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AMENDMENTS
29 - 327

Draft report
Kathalijne Maria Buitenweg
(PE418.014v02-00)

on the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation

Proposal for a directive
(COM(2008)0426 – C6-0291/2008 – 2008/0140(CNS))

AM_Com_LegReport

Amendment 29
Rareş-Lucian Niculescu

Proposal for a directive
Title

Texte proposé par la Commission	*Amendment*
Directiva Consiliului cu privire la punerea în aplicare a principiului tratamentului egal al persoanelor indiferent de religie sau convingeri, handicap, vârstă sau orientare sexuală	Directiva Consiliului cu privire la punerea în aplicare a principiului tratamentului egal al persoanelor indiferent de religie sau convingeri, handicap, vârstă sau orientare sexuală, ***precum și de orice alte temeiuri care ar putea constitui motive de discriminare***

Or. ro

Justification

În vederea acoperirii întregului conținut, având în vedere modificările propuse pentru completarea textului legislativ.

Amendment 30
Iratxe García Pérez

Proposition de directive
Title

Texte proposé par la Commission	*Amendment*
Propuesta de Directiva del Consejo por la que se aplica el principio de igualdad de trato entre las personas independientemente de su religión o convicciones, discapacidad, edad u orientación sexual	Propuesta de Directiva del Consejo por la que se aplica el principio de igualdad de trato entre las personas independientemente de su religión o convicciones, discapacidad, edad***, pertenencia a una asociación, género*** u orientación sexual

Or. es

Amendment 31
Richard Howitt, Michael Cashman, Claude Moraes

Proposal for a directive
Recital 2

Text proposed by the Commission	*Amendment*
(2) The right to equality before the law and protection against discrimination for all persons constitutes a universal right recognised by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the UN Convention on the Rights of Persons with Disabilities, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, to which [all] Member States are signatories. In particular, the UN Convention on the Rights of Persons with Disabilities includes the denial of reasonable accommodation in its definition of discrimination.	(2) The right to equality before the law and protection against discrimination for all persons constitutes a universal right recognised by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, ***the UN Convention on the Rights of the child,*** the UN Convention on the Rights of Persons with Disabilities, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, to which [all] Member States are signatories. In particular, the UN Convention on the Rights of Persons with Disabilities includes the denial of reasonable accommodation in its definition of discrimination.

Or. en

Justification

The the United Nations Convention on the Rights of the Child is the only relevant UN convention not currently listed in this recital. There is no logical reason for the omission of this convention which is of the same standing as the other treaties mentioned here.

Amendment 32
Jean Lambert

Proposal for a directive
Recital 2

Text proposed by the Commission	*Amendment*
(2) The right to equality before the law and protection against discrimination for all persons constitutes a universal right recognised by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the UN Convention on the Rights of Persons with Disabilities, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, to which [all] Member States are signatories. In particular, the UN Convention on the Rights of Persons with Disabilities includes the denial of reasonable accommodation in its definition of discrimination.	(2) The right to equality before the law and protection against discrimination for all persons constitutes a universal right recognised by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, ***the UN Convention on the Rights of the child,*** the UN Convention on the Rights of Persons with Disabilities, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, to which [all] Member States are signatories. In particular, the UN Convention on the Rights of Persons with Disabilities includes the denial of reasonable accommodation in its definition of discrimination.

Or. en

Amendment 33
Claude Moraes, Richard Howitt

Proposal for a directive
Recital 2

Text proposed by the Commission	*Amendment*
(2) The right to equality before the law and protection against discrimination for all persons constitutes a universal right recognised by the Universal Declaration of	(2) The right to equality before the law and protection against discrimination for all persons constitutes a universal right recognised by the Universal Declaration of

Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the UN Convention on the Rights of Persons with Disabilities, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, to which [all] Member States are signatories. In particular, the UN Convention on the Rights of Persons with Disabilities includes the denial of reasonable accommodation in its definition of discrimination.	Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the UN Convention on the Rights of Persons with Disabilities, ***article 14 and Optional Protocol 12*** of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, to which [all] Member States are signatories. In particular, the UN Convention on the Rights of Persons with Disabilities includes the denial of reasonable accommodation in its definition of discrimination.

Or. en

Justification

This amendment clarifys the relevant provisions of the European Convention on Human Rights which relate to equality, namely article 14 which provides for the right to non-discrimination in the enjoyment of rights and Optional Protocol 12 which is the free-standing right to equality before the law.

Amendment 34
Marco Cappato

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission	*Amendment*
	(2a) The principle of equality and the prohibition of discrimination are general principles of international, European and national law, that bind the EU and Member States activities in all matters of their competence. This Directive contributes to reaching this aim and to overcome discrimination that is not

compatible with it.

Or. en

Amendment 35
Agustín Díaz de Mera García Consuegra, Jaime Mayor Oreja

Proposition de directive
Recital 3

Texte proposé par la Commission	*Amendment*
(3) La Directiva respeta los derechos fundamentales y observa los principios fundamentales reconocidos, en particular, por la Carta de los Derechos Fundamentales de la Unión Europea. ***El artículo 10 de la Carta reconoce el derecho a la libertad de pensamiento, de conciencia y de religión. El artículo 21, que prohíbe cualquier discriminación, incluye los motivos de religión o convicciones, discapacidad, edad u orientación sexual, y el artículo 26 reconoce el derecho de las personas con discapacidad a beneficiarse de medidas que garanticen su autonomía.***	(3) La Directiva respeta los derechos fundamentales y observa los principios fundamentales reconocidos, en particular, ***por el Convenio Europeo para la Protección de los Derechos Humanos y de las Libertades Fundamentales del Consejo de Europa, principalmente en los artículos 9 y 10, y*** por la Carta de los Derechos Fundamentales de la Unión Europea***, principalmente en el artículo 10, el apartado 2 de este último, y los artículos 21 y 26***.

Or. es

Amendment 36
Jean Lambert

Proposal for a directive
Recital 3

Text proposed by the Commission	*Amendment*
(3) This Directive respects the fundamental rights and observes the fundamental principles recognised in particular by the Charter of Fundamental Rights of the European Union. Article 10 of the Charter recognises the right to freedom of thought,	(3) This Directive respects the fundamental rights and observes the fundamental principles recognised in particular by the Charter of Fundamental Rights of the European Union. Article 10 of the Charter recognises the right to freedom of thought,

conscience and religion; Article 21 prohibits discrimination, including on grounds of religion or belief, disability, age or sexual orientation; and Article 26 acknowledges the right of persons with disabilities to benefit from measures designed to ensure their independence.	conscience and religion; Article 21 prohibits discrimination, including on grounds of religion or belief, disability, age or sexual orientation; ***Article 24 gives specific rights to children;*** and Article 26 acknowledges the right of persons with disabilities to benefit from measures designed to ensure their independence.

Or. en

Amendment 37
Claude Moraes, Richard Howitt

Proposal for a directive
Recital 3

Text proposed by the Commission	*Amendment*
(3) This Directive respects the fundamental rights and observes the fundamental principles recognised in particular by the Charter of Fundamental Rights of the European Union. Article 10 of the Charter recognises the right to freedom of thought, conscience and religion; Article 21 prohibits discrimination, including on grounds of religion or belief, disability, age or sexual orientation; and Article 26 acknowledges the right of persons with disabilities to benefit from measures designed to ensure their independence.	(3) This Directive respects the fundamental rights and observes the fundamental principles recognised in particular by the Charter of Fundamental Rights of the European Union. Article 10 of the Charter recognises the right to freedom of thought, conscience and religion; ***Article 20 provides everyone is equal before the law*****;** Article 21 prohibits discrimination, including on grounds of religion or belief, disability, age or sexual orientation; and Article 26 acknowledges the right of persons with disabilities to benefit from measures designed to ensure their independence.

Or. en

Justification

The right to equality before the law is a fundamental concept to most international Conventions and is referred to in recital 2 of the draft Directive. As the right to equality before the law is also contained in article 20 of the Charter of Fundamental Rights, it is appropriate to refer to it in recital 3. Although a further reference to it in recital 3 would not make it binding on all Member States, it would help to reinforce its importance as a general principle.

Amendment 38
Iratxe García Pérez

Proposition de directive
Recital 3

Texte proposé par la Commission	*Amendment*
(3) La Directiva respeta los derechos fundamentales y observa los principios fundamentales reconocidos, en particular, por la Carta de los Derechos Fundamentales de la Unión Europea. El artículo 10 de la Carta reconoce el derecho a la libertad de pensamiento, de conciencia y de religión. El artículo 21, que prohíbe cualquier discriminación, incluye los motivos de religión o convicciones, discapacidad, edad, u orientación sexual, y el artículo 26 reconoce el derecho de las personas con discapacidad a beneficiarse de medidas que garanticen su autonomía.	(3) La Directiva respeta los derechos fundamentales y observa los principios fundamentales reconocidos, en particular, por la Carta de los Derechos Fundamentales de la Unión Europea. El artículo 10 de la Carta reconoce el derecho a la libertad de pensamiento, de conciencia y de religión. El artículo 21, que prohíbe cualquier discriminación, incluye los motivos de religión o convicciones, discapacidad, edad***, pertenencia a una asociación, género*** u orientación sexual, y el artículo 26 reconoce el derecho de las personas con discapacidad a beneficiarse de medidas que garanticen su autonomía.

Or. es

Amendment 39
Marie Panayotopoulos-Cassiotou

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission	*Amendment*
	(3a) In particular, this Directive respects the Declaration on Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the United Nations Resolution 36/55.

Or. en

Amendment 40
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Recital 4

Text proposed by the Commission	*Amendment*
(4) The European Years of Persons with Disabilities in 2003, of Equal Opportunities for All in 2007, and of Intercultural Dialogue in 2008 have highlighted the persistence of discrimination but also the benefits of diversity.	(4) The European Years of Persons with Disabilities in 2003, of Equal Opportunities for All in 2007, and of Intercultural Dialogue in 2008 have highlighted the persistence of discrimination but also ***the need to promote*** the benefits of diversity.

Or. en

Justification

These initiatives have rather raised the awareness on the need to promote the benefits of diversity. A follow-up on these initiatives is very much needed in order to effectively promote the benefits of diversity.

Amendment 41
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission	*Amendment*
	(7a) Discrimination based on religion or belief, disability, age, or sexual orientation may undermine the achievement of the objectives of the EC Treaty, in particular the attainment of a high level of employment and of social protection, the raising of the standard of living and quality of life, economic and social cohesion and solidarity. It may also undermine the objective of developing the European Union as an area of freedom, security and justice.

Or. en

Justification

Unlike previous EU directives on equal treatment, the current proposal does not have a recital in the preamble acknowledging the significance of the principle of equal treatment in the EU law. We propose the inclusion of a new recital based on the text taken from the Race Directive (2000/43, recital 9). This text highlights the right to equal treatment as a fundamental principle in the EU and clearly establishes the relationship between equal treatment and the achievement of objectives of the EC treaty.

Amendment 42
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Recital 7 b (new)

Text proposed by the Commission	*Amendment*
	(7b) Effective legal procedures must be available to deal with situations of multiple discrimination, that is where discrimination occurs on two or more grounds listed in Articles 12 and 13 EC. In particular national legal procedures shall ensure that a complainant can raise all aspects of a multiple discrimination claim in a single procedure.

Or. en

Justification

Specific procedural difficulties can arise in cases of multiple discrimination. In some states, there are separate judicial or non-judicial adjudicatory bodies for different grounds of discrimination (eg separate forums for claims of sex or race discrimination). In order to avoid a situation where the individual has to 'split' their claim, the amendment requires Member States to provide procedures which allow a victim of multiple discrimination to present all aspects of their case in a single legal procedure. The amendment also recognises that legal redress is only one aspect of effective protection against multiple discrimination and that complementary non-legislative means also need to be adopted.

Amendment 43
Marco Cappato

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission	*Amendment*
	(7a) This Directive also covers multiple discriminations, that is where discrimination occurs on the basis of two or more grounds listed in Articles 12 and 13 EC. Effective legal procedures must be available to deal with such situations and national legal procedures shall ensure that a complainant can raise all aspects of a multiple discrimination claim in a single procedure.

Or. en

Amendment 44
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposition de directive
Recital 7 a (new)

Texte proposé par la Commission	*Amendment*
	(7a) Die Europäische Kommission hat in ihrer begleitenden Mitteilung "Nicht-diskriminierung und Chancengleichheit: Erneuertes Engagement" vom 2. Juli 2008 (KOM(2008) 420 endg.) darauf hingewiesen, dass die EU bereits jetzt über einen der weltweit fortschrittlichsten Rechtsrahmen im Bereich der Nichtdiskriminierung verfügt.

Or. de

Justification

Der Eindruck, es gäbe noch keinen ausreichenden Diskriminierungsschutz in der EU sollte vermieden werden.

Amendment 45
Marie Panayotopoulos-Cassiotou

Proposal for a directive
Recital 8

Text proposed by the Commission	*Amendment*
(8) The Community has adopted three legal instruments on the basis of article 13(1) of the EC Treaty to prevent and combat discrimination on grounds of ***sex, racial and ethnic origin, religion or belief,*** disability***,*** age ***and sexual orientation.*** These instruments have demonstrated the value of legislation in the fight against discrimination. ***In particular, Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation on the grounds of religion or belief, disability, age and sexual orientation. However, variations remain between Member States on the degree and the form of protection from discrimination on these grounds beyond the areas of employment.***	(8) The Community has adopted three legal instruments1 on the basis of article 13(1) of the EC Treaty to prevent and combat discrimination on ***a number of grounds including*** on ***the*** grounds of disability ***and*** age***.*** These instruments have demonstrated the value of legislation in the fight against discrimination.

Or. en

Amendment 46
Sophia in 't Veld

Proposal for a directive
Recital 8

Text proposed by the Commission	*Amendment*
(8) The Community has adopted three legal instruments on the basis of article 13(1) of the EC Treaty to prevent and combat discrimination on grounds of sex, racial and ethnic origin, religion or belief, disability, age and sexual orientation. These instruments have demonstrated the	(8) The Community has adopted three legal instruments on the basis of article 13(1) of the EC Treaty to prevent and combat discrimination on grounds of sex, racial and ethnic origin, religion or belief, disability, age and sexual orientation. These instruments have demonstrated the

value of legislation in the fight against discrimination. ***In particular***, Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation ***on the grounds of religion or belief, disability, age and sexual orientation.*** However, variations remain between Member States on the degree and the form of protection from discrimination on these grounds beyond the areas of employment.	value of legislation in the fight against discrimination. ***Directive 2000/43/EC establishes a framework against discrimination based on racial or ethnic origin inside and outside the labour market. Directive 2004/113/EC establishes a framework for equal treatment between men and women in the access to and supply of goods and services.*** Directive 2000/78/EC establishes ***for the grounds of religion or belief, disability, age and sexual orientation*** a general framework for equal treatment in employment and occupation. However, variations remain between Member States on the degree and the form of protection from discrimination on these grounds beyond the areas of employment.

Or. en

Justification

Important to make reference to the other anti-discrimination directives, but also that variations remain between Member States regarding discrimination on these grounds beyond employment.

Amendment 47
Marie Panayotopoulos-Cassiotou

Proposal for a directive
Recital 9

Text proposed by the Commission	*Amendment*
(9) Therefore, legislation should prohibit discrimination based on ***religion or belief,*** disability***,*** age or ***sexual orientation*** in a range of areas outside the labour market, including ***social protection, education and access to and supply of goods and services, including*** housing. It should provide for measures to ensure the equal access of persons with disabilities to the areas covered.	(9) Therefore, legislation should prohibit discrimination based on disability ***or*** age in a range of areas outside the labour market, including housing. It should provide for measures to ensure the equal access of persons with disabilities to the areas covered.

Or. en

Amendment 48
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Recital 9

Text proposed by the Commission	*Amendment*
Daher sollte Diskriminierung aus Gründen der Religion ***oder der Weltanschauung,*** einer Behinderung, des Alters oder der sexuellen Ausrichtung in einer Reihe von Bereichen außerhalb des Arbeitsmarktes gesetzlich verboten werden, unter anderem in den Bereichen Sozialschutz, Bildung sowie Zugang zu und Versorgung mit Gütern und Dienstleistungen, einschließlich Wohnraum. Gesetzlich vorgeschrieben werden sollten Maßnahmen zur Gewährleistung des gleichberechtigten Zugangs von Personen mit Behinderungen zu den erfassten Bereichen.	Daher sollte Diskriminierung aus Gründen der Religion, einer Behinderung, des Alters oder der sexuellen Ausrichtung in einer Reihe von Bereichen außerhalb des Arbeitsmarktes gesetzlich verboten werden, unter anderem in den Bereichen Sozialschutz, Bildung sowie Zugang zu und Versorgung mit Gütern und Dienstleistungen, einschließlich Wohnraum. Gesetzlich vorgeschrieben werden sollten Maßnahmen zur Gewährleistung des gleichberechtigten Zugangs von Personen mit Behinderungen zu den erfassten Bereichen.

Or. de

Justification

Weltanschauung ist nicht mit Religion und anderen Diskriminierungsmerkmalen gleichzusetzen, Der horizontale Ansatz, für alle Diskriminierungsmerkmale dieselben Regelungen vorzusehen, wird den Unterschieden der einzelnen Merkmale nicht gerecht: Weltanschauung kann z.B. nicht mit Behinderung gleichgesetzt werden. Es besteht aber die Gefahr, dass das Verbot der Ungleichbehandlung aufgrund der Weltanschauung von extremen Gruppen missbraucht werden kann. Siehe die Änderungsanträge desselben Verfassers zu den Erwägungen 13, 21, 23 und zu Art. 1, 2 Abs. 2 lit. b, 5, 12 Abs. 1.

Amendment 49
Emine Bozkurt, Claudio Fava, Stavros Lambrinidis, Michael Cashman, Claude Moraes, Lissy Gröner, Inger Segelström, Armando França, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Recital 9

Text proposed by the Commission	*Amendment*
(9) Therefore, legislation should prohibit discrimination based on religion or belief, disability, age or sexual orientation in a range of areas outside the labour market, including social protection, education and access to and supply of goods and services, including housing. It should provide for measures to ensure the equal access of persons with disabilities to the areas covered.	(9) Therefore, legislation should prohibit discrimination based on ***sex, racial or ethnic origin,*** religion or belief, disability, age or sexual orientation in a range of areas outside the labour market, including social protection, education and access to and supply of goods and services, including housing. It should provide for measures to ensure the equal access of persons with disabilities to the areas covered.

Or. en

Amendment 50
Sophia in 't Veld

Proposal for a directive
Recital 9

Text proposed by the Commission	*Amendment*
(9) Therefore, legislation should prohibit discrimination based on religion or belief, disability, age or sexual orientation in a range of areas outside the labour market, including social protection, education and access to and supply of goods and services, including housing. It should provide for measures to ensure the equal access of persons with disabilities to the areas covered.	(9) Therefore, legislation should prohibit discrimination based on ***sex, racial or ethnic origin*** religion or belief, disability, age or sexual orientation in a range of areas outside the labour market, including social protection, education and access to and supply of goods and services, including housing. It should provide for measures to ensure the equal access of persons with disabilities to the areas covered.

Or. en

Justification

To avoid discrimination based on sex to start falling behind the other grounds, it should be included in this recital.

Amendment 51
Iratxe García Pérez

Proposal for a directive
Recital 9

Text proposed by the Commission	*Amendment*
(9) Por consiguiente, la legislación debe prohibir la discriminación por los motivos de religión o convicciones, discapacidad, edad u orientación sexual en una serie de campos distintos del mercado de trabajo, que cubran la protección social, la educación y el acceso y suministro de bienes y servicios, incluida la vivienda. Debe asimismo ofrecer medidas para garantizar la igualdad de acceso de las personas con discapacidad a los ámbitos amparados.	(9) Por consiguiente, la legislación debe prohibir la discriminación por los motivos de religión o convicciones, discapacidad, edad***, pertenencia a una asociación, género*** u orientación sexual en una serie de campos distintos del mercado de trabajo, que cubran la protección social, la educación y el acceso y suministro de bienes y servicios, incluida la vivienda. Debe asimismo ofrecer medidas para garantizar la igualdad de acceso de las personas con discapacidad a los ámbitos amparados.

Or. es

Amendment 52
Claude Moraes, Richard Howitt

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission	*Amendment*
	(9a) In this Directive, goods should be taken to be those within the meaning of the provisions of the Treaty establishing the European Community relating to the free movement of goods. Services should be taken to be those within the meaning of

article 50 of the Treaty.

Or. en

Justification

It is important to make it clear what the meaning of goods and services is within the Directive. The proposed recital is based on the wording of recital 11 in the Gender Goods and Services Directive 2004/113/EC.

Amendment 53
Mario Mauro, Stefano Zappalà

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(10) La direttiva 2000/78/CE vieta la discriminazione nell'accesso alla formazione professionale; occorre completare questa tutela estendendo il divieto di discriminazione alle forme di istruzione che non sono considerate formazione professionale.	(10) La direttiva 2000/78/CE vieta la discriminazione nell'accesso alla formazione professionale; occorre completare questa tutela estendendo il divieto di discriminazione alle forme di istruzione che non sono considerate formazione professionale***, nel rispetto della libertà di religione e con eccezione di quelle forme d'istruzione che si basano su determinate religioni o convinzioni personali.***

Or. it

Amendment 54
Marco Cappato

Proposal for a directive
Recital 11

Text proposed by the Commission	*Amendment*
(11) This Directive should be without prejudice to the competences of the Member States in the areas of education, social security and health care. It should	***deleted***

also be without prejudice to the essential role and wide discretion of the Member States in providing, commissioning and organising services of general economic interest.

Or. en

Amendment 55
Patrick Gaubert

Proposal for a directive
Recital 11

Text proposed by the Commission	*Amendment*
(11) This Directive ***should be*** without prejudice to the competences of the Member States in the areas of education***,*** social security and health care. It ***should*** also ***be*** without prejudice to the essential role and wide discretion of the Member States in providing, commissioning and organising services of general economic interest.	(11) This Directive ***is*** without prejudice to ***the exercise of*** the competences of the Member States in the areas of education ***and social protection, including*** social security and health care. It ***is*** also without prejudice to the essential role and wide discretion of the Member States in providing, commissioning and organising services of general economic interest.

Or. en

Amendment 56
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Recital 12

Text proposed by the Commission	*Amendment*
(12) Discrimination is understood to include direct and indirect discrimination, harassment, instructions to discriminate and denial of reasonable accommodation.	(12) Discrimination***, including multiple discrimination,*** is understood to include direct and indirect discrimination, harassment, instructions to discriminate, denial of reasonable accommodation***, discrimination based on assumptions and discrimination by association.***

Or. en

Amendment 57
Evangelia Tzampazi, Stavros Lambrinidis

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers, whether environmental or attitudinal, may hinder their full and effective participation in society on an equal basis with others.

Or. en

Amendment 58
Emine Bozkurt, Claudio Fava, Stavros Lambrinidis, Evangelia Tzampazi, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Or. en

Justification

Reference is made to the preambulair text of the UN Convention on the rights of persons with

disabilities, paragraph e: "Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others." This wording is restated in article 1 (Purpose):"The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

Amendment 59
Patrick Gaubert

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

Or. en

Amendment 60
Elizabeth Lynne

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers, whether environmental or attitudinal, may hinder their full and effective participation in society on an

equal basis with others.

Or. en

Amendment 61
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) Aufgrund der Überforderungen für kleine und mittlere Unternehmen (KMU) sollten diese, wie nach Vorbild des Civil Rights Act in den USA besonders geschützt werden.

Or. de

Justification

Im amerikanischen Antidiskriminierungsrecht, welches im Civil Rights Act von 1964 niedergelegt ist, werden Kleinunternehmen aufgrund der hohen administrativen und finanziellen Belastungen als auch der rechtlichen Unabwägbarkeiten ausgenommen.

Amendment 62
Alexander Alvaro

Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission	*Amendment*
	(12b) Aufgrund der Überforderungen für kleine und mittlere Unternehmen (KMU) sollten diese, wie nach Vorbild des Civil Rights Act in den USA besonders geschützt werden.

Or. de

Justification

Im amerikanischen Antidiskriminierungsrecht, welches im Civil Rights Act von 1964 niedergelegt ist, werden Kleinunternehmen aufgrund der hohen administrativen und finanziellen Belastungen als auch der rechtlichen Unabwägbarkeiten ausgenommen.

Amendment 63
Elizabeth Lynne

Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission	*Amendment*
	(12b) Discrimination on the grounds of disability includes discrimination on the grounds that a person is accompanied by or assisted by a recognised guide dog or assistance dog which has been trained in accordance with either the International Guide Dog Federation or Assistance Dogs International standards.

Or. en

Amendment 64
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Stavros Lambrinidis, Evangelia Tzampazi, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission	*Amendment*
	(12b) Effective non-discriminatory access can be provided by a variety of means, including through "design for all" and through facilitating the use of assistive devices by persons with disabilities, including aids to mobility and access.

Or. en

Amendment 65
Kathalijne Maria Buitenweg

Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission	*Amendment*
	(12b) Effective non-discriminatory access can be provided by a variety of means, including through "design for all" and through facilitating the use of assistive devices by persons with disabilities, including aids to mobility and access.

Or. en

Amendment 66
Sophia in 't Veld

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12b) Effective non-discriminatory access can be provided by a variety of means, including through "design for all" and through facilitating the use of assistive devices by persons with disabilities, including aids to mobility and access.

Or. en

Amendment 67
Emine Bozkurt, Claudio Fava, Claude Moraes, Armando França, Inger Segelström, Lissy Gröner, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Recital 13

Text proposed by the Commission	*Amendment*
(13) In implementing the principle of equal treatment ***irrespective of religion or belief,***	(13) ***As discrimination can occur on multiple grounds***, in implementing the

disability, age or sexual orientation, the Community should, in accordance with Article 3(2) of the EC Treaty, aim to eliminate inequalities, and to promote equality ***between men and women, especially since women are often the victims of*** multiple discrimination.	principle of equal treatment, the Community should, in accordance with ***Articles*** 3(2) ***and 13*** of the EC Treaty, aim to eliminate inequalities ***relating to sex, race or ethnic origin, disability, sexual orientation, religion or belief, or age, or a combination of these,*** and to promote equality, ***whatever combination of the above mentioned characteristics. When implementing the provisions of this Directive, Member States should take into account*** multiple discrimination.

Or. en

Justification

This extends the current recital 13 which refers to multiple discrimination experienced by women to cover all the grounds contained in Article 13.

Amendment 68
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Recital 13

Text proposed by the Commission	*Amendment*
(13) Bei der Verwirklichung des Grundsatzes der Gleichbehandlung ungeachtet der Religion ***oder Weltanschauung,*** einer Behinderung, des Alters oder der sexuellen Ausrichtung sollte die Gemeinschaft gemäß Artikel 3 Absatz 2 EG-Vertrag darauf hinwirken, Ungleichheiten zu beseitigen und die Gleichstellung von Männern und Frauen zu fördern, insbesondere auch, weil Frauen häufig Opfer von Mehrfachdiskriminierung sind.	(13) Bei der Verwirklichung des Grundsatzes der Gleichbehandlung ungeachtet der Religion, einer Behinderung, des Alters oder der sexuellen Ausrichtung sollte die Gemeinschaft gemäß Artikel 3 Absatz 2 EG-Vertrag darauf hinwirken, Ungleichheiten zu beseitigen und die Gleichstellung von Männern und Frauen zu fördern, insbesondere auch, weil Frauen häufig Opfer von Mehrfachdiskriminierung sind.

Or. de

Justification

Weltanschauung ist nicht mit Religion und anderen Diskriminierungsmerkmalen gleichzusetzen, Der horizontale Ansatz, für alle Diskriminierungsmerkmale dieselben Regelungen vorzusehen, wird den Unterschieden der einzelnen Merkmale nicht gerecht: Weltanschauung kann z.B. nicht mit Behinderung gleichgesetzt werden. Es besteht aber die Gefahr, dass das Verbot der Ungleichbehandlung aufgrund der Weltanschauung von extremen Gruppen missbraucht werden kann. Siehe die Änderungsanträge desselben Verfassers zu den Erwägungen 9, 13, 23 und Art. 1, 2 Abs. 2 lit. b, 5, 12 Absatz 1.

Amendment 69
Iratxe García Pérez

Proposal for a directive
Recital 13

Text proposed by the Commission	*Amendment*
(13) En la aplicación del principio de igualdad de trato con independencia de la religión o convicciones, la discapacidad, la edad o la orientación sexual, la Comunidad, en virtud del artículo 3, apartado 2, del Tratado CE, debe proponerse la eliminación de las desigualdades y el fomento de la igualdad entre hombres y mujeres, máxime considerando que, a menudo, las mujeres son víctimas de discriminación múltiple.	(13) En la aplicación del principio de igualdad de trato con independencia de la religión o convicciones, la discapacidad, la edad***, pertenencia a una asociación, género*** o la orientación sexual, la Comunidad, en virtud del artículo 3, apartado 2, del Tratado CE, debe proponerse la eliminación de las desigualdades y el fomento de la igualdad entre hombres y mujeres, máxime considerando que, a menudo, las mujeres son víctimas de discriminación múltiple.

Or. es

Amendment 70
Sylvia-Yvonne Kaufmann

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) Bei der Umsetzung dieser Richtlinie sowie bei der Beurteilung von Beschwerden über Diskriminierung müssen Mehrfachdiskriminierungen

gebührend berücksichtigt werden. Dabei ist nicht nur die Diskriminierung aufgrund der Religion oder der Weltanschauung, der sexuellen Ausrichtung, des Alters und der Behinderung einzubeziehen, sondern ebenfalls die Diskriminierung aufgrund des Geschlechts, der Rasse und der ethnischen Herkunft.

Or. de

Amendment 71
Evangelia Tzampazi, Stavros Lambrinidis

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission	*Amendment*
	(14a) Differences in treatment related to age and disability may be permitted if they are objectively and reasonably justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. Such differences of treatment may include, for example, special age conditions regarding access to certain goods or services such as alcoholic drinks, arms, or driving licences. The promotion of the economic, cultural or social integration of young or older persons or persons with disabilities is regarded as a legitimate aim. Therefore measures related to age and disability which set more favourable conditions than are available to others, such as free or reduced tariffs for the use of public transport, museums, or sport facilities, are presumed to be compatible with the principle of non-discrimination.

Or. en

Amendment 72
Elizabeth Lynne

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission	*Amendment*
	(14a) Differences in treatment related to age and disability may be permitted if they are objectively and reasonably justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. Such differences of treatment may include, for example, special age conditions regarding access to certain goods or services such as alcoholic drinks, arms, or driving licences. The promotion of the economic, cultural or social integration of young or older persons or persons with disabilities is regarded as a legitimate aim. Therefore measures related to age and disability which set more favourable conditions than are available to others, such as free or reduced tariffs for the use of public transport, museums, or sport facilities, are presumed to be compatible with the principle of non-discrimination.

Or. en

Amendment 73
Patrick Gaubert

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission	*Amendment*
	(14a) Differences in treatment in connection with age and disability may be permitted under certain circumstances if they are objectively and reasonably justified by a legitimate aim and the means of achieving that aim are

appropriate and necessary. Such differences of treatment may include, for example, special age conditions regarding access to certain goods or services such as alcoholic drinks, arms, or driving licences. A legitimate aim may also be the promotion of the economic, cultural or social integration of young or old persons or persons with disabilities. Therefore, measures setting more favourable conditions for these persons, such as free or reduced fares for transport, museums, or sports facilities, are presumed to be compatible with the principle of non-discrimination.

Or. en

Amendment 74
Inger Segelström

Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(15) Försäkringstekniska faktorer och riskfaktorer som rör funktionshinder och ålder används i samband med tillhandahållande av försäkringstjänster, banktjänster och andra finansiella tjänster. Detta bör inte betraktas som diskriminering om faktorerna kan visas vara avgörande för riskbedömningen.	(15) Försäkringstekniska faktorer och riskfaktorer som rör funktionshinder och ålder används i samband med tillhandahållande av försäkringstjänster, banktjänster och andra finansiella tjänster. Detta bör inte betraktas som diskriminering om faktorerna kan visas vara ***direkt*** avgörande för riskbedömningen. ***Funktionshindrade och äldre personer skall dock ha rätten att känna sig trygga och därför kunna tillgodogöra sig försäkringstjänster, banktjänster och andra finansiella tjänster i samma mån som övriga populationen. Avgifter och premier får inte vara omotiverade utan skall vara bevisligen rimliga och skäliga, i annat fall skall direktivet vara tillämpligt. Ökade avgifter och premier för försäkringstjänster, banktjänster och andra finansiella tjänster får heller inte***

innebära att en stor del av de berörda personerna inte klarar av att köpa eller teckna den föreskrivna tjänsten.

