exclusions for structural housing works, and restrict monetisation to effects that are observable and attributable to implementation. Broader societal effects that cannot be robustly priced, such as non-pecuniary wellbeing gains, are excluded on the benefits side just as non-mandatory activities are excluded on the cost side. As a result, the two estimates are generally comparable in breadth and attribution.

<sup>557</sup> **Italy:** Interview with a lawyer on 27 June 2025; interview with a judge on 16 June 2025. **Sweden:** Interview with NGO representative on 16 June 2025.

In comparison with three reference studies that have already been mentioned – the 2024 OECD study<sup>558</sup>, the 2018 CoNE study<sup>559</sup>, and the 2014 impact assessment<sup>560</sup> – the findings of this study are lower both in terms of costs and benefits. However, differences in scope and construction limit direct comparability. The 2014 impact assessment models the expenditures required to achieve full accessibility of buildings and services. By contrast, the present study estimates potential costs arising from reasonable accommodation obligations. The 2018 CoNE analysis focuses primarily on gender related differentials and also quantifies benefits for persons with disabilities from reduced barriers to independent living, which are not the scope of the benefits model applied here. The 2024 OECD work reports gains associated with eliminating all discrimination across a broader set of legal instruments and activities than the proposed directive. Given these differences, it is not unexpected that the cost and benefit figures reported here are lower than those in the reference studies.

The proposed directive delivers value for money. Implementation costs are concentrated in sectors with the most frequent and sustained contact with the public, in particular education and core public services. These costs are largely upfront and were modelled conservatively, which means the estimates err on the side of caution. On the other side, benefits resulting from the implementation of the proposed directive would build up over time. Reduced discrimination and better accessibility translate into improved educational attainment, higher employment and earnings, better health, and fuller participation in goods and services. These gains benefit people, employers and public budgets, and they grow as students finish school and enter work.

Taken together, cost estimates on one side and long-run benefits on the other point towards a positive efficiency balance at EU level. Targeting investments where interactions are most frequent, phasing works sensibly, and co-financing eligible actions through existing EU funds and, subject to adoption, their successor programmes in the 2028–2034 MFF would further support proportionality and value for money.

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<sup>558</sup> OECD, [The state and effects of discrimination in the European Union](#), 2024.

<sup>559</sup> W. van Ballegooij and Milieu Consulting, [Cost of non-Europe report on equality and the fight against racism and xenophobia](#), EPRS, European Parliament, 2018.

<sup>560</sup> Altan, L. et al. (Milieu Consulting), [Implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) – Impact assessment of the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, as well as amendments 37 and 41 of the European Parliament, EPRS and Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2014.

## 4. Key findings and recommendations

This chapter summarises the evidence gathered in the study and makes specific recommendations for the European Parliament's consideration in relation to the proposed directive. It presents the key findings arising from legal, policy and economic analyses, and from stakeholder consultations at EU and national levels, then outlines recommendations to support effective implementation.

### Key findings

This section summarises the key findings discussed in the study based on the evidence gathered:

- ❖ The proposed directive's observance of the principles of **subsidiarity**, **necessity** and **proportionality**, as well as its **EU added value**, is confirmed by this research. It addresses the cross-border nature of discrimination and the shortcomings of divergent national rules that Member States cannot resolve alone, while respecting national competences. The concise scope of the proposed directive, its exemptions, and the wording that reaffirms Member State prerogatives ensure that EU action is not more extensive than necessary. Without its adoption, a fragmented system would remain in place, leaving individuals vulnerable to unequal protection in key areas of daily life.
- ❖ The proposed directive is in line with **international conventions** such as the ECHR and the UNCRPD. This alignment reinforces the obligations of Member States under these frameworks. The proposed directive is consistent with the **EU Charter of Fundamental Rights**, and complements existing **secondary legislation**, thereby ensuring coherence and avoiding conflicts across policy areas. It also supports broader **EU policy initiatives**, such as the European Pillar of Social Rights and EU anti-discrimination strategies and action plans, by providing a common framework for their implementation.
- ❖ The proposed directive would **close a long-standing gap** in EU equal treatment law by improving protection across grounds of discrimination. By extending protection beyond employment to cover the grounds of religion or belief, disability, age, and sexual orientation, the proposed directive would address an important shortcoming in the current EU equality framework. Adopting this legislation is seen as both **intrinsically beneficial and symbolically important**, as it would protect national frameworks from regression, counter fragmentation and demonstrate political commitment at the EU level. It would help to eliminate the current 'hierarchy of grounds', while also creating safeguards against backsliding.
- ❖ The proposed directive recognises and references that individuals may face **multiple and intersectional discrimination**, enabling the CJEU to provide clarifications on these concepts. While this is a step forward in addressing the existing complexity of discrimination, the terms themselves are only mentioned in the recitals and Article 2(3) refers to a 'combination of grounds'. This reduces the potential effectiveness of the provisions. Including clear definitions and stronger legal recognition in the proposed directive would improve consistency, facilitate judicial interpretation, and enable more effective redress for individuals experiencing intersecting forms of discrimination. It would also enhance coherence across the existing EU equality framework.
- ❖ The proposed directive would introduce key changes by establishing a **duty to provide reasonable accommodation for persons with disabilities** outside employment and by recognising the denial of such accommodation as a form of discrimination. It sets out detailed criteria for assessing what constitutes a 'disproportionate burden', which are more detailed than those currently found in national legislation. Most Member States would need

to amend their legal frameworks to align with these provisions, which in turn would increase clarity and consistency and strengthen the implementation of obligations under the UNCRPD. However, stakeholders suggest that the removal of accessibility provisions during negotiations has reduced the potential impact of the proposed directive, meaning it now establishes a reactive individual obligation rather than a proactive general duty. Consequently, although the proposed directive marks a significant improvement on the current situation, its impact would not be as strong as it would have been if the accessibility requirements had been retained.

- ❖ The proposed directive would extend the scope of existing anti-discrimination **procedural rights** to cover religion or belief, age, disability and sexual orientation beyond the area of employment. This would help to ensure that procedural rights such as access to justice, the reversal of the burden of proof, protection against victimisation, and sanctions are implemented on these grounds across the EU. This could improve legal clarity and enforcement, ensuring consistent rules and support for victims. However, its effectiveness may be hindered by barriers to obtaining legal assistance, complex procedures, underreporting, a lack of awareness, and sanctions that are not *de facto* effective, proportionate and dissuasive.
- ❖ The adoption of the directive is expected to **strengthen fundamental rights** across the EU. This would be achieved by extending protection beyond the employment context and creating new legal avenues for individuals to seek redress. It could enhance legal certainty, harmonisation and coherence, reducing fragmentation and improving enforcement across Member States. It would also contribute to raise awareness of rights, reduce precarity and ensure that policy priorities align with legal frameworks.
- ❖ The **impact of the proposed directive will vary between Member States**, depending on their existing levels of protection and national legal frameworks. In countries with strong existing protections, only minor adjustments would be required, such as clarifying definitions, addressing inconsistencies, or strengthening enforcement mechanisms. Conversely, in countries where protection is incomplete or fragmented, more substantial legal reforms would be required to extend rights to new areas and groups, meaning the proposed directive would have a greater transformative impact. While all Member States have the main procedural mechanisms in place due to existing equality directives, some would need to extend them to the grounds covered, as per the employment area. The proposed directive would therefore reinforce and harmonise existing standards rather than introduce entirely new concepts. The effects of the proposed directive are also likely to be shaped by cultural factors, resulting in different national outcomes. Overall, the proposed directive is expected to enhance mutual support and convergence among Member States.
- ❖ The proposed directive would provide individuals with stronger and more consistent rights and access to justice. Those who are the target of discrimination based on religion or belief, age, disability, or sexual orientation would have the means to enforce their rights. This could provide greater legal clarity for **individuals** and **service providers**, encouraging the development of clear guidance, training and inclusive practices. The proposed directive would also reinforce the role of **equality bodies** by providing them with a broader mandate to support victims and improve enforcement, although the effectiveness of this expansion would depend on adequate resources being made available. By broadening the scope of anti-discrimination measures, the proposed legislation would promote social and economic inclusion, accessibility, and improved quality of life, health outcomes, and independent living. By reducing barriers to accessing social protection, education, goods and services across borders, it would strengthen free movement and inclusion for all within the internal



market. It could act as a catalyst for cultural change, fostering more inclusive attitudes and reducing prejudice.

- ❖ Several challenges may limit the proposed directive's effective implementation, suggesting that opportunities to enhance its impact could remain unexploited. The obstacles identified include a **limited range of protected grounds**, with calls for characteristics such as nationality, socioeconomic background, gender identity and sex characteristics to be protected. Concerns were raised about the **extensive exemptions** granted to Member States, particularly with regard to religious symbols, age discrimination, disability, financial services, family law, and education (beyond access). These exemptions could result in inconsistent interpretations and weaken protections. Implementation may also present practical difficulties, particularly in sectors such as financial services, where exemptions must be clearly defined to prevent legal uncertainty. Additional risks identified include an increased **risk of discrimination and hate speech** during the adoption and implementation phase, **uneven enforcement**, **capacity issues** at a national level, and countries with higher existing standards lowering them during transposition. Despite these limitations, it was widely acknowledged that adopting the proposed directive **would represent progress**.
- ❖ Smooth implementation of the proposed directive would necessitate the existence of **the right conditions**, which can be achieved through measures such as **training**, **capacity building** and providing clear, practical **guidance** to duty bearers. Consistent application across Member States can be supported by sharing **good practices** and providing **precise definitions**, including those relating to reasonable accommodation and what constitutes a disproportionate burden. Clear transposition and effective enforcement are expected to enhance trust in institutions, while tools such as legal aid, modern complaint management systems and clear sanctions can facilitate compliance. **Strengthening equality bodies** and providing accessible, low-cost procedures will be essential. As societal and technological challenges evolve, it may be appropriate to update the proposed directive to address issues such as discrimination relating to AI and online content.
- ❖ The proposed directive is expected to **generate limited costs**, in particular relating to provision of reasonable accommodation for persons with disabilities as well as training and administrative costs across all grounds. The most significant and measurable costs relate to physical infrastructure, such as installing ramps or interloop systems. **Education** is identified as the sector most affected, representing 37 % of these estimated costs at EU level. The extent to which Member States incur additional expenses will depend on the extent of existing national frameworks: some countries are already fully aligned and are expected to incur no additional expenses, while others require more substantial reforms. Training and administrative costs are estimated to account for 36 % of total cost calculated. **Total EU costs over the first five years are estimated at EUR 329 million** for adjustments to physical spaces and training and administrative costs, equating to a per capita cost of EUR 0.73.
- ❖ The proposed equal treatment directive is expected to **generate substantial benefits** across the EU. It would combine tangible improvements in access to goods, services and justice, with broader social and economic gains. It would enhance legal clarity and harmonisation, resulting in more consistent enforcement and reduced barriers to participation, particularly for those vulnerable to discrimination. These improvements would enhance access to education, healthcare and housing, fostering greater inclusion and dignity. In economic terms, the proposed directive is expected to **boost labour market participation**, **improve health outcomes**, and **stimulate growth** by unlocking market potential in goods and services. Estimates indicate total additional **benefits of around EUR 1.23 billion in the first five years of implementation**, with variations across Member States.

These benefits reflect **improved individual outcomes** and **strengthened economic performance**, demonstrating the proposed directive's potential to balance costs with significant, both measurable and non-measurable, gains.

## Recommendations

In light of the main findings and the main deficiencies detected in the proposed directive, the study makes the following recommendations, which would further improve the effectiveness of a prospective directive:

### Clarity and legal framework

- ✓ Ensure that, when transposing the proposed directive, the **obligations** are set out **clearly** and, where possible, in a single **coherent instrument** rather than split across multiple laws. Fragmenting the rules across different acts could reduce legal clarity.
- ✓ Give full operative effect to **multiple and intersectional** discrimination in the provisions of the proposed directive.
- ✓ Provide additional precision about the notion of **disproportionate burden**, including providing examples of such measures, and specifying that non-material reasonable accommodations are not considered a disproportionate burden.
- ✓ Progressively preserve, promote and increase the level of **accessibility**, alongside reasonable accommodation, while clarifying the relationship between these two concepts.
- ✓ **Calibrate exceptions** carefully and anticipate litigation risks, particularly regarding financial services and religious symbols.
- ✓ Make the instrument future-proof by addressing **emerging sources of discrimination**, such as AI and algorithmic discrimination, and taking into account **future instruments** or obligations, such as the accession of the EU to the ECHR or the UN Convention on the Rights of Older Persons.
- ✓ Ensure that transposition **does not weaken existing protections** and is **fully consistent** with the national legal framework.

