

**ARTICLE 13 :  
A NEW CHALLENGE  
FOR EUROPEAN INSTITUTIONS**

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This study of the new Article 13 in the Amsterdam Treaty is based solely on interviews and does not reflect the opinion of the author or the organisation to which the author belongs.

When this study commenced in February 1998, it was relatively difficult to convince the various Member States ministries concerned to give their opinions on Article 13. Each Member State invariably referred to the fact that the Amsterdam Treaty had not yet been ratified. Examining Article 13 therefore entailed assessing an article, which existed neither at a legal or political level.

Generally speaking, the interior ministries were more reticent than the other ministries and in some cases, refused to grant an interview. The ministries of justice were the most co-operative, even though the level of thought dedicated to Article 13 was rather superficial.

It is interesting to note that not a single ministry in any country agreed to adopt an official position on Article 13. This was mainly due to an absence of any real consideration of this article up to then and, particularly to the fact that Member States have not yet ratified the Amsterdam Treaty.

The interviews were conducted by Ms. Maria Miguel in Spain, Sweden, Belgium, Italy and Portugal and by Ms. Isabelle Chopin in the remaining EU Member States.

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## **ANNEXES**

List of countries which have ratified the Amsterdam Treaty

List of ministries consulted for this study

Addendum to Commissioner Flynn's closing speech during the Conference on Article 13  
(3 and 4 December in Vienna)

**ARTICLE 13 OF THE AMSTERDAM TREATY:**  
**A NEW CHALLENGE FOR EUROPEAN INSTITUTIONS**

The Amsterdam Treaty, signed on 2 October 1997, includes a non-discrimination clause empowering European institutions to take measures to combat discrimination based on various grounds. This article reads as follows: “*Without prejudice to the other provisions of this treaty and within the limits of the powers that 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 or sexual orientation.*”

The introduction of a clause of this nature into the Treaty signifies an enormous step forward for all those fighting for the elimination of discrimination or for equality of treatment in various areas. It enables European institutions to take “necessary measures” in practice to combat certain types of discrimination. As such, when the European Court of Justice forbade the European Community to sign the European Convention on Human Rights in its own right, fighting discrimination merely became a matter of political goodwill. Although the struggle against discrimination is dealt with in Article 14 of the European Convention on Human Rights, this article only protects pre-existing rights contained in the European Convention on Human Rights and is limited in its application to circumstances where there is a breach or alleged breach of another right or liberty described in the Convention.

Some non-governmental organisations and academic experts have argued for a long time that Article 235 (new Article 308) constitutes a valid legal basis for adopting anti-discrimination legislation. This view is not unanimously accepted and, long before the beginning of the intergovernmental conference, the European Commission’s legal services made it known that this article, for instance, could not be used to combat racial or religious discrimination.

The inclusion of this clause in the Treaty owes much to the constructive demands made and the enormous lobbying and campaigning undertaken by certain non-governmental organisations during the intergovernmental conference, the final report drawn up by the Consultative Committee on Racism and Xenophobia (more commonly referred to by its president’s name, « the Kahn Commission”), the Discussion Group’s report, as well as repeated appeals made by the European parliament.

Compared with government offices, however, non-governmental organisations have been quick to detect the weaknesses of Article 13. It is clear that Article 13 is a product of political compromise. Its formulation is very proof of this. In denying this article any direct effect and through its recourse to unanimity, Member States have been careful not to give the European Community additional powers and have sought to protect themselves against overly-rapid use of the anti-discrimination clause. The confinement of Article 13 area of application to Community responsibilities has been subjected to differing interpretations. Some NGOs believe that, by amending the Treaty to give authority to institutions to adopt measures for combating discrimination, Member States have in fact broadened the Treaty's area of application. Furthermore, the general nature of this clause means that it may be problematic or delicate to use. A Majority of European lobbies, whilst not opposed to the inclusion of a general clause, nonetheless wished that account be taken of specific issues and had proposed a number of particular amendments during the preparatory work for the intergovernmental conference.

Although some representatives from various governments have said that they are currently disappointed by the limitations imposed by Article 13 (particularly the obligation to achieve unanimity), it is interesting to note that no country really sought leadership when it came to including an anti-discrimination clause in the new Treaty. Similarly, no country insisted that the future anti-discrimination clause should require a qualified majority during the negotiations on the new Treaty.

