



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 01.06.2005
SEC(2005) 690

COMMISSION STAFF WORKING DOCUMENT

Annex to the:

Proposal for a Decision of the European Parliament and the Council

**on the European Year of Equal Opportunities for All (2007)
Towards a Just Society**

EX-ANTE EVALUATION AND IMPACT ASSESSMENT

{COM(2005)225 final}

1. CONTEXT AND METHOD OF THE EX-ANTE EVALUATION

A number of important developments – both legislative and practical – relating to the fight against discrimination are due to take place in 2007. 2007 will mark the 10th Anniversary of the European year Against Racism, which resulted in major political advances at the European level¹ notably the insertion of a general non-discrimination clause in the EC Treaty. This in turn led to the adoption of Directive 2000/43/EC in 2000, which implements the principle of equal treatment between persons irrespective of their racial and ethnic origin. It also fostered the creation of the European Monitoring Centre on Racism and Xenophobia which is responsible for collecting data on racist and xenophobic developments in the EU as well as making recommendations to the European institutions and Member States. It also led to the creation of a European network of non-governmental organisations active in the fight against racism.

2007 will also be the year in which Member States must fully transpose the age and disability provisions of Directive 2000/78/EC establishing a common framework on protection against discrimination in the field of employment and occupation. This means that individuals, irrespective racial or ethnic origin, religion or belief, disability, age and sexual orientation will be entitled to a uniform level of legal protection against discrimination. In 2007, Member States will be required to transpose the provisions of the most recent piece of non-discrimination legislation, namely Directive 2004/113/EC implementing the principle of equal treatment in access to and supply of goods and services.

With this objective in mind, the Commission proposes that 2007 be designated « European Year of Equal Opportunities for All – towards a just society ».

The evaluation of the European Year of Equal Opportunities for All was not foreseen in the evaluation plan 2004-2006. However, it has become a political priority in the context of the enlarged Union, particularly in the light of the mid-term review of the Lisbon Strategy. The ex-ante evaluation was carried out during the design of the proposal and was performed within the DG EMPL services.

1.1. Use of evaluation results and lessons form the past

Two European Years implemented by DG EMPL have been evaluated: the 1997 European Year against Racism and the 2003 European Year of people with disabilities. The evaluation reports are available on the Employment, Social Affairs and Equal Opportunities website (http://europa.eu.int/comm/employment_social/evaluation/inclusive_en.html). The main results of the evaluations are included in annex1. The main conclusions can be summarised as follows:

European Years have proven to be an efficient instrument in putting European political issues on the top of the EU Agenda and in ensuring political commitment from the various EU actors (EU institutions, Member States, regional and local bodies, social partners, civil society etc.) This type of intervention tends to have more added-value compared to single interventions carried out by Member States. The Union-wide scale of such intervention has creates a momentum throughout Europe to take action. The strong EU political commitment shared between EU institutions and Member States provide the conditions to achieve such

¹ Commission Report of 3 June 1999 on the implementation of the European Year Against Racism (1997) [COM(99) 268 final]

results. European Years have therefore been evaluated as an efficient instrument to create synergies between different areas of intervention at EU, Member States and regional/local levels.

European Years are conceived as an instrument aimed at involving a range of stakeholders with the view to publicising, debating, exchanging views on a specific theme. They are therefore an effective instrument in raising awareness. The broad level of participation within a limited time-frame has successfully contributed to harnessing political support and paving the way for broader political commitments. The evaluations consider that, the European Years have laid the groundwork for sustainable impacts, whether legal or policy commitments (Disability action plan and resolutions adopted by EU Council and Parliament) and creation of networks (such as the establishment of the European network against Racism).

The aim of an ex-ante evaluation is to identify actions which are needed to ensure the proper implementation of the objectives. Further evaluation results available so far (concerning principally the Community action programmes to combat discrimination or to promote gender equality, etc.) have been taken into account in drafting the proposal for the European Year.

2. PROBLEM ANALYSIS AND NEEDS ASSESSMENT

Equal Opportunities for All: baseline situation in 2004

The changing nature of our societies poses significant, complex and new challenges to social, economic and political life.

The changing nature of European society During the past decades Europe has undergone a number of profound changes. Some of these are demographic; others are socio-economic in nature. Europe's population is ageing as a result of the decline in fertility and mortality rates. The ageing of the population will have huge consequences for the labour market. Europe will see its working age population decline by over 20 million during the next 25 years. It is estimated that one person out of ten has a disability. Figures consolidated by the European Community Household Panel² suggest that there is a correlation between ageing and disability. Today 63 percent of people with disabilities are older than 45 and the incidence of disability is likely to increase, since many people develop disabilities in later life. Despite the slowdown in economic growth during the last few years and the limited employment growth, a positive trend towards closing gender gaps remains in education and employment in the enlarged EU 25. Increasing numbers of women are participating in the labour market and this trend looks set to continue³. International migration and increased mobility within the European Union accentuate the growing and continuing trend towards more ethnic, cultural and religious diversity. The challenge has now clearly moved from narrowly conceived questions of "integration of migrants" to the broader issue of how to manage their ethnically diverse populations. The enlargement of the Union to ten new countries has drawn more attention to the situation of Roma people, who are often victims of discrimination.

Attitudes towards diversity vary considerably. According to a 2002 Discrimination Eurobarometer survey on "Discrimination in Europe", a striking majority of European citizens

² Disability and social participation in Europe", European Commission, Eurostat, theme 3 "Population and social conditions", 2001, ISBN 92-894-1577-0.

³ 2005 Commission report on "Equality between men and women" COM (2005) 44 final.

acknowledge existence of discrimination and accept that it is wrong⁴. As a result of the European Year of People with Disabilities, 85% of those surveyed considered it legitimate that people with disabilities should have the same legal right to a job as anyone else. Alternatively, particular aspects linked to the diversity of European societies are portrayed in a rather mixed and uneven way in both the media and in public discourse. Recent international events have exacerbated the incomprehension and divide between the majority populations and the minorities in some EU countries, as well as among minorities. For example, the European Social Survey 2003 indicated that the majority of the respondents perceive a collective ethnic threat in consideration of minorities.

Unfair treatment continues to be a feature of everyday life in the EU. Women, who have benefited from legal protection against discrimination for more than 30 years, continue to be paid on an average 15% less than men for a comparable work. The difficulty in combining paid employment and family responsibilities is one of the major obstacles to the achievement of equal opportunities, especially between men and women. Because women undertake much of the responsibility for childcare and work in the home, they frequently find themselves unable to take full advantage of employment opportunities and cannot participate in civil and political decision-making. Barriers to participation in decision-making still persist. As a matter of fact, EU societies continue to fall short of being fully or at least adequately representative at all levels, but more visibly in the decision and policy-making arena, of its highly diverse populations. Only 23% of parliamentary seats in the EU are currently occupied by women. In United Kingdom, as of December 1998, 1.4% of the MPs in the House of Commons were from non-white ethnic origin group while they make up 8% of the total population.

According to the 2002 Eurobarometer survey, most European believe that a person's ethnic origin, religion, disability or age can be an obstacle in finding a job, even where qualifications are equal. Large-scale surveys conducted by the International Labour Organisation in some EU countries have shown that with equal qualifications, personal characteristics such as ethnicity, disability and age had a bearing on the prospects of finding a job. With an employment rate of 40.1% compared to the EU average of 62%⁵, older workers face considerable difficulties to get a job. Only 47 % of the disabled people are in employment. Other groups continue to experience high levels of exclusion, both in terms of labour market participation and also in their experience of poverty. Migrants and ethnic minorities living in deprived urban areas often face a double risk of being socially excluded - due to local urban residence and due to their ethnicity. Often this segregation has a negative spill-over effect on their chances of accessing the labour market and being included in the community. A Community-funded study on "the situation of Roma in an enlarged Union"⁶ reports that in countries where data are available, Roma population experience significant barriers in employment and education. Recent data produced by the United Nations Development Programme- UNDP and covering some EU countries⁷ confirm that Roma people face structural barriers to a full and meaningful participation, such as segregation in education, housing, negative attitudes and stereotyping.

