

Explanatory Memorandum

Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation presented by the EU Commission on 2.07.2008, Brussels

The aim of this proposal is to implement the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation outside the labour market. It sets out a framework for the prohibition of discrimination on these grounds and establishes a uniform minimum level of protection within the European Union for people who have suffered such discrimination. The Commission propose new initiatives to complete the EU anti-discrimination legal framework.

This proposal builds upon Directives 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180 of 19.7.2000), Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303 of 2.12.2000) and 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, (OJ L 373 of 21.12.2004, p.37) which prohibit discrimination on grounds of sex, racial or ethnic origin, age, disability, sexual orientation, religion or belief. All except one Member State have transposed these directives in their national law. As far as possible, the concepts and rules provided for in this proposal build on those used in the existing Directives based on Article 13 EC.

Discrimination based on race or ethnic origin is prohibited in employment, occupation and vocational training, as well as in non-employment areas such as social protection, health care, education and access to goods and services, including housing, which are available to the public. Discrimination based on sex is prohibited in the same range of areas, with the exception of education and media and advertising. However, discrimination based on age, religion and belief, sexual orientation and disability is prohibited only in employment, occupation and vocational training.

During the preparing this initiative, the Commission organized the debate with the stakeholders and the result of it was that the social partners representing business were against new legislation in principle, which they saw as increasing red tape and costs, while the trade unions were in favour. The Commission has used the reports from the European Network of Independent Experts in the non-discrimination field, notably their overview 'Developing Anti-Discrimination Law in Europe' http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#leg the study on 'Tackling Multiple Discrimination: practices, policies and laws' http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/stud/multidis_en.pdf and the results of a special Eurobarometer survey and a Eurobarometer flashsurvey.

As a result of this process there are three important objectives where the difference can be made: to increase protection from discrimination; to ensure legal certainty for economic operators and potential victims across the Member States and to enhance

social inclusion and promote the full participation of all groups in society and the economy.

As the UN Convention on the Rights of Persons with Disabilities has been signed by the Member States and the European Community, member states will have to implement it. The Commission through this multi-ground directive wants to ensure minimum standard level of protection against discrimination based on religion or belief, disability, age or sexual orientation in all the Member States. as part of the 'Renewed Social Agenda: Opportunities, access and solidarity in 21st century Europe'.

Directive is available on the EU website on:
<http://ec.europa.eu/social/home.jsp?langId=en>

For further information:

Ms Elizabeta Kitanovic

Executive Secretary for Human Rights and Communication

Church and Society Commission of CEC

Rue Joseph II, 174

B-1000 Bruxelles

Tel. +32 2 230 17 32

Fax +32 2 231 14 13

E-Mail: eki@cec-kek.be

Website: www.cec-kek.org