### Enforcement and access to justice

- ✓ Mitigate **access-to-justice** barriers, for example those arising from the 'loser pays' principle.
- ✓ Ensure effective, proportionate and dissuasive **sanctions** (both in legislative terms and in practice).
- ✓ Encourage stakeholders to engage with equality bodies for guidance and in the context of **early dispute resolution**.
- ✓ Encourage **strategic litigation** and civil society partnerships.

Awareness raising, training and capacity building

- ✓ Provide some **guidance** at EU and national level on specific provisions, such as reasonable accommodation, disproportionate burden or multiple and intersectional discrimination.
- ✓ Set up anti-discrimination **training** and **capacity building** for duty bearers and enforcement bodies to increase understanding and knowledge of the proposed directive's requirements.
- ✓ Launch **awareness-raising initiatives** targeting affected groups, society at large, and stakeholders to improve knowledge of rights and obligations.
- ✓ Promote **good practices** and knowledge-sharing between Member States.
- ✓ Encourage service providers to develop **internal policies**, training and product adjustment in light of clearer obligations.

Resources and funds

- ✓ Ensure that **equality bodies' resources** are commensurate with their expanded role and that procedures are streamlined.
- ✓ Develop a **proactive plan** for how educational institutions (primary and secondary) can undertake reasonable accommodations – looking to leverage those that are less costly to avoid more costly accommodations.
- ✓ Leverage **EU funds** and mutual learning. For instance, facilitate the use of EU funds such as the ESF+ to bolster equality bodies, training programmes and digital accessibility.

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## Annex I – National alignment categorisation

The study carried out a national alignment categorisation using a detailed template to analyse the national legislation of all Member States. The template evaluated the extent to which each Member State's legal framework aligns with the key obligations and provisions of the proposed directive. Table 13 presents the results of this exercise.

It combined two methodologies, one for the five case study countries (Czechia, Germany, Italy, Romania, Sweden) and one for the remaining **22 Member States**. For the latter, the study carried out a detailed review of the key obligations set out in the proposed directive for each ground of discrimination (religion or belief, disability, age, sexual orientation), as well as the specific sub-areas for each of these grounds, such as access to social security, social assistance, social housing, healthcare, education, goods and services, and housing. This detailed check used publicly available sources in English, notably the [country reports of the European Network of Legal Experts in Gender Equality and Non-Discrimination](#), which provide a good overview of each Member State. The following sources were also consulted:

- ❖ Overview of the degree of coverage of all grounds for discrimination in Member States carried out by Equinet;
- ❖ Report from the European Commission and the European Network of Legal Experts in Gender Equality and Non-Discrimination on Disability law and reasonable accommodation beyond employment;
- ❖ Report from the European Commission and the European Network of Legal Experts in Gender Equality and Non-Discrimination, A comparative analysis of non-discrimination law in Europe 2023;
- ❖ Country monitoring by the UN for monitoring progress in implementing the UNCPRD.

The available sources varied in depth and coverage, and most did not cover, or only partially covered, sectoral legislation. The result of the country mapping and the alignment categorisation should be approached with this limitation in mind, as well as the limitations outlined in Section 1.4.

For the **five case study countries**, national experts carried out an in-depth assessment of the legal framework. Those results were analysed and put together with the results from the 22 other countries, to create the mapping. This alignment was ranked on a scale from 1 (fully aligned) to 5 (not aligned at all), according to the following assessment guidelines:

Table 12 – Alignment categorisation criteria

Categorisation	Explanation
Fully aligned	National law clearly and comprehensively reflects the requirements of the proposed directive in both wording and effect. All core concepts (discrimination, scope reasonable accommodation, accessibility) are present, and enforceable.
Largely aligned	The law reflects the spirit of the proposed directive in substance, although some minor gaps or ambiguities remain. Protection exists and is relatively strong, but some elements may be limited or certain aspects (e.g. definitions, remedies) could be clearer.
Partially aligned	The national legal framework contains some relevant provisions but there are noticeable/substantive gaps or inconsistencies. This category also captures the instance where rules are not set forth in the law but are applied in practice (as could be substantiated by relevant case law).
Minimally aligned	National law provides only limited or vague protection, lacking coverage of certain areas or protected groups required by the proposed directive.
Not aligned at all	No relevant legal provisions or complete absence of alignment with the proposed directive on several key provisions, areas or grounds.

### **Summary of country mapping**

Table 13 shows the uneven alignment of national legislation with the obligations laid down in the proposed directive.

On a positive note, the obligations related to two provisions of the proposed directive (exemptions laid out in Articles 2 and 3) are already in place in almost all countries. Of the 27 countries reviewed, no conflicting exemption was identified in 22 countries. However, that information on sectoral legislation was not systematically available. Only Finland, Germany, Italy, Romania and Spain have provisions that may impact the alignment with the list of exemptions provided in the proposed directive.

Secondly, 21 Member States have no national provisions conflicting with Article 4a(3) proposed directive (reasonable accommodation for persons with disabilities should not require providers of housing to make structural alterations to the premises or pay for them). At the opposite end of the spectrum are the definitions in Article 4a. Only nine Member States have legislation that defines 'reasonable accommodation' in a way that matches the wording of the proposed directive and also have national legislation covering disability in the relevant areas. In Bulgaria, while the definition aligns with the wording of the proposed directive, reasonable accommodation is only provided in the area of education. Twelve Member States either do not provide a definition of 'disproportionate burden' or provide a definition that sharply narrows the notion. For an additional six Member States, the definition is minimally or partially aligned with that of the proposed directive, often due to problems with the material scope of national legislation and the fact that, when a definition of 'disproportionate burden' exists, it is often restricted to the employment sector. The data also show that the denial of reasonable accommodation is not recognised as a form of discrimination in the areas covered by the proposed directive in 10 countries. For nine additional Member States, the scope of the national legislation leads to the denial of reasonable accommodation not being considered discrimination in all areas covered, or, for one country, not being explicitly mentioned despite being treated as such in practice.

Another issue is the coverage of multiple and intersectional discrimination. Only Belgium and Spain have national legislation that covers both multiple and intersectional discrimination as specific

grounds. The remaining countries either have no provisions covering discrimination on a combination of grounds or only cover multiple discrimination and not intersectional discrimination.

Looking at the individual national results, **three clusters emerge**. The national legislation of Belgium, Czechia, Finland, Malta and Spain is the most aligned with the obligations set out in the proposed directive ('fully aligned' on 15/16 of the 18 questions). A sizeable middle group is largely aligned (Croatia, Germany, Luxembourg, Slovakia, Slovenia, Sweden) or partially aligned (Bulgaria, France, Hungary, Ireland, the Netherlands, Romania), but does not always explicitly provide for the obligations set out in the proposed directive. Instead, they sometimes rely on judicial interpretation or soft-law guidance for matters relating to reasonable accommodation and disproportionate burden. The group of countries with the least alignment with the proposed directive comprises Austria, Cyprus, Denmark, Estonia, Greece, Italy, Latvia, Lithuania, Poland, and Portugal, where most provisions are still only 'minimally aligned' or 'not aligned at all'.

Many national provisions were considered minimally aligned, or not aligned at all, with the obligations set out in the proposed directive because the scope of the national legislation differed from that of the proposed legislation (see Section 3.3 on effectiveness). This affects the subsequent assessment. The provisions relating to the defence of rights, the burden of proof, victimisation and penalties are similar to those of other existing EU legislation. This means that while the mechanisms are not yet available for all areas or grounds covered by the proposed directive, they already exist and could simply be extended to the new areas or grounds in the event of the adoption of the proposed directive.

Table 13 – National alignment categorisation

Article	Question to address	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK
Purpose, concept and scope (Art.1, 2 and 3)	Does the national legislation cover the grounds and areas in line with the requirements of the proposed directive?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
	Are there any exemptions or exclusions under the national legislation, and are these in line with those permitted under the proposed directive?	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	3 – Partially aligned	3 – Partially aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	5 – Not aligned at all	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	3 – Partially aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
Concept of discrimination (Art.2)	Does the national concept of discrimination cover direct discrimination in line with the requirements of the proposed directive (covering all grounds and areas)?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
	Does the national concept of discrimination cover indirect discrimination, in line with the requirements of the proposed directive (covering all grounds and areas)?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	2 – Largely aligned	3 – Partially aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
	Does the national concept of discrimination cover harassment in line with the requirements of the proposed directive (covering all grounds and areas)?	4 – Minimally aligned	3 – Partially aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	5 – Not aligned at all	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
	Does the national concept of discrimination cover instruction, in line with the requirements of the proposed directive (covering all grounds and areas)?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	5 – Not aligned at all	2 – Largely aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
	Does the national concept of discrimination cover the denial of reasonable accommodation in line with the requirements of the proposed directive?	4 – Minimally aligned	1 – Fully aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	3 – Partially aligned	1 – Fully aligned	5 – Not aligned at all	4 – Minimally aligned	5 – Not aligned at all	1 – Fully aligned	5 – Not aligned at all	5 – Not aligned at all	5 – Not aligned at all	5 – Not aligned at all	4 – Minimally aligned	5 – Not aligned at all	5 – Not aligned at all
	Does the national law prohibiting discrimination on the protected grounds and in the protected areas apply to all persons in both the public and private sectors, including public bodies?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	2 – Largely aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
Scope (Art.3)	Does the national law prohibiting discrimination on the protected grounds and in the protected areas apply to all persons in both the public and private sectors, including public bodies?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	2 – Largely aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
Reasonable accommodation for persons with disabilities (Art.4a)	Is there a legal obligation under national law to provide reasonable accommodation for persons with disabilities when it comes to access to social protection, education, and goods and services?	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	4 – Minimally aligned	2 – Largely aligned	3 – Partially aligned	4 – Minimally aligned	5 – Not aligned at all	3 – Partially aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	3 – Partially aligned	1 – Fully aligned	4 – Minimally aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	5 – Not aligned at all	4 – Minimally aligned	4 – Minimally aligned	4 – Minimally aligned	4 – Minimally aligned	3 – Partially aligned
	Does national law define 'reasonable accommodation' as necessary and appropriate modifications to ensure equal access, unless this would impose a disproportionate burden?	5 – Not aligned at all	1 – Fully aligned	4 – Minimally aligned	4 – Minimally aligned	2 – Largely aligned	3 – Partially aligned	5 – Not aligned at all	5 – Not aligned at all	5 – Not aligned at all	1 – Fully aligned	1 – Fully aligned	5 – Not aligned at all	1 – Fully aligned	3 – Partially aligned	1 – Fully aligned	1 – Fully aligned	5 – Not aligned at all	5 – Not aligned at all	5 – Not aligned at all	1 – Fully aligned	3 – Partially aligned	5 – Not aligned at all	5 – Not aligned at all	4 – Minimally aligned	2 – Largely aligned	5 – Not aligned at all	5 – Not aligned at all
	Does national law require housing providers to accept structural alterations to ensure reasonable accommodation, and what specific requirements does it set out?	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	5 – Not aligned at all	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	5 – Not aligned at all	1 – Fully aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned
	How is the concept of 'disproportionate burden' defined under national law, and does this definition align with the criteria set out in the proposed directive?	4 – Minimally aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	3 – Partially aligned	3 – Partially aligned	4 – Minimally aligned	5 – Not aligned at all	5 – Not aligned at all	3 – Partially aligned	3 – Partially aligned	3 – Partially aligned	5 – Not aligned at all	4 – Minimally aligned	5 – Not aligned at all	3 – Partially aligned	5 – Not aligned at all	3 – Partially aligned	5 – Not aligned at all	5 – Not aligned at all	3 – Partially aligned	5 – Not aligned at all	5 – Not aligned at all	5 – Not aligned at all	4 – Minimally aligned	5 – Not aligned at all	5 – Not aligned at all
Defence of rights (Art.7)	Are persons who experience discrimination in the areas and grounds covered guaranteed access to judicial or administrative remedies, including alternative dispute resolution procedures, under national law?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	2 – Largely aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
	Does national law allow associations or other legal entities to support or represent victims of discrimination in judicial or administrative procedures relating to the areas and grounds covered by the proposed directive?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
Burden of proof (Art.8)	Does national law provide for a reversed burden of proof in discrimination cases covered by the proposed directive?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	2 – Largely aligned	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	3 – Partially aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
Victimisation (Art.9)	Does national law protect individuals against retaliation or adverse treatment for making or supporting a complaint of discrimination in areas/grounds covered by the proposed directive?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	5 – Not aligned at all	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned
Penalties (Art.14)	Does national law provide effective, proportionate and dissuasive penalties for breaches of the non-discrimination provisions set out in the proposed directive?	4 – Minimally aligned	1 – Fully aligned	2 – Largely aligned	4 – Minimally aligned	3 – Partially aligned	2 – Largely aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	1 – Fully aligned	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	2 – Largely aligned	3 – Partially aligned	1 – Fully aligned	1 – Fully aligned

Article 2(3)	Does national law cover multiple and intersectional discrimination?	5 – Not aligned at all	1 – Fully aligned	4 – Minimally aligned	5 – Not aligned at all	4 – Minimally aligned	3 – Partially aligned	5 – Not aligned at all	5 – Not aligned at all	4 – Minimally aligned	1 – Fully aligned	3 – Partially aligned	4 – Minimally aligned	3 – Partially aligned	3 – Partially aligned	3 – Partially aligned	4 – Minimally aligned	4 – Minimally aligned	5 – Not aligned at all	5 – Not aligned at all	4 – Minimally aligned	5 – Not aligned at all	5 – Not aligned at all	5 – Not aligned at all	4 – Minimally aligned	4 – Minimally aligned	3 – Partially aligned	5 – Not aligned at all
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## Annex II – Cost methodology

The cost methodology is broken down into two parts, the cost related to reasonable accommodation for persons with disabilities and costs related to training and administrative tasks.