⁴ The majority of people throughout Europe were opposed to discrimination on each of these grounds, with the highest scores in Spain (89%); Luxembourg (88%) and the United Kingdom (87%).

⁵ Joint Employment Report 2003-2004

⁶ available

at

http://europa.eu.int/comm/employment_social/fundamental_rights/pdf/pubst/roma04_en.pdf

⁷ "Avoiding the Dependency Trap" – conducted in particular in Czech Republic, Slovakia, Hungary consultable at <http://roma.undp.sk/>

EU interventions in the field of the fight against discrimination

Article 6(1) of the Treaty on European Union states that the Union is founded on the principle of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States.

The principles of equal treatment and non-discrimination are at the core of the respect for fundamental rights. A considerable body of European legislation has been put in place over the past thirty years, in order to tackle sex discrimination related to pay, working conditions and social security. Today, promoting equality between women and men is recognised as one of the Community's essential tasks (Article 2 of the EC Treaty). The Community must aim to eliminate inequalities and promote equality between women and men in all its activities (Article 3(2) of the EC Treaty). The European Union has adopted a Community framework strategy on gender equality (2001-2005) to combat inequalities between the sexes in economic, political, civil and social life, and to change roles and remove stereotypes in this area. A programme of Community action for equal opportunities (2001-2005) accompanies this global strategy and supports the organisation of campaigns to raise awareness, the improvement of data collection and the implementation of transnational projects.

The adoption of the Amsterdam Treaty in 1997 which introduced a new Article 13⁸ into the EC Treaty, represented a quantum leap forward in the fight against discrimination. For the first time, the Union was empowered to take appropriate action to combat discrimination on a whole new range of grounds, comprising sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation.

The Council of Ministers adopted two Directives to give effect to these powers. The first (Directive 2000/43/EC) prohibits discrimination on the grounds of racial and ethnic origin and prohibits discrimination in the fields of employment, education, social protection (including social security and health care), social advantages and access to goods and services (including housing). The second (Directive 2000/78/EC) prohibits discrimination in employment on the grounds of religion and belief, disability, age and sexual orientation.

These directives had to be transposed into national law. The Member States had until 19 July 2003 to transpose the Racial Discrimination Directive and until 2 December 2003 to transpose the Employment Discrimination Directive (with a possibility of an extension of up to a further three years for the provisions on discrimination on grounds of disability and age). The deadline for the ten new Member States was the date of their accession, 1 May 2004.

More recently, the Council adopted legislation in relation to gender (Directive 2004/113/EC) implementing the principle of equal treatment between women and men in the access to and supply of goods and services. The final deadline for the transposition of its provisions has been fixed in December 2007. It is therefore too early to report on progress made by Member States to adopt national implementing measures.

8 Without prejudice to the other provisions of this Treaty and within the limits of the power conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation

Needs analysis

Transposition of the EU legal acquis in the field of non-discrimination

The Union and the Member States have already undertaken serious efforts to combat discrimination and promote equality (see enclosed tables below). Tables on Transposition of the provisions of Directives 2000/43/EC and 2000/78/EC

Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

State of transposition –February 2005

New legislation adopted ⁹	Draft legislation pending	No draft legislation
<p>Belgium</p> <p>Federal anti-discrimination legislation entered into force on 27 March 2003. All regions and communities have adopted and published legislation. The Equality Body is functioning.</p> <p>Czech Republic</p> <p>The employment aspects of the Race Directive have been implemented by provisions in the Labour Code (effective on 1 March 2004) and the Employment Act.</p> <p>A Bill transposing both Directives is now being discussed in Parliament.</p> <p>Legislation with regard to the non-employment aspects of the Race Directive is not currently in force.</p> <p>Greece</p> <p>Legislation transposing both the Race and Employment Framework Directives came into force on 27 January 2005.</p> <p>Hungary</p>	<p>Luxembourg</p> <p>Draft legislation (No 5248) went before the Parliament on 21 November 2003, it is still pending. The equality body is to be legislated for in a separate act, which has not yet been prepared.</p> <p>Germany</p> <p>Draft legislation presented by the government 13 December 2004. Parliamentary hearings 7 March 2005. In Social and Educational law the equal treatment requirement of the Constitution is considered sufficient to implement the education and social aspects of the Race Directive.</p> <p>Denmark</p> <p>Draft legislation on the employment aspects of the Directive was presented to the Parliament on 22 October 2003, with first reading in November 2003.</p>	

⁹ This does not necessarily imply full compliance with the detailed provisions of the Directives.

<p>Act on Equal Treatment and the promotion of equal opportunities adopted by the Hungarian Parliament on 22.12.2003 and came into force on 27 January 2004. Implements both Directives. Decree 362/2004 on the Equal Treatment Authority came into force on 1 January 2005.</p> <p>Netherlands</p> <p>The Law amending the Equal Treatment Act entered into force on 1 April 2004.</p> <p>Sweden</p> <p>New legislation was approved by parliament in June 2003 and is in force. Education is not covered yet by Swedish law, but the government is formulating proposals for transposition of this part of the directive.</p> <p>United Kingdom</p> <p>In Great Britain, the Race Relations Act 1976 (Amendment) Regulations amending the 1976 Race Relations Act were made on 20 June 2003 came into force on 19 July 2003. The Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 came into force on 19 July 2003. The Gibraltar Equal Opportunities Ordinance 2004 came into force on 11 March 2004.</p> <p>Finland</p> <p>Legislation (the Equality Act) was adopted by the parliament on 5.12.2003 and came into force on 20 January 2004. The Aland Islands are not covered.</p> <p>Italy</p> <p>Government decree No 215 of 9 July 2003 was published in the official gazette on 12 August 2004 n° 186 and came into force on 27 August 2003.</p>	<p>Austria</p> <p>Three federal acts meant to transpose Directives 2000/43 and Directive 2000/78 entered into force on 1st July. Disability not covered. Transposition measures are force in 4 out of 9 Länder. X</p> <p>Lithuania</p> <p>Steps have been taken to implement the Directive. This appears to include a general non-discrimination provision in the revised Labour Code (Article 2). The Commission has formally received notification of several legislative amendments, but these are yet to be analysed. – info to be used with caution</p> <p>The annual report 2004 says that Amendments to bring existing laws into line with the 2 Directives were adopted in November 2003 and are due to enter into force in January 2005. This is confirmed by a letter of 30 April 2004 of the Latvian government (on violence at the workplace).</p>	
--	---	--

The Equality body started its activities by the end of 2004.

France

New legislation adopted in 2001 & 2002, and 2004. A law creating the Equality Body was adopted by the end of 2004. It is supposed to start function in the course of 2005.

Denmark

Legislation on racial discrimination outside the workplace came into force on 1 July 2003 (Act on Equal Treatment irrespective of ethnic origin).

Spain

The Directive was transposed by means of amendments to the relevant laws brought in through the Bill of fiscal, administrative and social measures (a law accompanying the Finance Bill). This legislation came into force on 1 January 2004. The Royal Decree necessary to set up the Equality Body has not been adopted yet.

Poland

Legislation amending the 1974 Labour Code apparently came into force in January 2004. Relevant provisions in areas outside employment are contained in other legislation. Poland has notified the Commission of its implementation, but this is yet to be analysed.

Portugal

Parliament has transposed part of the Directive by amendments to the Labour Code, which entered into force on 1 December 2003. Non-employment aspects of the Racial Equality Directive are now covered by a

new law adopted by the Parliament on 2 April 2004 and in force since 12 May 2004. Equality Body is operational, but not very well known by the public.

Estonia

Information indicates that amendments to the existing labour legislation, aimed at transposing the 2 Directives, were adopted by Parliament on April 2004 and entered into force on the day of accession. No general Equality Act yet. The Office of the Legal Chancellor will be the Equality Body, but it does not seem to have all the functions required by the Directive. However, as far as Directive 2000/43 is concerned, official notification has yet to be received by the Commission.