Or. sv

Justification

Allt för många företag hänvisar till fördyrade omständigheter för att motivera fördyrande premier, priser och avgifter. De fördyrande premierna, priserna och avgifterna måste dock vara i paritet med den faktiska extrakostanden och får inte fungera som ett sätt att tjäna enkla pengar på för företagen.

Amendment 75
Claude Moraes

Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(15) Actuarial and risk factors related to disability and to age are used in the provision of insurance, banking and other financial services. These should not be regarded as constituting discrimination where the factors are shown to be ***key*** factors for the assessment of risk.	(15) Actuarial and risk factors related to disability and to age are used in the provision of insurance, banking and other financial services. These should not be regarded as constituting discrimination where the factors are shown to be ***determining*** factors for the assessment of risk***, and where the service provider can demonstrate higher risk by actuarial, statistical or other bona fide evidence upon which it is reasonable to rely. Any data used must be reliable, regularly updated and available to the public.***

Or. en

Justification

This amendment draws on the wording of the equivalent provision in the Goods and Services Directive 2004/113/EC, but places the requirement to demonstrate that the information relied upon to justify differential treatment on service providers rather than Member States. The amendment proposed is slightly broader than the equivalent provisions in the Gender Goods and Services Directive in that it permits service providers to rely on other bona fide evidence where it is reasonable to do so.

Amendment 76
Michael Cashman, Claude Moraes

Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(15) Actuarial and risk factors related to disability and to age are used in the provision of insurance, banking and other financial services. These should not be regarded as constituting discrimination where the factors are shown to be ***key*** factors for the assessment of risk.	(15) Actuarial and risk factors related to disability and to age are used in the provision of insurance, banking and other financial services. These should not be regarded as constituting discrimination where the factors are shown to be ***determining*** factors for the assessment of risk***, and where the service provider can fully demonstrate significantly higher risks, by recent relevant and accurate statistical or actuarial data.***

Or. en

Justification

This recital is used to reinforce the provisions in Article 2(7).

Amendment 77
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(15) Bei Versicherungs-, Bank- und anderen Finanzdienstleistungen werden behinderungs- und altersbezogene versicherungsmathematische Faktoren und Risikofaktoren angewandt. Sie sollten nicht als diskriminierend angesehen werden, wenn ***nachgewiesen wird***, dass es sich um für die Risikobewertung zentrale Faktoren handelt.	(15) Bei Versicherungs-, Bank- und anderen Finanzdienstleistungen werden behinderungs- und altersbezogene versicherungsmathematische Faktoren und Risikofaktoren angewandt. Sie sollten nicht als diskriminierend angesehen werden, wenn ***dargelegt werden kann***, dass es sich um für die Risikobewertung zentrale Faktoren handelt.

Or. de

Justification

Bei ihrer Risikoprüfung müssen Versicherungsunternehmen auf eine Vielzahl von Informationen zurückgreifen können, u. a. auf statistische Daten oder medizinische Erfahrungen. Auch müssen sie aktuariellen Prinzipien Rechnung tragen, um die Anforderungen des Aufsichtsrechts zu erfüllen. Eine Einschränkung dieser Informationsquellen macht eine korrekte Risikobewertung unmöglich und führt zu Prämiensteigerungen. Eine Mitgliedstaaten-Option verletzt das Gleichbehandlungsprinzip in der EU und stellt außerdem ein Binnenmarkthemmnis dar.

Amendment 78
Alexander Alvaro

Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(15) Bei Versicherungs-, Bank- und anderen Finanzdienstleistungen werden behinderungs- und altersbezogene versicherungsmathematische Faktoren und Risikofaktoren angewandt. Sie sollten nicht als diskriminierend angesehen werden, wenn ***nachgewiesen wird***, dass es sich um für die Risikobewertung zentrale Faktoren handelt.	(15) Bei Versicherungs-, Bank- und anderen Finanzdienstleistungen werden behinderungs- und altersbezogene versicherungsmathematische Faktoren und Risikofaktoren angewandt. Sie sollten nicht als diskriminierend angesehen werden, wenn ***dargelegt werden kann***, dass es sich um für die Risikobewertung zentrale Faktoren handelt.

Or. de

Amendment 79
Patrick Gaubert

Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(15) Actuarial and risk factors related to disability and to age are used in the provision of insurance, banking and other financial services. These should not be	(15) Actuarial and risk factors related to disability and to age are used in the provision of insurance, banking and other financial services. These should not be

regarded as constituting discrimination where the factors are shown to be key factors for the assessment of risk.	regarded as constituting discrimination where ***such*** factors are shown to be ***determining*** factors for the assessment of risk.

Or. en

Amendment 80
Emine Bozkurt, Claudio Fava, Claude Moraes, Armando França, Inger Segelström, Lissy Gröner, Stavros Lambrinidis, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(15) Actuarial and risk factors related to disability and to age are used in the provision of insurance, banking and other financial services. These should not be regarded as constituting discrimination where the factors are shown to be key factors for the assessment of risk.	(15) Actuarial and risk factors related to disability and to age are used in the provision of insurance, banking and other financial services. These should not be regarded as constituting discrimination where the factors are shown to be ***determining*** factors for the assessment of risk.

Or. en

Amendment 81
Sylvia-Yvonne Kaufmann

Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(15) Bei Versicherungs-, Bank- und anderen Finanzdienstleistungen werden behinderungs- und altersbezogene versicherungsmathematische Faktoren und Risikofaktoren angewandt. Sie sollten nicht als diskriminierend angesehen werden, wenn nachgewiesen wird, dass es sich um für die Risikobewertung ***zentrale*** Faktoren handelt.	(15) Bei Versicherungs-, Bank- und anderen Finanzdienstleistungen werden behinderungs- und altersbezogene versicherungsmathematische Faktoren und Risikofaktoren angewandt. Sie sollten nicht als diskriminierend angesehen werden, wenn nachgewiesen wird, dass es sich um für die Risikobewertung ***bestimmende*** Faktoren handelt.

Or. de

Amendment 82
Richard Howitt, Michael Cashman, Claude Moraes

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15a) The award of contracts concluded in the Member States on behalf of the State, regional or local authorities and other bodies governed by public law entities, is subject to the respect of the principles of the Treaty and in particular to the principle of freedom of movement of goods, the principle of freedom of establishment and the principle of freedom to provide services and to the principles deriving therefrom, such as the principle of equal treatment, the principle of non discrimination, the principle of mutual recognition, the principle of proportionality and the principle of transparency. Legal requirements on the co-ordination of procedures for the award of public works contracts, public supply contracts and public service contracts having been laid down by the Directive 2004/18/EC, so that the award of contracts concluded in the Member States on behalf of the State, regional or local authorities and other bodies governed by public law entities, is subject to the respect of the principles of the EC Treaty and in particular to the principle of equal treatment irrespective of sex, race or ethnic origin, disability, sexual orientation, religion or belief or age and the principle of non discrimination. However, for public contracts above a certain value, provisions of Community coordination of national procedures for the award of such contracts have been drawn up so as to guarantee the opening-

up of public procurement to competition. Member States should interpret these coordinating provisions in accordance with the principles of equal treatment irrespective of sex, race or ethnic origin, disability, sexual orientation, religion or belief or age and other rules of the Treaty.

Or. en

Justification

This recital reference recognises the use of public procurement as a positive tool in promoting anti-discrimination and is based on recital 2 of the procurement directive 2004/18/EC.

Amendment 83
Marco Cappato

Proposal for a directive
Recital 16

Text proposed by the Commission	*Amendment*
(16) All individuals enjoy the freedom to contract, including the freedom to choose a contractual partner for a transaction. This Directive should not apply to economic transactions undertaken by individuals for whom these transactions do not constitute their professional or commercial activity.	***deleted***

Or. en

Amendment 84
Patrick Gaubert

Proposal for a directive
Recital 16

Text proposed by the Commission	*Amendment*
(16) Toute personne jouit de la liberté	(16) Toute personne jouit ***pleinement*** de la

contractuelle, y compris de la liberté de choisir un cocontractant pour une transaction. La présente directive ***ne devrait pas s'appliquer*** aux transactions ***économiques*** réalisées par des particuliers pour lesquels ces transactions ne constituent pas une activité professionnelle ou commerciale.	liberté contractuelle, y compris de la liberté de choisir un cocontractant pour une transaction. La présente directive ne ***s'applique pas*** aux transactions réalisées par des particuliers pour lesquels ces transactions ne constituent pas une activité professionnelle ou commerciale. ***Dans ce contexte le concept d'activité professionnelle ou commerciale doit être défini en conformité avec les législations nationales et les pratiques des États membres.***

Or. fr

Amendment 85
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Recital 16

Text proposed by the Commission	*Amendment*
(16) ***All individuals enjoy the freedom to contract, including the freedom to choose a contractual partner for a transaction. This Directive should not apply to economic transactions undertaken by individuals for whom these transactions do not constitute their professional or commercial activity.***	(16) ***It is important, in the context of the access to and provision of goods and services, to respect the protection of private and family life and transactions carried out in this context.***

Or. en

Justification

The text proposed as an amendment is taken from the Race Directive (2000/43, recital 4). It would arguably allow for the protection of private and family life in relation to transactions carried out in the provisions of goods and services, while limiting the scope of exemptions to this Directive. This text would also contribute to consistency of interpretation between EU directives on equal treatment. Limiting the application of the Directive to professional or commercial activities would de facto imposing more exceptions than those already openly included in the text. It would mean for example that a young person could be refused to rent a flat just because he/she is young or he/she is a student etc if this renting does not constitute a professional activity for the owner (of if the financial gain from this transaction does not

constitute a considerable part of the owner's revenue).

Amendment 86
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Recital 16

Text proposed by the Commission	*Amendment*
(16) Für alle Personen gelten die Freiheit der Vertragsschließung und die freie Wahl des Vertragspartners für eine Transaktion. Die Richtlinie sollte nicht für Wirtschaftstransaktionen von Personen gelten, für die diese Transaktionen nicht ihre berufliche ***oder gewerbliche*** Tätigkeit darstellen.	(16) Für alle Personen gelten die Freiheit der Vertragsschließung und die freie Wahl des Vertragspartners für eine Transaktion. Die Richtlinie sollte nicht für Wirtschaftstransaktionen von Personen gelten, für die diese Transaktionen nicht ihre berufliche Tätigkeit darstellen.

Or. de

Justification

Eine Einschränkung der gewerblichen Tätigkeit greift in unzulässiger Weise in die Vertragsfreiheit ein. Insbesondere bei Mietverhältnissen sollte der Anwendungsbereich ausgenommen werden unter Berücksichtigung der Tatsache, dass bei Mietverhältnissen z.B. im eigenen Haus die Privatsphäre betroffen ist.

Amendment 87
Alexander Alvaro

Proposal for a directive
Recital 16

Text proposed by the Commission	*Amendment*
(16) Für alle Personen gelten die Freiheit der Vertragsschließung und die freie Wahl des Vertragspartners für eine Transaktion. Die Richtlinie sollte nicht für Wirtschaftstransaktionen von Personen gelten, für die diese Transaktionen nicht ihre berufliche ***oder gewerbliche*** Tätigkeit darstellen.	(16) Für alle Personen gelten die Freiheit der Vertragsschließung und die freie Wahl des Vertragspartners für eine Transaktion. Die Richtlinie sollte nicht für Wirtschaftstransaktionen von Personen gelten, für die diese Transaktionen nicht ihre berufliche Tätigkeit darstellen.

Or. de

Amendment 88
Marco Cappato

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission	*Amendment*
	(16a) Discrimination has a negative impact on the economy, as the use of non-economic criteria leads to the exclusion of certain categories of persons, with negative economic and social consequences for everybody. Economic contracts and the choice of contractual partners for an economic transaction shall consequently be balanced with the principle of equality, non-discrimination and the Lisbon objectives.

Or. en

Amendment 89
Inger Segelström

Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(17) Samtidigt som diskriminering förbjuds är det viktigt att andra grundläggande fri- och rättigheter respekteras, bland annat skyddet för privatliv och familjeliv och transaktioner som utförs i det sammanhanget samt religionsfrihet och föreningsfrihet. ***Detta direktiv påverkar inte tillämpningen av nationella lagar om civilstånd eller familjerättslig ställning, inbegripet reproduktiva rättigheter. Det påverkar inte heller statens och dess institutioners och organs respektive***	(17) Samtidigt som diskriminering förbjuds är det viktigt att andra grundläggande fri- och rättigheter respekteras, bland annat skyddet för privatliv och familjeliv och transaktioner som utförs i det sammanhanget samt religionsfrihet och föreningsfrihet.

undervisningens sekulära natur.

Or. sv

Justification

Detta tillvägagångssätt skiljer sig ifrån andra direktiv som EU beslutat om. Finns ingen som helst anledning att framhäva hur medlemsstater får diskriminera dess medborgare

Amendment 90
Marco Cappato

Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(17) While prohibiting discrimination, it is important to respect other fundamental rights and freedoms, including the protection of private and family life ***and transactions carried out in that context, the*** freedom of religion, and ***the*** freedom of association. This Directive is without prejudice to ***national laws on marital or family status, including on reproductive rights. It is also without prejudice to*** the secular nature of the State, state institutions or bodies, or education.	(17) While prohibiting discrimination, it is important to respect other fundamental rights and freedoms, including the protection of private and family life, freedom of religion and freedom of association. This Directive is without prejudice to the secular nature of the State, state institutions or bodies, or education.

Or. en

Amendment 91
Patrick Gaubert

Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(17) ***While prohibiting discrimination, it is important to respect other fundamental rights and freedoms, including the protection of private and family life and***	(17)This Directive ***does not apply to matters covered by family law, including marital status, and laws on reproductive rights.*** It is also without prejudice to the

transactions carried out in that context, the freedom of religion, and the freedom of association. This Directive ***is without prejudice to national laws on marital or family status, including on reproductive rights***. It is also without prejudice to the secular nature of the State, state institutions or bodies, or education.

secular nature of the State, state institutions or bodies, or education. ***Moreover, this Directive is without prejudice to the powers of the Member States to organise their social security and health care schemes in such a way as to guarantee their sustainability.***

Or. en

Amendment 92
Agustín Díaz de Mera García Consuegra, Jaime Mayor Oreja

Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(17) Al tiempo que se prohíbe la discriminación, es importante que se respeten otros derechos y libertades fundamentales como la protección de la intimidad y la vida familiar, así como las transacciones que se lleven a cabo en dicho contexto, la libertad religiosa y la libertad de asociación. Lo dispuesto en la presente Directiva ***se entiende sin perjuicio de*** la legislación nacional sobre el estado civil***,*** la situación familiar ***y los derechos reproductivos. También se entiende sin perjuicio del carácter laico del Estado, las instituciones u organismos públicos o la educación***.	(17) Al tiempo que se prohíbe la discriminación, es importante que se respeten otros derechos y libertades fundamentales como la protección de la intimidad y la vida familiar, así como las transacciones que se lleven a cabo en dicho contexto, la libertad religiosa***, la libertad de expresión*** y la libertad de asociación. Lo dispuesto en la presente Directiva ***no se aplica a*** la legislación nacional sobre el estado civil ***y*** la situación familiar***, incluida la adopción y los derechos derivados de la misma, ni a la organización y contenido de la educación, que son competencia de los Estados miembros. La Directiva no exige que los Estados miembros modifiquen su legislación o sus prácticas en este ámbito***.

Or. es

Amendment 93
Thomas Mann

Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(17) Durch das Diskriminierungsverbot dürfen andere Grundrechte und Grundfreiheiten nicht beeinträchtigt werden, einschließlich des Schutzes des Privat- und Familienlebens und der in diesem Kontext stattfindenden Transaktionen, der Religionsfreiheit und der Vereinigungsfreiheit. Einzelstaatliche ***Gesetze über den*** Ehe- ***oder Familienstand einschließlich der reproduktiven Rechte bleiben von dieser Richtlinie unberührt***. Unberührt bleibt auch der säkulare Charakter des Staates und seiner Einrichtungen oder Gremien sowie der Bildung.	(17) Durch das Diskriminierungsverbot dürfen andere Grundrechte und Grundfreiheiten nicht beeinträchtigt werden, einschließlich des Schutzes des Privat- und Familienlebens und der in diesem Kontext stattfindenden Transaktionen, der Religionsfreiheit, ***der Meinungsfreiheit*** und der Vereinigungsfreiheit. ***Diese Richtlinie findet keine Anwendung auf das*** einzelstaatliche Ehe- ***und Familienrecht sowie die hiervon abhängigen Leistungen***. Unberührt bleibt auch der säkulare Charakter des Staates und seiner Einrichtungen oder Gremien sowie der Bildung.

Or. de

Justification

Die Formulierung "findet keine Anwendung" macht deutlich, dass die betreffenden Bereiche vom Anwendungsbereich der Richtlinie ausgenommen sind. Die Kompetenz zu diesbezüglicher Gesetzgebung verbleibt bei den Mitgliedstaaten, die Richtlinie hat keinerlei Auswirkungen auf die Ausübung dieser Kompetenz durch die Mitgliedstaaten. Durch diese Formulierung werden sprachliche Unklarheiten beseitigt und damit dem Prinzip der Normenklarheit genüge getan. Die EU besitzt keine Gesetzgebungskompetenzen im Bereich des Ehe- und Familienrechts. Nach ihrem Erwägungsgrund 22 berührt die Richtlinie 2000/78/EG vom Familienstand „abhängige Leistungen" nicht. Um Kohärenz herzustellen, sollte die neue Richtlinie diesen Erwägungsgrund vergleichbar fassen und auch die "hiervon abhängigen Leistungen" explizit in den Wortlaut des Erwägungsgrunds mit aufnehmen. Der Begriff der „reproduktiven Rechte" ist inhaltlich nur sehr unzureichend belegt und auf internationaler Ebene stark umstritten, ein entsprechend aner.

Amendment 94
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(17) While prohibiting discrimination, it is important to respect other fundamental rights and freedoms, including the protection of private and family life and transactions carried out in that context, the freedom of religion, and the freedom of association. ***This Directive is without prejudice to national laws on marital or family status, including on reproductive rights.*** It is also without prejudice to the secular nature of the State, state institutions or bodies, or education.	(17) While prohibiting discrimination, it is important to respect other fundamental rights and freedoms, including the protection of private and family life and transactions carried out in that context, the freedom of religion, and the freedom of association. It is also without prejudice to the secular nature of the State, state institutions or bodies, or education

Or. en

Justification

This freedom is already protected and this article just confirms the already existing status quo.

Amendment 95
Sophia in 't Veld

Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(17) While prohibiting discrimination, it is important to respect other fundamental rights and freedoms, including the protection of private and family life and transactions carried out in that context, the freedom of religion, and the freedom of association. This Directive is ***without prejudice to national laws on marital or family status, including on reproductive***	(17) While prohibiting discrimination, it is important to respect other fundamental rights and freedoms, including the protection of private and family life and transactions carried out in that context, the freedom of religion, and the freedom of association. This Directive is without prejudice to the secular nature of the State,

rights. It is also without prejudice to the secular nature of the State, state institutions or bodies, or education.	state institutions or bodies, or education.

Or. en

Justification

This reference is not required.

Amendment 96
Mario Mauro, Stefano Zappalà

Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(17) Oltre a vietare la discriminazione, è importante che al tempo stesso vengano rispettati gli altri diritti e libertà fondamentali, tra cui la tutela della vita privata e familiare e delle transazioni effettuate in questo ambito, nonché la libertà di religione e di associazione. La presente direttiva ***lascia impregiudicate le normative nazionali*** in materia di stato ***coniugale*** o di famiglia, inclusi i diritti di riproduzione. Inoltre non pregiudica la laicità dello stato, delle istituzioni o degli organismi statali o dell'istruzione.	(17) Oltre a vietare la discriminazione, è importante che al tempo stesso vengano rispettati gli altri diritti e libertà fondamentali, tra cui la tutela della vita privata e familiare e delle transazioni effettuate in questo ambito, nonché la libertà di religione e di associazione. La presente direttiva ***non pregiudica le competenze degli stati membri*** in materia di stato civile o di famiglia, inclusi i diritti di riproduzione. Inoltre non pregiudica la laicità dello stato, delle istituzioni o degli organismi statali o dell'istruzione.

Or. it

Amendment 97
Manfred Weber, Patrick Gaubert, Anja Weisgerber

Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(17) Durch das Diskriminierungsverbot dürfen andere Grundrechte und	(17) Durch das Diskriminierungsverbot dürfen andere Grundrechte und

Grundfreiheiten nicht beeinträchtigt werden, einschließlich des Schutzes des Privat- und Familienlebens und der in diesem Kontext stattfindenden Transaktionen, der Religionsfreiheit und der Vereinigungsfreiheit. Einzelstaatliche Gesetze über den Ehe- oder Familienstand einschließlich der reproduktiven ***Rechte*** bleiben von dieser Richtlinie unberührt. Unberührt bleibt auch der säkulare Charakter des Staates und seiner Einrichtungen oder Gremien sowie der Bildung.	Grundfreiheiten nicht beeinträchtigt werden, einschließlich des Schutzes des Privat- und Familienlebens und der in diesem Kontext stattfindenden Transaktionen, der Religionsfreiheit und der Vereinigungsfreiheit. Einzelstaatliche Gesetze über den Ehe- oder Familienstand ***und deren Wertigkeit*** einschließlich der reproduktiven und der Adoptionsrechte bleiben von dieser Richtlinie unberührt. Unberührt bleibt auch der säkulare Charakter des Staates und seiner Einrichtungen oder Gremien sowie der Bildung.

Or. de

Justification

Die traditionelle Ehe, Familie die Kindeserziehung sind auf besondere Weise zu schützen. Adoptionsagenturen müssen zur bestmöglichen Garantie des Wohles des Kindes und zur Überprüfung der elterlichen Sorge auf verschiedene Informationsquellen wie Lebensberichte, polizeiliche Führungszeugnisse und Gesundheitsatteste zurückgreifen. Eine Ungleichsbehandlung bei Vorliegen eines sachlichen Grundes ist per se nicht diskriminierend, sondern folgt einer objektiven Notwendigkeit bzw. Optimierung.

Amendment 98
Mario Mauro, Stefano Zappalà

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 bis) In base al principio di sussidiarietà, è di competenza degli Stati membri determinare sulla base delle rispettive norme costituzionali la nozione , le condizioni di accesso e di perdita dei diritti di stato civile, matrimoniale e di famiglia nonché i diritti e doveri che dal possesso di tali status discendono. Pertanto la presente direttiva non pregiudica le normative nazionali che disciplinano le conseguenze giuridiche

derivanti dal riconoscimento di tali status.

Or. it

Amendment 99
Patrick Gaubert

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17a) In accordance with the aim and the scope of the present Directive and of previous Directives adopted on the same legal basis, this Directive seeks to prohibit discrimination on the grounds of religion or belief, age, disability and sexual orientation in relation to the access to social protection, including social security and healthcare; social advantages; education; and the access to, and the supply of, goods and other services which are available to the public, including housing. The Member States retain their general competences in these areas.

Or. en

Amendment 100
Marco Cappato

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17a) The principle of equality implies that discriminations based on sexual orientation shall be prohibited in Member States, notably as regards national laws on marital, family and civil status, including sexual and reproductive health and rights.

Or. en

Amendment 101
Marco Cappato

Proposal for a directive
Recital 17 b (new)

Text proposed by the Commission	*Amendment*
	(17b) As also held by the Court of Justice, in the exercise of their competences in the fields of marital, family and civil status, Member States must comply with Community law and, in particular, with the provisions relating to the principle of equality and non-discrimination.

Or. en

Amendment 102
Marco Cappato

Proposal for a directive
Recital 17 c (new)

Text proposed by the Commission	*Amendment*
	(17c) This Directive will also contribute to the full application of the fundamental right to freedom of movement, conferred upon Union citizens and their families by the Treaty, and the lifting of discriminatory obstacles related to differences in national laws on the basis of marital, family and civil status and the consequent absence of mutual recognition.

Or. en

Amendment 103
Marco Cappato

Proposal for a directive
Recital 18

Text proposed by the Commission	*Amendment*
(18) ***Member States are responsible for the organisation and content of education.*** The Commission Communication on Competences for the 21st Century: An Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. ***In particular national law may provide for differences in access to educational institutions based on religion or belief. Member States may also allow or prohibit the wearing or display of religious symbols at school.***	(18) The Commission Communication on Competences for the 21st Century: An Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs.

Or. en

Amendment 104
Inger Segelström

Proposal for a directive
Recital 18

Text proposed by the Commission	*Amendment*
(18) Medlemsstaterna ansvarar för att organisera utbildningssystemen och fastställa innehållet i undervisningen. I kommissionens meddelande ”Förbättrad kompetens för framtiden: En agenda för europeiskt samarbete om skolor” betonas behovet av att fästa särskild uppmärksamhet vid utsatta barn och barn som har behov av särskilt stöd i undervisningen. ***Medlemsstaterna får tillåta särbehandling i fråga om tillträde till läroanstalter som är baserade på religion eller övertygelse.***	(18) Medlemsstaterna ansvarar för att organisera utbildningssystemen och fastställa innehållet i undervisningen. I kommissionens meddelande ”Förbättrad kompetens för framtiden: En agenda för europeiskt samarbete om skolor” betonas behovet av att fästa särskild uppmärksamhet vid utsatta barn och barn som har behov av särskilt stöd i undervisningen.

Medlemsstaterna får också välja om de vill tillåta eller förbjuda användning av religiösa symboler i skolan.

Or. sv

Justification

Detta tillvägagångssätt skiljer sig ifrån andra direktiv som EU beslutat om. Finns ingen som helst anledning att framhäva hur medlemsstater får diskriminera dess medborgare.

Amendment 105
Patrick Gaubert

Proposal for a directive
Recital 18

Text proposed by the Commission	*Amendment*
(18) Member States are responsible for the organisation and content of education***. The Commission Communication on Competences for the 21st Century: An Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. In particular national law may provide for differences in access to educational institutions based on religion or belief. Member States may also allow or prohibit the wearing or display of religious symbols at school.***	(18) Member States are responsible for the organisation and content of education. ***This Directive does not apply to the content of teaching or activities and the organisation of national educational systems, including the provision of special needs education.***

Or. en

Amendment 106
Claude Moraes, Richard Howitt

Proposal for a directive
Recital 18

Text proposed by the Commission	*Amendment*
(18) Member States are responsible for the organisation and content of education***. The Commission Communication on Competences for the 21st Century: An Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. In particular national law may provide for differences in access to educational institutions based on religion or belief. Member States may also allow or prohibit the wearing or display of religious symbols at school.***	(18) Member states are responsible for the organisation and content of education. ***However, the provisions of this Directive shall apply to private education as it is a service. With respect to public education, non discrimination provisions shall apply to the extent of EU competence as set out in the Treaty of Rome.***

Or. en

Justification

It should be made clear that although Member States have competence in the organisation and content of education, the principal of non discrimination should be upheld in these areas in accordance with EC competences as set out in Articles 3 and 133(6), the heading to Title XI, the heading to Chapter 3 of Title XI and Articles 149, 150, 152 and 153 of TEC. Further, private education falls within services as set out in Article 50 TEC and therefore will be covered by the non discrimination provisions.

Amendment 107
Michael Cashman, Claude Moraes, Richard Howitt

Proposal for a directive
Recital 18

Text proposed by the Commission	*Amendment*
(18) Member States ***are*** responsible for the organisation and content of education. The Commission Communication on Competences for the 21st Century: An	(18) Member States, ***being*** responsible for the organisation and content of education, ***should ensure effective protection against discrimination on the ground of religion***

Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. ***In particular national law may provide for differences in access to educational institutions based on religion or belief. Member States may also allow or prohibit the wearing or display of religious symbols at school.***	***or belief, disability, age or sexual orientation in the field of education.*** The Commission Communication on Competences for the 21st Century: An Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. ***In the exercise of their discretion, in the area of equal treatment in education, on grounds of religion and belief, Member States must ensure that this does not lead to a denial of the right to education nor to discrimination on any other ground.***

Or. en

Justification

The principle according to which discrimination is unacceptable in the field of education should be reiterated. The fact that the competence for organising education lies with Member States should not be used as justification for allowing the denial of the right to education or discrimination in this field.

Amendment 108
Emine Bozkurt, Claudio Fava, Claude Moraes, Armando França, Lissy Gröner, Stavros Lambrinidis, Evangelia Tzampazi, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Recital 18

Text proposed by the Commission	*Amendment*
(18) Member States are responsible for the organisation and content of education. The Commission Communication on Competences for the 21st Century: An Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. ***In particular national law*** may ***provide*** for differences in access to educational institutions based	(18) Member States are responsible for the organisation and content of education. The Commission Communication on Competences for the 21st Century: An Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. ***Notwithstanding the right to education, Member States*** may ***allow*** for differences

on religion or belief. ***Member States may also allow or prohibit the wearing or display of religious symbols at school.***	in access to educational institutions based on religion or belief ***when to require individuals, only on the basis of objective justifications, to act in good faith and with loyalty to the organization's ethos and should not justify discrimination on any other ground.***

Or. en

Amendment 109
Carlo Casini, Iles Braghetto

Proposal for a directive
Recital 18

Text proposed by the Commission	*Amendment*
(18) Gli Stati membri sono responsabili dell'organizzazione e dei contenuti dell'istruzione. La comunicazione della Commissione "Competenze per il 21° secolo: Un agenda per la cooperazione europea nell'ambito della scuola" evidenzia la necessità di dedicare un'attenzione particolare ai bambini svantaggiati e a quelli con esigenze educative specifiche. In particolare il diritto nazionale può prevedere differenze nell'accesso ad istituiti scolastici basati su una religione o convinzioni personali. ***Gli Stati membri possono anche consentire o proibire*** di indossare o esibire simboli religiosi nelle scuole.	(18) Gli Stati membri sono responsabili dell'organizzazione e dei contenuti dell'istruzione. La comunicazione della Commissione "Competenze per il 21° secolo: Un agenda per la cooperazione europea nell'ambito della scuola" evidenzia la necessità di dedicare un'attenzione particolare ai bambini svantaggiati e a quelli con esigenze educative specifiche. In particolare il diritto nazionale può prevedere differenze nell'accesso ad istituiti scolastici basati su una religione o convinzioni personali. ***La presente direttiva non si applica alle legislazioni nazionali riguardanti il fatto*** di indossare o esibire simboli religiosi nelle scuole ***pubbliche.***

Or. it

Justification

L'UE non ha alcuna competenza rispetto ad una presa di posizione sull'esibizione di simboli religiosi nelle scuole o sul fatto che essi possano essere indossati all'interno delle stesse.

Amendment 110
Richard Howitt, Michael Cashman, Claude Moraes

Proposal for a directive
Recital 18

Text proposed by the Commission	*Amendment*
(18) Member States are responsible for the organisation and content of education. The Commission Communication on Competences for the 21st Century: An Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. In particular national law may provide for differences in access to educational institutions based on religion or belief. . Member States may also allow or prohibit the wearing or display of religious symbols at school	(18) Member States are responsible for the organisation and content of education. TheCommission Communication on Competences for the 21st Century: An Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. In particular national law may provide for differences in access to educational institutions based on religion or belief***, provided that alternative systems are put in place and are geographically accessible to prevent indirect discrimination***. Member States may also allow or prohibit the wearing or display of religious symbols at school.

Or. en

Justification

This amendment seeks to ensure that geographical distance and access does not indirectly discriminate in relation to access to educational institutions based on religion or belief.

