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ADDENDUM TO THE COVER NOTE

from: Secretary-General of the European Commission,
signed by Ms Patricia BUGNOT, Director

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to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: **Commission staff working document -
Annex to the Communication from the Commission to the Council, the
European Parliament, the European Economic and Social Committee and
the Committee of the Regions: "Non-discrimination and equal
opportunities for all - A framework strategy"
- Impact assessment**

Delegations will find attached Commission document SEC(2005) 689.

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 01.06.2005
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COMMISSION STAFF WORKING DOCUMENT

Annex to the

**Communication from the Commission to the Council, the European Parliament, the
European Economic & Social Committee and the Committee of the Regions**

Non-discrimination and equal opportunities for all - a framework strategy

Impact assessment

{COM(2005) 224 final}

Introduction

The Communication sets out a framework strategy for tackling discrimination and promoting equal opportunities for all in the EU, irrespective of racial or ethnic origin, religion or belief, age, disability and sexual orientation.

It takes into account the results of a wide public consultation carried out by the Commission in 2004, on the basis of a Green Paper concerning *Equality and non-discrimination in an enlarged EU*¹ (for further details, see point 2 below). It builds on experiences gained at the EU level since the introduction of a specific legal basis in 1999 (Article 13 TEC) empowering the Community to take action to combat discrimination on grounds of sex, racial or ethnic origin, religion or belief, age, disability and sexual orientation. Finally, the framework strategy takes into account the results of several studies that have been carried out in this area on behalf of the European Commission, Member States, civil society organisations, and other international organisations.

1. Problem identification

The changing nature of European society

The EU is undergoing a number of profound demographic and socio-economic changes. Its population is ageing as a result of declining fertility and mortality rates. The ageing of the population will have huge consequences for the labour market, with a projected decline in the working age population of over 20 million during the next 25 years. There is a strong relationship between ageing and disability. Today 63% of people with disabilities are older than 45 and the incidence of disability is likely to increase as the EU's population grows older, since many people develop disabilities later in life. International migration, enlargement and increased mobility all contribute towards the EU's growing ethnic, cultural, linguistic and religious diversity. Although the positive contribution of this diversity to the EU's social and economic fabric is widely recognised, there have been difficult debates on the situation of minorities and the balance between rights and responsibilities in some Member States. People are becoming more comfortable about expressing different sexual orientations, and several Member States now recognise same-sex partnerships or marriages. However, there are also indications of continuing homophobia and discrimination on grounds of sexual orientation.

Evidence of persistent inequalities

Despite the lack of comparative data on some of these sensitive issues, there is evidence that discrimination continues to prevent some people from accessing jobs and other opportunities in the EU. The National Action Plans for employment and social inclusion submitted by Member States report significantly lower employment rates for ethnic minorities, the disabled and other disadvantaged groups. The 2004/2005 Joint Employment Report² indicates that there are:

¹ http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/green_en.htm

² <http://register.consilium.eu.int/pdf/en/05/st07/st07010.en05.pdf>

"worrying signs of deteriorating job prospects for the young, the low-skilled and other vulnerable groups, such as disabled people, immigrants and minorities, who face compounded disadvantages, including risks of discrimination."

The 2005 Joint Report on Social Protection and Social Inclusion³ indicates that:

"The social inclusion National Action Plans highlight the fact that immigrants, ethnic minorities and the Roma, people with disabilities ... face very particular risks."

The update on immigration and labour market integration included in the 2004 Employment in Europe Report⁴ indicated a gap in employment rates for non-EU nationals, with particularly low rates for women and for migrants from certain regions. Studies carried out on behalf of the EU and other international organisations report extremely high unemployment rates (up to 90% in some regions) for Roma⁵. More than two-thirds of respondents to a Eurobarometer survey on Discrimination⁶ in Europe published in 2003 considered that members of ethnic minorities, the disabled and older workers would have less chance of 'getting a job, training or a promotion' even with the same qualifications.

