

**Gerhard Robbers (ed.)**

# **Religion-Related Norms in European Union Law**

**collected by Christine Schmidt-König**

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**Preface**

Religion, churches and religious communities have growing importance in the Law of the European Union. Since long a distinct law on religion of the European Union is developing.

This collection of those norms of European Union Law directly concerning religion mirrors today's status of this dynamic process.

Trier, August 2001

Gerhard Robbers

**The last update of this collection was in January 2013**

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## Table of contents

<b>I. Part one: Basic documents</b> .....	<b>8</b>
<b>A. European Union</b> .....	<b>8</b>
1. <i>Treaty on European Union</i> .....	8
2. <i>Treaty on the Functioning of the European Union</i> .....	8
3. <i>Charter of Fundamental Rights of the European Union</i> .....	9
4. <i>Community Charter of the Fundamental Social Rights of Workers</i> .....	10
<b>B. Council of Europe</b> .....	<b>11</b>
1. <i>Convention for the Protection of Human Rights and Fundamental Freedoms</i> .....	11
2. <i>Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms</i> .....	11
3. <i>European Social Charter</i> .....	11
<b>II. Part two: Selected areas of law</b> .....	<b>12</b>
<b>A. Fundamental rights &amp; human rights</b> .....	<b>12</b>
1. <i>Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights</i> .....	12
2. <i>Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide</i> .....	12
<b>B. Non-discrimination and equal treatment</b> .....	<b>13</b>
1) <i>Fight against racism and xenophobia</i> .....	13
a. <i>Resolution of the Council and the representatives of Member States' Governments meeting within the Council of 23 October 1995 on the response of educational systems to the problems of racism and xenophobia</i> .....	13
b. <i>Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council of 5 October 1995 on the fight against racism and xenophobia in the fields of employment and social affairs</i> .....	13
c. <i>Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 29 May 1990 on the fight against racism and xenophobia</i> .....	14
d. <i>Declaration against racism and xenophobia</i> .....	14
2) <i>Non-discrimination and equal treatment in professional life</i> .....	15
a. <i>Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State</i> .....	15
b. <i>Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work</i> .....	15
c. <i>Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund</i> .....	15

d.	<i>Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services</i> .....	16
e.	<i>Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 amending the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities</i> .....	16
f.	<i>Code of Conduct of the European Central Bank in accordance with Article 11.3 of the Rules of Procedure of the European Central Bank</i> .....	17
g.	<i>Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation</i> .....	17
h.	<i>Council Regulation (EC, ECSC, Euratom) No 781/98 of 7 April 1998 amending the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Communities in respect of equal treatment</i> .....	19
i.	<i>Council Regulation (ECSC, EEC, Euratom) No 1860/76 of 29 June 1976 laying down the Conditions of Employment of Staff of the European Foundation for the Improvement of Living and Working Conditions</i> .....	20
3)	<b>Non-discrimination in public administration</b> .....	21
a.	<i>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)</i> .....	21
b.	<i>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</i> .....	22
c.	<i>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</i> .....	23
d.	<i>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)</i> .....	23
e.	<i>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</i> .....	23
f.	<i>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)</i> .....	24
g.	<i>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</i> .....	25
h.	<i>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)</i> .....	25
i.	<i>Code of good administrative behaviour in the Community Plant Variety Office</i> .....	25
j.	<i>Guide to the obligations of officials and other servants of the European Parliament (Code of conduct)</i> .....	26
k.	<i>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</i> .....	26
4)	<b>Non-discrimination in development aid</b> .....	27
a.	<i>Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA)</i> .....	27

b.	<i>Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation .....</i>	<i>27</i>
c.	<i>Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 .....</i>	<i>28</i>
d.	<i>Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999 .....</i>	<i>28</i>
e.	<i>Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).....</i>	<i>28</i>
f.	<i>Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid.....</i>	<i>29</i>
5)	<i>Different recommendations and resolutions .....</i>	<i>30</i>
a.	<i>Council resolution of 5 December 2007 on the follow-up of the European Year of Equal Opportunities for All (2007).....</i>	<i>30</i>
b.	<i>Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry.....</i>	<i>31</i>
c.	<i>Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning.....</i>	<i>31</i>
d.	<i>Commission Recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers (Text with EEA relevance) .....</i>	<i>32</i>
e.	<i>Council Recommendation of 27 July 1992 on the convergence of social protection objectives and policies .....</i>	<i>32</i>
<b>C.</b>	<b>Labour law (period of rest) .....</b>	<b>34</b>
1.	<i>Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.....</i>	<i>34</i>
2.	<i>Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.....</i>	<i>35</i>
<b>D.</b>	<b>Right of asylum.....</b>	<b>36</b>
1.	<i>Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.....</i>	<i>36</i>
2.	<i>Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.....</i>	<i>37</i>
3.	<i>Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities .....</i>	<i>37</i>
4.	<i>Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents .....</i>	<i>37</i>
<b>E.</b>	<b>Culture.....</b>	<b>38</b>
1)	<i>Cultural objects.....</i>	<i>38</i>
a.	<i>Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96.....</i>	<i>38</i>
b.	<i>Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State .....</i>	<i>38</i>
2)	<i>Media (resp. television broadcasting activities).....</i>	<i>39</i>

<i>Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance)</i> .....	39
3) Copyright .....	41
<i>Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society</i> .....	41
<b>F. Slaughter or killing of animals</b> .....	<b>42</b>
1. <i>Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (Text with EEA relevance)</i> .....	42
2. <i>Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production (Text with EEA relevance)</i> .....	43
3. <i>Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin</i> .....	43
4. <i>Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing</i> .....	44
<b>G. Data protection</b> .....	<b>45</b>
1. <i>Commission Regulation (EU) No 328/2011 of 5 April 2011 implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics on causes of death (Text with EEA relevance)</i> .....	45
2. <i>Regulation (EC) No 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses (Text with EEA relevance)</i> .....	45
3. <i>Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance)</i> .....	45
4. <i>Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community</i> .....	46
5. <i>Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data</i> .....	46
6. <i>Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')</i> .....	47
7. <i>Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters</i> .....	47
<b>H. Finances</b> .....	<b>48</b>
1) Tax law .....	48
a. <i>Council Directive 2009/132/EC of 19 October 2009 determining the scope of Article 143(b) and (c) of Directive 2006/112/EC as regards exemption from value added tax on the final importation of certain goods</i> .....	48
b. <i>Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax</i> .....	49
2) Credit institutions.....	49
<i>Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (recast) (Text with EEA relevance)</i> .....	49

3) Miscellaneous .....	49
a. Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (Text with EEA relevance).....	49
b. Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability .....	50
c. Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument.....	50
<b>I. Economic law .....</b>	<b>51</b>
1) Indices of consumer prices .....	51
a. Commission Regulation (EC) No 2214/96 of 20 November 1996 concerning harmonised indices of consumer prices: transmission and dissemination of sub-indices of the HICP (Text with EEA relevance).....	51
b. Commission Regulation (EC) No 1749/96 of 9 September 1996 on initial implementing measures for Council Regulation (EC) No 2494/95 concerning harmonized indices of consumer prices.....	51
2) European system of accounts.....	51
Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community.....	51
3) Trade marks .....	52
Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (Codified version) (Text with EEA relevance).....	52
4) Statistics .....	53
a. Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies (Text with EEA relevance).....	53
b. Commission Regulation (EC) No 1982/2003 of 21 October 2003 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the sampling and tracing rules (Text with EEA relevance.).....	53
<b>J. Customs legislation .....</b>	<b>54</b>
1. Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty.....	54
2. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (Text with EEA relevance).....	55
3. Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff.....	57
<b>K. Family law.....</b>	<b>58</b>
1. Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation.....	58
2. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification .....	58
3. Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000.....	58
<b>L. EU-extension .....</b>	<b>60</b>
1. Documents concerning the accession of the Hellenic Republic to the European Communities, final act, joint declaration concerning Mount Athos.....	60

2. *The Schengen acquis - Agreement on the Accession of the Hellenic Republic to the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed at Schengen on 19 June 1990, to which the Italian Republic acceded by the Agreement signed at Paris on 27 November 1990, and to which the Kingdom of Spain and the Hellenic Republic acceded by the Agreements signed at Bonn on 25 June 1991* ..... 60

**M. Miscellaneous** ..... 61

1. *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA* ..... 61
2. *Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC Text with EEA relevance*..... 61
3. *Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings*..... 62
4. *Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC*..... 62
5. *Council recommendation of 6 December 2007 concerning a Handbook for police and security authorities concerning cooperation at major events with an international dimension*..... 63
6. *Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles (Text with EEA relevance)* ..... 64
7. *Council Regulation (Euratom) No 300/2007 of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation* ..... 64

# Religion-Related Norms in European Union Law

## I. Part one: Basic documents

### A. European Union

#### *1. Treaty on European Union*

*Of 07.02.1992 as amended by the Treaty of Lisbon (12.12.2007)  
Consolidated text (Official Journal C 83, 30/03/2010 P. 13)*

#### **PREAMBLE**

DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law,

#### *2. Treaty on the Functioning of the European Union<sup>1</sup>*

*Consolidated text (Official Journal C 83, 30/03/2010 P. 47)*

#### **PART ONE PRINCIPLES**

#### **TITLE II PROVISIONS HAVING GENERAL APPLICATION**

##### *Article 10*

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

##### *Article 13*

In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

##### *Article 17*

1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.
2. The Union equally respects the status under national law of philosophical and non-confessional organisations.
3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.

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<sup>1</sup> Since the entry into force of the Lisbon Treaty on 1st December 2009, the 'Treaty establishing the European Community' (25 March 1957) has been replaced by the 'Treaty on the Functioning of the European Union' (Treaty of Lisbon article 2§1).

