Protection of minorities and anti-discrimination policies in an enlarged Europe

2005/2008(INI) - 01/06/2005 - Document attached to the procedure

COMMISSION'S IMPACT ASSESSMENT

For further information concerning the background to this issue, please refer to the summary of the Commission's initial proposal COM(2005)0224 of 1 June 2005 concerning Non-discrimination and equal opportunities for all – a framework strategy.

1. POLICY OPTIONS AND IMPACTS: The Commission examined the four policy options that follow:

1.1- Taking no further action at EU level to tackle discrimination. The Commission has concluded that it would not be appropriate to discontinue work at the EU level to tackle discrimination on grounds of racial or ethnic origin, religion or belief, age disability and sexual orientation. The principle of non-discrimination is a core value of the EU.

1.2- Developing further measures to ensure the full implementation and enforcement of the current legal framework. The Commission notes that the EU has some of the most advanced anti-discrimination legislation in the world, but that evidence from legal experts, NGOs and other sources indicates that this legislation is not yet operating to its full effect. The Commission, therefore, considers that further efforts should be made in order to ensure the effective implementation and enforcement of the current legal framework. These efforts should include: completing the process of transposition into national law; the establishment of effective specialised equality bodies in all Member States; additional training and awareness-raising measures.

1.3- Coming forward with new legislative proposals based on Article 13 of the EC Treaty. The Commission is aware of the demands from certain stakeholders to take action to address the differences in the level and scope of protection against discrimination on different grounds. However, the Commission has also taken note of the concerns expressed by several respondents to the Green Paper consultation, particularly by some Member States. These contributions stressed the need to ensure the full implementation of the existing acquis before moving on to new challenges, as well as for further study into the costs and benefits of action to tackle discrimination on a range of grounds outside the field of employment. The Commission has concluded that it would be premature to come forward at this stage with further legislative proposals based on Article 13 of the Treaty.

1.4- Actively promoting the principles of non-discrimination and equal opportunities for all. The framework strategy envisages the development of tools to promote the mainstreaming of non-discrimination in other areas of EU policy, building on experience to date with the practice of gender mainstreaming.

CONCLUSION: In selecting the fourth option, **the Commission considers that, in addition to the protection of individual rights to protection against discrimination, positive measures are necessary in order to address the complex and deep-rooted patterns of inequality experienced by some groups**

IMPACTS: The impacts of this anti-discrimination and equal opportunities for all strategy will result from the implementation of the proposed measures, which are very different in nature. It is important to note that the framework strategy relies to a large extent on ensuring the more effective and focused use of existing instruments, rather than the development of new instruments.

The framework strategy aims to achieve a common level of protection across the EU against discrimination on grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation. The key objective is to maximise the impact of the two anti-discrimination Directives that were adopted in 2000. This will be achieved by completing the process of transposition and by supporting a range of complementary activities, including capacity building, training and awareness-raising.

The impact of the framework strategy in terms of social cohesion is linked to the active promotion of equal opportunities for all, including the social inclusion and labour market integration of disadvantaged groups. Measures to combat discrimination will support the EU's broader efforts to raise the employment rates of minorities, the disabled, younger and older workers, and other vulnerable groups. The framework strategy aims to achieve a positive economic impact by removing the barriers to participation faced by some groups.

The awareness-raising measures proposed (particularly the European Year of Equal Opportunities for All) are intended to raise the level of knowledge of rights to protection against discrimination under European and national law. They also aim to make a broader impact on public opinion, by challenging discriminatory attitudes and behaviour, as well as highlighting the positive benefits of diversity for the economy and for society as a whole.

2- FOLLOW-UP: Several specific follow-up actions are envisaged. These include:

- The designation of 2007 as European Year of Equal Opportunities for All,
- The organisation of an annual High Level Equality Summit bringing together key stakeholders,
- The establishment of a High Level Advisory Group on the Social and Labour Market Integration of Minorities,
- The development of tools to promote mainstreaming of non-discrimination and equal opportunities for all in relevant EU policies, and
- The publication of a handbook on data collection and discrimination.

The framework strategy and the various initiatives set out in the Communication will be subject to ongoing monitoring and evaluation by the relevant Commission services. Meetings will be organised on a bi-annual basis with representatives of national authorities, specialized equality bodies, civil society organisations, the social partners and other stakeholders to seek their views on progress with the implementation of the strategy. The network of legal experts financed through the Community action programme to combat discrimination will continue to monitor the state of transposition and implementation of EC anti-discrimination legislation.

External evaluators will assess the relevance, effectiveness and impact of the actions supported through the Community action programme to combat discrimination, the future PROGRESS programme and the European Year of Equal Opportunities for All.