This impression is backed up by research carried out on behalf of the International Labour Organisation (ILO)⁷, which concluded that personal characteristics such as ethnicity, disability and age had a bearing on the prospects of finding a job. According to the 2003 European Labour Force survey, the unemployment rate for persons with disabilities was 47%⁸. Both younger and older workers experience particular difficulties in accessing the labour market. This was reflected in the employment rates of younger workers (36.7%) and older workers (40.2%) in 2003, compared to an EU average of 62.9%.

There is also evidence that some individuals suffer from multiple discrimination based on several different grounds. Research in the UK⁹, for example, suggests that being discriminated in multiple ways increases the risk of exclusion through unemployment. It found, for example, that older Pakistanis and Bangladeshis with low qualifications and skills have an even higher risk of unemployment (82%) than might have been expected from just adding up those influences (71%).

Impact of European anti-discrimination legislation limited by incomplete transposition and implementation

The EU has taken action to tackle discrimination, and to put into effect the new powers introduced by the Amsterdam Treaty. In particular, EC legislation has been put in place banning direct and indirect discrimination on grounds of racial or ethnic origin, religion or

³ http://europa.eu.int/comm/employment_social/social_inclusion/docs/com_en.pdf

⁴ http://europa.eu.int/comm/employment_social/employment_analysis/employ_2004_en.htm

⁵ See, for example, the study on The situation of Roma in an enlarged EU at:

⁶ http://europa.eu.int/comm/employment_social/fundamental_rights/public/pubst_en.htm#Studies

⁷ http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=1558

⁸ http://epp.eurostat.cec.eu.int/cache/ITY_OFFPUB/KS-NK-03-026/EN/KS-NK-03-026-EN.PDF

⁹ Multiple disadvantage in employment; Richard Berthoud; Institute for Social and Economic Research; University of Essex; p. 41

belief, disability, age and sexual orientation¹⁰. This legislation is backed up by a Community action programme to combat discrimination (2001-2006).

Member States were required to notify legislation transposing Directive 2000/43/EC by July 2003 and Directive 2000/78/EC by December 2003. Commission services have undertaken a detailed examination of the legislation notified. The Commission has also engaged the services of a network of independent legal experts¹¹ to report on the state of transposition, implementation and enforcement of the Directives in the Member States.

It is clear that the two EC Directives adopted in 2000 have led to significant changes to the legal framework for protection against discrimination in the Member States. Entirely new laws have been passed in some Member States; in others existing legislation has been modified. This has meant the introduction of legal protection against certain forms of discrimination or in certain areas for the first time in some countries.

However, there have also been certain important shortcomings in the process of transposition in some Member States. Information from a range of sources (feedback received in response to the Green Paper consultation, reports from the network of legal experts funded through the Community action programme to combat discrimination, submissions from NGOs and from individual members of the public) indicates that the process of legislative transposition and practical implementation is not yet complete in several Member States. Shortcomings include: failure to correctly reflect the definitions of direct and indirect discrimination included in the Directives; failure to establish legal protection against racial discrimination in areas outside employment (education, social protection, access to goods and services) as required by Directive 2000/43/EC; failure to establish fully operational equality bodies to provide assistance to victims of discrimination; failure to reflect other important legal principles included in the Directives, including reasonable accommodation for disabled persons or provisions on the burden of proof. As a result of these shortcomings, the Commission has launched infringement procedures against several Member States.

In addition, there has not been sufficient action to inform people about their rights under European and national anti-discrimination law. The 2003 Eurobarometer survey¹² indicated that only one third of EU residents knew their rights to protection against discrimination. 48% of respondents to the European Commission's 2004 Green Paper on *Equality and non-discrimination in an enlarged EU*¹³ considered that lack of information and awareness about rights and obligations was a major obstacle to effective implementation and enforcement.

¹⁰ Directive 2000/43/EC of 29 June 2000 (OJ L 180 of 19.7.2000, p 22) implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Directive 2000/78/EC of 27 November 2000 (OJ L 303 of 2.12.2000) p 16) establishing a general framework for equal treatment in employment and occupation

¹¹ http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/mon_en.htm

¹² http://europa.eu.int/comm/employment_social/fundamental_rights/public/pubst_en.htm#Studies

¹³ http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/green_en.htm

Importance of positive measures to complement legal protection of individual rights

Anti-discrimination legislation relies heavily on the willingness and capacity of disadvantaged individuals to engage in complex adversarial litigation. Legal protection of individual rights is clearly important, and high-profile cases may help to bring about social and cultural change over time.