It nonetheless emerged from the interviews that the vast majority of Member States were in favour of a general clause of this type during the negotiations at the intergovernmental conference, and subsequently, they have all stated that they are satisfied with the formulation of Article 13 as adopted. Nonetheless, some have acknowledged that they had certain priorities or a range of preferences among the various grounds for discrimination, depending on their national situation or current government policy

Finland (Ministry of Labour) would have liked to have given more power to the European Community in the area of combating discrimination, but admits to having withdrawn from its position during negotiations. Although France appreciates the general wording of Article 13, as it complies with the French constitutional concept of equality, it acknowledges having difficulty with the expression "ethnic origin"; and thus would have preferred "regional origin", given the fact that the term "ethnic" is not a part of the French national tradition. Germany adopted a slightly different position during the intergovernmental conference and would have preferred a clause constituting an anti-discrimination provision itself (i.e., a catalogue of types of discrimination or of citizens' fundamental rights) instead of Article 13; it was nonetheless pleased with the unanimity required for all actions taken on the basis of the provision. As the Danish Constitution does not contain an anti-discrimination clause and the European initiative was not unanimously viewed as positive, a new approach will be required in order to implement this clause. Furthermore, Danish officials are somewhat sceptical of the value of such a clause of this type, which they view as simply a list of enumerated grounds.

This explains Denmark's lack of a clear-cut position during the intergovernmental conference. The Netherlands appears to be satisfied with the introduction of the new concept at European level and are determined to see it implemented. Greece did not voice any objection to introducing a clause of this type and was pleased to see it adopted as part of the first pillar, under the control of the European Parliament and the European Court of Justice. Ireland is currently preparing two laws on equality of treatment containing all the forms of discrimination described in Article 13. It does not view the introduction of this Article as a threat, since the principle of non-discrimination has already been the subject of much debate at national level and will be enforced as soon as it is approved by Parliament. The Austrian Parliament seems to support introducing a clause of this type, even though the government has expressed concerns as to the associated cost. Whilst Belgium was in favour of including Article 13, it was not pleased with its wording and would have preferred something closer to the European Convention on Human Rights, which notably refers to social background. Spain and Portugal have stated that they favour and are satisfied with Article 13. Portugal is pleased that the area of prevention will remain in the first pillar and that police measures will stay in the third. Italy did not have any specific objections to the introduction of a clause of this type.

The minimum that can be said is that the adoption of Article 13 has not led to a specific need to study this clause more closely, as no particular work on it has been undertaken at ministerial level in any Member State. Many countries prefer to speak of the principle of equality rather than non-discrimination and do not wish to interpret Article 13 as opening the door for positive discrimination measures.

As far as the European Commission is concerned, the discussion process has not yet been concluded (except in the area of combating racism) as shown by the December 1997 announcement on a directive combating racism and xenophobia (closing ceremony of the European Anti-Racism Year). The Commission intends to set up a general framework in the form of initiatives to combat all types of discrimination; this will have a legislative component and include ancillary measures (support for pilot projects, project subsidy schemes, etc.) as well as a Green Paper at political level.

Various problems are sure to arise following the adoption of Article 13. These include (legal and/or political) interpretation of the Article, the necessity felt by the Member States to use this provision by taking action at European level (through legislative or other channels), general use (including all the grounds of discrimination) or the specific use of this clause, the scope of any future European measure and, finally, the role different Member States are prepared to play when enforcing Article 13.

### **Legal and/or political interpretation of Article 13**

In view of their lack of a legal interpretation of Article 13, Member States tend to cite the fact that the Amsterdam Treaty has not yet been ratified and that it is therefore premature to study this clause and its implications. At European level, interpretation of Article 13 by the European Commission's legal service can also only be undertaken after the Treaty has been ratified.

As noted by one Greek official the problem associated with Article 13 is not a legal problem but one of political will. Political will was not evident during the Amsterdam Treaty negotiations and is still lacking in terms of implementing this clause.

All the people consulted agreed that Article 13 does not have a direct effect and that it constitutes a clear legal basis for acting against the types of discrimination referred to. The vast majority of Member States believe that Article 13 affects both EU citizens and nationals of other countries. As one Irish official stated, "any discrimination that is not acceptable for European citizens is not acceptable for others". Nonetheless, a Portuguese official emphasised that a core set of rights should exist for EU citizens and that citizens of other countries should obtain these gradually, whilst admitting that this position likely reflected Portugal's sensitivity about how its citizens are treated abroad, and about reciprocal treatment. (Portugal awards certain rights to citizens of non-EU countries if Portuguese citizens enjoy the same rights in that country).