### Reasonable accommodation

This approach sets out to estimate the **incremental cost of adopting the proposed directive** and not the cost of reasonable accommodation as a concept. As the approach attaches a frequency of cost to each Member State according to its present level of alignment, jurisdictions that are already aligned will register little or no additional expenditure if the proposed directive comes into force.

To estimate this incremental cost, this methodology combines unit cost data (gathered from EU and national sources in multiple languages (FR, DE, ES, IT, PL) with structural indicators describing the number of establishments per sector and per Member State. Unit costs cover a representative range of accommodations, from those incurring minimal administrative cost, to portable wheelchair ramps, to induction loop systems, and sign-language interpreting services. Averages of the more expensive costs are combined with a factor that discounts how often a high-priced accommodation will occur. Establishment data are sourced primarily from **Eurostat SBS** and national registers where necessary. Multiplying these reference costs by the estimated number of relevant establishments in each sector yields an indicative total investment need per Member State. A factor that accounts for how indispensable a sector is to everyday life, based on the frequency and duration of interactions, is then applied<sup>561</sup>. This factor gives more weight to those sectors that are necessary for a life integrated into societal norms and expectation, such as education and health, and less weight to those more discretionary sectors, such as culture and leisure. This approach ensures transparency, comparability, and a robust evidence base, while recognising that actual expenditure will vary for each sector and in each Member State.

The equations for the cost calculations are provided first (see Box 17), followed by a detailed discussion of each element of the equations. The first equation calculates the potential cost in the first year, which is then used as the base for the calculation of the subsequent five years – a discount of 10% is applied to each subsequent year to reflect a decrease in the number of costly accommodations

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<sup>561</sup> The number of establishments in a sector is taken as a constant through the years.

## Box 17 – Reasonable accommodation cost equations

Cost calculation equation for **first year**:

$$C_{sm}^t = IF_s [(c_s^{mod} + \rho_s c_s^{int}) \times (Est_{sm}) \times \lambda_m]$$

$C_{sm}^t$  – Cost for sector  $s$  in Member State  $m$  at time  $t$

$IF_s$  – Indispensability factor: 1 (indispensable), 0.5 (every-day utility) or 0.25 (discretionary)

$c_s^{mod}$  – Average moderate cost for sector  $s$

$c_s^{int}$  – Average intensive cost for sector  $s$

$\rho_s$  – Reasonableness discount for intensive works

$Est_m$  – Number of establishments in sector  $s$  in the Member State  $m$

$\lambda_m$  – Alignment multiplier of Member State  $m$

Total cost for the sector by Member State over the **first five year**:

$$C_{sm} = C_{sm}^t + (C_{sm}^t * 0.90) + (C_{sm}^t * 0.90^2) + (C_{sm}^t * 0.90^3) + (C_{sm}^t * 0.90^4)^*$$

\*The multiplication of yearly costs by .90 reflects that 10% discount applied to the cost calculated in the first year. The exponent reflects the compounding nature of the discount applied to previous year.

An important caveat is that this approach does not account for the level of accessibility (as opposed to the reasonable accommodation that would be required by the proposed directive) that might already exist in a given Member State. This is an important consideration because existing laws in some jurisdictions are linked to accessibility and therefore remove the need for reasonable accommodation: the more accessible an environment, the less likely that reasonable accommodation will be needed<sup>562</sup>. Conducting a full comparative inventory of national accessibility regimes is a large research project in itself and is beyond the resources and timetable of the present study. The estimates of the study should therefore be interpreted as a prudent upper bound on the proposed directive's additional costs.

This cost calculation should be interpreted with caution due to several substantive limitations. First, the scope of the costed measures is narrow in terms of disability types. The calculation focuses primarily on adjustments for physical disabilities, for which unit cost benchmarks such as ramps, lifts and signage are better documented across Member States. It does not systematically include accommodations for persons with intellectual, cognitive or psychosocial disabilities, where both the typology of adjustments and robust cost data are less developed. Nevertheless, these measures are more likely to take the form of pedagogical and organisational accommodations rather than physical modifications. As a result, the model may understate the diversity and potential range of reasonable accommodation needs across the full population protected by the Directive. At the same time, the costs included are based on a representative but limited set of example measures and cannot capture the full variability of sector-specific or innovative solutions that might emerge over time.

Second, the calculation assumes that all establishments within the analysed sectors could face an obligation to provide accommodations, without detailed adjustment for existing levels of

<sup>562</sup> Equinet, [Reasonable accommodation for persons with disabilities: Exploring challenges concerning its practical implementation](#), 2021, p. 18.

accessibility or for differences in national legal frameworks. The alignment multiplier used in the model reflects Member States' legal provisions on reasonable accommodation. However, it does not fully account for accessibility legislation that, in some jurisdictions, already reduces the need for individual adjustments by ensuring that premises and services are proactively accessible. As a result, the model may overstate potential costs in countries where strong accessibility requirements are already in place.

For these reasons, the figures should be read as indicative estimates designed to inform the policy debate, not as a definitive forecast of expenditure. They provide an analytically grounded approximation of likely compliance costs but should be interpreted with the understanding that actual outlays will depend on national implementation choices and the existing accessibility landscape in each Member State.

## Indispensability

The **first element** in the cost methodology is to determine the sectors considered and, of those, the extent to which they are indispensable. The study revisits the 10 sectors examined in the 2014 complementary impact assessment – education, housing, healthcare, public administration, walkways/pavements, HORECA, sport and leisure, entertainment and culture, retail and professional services. Each sector is discussed in turn, including how citizens typically interact with the sector (frequency and length), whether it is still sensible to consider the costs incurred given the changes to the proposed directive, and finally its indispensability. For example, daily attendance at school throughout compulsory education, contrasts sharply with the sporadic nature of contact with restaurants and hotels. To reflect the varying indispensability of these settings, the sectors are classified into three tiers:

1. **Indispensable:** Sectors where interaction is virtually unavoidable;
2. **Regular utility:** Sectors that are used regularly but not continuously;
3. **Elective:** Sectors whose use is largely discretionary.

Each tier is assigned an **indispensability factor** (1 for indispensable, 0.5 for regular utility, and 0.25 for discretionary sectors). This factor accounts for how essential a sector is in everyday living and taking part in society. Indispensable sectors will be likely to incur more costs, while those considered regular utility and discretionary will be less and less likely, respectively, to incur costs.

## Cost examples

The **second element** of the methodology is the costing of **concrete illustrations of reasonable accommodation for each sector**. As no single repository contains an exhaustive list of such measures, evidence is drawn from various sources such as CJEU decisions, national court decisions and equality body rulings, EU publications, information from NGOs and industry, as well as stakeholder consultation. These items are priced using desk-based sources, averaging those costs through data from a number of Member States. Where the costs are negligible, they are noted as such. Box 18 provides examples of reasonable accommodation made available by Unia, the Belgian equality body, on its website.

Box 18 – Examples of reasonable accommodations from Unia<sup>563</sup> (Belgium)

Unia is an independent public Belgian institution that promotes equality and combats discrimination to protect the rights of people with disabilities. Unia's website provides concrete examples of reasonable accommodation, while the accompanying cost estimates are based on authors' research.

- ❖ A journalism student with attention problems who is allowed to take their exam in a quiet room – estimated cost zero to minimal.
- ❖ Use of a sign language interpreter to allow a witness to an accident to provide an accurate account – estimated cost EUR 86592.

## Cost bands

The third element of the cost methodology is to group costs into three bands:

1. **Minimal:** Virtually no financial outlay, although possibly some administrative effort;
2. **Moderate:** Modest, easily priced purchases;
3. **Intensive:** High-capital items or construction works.

Minimal adjustments entail almost no financial outlay, although they may involve minor administrative effort (e.g. emailing lecture slides in advance to a visually impaired student). Moderate measures incur modestly priced spending, for example the purchase of a portable ramp for a restaurant entrance. It is likely that all minimal and most moderate accommodations will be considered reasonable in nature and thus be covered by the proposed directive. Intensive measures cover high-capital items or construction works, such as retrofitting a guesthouse bedroom with widened doorways, a platform lift and an accessible bathroom. It will be rare that these costs will be considered reasonable, although each sector will be considered and discussed accordingly.

## Reasonableness-discount coefficient

The next element is the **reasonableness-discount coefficient**, which is applied to intensive costs and is intended to reflect the lower probability of these costs being considered a **proportionate burden**. In practice this discount lies between 0 (no intensive measure is ever required) and 1 (intensive measures are as common as moderate ones). As stakeholder consultation indicates that intensive costs will occur rarely, if ever, the **reasonableness-discount coefficient** is set between 0.01 and 0.10. This reflects the likelihood of an intensive cost occurring between 1 % and 10 % of the time, depending on characteristics of the sector.

## Number of establishments

To scale the likely cost of reasonable accommodation in one establishment to the Member State level, the next element is data on the **number of establishments in each sector**. There are no data on the number of structures in a given sector across the Member States, nor on whether those establishments have accessible premises. Instead, the number of establishments provides an

<sup>563</sup> Unia, [What are reasonable accommodations?](#), website.

indication of the size of the sector in each Member State. For example, in healthcare, the total number of hospitals in each Member State reflects the number of physical locations that could require accommodation. For retail, the number is taken from the number of enterprises listed in NACE Rev. 2 activity G47, which can include those enterprises without physical locations. The discussion of each sector below includes the data source(s) for each sector in the analysis.

## Alignment multiplier

To reflect the likelihood that a cost will materialise in any given country, the **alignment multiplier** is the final element of the cost methodology. It reflects the national alignment categorisation, with a lower value used for greater alignment. The scale runs from: fully aligned = 0; largely aligned = 0.05; partially aligned = 0.10; minimally aligned = 0.15; to not aligned at all = 0.20. Applying this multiplier to the value in the previous step yields a cost estimate of reasonable accommodation in that sector in each Member State.

## Sectors

The sectors of analysis build on those sectors originally examined in the 2014 impact assessment – education, healthcare, housing, public administration, retail, professional services, HORECA, sport and leisure, and culture and entertainment. That assessment highlighted these areas as central to achieving equal access for persons with disabilities and other protected groups. This study maintained some, but not all, sectors for calculations, reflecting changes in the proposed directive and the understanding of reasonable accommodation.

### Education

Education is considered a key sector for the cost-benefit analysis as it is a universal and compulsory service at primary and secondary level, with daily participation over several years. Equal access to education is crucial to ensure equal opportunities and prevent exclusion from further education and labour market.

- ❖ Indispensability: The compulsory nature of the education sector makes it an indispensable sector where interaction is virtually unavoidable, thereby receiving an indispensability factor of 1.
- ❖ Cost examples: Minimal costs would include extended exam time for students with some disabilities, or rearranging class schedules to ensure that a student with mobility issues can have classes on the ground floor. Moderate costs include the installation of a small wheelchair ramp, Braille signs or visual alarms units. Intensive costs include the installation of lifts and automatic doors or the provision of a sign-language interpreter for a school year.
- ❖ Reasonable discount: Most reasonable accommodation measures are expected to be small to moderate but some more intensive works might occur in older or multi-storey schools. The reasonable discount assigned to the education sector is therefore 0.1.