However, it is difficult for legislation alone to tackle the complex and deep-rooted patterns of inequality experienced by some groups. Positive measures may be necessary to compensate for long-standing inequalities suffered by groups of people who, historically, have not had access to equal opportunities.

The EU's experience in the field of gender equality strongly suggests that protection of individual rights must be backed up by accompanying measures in order to bring about lasting change and to promote genuine equal opportunities for all. Despite the existence of legislation dealing with sex discrimination in employment for thirty years, there continues to be a gender employment gap of 15% and a gender pay gap of 15%.

Need to ensure a gender perspective in the fight against discrimination

The EU has a long experience of tackling sex discrimination and promoting gender equality. It will continue to develop specific measures in this area. The Commission has recently proposed the establishment of a new European Institute for Gender Equality to support the EU institutions and the Member States in promoting equality between women and men and combating sex discrimination.¹⁴ It plans to come forward in 2006 with proposals for the follow-up to the current Gender Equality Framework Strategy (2001-2005). That Communication will constitute the roadmap for future activities in the field of gender equality.

In addition, the EU should consider how its experience of combating sex discrimination and promoting gender equality may be transferable to other grounds of discrimination. In line with the principle of gender mainstreaming, it should take into account the different ways in which women and men experience discrimination on grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation. In some areas, it may be appropriate to consider the development of an integrated approach to the promotion of non-discrimination and gender equality. This integrated approach should take into account the fact that some people may experience multiple discrimination on several grounds.

2. Taking into account the views of stakeholders

The European Commission adopted the Green Paper on *Equality and non-discrimination in an enlarged EU* on 28 May 2004¹⁵.

The Green Paper took stock of progress since the introduction of new powers at European level to combat discrimination on grounds of racial or ethnic origin, religion or belief, age,

¹⁴ COM(2005)81 of 8.3.2005

¹⁵ COM(2004)379.ext available at:
http://europa.eu.int/comm/employment_social/fundamental_rights/greenpaper_en.htm

disability and sexual orientation. It explored emerging issues and challenges, including those linked to enlargement of the EU. It identified a number of options and possible priorities for future policy development in this area.

The Commission invited comments and reactions to the Green Paper from all of the relevant stakeholders (national authorities, specialised equality bodies, non-governmental organisations, regional and local authorities, the social partners, experts and individual members of the public).

The consultation period ran from 1 June until 31 August 2004 (longer than the standard eight week period for EU consultations). The main vehicle for collecting comments was an on-line questionnaire, designed using the EU's Interactive Policy-Making tool. The Commission also accepted manually completed questionnaires, as well as longer written contributions.

Participation in the public consultation

The high level of interest in this area of EU policy was confirmed by the number of contributions received in response to the Green Paper.

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.

There was a remarkably high level of participation from Germany (31.8% of individual contributions), although other "old" Member States were also generally well represented. The response rate from "new" Member States, on the other hand, was disappointing. The fact that the Commission was unable to produce versions of the Green Paper in the languages of the new Member States was certainly one element that contributed towards this situation. However, it seems reasonable to conclude that it also reflects a lack of familiarity with anti-discrimination policy and a need for further awareness-raising and capacity-building efforts in these countries.

Meeting the challenge of enlargement

An overwhelming majority of respondents (88%) considered that the EU should "reinforce its efforts to combat discrimination on grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation following enlargement".

The situation of Roma communities in both old and new Member States was highlighted as a key challenge by many respondents. The importance of coherent and coordinated policy to address the multi-dimensional nature of this issue was stressed. There were also calls for the EU to develop specific structures, programmes and legislation to tackle these challenges.

A significant number of contributions (particularly from individual members of the public) also expressed the view that attitudes towards sexual orientation were more conservative in a number of new Member States, and called on the EU to step up its action to tackle prejudice and discrimination against LGBT people in both old and new Member States.