Amendment 111
Marian Harkin

Proposal for a directive
Recital 18

Text proposed by the Commission	*Amendment*
(18) Member States ***are*** responsible for the organisation and content of education. The Commission Communication on Competences for the 21st Century: An Agenda for European Cooperation on	(18) Member States ***being*** responsible for the organisation and content of education, ***shall ensure adequate protection against discrimination in the field of education.*** The Commission Communication on

Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. In particular national law may provide for differences in access to educational institutions based on religion or belief. . Member States may also allow or prohibit the wearing or display of religious symbols at school.	competences for the 21st Century: An Agenda for European Cooperation on Schools draws attention to the need for special attention to be paid to disadvantaged children and those with special educational needs. In particular national law may provide for differences in access to educational institutions based on religion or belief. Member States may also allow or prohibit the wearing or display of religious symbols at school.

Or. en

Amendment 112
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Stavros Lambrinidis, Evangelia Tzampazi, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Recital 19

Text proposed by the Commission	*Amendment*
(19) The European Union in its Declaration No 11 on the status of churches and non-confessional organisations, annexed to the Final Act of the Amsterdam Treaty, has explicitly recognised that it respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States and that it equally respects the status of philosophical and non-confessional organisations. ***Measures to enable persons with disabilities to have effective non-discriminatory access to the areas covered by this Directive play an important part in ensuring full equality in practice. Furthermore, individual measures of reasonable accommodation may be required in some cases to ensure such access. In neither case are measures required that would impose a disproportionate burden. In assessing whether the burden is disproportionate,***	(19) The European Union in its Declaration No 11 on the status of churches and non-confessional organisations, annexed to the Final Act of the Amsterdam Treaty, has explicitly recognised that it respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States and that it equally respects the status of philosophical and non-confessional organisations.

account should be taken of a number of factors including the size, resources and nature of the organisation. The principle of reasonable accommodation and disproportionate burden are established in Directive 2000/78/EC and the UN Convention on Rights of Persons with Disabilities.

Or. en

Justification

This recital is separated in two, so two non related issues are not combined in one article. A new recital is proposed to cover the text on disability.

Amendment 113
Marco Cappato

Proposal for a directive
Recital 19

Text proposed by the Commission	*Amendment*
(19) ***The European Union in its Declaration No 11 on the status of churches and non-confessional organisations, annexed to the Final Act of the Amsterdam Treaty, has explicitly recognised that it respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States and that it equally respects the status of philosophical and non-confessional organisations.*** Measures to enable persons with disabilities to have effective non-discriminatory access to the areas covered by this Directive play an important part in ensuring full equality in practice. Furthermore, individual measures of reasonable accommodation may be required in some cases to ensure such access. In neither case are measures required that would impose a	(19) ***The right to freedom of religion and belief is a fundamental right that shall be fully guaranteed in the EU and in Member States, and this Directive reinforces the protection against discriminations based on grounds of religion and belief by individuals, churches and non-confessional organisations, in application of the principle of equality.*** Measures to enable persons with disabilities to have effective non-discriminatory access to the areas covered by this Directive play an important part in ensuring full equality in practice. Furthermore, individual measures of reasonable accommodation may be required in some cases to ensure such access. In neither case are measures required that would impose a disproportionate burden. In assessing whether the burden is disproportionate,

disproportionate burden. In assessing whether the burden is disproportionate, account should be taken of a number of factors including the size, resources and nature of the organisation. The principle of reasonable accommodation and disproportionate burden are established in Directive 2000/78/EC and the UN Convention on Rights of Persons with Disabilities.

account should be taken of a number of factors including the size, resources and nature of the organisation. The principle of reasonable accommodation and disproportionate burden are established in Directive 2000/78/EC and the UN Convention on Rights of Persons with Disabilities.

Or. en

Amendment 114
Michael Cashman, Claude Moraes

Proposal for a directive
Recital 19

Text proposed by the Commission	*Amendment*
(19) The European Union in its Declaration No 11 on the status of churches and non-confessional organisations, annexed to the Final Act of the Amsterdam Treaty, has explicitly recognised that it respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States and that it equally respects the status of philosophical and non-confessional organisations. ***Measures to enable persons with disabilities to have effective non-discriminatory access to the areas covered by this Directive play an important part in ensuring full equality in practice. Furthermore, individual measures of reasonable accommodation may be required in some cases to ensure such access. In neither case are measures required that would impose a disproportionate burden.*** In assessing whether the burden is disproportionate, account should be taken of a number of factors including the size, resources and nature of the organisation. The principle of	(19) ***Prohibiting discrimination is an important part for the respect of fundamental rights and freedom including the protection of private and family life, the freedom of religion, and the freedom of association.*** The European Union in its Declaration No 11 on the status of churches and non-confessional organisations, annexed to the Final Act of the Amsterdam Treaty, has explicitly recognised that it respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States and that it equally respects the status of philosophical and non-confessional organisations. ***The directive respects the ability of Member States to use national legislation to ensure the secular nature of the state.*** In assessing whether the burden is disproportionate, account should be taken of a number of factors including the size, resources and nature of the organisation. The principle of reasonable accommodation and disproportionate

reasonable accommodation and disproportionate burden are established in Directive 2000/78/EC and the UN Convention on Rights of Persons with Disabilities.	burden are established in Directive 2000/78/EC and the UN Convention on Rights of Persons with Disabilities.

Or. en

Justification

The proposed amendment places the recognition of the limits of EU competence in this area clearly within the framework of fundamental rights and recognises the status of the proposed Directive as a fundamental rights instrument that not only respects but implements fundamental rights and respects the competence of the Member States.

Amendment 115
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Recital 19

Text proposed by the Commission	*Amendment*
(19) Die Europäische Union hat in ihrer der Schlussakte des Vertrags von Amsterdam angefügten Erklärung Nr. 11 zum Status der Kirchen und weltanschaulichen Gemeinschaften ausdrücklich anerkannt, dass sie den Status, den Kirchen und religiöse Vereinigungen oder Gemeinschaften in den Mitgliedstaaten nach deren Rechtsvorschriften genießen, achtet und ihn nicht beeinträchtigt und dass sie den Status von weltanschaulichen oder nicht religiösen Gemeinschaften in gleicher Weise achtet. Maßnahmen, durch die Menschen mit Behinderungen ein effektiver diskriminierungsfreier Zugang zu den von der vorliegenden Richtlinie erfassten Bereichen ermöglicht werden soll, spielen für die Gewährleistung der vollen Gleichstellung in der Praxis eine wichtige Rolle. Außerdem können in Einzelfällen individuelle angemessene Vorkehrungen erforderlich sein, um diesen	(19) Die Europäische Union hat in ihrer der Schlussakte des Vertrags von Amsterdam angefügten Erklärung Nr. 11 zum Status der Kirchen und weltanschaulichen Gemeinschaften ausdrücklich anerkannt, dass sie den Status, den Kirchen und religiöse Vereinigungen oder Gemeinschaften in den Mitgliedstaaten nach deren Rechtsvorschriften genießen, achtet und ihn nicht beeinträchtigt und dass sie den Status von weltanschaulichen oder nicht religiösen Gemeinschaften in gleicher Weise achtet. ***Diese Richtlinie respektiert daher die nationale Gesetzgebung zur Gewährleistung von deren Status und Aktivitäten und wird auf diese nicht angewendet.*** Maßnahmen, durch die Menschen mit Behinderungen ein effektiver diskriminierungsfreier Zugang zu den von der vorliegenden Richtlinie erfassten Bereichen ermöglicht werden soll, spielen für die Gewährleistung der

Zugang zu gewährleisten. In keinem Fall sind Maßnahmen erforderlich, die eine unverhältnismäßige Belastung bedeuten würden. Bei der Bewertung der Frage, ob die Belastung unverhältnismäßig ist, sollte eine Reihe von Faktoren berücksichtigt werden, etwa die Größe, die Ressourcen und die Art der Organisation. Das Prinzip der angemessenen Vorkehrungen ist in der Richtlinie 2000/78/EG und im Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen festgelegt.

vollen Gleichstellung in der Praxis eine wichtige Rolle. Außerdem können in Einzelfällen individuelle angemessene Vorkehrungen erforderlich sein, um diesen Zugang zu gewährleisten. In keinem Fall sind Maßnahmen erforderlich, die eine unverhältnismäßige Belastung bedeuten würden. Bei der Bewertung der Frage, ob die Belastung unverhältnismäßig ist, sollte eine Reihe von Faktoren berücksichtigt werden, etwa die Größe, die Ressourcen und die Art der Organisation. Das Prinzip der angemessenen Vorkehrungen ist in der Richtlinie 2000/78/EG und im Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen festgelegt.

Or. de

Justification

Erwägungsgrund 19 inkorporiert die Erklärung zum Status der Kirchen und weltanschaulichen Gemeinschaften zur Schlussakte der Amsterdamer Konferenz (Erklärung Nr. 11). Die Folgen dieser Inkorporierung für den Anwendungsbereich sollten sich auch im Wortlaut wiederfinden.

Amendment 116
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Stavros Lambrinidis, Evangelia Tzampazi, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission	*Amendment*
	(19a) Measures to enable persons with disabilities to have effective non-discriminatory access to the areas covered by this Directive play an important part in ensuring full equality in practice. Furthermore, individual measures of reasonable accommodation may be required in some cases to ensure such

access. In neither case are measures required that would impose a disproportionate burden.

Or. en

Amendment 117
Maria Grazia Pagano

Proposal for a directive
Recital 21

Text proposed by the Commission	*Amendment*
(21) Il divieto di discriminazione non deve pregiudicare il mantenimento o l'adozione di misure volte a prevenire o compensare gli svantaggi incontrati ***da un gruppo di persone per motivi di*** religione o convinzioni ***personali,*** disabilità, età ***od*** orientamento sessuale***.*** Tali misure ***possono consentire*** la creazione di organizzazioni con l'obiettivo principale di promuovere le esigenze di persone appartenenti gruppi speciali fondati sulla religione o sulle convinzioni personali, sulla disabilità, sull'età o sull'orientamento sessuale.	(21) Il divieto di discriminazione non deve pregiudicare il mantenimento o l'adozione di misure volte a prevenire o compensare gli svantaggi incontrati ***dalle persone aventi una particolare*** religione o convinzione***,*** disabilità***, età o un particolare*** orientamento sessuale***, o aventi una combinazione di queste particolari caratteristiche, e alle persone ad esse legate. A questo si possono accompagnare misure finalizzate alla promozione della parità di trattamento e le pari opportunità che tengano conto della dimensione di genere ed azioni positive con l'obiettivo di rispondere a bisogni specifici di persone o categorie di persone che, per le loro caratteristiche, necessitino di strutture, servizi e assistenza non necessarie ad altre persone.*** Tali misure ***si accompagnano alla*** creazione di organizzazioni ***indipendenti*** con l'obiettivo principale di promuovere le esigenze di persone appartenenti gruppi speciali fondati sulla religione o sulle convinzioni personali, sulla disabilità, sull'età o sull'orientamento sessuale.

Or. it

Justification

E' importante che gli Stati adottino misure positive per lottare contro le discriminazioni.

Amendment 118
Marie Panayotopoulos-Cassiotou

Proposal for a directive
Recital 21

Text proposed by the Commission	*Amendment*
(21) The prohibition of discrimination should be without prejudice to the maintenance or adoption by Member States of measures intended to prevent or compensate for disadvantages suffered by a group of persons of a particular ***religion or belief,*** disability***,*** age ***or sexual orientation***. Such measures may permit organisations of persons of a particular ***religion or belief,*** disability***,*** age ***or sexual orientation*** where their main object is the promotion of the special needs of those persons.	(21) The prohibition of discrimination should be without prejudice to the maintenance or adoption by Member States of measures intended to prevent or compensate for disadvantages suffered by a group of persons of a particular disability or age. Such measures may permit organisations of persons of a particular disability or age where their main object is the promotion of the special needs of those persons.

Or. en

Amendment 119
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Recital 21

Text proposed by the Commission	*Amendment*
(21) Das Diskriminierungsverbot sollte nicht der Beibehaltung oder Einführung von Maßnahmen der Mitgliedstaaten entgegenstehen, die Nachteile für eine Gruppe von Personen einer bestimmten Religion ***oder Weltanschauung***, mit einer Behinderung, einer bestimmten Altersgruppe oder einer bestimmten sexuellen Ausrichtung verhindern oder	(21) Das Diskriminierungsverbot sollte nicht der Beibehaltung oder Einführung von Maßnahmen der Mitgliedstaaten entgegenstehen, die Nachteile für eine Gruppe von Personen einer bestimmten Religion, mit einer Behinderung, einer bestimmten Altersgruppe oder einer bestimmten sexuellen Ausrichtung verhindern oder ausgleichen sollen. Durch

ausgleichen sollen. Durch solche Maßnahmen können Organisationen von Personen einer bestimmten Religion ***oder Weltanschauung,*** mit einer Behinderung, einer bestimmten Altersgruppe oder einer bestimmten sexuellen Ausrichtung zugelassen werden, wenn ihr Hauptzweck die Förderung der besonderen Bedürfnisse dieser Personen ist.

solche Maßnahmen können Organisationen von Personen einer bestimmten Religion, mit einer Behinderung, einer bestimmten Altersgruppe oder einer bestimmten sexuellen Ausrichtung zugelassen werden, wenn ihr Hauptzweck die Förderung der besonderen Bedürfnisse dieser Personen ist.

Or. de

Justification

Weltanschauung ist nicht mit Religion und anderen Diskriminierungsmerkmalen gleichzusetzen, Der horizontale Ansatz, für alle Diskriminierungsmerkmale dieselben Regelungen vorzusehen, wird den Unterschieden der einzelnen Merkmale nicht gerecht: Weltanschauung kann z.B. nicht mit Behinderung gleichgesetzt werden. Es besteht aber die Gefahr, dass das Verbot der Ungleichbehandlung aufgrund der Weltanschauung von extremen Gruppen missbraucht werden kann. Siehe die Änderungsanträge desselben Verfassers zu den Erwägungen 9, 13, 23 und Art. 1, 2 Abs. 2 lit. b, 5, 12 Absatz 1!

Amendment 120
Iratxe García Pérez

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) La prohibición de la discriminación debe entenderse sin perjuicio de que los Estados miembros mantengan o adopten medidas destinadas a evitar o compensar situaciones de desventaja sufridas por un grupo de personas de una cierta religión o convicciones, con discapacidad, o bien con una edad u orientación sexual determinadas. Estas medidas pueden permitir la existencia de organizaciones de personas de una determinada religión o convicciones, o bien con una cierta discapacidad, edad u orientación sexual, cuando su finalidad principal sea promover las necesidades específicas de estas

Amendment

(21) La prohibición de la discriminación debe entenderse sin perjuicio de que los Estados miembros mantengan o adopten medidas destinadas a evitar o compensar situaciones de desventaja sufridas por un grupo de personas de una cierta religión o convicciones, con discapacidad, o bien con una edad***, pertenencia a una asociación, género*** u orientación sexual determinadas. Estas medidas pueden permitir la existencia de organizaciones de personas de una determinada religión o convicciones, o bien con una cierta discapacidad, edad***, género*** u orientación sexual, cuando su finalidad principal sea

personas.

promover las necesidades específicas de estas personas.

Or. es

Amendment 121
Marie Panayotopoulos-Cassiotou

Proposal for a directive
Recital 23

Text proposed by the Commission	*Amendment*
(23) Persons who have been subject to discrimination based on ***religion or belief,*** disability**,** age ***or sexual orientation*** should have adequate means of legal protection. To provide a more effective level of protection, associations, organisations and other legal entities should be empowered to engage in proceedings, including on behalf of or in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts.	(23) Persons who have been subject to discrimination based on disability or should have adequate means of legal protection. To provide a more effective level of protection, associations, organisations and other legal entities should be empowered to engage in proceedings, including on behalf of or in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts.

Or. en

Amendment 122
Iratxe García Pérez

Proposal for a directive
Recital 23

Text proposed by the Commission	*Amendment*
(23) Las personas que hayan sido objeto de discriminación basada en la religión o convicciones, la discapacidad, la edad o la orientación sexual deben disponer de medios de protección jurídica adecuados. A fin de asegurar un nivel de protección más efectivo, también debe permitirse que asociaciones, organizaciones o personas	(23) Las personas que hayan sido objeto de discriminación basada en la religión o convicciones, la discapacidad, la edad***, la pertenencia a una asociación, el género*** o la orientación sexual deben disponer de medios de protección jurídica adecuados. A fin de asegurar un nivel de protección más efectivo, también debe permitirse que

jurídicas estén facultadas para iniciar procedimientos, en nombre de cualquier víctima o en su apoyo, sin perjuicio de las disposiciones nacionales de procedimiento en cuanto a la representación y defensa ante los tribunales.

asociaciones, organizaciones o personas jurídicas estén facultadas para iniciar procedimientos, en nombre de cualquier víctima o en su apoyo, sin perjuicio de las disposiciones nacionales de procedimiento en cuanto a la representación y defensa ante los tribunales.

Or. es

Amendment 123
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Recital 23

Text proposed by the Commission	*Amendment*
(23) Opfer von Diskriminierung aufgrund ihrer Religion ***oder Weltanschauung,*** einer Behinderung, ihres Alters oder ihrer sexuellen Ausrichtung sollten über einen angemessenen Rechtsschutz verfügen. Um einen effektiveren Schutz zu gewährleisten, sollten sich Verbände, Organisationen und andere juristische Personen unbeschadet der nationalen Verfahrensregeln bezüglich der Vertretung und Verteidigung vor Gericht auch im Namen eines Opfers oder zu seiner Unterstützung an einem Verfahren beteiligen können.	(23) Opfer von Diskriminierung aufgrund ihrer Religion, einer Behinderung, ihres Alters oder ihrer sexuellen Ausrichtung sollten über einen angemessenen Rechtsschutz verfügen. Um einen effektiveren Schutz zu gewährleisten, sollten sich Verbände, Organisationen und andere juristische Personen unbeschadet der nationalen Verfahrensregeln bezüglich der Vertretung und Verteidigung vor Gericht auch im Namen eines Opfers oder zu seiner Unterstützung an einem Verfahren beteiligen können.

Or. de

Justification

Weltanschauung ist nicht mit Religion und anderen Diskriminierungsmerkmalen gleichzusetzen, Der horizontale Ansatz, für alle Diskriminierungsmerkmale dieselben Regelungen vorzusehen, wird den Unterschieden der einzelnen Merkmale nicht gerecht: Weltanschauung kann z.B. nicht mit Behinderung gleichgesetzt werden. Es besteht aber die Gefahr, dass das Verbot der Ungleichbehandlung aufgrund der Weltanschauung von extremen Gruppen missbraucht werden kann. Siehe die Änderungsanträge desselben Verfassers zu den Erwägungen 9, 13, 21 und Art. 1, 2 Abs. 2 lit. b, 5, 12 Abs. 1.

Amendment 124
Marie Panayotopoulos-Cassiotou

Proposal for a directive
Recital 24

Text proposed by the Commission	*Amendment*
(24) The rules on the burden of proof must be adapted when there is a prima facie case of discrimination and, for the principle of equal treatment to be applied effectively, the burden of proof must shift back to the respondent when evidence of such discrimination is brought. However, it is not for the respondent to prove that the plaintiff ***adheres to a particular religion or belief,*** has a particular disability***,*** is of a particular age ***or has a particular sexual orientation***.	(24) The rules on the burden of proof must be adapted when there is a prima facie case of discrimination and, for the principle of equal treatment to be applied effectively, the burden of proof must shift back to the respondent when evidence of such discrimination is brought. However, it is not for the respondent to prove that the plaintiff has a particular disability ***or*** is of a particular age.

Or. en

Amendment 125
Iratxe García Pérez

Proposal for a directive
Recital 24

Text proposed by the Commission	*Amendment*
(24) Las normas relativas a la carga de la prueba deben modificarse cuando haya un caso de presunta discriminación y, para que el principio de igualdad de trato se aplique efectivamente, cuando se verifique tal situación, la carga de la prueba debe recaer en la parte demandada. No obstante, no corresponde a la parte demandada probar que la parte demandante pertenece a una determinada religión, posee determinadas convicciones, presenta una determinada discapacidad, es de una determinada edad o tiene una determinada orientación sexual.	(24) Las normas relativas a la carga de la prueba deben modificarse cuando haya un caso de presunta discriminación y, para que el principio de igualdad de trato se aplique efectivamente, cuando se verifique tal situación, la carga de la prueba debe recaer en la parte demandada. No obstante, no corresponde a la parte demandada probar que la parte demandante pertenece a una determinada religión, posee determinadas convicciones, presenta una determinada discapacidad, es de una determinada edad***, pertenece a una determinada asociación, es de un determinado género*** o tiene una determinada orientación sexual.

Or. es

Amendment 126
Maria Grazia Pagano

Proposal for a directive
Recital 27

Text proposed by the Commission	*Amendment*
(27) L'applicazione delle direttive 2000/43/CE e 2004/113/CE dimostra che la protezione contro le discriminazioni fondate sui motivi di cui alla presente direttiva sarebbe rafforzata dall'esistenza in ciascuno Stato membro di un organismo o di organismi incaricati di analizzare i problemi in questione, studiare possibili soluzioni e fornire assistenza concreta alle vittime.	(27) L'applicazione delle direttive 2000/43/CE, ***2000/78/CE*** e 2004/113/CE dimostra che la protezione contro le discriminazioni fondate sui motivi di cui alla presente direttiva sarebbe rafforzata dall'esistenza in ciascuno Stato membro di un organismo o di organismi ***indipendenti, distinti sulla base dei diversi fattori di discriminazione***, incaricati di analizzare i problemi in questione, studiare possibili soluzioni, ***offrire informazione e formazione*** e fornire assistenza concreta alle vittime ***anche nei casi di discriminazione multipla in modo che la persona che si considera vittima di discriminazione multipla possa scegliere a quale organismo rivolgersi - anche per attribuirgli mandato ad essere difesa nelle procedure giudiziarie o amministrative.***

Or. it

Justification

E' importante ricordare anche la direttiva 78/2000 tra le competenze dei nuovi organismi e segnalare il problema delle discriminazioni multiple.

Amendment 127
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Article 1

Text proposed by the Commission	*Amendment*
This Directive lays down a framework for combating discrimination on the grounds of religion or belief, disability, age, or sexual orientation, with a view to putting into effect in the Member States the principle of equal treatment other than in the field of employment and occupation.	***1.*** This Directive lays down a framework for combating discrimination***, including multiple discrimination,*** on the grounds of religion or belief, disability, age, or sexual orientation, with a view to putting into effect in the Member States the principle of equal treatment other than in the field of employment and occupation. ***2. Multiple discrimination occurs when discrimination is*** ***(a) on any combination of the grounds of religion or belief, disability, age, or sexual orientation, or*** ***(b) any one or more of the grounds set out in Article 1(1), and also on the ground of any one or more of*** ***(i) sex (in so far as the matter complained of is within the material scope of Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services as well as this Directive),*** ***(ii) racial or ethnic origin (in so far as the matter complained of is within the material scope of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin as well as this Directive), or*** ***iii) nationality (in so far as the matter complained of is within the scope of Article 12 EC).*** ***3. In this Directive multiple discrimination and multiple grounds shall be construed accordingly.***

Justification

In recent years, research has increasingly recognised the phenomenon of multiple discrimination. The structure of anti-discrimination legislation often creates barriers to dealing with this in a comprehensive fashion. EU legislation has created separate rules for race and ethnicity, religion and belief, age, disability, sexual orientation and gender even these are frequently intertwined. Having the same level of legal protection as the Racial Equality Directive, but covering the grounds of religion or belief, disability, age and sexual orientation is therefore an essential starting point for addressing multiple discrimination. Alongside the overlap between religion and ethnicity, it is also evident that religion is closely connected to nationality. Many Muslim, Sikh, Hindu and other religious minority communities in Europe are composed of third country nationals or their descendents. Therefore, discrimination on grounds of nationality may be difficult to disentangle from discrimination based on religion or ethnicity. This has been recognised in ECRI's recommendation on national legislation to combat racism; it calls for comprehensive laws prohibiting discrimination on ethnic origin, religion and nationality. At the same time, simply having a new Directive on all four grounds will not be sufficient. Difficulties can arise with the manner in which EU Directives are transposed into national legislation. Member States remain free to implement the Directives via separate legislation for each discrimination ground, or to create different avenues for enforcement. For example, in Austria, the Equal Treatment Commission is divided into three 'senates': one dealing with gender discrimination in employment; one dealing with discrimination in employment on grounds of racial or ethnic origin, religion or belief, age and sexual orientation; and one dealing with discrimination outside employment on grounds of racial or ethnic origin. Separate institutional structures exist in relation to disability. It is therefore essential that the Directive explicitly confronts the issue of multiple discrimination and requires Member States to address this in their national legal frameworks.

Amendment 128
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Article 1

Text proposed by the Commission	*Amendment*
This Directive lays down a framework for combating discrimination on the grounds of religion or belief, disability, age, or sexual orientation, with a view to putting into effect in the Member States the principle of equal treatment other than in	***1.*** This Directive lays down a framework for combating discrimination***, including multiple discrimination,*** on the grounds of religion or belief, disability, age, or sexual orientation, with a view to putting into effect in the Member States the principle of equal treatment other than in the field of

the field of employment and occupation.	employment and occupation.
	2. Multiple discrimination occurs when discrimination is
	(a) on any combination of the grounds of religion or belief, disability, age, or sexual orientation, or
	(b) any one or more of the grounds set out in Article 1(1), and also on the ground of any one or more of
	(i) sex (in so far as the matter complained of is within the material scope of Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services as well as this Directive),
	(ii) racial or ethnic origin (in so far as the matter complained of is within the material scope of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin as well as this Directive), or
	3. In this Directive multiple discrimination and multiple grounds shall be construed accordingly.

Or. en

Justification

In recent years, research has increasingly recognised the phenomenon of multiple discrimination. The structure of anti-discrimination legislation often creates barriers to dealing with this in a comprehensive fashion. EU legislation has created separate rules for race and ethnicity, religion and belief, age, disability, sexual orientation and gender even these are frequently intertwined. Having the same level of legal protection as the Racial Equality Directive, but covering the grounds of religion or belief, disability, age and sexual orientation is therefore an essential starting point for addressing multiple discrimination. Alongside the overlap between religion and ethnicity, it is also evident that religion is closely connected to nationality. Many Muslim, Sikh, Hindu and other religious minority communities in Europe are composed of third country nationals or their descendents. Therefore, discrimination on grounds of nationality may be difficult to disentangle from discrimination based on religion or ethnicity. This has been recognised in ECRI's recommendation on

national legislation to combat racism; it calls for comprehensive laws prohibiting discrimination on ethnic origin, religion and nationality. At the same time, simply having a new Directive on all four grounds will not be sufficient. Difficulties can arise with the manner in which EU Directives are transposed into national legislation. Member States remain free to implement the Directives via separate legislation for each discrimination ground, or to create different avenues for enforcement. For example, in Austria, the Equal Treatment Commission is divided into three 'senates': one dealing with gender discrimination in employment; one dealing with discrimination in employment on grounds of racial or ethnic origin, religion or belief, age and sexual orientation; and one dealing with discrimination outside employment on grounds of racial or ethnic origin. Separate institutional structures exist in relation to disability. It is therefore essential that the Directive explicitly confronts the issue of multiple discrimination and requires Member States to address this in their national legal frameworks.

Amendment 129
Rareş-Lucian Niculescu

Proposal for a directive
Article 1

Text proposed by the Commission	*Amendment*
Prezenta directivă stabilește un cadru general de combatere a discriminării pe motive de religie sau convingeri, handicap, vârstă sau orientare sexuală, în vederea punerii în aplicare, în statele membre, a principiului tratamentului egal în alte domenii decât cel al ocupării forței de muncă și cel profesional.	Prezenta directivă stabilește un cadru general de combatere a discriminării pe motive de religie sau convingeri, handicap, ***afecțiune cronică necontagioasă, infecție HIV/SIDA,*** vârstă sau orientare sexuală, ***venituri, apartenență la o categorie socială***, în vederea punerii în aplicare, în statele membre, a principiului tratamentului egal în alte domenii decât cel al ocupării forței de muncă și cel profesional.

Or. ro

Justification

Nu toate afecțiunile cronice care ar putea constitui un motiv de discriminare sunt considerate ca reprezentând un handicap. Criteriul apartenenței la o categorie socială urmărește evitarea discriminării bazate pe argumente de ordin social.

Amendment 130
Marie Panayotopoulos-Cassiotou

Proposal for a directive
Article 1

Text proposed by the Commission	*Amendment*
This Directive lays down a framework for combating discrimination on the grounds of ***religion or belief,*** disability***,*** age***, or sexual orientation,*** with a view to putting into effect in the Member States the principle of equal treatment other than in the field of employment and occupation.	This Directive lays down a framework for combating discrimination on the grounds of disability ***or*** age with a view to putting into effect in the Member States the principle of equal treatment other than in the field of employment and occupation.

Or. en

Amendment 131
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 1

Text proposed by the Commission	*Amendment*
Mit dieser Richtlinie wird ein allgemeiner Rahmen zur Bekämpfung der Diskriminierung aus Gründen der Religion ***oder der Weltanschauung***, einer Behinderung, des Alters oder der sexuellen Ausrichtung zur Verwirklichung des Grundsatzes der Gleichbehandlung in den Mitgliedstaaten außerhalb von Beschäftigung und Beruf festgelegt.	Mit dieser Richtlinie wird ein allgemeiner Rahmen zur Bekämpfung der Diskriminierung aus Gründen der Religion, einer Behinderung, des Alters oder der sexuellen Ausrichtung zur Verwirklichung des Grundsatzes der Gleichbehandlung in den Mitgliedstaaten außerhalb von Beschäftigung und Beruf festgelegt.

Or. de

Justification

Weltanschauung ist nicht mit Religion und anderen Diskriminierungsmerkmalen gleichzusetzen, Der horizontale Ansatz, für alle Diskriminierungsmerkmale dieselben Regelungen vorzusehen, wird den Unterschieden der einzelnen Merkmale nicht gerecht: Weltanschauung kann z.B. nicht mit Behinderung gleichgesetzt werden. Es besteht aber die Gefahr, dass das Verbot der Ungleichbehandlung aufgrund der Weltanschauung von

extremen Gruppen missbraucht werden kann. Siehe die Änderungsanträge desselben Verfassers zu den Erwägungen 9, 13, 21, 23 und Art. 2 Abs. 2 lit. b, 5, 12 Abs. 1.

Amendment 132
Iratxe García Pérez

Proposal for a directive
Article 1

Text proposed by the Commission	*Amendment*
La presente Directiva tiene por objeto establecer un marco general para luchar contra la discriminación por motivos de religión o convicciones, discapacidad, edad u orientación sexual, con el fin de que en los Estados miembros se aplique el principio de igualdad de trato en ámbitos distintos del empleo y la ocupación.	La presente Directiva tiene por objeto establecer un marco general para luchar contra la discriminación por motivos de religión o convicciones, discapacidad, edad***, pertenencia a una asociación, género*** u orientación sexual, con el fin de que en los Estados miembros se aplique el principio de igualdad de trato en ámbitos distintos del empleo y la ocupación.

Or. es

Amendment 133
Maria Grazia Pagano

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Ai fini della presente direttiva, per "principio di parità di trattamento" si intende l'assenza di qualsiasi discriminazione diretta ***o*** indiretta basata su uno dei motivi di cui all'articolo 1.	1. Ai fini della presente direttiva, per "principio di parità di trattamento" si intende l'assenza di qualsiasi discriminazione diretta, indiretta, ***multipla e per associazione*** basata su uno dei motivi di cui all'articolo 1.

Or. it

Justification

E' importante segnalare il problema delle discriminazioni multiple e per associazione.

Amendment 134
Rareş-Lucian Niculescu

Proposal for a directive
Article 2 – paragraph 2 – point (a)

Text proposed by the Commission	*Amendment*
(a) o discriminare directă se produce atunci când o persoană este tratată într-un mod mai puțin favorabil decât este, a fost sau va fi tratată într-o situație asemănătoare o altă persoană, pe baza unuia dintre motivele menționate la articolul 1;	(a) o discriminare directă se produce atunci când o persoană este tratată într-un mod mai puțin favorabil decât este, a fost sau va fi tratată într-o situație asemănătoare o altă persoană, pe baza unuia ***sau mai multora*** dintre motivele menționate la articolul 1, ***dacă acest tratament are ca scop sau ca efect neacordarea, refuzul recunoașterii ori restrângerea unui drept legal sau a exercitării acestuia;***

Or. ro

Justification

Este necesară o definire mai riguroasă a discriminării, luând în calcul consecințele "tratamentului".