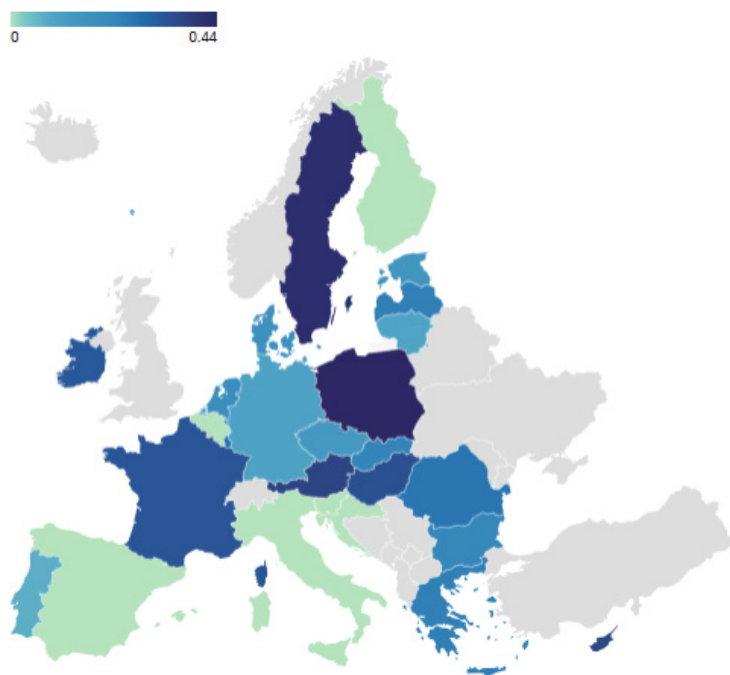
For the estimation of average moderate costs, the following items were considered: a small wheelchair ramp, at a unit cost of EUR 98.66<sup>564</sup>; one induction loop system for a small room of 10–50 m<sup>2</sup>, at EUR 257.04<sup>565</sup>; three visual alarm (strobe) units, each covering approximately 10–50 m<sup>2</sup>, at EUR

<sup>564</sup> Leroy Merlin (ES), [Folding wheelchair ramp 150cm 270kg aluminum portable flat disabled barrier-free access](#), website.

<sup>565</sup> Direct-Signaletique (FR), [Portable magnetic loop for reception counter – Standard EN60118-4](#), website.

49.00 per unit<sup>566</sup>; and five tactile/Braille signs, at EUR 54.50 per unit<sup>567</sup>. For the estimation of average intensive costs, a broader range of interventions was assessed. These include a large wheelchair ramp, at EUR 1 830.97<sup>568</sup>; the installation of an elevator for up to three storeys, at EUR 27 250.00<sup>569</sup>; and a second elevator for up to 10 storeys, at EUR 80 000.00<sup>570</sup>. Additionally, minimum provision of a full-time sign-language interpreter, for which the probability of implementation was assumed to equate to half of the annual gross salary of EUR 36 715.91<sup>571</sup>; and one automatic door opener or swing door, at EUR 2 676.57<sup>572</sup>.

Map 7 – Education sector per capita cost of first five years of reasonable accommodation



Source: Authors' elaboration based on cost estimates.

<sup>566</sup> Alertic (FR), [Flash lumineux incendie PMR filaire](#), website. Three units are assumed as the average requirement for a school where the entrance, a classroom, and a cafeteria are most frequently used by a student with visual impairments.

<sup>567</sup> Flynn Signs (IE), [Modular door sign with Braille](#), EUR 54.50, website. Five units are assumed to cover key access points: two classrooms, two corridor intersections, and one entrance.

<sup>568</sup> Thiele Shop (DE), [Wheelchair ramps with wide driving surface](#), website.

<sup>569</sup> Aroundhome (DE), [Installation for three storeys](#), website. Range of EUR 15 000–EUR 30 000 (midpoint EUR 27 250).

<sup>570</sup> Aufzug-LUS (DE), [benchmark](#) EUR 60 000–EUR 100 000 for up to 10 storeys (midpoint proxy EUR 80 000), website.

<sup>571</sup> HelloWork (FR), Sign-language interpreter annual gross EUR 23 800–EUR 31 200 (median EUR 25 600) based on INSEE and offers, website. StepStone (DE), Interpreter annual gross EUR 30 700–EUR 46 200 (median EUR 38 700) with entry around EUR 27 000, website. sueldofuncionarios.es (ES), Sign-language interpreter annual gross EUR 25 000–EUR 35 000, depending on experience/location/contract, website. Nationale Beroepengids (NL), Approx. annual gross EUR 42 120, based on 18,68-hour on a 40-hour workweek, website. studentum.dk (DK), Average DKK 51 894 /month → approx. annual gross DKK 622 700 (EUR 6 960-month → EUR 83 372-year), website. SalaryExpert (IE), [Sign language interpreter](#) (Dublin) average annual gross EUR 57 811 (≈EUR 27,79/hour) with a range of EUR 42 533 to EUR 70 537 for entry and seniors respectively, website.

<sup>572</sup> Digiway, [EN16005 kit and US commercial-grade openers](#), website. Range EUR 1 300–EUR 6 500. Midpoint estimate EUR 2 676.57.

The number of establishments for each Member State was obtained from Eurydice, National Education Systems country pages<sup>573</sup>. Only primary and secondary schools were included in the calculation. This choice reflects the fact that these levels of education are compulsory in all Member States and thus represent settings where interaction is unavoidable and where reasonable accommodation obligations will have the greatest systemic impact. By contrast, including non-compulsory levels such as early childhood education or tertiary institutions would introduce a different level of indispensability and risk overstating the likely costs, as attendance at these levels is not universal. It is important to note that given the principle of proportionate analysis it was not possible to integrate measurements that account for the manner and the extent of integration of children with disabilities in schools<sup>574</sup>.

## Public administration

The public administration sector is essential for the cost-benefit analysis due to the unavoidable nature of interactions with government services being lifelong and at times frequent. These services include registration, licensing, taxation, and access to social security and benefits. Ensuring accessibility in this sector is vital to guarantee equal treatment and inclusion in civic life.

- ❖ Indispensability: The universal and essential nature of public administration makes it an indispensable sector where interaction is inevitable, leading to an indispensability factor of 1.
- ❖ Costs examples: Minimal costs include providing official forms in plain language or accessible digital formats or arranging appointments by phone or email for citizens unable to queue physically. Moderate costs include installing Braille signage for service counters, induction loops at reception areas, or visual alarms in waiting rooms. Intensive costs involve installing automatic doors or lifts in multi-storey government buildings.
- ❖ Reasonable discount: Most accommodations are expected to be moderate. Intensive works are likely to be less common, as many buildings already have partial accessibility measures, resulting in a reasonable discount of 0.05.

Examples of minimal costs in this sector include measures such as providing documents in plain language and ensuring accessible electronic forms.

For the estimation of average moderate costs, the following items were considered: one small wheelchair ramp, at EUR 98.66<sup>575</sup>; one induction loop system for a small room, at EUR 257.04<sup>576</sup>; two visual alarm units, at EUR 49.00 each<sup>577</sup>; four tactile/Braille signs, at EUR 54.50 each<sup>578</sup>; and 30 minutes of sign-language interpretation per week<sup>579</sup>.

<sup>573</sup> European Commission, Eurydice, [National Education Systems, 1. Organisation and Governance, 1.8 Statistics on educational institutions](#), website.

<sup>574</sup> European Commission, [Better Regulation Toolbox](#), July 2023 (Chapter II – How to carry out an impact assessment, Tool #12 – How to apply proportionality to impact assessments).

<sup>575</sup> Leroy Merlin (ES), [Folding wheelchair ramp 150cm 270kg aluminum portable fFlat disabled barrier-free access](#), website.

<sup>576</sup> Direct-Signaletique (FR), [Portable magnetic loop for reception counter – Standard EN60118-4](#), website.

<sup>577</sup> Alertic (FR), [Flash lumineux incendie PMR filaire](#), website.

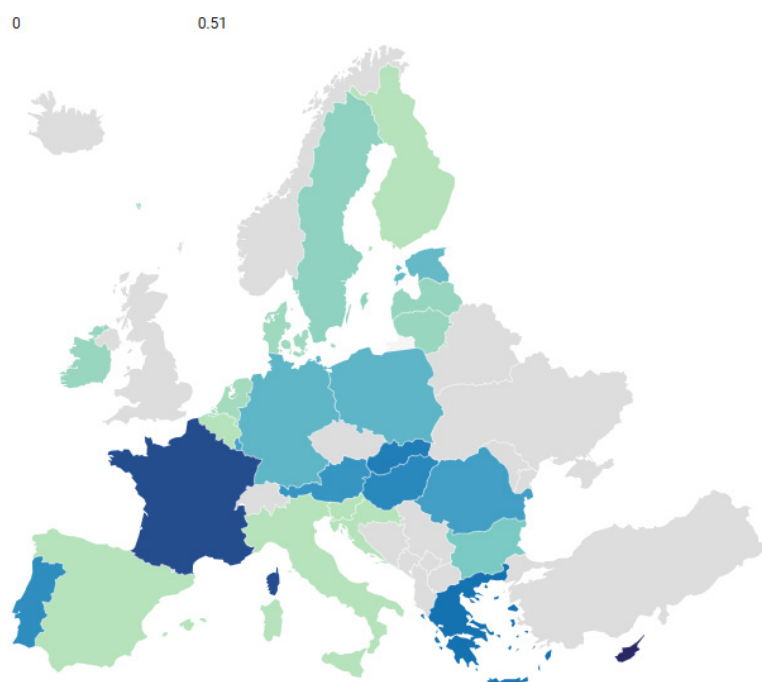
<sup>578</sup> Flynn Signs (IE), [Modular door sign with Braille](#), EUR 54.50, website.

<sup>579</sup> Median EU interpreter hourly rate: EUR 86. RIM Interprètes (FR), Sign-language interpreting (Toulouse) EUR 68–EUR 94/hour; typical minimum blocks apply, website. Universidad de Málaga – FGUMA (ES), Spanish Sign Language (LSE) interpreting EUR 86/hour (excl. VAT); two-interpreter teams for longer/high-load assignments, website. Tolcontact (NL), National sign-language interpreter rates EUR 67.40–EUR 77.24/hour; UWV-linked; travel ~EUR 0.87/km, website. BGGB (DE), Berlin workplace assistance schedule – sign-language interpreter EUR 85.00/hour; EUR 42.50



For the estimation of average intensive costs, the following were assessed: one large wheelchair ramp, at EUR 1 830.97<sup>580</sup>; an elevator for three storeys, at EUR 27 250.00<sup>581</sup>; an elevator for 10 storeys, at EUR 80 000.00<sup>582</sup>; one induction loop system for a large room, at EUR 706.00<sup>583</sup>; four visual alarms<sup>584</sup>; four tactile/Braille signs;<sup>585</sup> and one automatic door opener, at EUR 2 676.57<sup>586</sup>. The tier attributed to public administration is level 1 (indispensable). As it was not possible to identify a data source containing the number of public administration buildings in Member States, a proxy was employed. Local administrative units (LAU) are comprised of the municipalities and communes of EU Member States<sup>587</sup>. The number of LAUs was used as a proxy for the sector, inferring that, on average, there is at least one public administrative building per LAU that will need to make reasonable

Map 8 – Public administration per capita cost of first five years of reasonable accommodation



accommodations for its citizens with disabilities. Establishment numbers were derived from Eurostat's LAU – NUTS 2024, EU-27 and EFTA/candidate countries dataset<sup>588</sup>.

Source: Authors' elaboration based on cost estimates.

per started half-hour; EUR 110 per assignment, document. PHARE (BE), Brussels FR-speaking region – LSFB interpreter EUR 52.00–EUR 59.00/hour; small travel supplements, website. Tegn & Sprog (DK), Sign-language interpreting DKK 730/hour (~EUR 98 at ~7.45 DKK/EUR); surcharges by zone/time of day, website.

<sup>580</sup> Thiele Shop (DE), [Wheelchair ramps with wide driving surface](#), website.

<sup>581</sup> Aroundhome (DE), Heimhelden (DE): installation for three storeys, EUR 15 000–EUR 30 000 (midpoint EUR 27 250).

<sup>582</sup> Aufzug-LUS (DE), [benchmark](#) EUR 60 000–EUR 100 000 for up to ten storeys (midpoint proxy EUR 80 000), website.