Latvia

The Directive appears to have been implemented with regard to Labour Law in April 2004. With regard to non-employment aspects of the Directive, draft legislation (a Law on Prevention of Discrimination, as well as amendments to the criminal law and to the "Administration Violations Code") was still pending at the Parliament in June, after the first reading.

Slovenia

The Directive is implemented including through the Act Implementing the Principle of Equal Treatment which was adopted on 24 April 2004 (and apparently came into force on 7 May 2004). The Commission has been formally notified, but this needs to be analysed.

Malta

Implementation legislation notified to the Commission on 15 March 2004. No information on the Equality Body.

<p>Cyprus</p> <p>The Equal Treatment of Persons (Racial and Ethnic Origin) Law, meant to implement the Directive, entered into force in 1st May 2004.</p> <p>Ireland</p> <p>Ireland already adopted comprehensive anti-discrimination legislation in 1998 & 2000. A Law including the technical amendments to its primary legislation that will be necessary to ensure full compliance with the Directive came into force on 19 July 2004.</p> <p>Slovakia</p> <p>There has been some legislation to implement the Directive in force, for example amendments to the Labour Code as well as other laws. A general anti-discrimination law was adopted in May and entered into force on the 1st July 2004.</p>		
---	--	--

Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation

State of transposition February 2005

New legislation adopted ¹⁰	Draft legislation pending	No draft legislation
<p>Belgium</p> <p>New federal anti-discrimination legislation entered into force on 27 March 2003. The Flemish Community, the Brussels-Capital Region, the French(-speaking) Community and the Wallonie Region have adopted and published legislation. The government of the German speaking Community is in the process of publishing the legislation it has recently adopted.</p> <p>Extra 3 year period for implementation of age provisions has been notified.</p> <p>Greece</p> <p>Legislation transposing both the Race and Employment Framework Directives came into force on 27 January 2005.</p> <p>Sweden</p> <p>New legislation was approved by parliament in June 2003 and entered into force on 1 July 2003. Extra 3 years for age discrimination provisions notified.</p> <p>Netherlands</p>	<p>Luxembourg</p> <p>Draft legislation adopted by the Government on 24 October 2003 and sent to Conseil D'Etat 7 November. Bill went to the Chambre de Députés on 10 November 2003. Its scope does not include civil servants.</p> <p>Germany</p> <p>Draft legislation presented by the government 13 December 2004. Parliamentary hearings 7 March 2005. 3 year extension notified for age discrimination provisions.</p> <p>Austria</p> <p>Three federal acts meant to transpose Directives 2000/43 and Directive 2000/78 entered into force on 1st July 2004. Transposition measures not yet in force in all Länder.</p>	

¹⁰ This does not necessarily imply full compliance with the detailed provisions of the Directives.

<p>The Equal Treatment (Disabled or Chronically Sick Persons) Act, which transposes nearly all of the Directive's provisions on disability discrimination, entered into force on 1 December 2003. The amendments to the Equal Treatment Act contained in the "EG-implementatiewet Awgb" entered into force on 1 April 2004, and the Equal Treatment in Employment and Training (Age Discrimination) Act entered into force on 1 May 2004. Extra 3 year period notified for age discrimination provisions.</p> <p>Hungary</p> <p>Act on Equal Treatment and the promotion of equal opportunities adopted by the Hungarian Parliament on 22.12.2003 and came into force on 27 January 2004.</p> <p>United Kingdom</p> <p>In Great Britain, regulations on sexual orientation and religion or belief entered into force across England, Scotland and Wales on 1 and 2 December 2003 respectively. In Northern Ireland, regulations on sexual orientation came into force on 2 December and on religion or belief on 10 December. Legislation in Gibraltar on religion or belief and sexual orientation came into force on 11 March 2004. In Great Britain and Northern Ireland, regulations on disability will come into force in October 2004. Regulations on age are due to come into force in 2006.</p> <p>Italy</p> <p>Government decree No 216 of 9 July 2003 was published in the official Gazette on 13 August 2003 n° 187 and came into force on 28 August 2003.</p> <p>France</p> <p>New legislation adopted in 2001 & 2002, but no definition of "discrimination". 3 year extension notified for disability discrimination</p>	<p>Denmark</p> <p>A bill on employment discrimination covering all grounds presented to the Parliament on 22 October 2003, and was adopted on 30.03.2004. Denmark has notified the Commission that it will use 1 extra year for the age and disability discrimination provisions.</p> <p>Malta</p> <p>The draft Employment and Industrial Relations Act and the Equal Opportunities (Persons with Disabilities) Act implement the Directive. No explicit mention of "age" or "sexual orientation" as specific grounds of discrimination. The first Act is supplemented by the Employment and Industrial Relations Order 2003.</p> <p>Czech Republic</p> <p>A Bill transposing both Directives is now being discussed within the government. It provides that it would enter into force 1st January 2005. It does not provide for provisions on the burden of proof, nor on professional training.</p> <p>Lithuania</p> <p>A general non-discrimination provision has been inserted in the revised Labour Code (Article 2), although it does not mention disability. Anti-discrimination legislation has also been proposed subsequently for the third quarter of 2003 but the information indicates that it only deals with the</p>	
---	---	--

<p>provisions.</p> <p>Spain</p> <p>The Directive is transposed by means of amendments to the relevant laws brought in through the Bill of fiscal, administrative and social measures (a law accompanying the Finance Bill). This legislation came into force on 1 January 2004.</p> <p>Portugal</p> <p>New anti-discrimination provisions in the Labour Code (law 99/2003 of 27.8.03) came into force on 1 December 2003.</p> <p>Slovakia</p> <p>There has been some legislation to implement the Directive in force, with amendments to the Labour Code effective in 2002 and 2003. A general anti-discrimination law was adopted in May 2004 and entered into force the 1st July 2004.</p> <p>Slovenia</p> <p>The Directive is partially implemented through the Employment Relations Act 2002, which came into force on 1 Jan 2003 and the Act Implementing the Principle of Equal Treatment which came into force on 7 May 2004.</p> <p>Finland</p> <p>Legislation (the Equality Act and a number of amendments to other Acts) was adopted by the parliament on 5.12.2003 and entered into force on 20 January 2004. The Åland Islands are not covered.</p> <p>Cyprus</p>	<p>Racial Equality Directive. – info to be used with caution</p> <p>The annual report 2004 says that Amendments to bring existing laws into line with the 2 Directives were adopted in November 2003 and are due to enter into force in January 2005. This is confirmed by a letter of 30 April 2004 of the Latvian government (on violence at the workplace).</p> <p>Poland</p> <p>The Directive is to be implemented as regards labour law by amendments to the 1974 Labour Code and through the 1994 Law on Employment and Unemployment. The former will be achieved by a law dated 18 September 2001 which has been passed by Parliament, but this has been delayed by the exercise of a Presidential veto. It is unclear whether each ground of discrimination will be properly implemented, for example sexual orientation and reasonable accommodation for disabled persons.</p>	
--	---	--

Two laws (on equal treatment on employment and occupation and on persons with disabilities) meant to implement the Directive entered into force in 1st May 2004.

Ireland

Ireland already adopted comprehensive anti-discrimination legislation in 1998 & 2000. A Law including the technical amendments to its primary legislation that will be necessary to ensure full compliance with the Directive came into force on 19 July 2004.

Estonia

Amendments to the existing labour legislation, aimed at transposing the 2 Directives, were adopted by Parliament on April 2004 and are supposed to enter into force on the day of accession.

Latvia

The Labour law adopted in 2001 prohibits discrimination, but not on the grounds of sexual orientation. On April 2004, amendments to the existing labour legislation, aimed at transposing the Directive, were adopted by Parliament. Not clear if this includes discrimination on the basis of sexual orientation.

In accordance with Article 226 of the EC Treaty, the European Commission has launched infringement proceedings against Member States which, have failed to transpose the directives. Five Member States were referred to the European Court of Justice on 19 July 2004 for failing to pass all necessary legislation to bring national law into line with Directive 2000/43/EC and communicate that to the Commission. In February 2005, The European Court of Justice has ruled against Finland and Luxembourg for their failure to transpose the provisions of the Directive 2000/43/EC in time. Subsequent decisions of the Court concerning the other countries are expected to be shortly delivered.