Persons interviewed also stated (some with relief) that whilst Article 13 offers European institutions the opportunity to act, they are never obliged to do so. As a result, this article does not place any immediate responsibility on European institutions or Member States.

Several officials stated that this ability to act is entirely subject to Article 5, which establishes the principle of subsidiarity (old Article 3b). When presenting future proposals based on Article 13, the European Commission must justify the contribution made by the Community in relation to that made at national level. It must show why and how it is entitled to act within a European framework.

In this respect, States would like the Commission to study the various existing initiatives and legislation available at different national levels. The constitutions of many States contain provisions similar to Article 13. Some national laws reflect the spirit of all or some of Article 13; e.g. Articles 41 and 42 of the new Italian immigration law uphold the principle of non-discrimination irrespective of racial, religious or national origin. Portugal has adapted its penal code to align it with Article 13.

Ireland is in the process of passing two laws, one on employment that includes the principle of non-discrimination and a second on equality of treatment. In addition to the list contained in Article 13, the Irish definition of the principle of non-discrimination also refers to marital status, family status and members of the traveller's community.

The Commission's ability to act is bound by the "limits of powers" stipulated in Article 13. One Finnish official's reasoning suggested that the provision is contradictory in this respect, actually the article is expected to be enforced within the limits of Community powers, but new powers are being given to the Community (e.g. in the area of religion or beliefs). It is very clear in Germany; however, that Article 13 does not create new powers and is subject to those defined in the EC Treaty. Attention was drawn to the translation of Article 13 in this respect. The English version uses the word «powers» whereas the French and German versions use the equivalent of «competencies» thus leading to possible different interpretation. A French official therefore interpreted Article 13 as a procedural text with its scope of application seriously limited to «material competence», i.e. Community responsibility in the strict sense of the term, without any transfer of competence. It was suggested that the European Commission should draw up a positive list of areas subject to Community powers.

Many Member States distinctly reject the possible use of Article 13 to set up positive discrimination systems or even positive action. Some States prefer to speak of equality of treatment rather than preferential treatment.

Serious doubts have been expressed in France, Germany and Denmark regarding the ability of Article 13 to prohibit, since prohibition assumes the existence of penal sanctions, which do not come under the Community's competence. Article 13 is therefore interpreted as leading to the adoption of purely civil (and thus only preventative) provisions.

Some States, including Belgium and Ireland, referred to the changes within the third pillar concerning the fight against racism. The prevention of racism within the third pillar could parallel the provisions of Article 13, especially through the use of framework decisions (replacing joint action) to bring closer legislative and regulatory measures in Member States. For strategic reasons, Ireland considers it necessary to harmonise all action taken on the basis of Article 13 and action undertaken in the area of immigration or asylum.

A demand for clear definitions predominated the discussions. For example, what definition does the European Commission intend to give to the word « discrimination »?

Similarly, does the European Commission presume that it will have a mandate to act, even though a majority of Member States have only conceded it the possibility to act?

## **The need for European measures**

The need for European measures is viewed differently by Member States, depending on their national situation, existing legislation and government priorities. Greece and Belgium have expressed their surprise at the unwillingness of some Member States to equip themselves at European level with specific instruments that have already been adopted at international level. In this respect, other States have expressed misgivings about the duplication of legal instruments.

Certain countries, such as Sweden and Denmark, are not in favour of binding European provisions or prohibitive measures. European measures are regarded in both these countries with a great deal of suspicion and with some scepticism. Room for manoeuvre to influence public debate would require real political will to prove and justify the added value of the European dimension. Nor is Germany in favour of adopting such measures by virtue of the fact that the German Constitution already includes anti-discrimination provisions. German officials do not think that they need European legislation that would interfere with national laws; they would prefer discrimination be banned at national level after which they would ensure that their legislation does not contain discriminatory provisions. An initiative by the European Commission would not be appreciated in this respect unless the principle of subsidiarity was really honoured and serious analysis undertaken to prove the need for European measures of this type. Portugal doubts very much whether a binding measure can be adopted, due to the requirement for unanimity in the Council and especially because the legal systems in the Member States are too dissimilar.

