

AMENDMENT 37

by Hiltrud Breyer, on behalf of the Verts/ALE Group

Report

Christa Prets

Equality of access to and supply of goods and services

A5-0155/2004

Proposal for a directive (COM(2003) 657 - C5-0654/2003 - 2003/0265(CNS))

Text proposed by the Commission

Amendment by Parliament

Amendment 37
Recital 10

(10) Such legislation should prohibit discrimination based on sex in the access to and supply of goods and services. ***Services should be taken to be those which are normally provided for remuneration.***

(10) Such legislation ***should implement the principle of individual rights to equality of women and men. It*** should prohibit discrimination based on sex ***and achieve de facto equality of women and men*** in the access to and supply of ***all publicly available*** goods and services.

Or. en

Justification

Some services and even goods are free of charge notably in the public sector.

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Proposal for a directive (COM(2003) 657 - C5-0654/2003 - 2003/0265(CNS))

Text proposed by the Commission

Amendment by Parliament

Amendment 38
Recital 10 a (new)

(10a) This Directive should not apply to the content of media and advertising, but leave it for the time being to the Member-States to set specific anti-sex-discrimination rules in this area.

Or. en

Justification

This new Recital tends to clarify and complete the scope of this Directive, alongside Recital 10. In contrast with the formulation of Recital 11 as proposed by the Commission text, this new Recital does not exclude a priori that the content of media and advertising is covered by future legislation and at the same time recommends the Member-States to take action against sex discrimination in the media and advertising furthermore there are no reasons why sex discrimination should be allowed in education taking into account that in vocational training anti discrimination is part of the acquis (directive 2002/73).

AMENDMENT 39

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Proposal for a directive (COM(2003) 657 - C5-0654/2003 - 2003/0265(CNS))

Text proposed by the Commission

Amendment by Parliament

Amendment 39
Article 1, paragraph 4

4. This Directive shall not apply *to education nor* to the content of media and advertising, *in particular advertising and television advertising as defined in Article 1(b) of Council Directive 89/552/EEC.*

4. This Directive shall not apply to the content of media and advertising, *except for the advertising of the terms and conditions on which access to goods and services is granted and services are supplied. Member States may, however, take appropriate steps to curb sex discrimination in the media and advertising.*

Or. en

Justification

It should not be allowed that advertising stipulates to discrimination in the supply of good and services. It is superfluous to make a specific reference to the "TV without frontiers" Directive, which may create legal uncertainty, especially since media and advertising are covered as service sectors. Furthermore there are no reasons why sex discrimination should be allowed in education taking into account that in vocational training anti discrimination is part of the acquis (directive 2002/73) It should be made clear that Member-States can curb sex discrimination within the limits of the principles of freedom of the press.

AMENDMENT 40

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Proposal for a directive (COM(2003) 657 - C5-0654/2003 - 2003/0265(CNS))

Text proposed by the Commission

Amendment by Parliament

Amendment 40
Article 4, paragraph 1

1. Member States shall ensure that the use of sex as a factor *in the calculation of premiums and benefits* for the purpose of insurance and *related* financial services is prohibited in all new contracts concluded after [date referred to in Article 16(1)] at the latest.

1. Member States shall ensure that the use of sex as a factor for the purpose of insurance and *other* financial services is prohibited in all new contracts concluded after [date referred to in Article 16(1)] at the latest.

Or. en

Justification

Next to calculation of premiums and benefits all forms of sex related differences in the provision of those insurances/services contracts should be forbidden like, lenght of contracts ect the article should also cover all other financial services bank loans ect.

AMENDMENT 41

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Equality of access to and supply of goods and services

Proposal for a directive (COM(2003) 657 - C5-0654/2003 - 2003/0265(CNS))

Text proposed by the Commission

Amendment by Parliament

Amendment 41
Article 4, paragraph 2

2. Member States may defer implementation of the measures necessary to comply with paragraph 1 *until* [*six years* after date referred to in paragraph 1] at the latest.

In that case, the Member States concerned shall immediately inform the Commission. *They shall compile, publish and regularly update comprehensive tables on the mortality and life expectancy of women and men.*

2. *In the event of difficulties encountered in implementing* the measures necessary to comply with paragraph 1, Member States may ***decide to*** defer implementation of ***these measures for a period up to*** [*four* years after date referred to in paragraph 1] at the latest.

In that case, the Member States concerned shall immediately inform the Commission. ***In addition, they shall regularly submit a report to the Commission on the progress made in overcoming those difficulties.***

The Commission shall forward all the abovementioned information to the European Parliament and the Council.

Or. en

Justification

The Commission, alongside the European Parliament and the Council, should be regularly informed about the progress made by the Member States in overcoming the existing difficulties to implement the measures necessary to comply with paragraph 1, given the longer transition period offered to the Member States to comply with the said paragraph. Life expectancy related to sex can not lead to a different treatment under this directive so to compile, publish and regularly update comprehensive tables on the mortality and life

expectancy of women and men seems to be obsolete.