

Question for written answer E-015849/2015
to the Council
Rule 130
Marijana Petir (PPE)

Subject: The Equal Treatment Directive

The Luxembourg Presidency has achieved some progress in terms of improving access for persons with disabilities to goods and services under the Equal Treatment Directive. Nonetheless, the content of the Directive remains contentious, as the grounds for discrimination have been set too broadly, while the proposal itself discriminates against private businesses. By attempting to establish equality on grounds of disability, age, faith, beliefs and sexual orientation, the current text of the proposal for a directive impinges on the freedom to conduct a business. The previous four Equal Treatment Directives already prohibit discrimination in the area of employment in the private sector, and the proposal for a directive would expand this prohibition to cover access to all goods and services in the private sector. The prohibition of unequal or different treatment in access to goods and services completely removes the freedom of contract and the freedom to take decisions on one's own business opportunities. Different treatment would be permissible only if it could be proven that it is appropriate and necessary. A consequence of this would be the complete abolition of freedom of contract and the autonomy of the private sector, turning such freedoms into exceptions rather than the rule.

How will the Council ensure that the autonomy of private businesses and the freedom of contract are protected?

The Directive makes changes to the burden of proof, meaning that a person accused of discrimination must prove his innocence. Given this, how will the legally well-established institution of the presumption of innocence be protected?