



2016/2012(INI)

19.10.2016

DRAFT OPINION

of the Committee on Legal Affairs

for the Committee on Women's Rights and Gender Equality

on the report on the 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
(2016/2012(INI))

Rapporteur: Jiří Maštálka

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SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Women's Rights and Gender Equality, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas equality between women and men is a fundamental principle of the European Union, and both the EU Treaties and the Charter of Fundamental Rights prohibit any discrimination on grounds of sex and require equality between women and men to be ensured in all areas;
 - B. whereas Directive 2004/113/EC (hereinafter 'the Directive') extends protection against sex discrimination beyond the traditional realm of the labour market to the area of access to and supply of goods and services;
 - C. whereas all Member States have taken measures to transpose the Directive into their domestic legal orders and set up the necessary procedures and bodies for its implementation;
 - D. whereas in the judgment of the Court of Justice of the European Union of 1 March 2011 in Case C-236/09, the so-called Test-Achats ruling (hereinafter 'the ruling'), the Court annulled Article 5(2) of the Directive, which permitted the use of sex-based actuarial factors in insurance contracts;
- 1. Considers that some challenges and problems regarding effective implementation of the Directive persist, and that the most common issues include an overly restrictive understanding of the meaning of 'goods and services', the broad and sometimes unclear justifications of unequal treatment on the basis of Article 4(5), and insufficient protection of women during maternity and pregnancy;
 - 2. Considers that there is a lack of awareness among the general public regarding the content and implications of the Directive, arising from a lack both of reporting and of case law;
 - 3. Welcomes the fact that all Member States have implemented the ruling or are implementing it, and that some of them have chosen even to go beyond the ruling by applying the unisex rule to all types of insurance and pensions;
 - 4. Calls on the Member States and the Commission to raise awareness among all parties concerned of the content and implications of the Directive;
 - 5. Calls on the Commission to launch a study on the implementation of the Directive, to continue its monitoring activities, and to support Member States in order to realise the full potential of the Directive;
 - 6. Calls on the Commission to evaluate the impact of new and innovative services offered via the collaborative economy on the access and supply of goods and services from a gender equality perspective.