Various persons interviewed believed that the different types of action made possible on the basis of Article 13 include drawing up regulations (which all Member States entirely reject), directives, recommendations, green papers or an action plan (similar to the Commission's action plan against racism) and the promotion of good practices. Some officials (Greece, the Netherlands) have proposed reviewing all legislation to determine compliance with Article 13, which would be viewed as impracticable or unacceptable to the vast majority of other States. Prevention initiatives appear to meet with general approval, however, prohibition without sanctions cannot function effectively and the range of penal measures (intergovernmental co-operation within the framework of the third pillar) does not come within the Community's competence. This problem of the penal system was often referred to, as was the need for improved co-operation between Member States in this area. Reference was also made to the possibility of using certain initiatives from the third pillar, particularly those aimed at combating racism.

Member States have expressed strong desire to see the Commission launching the debate and organise consultative meetings. Some would like to see the European Commission working in a gradual manner. Several States have expressed the wish for the European Commission carry out a comparative legal study on the various provisions in force in the Member States in this area.



Once again, the terminology used creates a problem. Some States refuse to accept the term “non-discrimination” and have substituted “equality of treatment” in its place.

If the majority of States are not opposed to Community action in this area, however (Ireland and Italy have referred to their tradition of not opposing European measures and harmonisation), they have outlined certain conditions. As mentioned above, these include respect for the principle of subsidiarity and the need to consult or study various national laws and situations (to avoid any radical changes in these areas in some States). The States have also a strong requirement of quality, not only concerning the measure itself but also towards its implementation, as many acknowledge that their own legislation is either rarely or poorly enforced. The level of protection (according to the United Kingdom and the Netherlands) afforded by a European measure should at least be equivalent to that provided by national measures (as mentioned by the United Kingdom and the Netherlands). The cost of applying Article 13 has also been referred to. What will the financial implications of a European measure of this type be?

Besides ratification of the Treaty, the majority of States are waiting for the European Commission to present its proposals so that real preparatory work can begin. Whilst the majority of States will not necessarily oppose the adoption of European measures, these same States have argued that they must be convinced of the need for such measures and have expressed their expectations of the Commission’s work in this area.

Several States have pointed to specific areas that require directive-based Community action, such as combating racism, promoting gender equality and the rights of the disabled. Other areas do not meet with unanimous approval or raise financial difficulties.

Two primary issues remain as regards how to work with Article 13, i.e., its general (encompassing all grounds of discrimination as mentioned in Article 13) or specific use, as well as the scope of application of a potential European measure.

### **A general or specific approach?**

The general (global) approach seems to have met with overwhelming approval only in France, where it appears to reflect the French concept of equality. Other States have expressed doubts as to the effectiveness of this general approach that would lower the level of protection in order to fulfil the requirement for unanimity, as priorities differ greatly in the Member States. Some feel that there is a danger of ending up with vague and ineffective general measures. Employment was the only area mentioned where such an approach might possibly work, probably because several States already have protection against discrimination in this area at national level.

Several people, however, acknowledge the difficulty of achieving unanimity for a European measure specifically aimed at fighting discrimination based on sexual orientation, and recognise that the use of Article 13 in its entirety is the only likely way of ensuring protection for this category. As a German official mentioned, sexual orientation is not a standard norm in many constitutions and few countries have a tradition of protecting homosexuals (France and Spain are soon to join the group of countries with a long standing tradition of support for homosexual rights, with the pending adoption of measures aimed at recognising the rights of homosexual couples).

Other countries favour a specific approach for reasons of legal clarity and effectiveness. Whilst the question of which type of discrimination should be singled out for protection in the first place does not seem to be important, each country nonetheless has its priorities. For example, youth is the main concern in Greece, as is protection of the disabled in Austria. One Danish official believes that age and disability create problems by reason of the financial implications involved. The struggle against racism appears to have achieved broad support throughout the various States, probably due to a raising of awareness at European level during the European Year Against Racism, the work already carried out at European level by the Consultative Commission on Racism and Xenophobia and the fact that Commissioner Flynn has announced that the Commission will propose directive to combat racism.

The residual problem as regards combating racism is the race/religion association. In certain countries, the struggle against racial discrimination would also effectively include religious discrimination, while this association poses a real problem in other States that have a State religion or church. In Denmark or Germany, for example, the church enjoys preferential treatment from the State on account of its status and does not wish to give this up. For historical and political reasons, the issue of religious discrimination is a very sensitive subject in Ireland

Whilst combating racism does not seem to meet with serious objections in the majority of States (except, perhaps, in Denmark), the possibility of applying a European measure to employment on the basis of Article 13 also appears to enjoy the support of the majority of interviewees.

