Equality men-women, discrimination based on sex: burden of proof

1996/0196(SYN) - 09/04/1997

The key amendments cited by the rapporteur included the amendment to Article 2, which introduced for the first time the definition of indirect discrimination in accordance with the Court of Justice's 'Bilka' judgment (Case 170/84 [1986] ECR I1607), and the amendments to Article 4 which highlighted one of the fundamental elements in shifting the burden of proof, namely transparency, and which referred to the 'Danfoss' judgment (Case 109/88 [1989] ECR I-3199). Commissioner Flynn said that the Commission was prepared to accept most of the amendments, particularly those updating the text of the base proposal, those strengthening the definition of indirect discrimination, those on the implementation date (1 January 2000 instead of 1 January 2001) and the principle of a final report on the application of the directive.