## PART TWO NON-DISCRIMINATION AND CITIZENSHIP OF THE UNION

### *Article 19*

1. Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of 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.

### **3. Charter of Fundamental Rights of the European Union<sup>2</sup>**

*Of 07.12.2000 (Official Journal C 364, 18.12.2000 P. 1)  
Consolidated text (Official Journal C 83, 30/03/2010 P. 389)*

#### *[Preamble]*

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.

(...)

The Union therefore recognises the rights, freedoms and principles set out hereafter.

## **Chapter II Freedoms**

### *Article 10 Freedom of thought, conscience and religion*

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

### *Article 14 Right to education*

1. Everyone has the right to education and to have access to vocational and continuing training.

2. This right includes the possibility to receive free compulsory education.

3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

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<sup>2</sup> Since 1st December 2009, the Charter proclaimed in 2007 has the same legal status as the Treaties by virtue of Article 6(1), first subparagraph of the Treaty on European Union.

## **Chapter III Equality**

### *Article 21 Non-discrimination*

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.
2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.

### *Article 22 Cultural, religious and linguistic diversity*

The Union shall respect cultural, religious and linguistic diversity.

## **4. Community Charter of the Fundamental Social Rights of Workers**

*(Cf. e.g. art. 151 (1) FEU Treaty)  
Of 09.12.1989*

### *[Preamble]*

(...)

Whereas, in order to ensure equal treatment, it is important to combat every form of discrimination, including discrimination on grounds of sex, colour, race, opinions and beliefs, and whereas, in a spirit of solidarity, it is important to combat social exclusion.

## **B. Council of Europe**

### ***1. Convention for the Protection of Human Rights and Fundamental Freedoms***

*(Cf. e.g. art. 6 (2) EU Treaty)  
Of 04.11.1950 (ETS No 005) -  
As amended by Protocol No 11 (01.11.1998) (ETS No 155)*

#### *Article 9 - Freedom of thought, conscience and religion*

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

#### *Article 14 - Prohibition of discrimination*

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

### ***2. Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms***

*(Cf. e.g. art. 6 (2) EU Treaty)  
Of 20.03.1952 (ETS No 009) -  
As amended by Protocol No 11 (01.11.1998) (ETS No 155)*

#### *Article 2 - Right to education*

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

### ***3. European Social Charter***

*(Cf. e.g. art. 151 (1) FEU Treaty)  
Of 18.10.1961 (ETS No 035)*

#### *Preamble*

(...)

Considering that the enjoyment of social rights should be secured without discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin.

(...)

## II. Part two: Selected areas of law

### A. Fundamental rights & human rights

#### **1. Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights**

*Official Journal L 053, 22/02/2007 P. 0001 – 0014*

##### *Article 10 Cooperation with civil society; Fundamental Rights Platform*

1. The Agency shall closely cooperate with non-governmental organisations and with institutions of civil society, active in the field of fundamental rights including the combating of racism and xenophobia at national, European or international level. To that end, the Agency shall establish a cooperation network (Fundamental Rights Platform), composed of non-governmental organisations dealing with human rights, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and other qualified experts of European and international bodies and organisations.

#### **2. Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide**

*Official Journal L 386, 29/12/2006 P. 0001 – 0011, last amended by Regulation (EU) No 1340/2011 of the European Parliament and of the Council of 13 December 2011, Official Journal L 347, 30/12/2011 P. 0032 - 0033*

##### *Article 2 Scope*

1. Having regard to Articles 1 and 3, Community assistance shall relate to the following fields:

(...)

(b) the promotion and protection of human rights and fundamental freedoms, as proclaimed in the Universal Declaration of Human rights and other international and regional instruments concerning civil, political, economic, social and cultural rights, mainly through civil society organisations, relating to inter alia:

i) the abolition of the death penalty, prevention of torture, ill-treatment and other cruel, inhuman and degrading treatment or punishment, and the rehabilitation of victims of torture;

ii) support for, protection of, and assistance to human rights defenders, in terms of Article 1 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

iii) the fight against racism and xenophobia, and discrimination based on any ground including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;

(...)

## **B. Non-discrimination and equal treatment**

### **1) Fight against racism and xenophobia**

*a. Resolution of the Council and the representatives of Member States' Governments meeting within the Council of 23 October 1995 on the response of educational systems to the problems of racism and xenophobia*

*Official Journal C 312, 23/11/1995 P. 0001 – 0003*

#### **I. General considerations**

Education and training have a role of great importance involving efforts at local, national and European levels for combating racism and xenophobia.

A fundamental task of educational systems is to promote respect for all people, whatever their cultural origin or religious beliefs. Moreover, they can make a unique contribution to improving knowledge of European cultural diversity.

(...)

#### **II. The role of the educational systems in contributing to the struggle against racist and xenophobic attitudes**

(...)

Educational systems are able to make a valuable contribution to the promotion of respect, tolerance and solidarity towards individuals or collectivities of different ethnic or cultural origin or religious beliefs by measures such as the following: (...)

In conclusion, THE COUNCIL AND REPRESENTATIVES OF THE MEMBER STATES' GOVERNMENTS:

INVITE the Commission, in cooperation with the Member States:

(...)

3. to assist in the exchange of experience by collecting and disseminating information about the contribution of European educational systems in combating racism and xenophobia and the integration of people of different ethnic, cultural and religious backgrounds;

*b. Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council of 5 October 1995 on the fight against racism and xenophobia in the fields of employment and social affairs*

*Official Journal C 296, 10/11/1995 P. 0013 – 0014*

*[Whereas]*

Whereas, in its resolution of 19 January 1995 on the White Paper (5) on European Social Policy, the European Parliament urged the Commission 'to put forward proposals to safeguard people's equal employment opportunities, irrespective of their age, race, sex, disability or beliefs';

(...)

Whereas this resolution affects neither Community law, particularly with respect to the free movement of persons, nor the relevant national provisions, particularly with respect to social security, right of residence and access to employment, applicable to persons not covered by Community law,

1. CONDEMN in the strongest terms racism, xenophobia and anti-semitism in all their forms, flagrant breaches of individual rights, and religious intolerance, particularly in the fields of employment and social affairs;

(...)

4. NOTE with interest that the Council is studying measures aimed at:

(a) making any incitement to racial or religious discrimination, violence or hatred a criminal offence under the Member States' national laws;

(...)

7. CALL UPON the Member States, account being taken of the recommendations made by the Consultative Commission on Racism and Xenophobia, to make progress towards achieving the following common objectives:

(a) guaranteeing protection for persons against all forms of discrimination on grounds of race, colour, religion or national or ethnic origin;

(...)

(e) promoting adherence to democratic principles and human rights, and the principle of cultural and religious diversity among young people and the general public in Europe;

***c. Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 29 May 1990 on the fight against racism and xenophobia***

*Official Journal C 157, 27/06/1990 P. 0001 – 0003*

*[Whereas]*

Whereas, on 11 June 1986, the European Parliament, the Council, the Representatives of the Member States, meeting within the Council, and the Commission, recognizing "the existence and growth of xenophobic attitudes, movements and acts of violence in the Community which are often directed against immigrants", adopted a declaration against racism and xenophobia (6) "vigorously condemning all forms of intolerance, hostility and use of force against persons or groups of persons on the grounds of racial, religious, cultural, social or national differences ; and looking upon it as indispensable that all necessary steps be taken to guarantee that their joint resolve to protect the individuality and dignity of every member of society and to reject any form of segregation of foreigners be carried through";

***d. Declaration against racism and xenophobia***

*Official Journal C 158, 25/06/1986 P. 0001 – 0003*

THE EUROPEAN PARLIAMENT, THE COUNCIL, THE REPRESENTATIVES OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL, AND THE COMMISSION,

(...)

1. vigorously condemn all forms of intolerance, hostility and use of force against persons or groups of persons on the grounds of racial, religious, cultural, social or national differences.

(...)

## 2) Non-discrimination and equal treatment in professional life

***a. Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State***

*Official Journal L 343, 23/12/2011 P. 0001 – 0009*

*[Whereas]*

(29) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation in particular in accordance with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

***b. Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work***

*Official Journal L 327, 05/12/2008 P. 0009 – 0014*

## CHAPTER II - EMPLOYMENT AND WORKING CONDITIONS

### *Article 5*

The principle of equal treatment

1. The basic working and employment conditions of temporary agency workers shall be, for the duration of their assignment at a user undertaking, at least those that would apply if they had been recruited directly by that undertaking to occupy the same job.

For the purposes of the application of the first subparagraph, the rules in force in the user undertaking on:

- (a) protection of pregnant women and nursing mothers and protection of children and young people; and
- (b) equal treatment for men and women and any action to combat any discrimination based on sex, race or ethnic origin, religion, beliefs, disabilities, age or sexual orientation;

must be complied with as established by legislation, regulations, administrative provisions, collective agreements and/or any other general provisions.

***c. Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund***

*Official Journal L 406, 30/12/2006 P. 0001 – 0006, last amended by Regulation (EC) No 546/2009 of the European Parliament and of the Council of 18 June 2009, Official Journal L 167, 29/06/2009 P. 0026 – 0029*

### *Article 7 Equality between men and women and non-discrimination*

The Commission and the Member States shall ensure that equality between men and women and the integration of the gender perspective are promoted during the various stages of implementation of the EGF. The Commission and the Member States shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of the implementation of and, in particular, in access to, the EGF.

***d. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services***

*Official Journal L 373, 21/12/2004 P. 0037 – 0043*

*[Whereas]*

(3) While prohibiting discrimination, it is important to respect other fundamental rights and freedoms, including the protection of private and family life and transactions carried out in that context and the freedom of religion.

