

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

CHAPTER II

**REMEDIES AND ENFORCEMENT**

*Article 9*

**Burden of proof**

1 Member States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.

2 Paragraph 1 shall not prevent Member States from introducing rules of evidence, which are more favourable to plaintiffs.

3 Paragraph 1 shall not apply to criminal procedures.

4 Paragraphs 1, 2 and 3 shall also apply to any proceedings brought in accordance with Article 8(3).

5 Member States need not apply paragraph 1 to proceedings in which it is for the court or other competent authority to investigate the facts of the case.