

Commission acts to close gaps in race equality rules

Brussels 27-06-2007. The Commission has sent formal requests to 14 Member States to fully implement EU rules banning discrimination on the grounds of race or ethnic origin (2000/43/CE). The countries concerned – Spain, Sweden, Czech Republic, Estonia, France, Ireland, United Kingdom, Greece, Italy, Latvia, Poland, Portugal, Slovenia and Slovakia – have two months to respond, failing which the Commission can take them to the European Court of Justice. The Race Equality Directive was agreed in 2000 with a deadline for implementation into national law by 2003.

“The right to be treated equally is a fundamental right, but every day across the EU people face discrimination in jobs, schools, shops, housing and healthcare because of the colour of their skin”, said Vladimír Špidla, EU Commissioner for Employment, Social Affairs and Equal Opportunities. “The EU’s equality laws are vital in overcoming these barriers and stamping out discriminatory treatment. But we must make sure these rules are properly implemented so people in Europe have full legal protection against discrimination in practice. Our action today is all the more crucial in this, the European Year of Equal Opportunities for All”.

Ten years ago, at the EU summit in Amsterdam, Member States tasked the EU to combat discrimination. All EU countries have made genuine efforts to implement the Race Equality Directive, which was agreed unanimously in 2000. However, not all national legislation fully conforms to these requirements. The Commission is in contact with all Member States on these issues and - in a number of cases - it is clear that changes to national laws are already in the pipeline.

Today’s formal request takes the form of a ‘reasoned opinion’ to 14 Member States that have not implemented the Directive correctly. It is the second step of infringement procedures. The main problem areas include:

- National legislation limited in scope to the workplace, whereas the Race Equality Directive also prohibits discrimination in social protection, education and access to goods and services, including housing;
- Definitions of discrimination which diverge from the Directive (in particular, in terms of indirect discrimination, harassment and instructions to discriminate);
- Inconsistencies in the provisions designed to help victims of discrimination (such as the protection against victimisation, the shift of the burden of proof and the rights of associations to assist individuals with their cases).

Under the infringement procedure, Member States have two months to reply to the reasoned opinion. If there is no satisfactory reply, the Commission will refer the matter to the European Court of Justice in Luxembourg. It can also request that the Court impose a fine on the country concerned.