

Procedure file

Basic information	
INI - Own-initiative procedure	2007/2202(INI)
Procedure completed	
Progress made in equal opportunities and non-discrimination in the EU (transposition of Directives 2000/43/EC and 2000/78/EC) See also Directive 2000/78/EC 1999/0225(CNS) See also Directive 2000/43/EC 1999/0253(CNS)	
Subject 4.10.04.01 Programmes and actions for gender equality 4.15.08 Work, employment, wages and salaries: equal opportunities women and men, and for all	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	EMPL Employment and Social Affairs		11/09/2007
		ALDE LYNNE Elizabeth	
European Parliament	Committee for opinion	Rapporteur for opinion	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		05/11/2007
		Verts/ALE ŽDANOKA Tatjana	
	FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	
European Commission	Commission DG	Commissioner	
	Employment, Social Affairs and Inclusion	ŠPIDLA Vladimír	

Key events			
27/09/2007	Committee referral announced in Parliament		
02/04/2008	Vote in committee		Summary
17/04/2008	Committee report tabled for plenary	A6-0159/2008	
20/05/2008	Results of vote in Parliament		
20/05/2008	Debate in Parliament		
20/05/2008	Decision by Parliament	T6-0212/2008	Summary
20/05/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2007/2202(INI)

Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
	See also Directive 2000/78/EC 1999/0225(CNS) See also Directive 2000/43/EC 1999/0253(CNS)
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/6/53511

Documentation gateway

Committee draft report		PE398.471	11/12/2007	EP	
Amendments tabled in committee		PE400.598	04/02/2008	EP	
Committee opinion	LIBE	PE400.679	28/03/2008	EP	
Committee report tabled for plenary, single reading		A6-0159/2008	17/04/2008	EP	
Text adopted by Parliament, single reading		T6-0212/2008	20/05/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)3593/2	12/06/2008	EC	
Commission response to text adopted in plenary		SP(2008)4116/2	17/07/2008	EC	

Progress made in equal opportunities and non-discrimination in the EU (transposition of Directives 2000/43/EC and 2000/78/EC)

The Committee on Employment and Social Affairs adopted the own-initiative report by Elizabeth LYNNE (ALDE, UK) on progress made in equal opportunities and non-discrimination in the EU since the transposition of Directives 2000/43/EC and 2000/78/EC, recalling that these two directives provide minimum requirements and that they should be the foundation on which a more comprehensive Community anti-discrimination policy is built.

For a better transposition: concerned about the incorrect transposition and the insufficient implementation of these texts in some Member States, MEPs call on the EU to ensure that Directives 2000/78/EC and 2000/43/EC are fully, correctly and effectively transposed and adequately implemented, and that any exemptions are objectively justified. They call on all the competent authorities of the EU and the Member States to improve the coordination of their efforts of implementation, and call for a unified approach to combating discrimination that is inclusive of, and takes into account, all grounds for discrimination at the same time. They also call on the Commission to draw up interpretive guidelines for implementation of these two directives to ensure the full and correct implementation by Member States. Further to this, MEPs urge that sanctions be applied to infringements of national provisions adopted pursuant to the transposition of Directives 2000/43/EC and 2000/78/EC and ask the Commission to assure that the legislation resulting from the transposition is complied with, and that it continues to put pressure on Member States by way of infringement procedures. Moreover, MEPs ask for an annual evaluation of the implementation of these texts by Member States.

Combating diverse forms of discrimination: MEPs believe that the absence of a provision in Directive 2000/78/EC indicating the necessity for broad definitions of disability has excluded some categories of disabled people from the legal protection of the Directive. They, therefore, invite Member States and the Commission to agree sufficiently broad definitions of disability urgently, in order to facilitate the harmonisation of anti-discrimination legislation. They consider that exceptions linked to marital status in Directive 2000/78/EC have limited the protection against discrimination on the grounds of sexual orientation offered by the Directive. On the whole, MEPs urge the Member States to promote more effectively the application of the rights of citizens of the Union under the Directives 2000/43/EC and 2000/78/EC, and call for the establishment of national integrated action plans against all forms of discrimination. In addition, it is necessary to improve awareness of rights under those Directives and to ensure that victims of discrimination have access to a range of advocacy support. Moreover, equal treatment and opportunities under employment and social inclusion policies must be ensured, by addressing discrimination in recruitment procedures. MEPs also call for an end to all discrimination based on the employment contract by guaranteeing all workers: equal treatment, health and safety protection, provisions for working and rest time, freedom of association and representation, protection against unfair dismissal, collective bargaining and collective action.

Better awareness of rights and prevention of discrimination: MEPs insist that Member States empower independent, specialised equality bodies with the means to provide an effective help for victims of discrimination. They are concerned about the low level of awareness of anti-discrimination legislation among citizens in the Member States and call on the Commission, the Member States, trade unions and employers to step up their efforts to raise that level of awareness.