Amendment 135
Maria Grazia Pagano

Proposal for a directive
Article 2 – paragraph 2 – point (a)

Text proposed by the Commission	*Amendment*
(a) sussiste discriminazione diretta quando, sulla base di uno qualsiasi dei motivi di cui all'articolo 1, una persona è trattata meno favorevolmente di quanto sia, sia stata o sarebbe trattata un'altra in una situazione analoga;	(a) sussiste discriminazione diretta quando, sulla base di uno qualsiasi dei motivi ***o di più motivi*** di cui all'articolo 1, una persona è trattata meno favorevolmente di quanto sia, sia stata o sarebbe trattata un'altra in una situazione analoga;

Or. it

Amendment 136
Maria Grazia Pagano

Proposal for a directive
Article 2 – paragraph 2 – point (b)

Text proposed by the Commission	*Amendment*
(b) sussiste discriminazione indiretta quando una disposizione, un criterio o una prassi apparentemente neutr***o può*** mettere persone ***di una determinata religione o convinzione, con una disabilità, di età o di*** orientamento sessuale in una posizione di particolare svantaggio rispetto ad altre persone, a meno che tale disposizione, criterio o prassi sia oggettivamente giustificata da una finalità legittima e i mezzi impiegati per il suo conseguimento siano appropriati e necessari.	(b) sussiste discriminazione indiretta quando una disposizione, un criterio o una prassi apparentemente neutr***i possono*** mettere ***le*** persone ***che professano una determinata religione o ideologia di altra natura, le persone portatrici di un particolare handicap, le persone di una particolare età o di un particolare*** orientamento sessuale in una posizione di particolare svantaggio rispetto ad altre persone, a meno che tale disposizione, criterio o prassi sia oggettivamente giustificata da una finalità legittima e i mezzi impiegati per il suo conseguimento siano appropriati e necessari.

Or. it

Justification

Il testo nella versione italiana è poco chiaro. Sarebbe utile riprendere le parole utilizzate per la direttiva 2000/43/CE, già usata come modello per gli altri paragrafi dell'art. 2 e per molti altri articoli.

Amendment 137
Marie Panayotopoulos-Cassiotou

Proposal for a directive
Article 2 – paragraph 2 – point (b)

Text proposed by the Commission	*Amendment*
(b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of ***a particular religion or belief,*** a particular disability***,*** a particular age***, or a particular sexual orientation*** at a	(b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a particular disability ***or*** a particular age at a particular disadvantage compared with other persons, unless that

particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Or. en

Amendment 138
Rareş-Lucian Niculescu

Proposal for a directive
Article 2 – paragraph 2 – point (b)

Text proposed by the Commission	*Amendment*
(b) se consideră că are loc o discriminare indirectă atunci când o dispoziție, un criteriu sau o practică aparent neutră pune o persoană, ***de o anumită religie sau convingeri, un anumit handicap, o anumită vârstă sau orientare sexuală,*** într-un anume dezavantaj, în comparație cu alte persoane, în afară de cazul în care acea dispoziție, criteriu sau practică se justifică obiectiv, printr-un scop legitim și dacă mijloacele de atingere a acelui scop sunt corespunzătoare și necesare.	(b) se consideră că are loc o discriminare indirectă atunci când o dispoziție, un criteriu sau o practică aparent neutră pune o persoană ***care face parte dintr-una sau din mai multe dintre categoriile identificate conform criteriilor menționate la articolul 1,*** într-un anume dezavantaj, în comparație cu alte persoane, în afară de cazul în care acea dispoziție, criteriu sau practică se justifică obiectiv, printr-un scop legitim și dacă mijloacele de atingere a acelui scop sunt corespunzătoare și necesare.

Or. ro

Justification

Pentru asigurarea clarității textului legislativ.

Amendment 139
Elizabeth Lynne

Proposal for a directive
Article 2 – paragraph 2 – point (b)

Text proposed by the Commission	*Amendment*
(b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.	(b) indirect discrimination shall be taken to occur when an apparently neutral provision, criterion or practice would put persons of a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation***, or persons who are associated with such persons***, at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Or. en

Amendment 140
Iratxe García Pérez

Proposal for a directive
Article 2 – paragraph 2 – point (b)

Text proposed by the Commission	*Amendment*
(b) existirá discriminación indirecta cuando una disposición, criterio o práctica aparentemente neutros sitúen a personas de una determinada religión, determinadas convicciones, una determinada discapacidad, una determinada edad o una determinada orientación sexual en desventaja particular con respecto a otras personas, salvo que dicha disposición, criterio o práctica puedan justificarse objetivamente con una finalidad legítima y salvo que los medios para la consecución de esta finalidad sean adecuados y necesarios.	(b) existirá discriminación indirecta cuando una disposición, criterio o práctica aparentemente neutros sitúen a personas de una determinada religión, determinadas convicciones, una determinada discapacidad, una determinada edad***, pertenencia a una determinada asociación, un determinado género*** o una determinada orientación sexual en desventaja particular con respecto a otras personas, salvo que dicha disposición, criterio o práctica puedan justificarse objetivamente con una finalidad legítima y salvo que los medios para la consecución

de esta finalidad sean adecuados y necesarios.

Or. es

Amendment 141
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 2 – paragraph 2 – point (b)

Text proposed by the Commission	*Amendment*
(b) liegt eine mittelbare Diskriminierung vor, wenn dem Anschein nach neutrale Vorschriften, Kriterien oder Verfahren Personen mit einer bestimmten Religion ***oder Weltanschauung***, einer bestimmten Behinderung, einem bestimmten Alter oder einer bestimmten sexuellen Ausrichtung gegenüber anderen Personen in besonderer Weise benachteiligen können, es sei denn diese Vorschriften, Kriterien oder Verfahren sind durch ein rechtmäßiges Ziel sachlich gerechtfertigt und die Mittel sind zur Erreichung dieses Ziels angemessen und erforderlich.	(b) liegt eine mittelbare Diskriminierung vor, wenn dem Anschein nach neutrale Vorschriften, Kriterien oder Verfahren Personen mit einer bestimmten Religion, einer bestimmten Behinderung, einem bestimmten Alter oder einer bestimmten sexuellen Ausrichtung gegenüber anderen Personen in besonderer Weise benachteiligen können, es sei denn diese Vorschriften, Kriterien oder Verfahren sind durch ein rechtmäßiges Ziel sachlich gerechtfertigt und die Mittel sind zur Erreichung dieses Ziels angemessen und erforderlich.

Or. de

Justification

Weltanschauung ist nicht mit Religion und anderen Diskriminierungsmerkmalen gleichzusetzen, Der horizontale Ansatz, für alle Diskriminierungsmerkmale dieselben Regelungen vorzusehen, wird den Unterschieden der einzelnen Merkmale nicht gerecht: Weltanschauung kann z.B. nicht mit Behinderung gleichgesetzt werden. Es besteht aber die Gefahr, dass das Verbot der Ungleichbehandlung aufgrund der Weltanschauung von extremen Gruppen missbraucht werden kann. Siehe die Änderungsanträge desselben Verfassers zu den Erwägungen 9, 13, 21, 23 und zu Art. 1, 5, 12 Abs. 1

Amendment 142
Maria Grazia Pagano

Proposal for a directive
Article 2 – paragraph 2 – point (b a) (new)

Text proposed by the Commission	*Amendment*
	(b ter) sussiste discriminazione per associazione quando una persona subisce conseguenze negative per il fatto di essere in diretta relazione con persone aventi una particolare religione o convinzione, disabilità, età o un particolare orientamento sessuale. La discriminazione per associazione coinvolge persone legate - o che si presume siano legate - da vincoli affettivi - non necessariamente conviventi e indipendentemente dalla formalizzazione giuridica in rapporto matrimoniale o di filiazione - a persone aventi una particolare religione o convinzione, disabilità, età o un particolare orientamento sessuale.

Or. it

Justification

E' opportuno definire la discriminazione per associazione

Amendment 143
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Unerwünschte Verhaltensweisen, die mit einem der Gründe nach Artikel 1 in Zusammenhang stehen und bezwecken oder bewirken, dass die Würde der betreffenden Person verletzt und ein von Einschüchterungen, Anfeindungen,	***entfällt***

Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen wird, sind Belästigungen, die als Diskriminierung im Sinne des Absatzes 1 gelten.

Or. de

Justification

Bei "unerwünschten Verhaltensweisen", "Einschüchterung" und "Belästigung" handelt es sich nicht um objektive und eindeutig definierte Rechtsbegriffe. Die Bewertung, ob es sich im jeweiligen Einzelfall tatsächlich um eine "unerwünschte Verhaltensweise", "Einschüchterung" und/oder um eine "Belästigung" handelt, ist in der Praxis unklar.

Amendment 144
Patrick Gaubert

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Le harcèlement ***est*** considéré comme une forme de discrimination au sens du paragraphe 1 ***lorsqu'un comportement indésirable lié à l'un des motifs visés à l'article 1er se manifeste, qui a pour objet ou pour effet de porter atteinte à la dignité d'une personne et de créer un environnement intimidant, hostile, dégradant, humiliant ou offensant***.	3. Le harcèlement***, tel que défini et admis par les législations des États membres peut être*** considéré comme une forme de discrimination au sens du paragraphe 1**.**

Or. fr

Amendment 145
Patrick Gaubert

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Le harcèlement ***est*** considéré comme	3. Le harcèlement***, tel que défini par les***

une forme de discrimination au sens du paragraphe 1 ***lorsqu'un comportement indésirable lié à l'un des motifs visés à l'article 1er se manifeste, qui a pour objet ou pour effet de porter atteinte à la dignité d'une personne et de créer un environnement intimidant, hostile, dégradant, humiliant ou offensant***.

législations des Etats membres peut être considéré comme une forme de discrimination au sens du paragraphe 1**.**

Or. fr

Amendment 146
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Unerwünschte Verhaltensweisen, die mit einem der Gründe nach Artikel 1 in Zusammenhang stehen und bezwecken oder bewirken, dass die Würde der betreffenden Person verletzt und ein von Einschüchterungen, Anfeindungen, Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen wird, sind Belästigungen, die als Diskriminierung im Sinne des Absatzes 1 gelten.	3. Unerwünschte Verhaltensweisen, die mit einem der Gründe nach Artikel 1 in Zusammenhang stehen und bezwecken oder bewirken, dass die Würde der betreffenden Person verletzt und ein von Einschüchterungen, Anfeindungen, Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen wird, sind Belästigungen, die als Diskriminierung im Sinne des Absatzes 1 gelten. ***In diesem Zusammenhang können die Mitgliedstaaten die Begriffe "Belästigung“ und "unerwünschte Verhaltensweisen“ im Einklang mit den einzelstaatlichen Rechtsvorschriften und Gepflogenheiten definieren.***

Or. de

Justification

Das Konzept der Belästigung in der neuen Richtlinie muss kohärent zu den bisher in den Richtlinien 2000/78/EG und 2000/43/EG enthaltenen Konzepten der Belästigung definiert werden. Daher muss der Wortlaut hier der gleiche sein wie der des jeweiligen Art. 2 Abs. 3 der Richtlinien 2000/78/EG und 2000/43/EG. Da die Begriffe der "Belästigung“ und der "unerwünschten Verhaltensweisen“ unklare Rechtsbegriffe darstellen, können die

Mitgliedstaaten Näheres dazu regeln.

Amendment 147
Alexander Alvaro

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Unerwünschte Verhaltensweisen, die mit einem der Gründe nach Artikel 1 in Zusammenhang stehen und bezwecken oder bewirken, dass die Würde der betreffenden Person verletzt und ein von Einschüchterungen, Anfeindungen, Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen wird, sind Belästigungen, die als Diskriminierung im Sinne des Absatzes 1 gelten.	3. Unerwünschte Verhaltensweisen, die mit einem der Gründe nach Artikel 1 in Zusammenhang stehen und bezwecken oder bewirken, dass die Würde der betreffenden Person verletzt und ein von Einschüchterungen, Anfeindungen, Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen wird, sind Belästigungen, die als Diskriminierung im Sinne des Absatzes 1 gelten. ***In diesem Zusammenhang können die Mitgliedstaaten den Begriff „Belästigung im Einklang mit den einzelstaatlichen Rechtsvorschriften und Gepflogenheiten definieren.***

Or. de

Justification

Das Konzept der Belästigung in der neuen Richtlinie muss kohärent zu den bisher in den Richtlinien 2000/78/EG und 2000/43/EG enthaltenen Konzepten der Belästigung definiert werden. Daher muss der Wortlaut hier der gleiche sein wie der des jeweiligen Art. 2 Abs. 3 der Richtlinien 2000/78/EG und 2000/43/EG.

Amendment 148
Patrick Gaubert

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Harassment shall be deemed to be a	3. Harassment shall be deemed to be a

form of discrimination within the meaning of paragraph 1, when unwanted conduct related to any of the grounds referred to in Article 1 takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.	form of discrimination within the meaning of paragraph 1, when unwanted conduct related to any of the grounds referred to in Article 1 takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. ***In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.***

Or. en

Justification

Reference to national laws and practices should be added in accordance with previous directive 2000/43 and 2000/78.

Amendment 149
Kathalijne Maria Buitenweg

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Harassment shall be deemed to be a form of discrimination within the meaning of paragraph 1, when unwanted conduct related to any of the grounds referred to in Article 1 takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.	3. Harassment shall be deemed to be a form of discrimination within the meaning of paragraph 1, when unwanted conduct related to any of the grounds referred to in Article 1 takes place ***in a closed environment*** with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. ***This shall not be withstanding the right to freedom of expression.***

Or. en

Amendment 150
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França,

Stavros Lambrinidis, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***Harassment*** shall be deemed to be a form of discrimination within the meaning of paragraph 1, when unwanted conduct related to any of the grounds referred to in Article 1 takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.	3. ***Notwithstanding the freedom of speech,*** harassment shall be deemed to be a form of discrimination within the meaning of paragraph 1, when unwanted conduct related to any of the grounds referred to in Article 1 takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

Or. en

Amendment 151
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***Unerwünschte Verhaltensweisen, die*** mit einem der Gründe nach Artikel 1 in Zusammenhang ***stehen*** und ***bezwecken*** oder ***bewirken***, dass die Würde der betreffenden Person verletzt und ein von Einschüchterungen, Anfeindungen, Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen wird, ***sind Belästigungen, die*** als Diskriminierung im Sinne des Absatzes 1 gelten.	3. ***Verhalten, welches*** mit einem der Gründe nach Artikel 1 in Zusammenhang ***steht*** und ***bezweckt*** oder ***bewirkt***, dass die Würde der betreffenden Person verletzt und ein von ***objektiven*** Einschüchterungen, Anfeindungen, Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen wird, ***kann ebenfalls*** als Diskriminierung im Sinne des Absatzes 1 gelten.

Or. de

Justification

Bei "unerwünschten Verhaltensweisen", "Einschüchterung" und "Belästigung" handelt es sich

nicht um objektive und eindeutig definierte Rechtsbegriffe. Die Bewertung, ob es sich im jeweiligen Einzelfall tatsächlich um eine "unerwünschte Verhaltensweise", "Einschüchterung" und/oder um eine "Belästigung" handelt, ist in der Praxis unklar.

Amendment 152
Iratxe García Pérez

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission	*Amendment*
3. El acoso constituirá discriminación a tenor de lo dispuesto en el apartado 1 cuando se produzca un comportamiento ***indeseable*** relacionado con alguno de los motivos contemplados en el artículo 1 que tenga como objetivo o consecuencia atentar contra la dignidad de la persona y crear un entorno intimidatorio, hostil, degradante, humillante u ofensivo.	3. El acoso constituirá discriminación a tenor de lo dispuesto en el apartado 1 cuando se produzca un comportamiento relacionado con alguno de los motivos contemplados en el artículo 1 que tenga como objetivo o consecuencia atentar contra la dignidad de la persona y crear un entorno intimidatorio, hostil, degradante, humillante u ofensivo.

Or. es

Justification

Toda conducta que suponga "atentar contra la dignidad de la persona y crear un entorno intimidatorio, hostil, degradante, humillante u ofensivo" es indeseable. Si se mantiene la palabra indeseable (en inglés aparece "unwanted") se podría entender que una conducta de ese tipo podría ser "deseada" por una persona, y, por tanto, alguien que está discriminando a una persona podría alegar que ella "deseaba" ser discriminada.

Amendment 153
Maria Grazia Pagano

Proposal for a directive
Article 2 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3bis. La molestie sessuali sono da considerarsi ai sensi del paragrafo 1 una discriminazione in caso di comportamento non desiderato con connotazioni sessuali,

	che si esprime a livello fisico, verbale o non verbale, e ha come oggetto o conseguenza la lesione della dignità di una persona e di creare un ambiente intimidatorio, ostile, degradante, umiliante od offensivo.

Or. it

Justification

E' importante riprendere anche in questa direttiva le molestie sessuali, in particolare riferimento alle discriminazioni per motivi di orientamento sessuali.

Amendment 154
Rareş-Lucian Niculescu

Proposal for a directive
Article 2 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Orice comportament constând în a *ordona* cuiva să practice o discriminare împotriva unor persoane pentru unul din motivele prevăzute în art. 1 este considerat discriminare în sensul alineatului (1).	(4) Orice comportament constând în a *dispune* ***sau a solicita*** cuiva***, în virtutea unei relații de subordonare,*** să practice o discriminare împotriva unor persoane pentru unul din motivele prevăzute în art. 1 este considerat discriminare în sensul alineatului (1).

Or. ro

Justification

Termenul "a ordona", specific în principal în mediul militar, nu acoperă integral gama relațiilor ierarhice posibile în cadrul unei instituții.

Amendment 155
Maria Grazia Pagano

Proposal for a directive
Article 2 – paragraph 4

Text proposed by the Commission	*Amendment*
4. L'istruzione di discriminare persone per uno dei motivi di cui all'articolo 1, è da considerarsi discriminazione ai sensi del paragrafo 1.	4. L'istruzione di discriminare persone per uno ***o più*** motivi di cui all'articolo 1, è da considerarsi discriminazione ai sensi del paragrafo 1.

Or. it

Justification

Per coerenza è utile introdurre la considerazione di" motivi multipli" anche rispetto all'istruzione a discriminare.

Amendment 156
Elizabeth Lynne

Proposal for a directive
Article 2 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Discrimination within the meaning of paragraph 1 includes discrimination on the grounds that a person has, or is assumed to have, a family or other relationship with a person who has a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation.

Or. en

Amendment 157
Rareş-Lucian Niculescu

Proposal for a directive
Article 2 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	(4a) Comportament discriminatoriu include orice comportament activ ori pasiv care, prin efectele pe care le generează, favorizează producerea unei discriminări directe sau indirecte, în sensul alineatelor 2, 3 și 4;

Or. ro

Justification

Apologia marginalizării anumitor categorii nu poate fi tolerată, chiar în situația în care autorul demersului nu are capacitatea de a adopta decizii în privința persoanelor vizate.

Amendment 158
Rareş-Lucian Niculescu

Proposal for a directive
Article 2 – paragraph 4 b (new)

Text proposed by the Commission	*Amendment*
	(4b) Dispozițiile alineatului (4a) nu pot fi interpretate în sensul restrângerii dreptului la libera exprimare, a dreptului la opinie și a dreptului la informație.

Or. ro

Justification

Garantarea drepturilor persoanelor care fac parte din categoriile menționate la art. 1 nu poate intra în conflict cu aceste drepturi și libertăți fundamentale.

Amendment 159
Rareş-Lucian Niculescu

Proposal for a directive
Article 2 – paragraph 4 c (new)

Text proposed by the Commission	*Amendment*
	(4c) Discriminarea prin asociere este considerată orice faptă de discriminare săvârșită împotriva unei persoane care, deși nu face parte dintr-o categorie identificată conform criteriilor de la art.1, este asociată cu una sau mai multe persoane aparținând unei astfel de categorii.

Or. ro

Justification

În multe situații, persoane care sunt asociate categoriilor prevăzute la art 1, fiind în relații de prietenie, colaborare, etc. cu aceste persoane, sunt supuse unor acte de discriminare.

Amendment 160
Michael Cashman, Claude Moraes

Proposal for a directive
Article 2 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Denial of reasonable accommodation in a particular case as provided for by Article 4 (1)(b) of the present Directive as regards persons with disabilities shall be deemed to be discrimination within the meaning of paragraph 1.	5. Denial of reasonable accommodation in a particular case as provided for by Article 4 (1)(b) of the present Directive as regards persons with disabilities***, or persons who associate with a person with a disability, where accommodation is needed to enable such person to provide personal assistance to a person with a disability,*** shall be deemed to be discrimination within the meaning of paragraph 1.

Or. en

Justification

This amendment extends the obligation to provide a reasonable accommodation to individuals who associate with a person with a disability and provide personal assistance to that person. The accommodation in question is only required where it enables an individual to (continue) to provide personal assistance, and the amendment is designed to prevent disadvantage being experienced by the person with a disability.

Amendment 161
Maria Grazia Pagano

Proposal for a directive
Article 2 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Il rifiuto di una soluzione ragionevole in un caso particolare, come previsto all'articolo 4, paragrafo 1, lettera b) della presente direttiva, nei confronti di persone con disabilità è considerato discriminazione ai sensi del paragrafo 1.	5. Il rifiuto di una soluzione ragionevole in un caso particolare, come previsto all'articolo 4, paragrafo 1, lettera b) della presente direttiva, nei confronti di persone con disabilità ***o persone ad esse legate*** è considerato discriminazione ai sensi del paragrafo 1.

Or. it

Justification

E' necessario garantire coerenza e prevedere anche in questo contesto la discriminazione per associazione.

Amendment 162
Jean Lambert

Proposal for a directive
Article 2 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Denial of reasonable accommodation in a particular case as provided for by Article 4 (1)(b) of the present Directive as regards persons with disabilities shall be deemed to be discrimination within the meaning of	5. Article 2(5) Denial of reasonable accommodation in a particular case as provided for by Article 4 (1)(b) ***and Article 4a*** of the present Directive as regards persons with disabilities ***and young***

paragraph 1.	***children*** shall be deemed to be discrimination within the meaning of paragraph 1.

Or. en

Amendment 163
Agustín Díaz de Mera García Consuegra, Jaime Mayor Oreja

Proposal for a directive
Article 2 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5bis. El comportamiento de una persona u organización que no respete los principios establecidos en la presente Directiva no se considerará forma de discriminación a tenor de lo dispuesto en el apartado 1 cuando dicho comportamiento esté motivado por una ética basada en la religión o las creencias.

Or. es

Amendment 164
Patrick Gaubert

Proposal for a directive
Article 2 – paragraph 6

Text proposed by the Commission	*Amendment*
6. ***Notwithstanding paragraph 2, Member States may provide that*** differences of treatment on grounds of age ***shall not constitute discrimination,*** if***, within the context of national law,*** they are justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary. ***In particular, this Directive shall not preclude*** the fixing of a specific age for access to social ***benefits,*** education and certain goods or services***.***	6. ***This Directive does not preclude*** differences of treatment on grounds of age ***and disability,*** if they are ***objectively and reasonably*** justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary.

Such differences of treatment may include the fixing of a specific age for access to social ***protection, including social security and healthcare; social advantages;*** education***;*** and certain goods or services ***which are available to the public***.

The following are deemed to be compatible with the principle of non-discrimination: the setting of more favourable conditions for access to social protection, including social security and healthcare; social advantages; education; and certain goods or services which are available to the public, for young or old persons or for persons with disabilities, in order to promote their economic, cultural or social integration.

Or. en

Amendment 165
Evangelia Tzampazi, Stavros Lambrinidis

Proposal for a directive
Article 2 – paragraph 6

Text proposed by the Commission	*Amendment*
6. ***Notwithstanding paragraph 2, Member States may provide that*** differences ***of*** treatment on grounds of age ***shall not constitute discrimination,*** if, ***within the context of national law,*** they are justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary. ***In particular, this Directive shall not preclude*** the fixing of a specific age for access to social ***benefits***, education and certain goods or services.	6. ***This directive does not preclude*** differences ***in*** treatment on grounds of age ***and disability*** if they are ***objectively and reasonably*** justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary. ***Such difference of treatment may include*** the fixing of a specific age for access to social ***protection, including social security and health care; social advantages;*** education***;*** and certain goods and services ***which are available to the public***.

Or. en

Amendment 166
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 2 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Ungeachtet des Absatzes 2 können die Mitgliedstaaten festlegen, dass Ungleichbehandlung aufgrund ***des Alters*** keine Diskriminierung darstellt, sofern ***sie im Rahmen des nationalen Rechts durch ein legitimes Ziel gerechtfertigt ist und die Mittel zur Erreichung dieses Ziels angemessen und erforderlich sind.*** Insbesondere wird durch diese Richtlinie die Festsetzung bestimmter Altersgrenzen für den Zugang zu sozialen Vergünstigungen, zur Bildung und zu bestimmten Gütern und Dienstleistungen nicht ausgeschlossen.	6. Ungeachtet des Absatzes 2 können die Mitgliedstaaten festlegen, dass Ungleichbehandlung aufgrund ***der in Artikel 1 genannten Diskriminierungsmerkmale*** keine Diskriminierung darstellt, sofern ***für deren Verletzung ein sachlicher Grund vorliegt.*** Insbesondere wird durch diese Richtlinie die Festsetzung bestimmter Altersgrenzen für den Zugang zu sozialen Vergünstigungen, zur Bildung und zu bestimmten Gütern und Dienstleistungen nicht ausgeschlossen.

Or. de

Justification

Es ist nicht ersichtlich, weshalb die Ungleichbehandlung lediglich aufgrund des Alters möglich sein soll. Daher sollte sich Artikel 2 Absatz 6 auf alle Diskriminierungsmerkmale erstrecken. Im Gegensatz zum Bereich von Beschäftigung und Beruf ist keine Verhältnismäßigkeitsprüfung erforderlich.

Amendment 167
Carlo Casini, Iles Braghetto

Proposal for a directive
Article 2 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Fatto salvo il paragrafo 2, gli Stati membri possono prevedere che le disparità di trattamento in ragione dell'età non costituiscano discriminazione laddove nell'ambito del diritto nazionale esse siano giustificate da una finalità legittima e i	6. Fatto salvo il paragrafo 2, gli Stati membri possono prevedere che le disparità di trattamento in ragione dell'età***, della religione o delle convinzioni personali, della disabilità e dell' orientamento sessuale*** non costituiscano discriminazione

mezzi per il conseguimento di tale finalità siano appropriati e necessari. In particolare, la presente direttiva non preclude la possibilità di fissare un'età specifica per l'accesso alle prestazioni sociali, all'istruzione o a taluni beni o servizi.	laddove nell'ambito del diritto nazionale esse siano giustificate da una finalità legittima e i mezzi per il conseguimento di tale finalità siano appropriati e necessari. In particolare, la presente direttiva non preclude la possibilità di fissare un'età specifica per l'accesso alle prestazioni sociali, all'istruzione o a taluni beni o servizi.

Or. it

Justification

E' necessario consentire agli Stati Membri di prevedere differenze di trattamento sulla base di determinate ragionevoli circostanze. Il concetto di discriminazione è differente nella legislazione e nella giurisprudenza dei vari Stati Membri ed essi devono avere la possibilità di salvaguardare il bilanciamento raggiunto in tema nei rispettivi ordinamenti giuridici a livello legislativo e giurisprudenziale.

Amendment 168
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Stavros Lambrinidis, Michael Cashman, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Article 2 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Notwithstanding paragraph 2, Member States may provide that differences of treatment on grounds of age shall not constitute discrimination, if, within the context of national law, they are justified by a legitimate aim, and if the means of achieving that aim are ***appropriate*** and necessary. ***In particular, this Directive shall not preclude the fixing of a specific age for access to social benefits, education and certain goods or services.***	6. Notwithstanding paragraph 2, Member States may provide that differences of treatment on grounds of age shall not constitute discrimination, if, within the context of national law, they are ***objectively*** justified by a legitimate aim, and if the means of achieving that aim are ***proportionate*** and necessary.

Or. en

Amendment 169
Marco Cappato

Proposal for a directive
Article 2 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Notwithstanding paragraph 2, Member States may provide that differences of treatment on grounds of age shall not constitute discrimination, if, within the context of national law, they are justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary. ***In particular, this Directive shall not preclude the fixing of a specific age for access to social benefits, education and certain goods or services.***	6. Notwithstanding paragraph 2, Member States may provide that differences of treatment on grounds of age shall not constitute discrimination, if, within the context of national law, they are justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary.

Or. en

Amendment 170
Sophia in 't Veld

Proposal for a directive
Article 2 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Notwithstanding paragraph 2, Member States may provide that differences of treatment on grounds of age shall not constitute discrimination, if, within the context of national law, they are justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary. In particular, this Directive shall not preclude the fixing of a specific age for access to social benefits, education and certain goods or services.	6. Notwithstanding paragraph 2, Member States may provide that differences of treatment on grounds of age shall not constitute discrimination, if, within the context of national law, they are justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary***, and they do not create undue disadvantages for other groups***. In particular, this Directive shall not preclude the fixing of a specific age for access to social benefits, education and certain goods or services.

Or. en

Amendment 171
Michael Cashman, Claude Moraes

Proposal for a directive
Article 2 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Notwithstanding paragraph 2, Member States may provide that differences of treatment on grounds of age shall not constitute discrimination, if, within the context of national law, they are justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary. In particular, this Directive shall not preclude the fixing of a specific age for access to social benefits, education and certain goods or services.	6. Notwithstanding paragraph 2, Member States may provide that differences of treatment on grounds of age shall not constitute discrimination if, within the context of national law, they are ***objectively and reasonably*** justified by a legitimate aim and if the means of achieving that aim are appropriate and necessary. In particular, this Directive shall not preclude the fixing of a specific age for access to education and certain goods or services.

Or. en

Justification

This amendments aim at bringing further legal certainty on differences of treatment on the ground of age allowed by Member States. Indeed, the test for justification is made more stringent by this amendment as it requires objective and reasonably justification. This formulation is also consistent with article 6 of the Framework Employment Directive on differences of treatment on the ground of age.

Amendment 172
Iratxe García Pérez

Proposal for a directive
Article 2 – paragraph 6

Text proposed by the Commission	*Amendment*
6. No obstante lo dispuesto en el apartado 2, los Estados miembros podrán disponer que las diferencias de trato por motivos de edad no constituirán discriminación si están justificadas por una finalidad legítima en el marco del Derecho nacional, y si los medios para lograr este objetivo son adecuados y necesarios. En particular, la	6. No obstante lo dispuesto en el apartado 2, los Estados miembros podrán disponer que las diferencias de trato por motivos de edad no constituirán discriminación si están justificadas por una finalidad legítima en el marco del Derecho nacional, y si los medios para lograr este objetivo son adecuados y necesarios. En particular, la

presente Directiva no será obstáculo para la fijación de una edad determinada para el acceso a las prestaciones sociales, la educación y a determinados bienes o servicios.	presente Directiva no será obstáculo para la fijación de una edad determinada para el acceso a las prestaciones sociales, ***los servicios de salud,*** la educación y a determinados bienes o servicios.

Or. es

Justification

El párrafo 8 del artículo 2 estipula que "la presente Directiva se entenderá sin perjuicio de las medidas generales establecidas en la legislación nacional que, en una sociedad democrática, son necesarias para la seguridad pública, la defensa del orden y la prevención de infracciones penales, la protección de la salud y la salvaguardia de los derechos y libertades de los ciudadanos: consideramos adecuado hacer una referencia explícita a los servicios de salud también en el párrafo 6 del artículo 2.

