



Plenary sitting

B9-0202/2023

12.4.2023

MOTION FOR A RESOLUTION

further to Questions for Oral Answer B9-0013/2023 and B9-0014/2023

pursuant to Rule 136(5) of the Rules of Procedure

on combating discrimination in the EU – the long-awaited horizontal anti-discrimination directive
(2023/2582(RSP))

**Jaak Madison, Tom Vandendriessche, Nicolaus Fest, Patricia Chagnon,
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on behalf of the ID Group

European Parliament resolution on combating discrimination in the EU – the long-awaited horizontal anti-discrimination directive (2023/2582(RSP))

The European Parliament,

- having regard to Article 2 of the Treaty on European Union (TEU),
 - having regard to Article 19 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Articles 20, 21 and 23 of the Charter of Fundamental Rights of the European Union,
 - having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin¹,
 - having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation²,
 - having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation³,
 - having regard to the proposal of 2 July 2008 for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) (‘horizontal anti-discrimination directive’),
 - having regard to the questions to the Council and to the Commission on combating discrimination in the EU – the long-awaited horizontal anti-discrimination directive (O-000010/2023 – B9-0013/23 and O-000011/2023 – B9-0014/23),
 - having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
- A. whereas the European Union and its Member States have always been committed to the principles of equality before the law and non-discrimination; whereas singling out certain groups and granting them preferential treatment contradicts the principle of equality before the law, which could result in further polarisation in our societies;
- B. whereas the Commission proposal for a horizontal anti-discrimination directive has been blocked in the Council since 2008; whereas Article 19 TFEU provides that the Council must act unanimously when taking action to combat discrimination;

¹ OJ L 180, 19.7.2000, p. 22.

² OJ L 204, 26.7.2006, p. 23.

³ OJ L 303, 2.12.2000, p. 16.

- C. whereas various Member States questioned the need for the Commission's proposal, considering it to infringe on national competencies on a number of issues and to conflict with the principles of subsidiarity and proportionality;
- D. whereas on 16 April 2019, the Commission approved a communication (COM(2019)0186) highlighting gaps in protection and proposing ways of facilitating decision-making on non-discrimination through the use of enhanced qualified majority voting and the ordinary legislative procedure;
- E. whereas the autumn 2022 Eurobarometer survey released by Parliament found that the rising cost of living is the most pressing worry for 93 % of Europeans, followed by the threat of poverty and social exclusion (82 %); whereas at no point is there any mention of European citizens being concerned about discrimination;
1. Considers that equality before the law and non-discrimination are common values on which the EU is founded and that these values are firmly embedded in the EU Treaties, the Charter of Fundamental Rights of the European Union, and secondary legislation;
 2. Recalls that every single Member State's national constitution and secondary legislation enshrines non-discrimination and equality before the law as key principles of their national legal orders;
 3. Stresses that gender parity in the EU is among the highest in the world;
 4. Notes that the principles of non-discrimination and equality are already sufficiently addressed at EU level in various directives; considers that the 2008 Commission proposal duplicates non-discrimination provisions already contained in the Race Equality Directive (Directive 2000/43/EC), the Employment Equality Directive (Directive 2000/78/EC), the recast Equal Treatment Directive (Directive 2006/54/EC) and several other directives;
 5. Considers it a clear message that there is not sufficient political consensus within the Council to adopt a horizontal anti-discrimination directive, since the initiative has been blocked in the Council since 2008 because of legitimate concerns; stresses that the Commission's insistence on proceeding with this directive is a clear sign that it has no regard for the position or sovereignty of Member States and is only interested in promoting and furthering its own political agenda;
 6. Notes with regret that the EU and its institutions tend to dedicate too much attention to non-priority topics while not sufficiently addressing serious issues faced by ordinary citizens;
 7. Emphasises that quota systems to bring about statistical equality do more harm than good and undermine the work done over the centuries to ensure equal rights; argues that requiring gender representation on the basis of demographics undermines women, who are more than capable of being appointed to management positions on their own merit, regardless of their gender; stresses that every person should be judged and rewarded on their merits and qualifications and not on the basis of their sex;
 8. Takes the view that focusing on the differences between individuals or groups increases

discrimination instead of alleviating it; notes further that a focus on equality of outcome undermines individual decision-making, which is a prerequisite for a free society;

9. Emphasises that the EU should remain an intergovernmental organisation with respect and appreciation for the differences between its Member States; insists that the EU institutions must respect the principle of proportionality and refrain from imposing their own ideological agenda on the Member States and on European citizens; rejects, in this regard, any move towards qualified majority voting in the Council and reiterates that unanimity voting in certain areas is one of the key requirements for peaceful and successful European cooperation;
10. Instructs its President to forward this resolution to the Council, the Member States and the Commission.