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2004



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Committee on Employment and Social Affairs

4.2.2008

PE400.598v01-00

AMENDMENTS 1-156

Draft report

(PE398.471v02-00)

Liz Lynne

Progress made in equal-opportunities and non-discrimination in the EU (the transposition of Directives 2000/43/EC and 2000/78/EC)
(2007/2202(INI))

Motion for a resolution

Amendment by Patrizia Toia

Amendment 1

Citation 3 a (new)

– *having regard to Article 13 of the EC Treaty,*

Or. it

Amendment by Tatjana Ždanoka

Amendment 2

Citation 3 a (new)

- *having regard to the Commission communication on the application of Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (COM(2006)0643),*

Or. en

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Amendment by Richard Howitt

Amendment 3

Citation 4 a (new)

- ***having regard to the national reports on the implementation of anti-discrimination legislation and the thematic reports produced by the European Network of Legal Experts in the Non-Discrimination Field,***

Or. en

Amendment by Tatjana Ždanoka

Amendment 4

Citation 4 a (new)

- ***having regard to the International Convention on the Elimination of All Forms of Racial Discrimination,***

Or. en

Amendment by Tatjana Ždanoka

Amendment 5

Citation 5 a (new)

- ***having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocol No.12 thereto,***

Or. en

Amendment by Edit Bauer

Amendment 6

Citation 6 a (new)

- ***having regard to the results of the 2007-European Year of Equal Opportunities for All,***

Or. en

Amendment by Magda Kósáné Kovács

Amendment 7

Citation 7 a (new)

- ***having regard to the Eurobarometer Survey on Discrimination in the European Union 2007,***

Or. en

Amendment by Magda Kósáné Kovács

Amendment 8

Citation 7 b (new)

- ***having regard to the documents adopted by the European Parliament on non-discrimination and equal opportunities,***

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 9

Citation 7 a (new)

- ***whereas 2007 was designated European Year of Equal Opportunities for All and 2008 has been designated European Year of Intercultural Dialogue,***

Or. el

Amendment by Edit Bauer

Amendment 10

Recital A

- A. ***whereas according to the Art 6 of the TEU, EU is a community of values as human rights and freedom and it is important that political declarations on the fight against discrimination are matched by the progressive development and full and correct implementation of policies and legislation,***

Or. en

Amendment by Magda Kósáné Kovács

Amendment 11

Recital A

- A. whereas it is important that political declarations on the fight against discrimination are matched by the progressive development and full and correct implementation of policies and legislation, ***and notably of the anti-discrimination directives and of projects promoting equality,***

Or. en

Amendment by Patrizia Toia

Amendment 12

Recital B

deleted

Or. it

Amendment by Magda Kósáné Kovács

Amendment 13

Recital B

- B. whereas ***the EU is a political project based on common values such as the protection of human rights and fundamental freedoms, as stated in Article 6 TEU and in the Charter of Fundamental Rights,*** and the promotion of human rights ***and non-discrimination*** should be a priority of the European Union as provided by Article 13 of the EC Treaty,

Or. en

Amendment by Tatjana Ždanoka

Amendment 14

Recital B

- B. whereas ***the EU is a political project based on common values such as the protection of human rights and fundamental freedoms, as stated in Article 6 of the EU Treaty and in the Charter of Fundamental Rights, and promotes equality and non-discrimination through its policies and laws, also on the basis of Article 13 of the EC Treaty,***

Or. en

Amendment by Emine Bozkurt

Amendment 15

Recital C

- C. whereas employment is one of the basic conditions for social inclusion but whereas levels of unemployment among many groups, in particular people with disabilities and older people ***as well as young people with a migrant background and migrant women, who often face multiple discrimination***, remain unacceptably high,

Or. en

Amendment by Magda Kósáné Kovács

Amendment 16

Recital C

- C. whereas employment is one of the basic conditions for social inclusion but whereas levels of unemployment among many groups, in particular ***women, migrants***, people with disabilities, ***ethnic minorities***, older ***and younger*** people, remain unacceptably high,

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 17

Recital C

- C. whereas employment is one of the basic conditions for social inclusion but whereas levels of unemployment among many groups, in particular people with disabilities, ***women*** older people ***and those with isolated or unrecognised skills***, remain unacceptably high, ***particularly following enlargement***,

Or. el

Amendment by Evangelia Tzampazi

Amendment 18

Recital C

- C. whereas employment is one of the basic conditions for social inclusion but whereas levels of unemployment among many groups, in particular people with disabilities and older people, remain unacceptably high, ***while the participation in employment of persons suffering from multiple discrimination is even lower***,

Or. el

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 19
Recital D

deleted

Or. el

Amendment by Patrizia Toia

Amendment 20
Recital D

deleted

Or. it

Amendment by Richard Howitt

Amendment 21
Recital D

D. whereas Community law does not currently cover discrimination in most areas of Community competence, ***and there exists different levels of protection between Directive 2000/78/EC and Directive 2000/43/EC which create gaps in protection against discrimination that impacts on employment,***

Or. en

Amendment by Edit Bauer

Amendment 22
Recital E

E whereas the Commission's mapping survey on Developing Anti-Discrimination law in Europe confirms that at Member State level there is a patchwork of legislation across Member States ***missing a unique methodology of implementation of existing directives covering different scopes and protecting against discrimination differently*** and a lack of harmony in the implementation of existing directives,