Amendment 173
Michael Cashman, Claude Moraes

Proposal for a directive
Article 2 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Notwithstanding paragraph 2, in the provision of financial services Member States may permit ***proportionate*** differences in treatment where, for the product in question, the use of age or disability is a key factor in the assessment of risk based on relevant and accurate actuarial or statistical data.	7. Notwithstanding paragraph 2, in the provision of financial services Member States may permit differences in treatment where, for the product in question, the use of age or disability is a key factor in the assessment of risk based on relevant and accurate actuarial or statistical data ***and the difference in treatment is objectively and reasonably justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. The Member States concerned shall inform the Commission and ensure that accurate data relevant to the use of age and disability as a determining factor are compiled, published and regularly updated. These Member States shall review their decision five years after the deadline for the transposition of the Directive, taking into account the***

Commission report [on the transposition of the directive] and shall forward the results of this review to the Commission.

Or. en

Amendment 174
Claude Moraes

Proposal for a directive
Article 2 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Notwithstanding paragraph 2, in the provision of financial services Member States may permit proportionate differences in treatment where, for the product in question, the use of age or disability is a key factor in the assessment of risk ***based on relevant and accurate*** actuarial or statistical data.	7. Notwithstanding paragraph 2, in the provision of financial services Member States may permit proportionate differences in treatment where, for the product in question, the use of age or disability is a key factor in the assessment of risk ***and where the service provider can demonstrate higher risk by*** actuarial, statistical data ***or other bona fide evidence upon which it is reasonable to rely. Any data used must be reliable, regularly updated and available to the public.***

Or. en

Justification

This amendment draws on the wording of the equivalent provision in the Goods and Services Directive 2004/113/EC, but places the requirement to demonstrate that the information relied upon to justify differential treatment on service providers rather than Member States. The amendment proposed is slightly broader than the equivalent provisions in the Gender Goods and Services Directive in that it permits service providers to rely on other bona fide evidence where it is reasonable to do so.

Amendment 175
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 2 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Notwithstanding paragraph 2, in the provision of financial services ***Member States may permit*** proportionate differences in treatment where, for the product in question, the use of age or disability is a ***key*** factor in the assessment of risk based on relevant ***and accurate*** actuarial ***or*** statistical data.	7. Notwithstanding paragraph 2, in the provision of financial services proportionate differences in treatment where, for the product in question, the use of age or disability is a ***determining*** factor in the assessment of risk based on relevant actuarial ***principles, accurate*** statistical data ***or medical knowledge shall not be considered discrimination for the purposes of this Directive.***

Or. en

Justification

Differentiating according to the risk exposure of consumers is a vital condition in the provision of private insurance and does not constitute discrimination. When assessing risks insurers have to make use of a wide range of information, including medical knowledge. Actuarial principles must be taken into account in order to meet the requirements of supervisory law. Restricting the information sources would prevent correct risk assessment and lead to higher premiums. A Member State option breaches the principle of EU-wide equal treatment and is an obstacle to the internal market.

Amendment 176
Alexander Alvaro

Proposal for a directive
Article 2 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Ungeachtet des Absatzes 2 ***können die*** Mitgliedstaaten bei der Bereitstellung von Finanzdienstleistungen ***verhältnismäßige*** Ungleichbehandlungen ***zulassen,*** wenn für das fragliche Produkt die Berücksichtigung des Alters oder einer Behinderung ein ***zentraler*** Faktor bei der auf relevanten und	7. Ungeachtet des Absatzes 2 ***sind von den*** Mitgliedstaaten bei der Bereitstellung von Finanzdienstleistungen Ungleichbehandlungen ***zuzulassen***, wenn für das fragliche Produkt die Berücksichtigung des Alters oder einer Behinderung ein Faktor bei der

exakten ***versicherungsmathematischen*** oder statistischen Daten beruhenden Risikobewertung ist.	***insbesondere*** auf relevanten und exakten ***aktuariellen*** oder statistischen Daten, ***medizinischen Erfahrungen oder aktuariellen Prinzipien*** beruhenden Risikobewertung ist.

Or. de

Justification

Versicherer müssen bei der Risikoprüfung auf verschiedene Informationsquellen zurückgreifen können, u. a. auf Statistiken oder auf medizinische Erfahrungen. Um die Anforderungen des Aufsichtsrechts zu erfüllen, muss ferner aktuariellen Prinzipien Rechnung getragen werden. Eine Einschränkung dieser Informationsquellen würde eine korrekte Bewertung der Risiken verhindern und würde Versicherungsprämien verteuern. Eine Mitgliedstaaten-Option würde das Prinzip der Gleichbehandlung EU verletzen und zu Lasten der Verbraucher die Entwicklung eines Binnenmarktes für Finanzdienstleistungen erschweren.

Amendment 177
Patrick Gaubert

Proposal for a directive
Article 2 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Notwithstanding paragraph 2, in the provision of financial services ***Member States may permit*** proportionate differences in treatment where, for the product in question, the use of age or disability is a ***key*** factor in the assessment of risk based on relevant ***and*** accurate ***actuarial or*** statistical data.	7. Notwithstanding paragraph 2, in the provision of financial services proportionate differences in treatment where, for the product in question, the use of age and disability is a ***determining*** factor in the assessment of risk based on relevant ***actuarial principals,*** accurate statistical data ***or medical knowledge shall not be considered as discrimination for the purposes of this directive.***

Or. en

Amendment 178
Rareş-Lucian Niculescu

Proposal for a directive
Article 2 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Fără a aduce atingere dispoziiilor alineatului (2), în asigurarea de servicii financiare, statele membre pot permite diferențe proporționale de tratament în cazul în care, pentru produsul în cauză, folosirea vârstei sau handicapului este un factor cheie în evaluarea riscului pe baza datelor statistice sau actuariale relevante și exacte.	(7) Fără a aduce atingere dispoziiilor alineatului (2), în asigurarea de servicii financiare, statele membre pot permite diferențe proporționale de tratament în cazul în care, pentru produsul în cauză, folosirea vârstei sau handicapului este un factor cheie în evaluarea riscului pe baza datelor statistice sau actuariale relevante și exacte; ***astfel de date nu pot să înlocuiască o analiză bazată pe situația individuală a solicitantului de servicii financiare.***

Or. ro

Justification

Trebuie excluse generalizările bazate pe criteriile prevăzute la art. 1, chiar și în ipoteza în care acestea sunt susținute de date statistice.

Amendment 179
Inger Segelström

Proposal for a directive
Article 2 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Trots vad som sägs i punkt 2 får medlemsstaterna inom sektorn för finansiella tjänster tillåta proportionell särbehandling om ålder eller funktionshinder för den berörda produkten är en avgörande faktor vid riskbedömning på grundval av relevanta och korrekta försäkringstekniska och statistiska uppgifter.	7. Trots vad som sägs i punkt 2 får medlemsstaterna inom sektorn för finansiella tjänster ***endast*** tillåta proportionell särbehandling om ålder eller funktionshinder för den berörda produkten ***om det*** är en avgörande faktor vid riskbedömning på grundval av relevanta och korrekta försäkringstekniska och statistiska uppgifter. ***Dessa faktorer måste dock vara tydligt specificerade och eventuell avgifts- eller premiehöjningar***

måste vara skäliga.

Or. sv

Justification

Allt för många företag hänvisar till fördyrade omständigheter för att motivera fördyrande premier, priser och avgifter. De fördyrande premierna, priserna och avgifterna måste dock vara i paritet med den faktiska extrakostanden och får inte fungera som ett sätt att tjäna enkla pengar.

Amendment 180
Marian Harkin

Proposal for a directive
Article 2 – paragraph 7 a (new)

Text proposed by the Commission	*Amendment*
	7a. Member States shall ensure in the case of compulsory financial services, where the product in question is required by law, that a person can not be refused access to such a service based on the grounds of their age or disability except where it can be justified by a legitimate aim or if to provide such a service would be contrary to public interest.

Or. en

Justification

This amendment is in line with the Irish Insrance Federation Declined Cases Agreement which is adhered to by all motor insurers in Ireland. In order to drive a car- by law a person is required to have motor insurance. If an elderly person or a person with a disability has legally acquired a driving licience (e.g passed their sight test, theory test etc) under the Declined Cases Agreement the motor insurance market can not refuse to provide insurance to such an individual seeking insurance if the person has approached at least three insurers and has not been able to obtain cover from them. The only grounds on which an insurer can refuse to cover are where to provide insurance would be contrary to public interest. The agreement is administered by a Committee made up of representatives of each of the companies who have signed the agreement. The Committee also includes a representative of the Consumers Association of Ireland and the Financial Services Ombudsman's Bureau as external observers. The Committee can also decide whether a quote is so high or the terms so

excessive as to make the quote tantamount to a refusal, in which case it will review the matter.

Amendment 181
Marco Cappato

Proposal for a directive
Article 2 – paragraph 8

Text proposed by the Commission	*Amendment*
8. This Directive shall be without prejudice to general measures laid down in national law which, in a democratic society, are necessary for public security, for the maintenance of public order and the prevention of criminal offences, for the protection of health and the protection of the rights and freedoms of others.	***deleted***

Or. en

Amendment 182
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Article 2 – paragraph 8

Text proposed by the Commission	*Amendment*
8. This Directive shall be without prejudice to general measures laid down in national law which, in a democratic society, are necessary for public security, for the maintenance of public order and the prevention of criminal offences, for the protection of health and the protection of the rights and freedoms of others.	This Directive shall be without prejudice to general measures laid down in national law which, in a democratic society, are necessary ***and proportionate*** for public security, for the maintenance of public order and the prevention of criminal offences, for the protection of health and the protection of the rights and freedoms of others. ***It is equally without prejudice to national legislation promoting equality between men and women.***

Or. en

Justification

It is clearly important to question whether there is a legitimate need for such a blanket exception. It should be done by keeping in mind that this clause is based on ECHR language, and that it may bear significance for other grounds of discrimination. But if this clause is kept, we call on the introduction of a proportionality test. This would ensure that states would have to show that measures do not go beyond what is necessary in order to achieve this objective. We think that the without prejudice clause on gender equality legislation is better dealt with in this article than in article 3.4.

Amendment 183
Marie Panayotopoulos-Cassiotou

Proposal for a directive
Article 2 – paragraph 8

Text proposed by the Commission	*Amendment*
8. This Directive shall be without prejudice to general measures laid down in national law which, in a democratic society, are necessary for public security, for the maintenance of public order and the prevention of criminal offences, for the protection of health and the protection of the rights and freedoms of others.	(8) This Directive is without prejudice to general measures laid down in national law which , in a democratic society, ***are subject to only such limitations as*** are necessary for public security, for the maintenance of public order and the prevention of criminal offences, for the protection of health ***or morals*** and the protection of the rights and freedoms of others.

Or. en

Amendment 184
Rareş-Lucian Niculescu

Proposal for a directive
Article 2 – paragraph 8

Text proposed by the Commission	*Amendment*
8. Prezenta directivă nu aduce atingere măsurilor generale prevăzute de legislaţia naţională care, într-o societate democratică, sunt necesare pentru securitatea publică, apărarea ordinii şi prevenirea infracţiunilor *penale**,*** protecţia sănătăţii publice şi protecţia drepturilor şi libertăţilor	8. Prezenta directivă nu aduce atingere măsurilor generale prevăzute de legislaţia naţională care, într-o societate democratică, sunt necesare pentru securitatea publică, apărarea ordinii ***şi moralei*** publice prevenirea infracţiunilor, protecţia sănătăţii publice, ***protecţia minorilor*** şi protecţia

semenilor.	drepturilor şi libertăților semenilor.

Or. ro

Justification

Este necesară includerea în această listă a măsurilor privind morala publică şi protecția minorilor.

Amendment 185
Kathalijne Maria Buitenweg

Proposal for a directive
Article 2 – paragraph 8 a (new)

Text proposed by the Commission	*Amendment*
	8a. Multiple discrimination occurs, where within the scope of this Directive, a person is discriminated against on a combination of two or more of the grounds set out in this Directive.
	Multiple discrimination also accurs, where within the scope of this Directive, a person is discriminated against on a combination of one or more of the grounds set out in this Directive, and, to the extent that such discrimination is also within their scope, on one or more of the grounds contained in one or more of the following Directives:
	a. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,
	b. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation,
	c. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services,

	d. 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 occupation (recast). Member States shall ensure that the means of enforcement of obligations under this Directive are available to all persons who consider themselves to be victims of discrimination on multiple grounds. ***Member States shall provide that where multiple grounds are established, a claim can only be defeated by reason of a justification or other defence which is applicable to all of those grounds on which the claim is made. However if only one ground is established then the claim may be defeated by any justification or defence relevant to that ground.***

Or. en

Amendment 186
Agustín Díaz de Mera García Consuegra, Jaime Mayor Oreja

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Dentro de los límites de las competencias atribuidas a la Comunidad, la prohibición de discriminación se aplicará ***a todas las personas, por lo que respecta tanto al sector público como al privado, incluidos los organismos públicos,*** en relación con:	1. Dentro de los límites de las competencias atribuidas a la Comunidad ***y de conformidad con el principio de subsidiariedad y de proporcionalidad***, la prohibición de discriminación se aplicará en relación con:

Or. es

Amendment 187
Marco Cappato

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Within the limits of the powers conferred upon the Community, the prohibition of discrimination shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to:	1. Within the limits of the powers conferred upon the Community, ***and in application of the general principle of equality,*** the prohibition of discrimination shall apply to all persons, as regards both the public and private sectors, including public bodies, ***including*** in relation to:

Or. en

Amendment 188
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Im Rahmen der auf die Gemeinschaft übertragenen Zuständigkeiten gilt das Diskriminierungsverbot für alle Personen im öffentlichen ***und privaten*** Bereich, einschließlich öffentlicher Stellen, in Bezug auf	1. Im Rahmen der auf die Gemeinschaft übertragenen Zuständigkeiten gilt das Diskriminierungsverbot für alle Personen im öffentlichen Bereich, einschließlich öffentlicher Stellen, ***sofern sie ihre berufliche oder gewerbliche Tätigkeit ausüben,*** in Bezug auf

Or. de

Justification

Es ist nicht nachvollziehbar, dass eine Beschränkung des Anwendungsbereiches auf Personen, die ihre berufliche oder gewerbliche Tätigkeit ausüben, lediglich in Bezug auf den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum gelten soll.

Amendment 189
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 3 – paragraph 1 - point c

Text proposed by the Commission	*Amendment*
c) die Bildung;	***entfällt***

Or. de

Justification

Art. 149, 150 EG stellt klar, dass Verantwortung für die allgemeine und berufliche Bildung den Mitgliedstaaten vorbehalten ist. Die EU ist auf koordinierende, unterstützende und ergänzende Maßnahmen beschränkt. Die in Artikel 3 Absatz 1 Buchstabe c vorgenommene pauschale Ausweitung des Geltungsbereichs der Richtlinie auf den Bildungsbereich ist mit dem Primärrecht somit nicht vereinbar und sollte gestrichen werden.

Amendment 190
Marco Cappato

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
(d) Access to and supply of goods and other services which are available to the public, including housing.	(d) Access to and supply of goods and other services which are available to the public, including housing.
	- any other field of EU and Community competence, including implementation by Member States of EU laws and policies
Subparagraph (d) shall apply to individuals only insofar as they are performing a professional or commercial activity.	

Or. en

Amendment 191
Patrick Gaubert

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
(d) Access to and supply of goods and other services which are available to the public, including housing.	(d) Access to and supply of goods and other services which are available to the public, including housing. ***This directive should not apply to transactions undertaken by individuals for whom these transactions do not constitute a professional or commercial activity. In this context, the concept of professional or commercial activity may be defined in accordance with the national laws and practice of the Member states.*** Subparagraph (d) ***does not concern existing private and business buildings.***
Subparagraph (d) ***shall apply to individuals only insofar as they are performing a professional or commercial activity.***	

Or. en

Amendment 192
Ewa Klamt

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
d) Den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen***, einschließlich Wohnraum***.	d) Den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit ***ohne Ansehung der Person zur Verfügung*** stehen.
Buchstabe d gilt für Einzelne nur insoweit, als sie ihre berufliche oder gewerbliche Tätigkeit ausüben	Buchstabe d gilt für Einzelne nur insoweit, als sie ihre berufliche oder gewerbliche Tätigkeit ausüben

Or. de

Justification

Der Schutz vor Diskriminierungen im Bereich des Zivilrechts darf nicht zu einer unverhältnismäßigen Einschränkung der Privatautonomie führen. Dies wäre der Fall, wenn auch solche Verträge von der Richtlinie erfasst würden, die auf Grund individueller Vertragsverhandlungen geschlossen werden und bei denen das Ansehen der Person von besonderer Bedeutung ist. Andernfalls müsste die Anbieterseite auch bei derartigen Rechtsgeschäften ihre dem Vertragsschluss zu Grunde liegenden Überlegungen im Einzelnen dokumentieren und ggf. gerichtlich überprüfen lassen. Dies wäre ein unzumutbarer Eingriff in die verfassungsrechtlich gewährleistete Vertragsfreiheit. Hieran vermag auch der Umstand nichts zu ändern, dass Artikel 3 Abs. 1 Buchstabe d nur Unternehmen verpflichten soll. Die Vertragsfreiheit gehört zu den grundlegenden Prinzipien unserer Rechtsordnung, in deren Genuss selbstverständlich auch kommt, wer zu beruflichen oder gewerblichen Zwecken handelt. Es wird daher vorgeschlagen, das zivilrechtliche Benachteiligungsverbot auf sog. „Massengeschäfte" zu beschränken, die typischerweise ohne Ansehung der Person geschlossen werden.

Amendment 193
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
(d) Access to and supply of goods and other services which are available to the public, including housing.	(d) Access to and supply of goods and other services which are available to the public, including housing.
Subparagraph (d) shall apply to individuals only insofar as they are performing a professional or commercial activity.	

Or. en

Justification

While it is important to protect article 3 (1)(a) to (d), we ask for deletion of the qualifier to subparagraph (d). First, this sentence introduces an exemption which is not included in the Race Directive. It also creates a double limitation to the scope of the directive given that subparagraph (d) already limits the application of the directive to goods and other services which are "available to the public". Moreover, there are concerns about reference to

"professional or commercial activity" which creates uncertainty and ambiguity.

Amendment 194
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Michael Cashman, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
(d) Access to and supply of goods and other services which are available to the public, including housing.	(d) Access to and supply of goods and other services which are available to the public, including housing.
Subparagraph (d) shall apply to individuals only insofar as they are performing a professional or commercial activity.	

Or. en

Amendment 195
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
d) Den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum.	d) Den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum.
Buchstabe d gilt für Einzelne nur insoweit, als sie ihre berufliche oder gewerbliche Tätigkeit ausüben.	

Or. de

Justification

Es ist nicht nachvollziehbar, dass eine Beschränkung des Anwendungsbereiches auf Personen, die ihre berufliche oder gewerbliche Tätigkeit ausüben, lediglich in Bezug auf den

Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum gelten soll.

Amendment 196
Manfred Weber, Patrick Gaubert, Thomas Mann

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
d) Den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum.	d) Den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum.
Buchstabe d ***gilt für Einzelne nur insoweit, als sie ihre berufliche oder gewerbliche Tätigkeit ausüben.***	Buchstabe d ***betrifft nicht bestehende Privat- und Geschäftsgebäude.***

Or. de

Justification

Kleine und mittlere Unternehmen (KMU) müssen aus Gründen des Bestanschutzes besonders berücksichtigt werden.

Amendment 197
Alexander Alvaro

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
d) Den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum.	d) Den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum.
Buchstabe d ***gilt für Einzelne nur insoweit, als sie ihre berufliche oder gewerbliche Tätigkeit ausüben.***	Buchstabe d ***betrifft nicht bestehende Privat- und Geschäftsgebäude.***

Or. de

Justification

Kleine und mittlere Unternehmen (KMU) müssen aus Gründen des Bestanschutzes besonders berücksichtigt werden.

Amendment 198
Patrick Gaubert

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
(d) Access to and supply of goods and other services which are available to the public, including housing.	(d) Access to and supply of goods and other services which are available to the public, including housing.
Subparagraph (d) shall apply to individuals only insofar as they are performing a professional or commercial activity.	Subparagraph (d) ***does not concern existing private and business buildings.***

Or. en

Amendment 199
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
d) Den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum.	d) Den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum.
Buchstabe d gilt für Einzelne nur insoweit, als sie ihre berufliche ***oder gewerbliche*** Tätigkeit ausüben.	Buchstabe d gilt für Einzelne nur insoweit, als sie ihre berufliche Tätigkeit ausüben.

Or. de

Justification

Eine Einschränkung der gewerblichen Tätigkeit greift in unzulässiger Weise in die

Vertragsfreiheit ein. Insbesondere bei Mietverhältnissen sollte der Anwendungsbereich ausgenommen werden unter Berücksichtigung der Tatsache, dass bei Mietverhältnissen z.B. im eigenen Haus die Privatsphäre betroffen ist. Siehe auch den Änderungsantrag desselben Verfassers zu Erwägung 16.

Amendment 200
Patrick Gaubert

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
(d) Access to and supply of goods and other services which are available to the public, including housing.	(d) Access to and supply of goods and other services which are available to the public, including housing.
Subparagraph (d) shall apply to individuals only insofar as they are performing a professional or commercial activity.	Subparagraph (d) ***doesn't cover transactions between private individuals acting in a private capacity.***

Or. en

Amendment 201
Rareş-Lucian Niculescu

Proposal for a directive
Article 3 – paragraph 1 - point d

Text proposed by the Commission	*Amendment*
d) accesul la bunuri şi servicii disponibile publicului şi furnizarea acestora, inclusiv în ceea ce priveşte locuinţa.	d) accesul la bunuri şi servicii disponibile publicului şi furnizarea acestora, inclusiv în ceea ce priveşte locuinţa.
Litera (d) se aplică persoanelor numai în măsura în care acestea desfăşoară o activitate profesională sau comercială.	Litera (d) se aplică persoanelor *fizice* numai în măsura în care acestea desfăşoară o activitate profesională sau comercială.

Or. ro

Justification

Rigoare legislativă

Amendment 202
Rareş-Lucian Niculescu

Proposal for a directive
Article 3 – paragraph 1 - point d a (new)

Text proposed by the Commission	*Amendment*
	(da) Participarea la activități sociale.

Or. ro

Justification

Persoanele identificate conform criteriilor de la art.1 trebuie să participe deplin la viața socială.

Amendment 203
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. This Directive is without prejudice to national laws on marital or family status and reproductive rights.	***deleted***

Or. en

Justification

There is no precedent for introducing this kind of exception in the operative paragraph of an Article 13 directive. This article creates inconsistencies with Directive 2000/78 which included a similar exception only in its recital (recital 22). Moreover, this broad exception is not consistent with case law from the ECJ (Maruko - C-267/06) and the European Court of Human Rights (E.B. v. France; Karner v. Austria).

Amendment 204
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França,

Lissy Gröner, Michael Cashman, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. This Directive is without prejudice to national laws on marital or family status and reproductive rights.	***deleted***

Or. en

Amendment 205
Marco Cappato

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. This Directive is without prejudice to national laws on marital or family status and reproductive rights.	***deleted***

Or. en

Amendment 206
Maria Grazia Pagano

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***La presente direttiva lascia impregiudicate le normative nazionali in materia di stato coniugale o di famiglia e diritti di riproduzione.***	2. ***Ferme restando le competenze degli Stati membri in materia di stato coniugale o di famiglia e diritti di riproduzione, la presente direttiva si applica ai partenariati di fatto e alle unioni civili, laddove riconosciuto dall'ordinamento degli Stati membri, e alle prestazioni sociali che ne derivano.***

Or. it

Justification

Questo riferimento segue la giurisprudenza della Corte di Giustizia.

Amendment 207
Manfred Weber, Patrick Gaubert, Anja Weisgerber

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Einzelstaatliche Gesetze über ***den*** Ehe- ***und*** Familienstand ***einschließlich der reproduktiven*** Rechte ***bleiben von dieser Richtlinie*** unberührt.	2. ***Diese Richtlinie lässt die einzelstaatlichen Rechtsvorschriften*** über ***die*** Ehe, ***den*** Familienstand ***und davon abhängige Leistungen sowie reproduktive*** Rechte unberührt.

Or. de

Justification

Dass einzelstaatliche Gesetze über Ehe oder Familienstand von der Richtlinie unberührt bleiben ist im Grunde selbstverständlich und deklaratorischer Natur, da mit der Richtlinie keine personenstandsrechtlichen Regelungen getroffen werden sollen. Sinnvoll erscheint deswegen eine Klarstellung, dass einzelstaatliche Gesetze, die ihre Leistungen an den Ehe- oder Familienstand anknüpfen, von der Richtlinie unberührt bleiben. Eine entsprechende Formulierung enthält bereits Erwägungsgrund 22 der RL 2000/78/EG, die hier übernommen werden sollte.

Amendment 208
Patrick Gaubert

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. This Directive ***is without prejudice to national laws on*** marital ***or family*** status and reproductive rights.	2. This Directive ***does not apply to matters covered by family law, including*** marital status**,** and ***laws on*** reproductive rights

Or. en

Amendment 209
Thomas Mann

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Einzelstaatliche ***Gesetze über den*** Ehe- oder ***Familienstand einschließlich der reproduktiven Rechte bleiben von dieser Richtlinie unberührt.***	2. ***Diese Richtlinie findet keine Anwendung auf das*** einzelstaatliche Ehe- oder ***Familienrecht sowie die hiervon abhängigen Leistungen.***

Or. de

Justification

Siehe Begründung zu Erwägungsgrund 17.

Amendment 210
Manfred Weber, Patrick Gaubert, Anja Weisgerber

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Einzelstaatliche Gesetze über den Ehe- oder Familienstand einschließlich der reproduktiven ***Rechte*** bleiben von dieser Richtlinie unberührt.	2. Einzelstaatliche Gesetze über den Ehe- oder Familienstand ***und deren Wertigkeit*** einschließlich der reproduktiven ***und der Adoptionsrechte*** bleiben von dieser Richtlinie unberührt.

Or. de

Justification

Die traditionelle Ehe, die Familie und die damit verbundenen Kindeserziehung sind auf besondere Weise zu schützen. Adoptionsagenturen müssen zur bestmöglichen Garantie des Wohles des Kindes und zur Überprüfung der elterlichen Sorge auf verschiedene Informationsquellen wie Lebensberichte, polizeiliche Führungszeugnisse und

Gesundheitsatteste zurückgreifen. Eine Ungleichsbehandlung bei Vorliegen eines sachlichen Grundes ist per se nicht diskriminierend, sondern folgt nicht selten einer objektiven Notwendigkeit bzw. Optimierung.

Amendment 211
Mario Mauro, Stefano Zappalà

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. La presente direttiva lascia impregiudicate le normative nazionali in materia di stato coniugale o di famiglia e diritti di riproduzione.	2. La presente direttiva ***non pregiudica*** le normative nazionali in materia di stato ***civile, matrimoniale*** o di famiglia e diritti di riproduzione***, che rientrano nella competenza degli Stati membri.***

Or. it

Amendment 212
Mario Mauro, Stefano Zappalà

Proposal for a directive
Article 3 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(2bis) Il precedente paragrafo non pregiudica le politiche degli Stati membri in materia di accesso e prestazione di servizi relativi alla riproduzione, alla contraccezione e all'aborto.

Or. it

Amendment 213
Marie Panayotopoulos-Cassiotou

Proposal for a directive
Article 3 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. While prohibiting discrimination, it is important to respect other fundamental rights and freedoms, including the protection of private and family life and transactions carried out in that context, the freedom of thought, conscience and religion, the freedom of speech and the freedom of association.

Or. en

Amendment 214
Mario Mauro, Stefano Zappalà

Proposal for a directive
Article 3 – paragraph 2 bis (nouvo)

Text proposed by the Commission	*Amendment*
	2bis. La presente direttiva non pregiudica la competenza degli Stati membri di introdurre o mantenere politiche di promozione dell'istituto della famiglia come tradizionalmente inteso.

Or. it

Justification

L'emendamento fa riferimento alla sentenza ECHR del 29 aprile 2008, caso Burden Vs Regno Unito.

Amendment 215
Marco Cappato

Proposal for a directive
Article 3 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. This Directive applies also in relation to national laws on marital, family and civil status and sexual and reproductive health and rights.

Or. en

Amendment 216
Marco Cappato

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Directive is without prejudice to the responsibilities of Member States for the content of teaching, activities and the organisation of their educational systems, including the provision of special needs education. Member States may provide for differences in treatment in access to educational institutions based on religion or belief.	***deleted***

Or. en

Amendment 217
Patrick Gaubert

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Directive ***is without prejudice*** to ***the responsibilities of Member States for***	3. This Directive ***does not apply*** to the content of teaching ***or*** activities and the

the content of teaching, activities and the organisation of ***their*** educational systems, including the provision of special needs education. ***Member States may provide for differences in treatment in*** access to educational institutions based on religion or belief.	organisation of ***national*** educational systems, including the provision of special needs education. ***This Directive is without prejudice to conditions based on religion or belief in respect of*** access to educational institutions, ***the ethos of which is*** based on religion or belief, ***in accordance with national laws, traditions and practice. It is also without prejudice to national measures authorising or prohibiting the wearing of religious symbols.***

Or. en

Amendment 218
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Directive is without prejudice to the responsibilities of Member States for the content of teaching, activities and the organisation of their educational systems, ***including the provision of special needs education***. Member States may provide for differences in treatment in access to educational institutions based on religion or belief.	3. This Directive is without prejudice to the responsibilities of Member States for the content of teaching and the organisation of their educational systems, ***Member States shall ensure that, in determining which form of education or training is appropriate, the views of the person with a disability are respected. Where the person is a child or adult who is unable to represent himself, the views of their parents, guardians or designated advocates will be considered as a significant factor.*** Member States may provide for ***necessary and proportionate*** differences in treatment ***based on a person's religion or belief*** in access to educational institutions ***whose ethos is*** based on religion or belief ***where this is necessary to protect religious ethos of the educational institution and does not lead to a violation of the right to education - or discrimination on any other ground.***

Or. en

Justification

Explicit exclusion of special needs education from the scope of the Directive will result in the de facto denial of access to education for many people with disabilities. It is important that the right to an education takes precedence over the school's right to choose its pupils. Where there is no local alternative, a religious school must be obliged to take all local pupils, without consideration of their religion. This amendment also intends to ensure that appropriate education options are provided to people with disabilities.

Amendment 219
Rareş-Lucian Niculescu

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Prezenta directivă nu aduce atingere responsabilităilor statelor membre în ceea ce privește conținutul educațional, activitățile și organizarea sistemelor educaționale, inclusiv dispozițiile referitoare la nevoi speciale de educație. Statele membre pot să prevadă diferențe de tratament pentru accesul la instituțiile de educație pe bază de religie sau convingeri.	3. Prezenta directivă nu aduce atingere responsabilităilor statelor membre în ceea ce privește conținutul educațional, activitățile și organizarea sistemelor educaționale, inclusiv dispozițiile referitoare la nevoi speciale de educație. Statele membre pot să prevadă diferențe de tratament pentru accesul la instituțiile de educație pe bază de religie sau convingeri**.** ***Dacă se înființează, instituțiile separate de învățământ:*** ***a) au drept obiect nu asigurarea excluderii unui grup oarecare, ci sporirea posibilităților de învățământ pe care le oferă puterea publică, dacă funcționalitatea lor corespunde acestui țel şi dacă învățământul predat este conform cu normele care ar fi putut fi prescrise sau aprobate de către autoritățile competente în special pentru învățământul de acelaşi grad;*** ***b) dacă adeziunea la aceste sisteme sau frecventarea acestor instituții rămâne facultativă şi dacă învățământul predat este în conformitate cu manuale care ar fi putut fi prescrise sau aprobate de către autoritățile competente, în special pentru învățământul de acelaşi grad; și*** ***c) dacă aceste sisteme sau instituții***

prezintă înlesniri echivalente de acces la învățământ, dispun de cadre didactice cu aceeaşi calificare şi permit să se urmeze aceleaşi programe de studii sau programe de studii echivalente.

Or. ro

Justification

Amendamentul reia textual prevederile Convenției UNESCO privind lupta împotriva discriminării în domeniul învățământului (1960).

Amendment 220
Stavros Lambrinidis, Evangelia Tzampazi

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Directive is without prejudice to the responsibilities of Member States for the content of teaching, activities and the organisation of their educational systems, ***including the provision of special needs education***. Member States may provide for differences in treatment in access to educational institutions based on religion or belief.	3. This Directive is without prejudice to the responsibilities of Member States for the content of teaching, activities and the organisation of their educational systems, ***while ensuring the rights of persons with disabilities to education without discrimination and on the basis of equal opportunities***. Member States may provide for differences in treatment in access to educational institutions based on religion or belief.