***e. Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 amending the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities***

*Official Journal L 124, 27/04/2004 P. 0001 – 0118*

**Annex I Amendments to the staff regulations of officials of the European Communities**

The Staff Regulations of officials of the European Communities are amended as follows:

1) (...)

3) the former Article 1a becomes Article 1d and is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. In the application of these Staff Regulations, any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation shall be prohibited.

For the purposes of these Staff Regulations, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII are fulfilled.";

(...)

30) Article 26 is amended as follows:

(a) in the third paragraph, the following is added after the word "letter": "to the last address communicated by the official.";

(b) the fourth paragraph is replaced by the following: "An official's personal file shall contain no reference to his political, trade union, philosophical or religious activities and views, or to his racial or ethnic origin or sexual orientation.

The preceding paragraph shall not however prohibit the insertion in the file of administrative acts and documents known to the official which are necessary for the application of these Staff Regulations.";

(...)

**Annex II Amendments to the conditions of employment of other servants of the European Communities**

The Conditions of Employment of other servants of the European Communities are hereby amended as follows:

45) the existing Title IV becomes Title V and the following Title is inserted:

"TITLE IV CONTRACT STAFF

CHAPTER 3 CONDITIONS OF ENGAGEMENT

Article 82

1. Contract staff shall be selected on the broadest possible geographical basis from among nationals of Member States and without distinction as to racial or ethnic origin, political, philosophical or religious beliefs, age or disability, gender or sexual orientation and without reference to their marital status or family situation.

***f. Code of Conduct of the European Central Bank in accordance with Article 11.3 of the Rules of Procedure of the European Central Bank***

*Official Journal C 076, 08/03/2001 P. 0012 – 0015*

**2. Basic principles**

***2.1. Equal treatment and non-discrimination (1)***

The addressees should avoid any form of discrimination and, in particular, any discrimination based on race, nationality, gender, age, physical disability, sexual preference, political opinions, philosophical views or religious convictions.

***g. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation***

*Official Journal L 303, 02/12/2000 P. 0016 – 0022*

*[Whereas]*

(...)

(11) Discrimination based on religion or belief, disability, age or sexual orientation may undermine the achievement of the objectives of the EC Treaty, in particular the attainment of a high level of employment and social protection, raising the standard of living and the quality of life, economic and social cohesion and solidarity, and the free movement of persons.

(12) To this end, any direct or indirect discrimination based on religion or belief, disability, age or sexual orientation as regards the areas covered by this Directive should be prohibited throughout the Community. This prohibition of discrimination should also apply to nationals of third countries but does not cover differences of treatment based on nationality and is without prejudice to provisions governing the entry and residence of third-country nationals and their access to employment and occupation.

(...)

(23) In very limited circumstances, a difference of treatment may be justified where a characteristic related to religion or belief, disability, age or sexual orientation constitutes a genuine and determining occupational requirement, when the objective is legitimate and the requirement is proportionate. Such circumstances should be included in the information provided by the Member States to the Commission.

(24) The European Union in its Declaration No 11 on the status of churches and non-confessional organisations, annexed to the Final Act of the Amsterdam Treaty, has explicitly recognised that it respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States and that it equally respects the status of philosophical and non-confessional organisations. With this in view, Member States may maintain or lay down specific provisions on genuine, legitimate and justified occupational requirements which might be required for carrying out an occupational activity.

(...)

(26) The prohibition of discrimination should be without prejudice to the maintenance or adoption of measures intended to prevent or compensate for disadvantages suffered by a group of persons of a particular religion or belief, disability, age or sexual orientation, and such measures may permit organisations of persons of a particular religion or belief, disability, age or sexual orientation where their main object is the promotion of the special needs of those persons.

(...)

(29) Persons who have been subject to discrimination based on religion or belief, disability, age or sexual orientation should have adequate means of legal protection. To provide a more effective level of protection, associations or legal entities should also be empowered to engage in proceedings, as the Member States so determine,

either on behalf or in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts.

(...)

(31) The rules on the burden of proof must be adapted when there is a prima facie case of discrimination and, for the principle of equal treatment to be applied effectively, the burden of proof must shift back to the respondent when evidence of such discrimination is brought. However, it is not for the respondent to prove that the plaintiff adheres to a particular religion or belief, has a particular disability, is of a particular age or has a particular sexual orientation.

(...)

## **Chapter I General provisions**

### *Article 1 Purpose*

The purpose of this Directive is to lay down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation, with a view to putting into effect in the Member States the principle of equal treatment.

### *Article 2 Concept of discrimination*

1. For the purposes of this Directive, the "principle of equal treatment" shall mean that there shall be no direct or indirect discrimination whatsoever on any of the grounds referred to in Article 1.

2. For the purposes of paragraph 1:

(a) direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation, on any of the grounds referred to in Article 1;

(b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons having a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage compared with other persons unless:

(i) that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary, or

(ii) as regards persons with a particular disability, the employer or any person or organisation to whom this Directive applies, is obliged, under national legislation, to take appropriate measures in line with the principles contained in Article 5 in order to eliminate disadvantages entailed by such provision, criterion or practice.

3. Harassment shall be deemed to be a form of discrimination within the meaning of paragraph 1, when unwanted conduct related to any of the grounds referred to in Article 1 takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.

4. An instruction to discriminate against persons on any of the grounds referred to in Article 1 shall be deemed to be discrimination within the meaning of paragraph 1.

5. This Directive shall be without prejudice to measures laid down by national law which, in a democratic society, are necessary for public security, for the maintenance of public order and the prevention of criminal offences, for the protection of health and for the protection of the rights and freedoms of others.

### *Article 4 Occupational requirements*

(...)

2. Member States may maintain national legislation in force at the date of adoption of this Directive or provide for future legislation incorporating national practices existing at the date of adoption of this Directive pursuant to which, in the case of occupational activities within churches and other public or private organisations the ethos of which is based on religion or belief, a difference of treatment based on a person's religion or belief shall not constitute discrimination where, by reason of the nature of these activities or of the context in which they are carried out, a person's religion or belief constitute a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos. This difference of treatment shall be implemented taking account of

Member States' constitutional provisions and principles, as well as the general principles of Community law, and should not justify discrimination on another ground.

Provided that its provisions are otherwise complied with, this Directive shall thus not prejudice the right of churches and other public or private organisations, the ethos of which is based on religion or belief, acting in conformity with national constitutions and laws, to require individuals working for them to act in good faith and with loyalty to the organisation's ethos.

### **Chapter III Particular provisions**

#### *Article 15 Northern Ireland*

1. In order to tackle the under-representation of one of the major religious communities in the police service of Northern Ireland, differences in treatment regarding recruitment into that service, including its support staff, shall not constitute discrimination insofar as those differences in treatment are expressly authorised by national legislation.

2. In order to maintain a balance of opportunity in employment for teachers in Northern Ireland while furthering the reconciliation of historical divisions between the major religious communities there, the provisions on religion or belief in this Directive shall not apply to the recruitment of teachers in schools in Northern Ireland in so far as this is expressly authorised by national legislation.

#### ***h. Council Regulation (EC, ECSC, Euratom) No 781/98 of 7 April 1998 amending the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Communities in respect of equal treatment***

*Official Journal L 113, 15/04/1998 P. 0004 – 0005*

#### *Article 1*

The Staff Regulations of officials of the European Communities are hereby amended as follows:

1. The following Article shall be inserted after Article 1:

##### *Article 1a*

1. Officials shall be entitled to equal treatment under these Staff Regulations without reference, direct or indirect, to race, political, philosophical or religious beliefs, sex or sexual orientation, without prejudice to the relevant provisions requiring a specific marital status.

(...)

2. The second paragraph of Article 27 shall be replaced by the following:

'Officials shall be selected without distinction as to race, political, philosophical or religious beliefs, sex or sexual orientation and without reference to their marital status or family situation.'

#### *Article 2*

The conditions of employment of other servants of the European Communities are hereby amended as follows:  
(...)

2. the second subparagraph of Article 12(1) shall be replaced by the following:

'Temporary staff shall be selected without distinction as to race, political, philosophical or religious beliefs, sex or sexual orientation and without reference to their marital status or family situation.' (...)

*i. Council Regulation (ECSC, EEC, Euratom) No 1860/76 of 29 June 1976 laying down the Conditions of Employment of Staff of the European Foundation for the Improvement of Living and Working Conditions Official Journal L 214, 06/08/1976 P. 0024– 0046, last amended by Council Regulation (Euratom, ECSC, EEC) No 680/87 of 23 February 1987, Official Journal L 072, 14/03/1987 P. 0015 – 0028*

### **Chapter 3 Conditions of engagement**

#### *Article 23*

1. The engagement of staff shall be directed to securing for the Foundation the services of persons of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of the Member States of the European Communities.

Staff shall be selected without reference to race, creed or sex.

(...)

### **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.

(...)

