



Procedure file

Basic information		
INI - Own-initiative procedure	2010/2043(INI)	Procedure completed
Transposition and application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services See also Directive 2004/113/EC 2003/0265(CNS)		
Subject 2.50.05 Insurance, pension funds 4.10.04 Gender equality 8.50.01 Implementation of EU law		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	FEMM Women's Rights and Gender Equality	S&D GURMAI Zita Shadow rapporteur PPE SKRZYDLEWSKA Joanna Katarzyna ALDE IN 'T VELD Sophia Verts/ALE CORNELISSEN Marije ECR ČEŠKOVÁ Andrea	15/03/2010
	Committee for opinion	Rapporteur for opinion	Appointed
	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
European Commission	Commission DG Justice and Consumers	Commissioner REDING Viviane	

Key events			
21/04/2010	Committee referral announced in Parliament		
19/02/2013	Vote in committee		
25/02/2013	Committee report tabled for plenary	A7-0044/2013	Summary
15/04/2013	Debate in Parliament		
16/04/2013	Results of vote in Parliament		
16/04/2013	Decision by Parliament	T7-0118/2013	Summary

Technical information	
Procedure reference	2010/2043(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
	See also Directive 2004/113/EC 2003/0265(CNS)
Legal basis	Rules of Procedure EP 142-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	FEMM/7/02466

Documentation gateway					
Committee draft report		PE500.623	11/12/2012	EP	
Amendments tabled in committee		PE504.024	29/01/2013	EP	
Committee report tabled for plenary, single reading		A7-0044/2013	25/02/2013	EP	Summary
Text adopted by Parliament, single reading		T7-0118/2013	16/04/2013	EP	Summary
Commission response to text adopted in plenary		SP(2013)472	31/07/2013	EC	

Transposition and application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services

The Committee on Womens Rights and Gender Equality adopted the report by Zita GURMAI (S&D, HU) on transposition and application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

Members regret the fact that the Commission has not presented its report on the application of Council Directive 2004/113/EC or published up-to-date data on ongoing national implementation processes.

Although they acknowledge that the Test-Achats ruling may have had an impact on Member States implementation processes, they note that this alone cannot justify the failure to publish the report required by the Directive in time. They therefore call on the Commission to publish its report and all available data without delay.

Members also call on the Commission and the Member States to take concrete measures to explain the Directive and its impact, with concrete examples, in order to ensure that both women and men can take full ownership of the directive and use it appropriately as an effective tool for safeguarding their rights with regard to equal treatment in access to all goods and services.

While they welcome the Test-Achats ruling, they consider that it has created ongoing uncertainty on the insurance market and that the subsequently guidelines published by the Commission - in the absence of a binding or legislative effect - have not fully dispelled this uncertainty.

Members call on the Commission to:

- monitor the application of the provision in the Directive relating to the shift in the burden of proof in all Member States;
- take practical steps to address the problem by proposing a new legislative text that is fully in line with the guidelines;
- open informal dialogue with the insurance industry on risk assessment;
- present the methodology it will use to measure the effects of the Test-Achats ruling on insurance pricing and analyse the issue with a focus on consumer protection policy as well;
- consider including media and advertising content in the scope of the Directive, taking into account its significance, as well as the significance of education, in the creation, retention and development of gender-based stereotypes, as well as in increasing the sexualisation of girls;
- take into consideration cases of discrimination in relation to pregnancy, planning of motherhood, and maternity as regards, for instance, the housing sector (renting) or difficulties in obtaining loans, as well as access to medical goods and services, in particular access to legally available reproductive healthcare and gender reassignment treatment;
- monitor the implementation and application of the Directive with regard to pregnant asylum-seeking women awaiting the outcome of their asylum claims, as well as to any discrimination related to breastfeeding;
- gather best practices and make them available to Member States in order to provide the necessary resources for supporting positive action and ensuring better implementation of the respective provisions at national level;

- establish a public database of legislation and case law relating to discrimination on gender.

The report notes with disappointment that in some Member States women entrepreneurs, in particular single mothers, are frequently discriminated against when trying to secure loans or credit for their businesses and still often face barriers based on gender stereotypes.

Lastly, Members point out the need for financial support for, and EU coordination of, further training for legal practitioners active in the field of gender-based discrimination, taking into account the role played by national courts.

Transposition and application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services

The European Parliament adopted by 488 votes to 152, with 35 abstentions a resolution on the transposition and application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

Parliament regrets the fact that the Commission has not presented its report on the application of Council Directive 2004/113/EC or published up-to-date data on ongoing national implementation processes.

Although it acknowledges that the Test-Achats ruling may have had an impact on Member States implementation processes, it notes that this alone cannot justify the failure to publish the report required by the Directive in time. It therefore calls on the Commission to publish its report and all available data without delay. It also expects the development of unisex criteria to result in pricing based on multiple risk factors which fairly reflect individuals' level of risk regardless of gender, and to detect any potential gender-based discrimination.

The resolution calls on the Commission and the Member States to take concrete measures to explain the Directive and its impact, with concrete examples, in order to ensure that both women and men can take full ownership of the directive and use it appropriately as an effective tool for safeguarding their rights with regard to equal treatment in access to all goods and services.

While welcoming the Test-Achats ruling, Parliament considers that it has created ongoing uncertainty on the insurance market and that the subsequent guidelines published by the Commission - in the absence of a binding or legislative effect - have not fully dispelled this uncertainty. It calls, therefore, on the Commission to take practical steps to address the problem by proposing a new legislative text that is fully in line with the guidelines.

Parliament calls on the Commission to:

- monitor the application of the provision in the Directive relating to the shift in the burden of proof in all Member States;
- open informal dialogue with the insurance industry on risk assessment;
- present the methodology it will use to measure the effects of the Test-Achats ruling on insurance pricing and analyse the issue with a focus on consumer protection policy as well;
- take into consideration cases of discrimination in relation to pregnancy, planning of motherhood, and maternity as regards, for instance, the housing sector (renting) or difficulties in obtaining loans, as well as access to medical goods and services, in particular access to legally available reproductive healthcare and gender reassignment treatment;
- monitor the implementation and application of the Directive with regard to pregnant asylum-seeking women awaiting the outcome of their asylum claims, as well as to any discrimination related to breastfeeding;
- gather best practices and make them available to Member States in order to provide the necessary resources for supporting positive action and ensuring better implementation of the respective provisions at national level;
- establish a public database of legislation and case law relating to discrimination on gender.

The resolution notes with disappointment that, in some Member States, women entrepreneurs are frequently discriminated against when trying to secure loans or credit for their businesses and still often face barriers based on gender stereotypes.

Parliament points out the need for the Directive to be transposed in a timely manner in all the Member States and also underlines the need for data and more transparency from the Commission on ongoing infringement procedures and actions.

Lastly, Parliament highlights the need for financial support for, and EU coordination of, further training for legal practitioners active in the field of gender-based discrimination, taking into account the role played by national courts.