Or. en

Amendment by Magda Kósáné Kovács

Amendment 23

Recital E

- E. whereas the Commission's mapping survey on Developing Anti-Discrimination law in Europe confirms that at Member State level there is a patchwork of legislation across Member States and a lack of harmony in the implementation of existing directives, ***and clearly shows that people are not sufficiently aware of their rights,***

Or. en

Amendment by Richard Howitt

Amendment 24

Recital E a (new)

- Ea. whereas the Council has invited Member States and the European Commission, in accordance with their respective competencies, to sustain and reinforce the mainstreaming of disability issues into all relevant policies (Council resolution on the follow-up of the European Year of Equal Opportunities for All (2007), 15383/07),***

Or. en

Amendment by Emine Bozkurt

Amendment 25

Recital E a (new)

- Ea. whereas this contributes to the lack of implementation in practice of EU anti-discrimination legislation, as is reflected in reports such as the Waaldijk report on the EU wide status of implementation of anti-discrimination legislation concerning LGBT people,***

Or. en

Amendment by Emine Bozkurt

Amendment 26

Recital E b (new)

- Ea. whereas the European Commission has therefore justly commenced procedures against several Member States, and needs to continue doing so when necessary,***

Or. en

Amendment by Tatjana Ždanoka

Amendment 27
Paragraph -1 (new)

-1 *Recalls that the Directives are a minimum standard and should therefore be the foundation on which a comprehensive anti-discrimination policy is built;*

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 28
Paragraph 1

deleted

Or. el

Amendment by Richard Howitt

Amendment 29
Paragraph 1

1. Expresses concern over deficiencies in the transposition and implementation of Directive 2000/78/EC **and of Directive 2000/43/EC** by many Member States;

Or. en

Amendment by Magda Kósáné Kovács

Amendment 30
Paragraph 1

1. *Notes with satisfaction that most Member States have taken action in order to **implement the Directive** but expresses concern over deficiencies in the transposition and implementation **of the minimum standards of the Directives 2000/43/EC and 2000/78/EC** by many Member States;*

Or. en

Amendment by Tatjana Ždanoka

Amendment 31

Paragraph 1

1. Expresses concern over deficiencies in the transposition and implementation of Directive **2000/43/EC and** 2000/78/EC by many Member States;

Or. en

Amendment by Edit Bauer

Amendment 32

Paragraph 1

1. Expresses concern over deficiencies in the transposition and implementation of Directive 2000/78/EC by many Member States **and lack of information on possible remedies in cases of discrimination;**

Or. en

Amendment by Thomas Mann

Amendment 33

Paragraph 1

1. Expresses concern over deficiencies in the transposition and implementation of Directive 2000/78/EC by **some** Member States;

Or. de

Amendment by Anja Weisgerber

Amendment 34

Paragraph 1 a (new)

- 1a. Notes that the Commission considers that there are shortcomings in the implementation in some Member States of Directive 2000/78/EC;*

Or. de

Amendment by Magda Kósáné Kovács

Amendment 35

Paragraph 2

2. Calls on Member States to ensure that Directives **2000/43/EC and** 2000/78/EC, after the transposition of all its provisions, are fully **and adequately** implemented **and make**

use of all instruments available, including positive action to ensure equality in practice;

Or. en

Amendment by Richard Howitt

Amendment 36
Paragraph 2

2. Calls on Member States to ensure that Directive 2000/78/EC *and Directive 2000/43/EC*, after the transposition of all *their* provisions, are fully *transposed and implemented, and that all exemptions are justified;*

Or. en

Amendment by Tatjana Ždanoka

Amendment 37
Paragraph 2

2. Calls on Member States to ensure that *the Directives (deletion)*, after the transposition of all *their* provisions, are fully implemented *and to make use of all the instruments available, including positive action, to ensure equality in practice;*

Or. en

Amendment by Evangelia Tzampazi

Amendment 38
Paragraph 2

2. Calls on Member States to ensure that Directive 2000/78/EC, after the transposition of all its provisions, are fully, *correctly and effectively* implemented;

Or. el

Amendment by Emine Bozkurt

Amendment 39
Paragraph 2 a (new)

- 2a. *Calls on the competent EU, national and local authorities to better coordinate their efforts of implementation; and calls for a unified approach to combating discrimination which is inclusive of, and takes into account, all grounds for*

discrimination at the same time;

Or. en

Amendment by Edit Bauer

Amendment 40
Paragraph 2 a (new)

- 2a. *Believes that combating indirect discrimination and strengthening equal opportunities is possible mainly by using temporary positive measures to achieve effective protection and equal opportunities;***

Or. en

Amendment by Evangelia Tzampazi

Amendment 41
Paragraph 2 a (new)

- 2a. *Emphasises that the public authorities have a key role to play in promoting equality and preventing discrimination, through their policies, providing their services and through their employment practices;***

Or. el

Amendment by Magda Kósáné Kovács

Amendment 42
Paragraph 3

- 3. *Calls for a commitment by the Commission to issue interpretative communications and guidelines for implementation to ensure full and correct implementation by Member States and to carry out a substantial review of the implementation of Directives 2000/43/EC and 2000/78/EC to assess the way in which Member States have interpreted the exemptions provided for in Article 6;***

Or. en

Amendment by Richard Howitt

Amendment 43
Paragraph 3

3. Calls for a commitment by the Commission to carry out a substantial review of the implementation of the Directive 2000/78/EC to assess the way in which Member States have interpreted the exemptions provided for in *Articles 6 and 8*; **recalls that implementation requires a range of mechanisms and strategies including compliance, proactive engagement and enforcement**;

