

Proposal for a Council Decision establishing a Community Action Programme to combat discrimination 2001-2006

(2000/C 116 E/07)

(Text with EEA relevance)

COM(1999) 567 final — 1999/0251(CNS)

(Submitted by the Commission on 26 November 1999)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

(1) Whereas the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to all Member States. Whereas in accordance with Article 6(2) of the Treaty on European Union, the Union should respect fundamental rights as guaranteed by the European Convention for the protection of Human Rights and Fundamental Freedoms, as general principles of Community Law.

(2) Whereas the European Parliament has strongly and repeatedly urged the European Union to strengthen its policy in the field of equal treatment and equal opportunities across all grounds of discrimination.

(3) Whereas experience of action at Community level, in particular in the field of gender, has shown that combating discrimination in practice calls for a combination of measures and in particular of legislation and of practical action designed to be mutually reinforcing. Whereas similar lessons can be drawn from experience dealing with racial and ethnic origin and disability. Whereas the Commission has made proposals to this end⁽¹⁾.

(4) Whereas the programme should deal with all grounds of discrimination with the exception of sex, which is dealt with by specific Community action. Whereas discrimination on different grounds can have similar features and can be combated in similar ways. Whereas the

experience built up over many years in combating discrimination on some grounds, including sex, can be used to the benefit of other grounds. Whereas, however, the specific features of the diverse forms of discrimination should be accommodated. Whereas, therefore, the particular needs of people with disabilities should be taken into account in terms of the accessibility of activities and results.

(5) Whereas many non-governmental organisations at the European level have experience and expertise in fighting discrimination, as well as acting at European level as the advocates of people who are exposed to discrimination. Whereas they can therefore make an important contribution to understanding the diverse forms and effects of discrimination and to ensuring that the design, implementation and follow-up of the programme take account of the experience of people exposed to discrimination.

(6) Whereas, in accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾, measures for the implementation of the Decision should be adopted by use of the advisory procedure provided for in Article 3 of that Decision.

(7) Whereas it is necessary, in order to reinforce the added value of Community action, that the Commission, in cooperation with the Member States, should ensure, at all levels, the coherence and complementarity of actions implemented in the framework of this Decision and other relevant Community policies, instruments and actions, in particular those under the European Social Fund and to promote social inclusion.

(8) Whereas the Agreement on the European Economic Area (EEA Agreement) provides for greater cooperation in the social field between the European Community and its Member States, on the one hand, and the countries of the European Free Trade Association participating in the European Economic Area (EFTA/EEA), on the other. Whereas provision should be made to open up this programme to participation by the candidate countries of Central and Eastern Europe, in accordance with the

⁽¹⁾ See separate proposals for Directives establishing a General Framework for Employment Equality and implementing the Principle of Equal Treatment between persons irrespective of Racial and Ethnic Origin elsewhere in this package.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

conditions established in the Europe Agreements, in their additional protocols and in the decisions of the respective Association Councils, to Cyprus and Malta, funded by additional appropriations in accordance with the procedures to be agreed with those countries, as well as to Turkey, funded by additional appropriations in accordance with the procedures to be agreed with that country.

- (9) Whereas it is necessary for the success of any Community action to monitor and evaluate the results set against the objectives.
- (10) Whereas, in accordance with the principles of subsidiarity and proportionality as defined in Article 5 of the Treaty, the objectives of the proposed action concerning the contribution of the Community to combating discrimination cannot be sufficiently achieved by the Member States because, *inter alia*, of the need for multilateral partnerships, the transnational exchange of information and the Community-wide dissemination of good practice; whereas this Decision does not go beyond what is necessary to achieve those objectives,

HAS ADOPTED THIS DECISION:

Article 1

Establishment of the Programme

This Decision establishes a Community action programme to promote measures to combat discrimination based on racial or ethnic origin, religion or belief, disability, age or sexual orientation, hereinafter referred to as 'the programme', for the period from 1 January 2001 to 31 December 2006.

Article 2

Principles

1. For the purpose of this decision, discrimination shall be defined as one person or a group of persons being treated less favourably than another on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation; or as the application of an apparently neutral provision which is liable to disadvantage that person or group of persons on the same grounds, unless justified by objective reasons.

2. In designing, implementing and following up the activities under the programme, account will be taken of the experience of people exposed to discrimination.