Several contributions also highlighted the particular need to support capacity-building measures for civil society and other key actors in the new Member States, as well as awareness-raising activities.

Implementing non-discrimination in law and in practice

Four years have now passed since the adoption of the two EC Directives banning discrimination on grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation. The deadlines for putting these Directives into national law passed in July 2003 (for the Racial Equality Directive) and December 2003 (for the Employment Equality Directive).

In total, 49% of respondents to the Green Paper considered that this new legislation had had limited or no impact so far. However, it was interesting to note that the majority of national authorities, equality bodies and employers considered that the Directives had had strong or very strong impact. NGOs and individual members of the public tended to be far less positive.

This appears to reflect an important difference in perception between, on the one hand, those directly involved in or affected by the process of transposing the Directives into national law and, on the other hand, those most concerned with the actual implementation and enforcement of the new rights. This gap is clearly something that will require continued monitoring and action by the EU.

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.

There are mixed feelings as to whether current EC legislation provides sufficient protection against discrimination. 53% of respondents felt that there were serious problems not covered by the Racial Equality and Employment Equality Directives, as opposed to 47% who replied negatively to this question.

Negative responses (particularly those from national authorities and employers' representatives) stressed that the two existing Directives had required extensive legislative and practical changes and that further time was required for these to "bed down" before moving on to new challenges. The principle of subsidiarity was mentioned frequently in this context.

Positive responses (particularly those from European level NGOs) emphasised the current discrepancy between the level and scope of protection offered to victims of racial discrimination as opposed to discrimination on other grounds. A number of contributions advocated the "streamlining" of existing provisions.

The three most effective tools for addressing these issues were felt to be further legislation (34.2%), awareness-raising (31.8%) and positive action (22.6%). Respondents felt that action should be taken, in order of priority, at national (37%), European (33.4%), local (13.9%) and regional (9.3%) level.

In addition, some respondents highlighted perceived weaknesses in the detailed legal provisions set out in the two existing Directives (for example, the wording of the definitions of discrimination). The exclusion of discrimination on grounds of nationality from the scope of the Directives was also highlighted as a problem by a number of organisations.

Finally, several respondents called for the rapid adoption of the 2001 Commission proposal for a Framework Decision on criminal law measures to combat racism and xenophobia. Some argued that this Decision should be extended to cover similar offences linked to sexual orientation.

Article 21 of the EU Charter on Fundamental Rights includes seven additional grounds of discrimination, in comparison with Article 13 of the EC Treaty. Although this does not provide a legal basis for specific action at EU level, there was considerable demand in response to the Green Paper for the EU to stimulate debate on some of these additional grounds. This related in particular to discrimination on grounds of membership of a national minority (50%), social origin (48.2%), political or other opinion (30.8%), genetic features (29.1%) and language (22.1%). However, particular sensitivities regarding some of these grounds were expressed by national authorities in a number of Member States.

Improving data collection, monitoring and analysis

There was overwhelming support for further action in this area, in order to improve our understanding of discrimination and to be able to design and monitor effective policies in this area.

93% of respondents regarded data collection as important or very important for the development of effective policies to promote equality and tackle discrimination. 94% agreed or strongly agreed that the EU should step up cooperation with national authorities and other stakeholders.

However, concerns were also clearly expressed regarding the need to protect personal privacy and to exercise caution about what data should be collected and how it is processed.

Some contributions stressed the need for qualitative as well as quantitative data, in order to be able to understand better the situation of disadvantaged groups and the real impact of discrimination.

Practical suggestions for further progress in this area included cooperation with the EU's Research Framework Programme, as well as the involvement of the EU Monitoring Centre on Racism and Xenophobia, as well as the future Fundamental Rights Agency.

Making full use of EU funding

It was positive to note that the vast majority of written responses highlighted the added value of EU funding in supporting policy development and implementation of anti-discrimination legislation.

The three main priorities identified for future EU funding were:

- Information and awareness-raising (59.7%)
- Analysis and monitoring of the impact of anti-discrimination legislation (53.6%)
- Networking between groups involved in the fight against discrimination (43.5%)

The three most popular thematic areas were:

Discrimination outside of the employment field (81.2%)

- Employment and the workplace (65.9%)
- International comparisons in the field of anti-discrimination (30.1%)
- Some concerns were expressed, particularly by NGOs, about the accessibility of EU funding.