#### **4) Non-discrimination in development aid**

***a. Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA)***

*Official Journal L 170, 29/06/2007 P. 0001 – 0066, last amended by Commission Implementing Regulation (EU) No 813/2012 of 12 September 2012, Official Journal L 247, 13/09/2011 P. 0012 - 0012*

*Article 3 Principles of assistance*

The Commission shall ensure that the following principles apply in relation to assistance under the IPA Regulation:

- Assistance granted shall respect the principles of coherence, complementarity, coordination, partnership and concentration.
- Assistance shall be coherent with EU policies and shall support alignment to the *acquis communautaire*.
- Assistance shall comply with the budgetary principles laid down in the Council Regulation (EC, Euratom) No 1605/2002.
- Assistance shall be consistent with the needs identified in the enlargement process and absorption capacities of the beneficiary country. It shall also take account of lessons learned.
- The ownership of the programming and implementation of assistance by the beneficiary country shall be strongly encouraged and adequate visibility of EU intervention shall be ensured.
- Operations shall be properly prepared, with clear and verifiable objectives, which are to be achieved within a given period.
- Any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation shall be prevented during the various stages of the implementation of assistance.
- The objectives of pre-accession assistance shall be pursued in the framework of sustainable development and the Community promotion of the goal of protecting and improving the environment.

***b. Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation***

*Official Journal L 378, 27/12/2006 P. 0041 – 0071, last amended by Regulation (EU) No 1341/2011 of the European Parliament and of the Council of 13 December 2011, Official Journal L 347, 30/12/2011 P. 0034 - 0040*

*Article 5 Geographic programmes*

1. A geographic programme shall encompass cooperation in appropriate areas of activity with partner countries and regions determined on a geographical basis.

2. Consistently with the overall purpose and scope, objectives and general principles of this Regulation, Community assistance to the countries of Latin America, Asia, Central Asia, and the Middle East as set out in Annex I, as well as South Africa, shall include actions within the following areas of cooperation:

(a) supporting the implementation of policies aimed at poverty eradication and at the achievement of the MDGs;

Human development:

(b) addressing the essential needs of the population with prime attention to primary education and health, in particular by:

Health:

(i) increasing access to and provision of health services for lower income population groups and marginalised groups, including women and children, persons belonging to groups subject to ethnic, religious or any other discrimination and persons with disabilities, with a central focus on the related MDGs, namely reducing child

mortality, improving maternal and child health and sexual and reproductive health and rights as set out in the Cairo Agenda of the International Conference on Population and Development (ICPD), addressing poverty diseases, in particular HIV/AIDS, tuberculosis and malaria;

(...)

***c. Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999***

*Official Journal L 210, 31/07/2006, P. 25–78, last amended by Regulation (EU) No 423/2012 of the European Parliament and of the Council of 22 May 2012, Official Journal L 133, 23/05/2012 P. 0001 - 0006*

*[Whereas]*

(30) In the context of its effort in favour of economic and social cohesion, the Community, at all stages of implementation of the Funds, has as its goals to eliminate inequalities and to promote equality between men and women as enshrined in Articles 2 and 3 of the Treaty, as well as combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

***Article 16 Equality between men and women and non-discrimination***

The Member States and the Commission shall ensure that equality between men and women and the integration of the gender perspective is promoted during the various stages of implementation of the Funds.

The Member States and the Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementation of the Funds and, in particular, in the access to them. In particular, accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation.

***d. Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999***

*Official Journal L 210, 31/07/2006, P. 1–11, last amended by Regulation (EU) No 437/2010 of the European Parliament and of the Council of 19 May 2010, Official Journal L 132, 29/05/2010 P. 0001 – 0002*

*[Whereas]*

(8) The Member States and the Commission should ensure that there is no discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementation of the operational programmes co-financed by the ERDF.

***e. Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)***

*Official Journal L 277, 21/10/2005 P. 0001 – 0040, last amended by Regulation (EU) No 1312/2011 of the European Parliament and of the Council of 19 December 2011, Official Journal L 339, 21/12/2011 P. 0001 - 0003*

### **Chapter III Principles of assistance**

***Article 8 Equality between men and women and non-discrimination***

Member States and the Commission shall promote equality between men and women and shall ensure that any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation is prevented during the various stages of programme implementation.

This includes the stages of design, implementation, monitoring and evaluation.

***f. Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid***

*Official Journal L 163, 02/07/1996 P. 0001 – 0006, last amended by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009, Official Journal L 087, 31/03/2009 P. 0109 – 0154*

*[Whereas]*

(...)

Whereas humanitarian aid, the sole aim of which is to prevent or relieve human suffering, is accorded to victims without discrimination on the grounds of race, ethnic group, religion, sex, age, nationality or political affiliation and must not be guided by, or subject to, political considerations.

(...)

## 5) Different recommendations and resolutions

### *a. Council resolution of 5 December 2007 on the follow-up of the European Year of Equal Opportunities for All (2007)*

*Official Journal C 308, 19/12/2007 P. 0001 – 0005*

THE COUNCIL OF THE EUROPEAN UNION,

Recalling that:

1. non-discrimination and equal treatment, as enshrined in particular in Articles 2, 3 and 13 of the EC Treaty, are fundamental principles of the European Union that should be taken into account in all the European Union's policies;

2. Article 21 of the Charter of Fundamental Rights of the European Union recognises the prohibition of discrimination on a variety of grounds and that Article 23 of that Charter recognises the requirement that equality between men and women be ensured in all areas;

(...)

Considering that:

1. despite much progress in promoting equality and fighting discrimination thanks, inter alia, to the adoption of equality legislation and to the setting up of national equality bodies, inequality and discrimination on the grounds of sex, racial or ethnic origin, age, disability, religion or belief, or sexual orientation continue to exist in the EU, at a substantive cost to the individual women and men concerned and European societies as a whole;

(...)

Noting that:

1. equality policies are essential instruments for social cohesion, economic growth, prosperity and competitiveness and thus for the Lisbon Strategy for Growth and Employment;

2. the three Directives implementing the principle of equal treatment adopted so far under Article 13 are: Council Directive 2000/43/EC [5] covering discrimination on the grounds of racial or ethnic origin in the areas of employment, access to goods and services, education and social protection; Council Directive 2000/78/EC [6] covering all the other discrimination grounds i.e. religion or belief, disability, age or sexual orientation in the field of employment and occupation, and Council Directive 2004/113/EC [7] covering discrimination on the grounds of sex in the area of access to and supply of goods and services;

(...)

5. it is essential that actions fighting discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation take into account the different ways in which women and men experience discrimination;

(...)

7. the benefits of diversity, both for European societies and individuals, should be highlighted through the positive contribution that can be made by all people, irrespective of their sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;

(...)

Invites Member States and the European Commission, in accordance with their respective competencies:

1. to ensure full and effective implementation and evaluation of existing anti-discrimination laws and gender equality legislation;

2. to strengthen efforts to prevent and combat discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation, inside and outside the labour market;

(...)

19. to firmly condemn and take all necessary measures to prevent all forms of discrimination against people on the basis of their religion or belief;

***b. Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry***

*Official Journal L 378, 27/12/2006 P. 0072 – 0077*

*[Whereas]*

(5) The Community has already intervened in the field of audiovisual and information services in order to create the necessary conditions to ensure the free movement of television broadcasts and other information services, in compliance with the principles of free competition and freedom of expression and information, but it should act with greater determination in this area with the aim of adopting measures to protect consumers from incitement to discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation and of combating any such discrimination. Such action should strike a balance between the protection of individual rights on the one hand and freedom of expression on the other, in particular with respect to Member States' responsibility for defining the notion of incitement to hatred or discrimination in accordance with their national legislation and moral values.

(...)

(18) The audiovisual and on-line information services industry should be encouraged at Member State level to avoid and to combat any type of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in such media and all advertising, including new advertising techniques, without infringing freedom of expression or of the press.

(...)

HEREBY RECOMMEND THAT:

I. The Member States, in the interests of promoting the development of the audiovisual and on-line information services industry, take the necessary measures to ensure the protection of minors and human dignity in all audiovisual and on-line information services by:

(...)

3. promoting a responsible attitude on the part of professionals, intermediaries and users of new communication media such as the Internet by:

(a) encouraging the audiovisual and on-line information services industry, without infringing freedom of expression or of the press, to avoid all discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, in all audiovisual and on-line information services, and to combat such discrimination,

(...)

II. The audiovisual and on-line information services industry and other parties concerned:

(...)

4. consider effective means of avoiding and combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in audiovisual and on-line information services and of promoting a diversified and realistic picture of the skills and potential of men and women in society.

***c. Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning***

*Official Journal L 394, 30/12/2006 P. 0010 – 0018*

**ANNEX KEY COMPETENCES FOR LIFELONG LEARNING — A EUROPEAN REFERENCE FRAMEWORK**

*Key Competences*

Competences are defined here as a combination of knowledge, skills and attitudes appropriate to the context. Key competences are those which all individuals need for personal fulfilment and development, active citizenship, social inclusion and employment.

The Reference Framework sets out eight key competences:

(...)

#### 6. Social and civic competences

Definition:

These include personal, interpersonal and intercultural competence and cover all forms of behaviour that equip individuals to participate in an effective and constructive way in social and working life, and particularly in increasingly diverse societies, and to resolve conflict where necessary. Civic competence equips individuals to fully participate in civic life, based on knowledge of social and political concepts and structures and a commitment to active and democratic participation.

Essential knowledge, skills and attitudes related to this competence:

(...)

B. Civic competence is based on knowledge of the concepts of democracy, justice, equality, citizenship, and civil rights, including how they are expressed in the Charter of Fundamental Rights of the European Union and international declarations and how they are applied by various institutions at the local, regional, national, European and international levels. (...)

Full respect for human rights including equality as a basis for democracy, appreciation and understanding of differences between value systems of different religious or ethnic groups lay the foundations for a positive attitude. This means displaying both a sense of belonging to one's locality, country, the EU and Europe in general and to the world, and a willingness to participate in democratic decision-making at all levels. It also includes demonstrating a sense of responsibility, as well as showing understanding of and respect for the shared values that are necessary to ensure community cohesion, such as respect for democratic principles. Constructive participation also involves civic activities, support for social diversity and cohesion and sustainable development, and a readiness to respect the values and privacy of others.