Or. en

Amendment by Tatjana Ždanoka

Amendment 44
Paragraph 3

3. Calls for a commitment by the Commission to carry out a substantial review of the implementation of *the Directives* to assess the way in which Member States have interpreted the exemptions provided for, **such as armed forces, genuine and determining occupational requirements and differences of treatment on grounds of age**;

Or. en

Amendment by Edit Bauer

Amendment 45
Paragraph 3

3. Calls for a commitment by the Commission to carry out a substantial review of the implementation of Directive 2000/78/EC to assess the way in which Member States have interpreted the exemptions provided for in Article 6 **and to share best practices**;

Or. en

Amendment by Petru Filip

Amendement 46
Paragraph 3

3. Calls for a commitment by the Commission to carry out a substantial review of the implementation of Directive 2000/78/EC to assess the way in which Member States have interpreted the exemptions provided for in Article 6 **when transposing the Directive into national law**;

Or. ro

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 47
Paragraph 4

(Does not affect English version)

Or. el

Amendment by Richard Howitt

Amendment 48
Paragraph 4

4. Urges that sanctions applicable to infringements of national provisions adopted pursuant to the transposition of Directive 2000/78/EC *and of Directive 2000/43/EC* must be effective, proportionate and dissuasive;

Or. en

Amendment by Magda Kósáné Kovács

Amendment 49
Paragraph 4

4. Urges that sanctions applicable to infringements of national provisions adopted pursuant to the transposition of *Directives 2000/43/EC and 2000/78/EC* must be effective, proportionate and dissuasive;

Or. en

Amendment by Tatjana Ždanoka

Amendment 50
Paragraph 4

4. Urges that sanctions applicable to infringements of national provisions adopted pursuant to the transposition of *the Directives* must be effective, proportionate and dissuasive;

Or. en

Amendment by Thomas Mann

Amendment 51
Paragraph 5

Deleted

Or. de

Amendment by Patrizia Toia

Amendment 52
Paragraph 5

5. Calls on the Commission to *monitor carefully the transposition of* Directive 2000/78/EC; believes *also* that its competent Committee should play a role in the ongoing monitoring of Member States' obligations under those directives;

Or. it

Amendment by Richard Howitt

Amendment 53
Paragraph 5

5. Calls on the Commission to put pressure on Member States, through public infringement and non-compliance procedures, to respect their legal obligations in fully transposing Directive 2000/78/EC *and Directive 2000/43/EC*; believes that its competent Committee should play a role in the ongoing monitoring of Member States' obligations under those directives;

Or. en

Amendment by Tatjana Ždanoka

Amendment 54
Paragraph 5

5. *Urges* the Commission to put pressure on Member States, through public infringement and non-compliance procedures, to respect their legal obligations in fully transposing *the Directives as soon as possible*; believes that its competent Committees should play a role in the ongoing monitoring of Member States' obligations under those directives;

Or. en

Amendment by Anja Weisgerber

Amendment 55
Paragraph 5

5. **Recognises that** the Commission **is conducting (deleted)** public infringement and non-compliance procedures **against** Member States, **so that they** respect their legal obligations in fully transposing Directive 2000/78/EC **(deletion)**;

Or. de

Amendment by Edit Bauer

Amendment 56
Paragraph 5

5. Calls on the Commission to put pressure on Member States, through public infringement and non-compliance procedures, to respect their legal obligations in fully transposing **Directive 2000/43/EC and** Directive 2000/78/EC; believes that its competent Committee should play a role in the ongoing monitoring of Member States' obligations under those directives;

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 57
Paragraph 5

5. Calls on the Commission **to monitor compliance with legislation resulting from the transposition into national law of Directive 2007/78/EC;**

Or. el

Amendment by Thomas Mann

Amendment 58
Paragraph 6

Deleted

Or. de

Amendment by Anja Weisgerber

Amendment 59
Paragraph 6

6. Asks for **regular evaluations** of Member State implementation (**deletion**); believes that non-governmental organisations representing potential victims of discrimination should be involved in that (**deletion**) evaluation **in accordance with national rules in the Member States**;

Or. de

Amendment by Richard Howitt

Amendment 60
Paragraph 6

6. Ask for an annual evaluation of Member State implementation as part of the open method of co-ordination; **and an extended review of the implementation of such legislation every five years as part of the Social Agenda**; believes that non-governmental organisations representing potential victims of discrimination, **the European Network of Legal Experts in the Non-Discrimination Field, and the specialised equality bodies** should be involved in evaluation; **and that concrete measures should be taken to build the capacity of NGOs to provide information and support to victims and to contribute constructively to the annual evaluation**;

Or. en

Amendment by Magda Kósáné Kovács

Amendment 61
Paragraph 6

6. Ask for an annual evaluation of Member State implementation as part of the open method of co-ordination; believes that **independent equality bodies and** non-governmental organizations (**deletion**) should be involved in that annual evaluation;

Or. en

Amendment by Edit Bauer

Amendment 62
Paragraph 6

6. Ask for **bi-annual** evaluation of Member State implementation as part of the open method of co-ordination; believes that non-governmental organisations representing potential victims of discrimination should be involved in that **bi-annual** evaluation;

Amendment by Emine Bozkurt

Amendment 63

Paragraph 6

6. **Asks** for an annual evaluation of Member State implementation as part of the open method of co-ordination; believes that non-governmental organisations (*deletion*) should be involved in that annual evaluation;

