

Brussels, 29 October 2009

## Race equality rules: cases closed for Finland and Estonia; reasoned opinions to Germany and Netherlands

*The European Commission has today sent reasoned opinions to Germany and the Netherlands to correctly implement EU rules prohibiting discrimination on the basis of racial or ethnic origin (Directive 2000/43/EC, see also [MEMO/07/257](#)). It has also decided to close the infringement proceedings on the same Directive against Finland and Estonia after they successfully brought national legislation into line with EU requirements.*

Vladimír Špidla, EU Commissioner for Equal Opportunities, said: "No-one should be discriminated against because of the colour of their skin. EU rules on equal treatment must be correctly transposed and applied at national level so people are effectively protected in practice. I am pleased to announce that Finland and Estonia have adopted new laws to comply with EU norms following our legal action. We will continue our constructive dialogue with the Netherlands and Germany to achieve full compliance with this Directive."

In the reasoned opinion sent to **the Netherlands**, the Commission recalls the areas of concern as regards Dutch anti-discrimination law:

- the definition of (direct and indirect) discrimination is not precise enough and may not provide the required legal protection for victims;
- exceptions to the principle of non-discrimination for certain jobs are too wide;
- exceptions to the principle of non-discrimination justified by privacy are too wide in the context of employment and goods and services.

The Commission welcomes the recently confirmed commitment of the Dutch government to bring its anti-discrimination law in line with Directive 2000/43 and hopes that the remaining issues will be solved in the amending law which will be presented in Parliament.

In the reasoned opinion sent to **Germany**, the Commission argued that dismissals are not covered by the law on protection against racial and ethnic discrimination; that protection against victimisation is expressively only guaranteed in the context of employment but should clearly also apply outside employment and that a claim for sanctions on grounds of discrimination in employment is excluded if the employer is not personally liable for the non-compliance.

The Commission has also decided to close two infringement proceedings concerning **Finland and Estonia**.

Finland has amended its legislation to comply with Directive 2000/43/EC, mainly modifying the Anti-discrimination Act by Acts 690/2008 and 84/2009; and the Act on the Ombudsman for Minorities and the Antidiscrimination Board carried out by Act 679/2008.

In December 2008 Estonia adopted a new Equal Treatment Act, which brings national law in line with EU rules.

## **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 race 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>

*Subscribe to the European Commission's free e-mail newsletter on employment, social affairs and equal opportunities*

<http://ec.europa.eu/social/e-newsletter>