

# Transposition and application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services

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The Committee on Women's Rights and Gender Equality adopted the report by Zita GURMAI (S&D, HU) on transposition and application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

Members regret the fact that the Commission has not presented its report on the application of Council Directive 2004/113/EC or published up-to-date data on ongoing national implementation processes.

Although they acknowledge that the Test-Achats ruling may have had an impact on Member States' implementation processes, they note that this alone cannot justify the failure to publish the report required by the Directive in time. They therefore call on the Commission to publish its report and all available data without delay.

Members also call on the Commission and the Member States to take concrete measures to explain the Directive and its impact, with concrete examples, in order to ensure that both women and men can take full ownership of the directive and use it appropriately as an effective tool for safeguarding their rights with regard to equal treatment in access to **all** goods and services.

While they welcome the **Test-Achats ruling**, they consider that it has created **ongoing uncertainty on the insurance market** and that the subsequently guidelines published by the Commission - in the absence of a binding or legislative effect - have not fully dispelled this uncertainty.

Members call on the Commission to:

- monitor the application of the provision in the Directive relating to the **shift in the burden of proof** in all Member States;
- take practical steps to address the problem by proposing a new legislative text that is **fully in line with the guidelines**;
- open **informal dialogue** with the insurance industry on risk assessment;
- present the methodology it will use to measure the effects of the Test-Achats ruling on **insurance pricing** and analyse the issue with a focus on **consumer protection policy** as well;
- consider **including media and advertising content** in the scope of the Directive, taking into account its significance, as well as the significance of education, in the creation, retention and development of gender-based stereotypes, as well as in increasing the sexualisation of girls;
- take into consideration cases of **discrimination** in relation to **pregnancy, planning of motherhood, and maternity** as regards, for instance, the housing sector (renting) or difficulties in obtaining loans, as well as **access to medical goods and services**, in particular access to legally available reproductive healthcare and gender reassignment treatment;

- monitor the implementation and application of the Directive with regard to **pregnant asylum-seeking women** awaiting the outcome of their asylum claims, as well as to any discrimination related to **breastfeeding**;
- gather **best practices** and make them available to Member States in order to provide the necessary resources for supporting positive action and ensuring better implementation of the respective provisions at national level;
- establish a **public database of legislation** and case law relating to discrimination on gender.

The report notes with disappointment that in some Member States **women entrepreneurs**, in particular single mothers, are frequently discriminated against when trying to secure loans or credit for their businesses and still often face barriers based on gender stereotypes.

Lastly, Members point out the need for **financial support for, and EU coordination of, further training for legal practitioners** active in the field of gender-based discrimination, taking into account the role played by national courts.