While the Employment Equality Directive had to be implemented by 2 December 2003 for the grounds religion and belief and sexual orientation, with regard to the grounds age and disability Member States were entitled to notify the Commission that they would extend the transposition period for up to three years. With regard to age, Belgium, the UK, Germany, the Netherlands and Sweden notified the Commission they would use the full three-year extension, and Denmark one year extra. For disability, France notified the Commission it would use the three years extra and the UK and Denmark one year extra.

Even taking these extensions into account, only France, Spain, Italy and Sweden had fully transposed Directive 2000/78/EC into their national legislation by 2 December 2003. The Commission launched infringement proceedings against the other Member States at that time. After resolving some of these through the early stages of the procedures, on 2 December 2004 the Commission referred Austria, Germany, Finland, and Luxembourg to the Court for failing to transpose the Employment Equality Directive.¹¹

Need to sustain the effective implementation of the EU legal acquis with the view to ensure uniform legal protection against discrimination

The aim of any law is to alter the behaviour of those subject to regulation in order to achieve the desired outcome. But legal provisions must be actively enforced in order to have any impact. The law may act as a catalyst or stimulus which will trigger a process for social change provided that the opportunities created by this new set of anti-discrimination rules are fully exploited. Non-discrimination legislation plays a part in translating policies, goals and social objectives into reality. The purpose of introducing a set of minimum requirements common to all Member States and accession candidate countries is to ensure that people exposed to discriminatory rules, practices or attitudes enjoy a uniform level of legal protection across Europe.

Experience from abroad (USA, Canada etc.) tends to demonstrate that discrimination has historically led to low levels of legal action. Given this, it is necessary to take a closer look at what the law, and anti-discrimination law in particular, may be expected to do and what are the challenges for the proper functioning of the legal system¹². The following obstacles to an effective enforcement of anti-discrimination provisions have been identified:

Inadequacy of institutional assistance to individual litigants,

- the need to pay extensive costs to commence and complete litigation successfully,

¹¹ Commission Press Release IP/04/1512, Brussels, 20 December 2004.

¹² see in particular C. McCrudden

- the lack of trained and motivated lawyers and other representatives,
- the inadequacy of remedies provided, either to compensate the individual fully in financial terms, or to ensure that the victim secures the benefit discriminatorily denied,
- the inadequate knowledge of anti-discrimination law principles by national authorities, judges, leading to victims not securing redress to which they are entitled,
- the absence of adequate information being made available to an actual or potential plaintiff.

Efforts should be made to ensure that the rights and obligations contained in the Directives are correctly transposed and can be called upon by victims to defend themselves against any discriminatory practice, rule or attitude. The Community's priority is thus to achieve the full and successful transposition and application of existing Community legislation already adopted under Article 13. This priority will be met provided that rights and obligations are well-known, understood and acted on by the various stakeholders who are in a position to exert and influence change.

To that effect, the Community adopted two Community action programmes designed to combat discrimination and promote equality.

The Community Action Programme to combat discrimination (2001 - 2006) was established by the Council Decision of 27 November 2000¹³. This programme is one of the two cornerstones of the “anti-discrimination package” that aims to combat all forms of discrimination on grounds of race or ethnic origin, religion or belief, disability, age or sexual orientation¹⁴.

The Community Action Programme to combat discrimination, which is intended to support and complement the efforts deployed by the Member States¹⁵, targets all grounds quoted in article 13 apart from gender, which is the subject of a specific programme. It concerns all the Member States and is open to participation by EFTA/EEA countries and candidate countries applying to join the European Union.

With an allocated budget of 98.4 million euros for six years, i.e. 16 million euros per year, the programme is managed and coordinated by the European Commission’s Employment and Social Affairs Directorate General. In accordance with article 6 of the Decision of 27 November 2000, the Commission is assisted by a Committee made up of Member State representatives. The Decision establishing the action programme sets out the programme’s three main objectives:

- to improve the understanding of issues related to discrimination through improved knowledge of this phenomenon and through evaluation of the effectiveness of policies and practice (strand 1);

¹³ Decision (2000/750/EC) of 27 November 2000 establishing a Community Action Programme to combat discrimination.

¹⁴ Treaty of Amsterdam, article 13

¹⁵ Article 2 of the Decision of 27 November 2000.

- to develop the capacity to prevent and address discrimination effectively, in particular by strengthening organizations' means of action and through support for the exchange of information and good practice and networking at European level, while taking into account the specific characteristics of the different forms of discrimination (strand 2);
- to promote and disseminate the values and practices underlying the fight against discrimination, including through the use of awareness-raising actions (strand 3).

The Community Programme on Gender Equality (2001-2005) has as its purpose to promote gender equality, in particular by providing assistance and support for the Community framework strategy. The Programme shall co-ordinate, support and finance the implementation of horizontal transnational activities under the fields of intervention of the Community framework strategy on gender equality. The Programme is complementary to the other EU Programmes and grants, which - according to article 3 par. 2 EC Treaty - shall equally aim to eliminate inequalities and to promote equality between men and women. It is aimed at:

- Promoting and disseminating the values and practices underlying gender equality
- Improving the understanding of issues related to gender equality, including direct and indirect gender discrimination and multiple discrimination against women, by evaluating the effectiveness of policies and practice through prior analysis, monitoring their implementation and assessing their effects
- Developing the capacity of players to promote gender equality effectively, in particular through support for the exchange of information and good practice and networking at Community level.

The Commission's proposal for a decision of the European Parliament and of the Council establishing a **Community Programme for Employment and Social Solidarity – PROGRESS** foresees the continuation, subject to some adaptations, of the above two Programmes which will be regrouped under the following strands: "Anti-discrimination and diversity" and "Gender equality".

Its general objectives as laid down in the proposal in respect to the two above-mentioned strands consist to:

- to improve the understanding of the situation in relation to (discrimination – gender issues and gender mainstreaming) in particular through analysis and studies and the development of statistics and indicators as well as assessing the impact of existing legislation, policies and practices;
- to support the implementation of EU (anti-discrimination – gender equality) legislation through reinforced monitoring, training of practitioners and networking amongst specialised bodies dealing with anti-discrimination;
- to raise awareness, disseminating information and promoting the debate about the key challenges and policy issues in relation to (discrimination – gender equality and gender mainstreaming) and the mainstreaming of anti-discrimination in EU policies;
- to develop the capacity of key EU networks to pursue EU policy goals.

Emerging policy needs from the Green Paper Consultation- External consultation

The Green Paper ‘Equality and non-discrimination in an enlarged European Union’ adopted by the Commission in May 2004¹⁶ set out the Commission’s analysis of progress in the field of combating discrimination since the introduction of Article 13 of the EC Treaty, and explores emerging issues and challenges including those related to enlargement. The Green Paper was the subject of a consultation process from 1 June until 31 August 2004. In total, 1443 responses were submitted to the questionnaire. 1049 of these responses were submitted by individual members of the public. 394 were submitted on behalf of an organisation or institution. In addition, the Commission received over 150 detailed written contributions. European and national NGOs were particularly active during the consultation process. Responses were also received from national authorities in virtually all Member States, specialised equality bodies, some social partner organisations, regional and local authorities, experts and think tanks.

The results of the consultation process were presented and discussed at the Dutch Presidency Conference ‘Equality in a future Europe’ on 22-23 November 2004 in Scheveningen, the Netherlands. The results include the following:

- 88% of respondents think the EU should step up its efforts to combat discrimination following enlargement.
- The three most important "remaining obstacles to the effective implementation of European anti-discrimination legislation" identified by respondents were:
- Continued existence of discriminatory attitudes and behaviour (67.5%)
- National implementing legislation incomplete (59.1%)
- Lack of information/awareness about rights and obligations (47.6%)

Obstacles 1 and 3 highlighted above confirm the need for a continued emphasis on awareness-raising activities in the field of non-discrimination and equal treatment. Obstacle 2 is currently being dealt with by the Commission in the context of infringement procedures against a number of Member States (see above).

