

AMENDMENT 42

by Christa Prets, on behalf of the PSE 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 42
Article 1, paragraph 1

1. This Directive lays down a framework for combating discrimination ***based on*** sex in access to and the supply of goods and services, with a view to ***putting into*** effect in the Member States the ***principle of equal treatment between men and women.***

1. This Directive lays down a framework for combating discrimination ***and achieving equality on the ground of*** sex in ***the*** access to and supply of goods and services, with a view to ***ensuring*** in the Member States the ***equality*** of ***women and men.***

Or. en

Justification

This proposal is based on Article 13 (1) of the EC Treaty, which has to be read in the light of the provisions contained in articles 2 and 3 (2) of the EC Treaty. Therefore, the Treaty's approach to the principle of equality between women and men is not only an anti-discrimination approach, but furthermore, a proactive, substantive equality approach, pursuant to articles 2 and 3 (2) of the EC Treaty. In addition, in accordance with these provisions and for the sake of coherence with the amendment to the Title of the proposal, it is more appropriate to refer to the "equality of women and men" rather than to the "principle of equal treatment between women and men", which concerns employment and occupation (article 141 of the EC Treaty).

AMENDMENT 43

by Christa Prets, on behalf of the PSE Group

Report

A5-0155/2004

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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 43
Article 5

The *principle* of *equal treatment* shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to sex.

With a view to ensuring full equality in practice, the equality of women and men shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to sex.

Or. en

(See Article 6 of Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin).

Justification

Article 3(2) of the EC Treaty requires the elimination of inequalities and the promotion of gender equality, which cannot be achieved without positive action. For the sake of coherence with the amendment to the Title of the proposal, it is more appropriate to refer to the "equality of women and men".

AMENDMENT 44

by Christa Prets, on behalf of the PSE Group

Report**A5-0155/2004****Christa Prets**

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 44
Article 9

Member States shall introduce into their national legal systems such measures as are necessary to protect persons from any adverse treatment or adverse consequence as a reaction to a complaint or to legal *proceedings* aimed at enforcing *compliance with the principle of equal treatment*.

Member States shall introduce into their national legal systems such measures as are necessary to protect *any persons, including persons other than the victims*, from any adverse treatment or adverse consequence, *including unilateral resiliation of a contract by the provider of goods or services*, as a reaction to a complaint or to a legal *proceeding, or to any other action in support thereof*, aimed at *ensuring the equality of women and men*.

Or. en

Justification

This article has been amended to be in accordance with the Explanatory memorandum, where it is rightly stated that effective legal protection against retaliation by a provider of a good or a service, should not only be limited to the victims of sex-based discrimination but also to any other third party willing to give support thereof. In addition, plaintiffs should be entitled to maintaining their rights to the goods and services if so they wish. For the sake of coherence with the amendment to the Title of the proposal, it is more appropriate to refer to the "equality of women and men"

AMENDMENT 45

by Christa Prets, on behalf of the PSE Group

Report

A5-0155/2004

Christa Prets

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 45
Article 10

Member States shall engage in dialogue with appropriate non-governmental organisations which have, in accordance with their national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of sex with a view to promoting ***the principle of equal treatment***.

Member States shall engage in ***regular*** dialogue with appropriate non-governmental organisations ***and with the social partners*** which have, in accordance with their national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of sex with a view to promoting ***equality***.

Or. en

Justification

The proposal is based on Article 13(1) of the EC Treaty which must be interpreted in conjunction with Articles 2 and 3(2) of the EC Treaty. The Union is there committed to the principle of equality; the principle of equal treatment is laid down in Article 141 of the EC Treaty. On that understanding of the social partnership, the scope of representation of the social partners is not confined to the world of work. The social partners can contribute to inner-city development. For the sake of coherence with the amendment to the Title of the proposal, it is more appropriate to refer to the "equality of women and men".