<sup>583</sup> Levenly (FR), [magnetic loop amplifier 200 m² EUR 706 TTC](#), website.

<sup>584</sup> Alertic (FR), [Flash lumineux incendie PMR filaire](#), website.

<sup>585</sup> Flynn Signs (IE), [Modular door sign with Braille](#), EUR 54.50, website.

<sup>586</sup> Digiway, [EN16005 kit and US commercial-grade openers](#), website. Range EUR 1 300–EUR 6 500. Midpoint estimate EUR 2 676.57.

<sup>587</sup> Eurostat, [Local administrative units](#) (LAU), website.

<sup>588</sup> Eurostat, [LAU – NUTS 2024 dataset](#), EU-27 and EFTA candidate countries, website.

## Healthcare

The healthcare sector is included in the cost-benefit analysis because access to healthcare is fundamental and unavoidable at various points in life. Ensuring accessibility is essential to guarantee equal treatment and prevent health inequalities.

- ❖ Indispensability: Given its universal importance and life-long interaction, healthcare is categorised as indispensable, with an indispensability factor of 1.
- ❖ Costs examples: Minimal costs include sending appointment reminders in accessible formats or adjusting scheduling to meet patient needs. Moderate costs include portable ramps, Braille signage, or induction loops in consultation rooms. Intensive costs involve upgrading older hospital areas to improve navigation and usability, such as adding tactile guidance systems, expanding doorways in certain treatment rooms, electrical examination tables, or retrofitting a limited number of accessible bathrooms or diagnostic spaces in facilities where older infrastructure still presents barriers.
- ❖ Reasonable discount: Many healthcare facilities already comply with accessibility rules, meaning that intensive works will be rare and reasonable accommodation measures will mostly involve a small number of targeted upgrades, leading to a reasonable discount of 0.05.

For the estimation of average moderate costs, the following items were considered: one small wheelchair ramp, at a unit cost of EUR 98.66<sup>589</sup>; one induction loop system for a small room of 10–50 m<sup>2</sup>, at EUR 257.04<sup>590</sup>; one visual alarm (strobe) unit, at EUR 49.00<sup>591</sup>; six hours of sign-language interpreting, at EUR 85.50 per hour<sup>592</sup>; and one tactile/Braille sign, at EUR 54.50<sup>593</sup>.

<sup>589</sup> Leroy Merlin (ES), [Folding wheelchair ramp 150cm 270kg aluminum portable flat disabled barrier-free access](#), website.

<sup>590</sup> Direct-Signaletique (FR), [Portable magnetic loop for reception counter – Standard EN60118-4](#), website.

<sup>591</sup> Alertic (FR), [Flash lumineux incendie PMR filaire](#), website.

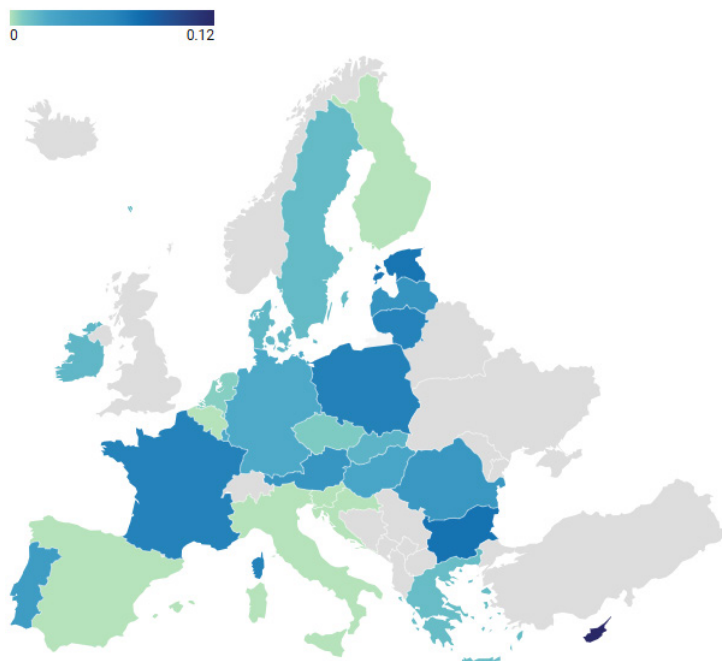
<sup>592</sup> Median EU interpreter hourly rate: EUR 86. RIM Interprètes (FR), Sign-language interpreting (Toulouse) EUR 68–EUR 94/hour; typical minimum blocks apply, website. Universidad de Málaga – FGUMA (ES), Spanish Sign Language (LSE) interpreting EUR 86/hour (excl. VAT); two-interpreter teams for longer/high-load assignments, website. Tolkcontact (NL), National sign-language interpreter rates EUR 67.40–EUR 77.24/hour; UWV-linked; travel ~EUR 0.87/km, website. BGGB (DE), Berlin workplace assistance schedule – sign-language interpreter EUR 85.00/hour; EUR 42.50 per started half-hour; EUR 110 per assignment, document. PHARE (BE), Brussels FR-speaking region – LSFB interpreter EUR 52.00–EUR 59.00/hour; small travel supplements, website. Tegn & Sprog (DK), Sign-language interpreting DKK 730/hour (~EUR 98 at ~7.45 DKK/EUR); surcharges by zone/time of day, website.

<sup>593</sup> Flynn Signs (IE), [Modular door sign with Braille](#), EUR 54.50, website.

For the estimation of average intensive costs, the following interventions were assessed: a large wheelchair ramp, at EUR 1 830.97<sup>594</sup>, one elevator serving up to three storeys, at EUR 27 250.00<sup>595</sup>; one elevator serving up to 10 storeys, at EUR 80 000.00<sup>596</sup>; one induction loop system for a large room of approximately 200 m<sup>2</sup>, valued at EUR 706.00<sup>597</sup>; eight visual alarm systems for high-use rooms<sup>598</sup>; 10 tactile/Braille signs<sup>599</sup>; and a full-time sign-language interpreter, with probability-weighted implementation equating to half the annual gross salary of EUR 36 715.91<sup>600</sup>. The number of establishments corresponds to the number of hospitals per Member State, based on estimates from a range of Member State sources<sup>601</sup>.

Source: Authors' elaboration based on cost estimates.

Map 9 – Healthcare per capita cost of first five years of reasonable accommodation



## Sport, leisure, entertainment, and culture

The sectors of sport, leisure, entertainment and culture are considered together in the analysis, as the EU business statistics conflate these sectors. While the activities pertaining to this broad sector are not essential or compulsory, they play a major role in social inclusion and quality of life. Equal access to these activities promotes participation in community and cultural life, which further a

<sup>594</sup> Thiele Shop (DE), [Wheelchair ramps with wide driving surface](#), website.

<sup>595</sup> Aroundhome/Heimhelden DE, 3-storey elevators EUR 15 000–EUR 30 000 (midpoint EUR 27 250).

<sup>596</sup> Aufzug-LUS (DE), [benchmark](#) EUR 60 000–EUR 100 000 for up to ten storeys (midpoint proxy EUR 80 000), website.

<sup>597</sup> Levenly (FR), [magnetic loop amplifier 200 m<sup>2</sup> EUR 706 TTC](#), website.

<sup>598</sup> Assumption, Eight units cover waiting, consultation, and treatment rooms.

<sup>599</sup> Assumption: 10 Braille signs for large hospitals.

<sup>600</sup> Weighted EU interpreter salary EUR 36 715.91, halved to reflect lower probability.

<sup>601</sup> Austria ([Office of Statistics](#)); Belgium ([HealthyBelgium](#)); Bulgaria ([InvestorBG](#) and [InstituteMarketEconomics](#)); Cyprus ([ComarkStates](#)); Czechia ([CzechStatisticsOffice](#)); Germany ([Destatis](#)); Denmark ([EHTEL](#)); Estonia ([TerviseArengolInstitut](#)); Greece ([EDOEAP](#)); Spain ([Health Ministry](#)); Finland ([ITA](#)); France ([Health Ministry](#)); Croatia ([ITA](#)); Hungary ([Health Ministry](#)); Ireland ([Health Ministry](#)); Italy ([Health Ministry](#)); Lithuania ([European Commission](#)); Luxembourg ([Health Ministry](#)); Latvia ([European Health Observatory](#)); Malta ([European Health Observatory](#)); the Netherlands ([Health Ministry](#)); Poland ([COIG](#)); Portugal ([Office of Statistics](#)); Romania ([Office of Statistics](#)); Sweden ([ICI](#)); Slovenia ([European Health Observatory](#)); Slovakia ([Health Ministry](#)).

greater aim of the proposed directive to change perception of persons with disabilities. It has therefore been retained in the costing, albeit at a lower weighting than essential services.

- ❖ Indispensability: The use of this sector is voluntary and occasional, resulting in its placement in the discretionary tier, with an indispensability factor of 0.25.
- ❖ Costs examples: Minimal costs include accessible event information. Moderate costs examples would be the installation of portable ramps, while intensive costs would involve the installation of lifts and retrofitting major venues or sport complexes.
- ❖ Reasonable discount: Intensive costs are expected to be very rare and would be limited to older or high-capacity facilities, resulting in a reasonable discount of 0.01.

For the estimation of average moderate costs, the following items were considered: one small wheelchair ramp, at EUR 98.66<sup>602</sup>; one induction loop system for a small room, at EUR 257.04<sup>603</sup>; one visual alarm unit, at EUR 49.00<sup>604</sup>; and one tactile/Braille sign, at EUR 54.50<sup>605</sup>.

For the estimation of average intensive costs, the following items were considered: one large wheelchair ramp, at EUR 1 830.97<sup>606</sup>; an elevator serving up to three storeys, at EUR 27 250.00<sup>607</sup>; an elevator for up to 10 storeys, at EUR 80 000.00<sup>608</sup>; one induction loop system for a large auditorium of 200 m<sup>2</sup>, at EUR 706.00<sup>609</sup>; and one automatic door opener, at EUR 2 676.57<sup>610</sup>. Establishment numbers were taken from Eurostat's Enterprises by detailed NACE Rev. 2 activity and special aggregates (Arts, entertainment, recreation, Code R (Level 1), 2023).

<sup>602</sup> Leroy Merlin (ES), [Folding wheelchair ramp 150cm 270kg aluminum portable flat disabled barrier-free access](#), website.

<sup>603</sup> Direct-Signaletique (FR), [Portable magnetic loop for reception counter – Standard EN60118-4](#), website.

<sup>604</sup> Alertic (FR), [Flash lumineux incendie PMR filaire](#), website.

<sup>605</sup> Flynn Signs (IE), [Modular door sign with Braille](#), EUR 54.50, website.

<sup>606</sup> Thiele Shop (DE), [Wheelchair ramps with wide driving surface](#), website.

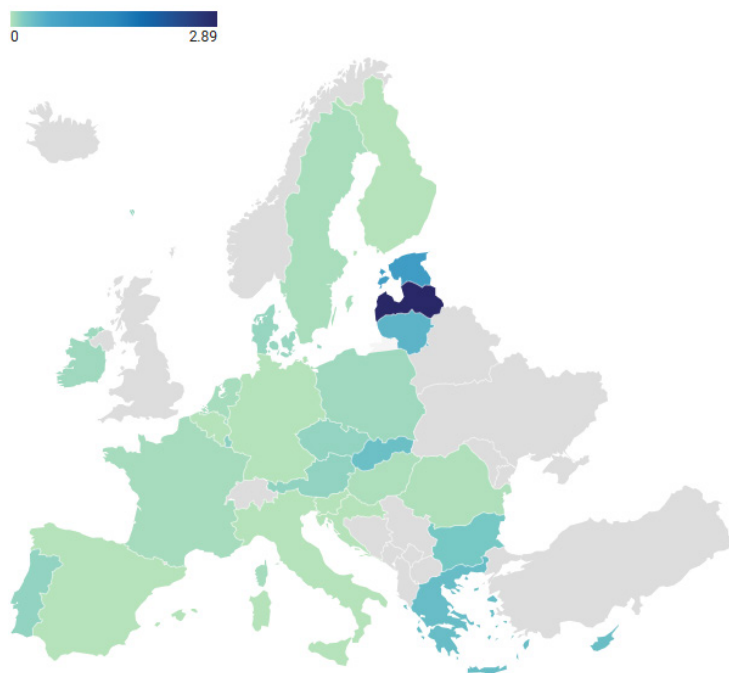
<sup>607</sup> Aroundhome (DE), Heimhelden (DE): installation for three storeys, EUR 15 000–EUR 30 000 (midpoint EUR 27 250).