Reinforcing cooperation with stakeholders

The Green Paper outlined the important contribution that various stakeholders had made to date in the development and implementation of EU anti-discrimination policy and legislation. The questionnaire asked which groups could be involved to a greater extent in the future. The three most popular responses were:

- National authorities (49.3%)
- Organisations working with potential victims of discrimination (45.5%)
- Regional and local authorities (38%)

It was interesting to note that NGOs, in particular, were critical of the extent of involvement of national authorities. This related to the transposition of EC anti-discrimination legislation, the implementation of the action programme and the importance accorded to the principle of non-discrimination in other areas of national policy. National authorities, on the other hand, pointed to the need to involve the social partners, as well as regional and local authorities.

The involvement of organisations working with potential victims of discrimination is clearly an important area for the effective implementation and enforcement of EC anti-discrimination legislation. This issue should continue to be a priority for future funding in the area of capacity-building and awareness-raising. However, it is also important to note the need for action at the national and local level to make this involvement possible.

Specialised "equality bodies" contributed actively to the Green Paper consultation, including a number of detailed written submissions on the implementation of anti-discrimination

legislation and other measures. One specific proposal that emerged from the consultation was the establishment of a "more formal mechanism" at the EU level for dialogue and cooperation between the equality bodies and the European Commission.

Ensuring complementarity with other areas of EU policy

The Green Paper highlighted a number of other EU policy areas, which could potentially, and to some extent already do, make a contribution to the implementation of the principle of non-discrimination. Responses to the Green Paper appeared to reflect an emerging consensus that it would be useful to begin to "mainstream" equality and non-discrimination considerations across a range of EU policies.

This is consistent with Article III-3 of the Constitutional Treaty signed by EU Heads of State and Government on 29 October 2004. This Article states that:

"In defining and implementing the policies and activities referred to in this Part, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."

The three policy areas that respondents to the Green Paper felt could be most effective in this regard were:

- Education, training and youth (58.1%)
- EU social inclusion strategy and programme (42.8%)
- Corporate social responsibility (35.7%)

However, despite this widespread support for the principle of mainstreaming, it was interesting to note that most of the contributions received from NGOs focused exclusively on single grounds of discrimination. This would seem to imply a need for new ways of working amongst civil society organisations, as well as at the level of the EU and national authorities.

The Green Paper also referred to the EU's long experience of tackling sex discrimination, which has provided a basis for more recent efforts to address discrimination based on the other grounds set out in the EC Treaty. It asked whether, in the future, there should be a closer link between efforts to tackle discrimination on all of these grounds.

81.6% of respondents either agreed or strongly agreed that there should be closer links. Written responses referred to the need for an integrated approach to equality and non-discrimination in order to promote mainstreaming and to tackle situations of multiple discrimination. However, respondents also stressed the need to maintain a focus on the specificities of different grounds of discrimination. And a significant minority (12.9%) either disagreed or strongly disagreed with the proposal to link policies on sex discrimination with other grounds. This was an area where strong views were expressed in written contributions received from some NGOs, as well as some national authorities.

In response to a second question, a clear majority (84.8%) either agreed or strongly agreed that it remains necessary to tackle specifically sex discrimination and the promotion of gender mainstreaming. Written responses stressed the existence of specific legal bases for action at the EU level in this area and the need to ensure the appropriate institutional and administrative structures.

3. Objective of the proposal

The broad aim of the framework strategy set out in the Communication is to support the efforts of Member States, civil society and other stakeholders to tackle discrimination on grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation. In addition to protecting the rights of individuals to equal treatment, these efforts should help to support social cohesion, employment creation and economic growth in line with the EU's Lisbon Agenda.

