

Brussels, 19th July 2004

Commission goes to the European Court of Justice to enforce EU anti-discrimination law

The European Commission has announced that it is taking legal action against six Member States that have failed to transpose two anti-discrimination Directives. The Directives, which prohibit discrimination on racial or ethnic origin, age, disability, religion and sexual orientation, were due to be incorporated into national law last year. The Commission will refer Austria, Germany, Finland, Greece, and Luxembourg to the European Court of Justice.

Today is the first anniversary of the deadline for transposing the Racial Equality Directive into national law, while the deadline for the 'Employment Framework Directive' passed in December 2003.¹ These Directives, adopted in 2000 by the Council, required legislative changes in all 25 EU Member States. In many cases, they have provided the impetus for very positive developments, which have often gone beyond the Directives' minimum requirements, both deepening and widening the scope of protection.

The 'Racial Equality Directive' prohibits racial discrimination in a wide range of areas, including access to jobs, working conditions, pay, education, access to goods and services and social security. The 'Employment Framework Directive' prohibits discrimination against people on the grounds of age, disability, religion or belief and sexual orientation, in employment and vocational training.

In the case of the Racial Equality Directive, Austria, Germany, Finland, Greece and Luxembourg have failed to pass all the necessary national measures to introduce, amend or up-date their equality legislation. In some cases, no legislation has been passed or communicated to the Commission, in others, gaps in the legislation have left the transposition incomplete.

Infringement proceedings have also been launched against the same five Member States and Belgium for having failed to transpose fully the Employment Framework Directive². The Commission's decision means that the Member States in question have two months to reply to a 'Reasoned Opinion' from the Commission. Following that, they could then face the next step of referral to the European Court of Justice.

For those Member States which have already adopted legislation transposing the Directives, the Commission is now in the process of examining the national laws in question to ensure they conform in full with the provisions of EU law.

¹ Deadline for transposition of Racial Equality Directive 2000/43 was 19 July 2003.

² Employment Framework Directive 2000/78/EC.