<sup>608</sup> Aufzug-LUS (DE), [benchmark](#) EUR 60 000–EUR 100 000 for up to ten storeys (midpoint proxy EUR 80 000), website.

<sup>609</sup> Levenly (FR), [magnetic loop amplifier 200 m<sup>2</sup> EUR 706 TTC](#), website.

<sup>610</sup> Digiway, [EN16005 kit and US commercial-grade openers](#), website. Range EUR 1 300–EUR 6 500. Midpoint estimate EUR 2 676.57.

Map 10 – Sports, leisure, entertainment, and culture per capita cost of first five years of reasonable accommodation



Source: Authors' elaboration based on cost estimates.

## Retail

The retail sector provides direct access to essential goods and services needed for daily living, such as food, clothing and household items. Accessibility in this sector is crucial to ensuring independence and participation for individuals with disabilities or other protected characteristics. Without accessible retail environments, individuals may be unable to shop independently or may face significant barriers in meeting basic needs.

- ❖ **Indispensability:** Retail is classified as a regular utility sector. It is widely and regularly used by the population and plays a central role in daily life, but interaction is not legally compulsory as it is in education or public administration. This results in an indispensability factor of 0.5.
- ❖ **Costs examples:** Minimal costs include providing product information or price lists in accessible formats, such as large print or digital versions, or rearranging shop layouts to create clear pathways for wheelchair users. Moderate costs include installing portable ramps at entrances, adding Braille signage at checkout areas or introducing visual alarm systems to alert customers with hearing impairments in case of emergencies. Intensive costs involve installing fixed ramps or lifts in multi-storey shops or redesigning certain areas in large supermarkets to ensure full accessibility and ease of navigation.
- ❖ **Reasonable discount:** The majority of accessibility improvements in the retail sector are expected to be minimal to moderate, such as portable ramps or Braille signage, and can be implemented without major structural changes. Many modern retail outlets, particularly larger chains and supermarkets, already comply with national accessibility regulations, which further limits the need for costly interventions. Intensive work, such as installing lifts or carrying out structural redesigns, is expected to be relatively rare and primarily required in older, multi-storey buildings or historic premises where space and layout constraints create additional barriers. Setting the discount at 0.05 reflects this balance, acknowledging that high-cost measures may occur, but only in a small proportion of establishments.

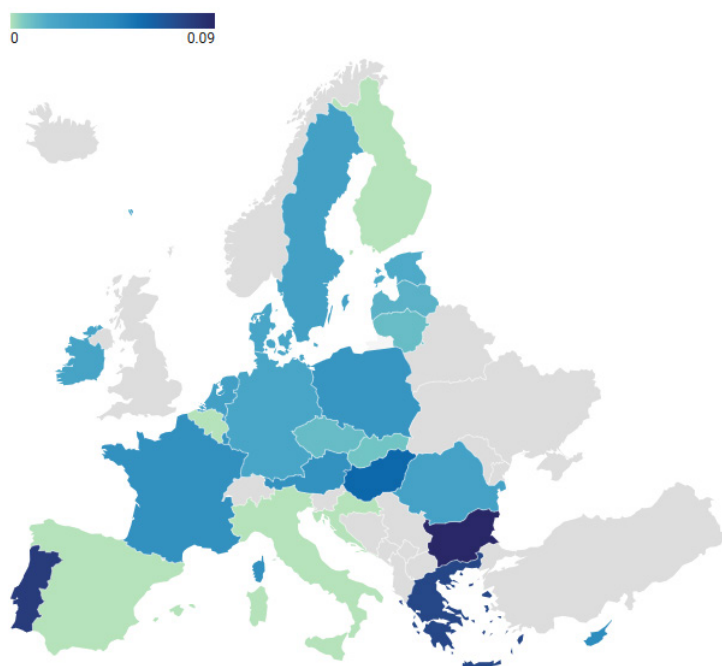
For the estimation of average minimal costs, examples include making menus or price lists available in accessible formats and widening aisles for wheelchair access<sup>611</sup>.

For the estimation of average moderate costs, the following items were considered: one small wheelchair ramp, at EUR 98.66<sup>612</sup>; one visual alarm unit, at EUR 49.00<sup>613</sup>; and one tactile/Braille sign, at EUR 54.50<sup>614</sup>.

For the estimation of average intensive costs, the following interventions were assessed: a large wheelchair ramp, at EUR 1 830.97<sup>615</sup>; one elevator for three storeys, at EUR 27 250.00<sup>616</sup>; one elevator for 10 storeys, at EUR 80 000.00<sup>617</sup>; and one automatic door opener, at EUR 2 676.57<sup>618</sup>.

Establishment numbers correspond to retail enterprises from Eurostat's Enterprise statistics by size class and NACE Rev. 2 activity (2023)<sup>619</sup>.

Map 11 – Retail per capita cost of first five years of reasonable accommodation



Source: Authors' elaboration based on cost estimates.

## Professional services

Professional services cover areas such as banking, legal services, accounting and consultancy. These services support financial inclusion, legal rights and access to advice. While not universally required on a daily basis, barriers in this sector can significantly disadvantage those affected.

<sup>611</sup> Rearranging aisles — negligible cost.

<sup>612</sup> Leroy Merlin (ES), [Folding wheelchair ramp 150cm 270kg aluminum portable flat disabled barrier-free access](#), website.

<sup>613</sup> Alertic (FR), [Flash lumineux incendie PMR filaire](#), website.

<sup>614</sup> Flynn Signs (IE), [Modular door sign with Braille](#), EUR ,54.50, website.

<sup>615</sup> Aufzug-LUS (DE), [benchmark](#) EUR ,60 000–EUR 100 000 for up to ten storeys (midpoint proxy EUR 80 000), website.

<sup>616</sup> Aroundhome (DE), Heimhelden (DE): installation for three storeys, EUR 15 000–EUR 30 000 (midpoint EUR 27 250).

<sup>617</sup> Aufzug-LUS (DE), [benchmark](#) EUR 60 000–EUR 100 000 for up to ten storeys (midpoint proxy EUR 80 000), website.

<sup>618</sup> Digiway, [EN16005 kit and US commercial-grade openers](#), website. Range EUR 1 300–EUR 6 500. Midpoint estimate EUR 2 676.57.

<sup>619</sup> Codes G472, G473, G474, G475, G476, G477, G478 and G479.

- ❖ Indispensability: Professional services are categorised as a regular utility, with an indispensability factor of 0.50, as they are used regularly but only at certain times and by specific population groups depending on individual needs.
- ❖ Costs examples: Minimal costs would include accessible digital documentation or remote meeting participation. Moderate costs would be the installation of a small wheelchair ramp or a visual alarm unit. Intensive costs would involve the installation of lifts or automatic doors.
- ❖ Reasonable discount: Most costs are expected to be moderate, as many modern office buildings already incorporate some accessibility features under existing building codes. Intensive adaptations such as adding lifts or major structural changes are likely to be needed only in a limited number of older or historic premises. This justifies setting the discount at 0.05, reflecting that high-cost measures will occur but only in a small share of establishments.

For the estimation of average minimal costs, measures include providing accessible digital documentation and remote meeting participation.

For the estimation of average moderate costs, the following items were considered: one small wheelchair ramp, at EUR 98.66<sup>620</sup>; one visual alarm unit, at EUR 49.00<sup>621</sup>; one tactile/Braille sign, at EUR 54.50<sup>622</sup>; and six hours of sign-language interpretation, at EUR 85.50 per hour<sup>623</sup>.

For the estimation of average intensive costs, the following items were assessed: a large wheelchair ramp, at EUR 1 830.97<sup>624</sup>; an elevator for up to three storeys, at EUR 27 250.00<sup>625</sup>; an elevator for up to 10 storeys, at EUR 80 000.00<sup>626</sup>; and one automatic door opener, at EUR 2 676.57<sup>627</sup>.

Establishments correspond to enterprises classified under professional, scientific, and technical activities, based on Eurostat (2023)<sup>628</sup>.

<sup>620</sup> Leroy Merlin (ES), [Folding wheelchair ramp 150cm 270kg aluminum portable flat disabled barrier-free access](#), website.

<sup>621</sup> Alertic (FR), [Flash lumineux incendie PMR filaire](#), website.

<sup>622</sup> Flynn Signs (IE), [Modular door sign with Braille](#), EUR 54.50, website.

<sup>623</sup> Median EU interpreter hourly rate: EUR 86. RIM Interprètes (FR), Sign-language interpreting (Toulouse) EUR 68–EUR 94/hour; typical minimum blocks apply, website. Universidad de Málaga – FGUMA (ES), Spanish Sign Language (LSE) interpreting EUR 86/hour (excl. VAT); two-interpreter teams for longer/high-load assignments, website. Tolkcontact (NL), National sign-language interpreter rates EUR 67.40–EUR 77.24/hour; UWV-linked; travel ~EUR 0.87/km, website. BGGB (DE), Berlin workplace assistance schedule – sign-language interpreter EUR 85.00/hour; EUR 42.50 per started half-hour; EUR 110 per assignment, document. PHARE (BE), Brussels FR-speaking region – LSFB interpreter EUR 52.00–EUR 59.00/hour; small travel supplements, website. Tegn & Sprog (DK), Sign-language interpreting DKK 730/hour (~EUR 98 at ~7.45 DKK/EUR); surcharges by zone/time of day, website.

<sup>624</sup> Thiele Shop (DE), [Wheelchair ramps with wide driving surface](#), website.

<sup>625</sup> Aroundhome (DE), Heimhelden (DE): installation for three storeys, EUR 15 000–EUR 30 000 (midpoint EUR 27 250).

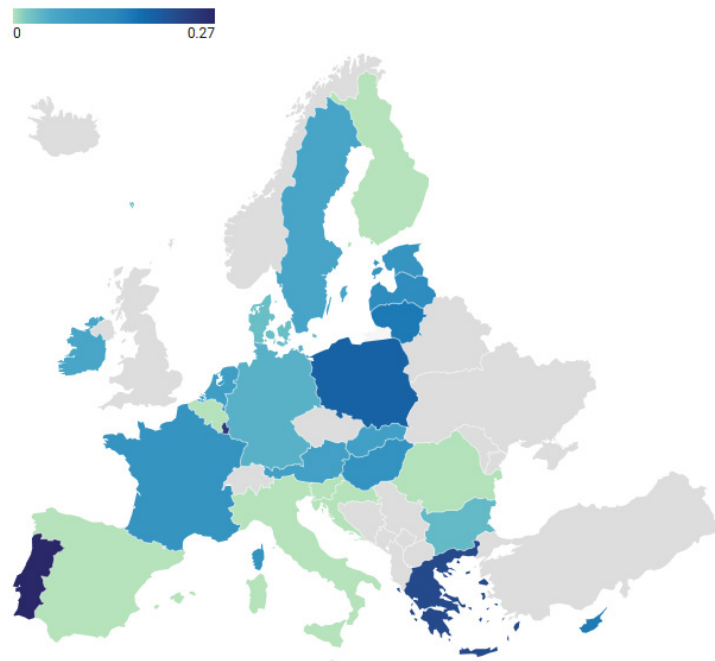
<sup>626</sup> Aufzug-LUS (DE): [benchmark](#) EUR 60 000–EUR 100 000 for up to ten storeys (midpoint proxy EUR 80 000), website.

<sup>627</sup> Digiway, [EN16005 kit and US commercial-grade openers](#), website. Range EUR 1 300–EUR 6 500. Midpoint estimate EUR 2 676.57.

<sup>628</sup> Categories M691, M692, M701, M702, M711, M743 and M749.



Map 12 – Professional services per capita cost of first five years of reasonable accommodation



Source: Authors' elaboration based on cost estimates.

## Media

The media sector was not retained for the cost-benefit analysis because the proposed directive focuses on individual reasonable accommodation measures, which are not well-suited to this type of service. Accessibility in media, such as television broadcasting, is typically addressed through structural and systemic requirements, rather than individual case-by-case adjustments. In addition, most accessibility obligations for media services are already covered under the European Accessibility Act<sup>629</sup>, which sets out detailed requirements for accessible broadcasting, digital platforms and electronic communications across Member States.

## Walkways/pavements

The walkways and pavements sector was not included in the cost-benefit analysis because ensuring accessibility in public infrastructure such as streets and pedestrian areas would require large-scale structural works, including reconstruction of pavements, crossings and surrounding environments. These changes go beyond the type of individual, case-by-case reasonable accommodation measures envisaged under the proposed directive. Addressing these barriers would fall primarily to local authorities and involve substantial public investment. Treating such interventions as reasonable accommodation would therefore create a disproportionate burden, both financially and administratively.