81.6% of respondents either agreed or strongly agreed there should be greater links between efforts to combat discrimination on all Art. 13 EC grounds including sex. At the same time the need to maintain a focus on the specificities of the different grounds was stressed.¹⁷

The importance of fostering better awareness with the view to changing public attitudes and behaviours is shared by many stakeholders – public authorities and institutions at different levels, including equality bodies, social partners within the Member States, non-governmental organisations. Yet despite this, there remains much scope for further action. Even the most carefully drafted legislation will prove inadequate if the political will is not there to translate it into long-term action and if it does not enjoy broad popular support.

¹⁶ Brussels, 28.05.2004 COM (2004) 379 final.

¹⁷ European Commission, ‘Equality and non-discrimination in an enlarged European Union, Discussion Paper’, 15 November 2004.

A strategy purporting to promote non-discrimination and equality requires the mobilisation of all stakeholders, capable of exerting influence or change, with the view of favouring the establishment of conditions to allow non-discrimination provisions and norms to penetrate each national legal, economic and cultural system on a long-term basis. An important aspect of this objective is to change public attitudes by promoting tolerance and acceptance of the diversity within the framework of respect for core European values e.g gender equality. It will also entail the mobilisation of all policies that could support the promotion of equality and non-discrimination, by increasing awareness and stimulating debate on the key barriers to a more just and inclusive society, looking widely and going beyond the concerns of individual groups. Such a strategy would imply taking proactively the argument to the public.

The policy options:

Three options have been examined:

- (1) Option 1 - No change scenario – sole reliance on the continuation of the existing Community action programmes to alter attitudes and behaviour and promote a just society, free from discrimination.
- (2) Option 2 - Action coordinated and centralised by the Commission on the basis of a limited incentive measure over a fixed period, providing a unique opportunity and platform to raise awareness on the necessity to create a more cohesive society that celebrates differences within the framework of EU core values and fosters the respect of the substantial EU acquis in equality and non-discrimination.
- (3) Option 3 - Same action as Option 2 with the difference that the implementation of activities will be decentralised to the Member States under the supervision of the Commission to ensure consistency with the policy objectives of the European Year.

Conclusions I – Policy options

Option 1: Reliance on upcoming Community programme Progress, in particular strands "Anti-discrimination and diversity"

This option is not likely to produce expected impact. The above-mentioned Programmes scheduled to run to 2013 do not adequately respond to the identified problems and needs as developed above. They are mainly concerned with improving understanding of the extent and impact of discrimination and inequalities, monitoring the application of Community legislation, supporting training activities addressed to practitioners and raising awareness among European level stakeholders on key challenges and policy issues in relation to non-discrimination and equality. The target population is therefore confined to some selected stakeholders (national authorities in charge with relevant policy issues, equality bodies, social partners, representatives of potential victims of discrimination and inequalities) who are capable of exerting influence and change towards the development or adaptation of legislation and policies.

Option 2: European Year coordinated and centralised at the Commission level

This option is likely to put unnecessary burden on the Commission while not being capable of meeting the concerns and specificities of Member States. This option will fall short in acknowledging and accommodating the various national sensitivities and cultural contexts. It will not be able to take account of the varying level of progress achieved by Member States in promoting non-discrimination and equality. It is likely to encounter political opposition from the Member States as this option would seem disproportionate to the objective to be achieved. In addition, handling series of calls for proposals leading to the submission of thousands of applications from all participating countries would be unmanageable for the Commission. Commission's human resources would nearly devote their entire time in managing calls and subsequent subsidy agreements at the expense of the promotion of the policy objectives of the Year. As well, empirical experience suggests that calls for proposals issued by the Commission services are more likely to arouse interest from organisations well-connected to Brussels. Indeed, organisations at national, regional or local levels are on average less familiar with Community support and procedures. Thus, the Year would fall short in raising awareness and stimulating debate with stakeholders at national level.

Option 3: European Year decentralised at the national level under the coordination of the Commission

This option is likely to achieve significant political impact at the national level in raising awareness and in stimulating an open debate and dialogue on policy strategic issues linked to the diversity of European society. It will allow the objectives of the Year to penetrate more easily and reach out interested and concerned stakeholders at national, regional and local levels. It will imply a greater participation and a more active involvement of national authorities in support to the implementation of the Year. In turn, taking a shared responsibility for the Year will ensure that national authorities are active players. It will ensure that the policy objectives of the Year defined at the European level are translated in a way that adequately matches the national contexts.

Option 3 would seem the most appropriate to create the momentum needed in 2007 to make actors and beneficiaries sensitive to the necessity to tackle the barriers to the participation in society and create a climate where Europe's diversity is seen as a source for the socio-economic vitality of Europe.
--

3. OBJECTIVES

General objectives

Building on and learning from the achievements of previous Years, notably the 1997 European year Against Racism and most recently the European Year of People with Disabilities in 2003, the European Year of Equal Opportunities will provide an unique opportunity and platform to raise awareness on a more cohesive society that celebrates differences and respect the substantial EU acquis in equality and non-discrimination. It will also stimulate debate and dialogue on questions which are central to achieving a just society.

Specific objectives will be framed against four key messages – Rights – Representation - Recognition –and Respect

Rights – Raising awareness on the right to equality and non-discrimination

There is a need for much more public awareness about EU legislation on equality and non-discrimination which constitute EU common values and principles. The Year will seek to highlight to the public at large, the message that all people, irrespective of their sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation are entitled to equal treatment. A key challenge will be to demonstrate that the notion of "equality" does not mean "sameness" but rather taking account of differences and diversity to ensure equal treatment.

Representation – Stimulating a debate on ways to increase the participation in society

Debate and dialogue should be engaged on the most appropriate manner to promote a greater participation of under-represented groups in society in all sectors and at all levels, in particular in the business sector and decision and policy-making arena. Equal opportunities policy is not simply limited to the elimination of discrimination. It also requires equalising the opportunities to full and equal participation for all. The disadvantages experienced by some communities e.g the Roma are so wide-scale and embedded in the structure of society that positive action may be necessary to remedy the nature of their exclusion. In this regard, the Year will seek to highlight the need to promote and develop policies and initiatives to increase the participation of groups under-represented in society.

Recognition - Celebrating and accommodating diversity

A second challenge will be to raise awareness on the positive contribution that people, irrespective of their sex, racial or ethnic origin, religion or beliefs, disability, age and sexual orientation make to society as a whole. The Year will seek to engage the wider public in an open debate on what diversity means in today's Europe and will contribute to create a positive climate in which differences are valued in society and in particular the right not to be discriminated against is respected.

Respect and tolerance – Promoting a more cohesive society

The Year will seek to raise awareness about the importance of promoting good relations between all communities in society, and in particular young people. It will bring together different people or groups together in an effort to promoting and disseminating the values of equal treatment and fight against discrimination. Key to this will be to work on eliminating stereotypes and prejudices.

Expected Impact beyond the European Year

In line with these developments, the European Year should contribute on a longer term towards:

- Ensuring that the wider public is aware of its rights and obligations under EU anti-discrimination law. It will seek to garner the active support and respect of the public towards non-discrimination and equality legislation.

- Fostering a wide reflection on what diversity means in today's Europe – in particular its potential to be a source of socio-economic vitality.

Operational objectives

The operational objectives have been defined to support the main actions needed at EU level. The measures proposed for the European Year of Equal Opportunities are designed to raise awareness about European issues (rights to equality and non-discrimination which encompass the need to make space for differences and diversity etc), by enabling exchanges of experience between Member States and by promoting the analysis of questions which are of interest to stakeholders in all Member States.

By their scale and nature, these are actions which are best – or which can only be – carried out at European level. Actions will be justified to support the Commission's role in promoting mobility.

The impact of the operational objectives will be measured by their contribution to the implementation of specific objective. The main factor to assess the success of the actions financed will be the EU value added they generate.