#### *d. Commission Recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers (Text with EEA relevance)*

*Official Journal L 075, 22/03/2005 P. 0067 – 0077*

## **ANNEX**

### **SECTION 1 - The European Charter for Researchers**

#### *GENERAL PRINCIPLES AND REQUIREMENTS APPLICABLE TO EMPLOYERS AND FUNDERS*

##### *Non-discrimination*

Employers and/or funders of researchers will not discriminate against researchers in any way on the basis of gender, age, ethnic, national or social origin, religion or belief, sexual orientation, language, disability, political opinion, social or economic condition.

#### *e. Council Recommendation of 27 July 1992 on the convergence of social protection objectives and policies*

*Official Journal L 245, 26/08/1992 P. 0049 – 0052*

I. HEREBY RECOMMENDS THAT MEMBER STATES SHOULD:

A. allow their general policy in the area of social protection, without prejudice to the powers of the Member States to establish the principles and organizations of their own systems in the sectors concerned, to be guided by the following principles:

(...)

2. Social benefits should be granted in accordance with the following principles:

(a) equal treatment in such a way as to avoid any discrimination based on nationality, race, sex, religion, customs or political opinion, provided that applicants fulfil the conditions regarding length of membership and/or residence required to be eligible for benefits;

## **C. Labour law (period of rest)**

### ***1. Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time***

*Official Journal L 299, 18/11/2003 P. 0009 – 0019*

#### **Chapter 2 Minimum Rest Periods – other aspects of the organisation of working time**

##### *Article 3 Daily rest*

Member States shall take the measures necessary to ensure that every worker is entitled to a minimum daily rest period of 11 consecutive hours per 24-hour period.

##### *Article 4 Breaks*

Member States shall take the measures necessary to ensure that, where the working day is longer than six hours, every worker is entitled to a rest break, the details of which, including duration and the terms on which it is granted, shall be laid down in collective agreements or agreements between the two sides of industry or, failing that, by national legislation.

##### *Article 5 Weekly rest period*

Member States shall take the measures necessary to ensure that, per each seven-day period, every worker is entitled to a minimum uninterrupted rest period of 24 hours plus the 11 hours' daily rest referred to in Article 3.

If objective, technical or work organisation conditions so justify, a minimum rest period of 24 hours may be applied.

##### *Article 6 Maximum weekly working time*

Member States shall take the measures necessary to ensure that, in keeping with the need to protect the safety and health of workers:

- (a) the period of weekly working time is limited by means of laws, regulations or administrative provisions or by collective agreements or agreements between the two sides of industry;
- (b) the average working time for each seven-day period, including overtime, does not exceed 48 hours.

#### **Chapter 3 Night work – Shift work – Patterns of work**

##### *Article 8 Length of night work*

Member States shall take the measures necessary to ensure that:

- (a) normal hours of work for night workers do not exceed an average of eight hours in any 24-hour period;
- (b) night workers whose work involves special hazards or heavy physical or mental strain do not work more than eight hours in any period of 24 hours during which they perform night work.

For the purposes of point (b), work involving special hazards or heavy physical or mental strain shall be defined by national legislation and/or practice or by collective agreements or agreements concluded between the two sides of industry, taking account of the specific effects and hazards of night work.

## **Chapter 4 Miscellaneous provisions**

### *Article 16 Reference periods*

Member States may lay down:

- (a) for the application of Article 5 (weekly rest period), a reference period not exceeding 14 days;
- (b) for the application of Article 6 (maximum weekly working time), a reference period not exceeding four months.

The periods of paid annual leave, granted in accordance with Article 7, and the periods of sick leave shall not be included or shall be neutral in the calculation of the average;

- (c) for the application of Article 8 (length of night work), a reference period defined after consultation of the two sides of industry or by collective agreements or agreements concluded between the two sides of industry at national or regional level.

If the minimum weekly rest period of 24 hours required by Article 5 falls within that reference period, it shall not be included in the calculation of the average.

## **Chapter 5 Derogations and exceptions**

### *Article 17 Derogations*

1. With due regard for the general principles of the protection of the safety and health of workers, Member States may derogate from Articles 3 to 6, 8 and 16 when, on account of the specific characteristics of the activity concerned, the duration of the working time is not measured and/or predetermined or can be determined by the workers themselves, and particularly in the case of:

- (a) managing executives or other persons with autonomous decision-taking powers;
- (b) family workers; or
- (c) workers officiating at religious ceremonies in churches and religious communities.

### **2. Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work**

*Official Journal L 216, 20/08/1994 P. 0012 – 0020, last amended by Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007, Official Journal L 165, 27/06/2007 P. 0021 – 0024*

*[Whereas]*

(...)

Whereas, with respect to the weekly rest period, due account should be taken of the diversity of cultural, ethnic, religious and other factors prevailing in the Member States; whereas in particular, it is ultimately for each Member State to decide whether Sunday should be included in the weekly rest period, and if so to what extent. (...)

## **D. Right of asylum**

### ***1. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted***

*Official Journal L 337, 20/12/2011 P. 0009 – 0026*

*[Whereas]*

(29) One of the conditions for qualification for refugee status within the meaning of Article 1(A) of the Geneva Convention is the existence of a causal link between the reasons for persecution, namely race, religion, nationality, political opinion or membership of a particular social group, and the acts of persecution or the absence of protection against such acts.

### **Chapter I General Provisions**

#### *Article 2 Definitions*

For the purposes of this Directive the following definitions shall apply:

(...)

(d) "refugee" means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;

(e) "refugee status" means the recognition by a Member State of a third-country national or a stateless person as a refugee;

(...)

### **Chapter III Qualification for being a refugee**

#### *Article 10 Reasons for persecution*

1. Member States shall take the following elements into account when assessing the reasons for persecution:

(a) the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;

(b) the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

(...)

2. When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

**2. Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status**

*Official Journal L 326, 13/12/2005 P. 0013 – 0034*

*Article 27*

The safe third country concept

1. Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking asylum will be treated in accordance with the following principles in the third country concerned:

(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;

**3. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities**

*Official Journal L 261, 06/08/2004 P. 0019 – 0023*

*[Whereas]*

(7) Member States should give effect to the provision of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or belief, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation.

**4. Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents**

*Official Journal L 016, 23/01/2004 P. 0044 – 0053, last amended by Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011, Official Journal L 132, 19/05/2011 P. 0001 - 0004*

*[Whereas]*

(5) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation.

## **E. Culture**

### **1) Cultural objects**

#### ***a. Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96***

*Official Journal L 169, 08/07/2003 P. 0006 – 0023, last amended by Commission Implementing Regulation (EU) No 88/2012 of 1 February 2012, Official Journal L 030, 02/02/2012 P. 0011 - 0012*

#### *Article 3*

1. The following shall be prohibited:

- (a) the import of or the introduction into the territory of the Community of,
- (b) the export of or removal from the territory of the Community of, and
- (c) the dealing in, Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance including those items listed in Annex II, if they have been illegally removed from locations in Iraq, in particular, if:
  - (i) the items form an integral part of either the public collections listed in the inventories of Iraqi museums, archives or libraries' conservation collection, or the inventories of Iraqi religious institutions, or
  - (ii) there exists reasonable suspicion that the goods have been removed from Iraq without the consent of their legitimate owner or have been removed in breach of Iraq's laws and regulations.

2. These prohibitions shall not apply if it is shown that either:

- (a) the cultural items were exported from Iraq prior to 6 August 1990; or
- (b) the cultural items are being returned to Iraqi institutions in accordance with the objective of safe return as set out in paragraph 7 of UNSC Resolution 1483 (2003).

#### ***b. Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State***

*Official Journal L 074, 27/03/1993 P. 0074 – 0079, last amended by Directive 2001/38/EC of the European Parliament and of the Council of 5 June 2001, Official Journal L 187, 10/07/2001 P. 0043 – 0044*

#### *[Whereas]*

(...)

Whereas cultural objects classified as national treasures and forming an integral part of public collections or inventories of ecclesiastical institutions but which do not fall within these common categories should also be covered by this Directive.

(...)

#### *Article 1*

For the purposes of this Directive:

1. 'Cultural object' shall mean an object which:

- is classified, before or after its unlawful removal from the territory of a Member State, among the 'national treasures possessing artistic, historic or archaeological value' under national legislation or administrative procedures within the meaning of Article 36 of the Treaty,

and

- belongs to one of the categories listed in the Annex or does not belong to one of these categories but forms an integral part of:

- public collections listed in the inventories of museums, archives or libraries' conservation collection.

For the purposes of this Directive, 'public collections' shall mean collections which are the property of a Member State, local or regional authority within a Member States or an institution situated in the territory of a Member State and defined as public in accordance with the legislation of that Member State, such institution being the property of, or significantly financed by, that Member State or a local or regional authority;

- the inventories of ecclesiastical institutions.

(...)

#### *Article 7*

1. Member States shall lay down in their legislation that the return proceedings provided for in this Directive may not be brought more than one year after the requesting Member State became aware of the location of the cultural object and of the identity of its possessor or holder.

Such proceedings may, at all events, not be brought more than 30 years after the object was unlawfully removed from the territory of the requesting Member State. However, in the case of objects forming part of public collections, referred to in Article 1 (1), and ecclesiastical goods in the Member States where they are subject to special protection arrangements under national law, return proceedings shall be subject to a time-limit of 75 years, except in Member States where proceedings are not subject to a time-limit or in the case of bilateral agreements between Member States laying down a period exceeding 75 years.

