

Brussels, 20 November 2009

Commission withdraws court case against Estonia on gender equality rules

The Commission has today decided to withdraw the case against Estonia before the European Court of Justice (ECJ) for non-transposition of EU rules prohibiting gender discrimination in access to and supply of goods and services (Directive 2004/113/EC). Estonia has recently adopted national measures to transpose the Directive into national law.

Vladimír Špidla, EU Commissioner for Equal Opportunities, said: "Gender discrimination is unacceptable. This is an important piece of legislation that needs to be properly implemented at national level in order to provide people with effective protection. I am pleased that, following the Commission's legal action, Estonia has now taken measures to bring its legislation into line with the common rules agreed at EU level."

The Commission had referred Estonia to the ECJ (case C-328/09) for non-communication of all the necessary measures to transpose the Directive under Article 226 of the EC Treaty (see [IP/09/1036](#)) of 25 June 2009). Following the Commission's intervention, Estonia has recently adopted new amendments to the Gender Equality Act, thus completing the transposition of the Directive into national law.

The Directive prohibits sex discrimination outside employment and bans direct and indirect discrimination on grounds of gender, as well as harassment and sexual harassment. It applies to access to and supply of goods and services which are available to the public, outside the area of private and family life.

It does not apply to the content of media and advertising or to education, matters of employment and occupation. Examples of areas where the directive does apply are transport, housing, hotel accommodation, healthcare, insurance and banking.

Some exceptions to the principle of equal treatment may be permitted if justified by a legitimate aim and if appropriate and necessary and fulfilling the precise criteria established in the Directive.

The deadline to bring into force national measures necessary to comply with the Directive expired on 21 December 2007, and two years later, in 2009, for the provisions on insurance costs related to pregnancy and maternity.

Infringement proceedings were initiated against twelve Member States, two of which are still open and have been already referred to the ECJ: Poland and the United Kingdom.

Background

Infringement procedures consist of three steps. The first step is that the Member State receives a letter of formal notice and has two months to respond. In case further compliance with EU legislation is needed, the Commission sends a reasoned opinion. Again the Member State has two months to reply. If there is no satisfactory reply, the Commission can refer the matter to the European Court of Justice in Luxembourg.

Further information

Information on the transposition of EU gender equality legislation into national law can be found at:

<http://ec.europa.eu/social/main.jsp?catId=639&langId=en>