Or. en

Justification

Amendment aims to ensure the right to inclusive education for persons with disabilities.

Amendment 221
Elizabeth Lynne

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Directive is without prejudice to the responsibilities of Member States for the content of teaching, activities and the organization of their educational systems, ***including the provision of special needs education***. Member States may provide differences in treatment in access to educational institutions based on religion or belief.	3. This Directive is without prejudice to the responsibilities of Member States for the content of teaching and the organisation of their educational systems**,** ***while realizing the rights of persons with disabilities to education without discrimination and on the basis of equal opportunities***. Member States may provide differences in treatment in access to educational institutions based on religion or belief.

Or. en

Amendment 222
Alexander Alvaro

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***Die Zuständigkeit der Mitgliedstaaten für*** die Lehrinhalte, die Aktivitäten und die Gestaltung ***ihres*** Bildungssystems einschließlich der ***Sonderpädagogik bleibt von dieser Richtlinie unberührt***. Die Mitgliedstaaten können eine Ungleichbehandlung aufgrund der Religion ***oder Weltanschauung*** beim Zugang zu Bildungseinrichtungen vorsehen.	3. ***Diese Richtlinie findet keine Anwendung auf*** die Lehrinhalte, die Aktivitäten und die Gestaltung ***des jeweiligen einzelstaatlichen*** Bildungssystems einschließlich der Sonderpädagogik. Die Mitgliedstaaten können eine Ungleichbehandlung aufgrund der Religion beim Zugang zu Bildungseinrichtungen vorsehen.

Or. de

Amendment 223
Thomas Mann

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***Die Zuständigkeit der Mitgliedstaaten für*** die Lehrinhalte, die Aktivitäten und die Gestaltung ***ihres*** Bildungssystems einschließlich der Sonderpädagogik ***bleibt von dieser Richtlinie unberührt***. Die Mitgliedstaaten können eine Ungleichbehandlung aufgrund der Religion oder Weltanschauung beim Zugang zu Bildungseinrichtungen vorsehen.	3. ***Diese Richtlinie findet keine Anwendung auf*** die Lehrinhalte, die Aktivitäten und die Gestaltung ***des jeweiligen einzelstaatlichen*** Bildungssystems einschließlich der Sonderpädagogik. Die Mitgliedstaaten können eine Ungleichbehandlung aufgrund der Religion oder Weltanschauung beim Zugang zu Bildungseinrichtungen vorsehen.

Or. de

Justification

Die Formulierung "findet keine Anwendung" macht deutlich, dass die betreffenden Bereiche vom Anwendungsbereich der Richtlinie ausgenommen sind. Die Kompetenz zu diesbezüglicher Gesetzgebung verbleibt bei den Mitgliedstaaten, die Richtlinie hat keinerlei Auswirkungen auf die Ausübung dieser Kompetenz durch die Mitgliedstaaten. Durch diese Formulierung werden sprachliche Unklarheiten beseitigt und damit dem Prinzip der Normenklarheit genüge getan.

Amendment 224
Inger Segelström

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Detta direktiv ska inte påverka medlemsstaternas ansvar för innehållet i undervisningen, verksamheten och organisationen av utbildningssystemen, även tillhandahållande av undervisning för elever med behov av särskilt stöd. ***Medlemsstaterna får tillåta särbehandling i fråga om tillträde till läroanstalter som***	3. Detta direktiv ska inte påverka medlemsstaternas ansvar för innehållet i undervisningen, verksamheten och organisationen av utbildningssystemen, även tillhandahållande av undervisning för elever med behov av särskilt stöd.

är baserade på religion eller övertygelse.

Or. sv

Justification

Direktivet klargör inte vilken typ av särbehandling i fråga om tillträde det rör sig om, vilka människor som skall kunna särbehandlas, etc., därför bör skrivningen utgå.

Amendment 225
Emine Bozkurt, Claudio Fava, Claude Moraes, Armando França, Stavros Lambrinidis, Michael Cashman, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Directive is without prejudice to the responsibilities of Member States for the content of teaching, activities and the organisation of their educational systems, including the provision of special needs education. Member States may ***provide for*** differences in treatment in access to educational institutions based on religion or belief.	3. This Directive is without prejudice to the responsibilities of Member States for the content of teaching, activities and the organisation of their educational systems, including the provision of special needs education. ***Notwithstanding the right to education***, Member States may ***allow for*** differences in treatment in access to educational institutions based on religion or belief ***when to require individuals, only on the basis of objective justifications, to act in good faith and with loyalty to the organization's ethos and should not justify discrimination on any other ground***.

Or. en

Amendment 226
Mario Mauro, Stefano Zappalà

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. La presente direttiva non pregiudica le responsabilità degli Stati membri per i contenuti dell'insegnamento, le attività e l'organizzazione dei propri sistemi d'istruzione, inclusa la messa a disposizione dell'insegnamento speciale. Gli Stati membri possono prevedere differenze di trattamento nell'accesso ad istituiti scolastici basate su una religione o convinzione.	3. La presente direttiva non pregiudica le responsabilità degli Stati membri per i contenuti dell'insegnamento, le attività e l'organizzazione dei propri sistemi d'istruzione, inclusa la messa a disposizione dell'insegnamento speciale. Gli Stati membri possono prevedere differenze di trattamento nell'accesso ad istituiti scolastici ***e nel reclutamento dei docenti degli istituti scolastici e universitari*** basate su una religione o convinzione.

Or. it

Amendment 227
Marco Cappato

Proposal for a directive
Article 3 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. This Directive applies also to the content of teaching, activities and the organisation of their educational systems, including the provision of special needs education, as well as in relation to differences in treatment in access to educational institutions based on religion or belief.

Or. en

Amendment 228
Marco Cappato

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission	*Amendment*
4. This Directive is without prejudice to national legislation ensuring the secular nature of the State, State institutions or bodies, or education, ***or concerning the status and activities of churches and other organisations based on religion or belief***. It is equally without prejudice to national legislation promoting equality between men and women.	4. This Directive is without prejudice to national legislation ensuring the secular nature of the State, State institutions or bodies, or education. It is equally without prejudice to national legislation promoting equality between men and women. ***The status and activities of churches and other organisations based on religion or belief is covered by the directive.***

Or. en

Amendment 229
Claude Moraes, Richard Howitt

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission	*Amendment*
4. This Directive is without prejudice to national legislation ensuring the secular nature of the State, State institutions or bodies, or education, or concerning the status and activities of churches and other organisations based on religion or belief. It is equally without prejudice to national legislation promoting equality between men and women.	4. This Directive is without prejudice to national legislation the secular nature of the State, State institutions or bodies, or education, or concerning the status and activities of churches and other organisations based on religion and belief ***where this falls outside the competence of the EU. Where the activities of churches or other organisations based on religion and belief fall within EU competence, they will be subject to the EU's non discrimination provisions.*** It is equally without prejudice to national legislation promoting equality between men and women.

Or. en

Justification

Where a church or organisation based on religion and belief is carrying out activities which fall within the TEC - for example, where they are providing commercial services (services for remuneration) as in Article 50 - these activities should be covered by the Directive's non discrimination provisions.

Amendment 230
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission	*Amendment*
4. This Directive is without prejudice to national legislation ensuring the secular nature of the State, State institutions or bodies, or education, or concerning the status and activities of churches and other organisations based on religion or belief. It is equally without prejudice to national legislation promoting equality between ***men and women.***	4. This Directive is without prejudice to national legislation ensuring the secular nature of the State, State institutions or bodies, or education, or concerning the status and activities of churches and other organisations based on religion or belief. It is equally without prejudice to national legislation promoting equality between ***males and females.***

Or. en

Justification

The change here reflects that the terms "men" and "women" contain an assumption of age, whereas the terms they are replaced with "male" and "female" do not contain any such assumption of age.

Amendment 231
Thomas Mann

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Einzelstaatliche ***Rechtsvorschriften*** zur Gewährleistung des säkularen Charakters	4. ***Diese Richtlinie findet keine Anwendung auf das*** einzelstaatliche ***Recht***

des Staates, der staatlichen Einrichtungen und Gremien sowie der Bildung oder zum Status und zu den Aktivitäten der Kirchen und anderer religiös oder weltanschaulich begründeter Organisationen ***bleiben von dieser Richtlinie unberührt***. Das Gleiche gilt für einzelstaatliche Rechtsvorschriften zur Förderung der Gleichstellung von Männern und Frauen.	zur Gewährleistung des säkularen Charakters des Staates, der staatlichen Einrichtungen und Gremien sowie der Bildung oder zum Status und zu den Aktivitäten der Kirchen und anderer religiös oder weltanschaulich begründeter Organisationen. Das Gleiche gilt für einzelstaatliche Rechtsvorschriften zur Förderung der Gleichstellung von Männern und Frauen.

Or. de

Justification

Die Formulierung "findet keine Anwendung" macht deutlich, dass die betreffenden Bereiche vom Anwendungsbereich der Richtlinie ausgenommen sind. Die Kompetenz zu diesbezüglicher Gesetzgebung verbleibt bei den Mitgliedstaaten, die Richtlinie hat keinerlei Auswirkungen auf die Ausübung dieser Kompetenz durch die Mitgliedstaaten. Durch diese Formulierung werden sprachliche Unklarheiten beseitigt und damit dem Prinzip der Normenklarheit genüge getan.

Amendment 232
Iratxe García Pérez

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Se entenderá la presente Directiva sin perjuicio de la legislación nacional que vele por el carácter laico del Estado, las instituciones u organismos estatales, la educación, o por lo que se refiere al estatus y las actividades de las confesiones y de otras organizaciones religiosas o basadas en ciertas convicciones. Se entenderá asimismo sin perjuicio de legislación nacional que promueve la igualdad entre hombres y mujeres.	4. Se entenderá la presente Directiva sin perjuicio de la legislación nacional que vele por el carácter laico del Estado, las instituciones u organismos estatales, la educación, o por lo que se refiere al estatus y las actividades y ***el régimen legal*** de las confesiones y de otras organizaciones religiosas o basadas en ciertas convicciones. Se entenderá asimismo sin perjuicio de legislación nacional que promueve la igualdad entre hombres y mujeres.

Or. es

Justification

El régimen legal de las iglesias y otras organizaciones basadas en la religión o la creencia varía de unas a otras.

Amendment 233
Mario Mauro, Stefano Zappalà

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission	*Amendment*
4. La presente direttiva non pregiudica la legislazione nazionale che garantisce la laicità dello stato, delle istituzioni o degli organismi statali, dell'istruzione o riguardanti lo status e le attività delle organizzazioni fondate su una religione o convinzione. Inoltre, lascia impregiudicata la legislazione nazionale a favore della parità dei sessi.	4. La presente direttiva non pregiudica la legislazione nazionale che garantisce la laicità dello stato, delle istituzioni o degli organismi statali, dell'istruzione o riguardanti lo status e le attività delle ***chiese, comunità religiose e*** organizzazioni fondate su una religione o convinzione. Inoltre, lascia impregiudicata la legislazione nazionale a favore della parità dei sessi.

Or. it

Amendment 234
Csaba Sógor

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission	*Amendment*
4) Ez az irányelv nem sérti *és* az állam, az állami intézmények vagy szervek vagy az oktatás világi jellegét biztosító, illetve a valláson vagy meggyőződésen alapuló, egyházak vagy más szervezetek státuszáról és tevékenységeiről szóló nemzeti jogszabályokat. Nem sérti a nemek közötti egyenlőséget ***elősegítő*** nemzeti	4) Ez az irányelv nem sérti az állam, az állami intézmények vagy szervek vagy az oktatás világi jellegét biztosító, illetve a valláson vagy meggyőződésen alapuló, egyházak vagy más szervezetek státuszáról és tevékenységeiről szóló nemzeti jogszabályokat. Nem sérti a nemek közötti egyenlőséget ***biztosító*** nemzeti

jogszabályokat sem.	jogszabályokat sem.

Or. hu

Amendment 235
Marco Cappato

Proposal for a directive
Article 3 – paragraph 5

Text proposed by the Commission	*Amendment*
5. This Directive ***does not cover*** differences of treatment based on nationality and ***is without prejudice to*** provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons in the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.	5. This Directive ***covers also the application of asylum and immigration laws by the EU and the Member States, such as*** differences of treatment based on nationality and provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons in the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.

Or. en

Amendment 236
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Article 3 – paragraph 5

Text proposed by the Commission	*Amendment*
5. This Directive does not cover differences of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons in the territory of Member States, ***and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.***	5. This Directive does not cover differences of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons in the territory of Member States.

Or. en

Justification

This amendment would limit the discrimination experienced by third country nationals and stateless persons when accessing goods and services as well as health and education provision.

Amendment 237
Inger Segelström

Proposal for a directive
Article 3 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5a. Detta direktiv skall inte påverka publicisters rätt att refusera annonser från personer, partier och organisationer som inte delar demokratiska värderingar, samt från personer, partier eller organisationer som inte delar den politiska inriktning som tidningen bygger på.

Or. sv

Justification

Publicister bör ha ratt att refusera annonser från personer, partier och organisationer som inte delar den värdegrund som tidningen bygger på. Direktivet bor därför inte vara tillampligt inom detta område.

Amendment 238
Patrick Gaubert, Thomas Mann, Manfred Weber

Proposal for a directive
Article 3 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5a. Der Bereich Werbung und Medien ist von dem Anwendungsbereich der

Richtlinie ausgenommen.

Or. de

Justification

Hierdurch wird die ungerechtfertigte Verletzung der Presse- und Medienfreiheit vermieden. Die ausgewogene und praxisgerechte Rechtslage zur Ablehnung von Werbung beim Mediageschäft bleibt hiernach erhalten und die Kohärenz zu der im Jahr 2004 in Kraft getretenen Richtlinie zur Gleichbehandlung von Männern und Frauen beim Zugang zu und der Versorgung mit Gütern und Dienstleistungen (2004/113/EG) gewahrt.

Amendment 239
Alexander Alvaro

Proposal for a directive
Article 3 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5a. Der Bereich Werbung und Medien ist von dem Anwendungsbereich der Richtlinie ausgenommen.

Or. de

Justification

Hierdurch wird die ungerechtfertigte Verletzung der Presse- und Medienfreiheit vermieden. Die ausgewogene und praxisgerechte Rechtslage zur Ablehnung von Werbung beim Mediageschäft bleibt hiernach erhalten und die Kohärenz zu der im Jahr 2004 in Kraft getretenen Richtlinie zur Gleichbehandlung von Männern und Frauen beim Zugang zu und der Versorgung mit Gütern und Dienstleistungen (2004/113/EG) gewahr.

Amendment 240
Rareş-Lucian Niculescu

Proposal for a directive
Article 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Accesul unei persoane sau al unui grup de persoane dintr-o categorie identificată conform criteriilor de la art.1 în locurile publice nu poate fi interzis.

Or. ro

Justification

Persoanele identificate conform criteriilor de la art.1 trebuie să participe deplin la viaţa socială.

Amendement 241
Michael Cashman, Claude Moraes

Proposal for a directive
Article 4 – title

Text proposed by the Commission	*Amendment*
*Equal treatment **of persons with** disabilities*	*Equal treatment **on grounds of** disabilities*

Or. en

Justification

All the proposed areas are as important to persons with disabilities as 'housing and transport', originally proposed by the Commission, and should be explicitly included. The exception of 'fundamental alteration' should apply to specific goods and services, not to the whole scope of the Directive – the proposed amendment makes that clear and explicit.

Amendement 242
Maria Grazia Pagano

Proposal for a directive
Article 4 – title

Text proposed by the Commission	*Amendment*
Parità di trattamento ***delle persone con*** disabilità	Parità di trattamento ***e*** disabilità

Or. it

Justification

E' necessario tener conto della parità di trattamento rispetto sia ai disabili che alle persone che se ne occupano.

Amendement 243
Maria Grazia Pagano

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Per garantire il rispetto del principio di parità di trattamento delle persone con disabilità:	1. Per garantire il rispetto del principio di parità di trattamento delle persone con disabilità ***e delle persone che sono in relazione con loro o che se ne occupano***:

Or. it

Justification

E' necessario tener conto della parità di trattamento rispetto sia ai disabili che alle persone che se ne occupano.

Amendement 244
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
a) The measures necessary to enable persons with disabilities to have effective non-discriminatory access to social protection, social advantages, health care, education and access to and supply of goods and services which are available to the public, including housing ***and transport,*** shall be provided by anticipation, including through appropriate modifications or adjustments. ***Such measures should not impose a disproportionate burden, nor require fundamental alteration of the social protection, social advantages, health care, education, or goods and services in question or require the provision of alternatives thereto.***	a) The measures necessary to enable persons with disabilities to have effective non-discriminatory access to social protection, social advantages, health care, education and access to and supply of goods and services which are available to the public, including housing, shall be provided by anticipation, including through appropriate modifications or adjustments.

Or. en

Justification

The measures by anticipation called for in this article can hardly impose an undue or disproportionate burden. Practices, policies, procedures and measures which are ´inclusive` from the start will not raise additional costs. The restriction ´unless this would impose a ´disproportionate burden` on the obligation to provide a reasonable accommodation in individual cases (200/78/EC) is not fit to be used in terms of general inclusive measures by anticipation.

Amendement 245
Michael Cashman, Claude Moraes

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
a) The measures necessary to enable persons with disabilities to have effective non-discriminatory access to social protection, social advantages, health care, education and access to and supply of goods and services which are available to the public, including housing and ***transport***, shall be provided by anticipation, including through appropriate modifications or adjustments. Such measures should not impose a disproportionate burden, nor require fundamental alteration ***of the social protection, social advantages, health care, education, or goods and services in question or require the provision of alternatives thereto.***	a) The measures necessary to enable persons with disabilities to have effective non-discriminatory access to social protection, social advantages, health care, education and access to and supply of goods and services which are available to the public, including housing and ***telecommunication, information, including information in accessible formats, financial services, culture and leisure, buildings open to the public, transport modes and other public spaces and facilities*** shall be provided by anticipation, including through appropriate modifications or adjustments. Such measures should not impose a disproportionate burden, nor require fundamental alterations ***to nature of the goods or services in question or the nature of the trade, profession or business in question. An alteration is fundamental if it so alters the goods or services or the nature of the trade, profession or business, to the extent that the provider of the goods or services is effectively providing a completely different kind of goods or services.***

Or. en

Justification

All the proposed areas are as important to persons with disabilities as 'housing and transport', originally proposed by the Commission, and should be explicitly included. The exception of 'fundamental alteration' should apply to specific goods and services, not to the whole scope of the Directive – the proposed amendment makes that clear and explicit.

Amendement 246
Manfred Weber, Patrick Gaubert, Thomas Mann

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
a) werden die Maßnahmen, die für Menschen mit Behinderungen einen effektiven diskriminierungsfreien Zugang zu Sozialschutz, sozialen Vergünstigungen, Gesundheitsdiensten und Bildung sowie den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum und ***Transport***, gewährleisten*,* im Voraus vorgesehen, einschließlich angemessener Veränderungen oder Anpassungen. Diese Maßnahmen sollten keine unverhältnismäßige Belastung bedeuten und keine grundlegende Veränderung ***des Sozialschutzes, der sozialen Vergünstigungen, der Gesundheitsdienste, der Bildung oder*** der betreffenden Güter ***und*** Dienstleistungen ***zur Pflicht machen oder die Bereitstellung von entsprechenden Alternativen*** erfordern.	a) werden die Maßnahmen, die für Menschen mit Behinderungen einen effektiven diskriminierungsfreien Zugang zu Sozialschutz, sozialen Vergünstigungen, Gesundheitsdiensten und Bildung sowie den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen*,* einschließlich Wohnraum und ***Telekommunikation***, ***elektronische Kommunikation, Information, auch in zugänglichen Formaten und Verkehrsmittel sowie sonstige öffentliche Räume und Einrichtungen,*** gewährleisten, im Voraus vorgesehen, einschließlich angemessener Veränderungen oder Anpassungen. Diese Maßnahmen sollten keine unverhältnismäßige Belastung bedeuten und keine grundlegenden Veränderungen ***der Art*** der betreffenden Güter ***oder*** Dienstleistungen ***oder des Wesens der betreffenden Branche, der betreffenden Berufsgruppe oder des betreffenden Unternehmens*** erfordern. ***Eine Veränderung ist grundlegend, wenn durch sie die Güter oder Dienstleistungen oder das Wesen einer Branche, einer Berufsgruppe oder eines Unternehmens so sehr verändert werden, dass der Erbringer der Güter oder Dienstleistungen tatsächlich eine völlig andere Art von Gütern oder Dienstleistungen bereitstellt. Umfangreiche Umbauten an bestehenden Privat- und Geschäftsgebäuden stellen eine unverhältnismäßige Belastung dar. Die Mitgliedsstaaten können darüber hinaus festlegen, welche Anpassungen verhältnismäßig sind.***

Justification

Der Begriff der "unverhältnismäßigen Belastung" stellt einen unbestimmten Rechtsbegriff dar, was zu erheblicher Rechtsunsicherheit führt. Eine Verhältnismäßigkeitsprüfung wird im jeweiligen Einzelfall regelmäßig im Nachhinein erfolgen, obwohl ein Unternehmen aber schon vorher rechtssicher beurteilen können muss, ob eine Baumaßnahme erforderlich oder unverhältnismäßig ist.

Amendement 247
Patrick Gaubert

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
a) sont prévues de manière anticipative, entre autres par des modifications et des ajustements appropriés, les mesures nécessaires pour permettre aux personnes handicapées de jouir d'un accès effectif et non discriminatoire à la protection sociale, aux avantages sociaux, aux soins de santé et à l'éducation, ainsi que de l'accès aux biens et services et la fourniture des biens et services mis à la disposition du public, y compris en matière de logement ***et de transports***. Ces mesures ne devraient pas imposer de charge disproportionnée ou nécessiter de modification ***fondamentale de la protection sociale, des avantages sociaux, des soins de santé, de l'éducation ou des biens et services concernés, ni de substitution de ces biens et services***;	a) sont prévues de manière anticipative, entre autres par des modifications et des ajustements appropriés, les mesures nécessaires pour permettre aux personnes handicapées de jouir d'un accès effectif et non discriminatoire à la protection sociale, aux avantages sociaux, aux soins de santé et à l'éducation, ainsi que de l'accès aux biens et services et la fourniture des biens et services mis à la disposition du public, y compris en matière de logement ***et de télécommunication, de communication électronique, d'information, ainsi que dans des formats accessibles et de moyens de transport, ainsi que d'autre espaces publics et instituions.*** Ces mesures ne devraient pas imposer de charge disproportionnée ou nécessiter une modification ***substantielle de la nature des biens ou des services concernés. Une modification est substantielle lorsque le bien ou le service offert par le fournisseur est dénaturé dans son objet et sa destination.*** ***La restructuration de grande envergure d'un local ou l'extension d'un bâtiment existant constitue une charge***

disproportionnée.

Or. fr

Amendement 248
Alexander Alvaro

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
a) werden die Maßnahmen, die für Menschen mit Behinderungen einen effektiven diskriminierungsfreien Zugang zu Sozialschutz, sozialen Vergünstigungen, Gesundheitsdiensten und Bildung sowie den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, einschließlich Wohnraum und ***Transport***, ***gewährleisten,*** im Voraus vorgesehen, einschließlich angemessener Veränderungen oder Anpassungen. Diese Maßnahmen sollten keine unverhältnismäßige Belastung bedeuten und keine grundlegende Veränderung ***des Sozialschutzes, der sozialen Vergünstigungen, der Gesundheitsdienste, der Bildung oder*** der betreffenden Güter ***und*** Dienstleistungen ***zur Pflicht machen oder die Bereitstellung von entsprechenden Alternativen*** erfordern.	a) werden die Maßnahmen, die für Menschen mit Behinderungen einen effektiven diskriminierungsfreien Zugang zu Sozialschutz, sozialen Vergünstigungen, Gesundheitsdiensten und Bildung sowie den Zugang zu und die Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen, *gewährleisten,* einschließlich Wohnraum und ***Telekommunikation***, ***elektronische Kommunikation, Information, auch in zugänglichen Formaten und Verkehrsmittel sowie sonstige öffentliche Räume und Einrichtungen,*** im Voraus vorgesehen, einschließlich angemessener Veränderungen oder Anpassungen. Diese Maßnahmen sollten keine unverhältnismäßige Belastung bedeuten und keine grundlegenden Veränderungen ***der Art*** der betreffenden Güter ***oder*** Dienstleistungen ***oder des Wesens der betreffenden Branche, der betreffenden Berufsgruppe oder des betreffenden Unternehmens*** erfordern. ***Eine Veränderung ist grundlegend, wenn durch sie die Güter oder Dienstleistungen, oder das Wesen einer Branche, einer Berufsgruppe oder eines Unternehmens so sehr verändert werden, dass der Erbringer der Güter oder Dienstleistungen tatsächlich eine völlig andere Art von Gütern oder Dienstleistungen bereitstellt. Umfangreiche Umbauten an bestehenden***

Privat- und Geschäftsgebäuden stellen eine unverhältnismäßige Belastung dar. Die Mitgliedsstaaten können darüber hinaus festlegen, welche Anpassungen verhältnismäßig sind.

Or. de

Justification

Der Begriff der "unverhältnismäßigen Belastung"stellt einen unbestimmten Rechtsbegriff dar, was zu erheblicher Rechtsunsicherheit führt. Eine Verhältnismäßgkeitsprüfung wird im jeweiligen Einzelfall regelmäßig im Nachhinein erfolgen, obwohl ein Unternehmen aber schon vorher rechtssicher beurteilen können muss, ob eine Baumaßnahme erforderlich oder unverhältnismäßig ist.

Amendement 249
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
a) moeten de nodige maatregelen om personen met een handicap effectieve niet-discriminerende toegang te geven tot sociale bescherming, sociale voordelen, gezondheidszorg, onderwijs en toegang tot en aanbod van goederen en diensten die publiekelijk beschikbaar zijn, met inbegrip van huisvesting en vervoer, van tevoren worden genomen, ***onder meer via passende wijzigingen of aanpassingen***. Dergelijke maatregelen mogen geen onevenredige belasting vormen, geen fundamentele wijziging van de sociale bescherming, de sociale voordelen, de gezondheidszorg, het onderwijs, of de betrokken goederen en diensten vereisen, noch vereisen dat daarvoor alternatieve oplossingen worden aangeboden;	a) moeten de nodige maatregelen om personen met een handicap effectieve niet-discriminerende toegang te geven tot sociale bescherming, sociale voordelen, gezondheidszorg, onderwijs en toegang tot en aanbod van goederen en diensten die publiekelijk beschikbaar zijn, met inbegrip van huisvesting en vervoer, van tevoren worden genomen. ***Wanneer een effectieve niet-discriminerende toegang belemmerd wordt door bestaande praktijken en/of procedures, moeten maatregelen worden genomen om die belemmering, al dan niet stapsgewijs, weg te nemen.*** Dergelijke maatregelen mogen geen onevenredige belasting vormen, geen fundamentele wijziging van de sociale bescherming, de sociale voordelen, de gezondheidszorg, het onderwijs, of de betrokken goederen en diensten vereisen, noch vereisen dat daarvoor alternatieve oplossingen worden

aangeboden;

Or. nl

Justification

Voor wat betreft nieuwe maatregelen dient (en kan) van te voren rekening worden gehouden met de kosten die het toegankelijk maken voor iedereen met zich mee brengt. Voor wat betreft bestaande praktijk beleid en/of procedures moeten maatregelen worden genomen die het discriminerende karakter ervan tegengaan, zij het geleidelijk. Het is niet redelijk om gehele aanpassing in één keer te eisen.

Amendement 250
Csaba Sógor

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
a) Előzetesen rendelkezni kell a fogyatékossággal élők számára a szociális védelemhez, a szociális előnyökhöz, az egészségügyi ellátáshoz, az oktatáshoz és a nyilvánosan hozzáférhető árukhoz és a szolgáltatásokhoz való hozzáférést és azok nyújtását lehetővé tévő intézkedésekről, ideértve a lakhatást ***és*** a közlekedést is, többek között megfelelő módosítások vagy kiigazítások útján. Az ilyen intézkedések nem jelenthetnek aránytalan terhet, nem változtathatják meg alapvetően a szociális védelmet, a szociális juttatásokat, az egészségügyi ellátást, az oktatást, a kérdéses árukat és szolgáltatásokat, illetve nem kívánhatják meg, hogy az említettekhez alternatívát nyújtsanak.	a) Előzetesen rendelkezni kell a fogyatékossággal élők számára a szociális védelemhez, a szociális előnyökhöz, az egészségügyi ellátáshoz, az oktatáshoz és a nyilvánosan hozzáférhető árukhoz és a szolgáltatásokhoz való hozzáférést és azok nyújtását lehetővé tévő intézkedésekről, ideértve a lakhatást***,*** a közlekedést ***és a közintézmenyekbe való bejutás lehetőségét*** is, többek között megfelelő módosítások vagy kiigazítások útján. Az ilyen intézkedések nem jelenthetnek aránytalan terhet, nem változtathatják meg alapvetően a szociális védelmet, a szociális juttatásokat, az egészségügyi ellátást, az oktatást, a kérdéses árukat és szolgáltatásokat, illetve nem kívánhatják meg, hogy az említettekhez alternatívát nyújtsanak.

Or. hu

Amendement 251
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
a) The measures necessary to enable persons with disabilities to have effective non-discriminatory access to social protection, social advantages, health care, education and access to and supply of goods and services which are available to the public, including housing and transport, shall be provided by anticipation, including through appropriate modifications or adjustments. Such measures should not impose a disproportionate burden, nor require fundamental ***alteration of the social protection, social advantages, health care, education, or goods and services in question or require the provision of alternative thereto.***	a) The measures necessary to enable persons with disabilities to have effective non-discriminatory access to social protection, social advantages, health care, education and access to and supply of goods and services which are available to the public, including housing and transport, shall be provided by anticipation, including through appropriate modifications or adjustments. ***Where discrimination arises from practice, policy or procedure, measures need to be taken so that it no longer has that effect.*** Such measures should not impose a disproportionate burden, nor require fundamental ***alternative to the nature of the goods, services, trade, profession or business in question.***

Or. en

Amendement 252
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission	*Amendment*
	aa) Eine Verletzung des Benachteiligungsverbotes ist nicht gegeben, wenn für eine unterschiedliche Behandlung wegen der Religion oder der Weltanschauung, einer Behinderung, des Alters oder der sexuellen Identität ein sachlicher Grund vorliegt. Das kann insbesondere der Fall sein, wenn die unterschiedliche Behandlung

1. der Vermeidung von Gefahren, der Verhütung von Schäden oder anderen Zwecken vergleichbarer Art dient,

2. dem Bedürfnis nach Schutz der Intimsphäre oder der persönlichen Sicherheit Rechnung trägt,

3. besondere Vorteile gewährt und ein Interesse an der Durchsetzung der Gleichbehandlung fehlt.

Bei Vermietung von Wohnraum ist eine unterschiedliche Behandlung im Hinblick auf die Schaffung und Erhaltung sozial stabiler Bewohnerstrukturen und ausgewogener Siedlungsstrukturen sowie ausgeglichener wirtschaftlicher, sozialer und kulturelle Verhältnisse zulässig.

Or. de

Justification

Ungleichbehandlungen sind nicht per se diskriminierend. Nicht selten folgen sie objektiven Notwendigkeiten (z. B. Zugangsbeschränkungen bei gefährlichen Dienstleistungen wie Fahrkarussellen aus Gründen der Verkehrssicherungspflicht, ausgewogene sozio-kulturelle/ ethnische Bewohnerstruktur eines Wohnviertels). Auch andere sachliche Gründe sind vorstellbar. Es bedarf daher einer Generalklausel, die Ungleichbehandlung bei Vorliegen eines sachlichen Grundes zulässt.