#### **Annex**

Categories referred to in the second indent of Article 1 (1) to which objects classified as 'national treasures' within the meaning of Article 36 of the Treaty must belong in order to qualify for return under this Directive

A. 1. (...)

2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, more than 100 years old. (...)

## **2) Media (resp. television broadcasting activities)**

*Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance)*

*Official Journal L 095, 15/04/2010 P. 0001 – 0024*

*Whereas:*

(1) Directive 89/552/EEC of the European Parliament and of the Council of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) has been substantially amended several times. In the interests of clarity and rationality the said Directive should be codified.

(...)

## **CHAPTER II GENERAL PROVISIONS**

### *Article 3*

1. Member States shall ensure freedom of reception and shall not restrict retransmissions on their territory of audiovisual media services from other Member States for reasons which fall within the fields coordinated by this Directive.

(...)

4. In respect of on-demand audiovisual media services, Member States may take measures to derogate from paragraph 1 in respect of a given service if the following conditions are fulfilled:

(a) the measures are:

(i) necessary for one of the following reasons:

- public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons,

(...)

### **CHAPTER III PROVISIONS APPLICABLE TO ALL AUDIOVISUAL MEDIA SERVICES**

#### *Article 6*

Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to hatred based on race, sex, religion or nationality.

#### *Article 9*

1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:

(a) audiovisual commercial communications shall be readily recognisable as such. Surreptitious audiovisual commercial communication shall be prohibited;

(b) audiovisual commercial communications shall not use subliminal techniques;

(c) audiovisual commercial communications shall not:

(i) prejudice respect for human dignity;

(ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;

(...)

#### *Article 10*

(...)

4. News and current affairs programmes shall not be sponsored. Member States may choose to prohibit the showing of a sponsorship logo during children's programmes, documentaries and religious programmes.

### **CHAPTER VII TELEVISION ADVERTISING AND TEleshopping**

#### *Article 20*

(...)

2. The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes. The transmission of children's programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. No television advertising or teleshopping shall be inserted during religious services.

### 3) Copyright

*Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society*

*Official Journal L 167, 22/06/2001 P. 0010 – 0019*

#### **Chapter II Rights and exceptions**

##### *Article 2 Reproduction right*

Member States shall provide for the exclusive right to authorise or prohibit direct or indirect, temporary or permanent reproduction by any means and in any form, in whole or in part:

- (a) for authors, of their works;
- (b) for performers, of fixations of their performances;
- (c) for phonogram producers, of their phonograms;
- (d) for the producers of the first fixations of films, in respect of the original and copies of their films;
- (e) for broadcasting organisations, of fixations of their broadcasts, whether those broadcasts are transmitted by wire or over the air, including by cable or satellite.

##### *Article 3 Right of communication to the public of works and right of making available to the public other subject-matter*

(...)

##### *Article 5 Exceptions and limitations*

3. Member States may provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases:

(...)

(c) reproduction by the press, communication to the public or making available of published articles on current economic, political or religious topics or of broadcast works or other subject-matter of the same character, in cases where such use is not expressly reserved, and as long as the source, including the author's name, is indicated, or use of works or other subject-matter in connection with the reporting of current events, to the extent justified by the informatory purpose and as long as the source, including the author's name, is indicated, unless this turns out to be impossible;

(...)

(g) use during religious celebrations or official celebrations organised by a public authority.

(...)

## **F. Slaughter or killing of animals**

### ***1. Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (Text with EEA relevance)***

*Official Journal L 303, 18/11/2009 P. 0001 – 0030*

*[Whereas]*

(15) Protocol No (33) underlines the need to respect the legislative or administrative provisions and customs of the Member States relating, in particular, to religious rites, cultural traditions and regional heritage when formulating and implementing the Community's policies on, inter alia, agriculture and the internal market. It is therefore appropriate to exclude from the scope of this Regulation cultural events, where compliance with animal welfare requirements would adversely affect the very nature of the event concerned.

(18) Derogation from stunning in case of religious slaughter taking place in slaughterhouses was granted by Directive 93/119/EC. Since Community provisions applicable to religious slaughter have been transposed differently depending on national contexts and considering that national rules take into account dimensions that go beyond the purpose of this Regulation, it is important that derogation from stunning animals prior to slaughter should be maintained, leaving, however, a certain level of subsidiarity to each Member State. As a consequence, this Regulation respects the freedom of religion and the right to manifest religion or belief in worship, teaching, practice and observance, as enshrined in Article 10 of the Charter of Fundamental Rights of the European Union.

#### *Article 2 Definitions*

For the purposes of this Regulation, the following definitions shall apply:

- (a) "killing" means any intentionally induced process which causes the death of an animal;
  - (b) "related operations" means operations such as handling, lairaging, restraining, stunning and bleeding of animals taking place in the context and at the location where they are to be killed;
  - (c) "animal" means any vertebrate animal, excluding reptiles and amphibians;
  - (d) "emergency killing" means the killing of animals which are injured or have a disease associated with severe pain or suffering and where there is no other practical possibility to alleviate this pain or suffering;
  - (e) "lairaging" means keeping animals in stalls, pens, covered areas or fields associated with or part of slaughterhouse operations;
  - (f) "stunning" means any intentionally induced process which causes loss of consciousness and sensibility without pain, including any process resulting in instantaneous death;
  - (g) "religious rite" means a series of acts related to the slaughter of animals and prescribed by a religion;
- (...)

#### *Article 4 Stunning methods*

1. Animals shall only be killed after stunning in accordance with the methods and specific requirements related to the application of those methods set out in Annex I. The loss of consciousness and sensibility shall be maintained until the death of the animal.

The methods referred to in Annex I which do not result in instantaneous death (hereinafter referred to as simple stunning) shall be followed as quickly as possible by a procedure ensuring death such as bleeding, pithing, electrocution or prolonged exposure to anoxia.

(...)

4. In the case of animals subject to particular methods of slaughter prescribed by religious rites, the requirements of paragraph 1 shall not apply provided that the slaughter takes place in a slaughterhouse.

## *Article 27 Reporting*

(...)

2. No later than 8 December 2012, the Commission shall submit to the European Parliament and to the Council a report on systems restraining bovine animals by inversion or any unnatural position. This report shall be based on the results of a scientific study comparing these systems to the ones maintaining bovines in the upright position and shall take into account animal welfare aspects as well as the socioeconomic implications, including their acceptability by the religious communities and the safety of operators. This report shall, if appropriate, be accompanied by legislative proposals with a view to amending this Regulation concerning the systems restraining bovine animals by inversion or any unnatural position.

### ***2. Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production (Text with EEA relevance)***

*Official Journal L 182, 12/07/2007 P. 0019 – 0028*

*[Whereas]*

(1) The Protocol on protection and welfare of animals annexed to the Treaty establishing the European Community requires that in formulating and implementing agriculture policies, the Community and the Member States are to pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

### ***3. Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin***

*Official Journal L 139, 30/04/2004 P. 0055 – 0205, last amended by Commission Regulation (EU) No 16/2012 of 11 January 2012, Official Journal L 008, 12/01/2012 P. 0029 - 0030*

## **Annex III Specific requirements**

### **Chapter IV: Slaughter Hygiene**

Food business operators operating slaughterhouses in which domestic ungulates are slaughtered must ensure compliance with the following requirements.

(...)

7. Stunning, bleeding, skinning, evisceration and other dressing must be carried out without undue delay and in a manner that avoids contaminating the meat. In particular:

(a) the trachea and oesophagus must remain intact during bleeding, except in the case of slaughter according to a religious custom;

**4. Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing**

*Official Journal L 340, 31/12/1993 P. 0021 – 0034, end of validity: 31/12/2012; repealed by Council Regulation (EC) No 1099/2009 of 24 September 2009, Official Journal L 303, 18/11/2009 P. 0001 – 0030*

*[Whereas]*

(...)

Whereas at the time of slaughter or killing animals should be spared any avoidable pain or suffering;

Whereas, however, it is necessary to allow for technical and scientific experiments to be carried out and to take account of the particular requirements of certain religious rites.

(...)

**Chapter I General provisions**

*Article 2 (2)*

However, in the Member States, the religious authority on whose behalf slaughter is carried out shall be competent for the application and monitoring of the special provisions which apply to slaughter according to certain religious rites. As regards the said provisions, that authority shall operate under the responsibility of the official veterinarian, as defined in Article 2 of Directive 64/433/EEC.

*Article 5*

1. Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be:

(...)

(c) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex C;

(...)

2. In the case of animals subject to particular methods of slaughter required by certain religious rites, the requirements of paragraph 1(c) shall not apply. (...)

## **G. Data protection**

### ***1. Commission Regulation (EU) No 328/2011 of 5 April 2011 implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics on causes of death (Text with EEA relevance)***

*Official Journal L 090, 06/04/2011 P. 0022 – 0024*

#### *Article 2 Definitions*

For the purpose of this Regulation, the following definitions shall apply:

(...)

(h) "resident" means "usual resident" in the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage.

(...)

### ***2. Regulation (EC) No 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses (Text with EEA relevance)***

*Official Journal L 218, 13/08/2008 P. 0014 – 0020, implemented by Commission Regulation (EC) No 1201/2009 of 30 November 2009, Official Journal L 329 , 15/12/2009 P. 0029 - 0068*

#### *Article 1 - Subject matter*

This Regulation establishes common rules for the decennial provision of comprehensive data on population and housing.

#### *Article 2 - Definitions*

For the purpose of this Regulation, the following definitions shall apply:

(...)

(d) "usual residence" shall mean the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage.

