

PWYLLGOR CYFLE CYFARTAL

Dyddiad: 9 Rhagfyr 1999

Amser: 9.30am

Lleoliad: Ystafell Bwyllgora 1, Adeilad y Cynulliad

Teitl: Cytundeb Amsterdam

Mae'r papur canlynol wedi'i gyflwyno gan yr Adran Addysg a Chyflogaeth er gwybodaeth.

ARTICLE 13

Background

1. Prior to the Amsterdam Treaty, European Community competence in the field of equal opportunities was limited to issues of gender. Under Article 13 of the Amsterdam Treaty Community competence is expanded so that the Council of Ministers may "Without prejudice to the other provisions of this Treaty and within the limits of the powers 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.". Community action under Article 13 must be within the limits of the powers of the rest of the Treaty and will be subject to unanimous agreement amongst the member states.

2. On 25 November the Commission published proposals for action under Article 13:

- a framework "horizontal" directive dealing with discrimination in employment and training on all of the grounds covered by Article 13 , except sex which is already covered under existing EU legislation (see Annex 1);
- a "vertical" directive dealing specifically with racial discrimination (Annex 2) but covering, in addition to employment and training, social protection and social security, social advantages, education and access to goods and services;
- a modest action programme covering equal opportunities. Proposed cost about 100 mecu over five years (Annex 3); and

A Communication setting out the background to the proposals was also published (Annex 4).

3. During an appearance before the European Parliament, the new Employment and Social Affairs Commissioner, Mrs Anna Diamantopoulou, emphasised the importance she attached to this work. She stressed this again when she met with DfEE Ministers.

4. The UK position on equal opportunities is respected by the European Commission. On gender, race and disability our legislation is amongst the most advanced in the Community.

Next steps

5. The Commission presented their proposals to the Social Affairs Council on 29 November. Although there is little time left in the Finnish Presidency they are expected to find a slot for a meeting of officials to have an initial discussion of the raft of proposals. The negotiations will start during the Portuguese Presidency and are likely to stretch over several future Presidencies.

6. The lead on the horizontal employment directive falls to the Department for Education and Employment (DfEE). The Home Office will lead on the vertical race directive. However, the proposals cover a wide range of policy areas and the UK's position on them will need to be informed by extensive consultations. Although neither European negotiations nor equality issues are devolved powers the views of Scotland and Wales will be important in informing the UK position and ensuring coherence across the UK. DfEE and Home Office will also initiate a public consultation exercise on the proposals. Organisations to be consulted will include: Equality Commissions; employer organisations; trade unions; voluntary bodies and religious organisations.

7. The negotiations will take place within the framework of the Social Affairs Council. The detailed negotiations will take place at the Social Questions Working Group, where Member states are represented by officials. It is expected that the proposals will be taken one at a time. As yet we do not know in which order. The complexity of the proposals together with the requirement for unanimity mean that negotiations are likely to be lengthy. It is difficult to estimate a precise timescale at this stage but the action Programme is unlikely to commence before 2001 and a timescale for agreement on the draft directive should be measured in years rather than months.

8. Although negotiations are expected to be lengthy, it is important that the UK adopts a coherent and consistent approach from the outset. It would be most helpful in formulating a common UK position to have early indication of any aspects of the proposals on which there are issues of particular importance to Wales.

9. When a common position has been reached by officials in the social Questions working Group the proposals will be put to the Committee of Permanent Representatives (known as COREPER). When they are content it will return to the Social Affairs Council for Ministers to discuss, if necessary, and agree.