Helping victims: Member States are called upon to ensure that statutory and non-statutory bodies that participate in the prevention of

discrimination and that support the victims of discrimination are adequately resourced. In any case, Member States should ensure that victims of discrimination are automatically assisted in legal proceedings, if necessary by public funding through national legal aid schemes. They call on the Commission to support the adoption of such measures through the Progress programme and the European Social Fund.

Enlarging the scope of application of antidiscrimination directives: MEPs strongly believe that the material scope of any directive concerning combating discrimination within the meaning of Article 13 of the EC Treaty must be broad, covering all the areas that fall under Community competence such as education, life-long learning, social protection, housing and healthcare, images of discriminated groups in the media and advertising, physical access to information for people with disabilities, telecommunications, electronic communication, transport modes and public spaces, social advantages and access to and supply of goods and services which are available to the public. Furthermore, they believe that any new directive should also develop the scope of Council Directive [76/207/EEC](#) on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions so that it is consistent with the protection of other groups against discrimination. More generally, MEPs believe that combating discrimination necessitates a holistic approach to raising public awareness, which must be developed beginning with suitable programmes in schools.

Towards a new Directive based on Article 13 of the Treaty: MEPs call on the Commission to include provisions explicitly designed to combat multiple discrimination in any future legislation adopted under Article 13 of the EC Treaty. They consider that Directive 2000/43/EC is the foundation upon which a comprehensive antidiscrimination framework for measures relating to the prohibition against discrimination on the basis of race or ethnic origin can be built. The Commission is also called to produce a common, EU-wide definition of the meaning of positive action. MEPs welcome the Commission's intention to draft a comprehensive directive to combat discrimination under Article 13 of the EC Treaty as provided in its 2008 work programme. For MEPs, any new Directive will have to prohibit all forms of discrimination, including direct and indirect discrimination in all areas already covered by Directives 2000/43/EC and 2000/78/EC, discrimination by association or private clubs, discrimination linked to perceived membership of a protected group and harassment. They believe that the Directives should make clear that there is no hierarchy between the different forms of discrimination and suggest that the Commission promote the implementation of the principles of non-discrimination and equality which are not dependent on complaints being made by individual victims. In addition, MEPs believe that the differences in treatment based on nationality or language, which are neither objectively and reasonably justified by a legitimate aim nor achieved by appropriate and necessary means, may constitute indirect discrimination on the grounds of racial or ethnic origin contrary to Directive 2000/43/EC. Any future legislation under Article 13 of the EC Treaty must include an obligation to consult and include NGOs, independent specialised equality bodies, and representative national organisations in regard to its drafting, the transposition process and the monitoring of its implementation. It should also include a requirement that Member States implement equality mainstreaming in all policies, that service providers be systematic in their approach to equality, and that service providers provide special treatment to members of minority groups. The future proposal should also address remedies and enforcement of the law.

Discrimination with regard to the Roma community: MEPs object to the discrimination of which the Roma community is victim. They call for specific social protection for these people, as well as measures in the areas of education, health, housing, employment and women's rights. They also recommend high-quality education for Roma children.

Treaty of Lisbon: lastly, MEPs stress the importance of horizontal implementation and mainstreaming of the non-discrimination clause of the Treaty of Lisbon after it comes into force. Equal opportunities and non-discrimination must be integrated in the Lisbon Strategy for growth and employment, in the guidelines for the open method of coordination on social inclusion, and in national reform programmes, as well as in the regulations governing the structural funds.

Progress made in equal opportunities and non-discrimination in the EU (transposition of Directives 2000/43/EC and 2000/78/EC)

The European Parliament adopted by 362 votes to 262, with 56 abstentions, a resolution on progress made in equal opportunities and non-discrimination in the EU since the transposition of Directives 2000/43/EC and 2000/78/EC.

The own initiative report had been tabled for consideration in plenary by Elizabeth LYNNE (ALDE, UK), on behalf of the Committee on Employment and Social Affairs.

The Parliament recalls, above all, that these two Directives provide minimum requirements and should be the foundation on which a more comprehensive Community anti-discrimination policy is built.

The Parliament also considers it necessary to:

1. ensure a better transposition of the applicable texts: concerned about the incorrect transposition and the insufficient implementation of these texts in some Member States, the Parliament calls on the EU to ensure that Directives 2000/78/EC and 2000/43/EC are fully, correctly and effectively transposed and adequately implemented. In this respect, the plenary reminds the Commission that Article 4 of Directive 2000/78/EC permits exceptions only to the extent that they are genuinely objectively necessary for the satisfactory performance of occupational activities. The Parliament therefore calls on the Commission to interpret that article strictly and to bring actions against Member States if they permit too broad a definition in their national legislation. It also calls on the Commission to draw up interpretive guidelines for implementation of these two directives to ensure the full and correct implementation by Member States. Further to this, the Parliament urges that sanctions be applied to infringements of national provisions adopted pursuant to the transposition of Directives 2000/43/EC and 2000/78/EC and asks the Commission to assure that the legislation resulting from the transposition is complied with, and that it continues to put pressure on Member States by way of infringement procedures. Moreover, the Parliament asks for an annual evaluation of the implementation of these texts by Member States;
2. combat and prevent the diverse forms of discrimination: the Parliament believes that the absence of a provision in Directive 2000/78/EC indicating the necessity for broad definitions of disability has excluded some categories of disabled people from the legal protection of the Directive. It, therefore, invites Member States and the Commission to agree sufficiently broad definitions of disability urgently, in order to facilitate the harmonisation of anti-discrimination legislation. The Parliament considers that exceptions linked to marital status in Directive 2000/78/EC have limited the protection against discrimination on the grounds of sexual orientation offered by the Directive. On the whole, the Parliament urges the Member States to promote more effectively the application of the rights of citizens of the Union under the Directives 2000/43/EC and 2000/78/EC, and calls for the establishment of national integrated action plans against all forms of discrimination. Moreover, equal treatment and opportunities under employment and social inclusion policies must be ensured, by addressing discrimination in recruitment procedures. The Parliament also calls for an end to all discrimination

based on the employment contract by guaranteeing all workers: equal treatment, health and safety protection, provisions for working and rest time, freedom of association and representation, protection against unfair dismissal, collective bargaining and collective action;

3. raise awareness of rights: the Parliament insists on the need to improve awareness of rights under antidiscrimination Directives and to ensure that victims of discrimination have access to a range of advocacy support. It insists that Member States empower independent, specialised equality bodies with the means to provide an effective help for victims of discrimination. At the same time, it is concerned about the low level of awareness of anti-discrimination legislation among citizens in the Member States and calls on the Commission, the Member States, trade unions and employers to step up their efforts to raise that level of awareness;
4. help victims: Member States are called upon to ensure that statutory and non-statutory bodies that participate in the prevention of discrimination and that support the victims of discrimination are adequately resourced. In any case, Member States should ensure that victims of discrimination are automatically assisted in legal proceedings, if necessary by public funding through national legal aid schemes. The Parliament calls on the Commission to support the adoption of such measures through the Progress programme and the European Social Fund;

The Parliament also considers that, in legal terms, it is necessary to:

1. enlarge the scope of application of antidiscrimination directives: the Parliament strongly believes that the material scope of any directive concerning combating discrimination within the meaning of Article 13 of the EC Treaty must be broad, covering all the areas that fall under Community competence such as education, life-long learning, social protection, housing and healthcare, images of discriminated groups in the media and advertising, physical access to information for people with disabilities, telecommunications, electronic communication, transport modes and public spaces, social advantages and access to and supply of goods and services which are available to the public. Furthermore, it believes that any new directive should also develop the scope of Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions so that it is consistent with the protection of other groups against discrimination. More generally, the Parliament believe that combating discrimination requires a holistic approach to raising public awareness, which must be developed beginning with suitable programmes in schools;
2. adopt a new Directive based on Article 13 of the Treaty: the Parliament calls on the Commission to include provisions explicitly designed to combat multiple discrimination in any future legislation adopted under Article 13 of the EC Treaty. It considers that Directive 2000/43/EC is the foundation upon which a comprehensive antidiscrimination framework for measures relating to the prohibition against discrimination on the basis of race or ethnic origin can be built. The Commission is also called to produce a common, EU-wide definition of the meaning of positive action. The Parliament welcomes the Commission's intention to draft a comprehensive directive to combat discrimination under Article 13 of the EC Treaty as provided in its 2008 work programme. In an amendment adopted in plenary by a small majority, the Parliament notes that the Commission may intend to put forward only legislation to outlaw discrimination in access to goods and services on some, but not all grounds. It reminds the Commission of its commitment to put forward a comprehensive directive covering disability, age, religion or belief and sexual orientation to complete the package of anti-discrimination legislation under Article 13 of the EC Treaty and reiterates the political, social and legal desirability of putting an end to the hierarchy of protection against the different grounds of discrimination, without which the result would be unbalanced. The plenary also notes that the Parliament awaits with interest the development of the Community definition of disability which will allow disabled people from all over the European Union to enjoy the same rights wherever they are situated within the European Union. At the same time, any new proposed directive in this area will have to prohibit all forms of discrimination, including direct and indirect discrimination, discrimination by association, discrimination linked to perceived membership of a protected group and harassment. Any future legislation under Article 13 of the EC Treaty should include an obligation to consult and include NGOs, independent specialised equality bodies, and representative national organisations, in regard to the drafting, the transposition process and the monitoring of its implementation. It should also include a requirement that Member States implement equality mainstreaming in all policies and address remedies and enforcement of the law.

The Parliament also calls for an end to the discrimination of the Roma community. It calls for specific social protection for these people, as well as measures in the areas of education, health, housing, employment and women's rights. It also recommends high-quality education for Roma children.

Lastly, the Parliament stresses the importance of horizontal implementation and mainstreaming of the non-discrimination clauses (in the Lisbon Strategy for growth and employment, in the open method of coordination on social inclusion, in national reform programmes and in the regulations governing the structural funds etc).