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 64

Paragraph 6

6. Ask for an annual evaluation of Member State implementation as part of the open method of co-ordination; (*deletion*)

Or. el

Amendment by Richard Howitt

Amendment 65

Paragraph 7

7. 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; **and therefore invites Member States and the European Commission to urgently agree such broad definitions of disability in order to facilitate harmonisation of anti-discrimination legislation;**

Or. en

Amendment by Magda Kósáné Kovács

Amendment 66

Paragraph 7

7. Believes that the absence of a **definition of disability** in Directive 2000/78/EC **might cause an exclusion of certain** categories of disabled people from the legal protection of the directive; **Emphasizes the need for a extensive definition, which should be based on the UN Convention on the Rights of Persons with Disabilities;**

Or. en

Amendment by Kathy Sinnott

Amendment 67
Paragraph 7

7. ***(Deletion)*** Directive 200/78/EC ***has not contained*** broad definitions of disability, ***which excludes*** some categories of disabled people from the legal protection of the directive;

Or. en

Amendment by Tatjana Ždanoka

Amendment 68
Paragraph 7 a (new)

- 7a. ***believes, that the undefined time limit for filing action against discrimination has lead in some Member States to very short time limits, which might hinder victims in filing action;***

Or. en

Amendment by Anja Weisgerber

Amendment 69
Paragraph 7 a (new)

- 7a. ***Welcomes the fact that Member States and the European Union have signed the UN Convention on the Rights of Persons with Disabilities;***

Or. de

Amendment by Richard Howitt

Amendment 70
Paragraph 7 a (new)

- 7a. ***Believes that exceptions linked to marital status in Directive 2000/78/EC has limited the protection against discrimination on the ground of sexual orientation offered by the Directive;***

Or. en

Amendment by Richard Howitt

Amendment 71
Paragraph 8

8. Urges the Member States to promote more effectively the application of the rights *of* citizens of the Union under the Directive 2000/78/EC **and Directive 2000/43/EC**, and urges the Commission, Member States, trade unions and employers to do all in their power to improve awareness of rights under *these* Directives, **and to ensure victims of discrimination have access to a range of advocacy supports to enable their effective exercise of these rights**; notes that the burden *to act* is often on the individual to challenge the perpetrator of the discrimination, often with neither support from any public authority nor access to public funding for legal aid;

Or. en

Amendment by Magda Kósáné Kovács

Amendment 72
Paragraph 8

8. Urges the Member States to promote more effectively the application of the rights citizens of the Union under Directives **2000/43/EC and 2000/78/EC** and urges the Commission, Member States, **all the governmental and non-governmental stakeholders** to do all in their power to improve awareness of rights under that Directives; notes that **in specific cases** the burden is **(deletion)** on the individual to challenge the perpetrator of the discrimination, often with neither support from any public authority nor access to public funding for legal aid;

Or. en

Amendment by Tatjana Ždanoka

Amendment 73
Paragraph 8

8. Urges the Member States to promote more effectively the application of the rights citizens of the Union under **the Directives**; notes that the burden is often on the individual to challenge the perpetrator of the discrimination, often with neither support from any public authority nor access to public funding for legal aid;

Or. en

Amendment by Edit Bauer

Amendment 74
Paragraph 8

8. Urges the Member States to promote more effectively the application of the rights citizens of the Union under Directive 2000/78/EC and urges the Commission, Member States, trade unions and employers to do all in their power to improve awareness of rights under that Directives; notes that the burden is often on the individual to challenge the perpetrator of the discrimination, often with neither support from any public authority nor access to public funding for legal aid; ***therefore urges Member States to empower the independent equality bodies to provide an effective help for victims of discrimination;***

Or. en

Amendment by Tatjana Ždanoka

Amendment 75
Paragraph 8 a (new)

- 8a. Is concerned about the low level of awareness of anti-discrimination legislation among citizens in the Member States and calls on the Commission, Member States, trade unions and employers to step up their efforts to raise this level of awareness; recalls that the Directives impose an obligation on Member States to disseminate information to the public on the relevant provisions of the Directives by all appropriate means;***

Or. en

Amendment by Anja Weisgerber

Amendment 76
Paragraph 8 a (new)

- 8a. Takes the view that a holistic approach to raising public awareness is needed in order to combat discrimination, and that this should begin with programmes at schools;***

Or. de

Amendment by Magda Kósáné Kovács

Amendment 77
Paragraph 9

9. Recommends that Member states undertake independent reviews of the effectiveness of ***preventive and restitutorial anti-discriminatory measures***, and ensure that

statutory and non-statutory organizations that ***participate in the prevention of discrimination and that*** support the victims of discrimination are adequately resourced;

Or. en

Amendment by Richard Howitt

Amendment 78
Paragraph 9

9. Recommends that Member States undertake independent reviews of the effectiveness of protection against victimisation and ensure that statutory and non-statutory organisations that support the victims of discrimination are adequately resourced; ***that the Commission should include peer reviews in its ongoing monitoring exercise;***

Or. en

Amendment by Richard Howitt

Amendment 79
Paragraph 10

10. Recommends that Member States adequately resource and empower their bodies that promote equality so that they can perform their role effectively ***and independently*** including the provision of ***sound expertise on all grounds of discrimination and*** appropriate assistance for victims of discrimination; ***encourages Member States to ensure the remit of those bodies covers all grounds of discrimination, and calls on the Commission to establish standards against which to monitor and ensure the effectiveness and independence of these specialised equality bodies;***