(a) To raise awareness:

- of the rights to equality and non-discrimination;
- of the positive contribution that all people, irrespective of their sex, racial or ethnic origin, religion or beliefs, disability, age and sexual orientation can bring to society as a whole
- of the benefits of diversity as a source of socio-economic vitality which should be embraced, valued and enjoyed because it enriches the social fabric of Europe and is an important component of Europe's economic prosperity;

(b) To stimulate a dialogue and debate on the most appropriate ways to address the under-representation of certain groups in decision and policy-making arena;

(c) To encourage contacts to enhance the understanding and respect for other groups within the framework of the values underlying the fight against discrimination.

Target operators and populations

The initiatives during the Year will be mainly implemented through the competent public authorities at different levels. This will imply that direct beneficiaries will be the appointed public authorities acting as a reference point for the implementation of the Year at the national level. Subsequently, those reference points will be responsible for selecting national initiatives in line with the strategic policy objectives as defined by the Commission. The target population will be of two kinds: direct targets will be the national reference points including organisations closely involved in the implementation of the Year while indirect beneficiaries will be mainly the public at large and more particularly organisations in a position to exert influence or change (companies, media organisations, trade unions etc).

Conclusion 2 – Relevance of the Objectives

The competences concerning the fight against discrimination on grounds of sex, racial or ethnic origin, religion or beliefs, disability, age and sexual orientation are shared with Member States and cover several EU policy fields. This implies broad objectives to be reached in a European Year. To achieve concrete impacts in a limited period, the operational objectives should be focussed on the most needed actions linked with the specific objectives. The European added value will depend on the capacity to create the awareness on concrete issues and the conditions to transfer the experiences between MS.

The substantial differences among Member States, in terms of cultural context, sensitivities and progress achieved in the areas of the fight against all forms of discrimination weighs in favour of giving the Member States a large role in the implementation of the Year. This said, definition of policy priorities at the national level should be made under the supervision of the Commission with the view of guaranteeing no deviations from the agreed strategic objectives as established by the Year. Exchanges at EU level should be limited and elaborated on the basis of good practices at MS level.

4. DELIVERY MECHANISMS

The starting point is that while the Union can provide for a framework for action in support of equal opportunities for all, tangible progress will be achieved through the significant involvement of Member States at national level.

Account must be taken of the varying levels of progress made at national level and the socio-economic, cultural contexts and sensitivities in the Member States. As well, the situation in respect to the extent and nature of diversity vary very much from one Member State to another. To that end, the Commission considers appropriate to decentralise the activities of the Year primarily to the national level. Activities defined at European level to ensure consistency in the approach towards a just and inclusive society will then be adapted to the specificities of each Member State. Thus, in respect to the actions at the national, regional or local level, the Commission will delegate its budget implementing powers to national public-sector bodies or bodies governed by private law with a public-service mission under certain conditions.

To that effect, Member States will be requested to:

- Establishing a national coordination committee including representatives of the Government, of representatives of targeted communities and other segments of civil society;
- Establishing broad partnership with the view of integrating equal opportunities issues into all relevant policy areas, including in the employment and education sector, the media, the business and policy-making sectors;

Regarding the EU political visibility of those objectives in 2007, it is envisaged to select some EU-wide specific actions (such as European opening and closing events, European equality Summit) and to give subsidies through global grants to public authorities within the Member States.

The involvement of Member States implies also to establish coordination mechanisms at both national and EU levels which is a condition to create the synergies needed and leverage effects that would be generated through the actions. An advisory committee composed of representatives of the Member States would serve this purpose. As well, an ad hoc Commission inter-services Group would have to be set-up to ensure consistency among Community initiatives and promote synergies.

Coordination and management

The Commission should ensure the implementation of the Community and national actions covered in the Year in co-operation with a Committee composed of MS representatives.

Actions have been identified to focus on the EU level objectives:

The European Year will consist of a range of actions, specific at EU or national level. Four main types of actions are foreseen:

- meetings and events; these actions are intended to raise the awareness about issues related to the Year and about equality and non-discrimination and to provide for a forum of exchange of ideas;
- informational and promotional activities; these actions are intended to strengthen the multiplier effect, by providing the actors with tools to relay information about the objectives of the Year by use of a common logo, a joint website, publications etc.
- cooperation with corporate organisations and broadcasting and media organisations in particular as partners spreading the information about the Year
- surveys and studies on a Union-wide scale; these actions are intended to assess the impact of the Year in attaining its specific objectives.

Community Measures

The following actions could be financed entirely by the Community budget or subsidised up to 80 % of their total cost, with the remaining co-financing coming from within the Member States. A balanced distribution of actions will be ensured between the different fields of activity involved.

- (1) Meeting and events
- (2) Organisation of meetings at Community level;
- (3) Organisation of events to raise awareness on the objectives of the European Year, including the conferences to open and close the Year, the European Equality Summit;
- (4) Information and promotional campaigns involving:
- (5) The development of a logo and slogans for the European Year of Equal Opportunities for All, for use in connection with any activity linked to the Year;
- (6) An information campaign on a Community wide-scale;

- (7) Appropriate initiatives to raise results and visibility of Community actions and initiatives contributing to the objectives of the Year;
- (8) The organisation of European competitions highlighting achievements and experiences in the themes of the European Year of Equal opportunities for All

Other actions

- (1) Cooperation with corporate organisations and broadcasting and media organisations in particular as partners spreading the information about the Year
- (2) Surveys and studies on a Community-wide scale, including a series of questions intended to assess the impact of the European Year, to be included in a Eurobarometer survey and an evaluation report on the effectiveness and impact of the Year.

Measures partly financed by the Community budget

Actions at local, regional or national level may qualify for financing from the Community budget up to a maximum of 50% of the total costs per Member State.

Each Member State shall be responsible for the co-ordination and implementation at national level of the measures. This said, national implementation will have accord with the policy objectives set out for the Year. To that purpose, the Commission will develop a strategic policy document. In response, such policy document will act as a point of reference for Member States. Alongside the objectives defined for the Year, it will establish the key priorities for the Year. Each Member State will then submit to the Commission by December 2006 at the latest, a national plan for implementing the Year. This plan will incorporate the overall objectives and essential principles as defined in the Decision establishing the Year and developed in the strategic policy document. The plan should be devised, adopted and implemented in strict cooperation with the national coordination committee to be set up for supervising the implementation of the European Year at national level. It should be built upon an analysis of the challenges facing each national Member State in this respect and present policy actions or initiatives that Member States intends to take in response. The release of global grants to Member States will depend on the extent to which the EU strategy's goals will be adequately met in the national policy plan.

Events connected with the objectives of the European Year of Equal Opportunities for All, including a national event to launch the Year;

Information measures to disseminate the principles and underlying values celebrated by the European Year at the national level;

Surveys and studies other than those carried out at the Community level.

Actions of moral support

The Community will offer its moral support, including written authorisation to use the logo and other material associated with the European Year, for initiatives undertaken by public or private organisations, where those organisations can demonstrate to the satisfaction of the Commission that the initiatives involved are or will be in progress during the year 2007 and are likely to contribute to significantly achieving one or more of the objectives of the European Year.

5. MONITORING AND EVALUATION

Monitoring

Commission and MS should ensure the consistency of the measures financed. Monitoring should facilitate the quality of the activity financed and the consistency with the objectives of the Year. The monitoring should therefore be implemented in order to ease the exchanges of experiences between Member States and capitalisation of results achieved at EU level.

The design of the monitoring framework will be mainly the responsibility of the Commission in consultation with the Member States. The implementation of monitoring systems will be in accordance with the responsibilities for the financing of activities. Reporting on objectives and results achieved will be included in the conditions to receive financing.

