Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. Racial Equality Directive

1999/0253(CNS) - 31/05/2000 - Modified legislative proposal

On 25 November 1999, the Commission adopted a package of proposals, under Article 13 TEC, to combat discrimination. The Committee of the Regions adopted its opinion on the package on 12 April 2000 and the Economic Social Committee on 25 May. The European Parliament adopted its opinion on the draft directive on 18 May 2000. In light of those opinions, the Commission has now modified its original proposal. The Commission has clarified that the Directive can apply to legal as well as natural persons by replacing the term 'individuals' by 'persons' throughout the text. Also, the definition of indirect discrimination has been brought closer to the jurisprudence of the European Court in the O'Flynn case. Incitement to discriminate has been clearly deemed to be discrimination. On the material scope, the text has been amended to make clear that it applies in the public and private sectors, including public bodies, and additions have been made to clarify the coverage of unpaid and voluntary work, practical work experience, healthcare and housing. The provision on positive action has been brought more closely into line with Article 141.4 of the Treaty. The value of conciliation procedures to the defence of rights has been highlighted. The article on information has been supplemented to tackle the problem of differences of treatment based on nationality, religion or belief being a disguised form of discrimination on grounds of racial or ethnic origin. The article on social dialogue has been extended to cover non-governmental organisations. Furthermore, the activities of the independent bodies have been clarified. The reporting system has been strengthened, with account being taken of the role of the European Monitoring Centre on Racism and Xenophobia. Finally, the recitals have been modified to bring them into line with the changes in the body of the text, to refer to past acts of the Council and the European Parliament and to highlight the importance of integrating the fight against discrimination on grounds of gender.