## HORECA

The HORECA sector was not retained for the cost-benefit analysis as many of the accessibility obligations in this sector are already met by large hotel and restaurant chains, which tend to have established accessibility provisions in place. For smaller independent establishments, significant

<sup>629</sup> [Directive \(EU\) 2019/882](#) of the European Parliament and of the Council of 17 April 2019 on accessibility requirements for products and services (European Accessibility Act), OJ L 151, 7 June 2019.

structural changes would likely represent a disproportionate burden, making them less relevant for inclusion in a standardised cost model under the proposed directive. In addition, catering services themselves are not directly in scope, as it is the venues where catering takes place that would be responsible for meeting accessibility requirements. Including the catering sub-sector would therefore risk double-counting the same costs.

## Housing

The housing sector was not retained for the cost analysis because most accessibility changes required in this area would involve structural alterations to residential buildings, such as redesigning entrances or modifying internal layouts. These types of permanent construction work fall outside the scope of the proposed directive, which focuses on ensuring equal access to goods and services, including housing available to the public (such as social housing or rental properties offered by private landlords for the general public) (Article 3(1)(d)<sup>630</sup>. Furthermore, the directive does not require structural alterations in housing unless funded otherwise and does not impose a disproportionate burden on the provider (Article 4a(3)).

## Training and administrative

The approach to estimate training and administrative costs associated with the proposed directive derives from the 2014 complementary impact assessment<sup>631</sup>. In that report, these costs were termed generic compliance costs and were quantified as a share of total compliance expenditure. Drawing on the German calculation in that assessment, the present study applies 10.5 % to the sectoral reasonable accommodation totals produced with the reasonable accommodation cost methodology. The percentage reflects the expected time and resources required for familiarisation with the directive, the revision of internal guidelines, checklists and codes of conduct, and staff training. The percentage sits within the 7 % to 16 % range, with a median value of 10.5 %, reported in 2014 and provides a consistent factor by which to translate sector-by-sector reasonable accommodation estimates into total implementation costs inclusive of training and administrative tasks.

For Member States already in full alignment with the reasonable accommodation provisions (Belgium, Spain, Finland, Croatia, Italy, Malta, and Slovenia), sectoral reasonable accommodation costs are zero and applying a percentage to a zero base would understate real implementation effort. In such cases, the model uses a per capita method. The total training and administrative costs across all Member States with reasonable accommodation costs in a sector is divided by the population of those Member States. The result is a training and administrative cost per person. This value is then multiplied by the population of the Member State that does not have reasonable accommodation costs. The per capita values are as follows: education EUR 0.03, healthcare EUR 0.00, public administration EUR 0.02, retail EUR 0.00, professional services EUR 0.01, entertainment, culture, sport and leisure EUR 0.01, and housing EUR 0.19. While very small sector values are rounded to EUR 0.00 for presentation, the underlying calculations use the precise values to the ninth decimal place.

The housing sector requires a different approach. The proposed directive excludes housing within the area of private and family life (Article 3(2)(f)) and does not require structural alterations unless they are publicly funded and not imposing a disproportionate burden (Article 4a(3)). As a result, housing is excluded from the cost calculations related to reasonable accommodation. However, the

<sup>630</sup> Housing offered within the area of private and family life (e.g. private homes or residences intended for personal use by individuals or families) (Article 3(2)(f)) is excluded from the scope of the proposed Directive.

<sup>631</sup> Altan, L. et al. (Milieu Consulting Ltd), [Implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) – Impact assessment of the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, as well as amendments 37 and 41 of the European Parliament, EPRS and Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2014.

2014 impact assessment evidence indicates that the bulk of training and administrative costs are concentrated in housing<sup>632</sup>. Specifically, in Germany the training and administrative costs in the housing sector were around 75 % of total costs related to training and administration. This study therefore allocates three quarters of total training and administrative costs to housing by setting the housing amount equal to three times the sum of all other sectors.

There are sound operational reasons for this allocation. Housing is a highly decentralised, high-volume interface with individuals, where compliance rests less on physical adaptation and more on the behaviour of a wide array of actors, including social housing bodies, private landlords and letting agents. Ensuring equal treatment in intake, advertising, allocation, tenancy management, and complaint handling entails extensive staff training, repeated updates to procedures and templates, and continuous communication with tenants and applicants. These activities are replicated across many small providers, generating fixed administrative tasks that are not shared and that recur with tenant turnover. The resulting three-quarters share is based on the 2014 impact assessment findings and is consistent with the institutional features of the housing market<sup>633</sup>.

#### Box 19 – Training and administrative cost equation

Training and administrative cost calculation over the **first five years, excluding housing**:

$$CA_{sm} = C_{sm} * 1.105$$

$CA_{sm}$  – Training and administrative cost for sector  $s$  in Member State  $m$

$C_{sm}^t$  – Cost for sector  $s$  in Member State  $m$  at time  $t$

Training and administrative cost calculation over the **first five years for housing**:

$$CA_{Hm} = \sum CA * 3$$

$CA_{sm}$  – Training and administrative cost for sector  $s$  in Member State  $m$

$CA_{Hm}$  – Training and administrative cost for the housing sector in Member State  $m$

<sup>632</sup> *ibid.*

<sup>633</sup> *ibid.*

## Annex III – Benefit methodology

The benefit methodology employs two approaches, both of which build on previous studies, the Cost of Non-Europe Report (CoNE) on Equality and the Fight against Racism and Xenophobia<sup>634</sup> and the study of the socioeconomic impacts of improved accessibility.<sup>635</sup>

### Regression approach

This approach uses regression analysis to estimate the negative economic impact of discrimination on earnings and the resulting tax revenue in three areas, education, healthcare, and housing, which is taken as a proxy for the objective of proposed directive related to the promotion of social inclusion, accessibility, and equal opportunity (see Figure 1, p. 33). The inverse of these numbers is then taken to be the potential earnings and tax revenue that would be generated if discrimination in these areas were removed. Table 14 and Table 15 present the estimated yearly increases in earnings and tax revenue based on the analysis described here.

For these binary outcomes, a logit model is estimated. The regressor vector includes a binary indicator for belonging to a group that reports discrimination on grounds of race or ethnicity, religion, age, disability or sexual orientation. Standard socio-demographic controls are included – gender, age, education, income and dwelling in a city. ESS post-stratification and population weights are applied, and robust standard errors are applied. Statistical significance is assessed at the 5 % level, in line with the original work. One important change from the approach in the CoNE report is that the regressions are run at Member State level, instead of being run with all the data and clustered at Member State level. This is done so that the resulting calculations will be specific to the national characteristic and conditions, allowing for examination of the potential benefits to each Member State.

Additionally, Member States that are in full alignment with the reasonable accommodation provision of the proposed directive (Belgium, Spain, Finland, Croatia, Italy, Malta, and Slovenia), is estimated to receive no costs, nor benefits on the grounds of discrimination. Therefore, that ground was removed from the calculations for these Member States.

For an indicator of belonging to a group that reports discrimination, the average marginal effect (AME) of discrimination on outcome is calculated as the average discrete change in predicted probability when one goes from not being part of the discriminated group to belonging to that group.

This delivers the increase in probability of the adverse outcome associated with belonging to a discriminated group, holding the other covariates fixed. The CoNE study computed such marginal effects from the model coefficients and then used them in monetary calculations; the same approach is used here.

By combining the ESS-estimated share of the population reporting discrimination on a ground in a Member State and the population aged 15+ in that Member State, the implied annual number of additional adverse outcomes attributable to discrimination on that ground are calculated.

The CoNE report links health detriments to earnings using established estimates of the earnings penalty from poor health. Poor health translates into an average earnings reduction of 6.1 %<sup>636</sup>, which

<sup>634</sup> W. van Ballegooij and Milieu Consulting, [Cost of non-Europe report on equality and the fight against racism and xenophobia](#), EPRS, European Parliament, 2018.

<sup>635</sup> European Commission, [Study on the socioeconomic impact of new measures to improve accessibility of goods and services for people with disabilities](#), 2014.

<sup>636</sup> A. Rodriguez-Alvarez, and C. Rodriguez-Gutierrez, 'The impact of health on wages: evidence for Europe', *European Journal of Health Economics*, Vol. 19, Issue 8, 2018, pp. 1173-1187: 'Suffering a strong [poor health induced] limitation reduces gross wage per hour by 6.1%.'

is combined with the marginal effect to estimate lost income due to discrimination operating through health.

The earnings penalty for poor health is average annual net earnings<sup>637</sup> in a Member State multiplied by 6.1 %. This figure multiplied by the size of the discriminated group is the total net wage loss, or, as it is viewed here, the total net wages that could be earned if barriers to equal treatment were removed.

Foregone tax receipts are approximated as gross wages<sup>638</sup> multiplied by 6.1 % as the earnings penalty for poor health, the size of the discriminated group, and the Member State tax rate<sup>639</sup>.

For education the approach is very similar, with the difference in wages between those who finished only secondary school and those who completed tertiary education substituted in place of the penalty for poor health<sup>640</sup>. This wage differential is then applied to the proportion of the population discriminated against on the ground of interest, resulting in the wages and tax revenue that could be earned with the implementation of the proposed directive.

For housing, poor housing conditions operate as a proxy for exclusion that depresses productivity and employment, following the CoNE pathway in which housing disadvantages contribute to economic costs through health and labour market channels. The same conversion logic is applied: probabilities to counts, then to wages and taxes.

This methodology shows how a marginal effect, the share reporting discrimination, and earnings parameters combine to produce aggregate losses, for example by multiplying a ground-specific AME, an affected-population share, a population base and an earnings figure to obtain lost income ranges. These models identify correlations rather than causation; omitted variables and reverse causality cannot be excluded. The results are therefore informative for policy and indicative of economic potential rather than precise forecasts.

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<sup>637</sup> Eurostat: Annual net earnings [earn\_nt\_net] for a single person without children earning 100% of the average earning.

<sup>638</sup> Gross wages are approximated by net wages divided by 1 minus the employee mandated social security contributions (sourced from OECD, [Taxing wages 2024. Tax and gender through the lens of the second earner](#), 2024 and supplemented with desk research) and the national earnings tax rate (Eurostat: earn\_nt\_taxrate).

<sup>639</sup> Eurostat: Tax rate [earn\_nt\_taxrate] for a single person without children earning 100% of the average earning.

<sup>640</sup> Eurostat: Mean net income by educational attainment level [ilc\_di08].

Table 14 – Total estimated additional earnings generated per year for first five years following implementation\*

Member state	Year 1	Year 2 (10% growth)	Year 3 (10% growth)	Year 4 (10% growth)	Year 5 (10% growth)	5-Year Total
AT	782 031	860 234	946 258	1 040 883	1 144 972	<b>4 774 378</b>
BE*	1 210 256	1 331 282	1 464 410	1 610 851	1 771 936	<b>7 388 736</b>
BG	538 434	592 277	651 505	716 656	788 321	<b>3 287 193</b>
CY	6 844	7 528	8 281	9 109	10 020	<b>41 781</b>
CZ	683 534	751 887	827 076	909 783	1 000 762	<b>4 173 041</b>
DE	3 969 956	4 366 951	4 803 646	5 284 011	5 812 412	<b>24 236 976</b>
DK	173 430	190 773	209 851	230 836	253 919	<b>1 058 809</b>
EE	104 579	115 037	126 540	139 194	153 114	<b>638 465</b>
EL	662 515	728 766	801 643	881 807	969 988	<b>4 044 718</b>
ES*	2 246 162	2 470 779	2 717 856	2 989 642	3 288 606	<b>13 713 045</b>
FI*	528 778	581 655	639 821	703 803	774 183	<b>3 228 241</b>
FR	5 439 496	5 983 446	6 581 791	7 239 970	7 963 967	<b>33 208 669</b>
HR*	50 438	55 482	61 030	67 133	73 846	<b>307 929</b>
HU	573 139	630 452	693 498	762 848	839 132	<b>3 499 069</b>
IE	124 883	137 371	151 109	166 219	182 841	<b>762 424</b>
IT*	1 300 736	1 430 809	1 573 890	1 731 279	1 904 407	<b>7 941 120</b>
LT	287 672	316 440	348 084	382 892	421 181	<b>1 756 269</b>
LU**						
LV						
MT*						
NL	728 590	801 449	881 593	969 753	1 066 728	<b>4 448 112</b>
PL	459 225	505 148	555 663	611 229	672 352	<b>2 803 617</b>
PT***						
RO**						
SE	230 260	253 286	278 615	306 477	337 124	<b>1 405 763</b>
SI*						

Member state	Year 1	Year 2 (10% growth)	Year 3 (10% growth)	Year 4 (10% growth)	Year 5 (10% growth)	5-Year Total
SK	109 367	120 303	132 334	145 567	160 124	<b>667 694</b>
<b>Total</b>	<b>20 210 324</b>	<b>22 231 356</b>	<b>24 454 492</b>	<b>26 899 941</b>	<b>29 589 935</b>	<b>123 386 048</b>
* Belgium, Spain, Finland, Croatia, Italy, Malta, and Slovenia are already in full alignment with the reasonable accommodation provision in the proposed directive and would therefore not incur any additional benefits in the education, healthcare, and housing sectors on the grounds of disabilities. Costs in these sectors are calculated for the other grounds.						
** Luxembourg and Romania were not present in the 2016, 2018, 2020 and 2023 rounds of the ESS.						
*** Portugal and Latvia are present in the ESS but the analysis did not result in any statistically significant results at the 5% level, though there are results at the 10% level.						