### ***3. Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance)***

*Official Journal L 199, 31/07/2007 P. 0023 – 0029*

#### *Article 1 - Subject matter*

This Regulation establishes common rules for the collection and compilation of Community statistics on: (...)

#### *Article 2 – Definitions*

1. For the purposes of this Regulation, the following definitions shall apply:

(a) "usual residence" means the place at which a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage or, in default, the place of legal or registered residence;

***4. Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community***

*Official Journal L 080, 23/03/2002 P. 0029 – 0034*

*Article 3 Scope*

1. This Directive shall apply, according to the choice made by Member States, to:

- (a) undertakings employing at least 50 employees in any one Member State, or
- (b) establishments employing at least 20 employees in any one Member State.

Member States shall determine the method for calculating the thresholds of employees employed.

2. In conformity with the principles and objectives of this Directive, Member States may lay down particular provisions applicable to undertakings or establishments which pursue directly and essentially political, professional organisational, religious, charitable, educational, scientific or artistic aims, as well as aims involving information and the expression of opinions, on condition that, at the date of entry into force of this Directive, provisions of that nature already exist in national legislation.

***5. Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data***

*Official Journal L 008, 12/01/2001 P. 0001 – 0022*

*[Whereas]*

(29) These cases concern the processing of data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership and the processing of data concerning health or sex life which are necessary for the purposes of complying with the specific rights and obligations of the controller in the field of employment law or for reasons of substantial public interest. They also concern the processing of data relating to offences, criminal convictions or security measures and authorisation to apply a decision to the data subject which produces legal effects concerning him or her or significantly affects him or her and which is based solely on automated processing of data intended to evaluate certain personal aspects relating to him or her.

**Chapter II General rules on the lawfulness of the processing of personal data**

**Section 3 Special categories of processing**

*Article 10 The processing of special categories of data*

1. The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and of data concerning health or sex life, are prohibited.

2. Paragraph 1 shall not apply where:

(...)

(e) processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Community institution or body, not subject to national data protection law by virtue of Article 4 of Directive 95/46/EC, and with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members of this body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed to a third party without the consent of the data subjects.

**6. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')**

*Official Journal L 178, 17/07/2000 P. 0001 – 0016*

**Chapter I General provisions**

*Article 3 Internal Market*

(...)

2. Member States may not, for reasons falling within the coordinated field, restrict the freedom to provide information society services from another Member State.

(...)

4. Member States may take measures to derogate from paragraph 2 in respect of a given information society service if the following conditions are fulfilled:

(a) the measures shall be:

(i) necessary for one of the following reasons:

- public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons, (...)

**7. Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters**

*Official Journal L 082, 22/03/1997 P. 0001 – 0016, last amended by Regulation (EC) No 766/2008 of the European Parliament and of the Council of 9 July 2008, Official Journal L 218, 13/08/2008 P. 0048 – 0059*

**Title V Customs information system**

**Chapter 2 Operation and use of the CIS**

*Article 24*

The CIS shall consist of a central database facility and it shall be accessible via terminals in each Member State and at the Commission. It shall comprise exclusively data necessary to fulfil its aim as stated in Article 23 (2), including personal data, in the following categories:

(a) commodities;

(b) means of transport;

(c) businesses;

(d) persons;

(e) fraud trends;

(f) availability of expertise.

*Article 25*

(...)

5. In all cases, no personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership and data concerning the health or sex life of an individual shall be included.

## **H. Finances**

### **1) Tax law**

*a. Council Directive 2009/132/EC of 19 October 2009 determining the scope of Article 143(b) and (c) of Directive 2006/112/EC as regards exemption from value added tax on the final importation of certain goods*

*Official Journal L 292, 10/11/2009 P. 0005 – 0030*

## **TITLE X IMPORTATION OF GOODS FOR THE PROMOTION OF TRADE**

### **CHAPTER 3 Goods used or consumed at a trade fair or similar event**

#### *Article 67*

1. Subject to Articles 68, 69, 70 and 71, the following shall be exempt on admission:

- (a) small representative samples of goods intended for a trade fair or similar event;
- (b) goods imported solely in order to be demonstrated or in order to demonstrate machines and apparatus displayed at a trade fair or similar event;
- (c) various materials of little value, such as paints, varnishes and wallpaper, which are to be used in the building, fitting-out and decoration of temporary stands at a trade fair or similar event, which are destroyed by being used;
- (d) printed matter, catalogues, prospectuses, price lists, advertising posters, calendars, whether or not illustrated, unframed photographs and other articles supplied free of charge in order to advertise goods displayed at a trade fair or similar event.

2. For the purposes of paragraph 1, "trade fair or similar event" means:

(...)

- (c) exhibitions and events held mainly for scientific, technical, handicraft, artistic, educational or cultural or sporting reasons, for religious reasons or for reasons of worship, trade union activity or tourism, or in order to promote international understanding;

## **TITLE XII MISCELLANEOUS IMPORTS**

### **CHAPTER 2 Tourist information literature**

#### *Article 80*

The following shall be exempt on admission:

- (a) documentation (leaflets, brochures, books, magazines, guidebooks, posters, whether or not framed, unframed photographs and photographic enlargements, maps, whether or not illustrated, window transparencies, and illustrated calendars) intended to be distributed free of charge and the principal purpose of which is to encourage the public to visit foreign countries, in particular in order to attend cultural, tourist, sporting, religious or trade or professional meetings or events, provided that such literature contains not more than 25 % of private commercial advertising and that the general nature of its promotional aims is evident;

*b. Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax*  
*Official Journal L 347, 11/12/2006 P. 0001 – 0118, last amended by Council Directive 2010/88/EU of*  
*7 December 2010, Official Journal L 326 , 10/12/2010 P. 0001 - 0002*

## **Chapter 2 Exemptions for certain activities in the public interest**

### *Article 132*

1. Member States shall exempt the following transactions:

(...)

(k) the supply of staff by religious or philosophical institutions for the purpose of the activities referred to in points (b), (g), (h) and (i) and with a view to spiritual welfare;

(l) the supply of services, and the supply of goods closely linked thereto, to their members in their common interest in return for a subscription fixed in accordance with their rules by non-profit-making organisations with aims of a political, trade-union, religious, patriotic, philosophical, philanthropic or civic nature, provided that this exemption is not likely to cause distortion of competition;

## **2) Credit institutions**

*Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (recast) (Text with EEA relevance)*

*Official Journal L 177, 30/06/2006, P. 1–200, 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*

## **Annex VI Standardised approach**

### **Part 1 Risk weights**

#### **Table 2**

10. Exposures to churches and religious communities constituted in the form of a legal person under public law shall, in so far as they raise taxes in accordance with legislation conferring on them the right to do so, be treated as exposures to regional governments and local authorities, except that point 9 shall not apply. In this case for the purposes of Article 89(1)(a), permission to apply Title V, Chapter 2, Section 3, subsection 1 shall not be excluded.

## **3) Miscellaneous**

*a. Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (Text with EEA relevance)*

*Official Journal L 345, 08/12/2006 P. 0001 – 0009*

### *Article 18 Transfers of funds to non-profit organisations within a Member State*

1. Member States may exempt payment service providers situated in their territory from the obligations set out in Article 5, as regards transfers of funds to organisations carrying out activities for non-profit charitable, religious, cultural, educational, social, scientific or fraternal purposes, provided that those organisations are subject to reporting and external audit requirements or supervision by a public authority or self-regulatory body recognised under national law and that those transfers of funds are limited to a maximum amount of EUR 150 per transfer and take place exclusively within the territory of that Member State.

***b. Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability***

*Official Journal L 327, 24/11/2006 P. 0001 – 0011*

**Title III Beneficiaries and forms of financing**

*Article 10 Eligibility*

(...)

2. Non-state actors eligible for financial support under this Regulation shall include: non-governmental organisations, organisations representing indigenous peoples, local citizens' groups and traders' associations, cooperatives, trade unions, organisations representing economic and social interests, local organisations (including networks) involved in decentralised regional cooperation and integration, consumer organisations, women's and youth organisations, teaching, cultural, research and scientific organisations, universities, churches and religious associations and communities, the media and any non-governmental associations and private and public foundations likely to contribute to development or the external dimension of internal policies.

***c. Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument***

*Official Journal L 310, 09/11/2006 P. 0001 – 0014*

*Article 14 Eligibility*

1. The following shall be eligible for funding under this Regulation for the purposes of implementing action programmes, joint cross-border cooperation programmes and special measures:

(...)

(h) the following non-state actors:

(...)

(viii) churches and religious associations and communities;

## **I. Economic law**

### **1) Indices of consumer prices**

*a. Commission Regulation (EC) No 2214/96 of 20 November 1996 concerning harmonised indices of consumer prices: transmission and dissemination of sub-indices of the HICP (Text with EEA relevance)*

*Official Journal L 296, 21/11/1996 P. 0008 – 0029, last amended by Commission Regulation (EC) No 1920/2001 of 28 September 2001, Official Journal L 261, 29/09/2001 P. 0046 – 0048*

**Annex II Illustration of HICP sub-indices: breakdown by division (two-digit level), group (three-digit level) and class (1) (four-digit level) (2)**

### **12. Miscellaneous goods and services**

#### **12.7 Other services n.e.c.**

(...) *Excludes:* Following the conventions of ESA 1995, excluded are contributions and dues for membership of professional associations, churches and social, cultural, recreational and sports clubs (ESA 1995, paragraph 3.77.e) and commissions to estate agents in connection with the sale or purchase of non-financial assets ('Gross fixed capital formation' according to ESA 1995, paragraphs 3.102, 3.105(a), 3.111, 3.115).

