

3) Non-discrimination in public administration

a. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)

Official Journal L 243, 15/09/2009 P. 0001 – 0058, last amended by Regulation (EU) No 154/2012 of the European Parliament and of the Council of 15 February 2012, Official Journal L 058, 29/02/2012, p. 0003–0004

TITLE III PROCEDURES AND CONDITIONS FOR ISSUING VISAS

CHAPTER II Application

Article 14 Supporting documents

1. When applying for a uniform visa, the applicant shall present:

(...)

TITLE IV ADMINISTRATIVE MANAGEMENT AND ORGANISATION

Article 39 Conduct of staff

1. Member States' consulates shall ensure that applicants are received courteously.

2. Consular staff shall, in the performance of their duties, fully respect human dignity. Any measures taken shall be proportionate to the objectives pursued by such measures.

3. While performing their tasks, consular staff shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

ANNEX II Non-exhaustive list of supporting documents

The supporting documents referred to in Article 14, to be submitted by visa applicants may include the following:

A. DOCUMENTATION RELATING TO THE PURPOSE OF THE JOURNEY

(...)

4. for journeys undertaken for political, scientific, cultural, sports or religious events or other reasons:

- invitation, entry tickets, enrolments or programmes stating (wherever possible) the name of the host organisation and the length of stay or any other appropriate document indicating the purpose of the journey;

ANNEX X LIST OF MINIMUM REQUIREMENTS TO BE INCLUDED IN THE LEGAL INSTRUMENT IN THE CASE OF COOPERATION WITH EXTERNAL SERVICE PROVIDERS

(...)

B. In relation to the performance of its activities, the external service provider shall, with regard to the conduct of staff:

(a) ensure that its staff are appropriately trained;

(b) ensure that its staff in the performance of their duties:

- receive applicants courteously,

- respect the human dignity and integrity of applicants,

- do not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and

- respect the rules of confidentiality which shall also apply once members of staff have left their job or after suspension or termination of the legal instrument;

(...)

b. Regulation (EC) No 390/2009 of the European Parliament and of the Council of 23 April 2009 amending the Common Consular Instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications

Official Journal L 131, 28/05/2009 P. 0001 – 0010, last amended by Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009, Official Journal L 243, 15/09/2009 P. 0001 – 0058

[Whereas]

(1) To ensure the reliable verification and identification of applicants, it is necessary to process biometric data in the Visa Information System (VIS) established by Council Decision 2004/512/EC [3] and to provide for a legal framework for the collection of these biometric identifiers. Furthermore, the implementation of the VIS requires new forms of organisation for the reception of visa applications.

(...)

Article 1 Amendments to the Common Consular Instructions

The Common Consular Instructions on visas for diplomatic missions and consular posts are hereby amended as follows:

(...)

2. Part III shall be amended as follows:

(...)

(b) The following point shall be added:

"5. Conduct of staff

Member States' diplomatic missions or consular posts shall ensure that applicants are received courteously.

Consular staff shall, in the performance of their duties, fully respect human dignity. Any measures taken shall be proportionate to the objectives pursued by such measures.

While performing their tasks, consular staff shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."

(...)

5. The following Annex shall be added:

"ANNEX 19

List of minimum requirements to be included in the legal instrument in the case of cooperation with external service providers

(...)

B. In relation to the performance of its activities, the external service provider shall, with regard to the conduct of staff:

(a) ensure that its staff are appropriately trained;

(b) ensure that its staff in the performance of their duties:

- receive applicants courteously,

- respect the human dignity and integrity of applicants,

- do not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and

- respect the rules of confidentiality which shall also apply once members of staff have left their job or after suspension or termination of the legal instrument;

c. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

Official Journal L 348, 24/12/2008 P. 0098 – 0107

[Whereas]

(21) Member States should implement this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinions, membership of a national minority, property, birth, disability, age or sexual orientation.

d. Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)

Official Journal L 218, 13/08/2008 P. 0060 – 0081, last amended by Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009, Official Journal L 243, 15/09/2009 P. 0001 – 0058

[Whereas]

(12) Any processing of VIS data should be proportionate to the objectives pursued and necessary for the performance of the tasks of the competent authorities. When using the VIS, the competent authorities should ensure that the human dignity and integrity of the persons whose data are requested are respected and should not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

(...)