Examples of indicators by type of actions are listed below:

Example of actions to achieve the operational objectives	Example of outcome indicators	Example of impact indicators
EU level conferences Events	N° and type of participants relevance of the timing Satisfaction rate Type of learning effects	Coverage of the event (media) Publication on the related subject Quality in the message communicated Improvement of the awareness Influence on policy process and discourse
Seminar / conferences	N° and type of participants Satisfaction rate	Type of learning effects Improvement of the knowledge base Relevance of the topic to the objectives of the Year
Information and promotion activities	N° and type of information and promotion activities relevance of timing and message provided	Coverage of the media Quality in the communication Influence on policy process and public discourse Improvement of the awareness and public support
Publication	N° of publication relevance of timing and message provided	% of target population addressed Quality in the message communicated Improvement of the awareness
Survey / Studies	% of topics covered key issues and relevance of recommendations	Coverage of publication Improvement of knowledge base Use in the programming

		decisions
--	--	-----------

Evaluation

An external evaluation will be launched in Year n-1 of the Year in order to follow the monitoring of the year and provide interim results if needed. The evaluation results should be available mid-2008. This arrangement will allow the Commission to report to the EU Institutions end of 2008 on the results achieved.

Conclusions 3 – Effectiveness of the delivery mechanisms

The role and the functioning of the coordination structures based on a good programming framework will be a key factor for the success of the Year. It will be essential to effectively receive support from the appropriate actors at EU and Member State levels in the preparation, implementation and achievement the objectives.

The actions identified to achieve the objectives of the Year appear relevant. These types of actions have already proved to be efficient to reach out to a wider public and to achieve objectives of awareness¹⁸. The choice of delivery mechanism has been determined in order to ensure a full implementation of the Year allowing good and active involvement of MS in the implementation of the actions and objectives of the Year.

The monitoring and evaluation systems should be able to support the capitalisation of the results achieved during the Year.

Attention should be given to the following issues:

- The **share of responsibility** between Commission and Member States should be further underlined in order to ensure that the synergies and leverage effects are fulfilled.
- **The implementation** of the Year should be well synchronised in order to finalise the implementation of activities within the one year timeframe. This implies clear deadlines for establishing the Committee, the launching of the calls, etc. Previous evaluations have proved that preparation period and implementation deadlines are crucial issues for the success of an event such as a European Year.

6. COMPLEMENTARITY

When preparing the European Year, special attention has been paid to the way its initiatives will complement the other types of activities financed by the Community that could also contribute to achieving the objectives of the Year. Coordinating mechanisms are needed to mainstream the objectives of the Year. To that purpose, an ad hoc interservices group should be set up as early as possible, preferably early 2006, to discuss synergies and cooperation. Particular relevant Community interventions are:

- The aim of the **European Social Fund**, as laid down in the recent Commission's proposal will continue to be investing in people. Human capital is the key factor in reforming labour markets and enabling economic prosperity. It will support key areas for action endorsed by

¹⁸ See for instance evaluation results of previous European Years

the European Council: making workers and enterprises more adaptable; helping people onto the labour market; preventing unemployment; prolonging working lives; promoting the integration of the marginalised and disadvantaged; and combating discrimination. Equal opportunities for women and men will be promoted, combined with specific actions directed at women.

- In particular, complementary with the **Programme Progress** has been examined. Indeed, the forthcoming programme (covering the period 2007-2013) purports among others to combat discrimination on grounds of racial or ethnic origin, religion or beliefs, disability, age and sexual orientation and to promote gender equality (namely strands "Anti-discrimination and diversity" and "Gender equality"). As developed above, their objectives are very much linked to the implementation of EU legislation. Consequently, those two strands cannot adequately respond on their own to the general objective of raising awareness among the public of the benefits of diversity for Europe. Both strands will mainly be concerned with guaranteeing an effective remedy and ensuring redress against discriminatory or unequal rules, practice or attitude by way of, providing a better understanding of the extent and impact of discrimination and inequalities, monitoring the application of Community legislation, supporting training activities addressed to practitioners and raising awareness among directly concerned stakeholders on key challenges and policy issues in relation to non-discrimination and equality. Their target populations are therefore confined to some selected stakeholders (national authorities in charge with relevant policy issues, equality bodies, social partners, representatives of potential victims of discrimination and inequalities) who are capable of exerting influence and change towards the development or adaptation of legislation and policies. Adversely, the European Year is aimed at reaching out a wider audience, the public at large, and at communicating on a message that extends *stricto sensu* legalistic and/or legal issues.
- In relation to the **gender institute, its proposed objectives are** to assist the Community institutions, in particular the Commission, and the authorities of the Member States in the fight against discrimination based on sex and the promotion of gender equality and to raise the profile of such issues among EU citizens. The Gender Institute will thus very much concerned with strictly related to gender issues, such as the position of women in society etc. While the objectives of the European Year will be to devote focus on issues which are important to guarantee that the ideals of non-discrimination and equality penetrates all spheres of society. In addition, the Year will not be limited to address gender discrimination issues; rather it will support a broad approach addressing all article 13 grounds of discrimination.
- The **Education Programmes** – the recently proposed new financial instruments in the field of **lifelong learning** highlight the importance of developing intercultural understanding and tolerance, and on the inculcation and reinforcement of habits of active citizenship, in order that the Union is in a position to respond positively to its increasing diversity and to secure benefit from it. At the same time, there is an increasing need to deepen understanding among our citizens of the nature of European identity. Common areas of cooperation are easily discernable between both the objectives of the Year and of the new Education programmes. Equally, coordination with the announced **Active Citizenship** and **Youth Programmes** to the extent that the European Year will target among other groups young people with the view to enhance better understanding and respect among communities.

- Complementarity with the **European Year of Intercultural Dialogue in 2008** will be particularly relevant, in order to ensure that both Years are mutually supportive in the scope and actions. Coordinating mechanisms will therefore be put in place to avoid overlap and to channel support towards promoting the key messages of the Year. Mechanisms to ensure joined-up activities in 2007 will be explored.
- The **Fundamental Rights and Citizenship Programme** – The Commission is being proposed the adoption of a comprehensive "Fundamental rights and Justice" Programme. The proposed programme dealing with "Fundamental Rights and Citizenship" is of relevance to the objectives of the Year. The objectives as proposed consist of the promotion of the development of a European society based on the European Union citizenship and respectful of the fundamental rights and of the fight against anti-Semitism, racism and xenophobia. This would also concern the Commission proposal to establish a **European Fund for the integration of third-country nationals**.

Conclusion 4 - Complementarity

Strong coordinated implementation of those interventions should be managed at Commission and MS levels. It could be recommended that the coordinating structures for the Year should build on, or involve the bodies already active in those fields. To ensure mainstreaming, it is recommended to involve the institutions, DG's and actors responsible for those actions. In any case, particular attention will be paid to the implementation of those programmes to avoid such situations and to coordinate the results. The European Year would thus provide for the platform to diffuse the achievements realised by the Union in support to a more just and inclusive society and to inform about possibilities of cooperation offered by the Community in support to these general objectives.

7. EU VALUE ADDED

The EU value added concept has been fully integrated in the definition of the objectives of the European Year. It will support the initiative role of the Commission in:

- Rights – Raising awareness on the right to equality and non-discrimination
- Representation – Stimulating a debate on ways to increase the participation in society
- Recognition - Celebrating and accommodating diversity
- Respect and tolerance – Promoting a more cohesive society

On a more sustainable note, it will also contribute to:

- Sustain the correct and uniform application of the EU non-discrimination legal framework
- Promote a cross-ground approach to non-discrimination at the Community and national levels.

A set of common evaluation criteria will be identified to evaluate the success of the interventions regarding the EU value added in relation with the type of effects described above.

8. COST EFFECTIVENESS

The principle of economy has been implemented through several cumulative processes.

The barriers to be addressed by the actions consist in large part of a lack of awareness leading to a low level of public support. As a consequence, the activities foreseen relate to the implementation of action aimed at promoting greater awareness on the EU acquis in the field of non-discrimination and on the benefits of diversity to Europe. It will in turn aim at stimulating a debate on the most appropriate ways to achieve a more just and inclusive society. By grouping the activities together, the proposal will maximise their impact while limiting the degree of intervention.