Or. en

Amendment by Anja Weisgerber

Amendment 80
Paragraph 10

10. Recommends that Member States adequately resource and empower their bodies that promote equality so that they can perform their role effectively, including ***assisting the victims of discrimination in pursuing their complaints against*** discrimination;

Or. de

Amendment by Edit Bauer

Amendment 81
Paragraph 10

10. Recommends that Member States adequately resource and empower their *independent equality* bodies that promote equality so that they can perform their role effectively, including the provision of appropriate assistance to victims of discrimination;

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 82
Paragraph 11

deleted

Or. el

Amendment by Tatjana Ždanoka

Amendment 83
Paragraph 11

11. Recommends that Member States *and the Commission* resource and empower those non-governmental organisations that are active in informing citizens and providing legal aid in matters of discrimination;

Or. en

Amendment by Richard Howitt

Amendment 84
Paragraph 11

11. Recommends that Member States resource and empower those non-governmental organisations that are *representative of discriminated groups and those that are* active in informing citizens and providing legal aid on matters of discrimination;

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 85
Paragraph 11 a (new)

11a. Calls on Member States to work together with the relevant social partners to monitor the correct implementation of Community legislation;

Or. el

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 86
Paragraph 12

deleted

Or. el

Amendment by Petru Filip

Amendment 87
Paragraph 12

12. Stresses that in any event Member States should ensure that victims of discrimination are **automatically** assisted in legal proceedings, if necessary by public funding through national legal aid schemes;

Or. ro

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 88
Paragraph 12 a (new)

12a. Calls upon the Commission practically and effectively to support the adoption of measures by Member States through the PROGRESS programme and the European Social Fund in order to support programmes promoting equal opportunities and the eradication of discrimination;

Or. el

Amendment by Richard Howitt

Amendment 89
Paragraph 12 a (new)

12a. Recommends that, in order to provide a more effective level of protection, Member States should empower associations, organisations and other legal entities to engage in legal proceedings, including on behalf or in support of any victim;

Or. en

Amendment by Tatjana Ždanoka

Amendment 90
Paragraph 12 a (new)

12a. Urges the governments of Member States to ensure equal treatment and opportunities under employment and social inclusion policies, and, in particular, to address the serious barriers raised by discrimination in recruitment procedures;

Or. en

Amendment by Tatjana Ždanoka

Amendment 91
Paragraph 12 b (new)

12b. Recommends that Member States ensure that associations, organisations and other legal entities may engage on behalf of one or more complainants in any judicial proceedings for the enforcement of the Directives;

Or. en

Amendment by Magda Kósáné Kovács

Amendment 92
Paragraph 13

13. Calls on the Member States to collect, compile and publish comprehensive, accurate, comparable and reliable statistics on discrimination; stresses the importance of developing ways of gathering data on discrimination particularly as regards labour relations, focusing on clandestine, undeclared, poorly-paid and uninsured labour, in line with data protection legislation, as a useful tool for identifying, monitoring and reviewing policies and procedures to combat discrimination, while respecting national integration models;

Or. en

Amendment by Tatjana Ždanoka

Amendment 93

Paragraph 13

13. Calls on the Member States to collect, compile and publish comprehensive, accurate, *(deletion)* reliable **and disaggregated** statistics on discrimination **and submit it regularly to the European Union Agency for Fundamental Rights (Fundamental Rights Agency);**

Or. en

Amendment by Edit Bauer

Amendment 94

Paragraph 13

13. Calls on the Member States **in cooperation with the European Union Agency for Fundamental Rights** to collect, compile and publish comprehensive, accurate and reliable statistics on discrimination;

Or. en

Amendment by Thomas Mann

Amendment 95

Paragraph 13

13. Calls on the Member States to collect **and** compile *(deletion)* reliable statistics on discrimination **and publish them in such a way that they can be easily understood by the public;**

Or. de

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 96

Paragraph 13

13. Calls on the Member States to collect, compile and publish **at regular intervals** comprehensive, accurate and reliable statistics on discrimination **and promote exchanges of best practices with the aim of re-establishing equal opportunities;**

Or. el

Amendment by Evangelia Tzampazi

Amendment 97

Paragraph 13

13. Calls on *the Commission, the Statistical Office of the EU and* Member States to *have available sufficient funds* to collect, compile and publish comprehensive, accurate, reliable, *objective and comparable* statistics on discrimination.

Or. el

Amendment by Richard Howitt

Amendment 98

Paragraph 14

14. Asks the Commission to study carefully the various legal questions and parameters regarding the issue of data collection and to come forward with proposals to improve the recording of cases of discrimination; *that the Commission should continue to provide legal training for judges, lawyers, trade unions and NGOs to enhance the long-term impact of the Directives, and should also conduct more research and assessment of the impact of legislation transposing the Directives;*

Or. en

Amendment by Tatjana Ždanoka

Amendment 99

Paragraph 14

14. *Welcomes the Commission's interest in collecting equality data, including the publishing of the European handbook on such data;* asks the Commission to study carefully the various legal questions and parameters regarding the issue of data collection and to come forward with proposals to improve the recording of cases of discrimination;

Or. en

Amendment by Magda Kósáné Kovács

Amendment 100

Paragraph 14

14. Asks the Commission to study carefully the various legal questions and parameters regarding the issue of data collection and to come forward with proposals *on common standards for data collection and* the recording of cases of discrimination;