### **Which scope of application for a European measure?**

As referred to above, the wording of Article 13 confines its application to the Community domain, and Member States are waiting for interpretation and for a clear definition of Community powers from European institutions. Member States do not wish Article 13 to be used in all areas at the same time, but rather favour a sectorial approach that would be more limited but more effective. The field of employment appears to be a Community area where the Member States have no objections (although everything depends on the wording and text proposed by the Commission). Some people have nonetheless expressed reservations relating to certain types of discrimination.

What would be the position regarding night-work for women, which is banned in some States, or age limits stipulated for obtaining certain jobs or social benefits? A Finnish official has referred to the possibility of proposing a directive in this area similar to the International Labour Organisation Convention.

One concern remains: to not create obligations that are disproportionate to the objectives concerned. This Community employment measure should also include limitations so as not to place too great a burden on small and medium-sized companies.

The area of education was also mentioned, including the problem of age limits for vocational training and the difficulty of having to teach all religions in schools in countries where religious classes are provided.

It seems obvious that the application of Article 13, whatever form it should take, depends considerably on the political will of the Member States. The question is whether Member States are ready to invest in such a clause?

### **The role of Member States in the implementation of Article 13**

The people interviewed did not wish to make a statement at this time on the future role of their government in this area. The general attitude is one of prudence: the European Commission must first interpret, consult and then make proposals. Member States will review the situation depending on the various proposals made. The emerging consensus was that while implementation of Article 13 is not urgent and that, as the Member States do not intend to push for the adoption of measures, they nevertheless wish to play an active role in the associated discussions and negotiations.

Denmark has stated that it is prepared to urge the European Commission to adopt an internal regulation regarding the operations of European institutions in terms of eliminating all discrimination based on sexual orientation. The Netherlands intends to question the European Commission if the latter is too reluctant to implement Article 13 within a reasonable time frame, and will therefore encourage the Commission to use this clause effectively and efficiently.

## Conclusions

Governments are currently aware of the need to focus on citizens and their daily lives as well as of the obligation to elaborate on the discussion and negotiations initiated during the intergovernmental conference. On the basis of work carried out during the intergovernmental conference, non-governmental organisations have shown themselves to be valuable working partners and some governments recognise the need to consult with and involve them in the reflection process. This reflection, ideally, should also include trade unions and political parties, but also ought to entail improved internal co-operation between the various ministries concerned.

Member States have not carried out any real work regarding the use of Article 13. This study has raised questions in many ministries where it was thought that reflection is lacking. It has also led to a discussion on Article 13 as certain officials have decided not to await Treaty ratification before beginning preliminary work at the inter-ministerial level.

Governments have placed enormous emphasis on the fact that the European Commission has only the ability rather than the obligation to act. Some ineffective use of international instruments does not necessarily plead in favour of a European initiative. The governments have high expectations of the European Court of Justice and its interpretation and usage of this clause.

Implementation of Article 13 in its entirety is somewhat problematic and the vast majority of the people interviewed placed a great emphasis on the need for quality concerning measures for adoption and their implementation. This may stem from government's recognition that their own legislation is sometimes ineffective or poorly applied. Certain officials (Austria) emphasise on the way these new European measures will be transposed into secondary legislation. The financial cost of applying Article 13 was also referred to on several occasions and responses to this question are expected from the European Commission.

Another question is whether third country nationals are covered by Article 13? Whilst people interviewed stated that they clearly were, it would be useful to further elaborate on this topic. Consensus in the area of combating racism appears to be achievable without major hurdles, and it also seems possible to find satisfactory compromises in the employment area.

A Belgian official remarked that "needs have to be identified before a tool can be selected". Member States believe that the European Commission should elaborate the consultation and interpretative work. It appears that the Member States merely wish to be convinced of the need for a European measure and the manner in which this clause is to be implemented.