As the Commission will organise initiatives during the Year in consultation with the Member States, only a limited budget of **14,6 € millions** is foreseen. Most costs can be borne within its normal operating budget. In addition, costs related to the preparatory work for the Year and due to be carried out in 2006 will be covered by existing appropriations from the budget line destined to support the implementation of the Programme to combat discrimination.

Financial leverage effect could be produced through the momentum created. The moral support actions could be used in order to increase the number of actions using the logo and so the visibility of the Year.

9. CONCLUSIONS

The Commission intends to bring the issue of equal opportunities for all to the attention of a wide range of stakeholders within the Member States, to co-ordinate efforts to raise awareness.

With this objective in mind, the Commission proposes to designate 2007 as the "European Year of Equal Opportunities for All – towards a just society" which has proved to be an efficient community instrument to achieve this kind of objectives and create an added value at European level.

Regarding the division of competences in this field and the national cultural and sensitivities differences, the choice of involving Member States through public bodies and intermediaries to increase the awareness at Union's and Member States level seems relevant. A European Year could be an appropriate instrument to create a momentum around key topics and EU priorities. To achieve the objectives of the Year, targeted actions also appear relevant.

In order to ensure good coordination mechanism, a decentralised management under a strict coordination by the Commission seems to be the most relevant approach.

The management structure at the level of the Commission will be in place before the start of the Year. Monitoring arrangements should be agreed in the definition of the call for projects.

Good mainstreaming is also needed to create the leverage effects between the areas of intervention which could positively impact on the success of the European Year.

The budget is estimated to reach the critical mass needed to achieve the operational objectives of the Year.

ANNEX 1 Main evaluation results available in this domain

Evaluation of the EUROPEAN YEAR (1997) against Racism

"Capitalisation des expériences de l'AecR pour les futures années européennes"

Il convient dans cette dernière recommandation de tirer quelques leçons des expériences positives et négatives de l'AecR pour améliorer le déroulement d'autres années européennes dans le futur.

Avant tout, en choisissant les sujets d'autres années il faudrait trouver une forte dimension politique qui mobiliserait à la fois les Etats membres et l'ensemble des acteurs et pourrait servir de levier pour une plus grande participation des citoyens.

Il faudrait également faciliter la coordination à l'échelle européenne, l'élaboration de cadres juridiques européens et nationaux et, surtout, la multiplication et la continuité des efforts.

Un autre élément à améliorer concerne les projets: il faudrait qu'ils soient toujours innovateurs, qu'ils aient une incidence territoriale, un partenariat multiple et bien ciblé et enfin une transnationalité solide.

La contrainte du temps devrait être également mieux résolue: ainsi, ne faudrait-il pas élargir la phase de préparation afin que les structures de la Commission, celles de la coopération avec les Etats membres, les dispositifs nationaux et les projets mêmes puissent être mis sur pied bien avant le début de l'année. Par conséquent que le premier appel à projets soit lancé au moins six mois avant le début de l'année, ce qui permettrait de faire coïncider le début des activités avec le démarrage de l'année. Aussi la pluriannualité des activités est à considérer.

Finalement, il serait souhaitable qu'une année européenne puisse bénéficier de ressources financières à la hauteur de ses objectifs. Cela permettrait de financer un plus grand nombre de projets et surtout des projets de plus grande envergure, dont la portée se ferait sentir au point d'avoir une influence même sur les enjeux des politiques sociales des Etats membres. Ainsi les idéaux de lutte contre le racisme pourraient atteindre un public plus large, d'une part grâce à une visibilité majeure et, de l'autre, grâce à des mesures d'information et de communication plus étoffées et conséquentes.

Evaluation of the 2003 European Year of People with Disabilities - October 2004.

Overall, the European added value of the EYPD may be summarised as follows:

Firstly, a European initiative was a prerequisite for the type of intervention undertaken, a condition that the EYPD satisfied. While national years for people with disabilities could have been organised by individual countries, the Europe-wide scale required some form of central co-ordination and initiative.

Secondly, the scale of the Year that derived from the fact that the EYPD was a European intervention added to the mobilisation and commitment of the stakeholders involved, and thus augmented the results.

Thirdly, the choice of delivery mechanism and the implementation of the Year were appropriate, and were important elements in achieving the objectives.

Fourthly, and connected with the above point, in several instances the European-level co-ordination fostered co-operation among stakeholders in the disability field and promoted the exchange of good practice.

Fifthly, synergy between activities at different levels, in particular between the Information and Promotional Campaign and the national actions, contributed considerably to achieving the aims of the intervention.

Sixthly, the Year generated considerable funding for disability-related projects and thereby also helped to strengthen the organisational capacity of many operators.

Finally, the Year contributed European added value by raising awareness and laying the groundwork for sustainable impacts, in particular concerning the creation of sustainable networks and legal and policy initiatives that would be capable of influencing the lives of people with disabilities.

Evaluation of the Community Action programme to combat discrimination (2001-2006)

November 2004

Having reached the halfway point, the programme has now entered a maturation phase and its **overall effectiveness** can be described as **satisfactory**:

Strand 1 in its entirety constitutes a **major factor in fostering understanding** whether through the work of independent experts, the carrying out of thematic studies comparing and contrasting approaches adopted in the various Member States or the launch and continuation of a debate on data collection.

Strand 2 is **less consistent**: although the legitimacy of providing support for European networks dedicated to combating discrimination has been reaffirmed, the impact of transnational actions financed in the first strand of the programme has been weak and ineffective, given the resources allocated.

Strand 3 enables **awareness raising among key actors** (judges and legal practitioners, actors involved at a national level in the fight against discrimination), extended in certain cases to include the general public, in particular through the information campaign.

In addition, the programme's **visibility** and the **valorization** of results have shown notable improvement, not only through the redesigning of the anti-discrimination unit's website but also by the creation of regular publications, the organization of an annual conference aimed at programme participants and the identification of all target groups with the potential to be involved in these activities.

Finally, the link between the programme and the strategy, and in particular between the programme and the legal approach, has been reaffirmed, whereas the positioning of the programme's overall objectives, under the three headings of understanding / exchange of information and experience / dissemination, is not clearly defined in the Decision establishing the action programme. Within Member States, the effect of the programme, which is more closely linked with the legal approach, has been to facilitate and generate awareness raising and preparations for measuring the phenomenon of discrimination and the effectiveness of policies implemented to combat it.

In conclusion, the first half of the Community Action Programme to combat discrimination has enabled notable progress to be made in terms of improved understanding, increased awareness and networking of actors despite occasional problems with certain types of funding that will need to be resolved at some stage (transnational actions in particular). This progress has been accompanied by an improvement in the programme's visibility and in the valorization of its results.

Evaluation of the Community action programme to promote gender equality (2001-2005)

The Council's decision 2001/51/EC¹⁹ which establishes the Programme for the period 2001-2005, requires the Commission to evaluate it at mid-term with the assistance of independent experts and to submit an interim evaluation report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. The interim evaluation by the external experts has been finalised in May 2004 and has been taken into account in the following Commission report.

During the period 2001-2003 the Programme has fulfilled its key objectives of raising awareness, improving policy analysis and developing the capacity of players to promote gender equality with a view to support the implementation of the Framework Strategy. The Programme covers the EU and EFTA countries. Candidate countries participated into the programme progressively according to the terms of their memoranda signed with the Commission.

The Programme is EU policy oriented and should demonstrate in all its activities an EU added value. It played an important role in supporting the development and the implementation of EU law concerning gender equality and the promotion of the gender dimension in the European Employment Strategy, the Social Inclusion / Protection Process and the Lifelong Learning Strategy. However some activities relating to capacity building of players to promote gender equality do not lend themselves easy to an evaluation due to their diverse nature. The wide range of outputs makes difficult to compare them and to assess their EU added value. This should be further analysed in the course of the external evaluation.

The Commission intends to develop more systematic information on the outputs of the Programme and its various activities, following the preliminary findings of the external evaluation on this particular aspect.

¹⁹ OJ L 17 of 19-01-2001