Or. en

Amendment by Richard Howitt

Amendment 101

Paragraph 15

15. Welcomes the Commission's interest in multiple discrimination, including the launch **(deletion)** of a study on this subject; calls on the Commission to adopt a broad concept of multiple discrimination and for the Commission to examine and supply data on multiple discrimination, ***calls on the Commission to include provisions explicitly designed to combat multiple discrimination in any future legislation adopted under Article 13, which can be invoked on either one or a combination of more than one of the grounds;***

Or. en

Amendment by Patrizia Toia

Amendment 102

Paragraph 15

15. Welcomes the Commission's interest in multiple discrimination, including the launching of a study on this subject; calls on the Commission to adopt a ***balanced definition*** of multiple discrimination and to examine and supply data on multiple discrimination;

Or. it

Amendment by Emine Bozkurt

Amendment 103

Paragraph 15

15. Welcomes the Commission's interest in multiple discrimination, including the launching of a study on this subject; calls on the Commission to adopt a broad concept of multiple discrimination and for the Commission to examine and supply data on multiple discrimination ***and hate crimes;***

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 104
Paragraph 15 a (new)

15a. Stresses the importance of networking between groups active in combating discrimination both at European and at national, regional and local levels;

Or. el

Amendment by Patrizia Toia

Amendment 105
Paragraph 16

deleted

Or. it

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 106
Paragraph 16

deleted

Or. el

Amendment by Edit Bauer

Amendment 107
Paragraph 16

16. Calls on Member States to *overview their national legislation and repeal acts which may cause indirect discrimination and therefore are not in compliance with* Article 13 of the EC Treaty;

Or. en

Amendment by Thomas Mann

Amendment 108
Paragraph 16 a (new)

16a. Is aware that European anti-discrimination rules have generated an extremely large amount of red tape and very high costs for the economy - in particular SMEs - a

development which is severely affecting competitiveness; is therefore firmly convinced that the principle of proportionality is of the greatest importance in addressing the problem of combating discrimination in future;

Or. de

Amendment by Thomas Mann

Amendment 109
Paragraph 17

Deleted

Or. de

Amendment by Gabriele Stauner

Amendment 110
Paragraph 17

Deleted

Or. de

Amendment by Anja Weisgerber

Amendment 111
Paragraph 17

17. Regards Directive 2000/43/EC as *a comprehensive and sufficient regulation to combat discrimination on the grounds of race or ethnic origin;*

Or. de

Amendment by Evangelia Tzampazi

Amendment 112
Paragraph 17

17. Regards Directive 2000/43/EC as the foundation upon which a comprehensive anti-discrimination framework can be built; *stresses, however, that account must be taken of problematic aspects which have already been identified and of the difficulties encountered by Member States in effectively transposing and implementing the provisions of this Directive;*

Or. el

Amendment by Thomas Mann

Amendment 113
Paragraph 17 a (new)

17a. Emphasises that any extension of the existing European legal framework on anti-discrimination measures should at the moment be firmly rejected, since the enormous amount of red tape needed to implement existing legislation is quite out of proportion to the results obtained;

Or. de

Amendment by Richard Howitt

Amendment 114
Paragraph 17 a (new)

17a. The Commission must produce a common, EU-wide definition of, or at least work towards a consensus about, the meaning of Positive Action. This would dispel the myths around its meaning and application in some EU member states, particularly given its effectiveness for successfully tackling discrimination and producing equality of outcomes in some member states;

Or. en

Amendment by Anja Weisgerber

Amendment 115
Paragraph 18

Deleted

Or. de

Amendment by Richard Howitt

Amendment 116
Paragraph 18

18. Strongly believes it does not make sense to outlaw discrimination in one area whilst allowing it in another and therefore welcomes the Commission's proposal for *legislation* to combat discrimination under Article 13 of the EC Treaty in its 2008 work programme;

Or. en

Amendment by Thomas Mann

Amendment 117
Paragraph 18

18. Strongly believes it does not make sense to outlaw discrimination in one area whilst allowing it in another; **(deletion)**

Or. de

Amendment by Magda Kósáné Kovács

Amendment 118
Paragraph 18

18. ***Reiterates the political, social and legal desirability of putting an end to the hierarchy of protection against the different grounds of discrimination;*** Strongly believes it does not make sense to outlaw discrimination in one area whilst allowing it in another and therefore welcomes the Commission's proposal for ***a comprehensive*** directive to combat discrimination under Article 13 of the EC Treaty in its 2008 work programme;

Or. en

Amendment by Patrizia Toia

Amendment 119
Paragraph 18

18. ***(deletion)*** Welcomes the Commission's proposal for a directive to combat discrimination under Article 13 of the EC Treaty, ***as provided for*** in its 2008 work programme;

Or. it

Amendment by Evangelia Tzampazi

Amendment 120
Paragraph 18

18. Strongly believes it does not make sense to outlaw discrimination in one area whilst allowing it in another and therefore welcomes the Commission's ***(deletion) intention to draw up a legislative proposal*** to combat discrimination under Article 13 of the EC Treaty in its 2008 work programme;

Or. el

Amendment by Evangelia Tzampazi

Amendment 121
Paragraph 18 a (new)

18a. Takes the view that matters relating to discrimination on the grounds of disability, invalidity, age, sexual orientation, religion or belief are quite specialised and complex and therefore require separate directives to address them effectively instead of a single directive covering all the types of discrimination referred to in Article 13 of the Treaty;