The key objectives of the framework strategy are to:

- Ensure the full and effective implementation of EC anti-discrimination legislation (Directives 2000/43/EC and 2000/78/EC).
- Raise awareness of rights and obligations under European and national anti-discrimination legislation.
- Assess the relevance and feasibility of possible new measures to complement the current legal framework.
- Ensure that the principles of non-discrimination and equal opportunities for all are taken into account in all relevant EU policies.
- Promote exchanges of good practice, cooperation and networking in the field of non-discrimination and equal opportunities for all
- Encourage the active involvement of all stakeholders in the development and implementation of EU policies in the field of anti-discrimination and equal opportunities for all.
- Analyse and further develop the EU's contribution to the social and labour market integration of ethnic minorities.
- Ensure that the principles of non-discrimination and equal opportunities continue to be taken into account in the context of EU enlargement, as well as in the EU's relations with third countries and international organisations.

The framework strategy takes into account the principles of subsidiarity and proportionality and seeks to focus on areas where action at the EU level can bring a clear added value. The high expectations placed on the EU by stakeholders were reflected in the results of the public consultation conducted in 2004. 88% of respondents to the Green Paper considered that the EU should:

"reinforce its efforts to combat discrimination on grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation."

4. Policy options

In preparing the framework strategy set out in the Communication, the Commission has considered the following policy options:

- (a) Taking no further action at EU level to tackle discrimination
- (b) Developing further measures to ensure the full implementation and enforcement of the current legal framework
- (c) Coming forward with new legislative proposals based on Article 13 of the EC Treaty
- (d) Actively promoting the principles of non-discrimination and equal opportunities for all

With regard to option (a), the Commission has concluded that it would not be appropriate to discontinue work at the EU level to tackle discrimination on grounds of racial or ethnic origin, religion or belief, age disability and sexual orientation. The principle of non-discrimination is a core value of the EU. Article 13 of the EC Treaty provides a legal basis for action to tackle discrimination. Three important pieces of EC legislation have been adopted on this basis, as well as the Community action programme to combat discrimination. There is considerable evidence that discrimination continues to exclude people from jobs and other opportunities in the EU (see section 1 above). There is also widespread recognition of the added value of action at the EU level and considerable expectations have been placed on the European Commission to reinforce its efforts in this area.

With regard to option (b), the Commission notes that the EU has some of the most advanced anti-discrimination legislation in the world, but that evidence from legal experts, NGOs and other sources indicates that this legislation is not yet operating to its full effect. The Commission, therefore, considers that further efforts should be made in order to ensure the effective implementation and enforcement of the current legal framework. These efforts should include: completing the process of transposition into national law; the establishment of effective specialised equality bodies in all Member States; additional training and awareness-raising measures.

With regard to option (c), the Commission is aware of the demands from certain stakeholders to take action to address the differences in the level and scope of protection against discrimination on different grounds. Under the current EC legal framework, racial discrimination is prohibited in the areas of employment, training, education, social protection, social advantages and access to goods and services (Directive 2000/43/EC). The scope of protection against discrimination on grounds of religion or belief, age, disability and sexual orientation is limited to employment, occupation and vocational training (2000/78/EC). Directive 2004/113/EC extends protection against sex discrimination to the area of goods and services, but not to certain other areas covered by Directive 2000/43/EC.

However, the Commission has also taken note of the concerns expressed by several respondents to the Green Paper consultation, particularly by some Member States. These contributions stressed the need to ensure the full implementation of the existing *acquis* before

moving on to new challenges, as well as for further study into the costs and benefits of action to tackle discrimination on a range of grounds outside the field of employment. The Commission has concluded that it would be premature to come forward at this stage with further legislative proposals based on Article 13 of the Treaty. However, it will undertake an in-depth study into the relevance and feasibility of possible new measures to complement the current legal framework (see point 5 below).

With regard to option (d), the Commission considers that, in addition to the protection of individual rights to protection against discrimination, positive measures are necessary in order to address the complex and deep-rooted patterns of inequality experienced by some groups. The framework strategy, therefore, envisages the development of tools to promote the mainstreaming of non-discrimination in other areas of EU policy, building on experience to date with the practice of gender mainstreaming. It also calls for a range of EU funding instruments to contribute towards the implementation of non-discrimination and equal opportunities for all. The framework strategy also highlights the need for particular efforts to address the severe forms of exclusion and discrimination experienced by some ethnic minorities, particularly the Roma.