Amendement 253
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
b. ***Notwithstanding the obligation to ensure*** effective non-discriminatory access ***and where needed in a particular case,*** reasonable accommodation shall be provided unless this would impose a disproportionate burden.	b. ***For the purposes of paragraph 1,*** effective non-discriminatory access ***involves the identification and elimination of obstacles and barriers and the prevention of new obstacles and barriers that hamper the access of persons with disabilities to goods, services and facilities available to the general public,***

	irrespective of the nature of the obstacles, barrier or disability. Subject to the provisions of this Directive, and regardless of the measures chosen to remove the obstacles or barrers, effective non-discriminatory access for persons with disabilities must be provided under the same terms and conditions as for persons without disabilities whereever possible. Where effective non-discriminatory access cannot be provided under the same terms and conditions and subject to the provisions of this Directive, reasonable accommodation shall be provided unless this would impose a disproportionate burden.

Or. en

Amendement 254
Patrick Gaubert

Proposal for a directive
Article 4 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
b) ***Notwithstanding*** the obligation to ensure effective non-discriminatory access and where needed in a particular case, reasonable accommodation shall be provided unless this would impose a disproportionate burden.	b) ***Without prejudice to*** the obligation to ensure effective non-discriminatory access and where needed in a particular case, reasonable accommodation shall be provided unless this would impose a disproportionate burden. ***For the purposes of this provision, "reasonable accommodation" means measures needed in a particular case to enable a person with a disability to have access to and enjoy or exercise on an equal basis with others rights concerning social protection, including social security and health care, social advantages, education and access to goods and services in the meaning of Article 3, paragraph 1.***

Or. en

Amendement 255
Inger Segelström

Proposal for a directive
Article 4 – paragraph 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	ba) Vid tillämpning av punkt 1 inbegriper ickediskriminerande faktisk tillgång identifiering och eliminering av hinder samt förebyggande av nya hinder som hämmar personer med funktionsnedsättning tillgång till varor, tjänster och inrättningar som är tillgängliga för allmänheten, oberoende av typen av hinder eller funktionsnedsättning. I enlighet med bestämmelserna i detta direktiv, och oberoende av de åtgärder som valts för att avlägsna hindren, måste ickediskriminerande faktisk tillgång för personer med funktionsnedsättning alltid garanteras på samma villkor som för personer utan funktionsnedsättning när detta är möjligt. Om ickediskriminerande faktisk tillgång inte kan garanteras på samma villkor och i enlighet med bestämmelserna i detta direktiv, måste ett likvärdigt alternativ erbjudas för att garantera tillgängligheten.

Or. sv

Justification

Likvärdigt är ett starkare begrepp än meningsfullt och preciserar vad man egentligen menar. Med lydelsen meningsfullt skulle en verksamhetsutövare kunna hävda att en hänvisning till en webbtjänst är fullvärdig åtgärd.

Amendement 256
Elizabeth Lynne

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission	*Amendment*
2. For the purposes of assessing whether measures necessary to comply with paragraph 1 would impose a disproportionate burden, account ***shall*** be taken***, in particular, of the size and resources of the organisation, its nature, the estimated cost, the life cycle of the goods and services, and the possible benefits of increased access for persons with disabilities.*** The burden shall not be disproportionate when it is sufficiently remedied by measures existing within the framework of the equal treatment policy of the Member State concerned.	2. For the purposes of assessing whether measures necessary to comply with paragraph 1 would impose a disproportionate burden, account ***should*** be taken ***of whether the measure in question is unfeasible or unsafe and could not be made feasible and safe by a reasonable modification of rules, policies or practices or the removal of architectural, communication or transport barriers or the provision of auxiliary aids or services***. ***Reasonable accommodation would not necessarily require significant structural changes to buildings whose structure is protected specifically under national law on account of their historical, cultural or architectural value.*** The burden shall not be ***deemed*** disproportionate when it is sufficiently remedied by measures existing within the framework of the equal treatment policy of the Member State concerned.

Or. en

Amendement 257
Evangelia Tzampazi, Stavros Lambrinidis

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission	*Amendment*
2. For the purposes of assessing whether measures necessary to comply with paragraph 1 would impose a disproportionate burden, account ***shall*** be taken***, in particular, of the size and***	2. For the purposes of assessing whether measures necessary to comply with paragraph 1 would impose a disproportionate burden, account ***should*** be taken ***of whether the measure in question***

resources of the organisation, its nature, the estimated cost, the life cycle of the goods and services, and the possible benefits of increased access for persons with disabilities. The burden shall not be disproportionate when it is sufficiently remedied by measures existing within the framework of the equal treatment policy of the Member State concerned.	***is unfeasible or unsafe and could not be made feasible and safe by a reasonable modification of rules, policies or practices or the removal of architectural, communication or transport barriers or the provision of auxiliary aids or services***. The burden shall not be ***deemed*** disproportionate when it is sufficiently remedied by measures existing within the framework of the equal treatment policy of the Member State concerned.

Or. en

Justification

Feasibility and safety of a measure are much easier to assess and measure than the list of criteria proposed by the Commission. The proposed amendment is much more flexible and allows addressing the financial and other concerns of any-sized enterprise.

Amendement 258
Emine Bozkurt, Claudio Fava, Claude Moraes, Armando França, Lissy Gröner, Stavros Lambrinidis, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission	*Amendment*
2. For the purposes of assessing whether ***measures necessary*** to comply with paragraph 1 would impose a disproportionate burden, account shall be taken, in particular, of the size and resources of the organisation, its nature, the estimated cost, the life cycle of the goods and services, and the possible benefits of increased access for persons with disabilities. The burden shall not be disproportionate when it is sufficiently remedied by measures ***existing within the framework of the equal treatment policy*** of the Member State concerned.	2. For the purpose of assessing whether to comply with paragraph 1 would impose a disproportionate burden, account shall be taken, in particular, of the size and resources of the organisation, its nature, the estimated cost, the life cycle of the goods and services, and the possible benefits of increased access for person with disabilities. The burden shall not be disproportionate when it is sufficiently remedied by measures of the Member State concerned.

Or. en

Amendement 259
Patrick Gaubert

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission	*Amendment*
2. For the purposes of assessing whether measures necessary to comply with paragraph 1 would impose a disproportionate burden, account shall be taken, in particular, of the size and resources of the organisation, its nature, the estimated cost, the life cycle of the goods and services, and the possible benefits of increased access for persons with disabilities. The burden shall not be disproportionate when it is sufficiently remedied by measures existing within the framework of the equal treatment policy of the Member State concerned.	2. For the purposes of assessing whether measures necessary to comply with paragraph 1 would impose a disproportionate burden, account shall be taken, in particular, of the size and resources of the organisation ***or entreprise***, its nature, the estimated cost, the life cycle of the goods and services, and the possible benefits of increased access for persons with disabilities. The burden shall not be ***deemed*** disproportionate when it is sufficiently remedied by measures existing within the framework of the equal treatment policy of the Member State concerned. ***Extensive rebuilding of existing private and business buildings shall consitute a disporportionate burden.***

Or. en

Amendement 260
Rareş-Lucian Niculescu

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Cu scopul de a evalua dacă măsurile necesare pentru a se conforma dispoziiților de la alineatul (1) ar implica o sarcină disproporționată, se ține seama, în mod special, de proporțiile și resursele organizării, de tipul acesteia, de costurile estimate, ciclul de viață al bunurilor și	2. Cu scopul de a evalua dacă măsurile necesare pentru a se conforma dispoziiților de la alineatul (1) ar implica o sarcină disproporționată, se ține seama, în mod special, de proporțiile și resursele organizării, de tipul acesteia, de costurile estimate, ciclul de viață al bunurilor și

serviciilor și de beneficiile posibile ale asigurării unui grad sporit de acces pentru persoanele cu handicap. Această sarcină nu este disproporționată atunci când este compensată în mod suficient prin măsuri existente în cadrul politicii de tratament egal a statului membru în cauză.	serviciilor, ***de numărul beneficiarilor potențiali, de alternativele cu efect echivalent*** și de beneficiile posibile ale asigurării unui grad sporit de acces pentru persoanele cu handicap. Această sarcină nu este disproporționată atunci când este compensată în mod suficient prin măsuri existente în cadrul politicii de tratament egal a statului membru în cauză.

Or. ro

Justification

Amendamentul aduce o completare logică textului propus.

Amendement 261
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Bij de beoordeling of de nodige maatregelen om aan lid 1 te voldoen een onevenredige belasting vormen, moet in het bijzonder rekening worden gehouden met de omvang en de middelen van de organisatie, haar aard, de geraamde kosten, de levensduur van de goederen en diensten, en de mogelijke voordelen van een betere toegang voor personen met een handicap. Wanneer die belasting in voldoende mate wordt gecompenseerd door bestaande maatregelen in het kader van het door de lidstaten gevoerde beleid ***inzake gelijke behandeling***, mag zij niet als onevenredig worden beschouwd.	2. Bij de beoordeling of de nodige maatregelen om aan lid 1 te voldoen een onevenredige belasting vormen, moet in het bijzonder rekening worden gehouden met de omvang en de middelen van de organisatie, haar aard, de geraamde kosten, de levensduur van de goederen en diensten, en de mogelijke voordelen van een betere toegang voor personen met een handicap***, overeenkomstig Richtlijn 2000/78/EG en het VN-Verdrag inzake de rechten van personen met een handicap.*** Wanneer die belasting in voldoende mate wordt gecompenseerd door bestaande maatregelen in het kader van het door de lidstaten gevoerde beleid, mag zij niet als onevenredig worden beschouwd.

Or. nl

Justification

Uit oogpunt van coherentie.

Amendement 262
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission	*Amendment*
2. For the ***purposes*** of assessing whether ***measures necessary*** to comply with paragraph 1 would impose a disproportionate burden, account shall be taken, in particular, of the size and resources of the organisation, its nature, the estimated cost, the life cycle of the goods and services, and the possible benefits of increased access for persons with disabilities. The burden shall not be disproportionate when it is sufficiently remedied by measures ***existing within the framework of the equal treatment policy*** of the Member State concerned.	2. For the ***purpose*** of assessing whether to comply with paragraph 1 would impose a disproportionate burden, account shall be taken, in particular, of the size and resources of the organisation, its nature, the estimated cost, the life cycle of the goods and services, and the possible benefits of increased access for persons with disabilities. The burden shall not be disproportionate when it is sufficiently remedied by measures of the Member State concerned.

Or. en

Amendement 263
Evangelia Tzampazi, Stavros Lambrinidis

Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. In order to comply with the obligation to provide effective non-discriminatory access to existing infrastructures, policies or procedures within the meaning of Article 4- paragraph 1(a), Member States may, if necessary, have an additional period of 10 years from the deadline for transposition to comply with this

provision. Member States wishing to use the additional period shall submit to the Commission a plan for progressive compliance with the requirements found in paragraph 1(a), including targets, means and timeline. Any Member State which chooses to use this additional period shall report annually to the Commission on the steps taken to provide effective non-discriminatory access and on the progress towards implementation of paragraph 4(1)(a). The Commission shall report annually to the Council.

Or. en

Justification

Schedules for progressive realisation of the obligation to provide effective non-discriminatory access would be more appropriate and flexible means to address the accessibility of existing infrastructures that need long-term attention. The obligation to provide reasonable accommodation and the obligation to provide accessibility of new infrastructure would remain subject to the general implementation schedule under Article 15.

Amendement 264
Elizabeth Lynne

Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. In order to comply with the obligation to provide effective non-discriminatory access to existing infrastructures, policies or procedures within the meaning of paragraph 1(a), Member States may, if necessary, have an additional period of [X] years [from the deadline for transposition] to comply with this provision. Member States wishing to use the additional period shall submit to the Commission a plan for progressive compliance with the requirements found in paragraph 1(a), including targets,

means and timeline. Any Member State which chooses to use this additional period shall report annually to the Commission on the steps taken to provide effective non-discriminatory access and on the progress towards implementation of paragraph 4(1)(a). The Commission shall report annually to the Council.

Or. en

Amendement 265
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Bei der Definition dessen, was eine „unverhältnismäßige Belastung“ im Sinne des Abs. 1 lit a) S.2 und des Abs. 1 lit b) bedeutet, sind die im jeweiligen Mitgliedstaat bestehenden Rechtsvorschriften zur Gleichbehandlung von Menschen mit Behinderung und ihre Auslegung durch die nationalen Gerichte maßgeblich zu berücksichtigen.

Or. de

Justification

Das Schutzniveau der Antidiskriminierungspolitik geht in vielen Mitgliedstaaten über die EU-Vorgaben hinaus. Es ist nicht verhältnismäßig, erneut Anpassungsbedarf zu schaffen. Mit Art. 4 Abs. 2 a soll die in den Mitgliedstaaten bestehende Rechtslage als Maßstab dafür, wann eine unverhältnismäßige Belastung vorliegt, herangezogen werden. Maßnahmen, die sich im Rahmen der bestehenden nationalen Vorschriften zum Diskriminierungsschutz bewegen, sollen keine unverhältnismäßige Belastung sein, gehen sie darüber hinaus, kann eine unverhältnismäßige Belastung vorliegen.

Amendement 266
Patrick Gaubert

Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. In order to take account of particular conditions, the Member States may, if necessary have an additional period of [X] years from the deadline for transposition to comply with paragraphs 1.

Or. en

Amendement 267
Richard Howitt, Michael Cashman, Claude Moraes

Proposal for a directive
Article 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Young children's access to public buildings and public transport
	1. Member States shall ensure effective non-discriminatory access for young children to public buildings and public transport unless restrictions in access can be shown to be legitimate and proportionate. Notwithstanding this obligation and where needed in a particular case, reasonable accommodation shall be provided unless this would impose a disproportionate burden.
	2. For the purposes of assessing whether measures necessary to comply with paragraph 1 would impose a disproportionate burden, account shall be taken, in particular, of the size and resources of the organisation, its nature, the estimated cost, and the possible benefits of increased access for young

children. The burden shall not be disproportionate when it is sufficiently remedied by measures existing within the framework of the equal treatment policy of the Member State concerned.

Or. en

Justification

This amendment outlines the obligation for reasonable accomodation in combatting age discrimination against young children.

Amendement 268
Jean Lambert

Proposal for a directive
Article 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Young children's access to public buildings and public transport:
	1. Member States shall ensure effective non-discriminatory access for young children to public buildings and public transport unless restrictions in access can be shown to be legitimate and proportionate. Notwithstanding this obligation and where needed in a particular case, reasonable accommodation shall be provided unless this would impose a disproportionate burden.
	2. For the purposes of assessing whether measures necessary to comply with paragraph 1 would impose a disproportionate burden, account shall be taken, in particular, of the size and resources of the organisation, its nature, the estimated cost, and the possible benefits of increased access for young children. The burden shall not be disproportionate when it is sufficiently

remedied by measures existing within the framework of the equal treatment policy of the Member State concerned.

Or. en

Amendement 269
Maria Grazia Pagano

Proposal for a directive
Article 5

Text proposed by the Commission	*Amendment*
Allo scopo di assicurare l'effettiva e completa parità, ***il principio di parità di trattamento non impedisce a uno Stato membro di*** mantenere o adottare misure specifiche dirette a evitare o compensare svantaggi connessi alla religione o alle convinzioni personali, alla disabilità, all'età o all'orientamento sessuale.	***Tutti i cittadini europei hanno pari dignità sociale.*** Allo scopo di assicurare l'effettiva e completa parità, ***si invitano gli Stati membri a*** mantenere o adottare misure specifiche dirette a evitare o compensare svantaggi connessi alla religione o alle convinzioni personali, alla disabilità, all'età o all'orientamento sessuale***, nonché misure finalizzate alla promozione della parità di trattamento e delle pari opportunità, che tengano conto della dimensione di genere.*** ***La presente direttiva non pregiudica la possibilità degli Stati membri di prevedere trattamenti preferenziali o di adottare azioni positive con l'obiettivo di rispondere a bisogni specifici di persone o categorie di persone che, per le loro caratteristiche necessitino di strutture, servizi e assistenza non necessarie ad altre persone.***

Or. it

Justification

La parità di trattamento è un diritto dei cittadini. In questo senso è importante che gli Stati adottino misure positive per lottare contro le discriminazioni.

Amendement 270
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Article 5

Text proposed by the Commission	*Amendment*
With a view to ensuring full equality in practice, 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 religion or belief, disability, age, or sexual orientation.	With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures ***or from allowing these measures to be taken by the public, private or voluntary sector*** to prevent or compensate for disadvantages linked to religion or belief, disability, age, or sexual orientation.

Or. en

Justification

The existing anti-discrimination Directives permit Member States to allow positive action within their national legal frameworks, but there is no obligation either to take positive action or to permit it in relation to public or private organisations. A small step forward would be to require states to allow public or private organisations to take positive action. The same provision was included in the Framework Employment Directive (article 7). As in the Employment Directive only measure adopted or maintained by Member States are mentioned. In some countries (for example the Netherlands) voluntary policies adopted by employers have not been considered as justified. Differences of treatment included in policies undertaken by the private sector could be important to compensate for disadvantages related to age and therefore should not be excluded a priori.

Amendement 271
Patrick Gaubert

Proposal for a directive
Article 5

Text proposed by the Commission	*Amendment*
En vue ***d'assurer*** la pleine égalité en	En vue de ***promouvoir*** la pleine égalité en

pratique, le principe de l'égalité de traitement n'empêche pas un État membre de maintenir ou d'adopter des mesures spécifiques pour prévenir ou compenser des désavantages liés à la religion ou aux convictions, au handicap, à l'âge ou à l'orientation sexuelle.	pratique, le principe de l'égalité de traitement n'empêche pas un État membre de maintenir ou d'adopter des mesures spécifiques pour prévenir ou compenser des désavantages liés à la religion ou aux convictions, au handicap, à l'âge ou à l'orientation sexuelle, ***exclusion faite des systèmes de quotas ou de mesures de recrutement automatique.***

Or. fr

Justification

Les sytèmes de quotas ou de procédures de recrutements automatiques censés rétablir une égalité de traitement en pratique sont susceptibles de constituer en eux même des mesures disciminatoires.

Amendement 272
Iratxe García Pérez

Proposal for a directive
Article 5

Text proposed by the Commission	*Amendment*
Con el fin de garantizar la plena igualdad en la práctica, el principio de igualdad de trato no impedirá que un Estado miembro mantenga o adopte medidas específicas para prevenir o compensar las desventajas que afecten a personas por motivo de su religión o convicciones, discapacidad, edad u orientación sexual.	Con el fin de garantizar la plena igualdad en la práctica, el principio de igualdad de trato no impedirá que un Estado miembro mantenga o adopte medidas específicas para prevenir o compensar las desventajas que afecten a personas por motivo de su religión o convicciones, discapacidad, edad***, pertenencia a una asociación, género*** u orientación sexual.

Or. es

Amendement 273
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 5

Text proposed by the Commission	*Amendment*
5. Der Gleichbehandlungsgrundsatz hindert die Mitgliedstaaten nicht daran, zur Gewährleistung der vollen Gleichstellung in der Praxis spezifische Maßnahmen beizubehalten oder einzuführen, mit denen Benachteiligungen wegen der Religion **oder Weltanschauung**, einer Behinderung, des Alters oder der sexuellen Ausrichtung verhindert oder ausgeglichen werden.	5. Der Gleichbehandlungsgrundsatz hindert die Mitgliedstaaten nicht daran, zur Gewährleistung der vollen Gleichstellung in der Praxis spezifische Maßnahmen beizubehalten oder einzuführen, mit denen Benachteiligungen wegen der Religion, einer Behinderung, des Alters oder der sexuellen Ausrichtung verhindert oder ausgeglichen werden.

Or. de

Justification

Weltanschauung ist nicht mit Religion und anderen Diskriminierungsmerkmalen gleichzusetzen, Der horizontale Ansatz, für alle Diskriminierungsmerkmale dieselben Regelungen vorzusehen, wird den Unterschieden der einzelnen Merkmale nicht gerecht: Weltanschauung kann z.B. nicht mit Behinderung gleichgesetzt werden. Es besteht aber die Gefahr, dass das Verbot der Ungleichbehandlung aufgrund der Weltanschauung von extremen Gruppen missbraucht werden kann. Siehe die Änderungsanträge desselben Verfassers zu den Erwägungen 9, 13, 21, 23 und Art. 1, 2 Abs. 2 lit b, 12 Abs. 1.

Amendement 274
Patrick Gaubert

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Les États membres veillent à ce que des procédures judiciaires et/ou administratives, y compris, lorsqu'ils l'estiment approprié, des procédures de conciliation, visant à faire respecter les obligations découlant de la présente directive soient accessibles à toutes les	1. Les États membres veillent à ce que des procédures judiciaires et/ou administratives, y compris, lorsqu'ils l'estiment approprié, des procédures de conciliation, visant à faire respecter les obligations découlant de la présente directive soient accessibles à toutes les

personnes qui s'estiment lésées par le non-respect à leur égard du principe de l'égalité de traitement, ***même après la cessation de la relation dans laquelle la discrimination est présumée s'être produite***.	personnes qui s'estiment lésées par le non-respect à leur égard du principe de l'égalité de traitement.

Or. fr

Amendement 275
Richard Howitt, Michael Cashman, Claude Moraes

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall ensure that judicial and/or administrative procedures, including where they deem it appropriate conciliation procedures, for the enforcement of obligations under this Directive are available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended.	1. Member States shall ensure that judicial and/or administrative procedures, including where they deem it appropriate conciliation procedures, for the enforcement of obligations under this Directive are available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended. ***In order to ensure equal and effective rights of access and participation in judicial and/or administrative procedures, such procedures shall be organised and conducted in a manner which is accessible to all persons with disabilities.***

Or. en

Justification

This amendment aims at restricting the possibility of discrimination in access to financial services by ensuring that all data used in such decision making is transparent, authoritative and up-to-date.

Amendement 276
Maria Grazia Pagano

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Gli Stati membri provvedono affinché tutte le persone che si ritengono lese, in seguito alla mancata applicazione nei loro confronti del principio di parità di trattamento, possano accedere, anche dopo la cessazione ***del rapporto presumibilmente affetto da*** discriminazione, a procedimenti giudiziari e/o amministrativi, compresi, ove lo ritengono opportuno, i procedimenti di conciliazione finalizzati all'esecuzione degli obblighi derivanti dalla presente direttiva.	1. Gli Stati membri provvedono affinché tutte le persone che si ritengono lese, in seguito alla mancata applicazione nei loro confronti del principio di parità di trattamento, possano accedere, anche dopo la cessazione ***della presunta*** discriminazione, a procedimenti giudiziari e/o amministrativi, compresi, ove lo ritengono opportuno, i procedimenti di conciliazione finalizzati all'esecuzione degli obblighi derivanti dalla presente direttiva.

Or. it

Justification

Il termine rapporto sottintende un rapporto di lavoro, mentre questa relazione si applica in tutti i contesti.

Amendement 277
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Die Mitgliedstaaten stellen sicher, dass Verbände, Organisationen oder andere juristische Personen, die ein legitimes Interesse daran haben, für die Einhaltung der Bestimmungen dieser Richtlinie zu sorgen, sich entweder im Namen des Beschwerdeführers oder zu deren Unterstützung und mit deren Einwilligung an den in dieser Richtlinie	***entfällt***

zur Durchsetzung der Ansprüche vorgesehenen Gerichts- und/oder Verwaltungsverfahren beteiligen können.

Or. de

Justification

Das Klagerecht für Verbände, Organisationen und jursitische Personen steht im Widerspruch zum Verhältnismäßigkeits- und Subsidiaritätsgrundsatz, weil es über das für den Diskriminierungsschutz erforlicherlich Maß hinausgeht. Es birgt die erhebliche Gefahr des Missbrauchs und die Gefahr der Popularklage.

Amendement 278
Alexander Alvaro

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Die Mitgliedstaaten stellen sicher, dass Verbände, Organisationen oder andere juristische Personen, die ein legitimes Interesse daran haben, für die Einhaltung der Bestimmungen dieser Richtlinie zu sorgen, sich entweder im Namen des Beschwerdeführers oder zu deren Unterstützung und mit deren Einwilligung an den in dieser Richtlinie zur Durchsetzung der Ansprüche vorgesehenen Gerichts- und/oder Verwaltungsverfahren beteiligen können.	***entfällt***

Or. de

Justification

Das Klagerecht für Verbände, Organisationen und jursitische Personen steht im Widerspruch zum Verhältnismäßigkeits- und Subsidiaritätsgrundsatz, weil es über das für den Diskriminierungsschutz erforlicherlich Maß hinausgeht. Es birgt die erhebliche Gefahr des Missbrauchs und die Gefahr der Popularklage.

Amendement 279
Patrick Gaubert

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Les États membres veillent à ce que les associations, les organisations ou les autres entités juridiques qui ont un intérêt légitime à assurer le respect des dispositions de la présente directive puissent, pour le compte ou à l'appui du plaignant, avec son approbation, engager toute procédure judiciaire et/ou administrative prévue pour faire respecter les obligations découlant de la présente directive.	2. Les États membres veillent ***lorsque leurs règles de procédure judiciaire ou administrative le permettent***, à ce que les associations, les organisations ou les autres entités juridiques qui ont un intérêt légitime à assurer le respect des dispositions de la présente directive puissent, pour le compte ou à l'appui du plaignant, avec son approbation, engager toute procédure judiciaire et/ou administrative prévue ***par la législation nationale*** pour faire respecter les obligations découlant de la présente directive.

Or. fr

Amendement 280
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that associations, organisations or other legal entities, which have a legitimate interest in ensuring that the provisions of this Directive are complied with, ***may*** engage, ***either on behalf or in support of the complainant, with his or her approval***, in any judicial and/or administrative procedure provided for the enforcement of obligations under this Directive.	2. Member States shall ensure that associations, organisations or other legal entities, which have a legitimate interest in ensuring that the provisions of this Directive are complied with, ***are empowered to*** engage***, in their own name,*** in any judicial and/or administrative procedure provided for the enforcement of obligations under this Directive***, including on behalf of, or in support of, any victim***.

Or. en

Justification

Article 7 (2) currently fails to ensure full legal standing to organizations by restricting their role to acting on behalf or in support of individual litigants. Allowing NGOs to take cases – on behalf of individuals without the obligation for the individual to be named – is therefore essential to ensuring effective access to justice. Moreover, allowing NGOs to have autonomous legal standing also allows for the possibility to challenge discriminatory practices without individual litigants.

Amendement 281
Patrick Gaubert

Proposal for a directive
Article 7 – paragraph 2 – second subparagraph a (new)

Text proposed by the Commission	*Amendment*
	Le présent paragraphe est sans préjudice des règles de procédure judiciaire ou administrative nationales relatives à la représentation et à la défense devant les juridictions.

Or. fr

Amendement 282
Rareş-Lucian Niculescu

Proposal for a directive
Article 7 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(2a) Procedurile iniţiate în baza acestui articol sunt scutite de taxa judiciara de timbru sau alte taxe cu efect echivalent.

Or. ro

Justification

Amendamentul aduce o completare logică textului propus.

Amendement 283
Maria Grazia Pagano

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***I paragrafi 1 e 2 lasciano impregiudicate le norme nazionali relative ai termini per i ricorsi in materia di parità di trattamento.***	3. ***Il termine per i ricorsi in materia di parità di trattamento è fissato a ... giorni su tutto il territorio dell'Unione.***

Or. it

Justification

Considerato l'obiettivo della mobilità all'interno dell'UE, occorre garantire anche una portabilità dei diritti uniformando a livello comunitario anche i termini per la presentazione dei ricorsi.

Amendement 284
Sylvia-Yvonne Kaufmann

Proposal for a directive
Article 7 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Die Mitgliedstaaten treffen im Rahmen ihrer nationalen Rechtsordnung die erforderlichen Maßnahmen um sicherzustellen, dass der einer Person durch eine Diskriminierung im Sinne dieser Richtlinie entstandene Verlust oder Schaden, einschließlich des immateriellen Schadens, tatsächlich und wirksam ausgeglichen oder ersetzt wird, wobei dies auf eine abschreckende und dem erlittenen Schaden angemessene Art und Weise geschehen muss.

Or. de

Amendement 285
Patrick Gaubert

Proposal for a directive
Article 7 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3bis. Les États membres veillent, conformément à leur système judiciaire, à ce que toute personne qui s'estime lésée par la non application à leur égard du principe d'égalité de traitement, puisse le faire valoir devant un tribunal dans les délais prescrits par les règles nationales pour un former un tel recours.

Or. fr

Amendement 286
Henri Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 7 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Die Mitgliedstaaten gewährleisten im Einklang mit ihrem nationalen Gerichtswesen, dass die Personen, die sich durch die Nichtanwendung des Gleichbehandlungsgrundsatzes für verletzt halten, dies bei einem Gericht geltend machen können.

Or. de

Justification

Die Regelung zur Beweislastumkehr bringt in höchstem Maße Rechtsunsicherheit mit sich. Völlig unklar ist, welche Qualität Indizien haben müssen, die die Beweislastumkehr auslösen. Weiter unklar ist, mit welchem Vorbringen sich der Beklagte entlasten kann. Er muss nämlich negative Tatsachen - das Nichtvorliegen einer Diskriminierung - beweisen. Die Beweislastumkehr zwingt außerdem zu einem praktisch nicht zu bewältigenden Dokumentationsaufwand, wenn jemand, der eine Wohnung vermieten will, den

Auswahlprozess genau dokumentieren muss für den Fall eines Prozesses.

Amendement 287
Alexander Alvaro

Proposal for a directive
Article 7 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Die Mitgliedstaaten gewährleisten im Einklang mit ihrem nationalen Gerichtswesen, dass die Personen, die sich durch die Nichtanwendung des Gleichbehandlungsgrundsatzes für verletzt halten, dies bei einem Gericht geltend machen können.

Or. de

Justification

Die Regelung zur Beweislastumkehr bringt in höchstem Maße Rechtsunsicherheit mit sich. Völlig unklar ist, welche Qualität Indizien haben müssen, die die Beweislastumkehr auslösen. Weiter unklar ist, mit welchem Vorbringen sich der Beklagte entlasten kann. Er muss nämlich negative Tatsachen - das Nichtvorliegen einer Diskriminierung - beweisen. Die Beweislastumkehr zwingt außerdem zu einem praktisch nicht zu bewältigenden Dokumentationsaufwand, wenn jemand, der eine Wohnung vermieten will, den Auswahlprozess genau dokumentieren muss für den Fall eines Prozesses.

Amendement 288
Henri Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 8

Text proposed by the Commission	*Amendment*
1. Die Mitgliedstaaten ergreifen im Einklang mit ihrem nationalen Gerichtswesen die erforderlichen Maßnahmen, dass immer dann, wenn Personen, die sich durch die Nichtanwendung des	***entfällt***

Gleichbehandlungsgrundsatzes für verletzt halten und bei einem Gericht oder einer anderen zuständigen Stelle Tatsachen glaubhaft machen, die das Vorliegen einer unmittelbaren oder mittelbaren Diskriminierung vermuten lassen, es der beklagten Partei obliegt zu beweisen, dass keine Verletzung des Gleichbehandlungsgrundsatzes vorgelegen hat.

2. Absatz 1 lässt das Recht der Mitgliedstaaten, eine für die klagende Partei günstigere Beweislastregelung vorzusehen, unberührt.

3. Absatz 1 gilt nicht für das Strafrecht.

4. Die Mitgliedstaaten können davon absehen, in denen die Ermittlung des Sachverhalts dem Gericht oder der zuständigen Stelle obliegt.

5. Die Absätze 1, 2, 3 und 4 gelten auch für das Verfahren gemäß Artikel 7 Absatz 2.

Or. de

Justification

Die Beweislastregelung sollte besser in einem neuen Absatz des Artikels 7 geregelt werden. Siehe dazu den Änderungsantrag desselben Autors betreffend Art. 7 Abs. 3 lit. a) (neu).

Amendement 289
Alexander Alvaro

Proposal for a directive
Article 8

Text proposed by the Commission	*Amendment*
1. Die Mitgliedstaaten ergreifen im Einklang mit ihrem nationalen Gerichtswesen die erforderlichen Maßnahmen, dass immer dann, wenn	***entfällt***

Personen, die sich durch die Nichtanwendung des Gleichbehandlungsgrundsatzes für verletzt halten und bei einem Gericht oder einer anderen zuständigen Stelle Tatsachen glaubhaft machen, die das Vorliegen einer unmittelbaren oder mittelbaren Diskriminierung vermuten lassen, es der beklagten Partei obliegt zu beweisen, dass keine Verletzung des Gleichbehandlungsgrundsatzes vorgelegen hat.