**RATIFICATION OF THE AMSTERDAM TREATY**  
**On 31 January 1999**

- |                          |                  |
|--------------------------|------------------|
| 1. <b>Germany</b>        | 7 May 1998       |
| 2. <b>Sweden</b>         | 15 May 1998      |
| 3. <b>United Kingdom</b> | 15 June 1998     |
| 4. <b>Denmark</b>        | 24 June 1998     |
| 5. <b>Finland</b>        | 15 July 1998     |
| 6. <b>Austria</b>        | 21 July 1998     |
| 7. <b>Italy</b>          | 24 July 1998     |
| 8. <b>Ireland</b>        | 30 July 1998     |
| 9. <b>Luxembourg</b>     | 4 September 1998 |
| 10. <b>Netherlands</b>   | 31 December 1998 |
| 11. <b>Spain</b>         | 5 January 1999   |

In **Portugal**, the text of the Amsterdam Treaty has been approved by the National Parliament, on 6 January 1999. Neither the presidential decree nor the deposit of the instrument of ratification however has been achieved.

The ratification process has not yet been concluded in **Belgium, France** and **Greece**. Complete ratification of the Amsterdam Treaty is expected by May 1999.

## LIST OF MEETINGS AND THEIR DATES

- 1. FRANCE, 2 and 10 February 1998**  
Ministry of Justice  
Ministry of Employment and Solidarity
- 2. GERMANY, 12 February 1998**  
Ministry of Justice  
Ministry of Foreign Affairs
- 3. FINLAND, 20 March 1998**  
Ministry of Interior  
Ministry of Justice  
Ministry of Employment  
Ministry of Education
- 4. IRELAND, 5 May 1998**  
Department of Justice  
Prime Minister's Department (Taoiseach's Department)
- 5. BELGIUM, 19 May 1998**  
Ministry of the Interior  
Ministry of Foreign Affairs
- 6. UNITED KINGDOM, 4 June 1998**  
Home Office, European Community Relations Unit,  
Ministry of Education and Employment
- 7. GREECE, 1 and 2 July 1998**  
Ministry of Justice  
Ministry of Foreign Affairs  
General Secretariat for European Affairs
- 8. SPAIN, 2 July 1998**  
Ministry of Social Affairs  
Ministry of Education  
(The other ministries concerned were forced to cancel their interview on this date in order to convene an emergency meeting to cope with a large-scale arrival of refugees from Gibraltar and the lack of structures available for dealing with them.)

**9. THE NETHERLANDS, 9 and 10 July 1998**

Ministry of Interior  
Ministry of Justice  
Ministry of Foreign Affairs

**10. PORTUGAL, 29 and 30 July 1998**

Ministry of Justice  
Ministry of Foreign Affairs and Department of Community Affairs

**11. SWEDEN, 8 September 1998**

Ministry of the Interior  
Ministry of Foreign Affairs  
Ministry of Justice

**12. DENMARK, 29 September 1998**

Ministry of Foreign Affairs  
Ministry of Social Affairs  
Ministry of Employment

**13. AUSTRIA, 20 and 21 October 1998**

Ministry of Justice  
Ministry of Foreign Affairs  
Ministry of the Interior  
State Secretariat for European Affairs

**14. ITALY, 20, 21 and 22 October 1998**

Ministry of the Interior  
Ministry for Social Solidarity  
(The other ministries concerned cancelled their interviews due to a government crisis. The new government had not yet been established on this date, and nominations made in a number of ministries were not yet effective. This crisis partly explains the relative lack of information obtained in Italy.)

**15. LUXEMBOURG**

After consultation between the various ministries concerned, a categorical refusal was given to our different requests for interviews on the basis that the Amsterdam Treaty had not yet been ratified.

The Directorate General V of the European Commission and some fifty non-governmental and quasi-governmental organisations were also contacted within the context of this study.

## **ADDENDUM 4 DECEMBER 1998**

The European Commission has organised large-scale consultations on Article 13 in Vienna on 3-4 December 1998, and the European Commissioner, Mr. Pádraig Flynn, announced various Commission proposals during his closing speech:

1. A framework directive dealing on a general basis with all grounds of discrimination (as described in Article 13) in the area of employment.
2. A directive specifically dealing with racial discrimination, which would extend beyond the single area of employment to cover other domains such as goods and services, health, education and sport.
3. An action programme designed to reinforce co-operation between the Member States and civil society and to promote the concept of partnership, networking and the dissemination of good practices.

In connection with these three actions, the European Commission intends to present next year a new Community initiative as part of the reform of the Structural Funds (the title of this initiative will be "EQUAL"). The idea is to set up a human resources initiative - drawing on the experience of NOW, HORIZON and INTEGRA - aimed at promoting more effective transnational co-operation on factors contributing to success or failure in combating discrimination and inequality in the labour market.