Article 3

Objectives

The programme shall support and supplement the efforts at the level of the Community and in the Member States to promote measures to combat discrimination, including by comple-

menting legislative developments. It shall have the following objectives:

- (a) improve the understanding of issues related to discrimination through improved knowledge and measurement and through the evaluation of the effectiveness of policies and practice;
- (b) develop the capacity of target actors (in particular Member States, local and regional authorities, independent bodies responsible for the fight against discrimination, the social partners and non-governmental organisations) to address discrimination effectively, in particular through support for the exchange of information and good practice and networking at European level;
- (c) promote and disseminate the values and practices underlying the fight against discrimination.

Article 4

Community actions

1. With a view to achieving the objectives set out in Article 3, the following actions may be implemented within a transnational framework:

- (a) analysis of factors related to discrimination, including through the collection of statistics, studies and the development of indicators and benchmarks; and the evaluation of anti-discrimination legislation and practice, with a view to assessing its effectiveness and impact, with effective dissemination of the results;
- (b) transnational cooperation between target actors and the promotion of networking at European level between non-governmental organisations active in the fight against discrimination;
- (c) awareness raising, in particular to emphasise the European dimension of the fight against discrimination and to publicise the results of the programme, in particular through communications, publications, campaigns and events.

2. Arrangements for the implementation of the Community Actions described in paragraph 1 are set out in the Annex.

Article 5

Implementation of the programme and cooperation with the Member States

1. The Commission shall:

- (a) ensure the implementation of the Community actions covered by this programme in conformity with the Annex;

- (b) have a regular exchange of views with representatives of non-governmental organisations and the social partners at European level on the design, implementation and follow-up of the programme and on related policy orientations. The Commission shall inform the Committee established under Article 6 of their opinions;
- (c) promote active partnership and dialogue between all the partners involved in the programme, *inter alia* to encourage an integrated and coordinated approach to the fight against discrimination.
2. The Commission, in cooperation with the Member States, shall take the necessary steps to:
- (a) promote the involvement in the programme of all the parties concerned;
- (b) ensure the dissemination of the results of the actions undertaken within the framework of this programme;
- (c) provide appropriate information, publicity and follow-up with regard to actions supported by this programme.

Article 6

Committee

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission (hereinafter referred to as 'the Committee').
2. Where reference is made to this paragraph, the advisory procedure laid down in Article 3 of Decision 1999/468/EC shall apply.
3. The representative of the Commission shall in particular consult the Committee on:
- (a) the general guidelines for the implementation of the programme;
- (b) the annual budgets and the distribution of funding between measures;
- (c) the annual plan of work for the implementation of the programme's actions;

The representative of the Commission shall also consult the Committee on other appropriate matters concerning the implementation of this programme.

4. To ensure the consistency and complementarity of this programme with other measures referred to in Article 7, the Commission shall keep the Committee regularly informed about other Community action contributing to the fight

against discrimination. Where appropriate, the Commission shall establish regular and structured cooperation between this Committee and the monitoring committees established for other relevant policies, instruments and actions.

Article 7

Consistency and complementarity

1. The Commission shall, in cooperation with the Member States, ensure overall consistency with other Union and Community policies, instruments and actions, in particular by establishing appropriate mechanisms to coordinate the activities of this programme with relevant activities relating to research, employment, equality between women and men, social inclusion, education, training and youth policy and in the field of the Community's external relations.
2. The Commission and the Member States shall ensure consistency and complementarity between action undertaken under this programme and other relevant Union and Community action, in particular under the Structural Funds and the Community Initiative EQUAL.
3. The Member States shall make all possible efforts to ensure consistency and complementarity between activities under this programme and those carried out at national, regional and local levels.

Article 8

Participation of the EFTA/EEA countries, the associated countries of Central and Eastern Europe, Cyprus, Malta and Turkey

This programme shall be open to the participation of:

- (a) the EFTA/EEA countries in accordance with the conditions established in the EEA Agreement;
- (b) the candidate countries of central and eastern Europe (CEECs) in accordance with the conditions established in the Europe Agreements, in their additional protocols and in the decisions of the respective Association Councils;
- (c) Cyprus and Malta, funded by additional appropriations in accordance with procedures to be agreed with these countries;
- (d) Turkey, funded by additional appropriations in accordance with procedures to be agreed with that country.