Or. el

Amendment by Anja Weisgerber

Amendment 122
Paragraph 19

Deleted

Or. de

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 123
Paragraph 19

deleted

Or. el

Amendment by Richard Howitt

Amendment 124
Paragraph 19

19. Believes, **(deletion)** that any new proposed directive will have to prohibit **all forms of discrimination, including direct and indirect** discrimination in all areas **already covered in Directive 2000/43/EC (deletion)**, discrimination by associations **and private clubs**, and discrimination linked to perceived membership of a protected group, **(deletion)** harassment; believes that an instruction to discriminate against persons should be deemed discrimination, **and that an unjustified failure to make a reasonable accommodation should be regarded as a form of discrimination; insists that any new proposed legislation duly reflects all the specificities of the different respective grounds;**

Or. en

Amendment by Patrizia Toia

Amendment 125

Paragraph 19

19. Believes (*deletion*) that any new proposed directive **to combat discrimination within the meaning of Article 13 of the EC Treaty** will have to prohibit **both direct and indirect** discrimination;

Or. it

Amendment by Emine Bozkurt

Amendment 126

Paragraph 19

19. Believes, however, that any new proposed directive will have to prohibit direct discrimination in all areas of life, discrimination by association and discrimination linked to perceived membership of a protected group, indirect discrimination in addition to harassment; believes that an instruction to discriminate against persons should be deemed discrimination **and believes that the Directive should make clear that there is no hierarchy between discrimination grounds and that all forms of discrimination need to be combated in equally strong measure;**

Or. en

Amendment by Petru Filip

Amendment 127

Paragraph 19

19. Believes, however, that any new proposed directive will have to prohibit direct discrimination in all areas of life, discrimination by association and discrimination linked to perceived membership of a group protected **to a greater or lesser extent**, indirect discrimination in addition to harassment; believes that an instruction to discriminate against persons should **at the least** be deemed discrimination;

Or. ro

Amendment by Anja Weisgerber

Amendment 128
Paragraph 20

Deleted

Or. de

Amendment by Thomas Mann

Amendment 129
Paragraph 20

Deleted

Or. de

Amendment by Richard Howitt

Amendment 130
Paragraph 20

20. Believes strongly that the material scope of any directive must be broad, covering areas such as education, social protection including social security, housing and healthcare, ***other functions of the state (such as taxation, policing and immigration), images of discriminated groups in the media and advertising, and should incorporate physical access for people with disabilities to information, telecommunication, electronic communications, transport modes and public spaces; further believes that the new Directive should also develop the scope of the Gender Equal Treatment Directive to be consistent with the protection of discrimination against the other groups;***

Or. en

Amendment by Patrizia Toia

Amendment 131
Paragraph 20

20. Believes ***(deletion)*** that the material scope of ***the new proposal for a directive to combat discrimination within the meaning of Article 13 of the EC Treaty could cover*** areas such as education, social protection including social security, housing and healthcare, social advantages and access to and supply of goods and services ***normally*** available to the public, ***in a manner fully in keeping with Community competences and with strict respect for the principle of subsidiarity;***

Or. it

Amendment by Evangelia Tzampazi

Amendment 132

Paragraph 20

20. Believes strongly that the material scope of any directive must be broad, covering areas such as education, ***lifelong learning, transport, access to information and communications technologies***, social protection including social security, housing and healthcare, social advantages and access to and supply of goods and services which are available to the public;

Or. el

Amendment by Magda Kósáné Kovács

Amendment 133

Paragraph 20

20. Believes strongly that the material scope of any directive must be broad, covering ***all the areas falls under EU competence***, such as education, social protection including social security, housing and healthcare, social advantages and access to and supply of goods and services which are available to the public;

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 134

Paragraph 20

20. Believes strongly that the material scope of any directive must be broad, ***be supported by flanking measures and cover all the*** areas such as education, ***lifelong learning***, social protection including social security, housing and healthcare, social advantages and access to and supply of goods and services which are available to the public;

Or. el

Amendment by Thomas Mann

Amendment 135

Paragraph 20 a (new)

- 20a. Is firmly convinced that in combating discrimination, a holistic approach to raising public awareness must be developed, beginning with school programmes;***

Or. de

Amendment by Richard Howitt

Amendment 136
Paragraph 20 a (new)

20a. Calls on the Commission to investigate how future legislation based on Article 13 can incorporate further provisions promoting the implementation of the principles of non-discrimination and equality which are not dependent on complaints being made by individual victims; believes that this investigation should consider how future legislation can create obligations to introduce positive action and/or positive duties to promote equality, and link obligations related to non-discrimination and equality to national public procurement policy;

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 137
Paragraph 21

deleted

Or. el

Amendment by Richard Howitt

Amendment 138
Paragraph 21

21. Believes that any proposed directive must also address remedies and enforcement and must provide for the establishment by Member States of an *independent and effective* body or bodies for the promotion of equal treatment, *and with a remit to cover all grounds of discrimination under Article 13 and in all areas covered by the Gender Equality Treatment Directive*; believes that the competence of these bodies should include providing independent assistance to victims of discrimination in pursuing their complaints about discrimination, conducting independent surveys about implementation of laws and making recommendations on any issue relating to such discrimination;

Or. en

Amendment by Patrizia Toia

Amendment 139
Paragraph 21

21. Believes that *the new proposal for a directive to combat discrimination within the*

meaning of Article 13 of the EC Treaty must also address remedies and enforcement and must provide for the establishment by Member States of a body or bodies for the promotion of equal treatment;

Or. it

Amendment by Magda Kósáné Kovács

Amendment 140
Paragraph 21

21. *Emphasizes, that laws are effective only when citizens are aware of their rights and have easy access to the courts, therefore* believes that any proposed directive must also address remedies and enforcement and must provide for the establishment by Member States of a body or bodies for the promotion of equal treatment;

