

# EUROPEAN PARLIAMENT

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*Committee on Civil Liberties, Justice and Home Affairs*

**2007/2202(INI)**

28.3.2008

## **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Employment and Social Affairs

on the 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))

Draftswoman: Tatjana Ždanoka

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## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Calls on the Member States to take due account in their legislative practice of the various grounds for discrimination set out in Article 21 of the Charter of Fundamental Rights of the European Union;
2. Regrets that the Commission, in order to ensure that the Member States duly and fully comply with Directive 2000/78/EC, had to send reasoned opinions on 31 January 2008 for failure to implement the Directive to ten Member States (the Czech Republic, Estonia, Ireland, Greece, France, Hungary, Malta, Netherlands, Finland and Sweden), as well as a letter of formal notice to Germany and two complementary letters of formal notice to Latvia and Lithuania; also notes that the first steps in infringement proceedings have been taken against Belgium and Slovakia, Denmark, Italy, Poland, Portugal, Spain and the United Kingdom, while the transposition of the Directive in Austria, Luxembourg, Bulgaria and Romania is being analysed; calls on the Member States concerned to comply with the Directive fully and without delay;
3. Calls on the Member States to make use of all the instruments available, including positive action, in order to ensure equality in practice and to give greater weight to the evidence of discrimination;
4. Calls for strict monitoring of the application of the rules on the burden of proof and the filing of claims in the public interest;
5. Calls on the Commission to adopt a more pro-active approach, for instance by issuing interpretative communications and guidelines for implementation by the Member States;
6. Calls on the Commission to submit a specific action plan on the mechanisms and methods of observation and description of the impact of national implementation measures;
7. Takes the view that differences in treatment based on nationality or language that are neither objectively and reasonably justified by a legitimate aim nor achieved by appropriate and necessary means may constitute indirect discrimination on the grounds of racial or ethnic origin;
8. Considers that discrimination must also be seen as interfering with the four fundamental freedoms - particularly the freedom of movement for persons - and as such constitutes an obstacle to the functioning of the internal market; calls on the Commission to encourage the Member States to review their transitional provisions regulating access to their labour markets in order to eliminate differences between European citizens in this respect;
9. Regrets that Directives 2000/43/EC and 2000/78/EC do not cover differences in treatment of a discriminatory nature based on physical criteria such as height or complexion,

particularly in relation to access to jobs where there is no direct link between those physical characteristics and the skills required to perform the jobs concerned;

10. Calls for the establishment of national integrated action plans against all forms of discrimination;
11. Calls on the Member States to train officials on matters related to the implementation of the Directives and the Commission to set up European programmes for exchanges between the various national administrative bodies;
12. Considers that minority communities, and in particular the Roma community, need specific social protection, since their problems of exploitation, discrimination and exclusion have become even more acute further to enlargement in the areas of education, health, housing, employment and women's rights;
13. Recommends that, as regards access to high-quality education for disadvantaged and Roma children and their unjustified classification as disabled, special attention be paid to fighting all forms of discrimination encountered in the field of education;
14. Recommends that data on complaints and on the outcome of related proceedings should be disaggregated according to the ground of discrimination, which would improve the assessment of the effectiveness of the implementation of the legislation;
15. Recommends that by collecting statistical data, the Member States use appropriate safeguards for the protection of personal data, focus on the representation of different groups in various areas of society and develop policies aiming to ensure equal access to basic rights as well as to civic and political participation;
16. Calls on the Commission to conduct a study examining which Member States have enacted positive action provisions and how they have applied them;
17. Urges the Commission to issue as soon as possible a proposal for a horizontal directive implementing the principle of equal treatment outside the scope of employment, including access to goods, services and housing, education, social protection and social advantages, immigration and asylum, and covering all grounds of discrimination set out in Article 13 of the EC Treaty; deeply regrets that the Commission has indicated that it does not intend to put forward proposals to complete the anti-discrimination package, as requested repeatedly by Parliament and as announced in the Annual Policy Strategy for 2008, but instead appears to intend to limit further proposals to those prohibiting discrimination on the grounds of disability;
18. Notes with concern that while 19 Member States have signed Protocol No12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, only 5 have ratified that Protocol.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	27.3.2008
<b>Result of final vote</b>	+: 21 -: 15 0: 1
<b>Members present for the final vote</b>	Alexander Alvaro, Philip Bradbourn, Carlos Coelho, Esther De Lange, Gérard Deprez, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Armando França, Patrick Gaubert, Roland Gewalt, Jeanine Hennis-Plasschaert, Lívia Járóka, Ewa Klamt, Magda Kósáné Kovács, Wolfgang Kreissl-Dörfler, Stavros Lambrinidis, Henrik Lax, Roselyne Lefrançois, Sarah Ludford, Javier Moreno Sánchez, Rareș-Lucian Niculescu, Athanasios Pafilis, Martine Roure, Inger Segelström, Csaba Sógor, Vladimir Urutchev, Ioannis Varvitsiotis, Manfred Weber, Tatjana Ždanoka
<b>Substitute(s) present for the final vote</b>	Edit Bauer, Sophia in 't Veld, Jean Lambert, Marian-Jean Marinescu, Antonio Masip Hidalgo, Bill Newton Dunn, Nicolae Vlad Popa
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Manolis Mavrommatis