Article 9

Monitoring and evaluation

1. The Commission shall regularly monitor this programme in cooperation with the Member States.

2. The programme shall be evaluated by the Commission with the assistance of independent experts. This evaluation will assess the relevance and effectiveness of actions implemented with regard to the objectives referred to in Article 2. It will also examine the impact of the programme as a whole.

The evaluation will also examine the complementarity between action under this programme and that pursued under other relevant Community policies, instruments and actions.

3. The Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions an evaluation report on the implementation of the programme by 31 December 2005.

Article 10

Entry into Force

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Communities*.

ANNEX

INDICATIONS FOR THE IMPLEMENTATION OF THE PROGRAMME

I. Areas of action

The programme may operate in the following areas:

- (a) Promotion of non-discrimination within and by public administrations (e.g. police, judicial systems, health, social security, education);
- (b) promotion of non-discrimination within and by the media;
- (c) the removal of discriminatory barriers to participation in decision-making and the democratic process;
- (d) the removal of discriminatory barriers to access goods and services, including housing, transport, culture, leisure and sport;
- (e) the identification of tools and methodologies for the effective monitoring of discrimination;
- (f) the identification of tools and methodologies for the effective dissemination of information about rights to equal treatment and non-discrimination;
- (g) the identification of methodologies for mainstreaming anti-discriminatory policies and practices.

The programme themes may be adapted or supplemented in accordance with the procedure established under Article 6, on the basis of an annual review, taking into account the results of the preparatory actions for this programme and activities under other Community policies, instruments and actions.

In all its activities, the programme will respect the principle of gender mainstreaming.

II. Actions

Strand 1 — Analysis and Evaluation

The following measures may be supported:

1. the development and dissemination of comparable statistical series on the scale of discrimination in the Community;
2. the development and dissemination of methodologies and indicators for evaluating the effectiveness of anti-discrimination policy and practice (benchmarking);
3. the analysis, by means of annual reports, of anti-discrimination legislation and practice, with a view to evaluating its effectiveness and disseminating lessons learned;

4. thematic studies within the framework of the priority themes comparing and contrasting approaches within and across the different grounds of discrimination.

In implementing this Strand, the Commission will in particular ensure consistency and complementarity with the activities of the European Monitoring Centre on Racism and Xenophobia and of the Community RTD Framework Programme.

Strand 2 — Capacity Building

The following measures may be supported in order to improve the capacity and effectiveness of target actors involved in combating discrimination:

1. Transnational exchange actions involving a range of actors from at least 4 Member States, consisting of the transfer of information, lessons learned and good practice. Activities may include the comparison of the effectiveness of processes, methods and tools related to the chosen themes; the mutual transfer and application of good practice; exchanges of personnel; the joint development of products, processes, strategy and methodology; the adaptation to different contexts of the methods, tools and processes identified as good practices; and/or the common dissemination of results, visibility materials and events.
2. Core funding for relevant European-level non-governmental organisations with experience of fighting discrimination and acting as advocates of people exposed to discrimination in order to promote the development of an integrated and coordinated approach to the fight against discrimination.

The criteria for determining the organisations to be supported shall be established in accordance with the procedure foreseen in Article 6.

Strand 3 — Awareness Raising

The following measures may be supported:

1. The organisation of conferences, seminars and events at European level;
2. The organisation of seminars by the Member States in support of the implementation of Community law in the field of non-discrimination; and the promotion of a European dimension to events organised at national level;
3. The organisation of European media campaigns and events to support the transnational exchange of information and the identification and dissemination of good practice, including the award of prizes to successful actions under Strand 2, to strengthen the visibility of the fight against discrimination;
4. The publication of materials to disseminate the results of the programme, including through the construction of an Internet Site providing examples of good practice, a forum for the exchange of ideas and a database of potential partners for transnational exchange actions.

III. Method of Presenting Applications for support

Strand 1: this Strand will be mainly implemented through calls for tender. For cooperation with National Statistical Offices, the EuroStat procedures will apply.

Strand 2: Strand 2.1 will be implemented in response to calls for proposals which will be submitted to the Commission.

Strand 2.2 will be implemented in response to calls for proposals which will be submitted to the Commission.

Strand 3: this Strand will be implemented, in general, in response to calls for tender. However, action under Strand 3.2 and 3.3 may be subsidised in response to requests for subsidies for example from the Member States.