Or. en

Amendment by Anja Weisgerber

Amendment 141
Paragraph 21

21. Believes that *Member States should* address remedies and enforcement and *(deletion)* provide for the establishment *(deletion)* of a body or bodies for the promotion of equal treatment;

Or. de

Amendment by Thomas Mann

Amendment 142
Paragraph 21

21. Believes that any proposed directive *should* also address remedies and enforcement and *recommends (deletion)* the establishment by Member States of a body or bodies for the promotion of equal treatment;

Or. de

Amendment by Evangelia Tzampazi

Amendment 143
Paragraph 21

21. Believes that any proposed directive must also address remedies and enforcement and must provide for the establishment by Member States *of one or more independent bodies for the promotion of equal treatment and for combating the various forms of discrimination*;

Or. el

Amendment by Patrizia Toia

Amendment 144
Paragraph 22

deleted

Or. it

Amendment by Gabriele Stauner

Amendment 145
Paragraph 22

Deleted

Or. de

Amendment by Anja Weisgerber

Amendment 146
Paragraph 22

22. Calls for an obligation to be included *in future within the framework of political awareness raising measures* to consult and include non-governmental organisations and representative national organisations, *in accordance with national rules*;

Or. de

Amendment by Richard Howitt

Amendment 147
Paragraph 22

22. Calls for an obligation to be included in any future legislation under Article 13 of the EC Treaty to consult and include non-governmental organisations, *specialised*

equality bodies and representative national organisations in regard to its drafting, its transposition process and the monitoring of its implementation;

Or. en

Amendment by Edit Bauer

Amendment 148
Paragraph 22

22. Calls for an obligation to be included in any future legislation under Article 13 of the EC Treaty to consult and include *independent equality bodies*, non- governmental organisations and representative national organisations in regard to its drafting, its transposition process and the monitoring of its implementation;

Or. en

Amendment by Thomas Mann

Amendment 149
Paragraph 22

22. Calls for *a recommendation* to be included in any future legislation under Article 13 of the EC Treaty to consult and include non-governmental organisations and representative national organisations in regard to its drafting, its transposition process and the monitoring of its implementation;

Or. de

Amendment by Richard Howitt

Amendment 150
Paragraph 22 a (new)

- 22a. *Believes that the new directive should include a requirement on member states to implement equality mainstreaming in all planning, policy making and programme development in the areas covered by the directive; a requirement on service providers to be planned and systematic in their approach to equality; and a requirement on service providers to make adjustments and to provide special treatment to ensure that members of minority groups that are experiencing inequality can access and benefit from the service provided;*

Or. en

Amendment by Richard Howitt

Amendment 151
Paragraph 23

23. Calls for the continuation of the process of signature, conclusion and ratification of the Convention on the Rights of Persons with Disabilities, ***including its Optional Protocol, and recalls that, following ratification of the Convention by the EC, any proposed European non-discrimination legislation must comply with the requirements imposed under the Convention in full***; reminds the Council about the call that the Commission made at the informal ministerial conference on disability in June 2007 to launch a European strategy for the effective implementation of the convention;

Or. en

Amendment by Evangelia Tzampazi

Amendment 152
Paragraph 23

23. Calls for the continuation of the process of signature, conclusion and ratification of the Convention on the Rights of Persons with Disabilities ***and its optional protocol*** and believes that any proposed European non-discrimination legislation should reflect the convention in full; reminds the Council about the call that the Commission made at the informal ministerial conference on disability in June 2007 to launch a European strategy for the effective implementation of the convention; ***calls upon the Commission, within this framework, to evaluate the need to amend secondary European legislation or to adapt the relevant policies***;

Or. el

Amendment by Richard Howitt

Amendment 153
Paragraph 23 a (new)

- 23a. ***Stresses the importance of horizontal implementation and mainstreaming of the non-discrimination clause of the Lisbon Treaty after it comes into force, which commits the European Union to aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in defining and implementing its policies and activities***;

Or. en

Amendment by Magda Kósáné Kovács

Amendment 154
Paragraph 24

24. Calls ***on the Commission and the Member States to mainstream equal opportunities and non-discrimination into the Lisbon Strategy for Growth and Employment; emphasises that in order to be effective equality and non-discrimination policies need to be strongly linked to social policies with an important role for social partners; calls on the Commission and the Member States therefore to revise the Integrated Guidelines and in particular the Employment Guidelines in order to ensure and improve the integration and visibility of the social dimension in the next cycle of the Lisbon Strategy;***

Or. en

Amendment by Richard Howitt

Amendment 155
Paragraph 24

24. Calls for the mainstreaming of equal opportunities and non-discrimination into the Lisbon Strategy for Growth and Employment, ***the guidelines for the open method of coordination on social inclusion and for national reform programmes, and the regulations governing the structural funds;***

Or. en

Amendment by Magda Kósáné Kovács

Amendment 156
Paragraph 24 a (new)

- 24a. ***Calls on the Commission and the Member States to end all discrimination based on the employment contract by ensuring for all workers equal treatment, workers' health and safety protection and provisions on working/rest time, freedom of association and representation, protection of unfair dismissal, collective bargaining, collective action, and emphasises the importance of access to training as well as the continued protection of acquired rights by covering periods of education and training, improved care opportunities, maintaining of essential social rights such as pension rights, training rights and right to unemployment benefits during changes in occupational situation, from one employment contract to another and from dependent to autonomous employment.***

Or. en