CHAPTER I - GENERAL PROVISIONS

Article 7 - General principles

1. Each competent authority authorised to access the VIS in accordance with this Regulation shall ensure that the use of the VIS is necessary, appropriate and proportionate to the performance of the tasks of the competent authorities.

2. Each competent authority shall ensure that in using the VIS, it does not discriminate against applicants and visa holders on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation and that it fully respects the human dignity and the integrity of the applicant or of the visa holder.

e. Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers

Official Journal L 199, 31/07/2007 P. 0030 – 0039

[Whereas]

(16) This Regulation contributes to the correct application of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). To this end, members of the teams and guest officers, while carrying out border checks and surveillance, should not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Any measures taken in the

performance of their tasks and in the exercise of their powers should be proportionate to the objectives pursued by such measures.

(...)

Article 6 - Tasks and powers of the members of the teams

2. Members of the teams shall, in the performance of their tasks and in the exercise of their powers, fully respect human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, members of the teams shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

f. Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)

Official Journal L 105, 13/04/2006 P. 0001 – 0032, last amended by Decision of the Council of the European Union of 5 December 2011, Official Journal L 112, 24/04/2012 P. 0006 – 0110

Title II External Borders

Chapter I Crossing of external borders and conditions for entry

Article 5 Entry conditions for third-country nationals

1. For stays not exceeding three months per six-month period, the entry conditions for third-country nationals shall be the following: (...)

2. A non-exhaustive list of supporting documents which the border guard may request from the third-country national in order to verify the fulfilment of the conditions set out in paragraph 1, point c, is included in Annex I. (...)

Chapter II Control of external borders and refusal of entry

Article 6 Conduct of border checks

1. Border guards shall, in the performance of their duties, fully respect human dignity.

Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures.

2. While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Annex I Supporting documents to verify the fulfilment of entry conditions

The documentary evidence referred to in Article 5(2) may include the following:

(...)

(d) for journeys undertaken for political, scientific, cultural, sports or religious events or other reasons:

invitations, entry tickets, enrolments or programmes stating wherever possible the name of the host organisation and the length of stay or any other appropriate document indicating the purpose of the visit.

g. Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

Official Journal L 349, 25/11/2004 P. 0001 – 0011, last amended by Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011, Official Journal L 304, 22/11/2011 P. 0001 - 0017

CHAPTER II TASKS

Article 3b Composition and deployment of European Border Guard Teams

4. Members of the European Border Guard Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, they shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

h. Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland)

Official Journal L 166, 30/04/2004 P. 0001– 0123, last amended by Regulation (EU) No 1224/2012 of the Commission of 18 December 2012, Official Journal L 349 , 19/12/2012 P. 0045 - 0046

TITLE I GENERAL PROVISIONS

Article 3 Matters covered

(...)

5. This Regulation shall not apply to:

(a) social and medical assistance or

(b) benefits in relation to which a Member State assumes the liability for damages to persons and provides for compensation, such as those for victims of war and military action or their consequences; victims of crime, assassination or terrorist acts; victims of damage occasioned by agents of the Member State in the course of their duties; or victims who have suffered a disadvantage for political or religious reasons or for reasons of descent.

i. Code of good administrative behaviour in the Community Plant Variety Office

Official Journal C 371, 23/12/2000 P. 0014 – 0017

Article 5 Absence of discrimination

1. In dealing with requests from the public and in taking decisions, an official shall ensure that the principle of equality of treatment is respected. Members of the public who are in the same situation shall be treated to a similar manner.

(...)

3. In particular, an official shall avoid any unjustified discrimination between members of the public based on nationality, sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

j. Guide to the obligations of officials and other servants of the European Parliament (Code of conduct)

Official Journal C 097, 05/04/2000 P. 0001 – 0012

III. Relations with citizens

4. When handling a request or matter in the performance of their duties, officials and other servants shall refrain at all times from practising any form of discrimination on the grounds of nationality, sex, race or ethnic origin, culture, religion, age, language, sexual orientation, or physical condition. They shall likewise take care never to abuse the powers conferred on them when carrying out their duties.

k. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service

Official Journal L 015, 21/01/1998 P. 0014 – 0025, last amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008, Official Journal L 052, 27/02/2008 P. 0003 – 0020

Chapter 2 Universal service

Article 5

1. Each Member State shall take steps to ensure that universal service provision meets the following requirements:

(...)

- it shall be made available without any form of discrimination whatsoever, especially without discrimination arising from political, religious or ideological considerations.

(...)