

EDPS Formal comments on the draft Commission Implementing Regulation establishing a list of common indicators on the functioning of the equality bodies designated under Council Directive (EU) 2024/1499 of the European Parliament and of the Council

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ('EUDPR')¹, and in particular Article 42(1) thereof,

HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:

1. Introduction and background

1. On 11 November 2025, the European Commission consulted the EDPS on the draft Commission Implementing Regulation establishing a list of common indicators on the functioning of the equality bodies designated under Council Directive (EU) 2024/1499 of the European Parliament and of the Council ('the draft implementing regulation').
2. The draft implementing regulation would be adopted pursuant to Article 18(1) of Council Directive (EU) 2024/1499 ('the Directive')². On 2 February 2023, the EDPS has issued his Opinion on the proposal for the Directive³.
3. The objective of the draft implementing regulation is to establish the list of common indicators on the functioning of the equality bodies designated under the Directive in order to ensure uniform conditions for the implementation of Member States' reporting obligations as regards the functioning of the equalities bodies⁴. The draft

¹ OJ L 295, 21.11.2018, p. 39.

² 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, 2024/1499, 29.5.2024.

³ [EDPS Opinion 2/2023 on the Proposals for Directives on standards for equality bodies in the field of equal treatment](#), issued on 2 February 2023.

⁴ Recital 2 of the draft implementing regulation.

implementing regulation is accompanied by an annex, specifying the list of indicators on the functioning of equality bodies.

4. The present formal comments of the EDPS are issued in response to a consultation by the European Commission pursuant to Article 42(1) of EUDPR. The EDPS welcomes the reference to this consultation in recital 6 of the draft implementing regulation. The EDPS also welcomes that he has already been informally consulted by the Commission at the early stage of the drafting of the implementing regulation.
5. These formal comments do not preclude any additional comments by the EDPS in the future, in particular if further issues are identified or new information becomes available, for example as a result of the adoption of other related implementing or delegated acts⁵.
6. Furthermore, these formal comments are without prejudice to any future action that may be taken by the EDPS in the exercise of his powers pursuant to Article 58 of the EUDPR and are limited to the provisions of the draft implementing regulation that are relevant from a data protection perspective.

2. Comments

7. The EDPS notes that the list of common indicators⁶, on the basis of which Member States would collect and report data on the functioning of equality bodies, would not require the collection and communication of personal data. The EDPS welcomes the explicit specification in the draft implementing regulation⁷ that data collected on the basis of the common indicators must not include personal data, as defined in Article 4(1) of Regulation (EU) 2016/679 ('the GDPR')⁸.

Brussels, 21 November 2025

(e-signed)
Wojciech Rafał WIEWIÓROWSKI

⁵ In case of other implementing or delegated acts with an impact on the protection of individuals' rights and freedoms with regard to the processing of personal data, the EDPS would like to remind that he needs to be consulted on those acts as well. The same applies in case of future amendments that would introduce new or modify existing provisions that directly or indirectly concern the processing of personal data.

⁶ As specified in Annex to the draft implementing regulation.

⁷ Article 1(2) of the draft implementing regulation.

⁸ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.