

Brussels, 8 October 2009

## Commission closes legal cases after Italy and Austria adopt new race equality laws

*The European Commission has today decided to close infringement proceedings against Italy and Austria following their successful implementation of EU rules to tackle racial discrimination. The cases had been opened because national legislation in both countries was incompatible with the EU's Race Equality Directive (2000/43/EC), adopted in November 2000 (see also [MEMO/07/257](#)). The Directive prohibits direct and indirect discrimination based on racial or ethnic origin both in and outside employment.*

Vladimír Špidla, Commissioner for Equal Opportunities, said: "I am pleased that constructive dialogue between Member States and the Commission has led once again to better protection of citizens against discrimination. We hope to take further decisions in the coming months where other countries have made similar progress. The EU has a unique legal framework against discrimination, but it must be correctly transposed and applied at national level to be effective."

In the case against **Austria**, the Commission pointed out that national law was not in conformity with the Directive on three points: definition of harassment, lack of appropriate sanctions in case of discriminatory dismissals and lack of transposition of the rules on victimisation. At federal level, Austria amended its legislation in 2008 to adapt it according to the arguments developed by the Commission. The Commission has now concluded that Austria has correctly transposed Directive 2000/43/EC.

In the case against **Italy**, the Commission argued that Italian law was incompatible with Directive 2000/43/EC on three issues: definition of harassment, burden of proof and protection against victimisation. Italy has notified a new law, adopted on 6 June 2008, which deals with the issues pointed out by the Commission. After analysis and bilateral discussions with Italy, the Commission is now of the opinion that Italy has correctly transposed the Directive.

### Background

Anti-discrimination (in areas outside gender and nationality discrimination) is a relatively new area of policy for the EU. The European Community acquired new powers in 1999, with the entry into force of the Amsterdam Treaty, to combat discrimination based on racial or ethnic origin, religion and belief, disability, age and sexual orientation (new Article 13 of the EC Treaty). This led to the unanimous adoption by the Member States of two Directives in 2000:

- Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ("Racial Equality Directive"). This Directive covers direct and indirect discrimination, as well as harassment, in the fields of employment, vocational training, education, social protection (including social security and health care), social advantages, and access to goods and services (including housing).

- Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment, occupation and vocational training ("Employment Equality Directive"). This Directive covers direct and indirect discrimination, as well as harassment, in employment and training on the grounds of religion or belief, age, disability and sexual orientation. It includes specific requirements on reasonable accommodation for disabled persons.

The deadlines for transposition of these two Directives into national law by the Member States were 19 July and 2 December 2003 respectively. For the 10 countries which joined the EU in 2004, the deadline was 1 May 2004. For Bulgaria and Romania it was 1 January 2007.

### **Further information**

EU anti-discrimination legislation

<http://ec.europa.eu/social/main.jsp?catId=612&langId=en>

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