Table 15 – Total estimated additional tax revenue generated per year for first five years following implementation

Member state	Year 1	Year 2 (10% growth)	Year 3 (10% growth)	Year 4 (10% growth)	Year 5 (10% growth)	5-Year Total
AT	570 836	627 919	690 711	759 782	835 761	3 485 010
BE*	842 597	926 857	1 019 543	1 121 497	1 233 647	5 144 142
BG	556 935	612 628	673 891	741 280	815 408	3 400 143
CY	1 301	1 431	1 574	1 732	1 905	7 944
CZ	363 248	399 573	439 530	483 483	531 831	2 217 665
DE	3 500 361	3 850 397	4 235 436	4 658 980	5 124 878	21 370 052
DK	125 407	137 947	151 742	166 916	183 608	765 621
EE	25 979	28 577	31 434	34 578	38 036	158 604
EL	632 793	696 072	765 679	842 247	926 472	3 863 264
ES*	1 115 779	1 227 357	1 350 093	1 485 102	1 633 612	6 811 944
FI*	286 478	315 126	346 639	381 302	419 433	1 748 978
FR	2 514 655	2 766 120	3 042 732	3 347 005	3 681 706	15 352 218
HR*	31 243	34 367	37 804	41 584	45 743	190 741
HU	804 093	884 502	972 952	1 070 247	1 177 272	4 909 067



Member state	Year 1	Year 2 (10% growth)	Year 3 (10% growth)	Year 4 (10% growth)	Year 5 (10% growth)	5-Year Total
IE	52 571	57 828	63 611	69 972	76 969	320 949
IT*	977 908	1 075 699	1 183 268	1 301 595	1 431 755	5 970 225
LT	249 846	274 830	302 313	332 545	365 799	1 525 333
LU**						
LV						
MT*						
NL	322 374	354 612	390 073	429 080	471 988	1 968 127
PL	184 724	203 197	223 516	245 868	270 455	1 127 760
PT***						
RO**						
SE	80 001	88 001	96 801	106 481	117 129	488 412
SI*						
SK	217 259	238 985	262 884	289 172	318 089	1 326 389
<b>Total</b>	<b>13 456 387</b>	<b>14 802 025</b>	<b>16 282 228</b>	<b>17 910 451</b>	<b>19 701 496</b>	<b>82 152 586</b>
<p>* Belgium, Spain, Finland, Croatia, Italy, Malta, and Slovenia are already in full alignment with the reasonable accommodation provision in the proposed directive and would therefore not incur any additional benefits in the education, healthcare, and housing sectors on the grounds of disabilities. Costs in these sectors are calculated for the other grounds.</p> <p>** Luxembourg and Romania were not present in the 2016, 2018, 2020 and 2023 rounds of the ESS.</p> <p>*** Portugal and Latvia are present in the ESS but the analysis did not result in any statistically significant results at the 5% level, though there are results at the 10% level.</p>						

## Goods and services participation-gap benefits expressed in value added

This method adapts the market-gap logic from the study on the socioeconomic impact of new measures to improve accessibility of goods and services for persons with disabilities to estimate the additional value added that would be realised if persons with disabilities participated in goods and services markets at the same rate as persons without disabilities. The study identified barriers to accessible goods and services and assessed market impacts across priority goods and services; the present method uses that conceptual logic with current statistical inputs as well as the market gap estimate.

The method is straightforward: the value added of all sectors of interest multiplied by the estimated gap in access to the goods and services of these sectors between person with and without disabilities. The European Accessibility Act study identifies the market gaps in several sectors, ranging from 2.1 % for mobile telecommunication terminals to 52 % for rail transport services. To ensure that the analysis is deliberately conservative and resistant to overestimation, the minimum observed gap of 2.1 % was chosen as the benchmark. This figure reflects a floor estimate of the potential economic value that could be unlocked, acknowledging that actual gains could be higher but prioritising caution and credibility in policymaking.

For each of the relevant sectors and Member States, the baseline value added is collected from Eurostat SBS. Value added is used rather than turnover so that results are directly translatable into GDP. The sectoral scope should be aligned to the proposed directive's coverage and, where helpful, informed by the earlier accessibility study's prioritised goods and services list.

Table 16 presents the estimated economic gain in value added from closing the gap in the good and services sectors of Member States.

Table 16 – Total estimated additional GDP generated per year for first 5 years following implementation of the proposed directive

Member State	Year 1	Year 2 (10% growth)	Year 3 (10% growth)	Year 4 (10% growth)	Year 5 (10% growth)	Total
AT	4 616 750	5 078 425	5 586 268	6 144 895	6 759 384	<b>28 185 722</b>
BE	6 089 248	6 698 173	7 367 991	8 104 790	8 915 269	<b>37 175 471</b>
BG	839 244	923 169	1 015 485	1 117 034	1 228 737	<b>5 123 669</b>
CY	399 452	439 398	483 337	531 671	584 838	<b>2 438 697</b>
CZ	2 448 797	2 693 677	2 963 045	3 259 349	3 585 284	<b>14 950 154</b>
DE	44 050 010	48 455 011	53 300 512	58 630 563	64 493 619	<b>268 929 713</b>
DK	3 204 490	3 524 940	3 877 433	4 265 177	4 691 695	<b>19 563 735</b>
EE	336 200	369 820	406 802	447 482	492 230	<b>2 052 534</b>
EL	1 983 340	2 181 674	2 399 842	2 639 826	2 903 808	<b>12 108 490</b>
ES	16 007 373	17 608 110	19 368 921	21 305 813	23 436 394	<b>97 726 611</b>
FI	2 116 858	2 328 544	2 561 398	2 817 538	3 099 291	<b>12 923 628</b>
FR	27 008 486	29 709 335	32 680 269	35 948 296	39 543 125	<b>164 889 511</b>
HR	828 719	911 591	1 002 751	1 103 026	1 213 328	<b>5 059 415</b>

Member State	Year 1	Year 2 (10% growth)	Year 3 (10% growth)	Year 4 (10% growth)	Year 5 (10% growth)	Total
HU	2 001 468	2 201 615	2 421 777	2 663 955	2 930 350	<b>12 219 165</b>
IE	4 737 348	5 211 083	5 732 191	6 305 411	6 935 952	<b>28 921 985</b>
IT	19 363 919	21 300 311	23 430 342	25 773 376	28 350 714	<b>118 218 661</b>
LT	565 416	621 957	684 153	752 569	827 825	<b>3 451 920</b>
LU	323 270	355 597	391 157	430 272	473 300	<b>1 973 596</b>
LV	364 047	400 452	440 497	484 547	533 002	<b>2 222 545</b>
MT	434 732	478 206	526 026	578 629	636 492	<b>2 654 085</b>
NL	12 676 451	13 944 096	15 338 506	16 872 357	18 559 592	<b>77 391 003</b>
PL	6 644 860	7 309 346	8 040 280	8 844 308	9 728 739	<b>40 567 533</b>
PT	2 857 887	3 143 676	3 458 044	3 803 848	4 184 233	<b>17 447 687</b>
RO	2 148 601	2 363 462	2 599 808	2 859 789	3 145 767	<b>13 117 427</b>
SE	5 339 554	5 873 510	6 460 861	7 106 947	7 817 642	<b>32 598 514</b>
SI	634 701	698 171	767 988	844 786	929 265	<b>3 874 910</b>
SK	1 395 241	1 534 765	1 688 242	1 857 066	2 042 772	<b>8 518 085</b>
<b>Total</b>	<b>169 416 466</b>	<b>186 358 113</b>	<b>204 993 924</b>	<b>225 493 316</b>	<b>248 042 648</b>	<b>1 034 304 468</b>

## Annex IV – Table of interviews and questionnaires received

Table 17 – EU-level interviews

EU level interviews	
1.	Interview with representative of a European network on 14 May 2025
2.	Interview with NGO representative on 22 May 2025
3.	Interview with representatives of a European institution on 23 May 2025
4.	Interview with representatives of a European agency on 12 June 2025
5.	Interview with NGO representative on 2 June 2025
6.	Interview with NGO representative on 2 June 2025 <sup>641</sup>
7.	Interview (written reply) with representatives of an international organisation on 3 June 2025
8.	Interview with an academic on 4 June 2025
9.	Interview with representatives of an international organisation on 5 June 2025
10.	Interview with NGO representative on 10 June 2025
11.	Interview with an anti-discrimination expert on 13 June 2025
12.	Interview with representatives of an industry stakeholder group on 16 June 2025
13.	Interview with NGO representative on 18 June 2025
14.	Interview with representatives of an industry stakeholder group on 19 June 2025
15.	Interview with representative of a social partner organisation on 23 June 2025
16.	Interview (written reply) with NGO representative on 25 June 2025
17.	Interview (written reply) with representatives of a European agency on 9 July 2025

Table 18 – National-level interviews

National level interviews	
Czechia	
1.	Interview with a representative of academia on 9 July 2025
2.	Interview with a representative of an equality body on 30 June 2025
Germany	
1.	Interview with representative of the equality body on 17 June 2025
2.	Interview with a trade union representative on 13 June 2025
3.	Interview with representative of a national authority on 12 June 2025
4.	Interview with a disability expert on 01 July 2025
Italy	
1.	Interview with a judge on 16 June 2025
2.	Interview with an academic on 7 July 2025
Romania	
1.	Interview with representatives of a national authority on 13 June 2025
2.	Interview with representative of the equality body on 18 June 2025

<sup>641</sup> Two interviews were conducted with NGO representatives on 2 June 2025.

National level interviews	
3.	Interview with NGO representatives on 19 June 2025
4.	Interview with representatives of a national authority on 2 July 2025
5.	Interview with NGO representatives on 20 June 2025.
Sweden	
1.	Interview with NGO representative on 16 June 2025
2.	Interview with representative of a national agency on 3 July 2025
3.	Interview with representative of a national human rights institution on 4 July 2025
4.	Interview with representative of a national authority on 16 July 2025
5.	Interview with an academic on 20 June 2025.

Table 19 – Equality bodies questionnaires

Equality bodies questionnaires	
1.	Questionnaire received from an equality body on 27 June 2025
2.	Questionnaire received from an equality body on 27 June 2025 (2)
3.	Questionnaire received from an equality body on 11 July 2025
4.	Questionnaire received from an equality body on 11 July 2025 (2)
5.	Questionnaire received from an equality body on 14 August 2025
6.	Questionnaire received from an equality body on 1 September 2025

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This study provides a complementary impact assessment of the proposed Council directive on equal treatment outside of employment on the grounds of religion or belief, disability, age, and sexual orientation. It covers all EU Member States. Moreover, it includes five case studies: Czechia, Germany, Italy, Romania and Sweden. It reviews the necessity of the proposed EU initiative and its added value, considering subsidiarity and proportionality. The study analyses the coherence of the proposed directive with existing and future frameworks and its likely effectiveness in achieving the objectives of increased protection and inclusion, and combating discrimination. It also assesses the proposal's likely costs and benefits.

The findings suggest that the proposed directive responds to the need for EU action and complies with the principles of subsidiarity and proportionality. It is coherent with the existing legal and policy framework and would significantly strengthen fundamental rights and close the protection gap against discrimination. The proposed directive is expected to generate limited costs, mainly relating to reasonable accommodation in education, while delivering significant social and economic benefits, notably through improved access to goods and services.

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