2. Absatz 1 lässt das Recht der Mitgliedstaaten, eine für die klagende Partei günstigere Beweislastregelung vorzusehen, unberührt.

3. Absatz 1 gilt nicht für das Strafrecht.

4. Die Mitgliedstaaten können davon absehen, in denen die Ermittlung des Sachverhalts dem Gericht oder der zuständigen Stelle obliegt.

5. Die Absätze 1, 2, 3 und 4 gelten auch für das Verfahren gemäß Artikel 7 Absatz 2.

Or. de

Justification

Die Beweislastregelung sollte besser in einem neuen Absatz des Artikels 7 geregelt werden. Siehe Änderungsantrag derselben Autorin zu Art. 7 Abs. 3 a (neu).

Amendement 290
Rareş-Lucian Niculescu

Proposal for a directive
Article 8

Text proposed by the Commission	*Amendment*
1. Statele membre iau măsurile necesare, în conformitate cu sistemul lor juridic,	***eliminat***

pentru ca, îndată ce o persoană se consideră lezată prin nerespectarea, în ceea ce o privește, a principiului tratamentului egal și prezintă în fața unei instanțe sau a unei alte autorități competente fapte care permit presupunerea existenței unei discriminări directe sau indirecte, să-i revină pârâtului sarcina de a proba că nu a fost încălcată interdicția discriminării.

2. Alineatul (1) nu împiedică statele membre să impună un probatoriu mai favorabil reclamanților.

3. Alineatul (1) nu se aplică în cazul procedurilor penale.

4. Statele membre pot să nu aplice alineatul (1) la procedurile în cadrul cărora investigarea faptelor în cazul respectiv revine instanței sau organismului competent.

5. Alineatele (1), (2), (3) și (4) se aplică, de asemenea, tuturor procedurilor juridice angajate în conformitate cu articolul 7 alineatul (2).

Or. ro

Justification

Indiferent de obiectul reclamației, reclamantul are obligația de a își proba acțiunea.

Amendement 291
Patrick Gaubert

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Les États membres ***prennent*** les mesures nécessaires, conformément à leur système judiciaire, afin que, ***dès lors qu'une*** personne s'estime lésée par le non-respect	1. Les États membres ***peuvent prendre*** les mesures nécessaires, conformément à leur système judiciaire, afin que***, lorsqu'une*** personne s'estime lésée par le non-respect

à son égard du principe de l'égalité de traitement et ***établit,*** devant une juridiction ou une autre instance compétente, ***des faits qui permettent de présumer l'existence d'une discrimination directe ou indirecte,*** il incombe à la partie défenderesse de prouver qu'il n'y a pas eu violation de l'interdiction de discrimination.	à son égard du principe de l'égalité de traitement et ***que les faits faisant présumer l'existence d'une discrimination sont*** établis devant une juridiction ou une autre instance compétente, il incombe à la partie défenderesse de prouver qu'il n'y a pas eu violation de l'interdiction de discrimination. ***Le présent paragraphe est sans préjudice des règles de procédure nationales existantes relatives à la charge de la preuve en matière civile et pénale.*** ***En tout état de cause l'aménagement des règles relatives à la charge de la preuve n'est possible que lorsque la présomption est établie et vérifiée par une juridiction ou une instance compétente.***
	Or. fr

Amendement 292
Mario Mauro, Stefano Zappalà

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Gli Stati membri, secondo i loro sistemi giudiziari, adottano i provvedimenti necessari affinché spetti alla parte convenuta provare l'insussistenza della violazione del principio di parità di trattamento ove chi si ritiene leso dalla mancata osservanza nei propri confronti di tale principio abbia prodotto dinanzi ad un organo giurisdizionale, ovvero dinanzi ad un altro organo competente, elementi di fatto in base ai quali si possa presumere che ci sia stata violazione del divieto di discriminazione.	1. Gli Stati membri, secondo i loro sistemi giudiziari, adottano i provvedimenti necessari affinché spetti alla parte convenuta provare l'insussistenza della violazione del principio di parità di trattamento ove chi si ritiene leso dalla mancata osservanza nei propri confronti di tale principio abbia prodotto dinanzi ad un organo giurisdizionale, ovvero dinanzi ad un altro organo competente, elementi di fatto in base ai quali si possa presumere che ***non*** ci sia stata violazione del divieto di discriminazione.
	Or. it

Amendement 293
Claude Moraes, Richard Howitt

Proposal for a directive
Article 9 a (new)

Text proposed by the Commission	*Amendment*
	9a. Member States shall actively promote equality between persons irrespective of religion or belief, disability, age or sexual orientation when formulating and implementing laws, regulations, administrative provisions, policies and activities in the areas referred to in this Directive.

Or. en

Justification

The European Commission has recognised that simply prohibiting discrimination is not a sufficient means of achieving full equality in practice. The Directive should include a specific provision on mainstreaming and promoting equality in order to seek to achieve change at societal level. A mainstreaming precedent already exists for this in article 29 of the Recast Gender Directive 2006/54/EC and would be entirely consistent with the article 13 powers under the EC Treaty.

Amendement 294
Sylvia-Yvonne Kaufmann

Proposal for a directive
Article 10

Text proposed by the Commission	*Amendment*
10. Die Mitgliedstaaten stellen sicher, dass in ihrem Hoheitsgebiet die gemäß dieser Richtlinie getroffenen Maßnahmen sowie die bereits geltenden einschlägigen Vorschriften ***allen Betroffenen*** in geeigneter Form bekannt gemacht werden.	10. Die Mitgliedstaaten stellen sicher, dass in ihrem Hoheitsgebiet die gemäß dieser Richtlinie getroffenen Maßnahmen sowie die bereits geltenden einschlägigen Vorschriften ***der Allgemeinheit*** in geeigneter Form bekannt gemacht werden.

Or. de

Amendement 295
Maria Grazia Pagano

Proposal for a directive
Article 10 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Al fine di promuovere il principio della parità di trattamento, gli Stati membri dispongono campagne di sensibilizzazione ed informazione ad hoc ed attività formative all'interno dei programmi scolastici.

Or. it

Justification

Oltre ad una normativa avanzata in materia di parità di trattamento si avverte l'esigenza di una maggiore sensibilità verso i diritti dei più deboli e di una piena conoscenza dei propri diritti sociali.

Amendement 296
Carlo Casini, Iles Braghetto

Proposal for a directive
Article 11

Text proposed by the Commission	*Amendment*
11. Al fine di promuovere il principio di parità di trattamento gli Stati membri incoraggiano il dialogo con le parti interessate, in particolare le organizzazioni non governative che, conformemente alle rispettive legislazioni e prassi nazionali, hanno un interesse legittimo a contribuire alla lotta contro la discriminazione ***fondata sui motivi oggetto della presente direttiva***.	11. Al fine di promuovere il principio di parità di trattamento gli Stati membri incoraggiano il dialogo con le parti interessate, in particolare le organizzazioni non governative***, le chiese, le associazioni e comunità religiose e le organizzazioni non-confessionali*** che, conformemente alle rispettive legislazioni e prassi nazionali, ***ed in considerazione della loro identità e del loro specifico contributo,*** hanno un interesse legittimo a contribuire alla lotta contro la discriminazione.

Or. it

Justification

Considerando che le organizzazioni non governative vengono esplicitamente coinvolte nella promozione del principio di parità di trattamento, sarà non meno necessario fare riferimento anche al coinvolgimento delle chiese, di associazioni e comunità religiose e delle organizzazioni non confessionali, in modo da riprendere l'articolo 17 del Trattato sul Funzionamento dell'Unione Europea, sulla base delle previsioni del Trattato di Lisbona

Amendement 297
Kathalijne Maria Buitenweg

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall designate a body or bodies for the promotion of equal treatment of all persons irrespective of their religion or belief, disability, age, or sexual orientation. These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights, including rights under other Community acts including Directives 2000/43/EC and 2004/113/EC.	***deleted***

Or. en

Amendement 298
Claude Moraes, Richard Howitt

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall designate ***a*** body or bodies for the promotion of equal treatment of all persons irrespective of their religion or belief, disability, age, or sexual orientation. These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of	1. Member States shall designate ***an independent and adequately funded*** body or bodies for the promotion of equal treatment of all persons irrespective of their religion or belief, disability, age, or sexual orientation. ***Member States shall ensure that the body or bodies have***

individuals' rights, including rights under other Community acts including Directives 2000/43/EC and 2004/113/EC.	***competence in the fields covered by this Directive and the fields of employment and occupation under Directive 2000/78/EC.*** These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights, including rights under other Community acts including Directives 2000/43/EC and 2004/113/EC.

Or. en

Justification

The Recitals refer to the need for Equality Bodies to comply with the Paris Principles – which stipulate that equality bodies should be independent of government and adequately funded. It therefore makes sense to re-assert these requirements in the articles of the directive. This Directive should make clear that the Equality Body or Bodies established should also have jurisdiction over employment and occupation.

Amendement 299
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Jeder Mitgliedstaat bezeichnet eine oder mehrere Stellen, deren Aufgabe darin besteht, die Verwirklichung des Grundsatzes der Gleichbehandlung ungeachtet der Religion ***oder Weltanschauung,*** einer Behinderung, des Alters oder der sexuellen Ausrichtung zu fördern. Diese Stellen können Teil einer Einrichtung sein, die auf nationaler Ebene für den Schutz der Menschenrechte oder der Rechte des Einzelnen zuständig ist, einschließlich der Rechte aus anderen Akten der Gemeinschaft, etwa den Richtlinien 2000/43/EG und 2004/113/EG.	1. Jeder Mitgliedstaat bezeichnet eine oder mehrere Stellen, deren Aufgabe darin besteht, die Verwirklichung des Grundsatzes der Gleichbehandlung ungeachtet der Religion, einer Behinderung, des Alters oder der sexuellen Ausrichtung zu fördern. Diese Stellen können Teil einer Einrichtung sein, die auf nationaler Ebene für den Schutz der Menschenrechte oder der Rechte des Einzelnen zuständig ist, einschließlich der Rechte aus anderen Akten der Gemeinschaft, etwa den Richtlinien 2000/43/EG und 2004/113/EG.

Or. de

Justification

Weltanschauung ist nicht mit Religion und anderen Diskriminierungsmerkmalen gleichzusetzen, Der horizontale Ansatz, für alle Diskriminierungsmerkmale dieselben Regelungen vorzusehen, wird den Unterschieden der einzelnen Merkmale nicht gerecht: Weltanschauung kann z.B. nicht mit Behinderung gleichgesetzt werden. Es besteht aber die Gefahr, dass das Verbot der Ungleichbehandlung aufgrund der Weltanschauung von extremen Gruppen missbraucht werden kann. Siehe die Änderungsanträge desselben Verfassers zu den Erwägungen 9, 13, 21, 23 und Art. 1, 2 Abs. 2 lit. b, 5!

Amendement 300
Rareş-Lucian Niculescu

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Statele membre desemnează un organism sau mai multe organisme pentru promovarea tratamentului egal al tuturor persoanelor, indiferent de religie sau convingeri, handicap, vârstă sau orientare sexuală. Aceste organisme pot face parte din agenţiile însărcinate cu apărarea, la nivel naţional, a drepturilor omului sau cu protejarea drepturilor individuale, inclusiv a drepturilor asigurate în temeiul altor acte legislative comunitare, printre care Directiva 2000/43/CE şi Directiva 2004/113/CE.	1. Statele membre desemnează un organism sau mai multe organisme pentru promovarea tratamentului egal al tuturor persoanelor, indiferent de religie sau convingeri, handicap, ***afecţiune cronică necontagioasă, infecţie HIV/SIDA,*** vârstă sau orientare sexuală, ***venituri, apartenenţă la o categorie socială***. Aceste organisme pot face parte din agenţiile însărcinate cu apărarea, la nivel naţional, a drepturilor omului sau cu protejarea drepturilor individuale, inclusiv a drepturilor asigurate în temeiul altor acte legislative comunitare, printre care Directiva 2000/43/CE şi Directiva 2004/113/CE.

Or. ro

Justification

Pentru coerenţa cu celelalte amendamente propuse.

Amendement 301
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Stavros Lambrinidis, Michael Cashman, Iratxe García Pérez, Maria

Grazia Pagano

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall designate ***a*** body or bodies for the promotion of equal treatment of all persons irrespective of their religion or belief, disability, age, or sexual orientation. These bodies may form part of agencies charged at national level with the defence of ***human rights or the safeguard of individuals' rights, including*** rights under other Community acts including Directives 2000/43/EC and 2004/113/EC.	1. Member States shall designate ***an independent functioning*** body or bodies for the promotion of equal treatment of all persons irrespective of their religion or belief, disability, age, or sexual orientation. These bodies may form part of agencies charged at national level with the defence of ***the*** rights under other Community acts including Directives 2000/43/EC and 2004/113/EC.

Or. en

Amendement 302
Iratxe García Pérez

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Los Estados miembros designarán un organismo u organismos de promoción de la igualdad de trato para todas las personas independientemente de su religión o convicciones, discapacidad, edad u orientación sexual. Dichos organismos podrán formar parte de los órganos encargados a nivel nacional de la defensa de los derechos humanos o de la salvaguardia de los derechos de las personas, incluidos los derechos amparados bajo otros actos jurídicos comunitarios, como es el caso de las Directivas 2000/43/CE y 2004/113/CE.	1. Los Estados miembros designarán un organismo u organismos de promoción de la igualdad de trato para todas las personas independientemente de su religión o convicciones, discapacidad, edad***, pertenencia a una asociación, género*** u orientación sexual. Dichos organismos podrán formar parte de los órganos encargados a nivel nacional de la defensa de los derechos humanos o de la salvaguardia de los derechos de las personas, incluidos los derechos amparados bajo otros actos jurídicos comunitarios, como es el caso de las Directivas 2000/43/CE y 2004/113/CE.

Or. es

Amendement 303
Sylvia-Yvonne Kaufmann

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Jeder Mitgliedstaat bezeichnet eine oder mehrere Stellen, deren Aufgabe darin besteht, die Verwirklichung des Grundsatzes der Gleichbehandlung ungeachtet der Religion oder Weltanschauung, einer Behinderung, des Alters oder der sexuellen Ausrichtung zu fördern. Diese Stellen ***können*** Teil einer Einrichtung sein, die auf nationaler Ebene für den Schutz der Menschenrechte oder der Rechte des Einzelnen zuständig ist, einschließlich der Rechte aus anderen Rechtsakten der Gemeinschaft, etwa den Richtlinien 2000/43/EG und 2004/113/EG.	1. Jeder Mitgliedstaat bezeichnet eine oder mehrere ***unabhängige*** Stellen, deren Aufgabe darin besteht, die Verwirklichung des Grundsatzes der Gleichbehandlung ungeachtet der Religion oder Weltanschauung, einer Behinderung, des Alters oder der sexuellen Ausrichtung zu fördern. Diese Stellen ***sollten*** Teil einer Einrichtung sein, die auf nationaler Ebene für den Schutz der Menschenrechte oder der Rechte des Einzelnen zuständig ist, einschließlich der Rechte aus anderen Rechtsakten der Gemeinschaft, etwa den Richtlinien 2000/43/EG und 2004/113/EG.

Or. de

Amendement 304
Csaba Sógor

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A tagállamok kijelölnek egy vagy több szervet, amelyek feladata annak ösztönzése, hogy a vallástól vagy meggyőződéstől, fogyatékosságtól, életkortól vagy szexuális irányultságtól függetlenül minden személy egyenlő bánásmódban részesüljön. Ezek a szervek az emberi jogok vagy az egyének jogainak védelmére nemzeti szinten hivatott intézmények részét képezhetik, ideértve a más közösségi jogi aktusok – ideértve a	1. A tagállamok kijelölnek egy vagy több ***független*** szervet, amelyek feladata annak ösztönzése, hogy a vallástól vagy meggyőződéstől, fogyatékosságtól, életkortól vagy szexuális irányultságtól függetlenül minden személy egyenlő bánásmódban részesüljön. Ezek a szervek az emberi jogok vagy az egyének jogainak védelmére nemzeti szinten hivatott intézmények részét képezhetik, ideértve a más közösségi jogi aktusok – ideértve a

2000/43/EK és a 2004/113/EK irányelvet is – szerinti jogokat is.	2000/43/EK és a 2004/113/EK irányelvet is – szerinti jogokat is.

Or. hu

Amendement 305
Maria Grazia Pagano

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Gli Stati membri istituiscono uno o più organismi di parità di tutte le persone indipendentemente dalla loro religione o convinzioni personali, disabilità, età o dal loro orientamento sessuale. Tali organismi possono far parte di organi incaricati di difendere, a livello nazionale, i diritti umani o di tutelare i diritti degli individui, inclusi i diritti tutelati dagli atti comunitari, tra cui le direttive 2000/43/CE e 2004/113/CE.	1. Gli Stati membri istituiscono uno o più organismi di parità di tutte le persone indipendentemente dalla loro religione o convinzioni personali, disabilità, età o dal loro orientamento sessuale. Tali organismi possono far parte di organi incaricati di difendere, a livello nazionale, i diritti umani o di tutelare i diritti degli individui, inclusi i diritti tutelati dagli atti comunitari, tra cui le direttive 2000/43/CE***, 2000/78/CE*** e 2004/113/CE.

Or. it

Justification

La direttiva 2000/78/CE è complementare alle altre e dovrebbe essere oggetto della competenza dell'organismo di parità.

Amendement 306
Michael Cashman, Richard Howitt, Claude Moraes

Proposal for a directive
Article 12 – paragraph 2 – indent 1

Text proposed by the Commission	*Amendment*
- without prejudice to the right of victims and of associations, organizations or other legal entities referred to in Article 7(2), providing independent assistance to	- without prejudice to the right of victims and of associations, organizations or other legal entities referred to in Article 7(2), providing independent assistance to victims of discrimination in pursuing their

victims of discrimination in pursuing their complaints about discrimination,	complaints about discrimination, ***including engaging in any judicial and/or administrative procedure provided for the enforcement of obligations under this Directive, including on behalf of, or in support of, any victim.***

Or. en

Justification

The importance of having equality bodies independent from Governments, in accordance with the United Nations Paris Principles mentioned in the recital, should be stressed here.

Amendement 307
Rareş-Lucian Niculescu

Proposal for a directive
Article 12 – paragraph 2 – indent -1 (new)

Text proposed by the Commission	*Amendment*
	- facilitarea desfășurării procedurilor administrative sau judiciare privind discriminarea, în situația în care victima discriminării își are domiciliul în alt stat membru decât pârâtul, prin contactul cu organismul sau organismele similare din statul membru al pârâtului;

Or. ro

Justification

Trebuie avute în vedere şi ipotezele unor proceduri transfrontaliere.

Amendement 308
Rareş-Lucian Niculescu

Proposal for a directive
Article 12 – paragraph 2 – indent -1a (new)

Text proposed by the Commission	*Amendment*
	- asigurarea accesului reclamantului la

ajutorul public judiciar acordat în baza Directivei Consiliului Uniunii Europene 2003/8/CE privind îmbunătățirea accesului la justiție în cazul litigiilor transfrontaliere, dacă este cazul;

Or. ro

Justification

Trebuie avute în vedere și ipotezele unor proceduri transfrontaliere.

Amendement 309
Marco Cappato

Proposal for a directive
Article 12 – paragraph 2 – indent 2

Text proposed by the Commission	*Amendment*
- conducting independent surveys concerning discrimination,	- ***monitoring and*** conducting independent surveys concerning discrimination, ***including on the application of anti-discrimination law,***

Or. en

Amendement 310
Marco Cappato

Proposal for a directive
Article 12 – paragraph 2 – indent 3 a (new)

Text proposed by the Commission	*Amendment*
	- cooperating and exchanging information with the Fundamental Rights Agency and with other corresponding European bodies.

Or. en

Amendement 311
Maria Grazia Pagano

Proposal for a directive
Article 12 – paragraph 2 – indent 3 a (new)

Text proposed by the Commission	*Amendment*
	- lo svolgimento di campagne di informazione e sensibilizzazione e di attività di formazione.

Or. it

Justification

E' importante che tra le competenze dell'organismo di parità vi sia anche quella di informare e sensibilizzare.

Amendement 312
Marco Cappato

Proposal for a directive
Article 12 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States shall consider the possibility to integrate bodies dealing with the defence of human rights or the safeguard of individuals' rights, including rights under other Community acts, notably Directives 2000/43/EC and 2004/113/EC, and with the promotion of equal treatment, into a single body or Agency.

Or. en

Amendement 313
Kathalijne Maria Buitenweg

Proposal for a directive
Article 12 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The Member States shall provide this or these bodieswith sufficient resources to carry out its tasks in an effective and easily accessible manner.

Or. en

Amendement 314
Sophia in 't Veld

Proposal for a directive
Article 12 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2bis. Lidstaten moeten deze organen van voldoende middelen voorzien om zijn taken op effectieve en laagrempelige wijze uit te kunnen voeren.

Or. nl

Amendement 315
Maria Grazia Pagano

Proposal for a directive
Article 12 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Gli Stati membri assicurano finanziamenti adeguati alle competenze di tali organismi, garantendone il funzionamento e l'indipendenza.

Or. it

Amendement 316
Csaba Sógor

Proposal for a directive
Article 13 – point a

Text proposed by the Commission	*Amendment*
a) az egyenlő bánásmód elvével ellentétes minden törvényi, rendeleti és közigazgatási rendelkezést hatályon kívül helyezzenek;	a) az egyenlő bánásmód elvével ellentétes minden törvényi, rendeleti és közigazgatási rendelkezést ***azonnal*** hatályon kívül helyezzenek;

Or. hu

Amendement 317
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1bis. De lidstaten brengen nauwkeurig in kaart welke bepalingen zoals bedoeld in punten a) en b) bestaan wanneer deze richtlijn in werking treedt, opdat wordt voorzien in een duidelijke nulmeting. Zij stellen de Commissie daarvan onverwijld in kennis.

Or. nl

Justification

Het is van belang dat wordt voorzien in een meting van de uitgangspositie ten tijde van de inwerkingtreding van deze richtlijn.

Amendement 318
Henri Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 14

Text proposed by the Commission	*Amendment*
Die Mitgliedstaaten legen die Sanktionen fest, die bei einem Verstoß gegen die nationalen Vorschriften zur Umsetzung dieser Richtlinie zu verhängen sind, und treffen alle geeigneten Maßnahmen, um deren Durchsetzung zu gewährleisten. ***Die Sanktionen können auch Schadensersatzleistungen an die Opfer umfassen, die nicht durch eine im Voraus festgelegte Höchstgrenze limitiert werden dürfen, und müssen wirksam, verhältnismäßig und abschreckend sein.***	Die Mitgliedstaaten legen die Sanktionen fest, die bei einem Verstoß gegen die nationalen Vorschriften zur Umsetzung dieser Richtlinie zu verhängen sind, und treffen alle geeigneten Maßnahmen, um deren Durchsetzung zu gewährleisten.

Or. de

Justification

In den Aufforderungsschreiben der KOM (Vertragsverletzungsverfahren Nr. 2007/2253, Nr. 2007/2362) heißt es zu den Art. 15 bzw. 17, dass ein Verstoß gegen die Antidiskriminierungsvorschriften kein Verschulden voraussetze und keine Sanktionen nach sich ziehen dürfe. Unklar ist, ob sich dies auf das Zivilrecht bezieht. Das deutsche Zivilrecht knüpft an das Erfordernis des Vertretenmüssens bzw. der Verantwortlichkeit des Schuldners. Folgen einer verschuldensunabhängigen Haftung wären aber eine "Gefährdungshaftung" für Diskriminierung mit unkalkulierbaren Risiken.

Amendement 319
Sylvia-Yvonne Kaufmann

Proposal for a directive
Article 14

Text proposed by the Commission	*Amendment*
14. Die Mitgliedstaaten legen die Sanktionen fest, die bei einem Verstoß gegen die nationalen Vorschriften zur Umsetzung dieser Richtlinie zu verhängen	14. Die Mitgliedstaaten legen die Sanktionen fest, die bei einem Verstoß gegen die nationalen Vorschriften zur Umsetzung dieser Richtlinie zu verhängen sind, und treffen alle geeigneten

sind, und treffen alle geeigneten Maßnahmen, um deren Durchsetzung zu gewährleisten. Die Sanktionen ***können auch Schadenersatzleistungen an die Opfer umfassen, die*** nicht durch eine im Voraus festgelegte Höchstgrenze limitiert werden ***dürfen, und müssen wirksam, verhältnismäßig und abschreckend sein***.

Maßnahmen, um deren Durchsetzung zu gewährleisten. Die Sanktionen ***müssen wirksam, verhältnismäßig und abschreckend sein. Die Mitgliedstaaten stellen sicher, dass den Opfern von Diskriminierung Schadensersatz zusteht, einschließlich des Ersatzes des immateriellen Schadens. Die Schadensersatzleistungen dürfen dabei*** nicht durch eine im Voraus festgelegte Höchstgrenze limitiert werden.

Or. de

Amendement 320
Jean-Marie Cavada

Proposal for a directive
Article 14

Text proposed by the Commission	*Amendment*
Les États membres déterminent le régime des sanctions applicables aux violations des dispositions nationales adoptées en exécution de la présente directive et prennent toute mesure nécessaire pour assurer l'application de ces sanctions. ***Celles-ci*** peuvent comprendre le versement d'indemnités, qui ne peuvent pas être limitées à priori par un plafond et doivent être effectives, proportionnées et dissuasives.	Les États membres déterminent le régime des sanctions applicables aux violations des dispositions nationales adoptées en exécution de la présente directive et prennent toute mesure nécessaire pour assurer l'application de ces sanctions.
	Les États membres veillent à ce que le préjudice subi par la personne lésée suite au non-respect à son égard du principe de l'égalité de traitement soit réparé de façon effective. Les sanctions peuvent comprendre le versement d'indemnités, qui ne peuvent pas être limitées à priori par un plafond et doivent être effectives, proportionnées et dissuasives.

Or. fr

Justification

La mention du principe de réparation effective du préjudice subi fait défaut dans la proposition de la Commission. Il apparaît logique d'en faire mention à cet article dédié aux sanctions.

Amendement 321
Manfred Weber, Patrick Gaubert, Anja Weisgerber, Thomas Mann

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
1. Die Mitgliedstaaten setzen die Rechts- und Verwaltungsvorschriften in Kraft, die erforderlich sind, um dieser Richtlinie spätestens am … [binnen ***zwei*** Jahren nach ihrer Annahme] nachzukommen. Sie setzen die Kommission unverzüglich davon in Kenntnis und übermitteln ihr den Wortlaut dieser Bestimmungen sowie eine Entsprechungstabelle zwischen diesen Bestimmungen und dieser Richtlinie.	1. Die Mitgliedstaaten setzen die Rechts- und Verwaltungsvorschriften in Kraft, die erforderlich sind, um dieser Richtlinie spätestens am … [binnen ***drei*** Jahren nach ihrer Annahme] nachzukommen. Sie setzen die Kommission unverzüglich davon in Kenntnis und übermitteln ihr den Wortlaut dieser Bestimmungen sowie eine Entsprechungstabelle zwischen diesen Bestimmungen und dieser Richtlinie.

Or. de

Justification

Bei den bisherigen Nichtdiskriminierungsrichtlinien wurde regelmäßig eine Umsetzungsfrist von drei Jahren gewährt. Im aktuellen Richtlinienvorschlag ist lediglich eine Frist von zwei Jahren vorgesehen.

Amendement 322
Evangelia Tzampazi, Stavros Lambrinidis

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In order to take account of particular conditions, Member States may, if	***deleted***

necessary, establish that the obligation to provide effective access as set out in Article 4 has to be complied with by … [at the latest] four [years after adoption]

Or. en

Justification

An alternative proposal for progressive realisation of some obligations under Article 4 is dealt with in a respective amendment to Article 4.

Amendement 323
Elizabeth Lynne

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In order to take account of particular conditions, Member States may, if necessary, establish that the obligation to provide effective access as set out in Article 4 has to be complied with by … [at the latest] four [years after adoption].	***deleted***

Or. en

Amendement 324
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Michael Cashman, Richard Howitt, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In order ***to take account of particular conditions, Member States may, if necessary, establish that the obligation to provide effective access as set out in***	2. In order ***to comply with the obligation to provide effective non-discriminatory access to existing infrastructures, policies or procedures within the meaning of article 4.1(a), Member States may, if***

Article 4 has to be complied with by … [at the latest] four [years after adoption].	***necessary, have an additional period of 10 years [from the deadline for transposition] to comply with this provision.***
Member States wishing to use ***this*** additional period shall ***inform*** the Commission ***at the latest by the date set down in paragraph 1 giving reasons***.	Member States wishing to use ***the*** additional period shall ***submit to*** the Commission ***a plan for progressive compliance with the requirements found in article 4.1(a), including targets, means and timeline. Any Member State which chooses to use this additional period shall report annually to the Commission on the steps taken to provide effective non-discriminatory access and on the progress towards implementation of article 4(1)(a). The Commission shall report annually to the Council.***

Or. en

Justification

Schedules for progressive realisation of the obligation to provide access would be more appropriate and flexible means to address the issue of accessibility of facilities that need longterm attention, such as public transportation system, historic buildings.

Amendement 325
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 16 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1bis. Uiterlijk ** jaar na de inwerkingtreding van deze richtlijn moet een alomvattend communautair rechtskader inzake non-discriminatie van kracht zijn in de vorm van één richtlijn, waarin alle bestaande richtlijnen, die artikel 13 van het EG-verdrag als rechtsgrondslag hebben, inclusief deze richtlijn, zijn gebundeld en aldus worden vervangen. Deze nieuwe richtlijn dient te voorzien in een gelijk beschermingsniveau voor elk van de

discriminatiegronden.

Or. nl

Justification

Voor betere rechtszekerheid en omwille van efficiency.

Amendement 326
Sylvia-Yvonne Kaufmann

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Die Kommission berücksichtigt in ihrem Bericht in angemessener Weise die Standpunkte der Sozialpartner und der einschlägigen nichtstaatlichen Organisationen sowie der Europäischen Agentur für Grundrechte. Im Einklang mit dem Grundsatz der systematischen Berücksichtigung geschlechterspezifischer Fragen wird ferner in dem Bericht die Auswirkung der Maßnahmen auf Frauen und Männer bewertet. Unter Berücksichtigung der übermittelten Informationen enthält der Bericht erforderlichenfalls auch Vorschläge für eine Änderung und Aktualisierung dieser Richtlinie.	2. Die Kommission berücksichtigt in ihrem Bericht in angemessener Weise die Standpunkte der Sozialpartner und der einschlägigen nichtstaatlichen Organisationen sowie der Europäischen Agentur für Grundrechte. Im Einklang mit dem Grundsatz der systematischen Berücksichtigung geschlechterspezifischer Fragen wird ferner in dem Bericht die Auswirkung der Maßnahmen auf Frauen und Männer bewertet. ***Dieser Bericht umfasst auch Informationen über Mehrfachdiskriminierung, wobei nicht nur die Diskriminierung aufgrund der Religion oder der Weltanschauung, der sexuellen Ausrichtung, des Alters und der Behinderung einzubeziehen ist, sondern ebenfalls die Diskriminierung aufgrund des Geschlechts, der Rasse und der ethnischen Herkunft.*** Unter Berücksichtigung der übermittelten Informationen enthält der Bericht erforderlichenfalls auch Vorschläge für eine Änderung und Aktualisierung dieser Richtlinie.

Or. de

Amendement 327
Emine Bozkurt, Claudio Fava, Claude Moraes, Inger Segelström, Armando França, Lissy Gröner, Iratxe García Pérez, Maria Grazia Pagano

Proposal for a directive
Article 16 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The European Commission shall propose a new directive in which all of the separate directives based on article 13 EC will be assembled by .... at the latest [2 years after adoption]. In this new directive all grounds for discrimination will enjoy the same level of protection.

Or. en

Justification

After adopting this directive the level of protection against discrimination on the ground of sex will fall behind to that of the other grounds. For the ground of sex different areas such as social protection, health care, social advantages, education, media and advertisement are not yet covered.