5. Impacts

The Communication sets out a framework strategy for future policy development in the area of anti-discrimination and equal opportunities for all. The impacts of this strategy will result from the implementation of the proposed measures, which are very different in nature. It is important to note that the framework strategy relies to a large extent on ensuring the more effective and focused use of existing instruments, rather than the development of new instruments.

The framework strategy aims to achieve a common level of protection across the EU against discrimination on grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation. The key objective is to maximise the impact of the two anti-discrimination Directives that were adopted in 2000. This will be achieved by completing the process of transposition and by supporting a range of complementary activities, including capacity-building, training and awareness-raising.

The impact of the framework strategy in terms of social cohesion is linked to the active promotion of equal opportunities for all, including the social inclusion and labour market integration of disadvantaged groups. Measures to combat discrimination will support the EU's broader efforts to raise the employment rates of minorities, the disabled, younger and older workers, and other vulnerable groups. The framework strategy aims to achieve a positive economic impact by removing the barriers to participation faced by some groups.

The awareness-raising measures proposed (particularly the European Year of Equal Opportunities for All) are intended to raise the level of knowledge of rights to protection against discrimination under European and national law. They also aim to make a broader impact on public opinion, by challenging discriminatory attitudes and behaviour, as well as highlighting the positive benefits of diversity for the economy and for society as a whole.

The development of tools for the mainstreaming of non-discrimination and equal opportunities for all will help to ensure that a wide range of EU policy and funding instruments contribute towards these objectives in an effective and coherent way. This will have an impact on Commission services, as well as those involved in implementing EU policies and programmes in the Member States. It is anticipated that this will require only a fairly modest investment of resources. It will be important to ensure complementarity between the mainstreaming of non-discrimination and equal opportunities and other related exercises, including gender mainstreaming, and screening of Commission proposals for compliance with the Charter of Fundamental Rights.

Apart from the proposal for a European Year of Equal Opportunities for All (see separate ex-ante evaluation and impact assessment) it is not anticipated that the framework strategy will have any implications for the Community budget. The intention is that the actions proposed should be supported through existing budget lines.

6. Further analysis

The Commission will come forward in 2006 with reports to the Council and the European Parliament analysing the state of transposition of Directives 2000/43/EC and 2000/78/EC. These reports will take into account information provided by national authorities, as well as research carried out by the group of legal experts set up in the framework of the Community action programme to combat discrimination.

The Commission will examine the relevance and feasibility of possible new measures to complement the current legal framework. This study will examine national provisions, which go beyond the requirements of the EC Directives, in Member States and in some third countries. It will consider the relative merits of legislative and non-legislative measures. It will also produce a synthesis of cost/benefit analyses of different policy options carried out at the national level. The results of the study will be made available in autumn 2006. On the basis of this material, the Commission will assess the feasibility of possible new initiatives to complement the current legal framework.

7. Follow-up

The Communication identifies a number of specific follow-up actions. These include:

- The designation of 2007 as European Year of Equal Opportunities for All
- The organisation of an annual High Level Equality Summit bringing together key stakeholders
- The establishment of a High Level Advisory Group on the Social and Labour Market Integration of Minorities
- The development of tools to promote mainstreaming of non-discrimination and equal opportunities for all in relevant EU policies
- The publication of a handbook on data collection and discrimination

Decisions concerning other possible initiatives to complement the current legal framework will be conditional on the results of the feasibility study (see section 5 above).

8. Monitoring and Evaluation

The framework strategy and the various initiatives set out in the Communication will be subject to ongoing monitoring and evaluation by the relevant Commission services. Meetings will be organised on a bi-annual basis with representatives of national authorities, specialised equality bodies, civil society organisations, the social partners and other stakeholders to seek their views on progress with the implementation of the strategy. The network of legal experts financed through the Community action programme to combat discrimination will continue to monitor the state of transposition and implementation of EC anti-discrimination legislation. External evaluators will assess the relevance, effectiveness and impact of the actions supported through the Community action programme to combat discrimination, the future PROGRESS programme and the European Year of Equal Opportunities for All.