*b. Commission Regulation (EC) No 1749/96 of 9 September 1996 on initial implementing measures for Council Regulation (EC) No 2494/95 concerning harmonized indices of consumer prices*

*Official Journal L 229, 10/09/1996 P. 0003 – 0010, last amended by Commission Regulation (EC) No 1334/2007 of 14 November 2007, Official Journal L 296, 15/11/2007 P. 0022 – 0026*

### **Annex Ib**

#### **A. DEFINITION OF HOUSEHOLD FINAL MONETARY CONSUMPTION EXPENDITURE**

(...)

19. (a) It does not cover subscriptions, contributions and dues paid by households to NPISHs, like trade unions, professional societies, consumers' associations, churches and social, cultural, recreational and sports clubs.

(...)

### **2) European system of accounts**

*Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community*

*Official Journal L 310, 30/11/1996 P. 0001 – 0469, last amended by Commission Regulation (EU) No 715/2010 of 10 August 2010, Official Journal L 210, 11/08/2010 P. 0001 – 0021*

### **Annex A European system of accounts ESA 1995**

#### **Chapter 2. Units and groupings of units**

##### **Non-profit institutions serving households (S.15)**

2.88. Where these institutions are not very important, they are not included in this sector, their transactions being mixed up with those of households (S.14).

The NPISHs sector includes the following main kinds of NPISHs that provide non-market goods and services to households:

a) trade unions, professional or learned societies, consumers' associations, political parties, churches or religious societies (including those financed but not controlled by governments), and social, cultural, recreational and sports clubs.

(...)

### 3) Trade marks

*Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (Codified version) (Text with EEA relevance)*

*Official Journal L 299, 08/11/2008 P. 0025 – 0033*

*[Whereas]*

(1) The content of Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks [3] has been amended [4]. In the interests of clarity and rationality the said Directive should be codified.

*Article 3 - Grounds for refusal or invalidity*

(...)

2. Any Member State may provide that a trade mark shall not be registered or, if registered, shall be liable to be declared invalid where and to the extent that:

(...)

(b) the trade mark covers a sign of high symbolic value, in particular a religious symbol;

## 4) Statistics

### ***a. Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies (Text with EEA relevance)***

*Official Journal L 145, 04/06/2008 P. 0234 – 0237*

#### *Article 1 - Subject matter and scope*

1. This Regulation lays down the requirements for the regular quarterly production of statistics on Community job vacancies.

2. Each Member State shall submit to the Commission (Eurostat) data on job vacancies at least for business units with one employee or more.

(...)

3. Covering public administration and defence, compulsory social security, education, human health and social work activities, arts, entertainments and recreation and activities of membership organisations, repair of computers and personal and household goods and other personal service activities, as defined by the NACE in force, within the scope of this Regulation, and of units with fewer than 10 employees, shall be determined taking into account the feasibility studies referred to in Article 7.

(...)

#### *Article 7 - Feasibility studies*

1. The Commission (Eurostat) shall set out the appropriate framework for the establishment of a series of feasibility studies in accordance with the regulatory procedure with scrutiny referred to in Article 9(2). Those studies shall be undertaken by those Member States that have difficulties in providing data for:

(...)

(v) activities of membership organisations, repair of computers and personal and household goods and other personal service activities.

### ***b. Commission Regulation (EC) No 1982/2003 of 21 October 2003 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the sampling and tracing rules (Text with EEA relevance.)***

*Official Journal L 298, 17/11/2003 P. 0029 – 0033*

## **Annex**

### **1. Definitions**

For the purposes of this Regulation, the following definitions shall apply to the longitudinal component of EU-SILC:

(l) Institution: refers to old people's homes, healthcare institutions, religious institutions (convents, monasteries), correctional and penal institutions. Basically, institutions are distinguished from collective households by virtue of the fact that, in the former, the resident persons have no individual responsibility for their housekeeping. In some cases, old people's homes can be considered as collective households on the basis of that rule.

## **J. Customs legislation**

### ***1. Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty***

*Official Journal L 324, 10/12/2009 P. 0023 – 0057*

## **TITLE III RELIEF FROM EXPORT DUTIES**

### **CHAPTER XXI Goods imported for trade promotion purposes**

#### *Article 90*

1. Subject to Articles 91 to 94, the following shall be admitted free of import duties:

(...)

(d) printed matter, catalogues, prospectuses, price lists, advertising posters, calendars, whether or not illustrated, unframed photographs and other articles supplied free of charge in order to advertise goods manufactured outside the customs territory of the Community and displayed at a trade fair or similar event.

2. For the purposes of paragraph 1, "trade fair or similar event" means:

(a) exhibitions, fairs, shows and similar events connected with trade, industry, agriculture or handicrafts;

(b) exhibitions and events held mainly for charitable reasons;

(c) exhibitions and events held mainly for scientific, technical, handicraft, artistic, educational or cultural, or sporting reasons, for religious reasons or for reasons of worship, trade union activity or tourism, or in order to promote international understanding;

(d) meetings of representatives of international organisations or collective bodies;

(e) official or commemorative ceremonies and gatherings;

but not exhibitions staged for private purposes in commercial stores or premises to sell goods of third countries.

### **CHAPTER XXIV Tourist information literature**

#### *Article 103*

Without prejudice to Articles 42 to 50, the following shall be admitted free of import duties:

(a) documentation (leaflets, brochures, books, magazines, guidebooks, posters whether or not framed, unframed photographs and photographic enlargements, maps whether or not illustrated, window transparencies, and illustrated calendars) intended to be distributed free of charge and the principal purpose of which is to encourage the public to visit foreign countries, in particular in order to attend cultural, tourist, sporting, religious or trade or professional meetings or events, provided that such literature contains not more than 25 % of private commercial advertising matter, excluding all private commercial advertising for Community firms, and that the general nature of its promotional aims is evident;

## **TITLE IV GENERAL AND FINAL PROVISIONS**

#### *Article 130*

This Regulation shall not preclude retention:

(a) by Greece of the special status accorded to Mount Athos as guaranteed by Article 105 of the Greek Constitution;

**2. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (Text with EEA relevance)**

*Official Journal L 268, 18/10/2003 P. 0001 – 002, last amended by Regulation (EC) No 298/2008 of the European Parliament and of the Council of 11 March 2008, Official Journal L 097, 09/04/2008 P. 0064 – 0066*

*[Whereas]*

(22) In addition, the labelling should give information about any characteristic or property which renders a food or feed different from its conventional counterpart with respect to composition, nutritional value or nutritional effects, intended use of the food or feed and health implications for certain sections of the population, as well as any characteristic or property which gives rise to ethical or religious concerns.

## **Chapter II Genetically modified food**

### **Section 1 Authorisation and supervision**

#### *Article 4 Requirements*

1. Food referred to in Article 3(1) must not:

(a) have adverse effects on human health, animal health or the environment;

(b) mislead the consumer;

(c) differ from the food which it is intended to replace to such an extent that its normal consumption would be nutritionally disadvantageous for the consumer.

2. No person shall place on the market a GMO for food use or food referred to in Article 3(1) unless it is covered by an authorisation granted in accordance with this Section and the relevant conditions of the authorisation are satisfied.

(...)

#### *Article 5 Application for authorisation*

1. To obtain the authorisation referred to in Article 4(2), an application shall be submitted in accordance with the following provisions.

(...)

3. The application shall be accompanied by the following:

(...)

(g) either a reasoned statement that the food does not give rise to ethical or religious concerns, or a proposal for labelling it in accordance with Article 13(2)(b);

### **Section 2 Labelling**

#### *Article 13 Requirements*

1. Without prejudice to the other requirements of Community law concerning the labelling of foodstuffs, foods falling within the scope of this Section shall be subject to the following specific labelling requirements:

(...)

2. In addition to the labelling requirements referred to in paragraph 1, the labelling shall also mention any characteristic or property, as specified in the authorisation, in the following cases:

(...)

(b) where a food may give rise to ethical or religious concerns.

## **Chapter III Genetically modified feed**

### **Section 1 Authorisation and supervision**

#### *Article 15 Scope*

1. This Section shall apply to:
  - (a) GMOs for feed use;
  - (b) feed containing or consisting of GMOs;
  - (c) feed produced from GMOs.

#### *Article 16 Requirements*

2. No person shall place on the market, use or process a product referred to in Article 15(1) unless it is covered by an authorisation granted in accordance with this Section and the relevant conditions of the authorisation are satisfied.

#### *Article 17 Application for authorisation*

1. To obtain the authorisation referred to in Article 16(2), an application shall be submitted in accordance with the following provisions.
  - (...)
3. The application shall be accompanied by the following:
  - (...)
  - (g) either a reasoned statement that the feed does not give rise to ethical or religious concerns, or a proposal for labelling it in accordance with Article 25(2)(d);

### **Section 2 Labelling**

#### *Article 24 Scope*

1. This Section shall apply to feed referred to in Article 15(1).

#### *Article 25 Requirements*

1. Without prejudice to the other requirements of Community law concerning the labelling of feed, feed referred to in Article 15(1) shall be subject to the specific labelling requirements laid down below.
2. No person shall place a feed referred to in Article 15(1) on the market unless the particulars specified below are shown, in a clearly visible, legible and indelible manner, on an accompanying document or, where appropriate, on the packaging, on the container or on a label attached thereto.

Each feed of which a particular feed is composed shall be subject to the following rules:

- (...)
- (d) as specified in the authorisation, any characteristic or property where a feed may give rise to ethical or religious concerns.

**3. Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff**

*Official Journal L 256, 07/09/1987 P. 0001 – 0675, last amended by Regulation (EU) No 1218/2012 of the European Parliament and of the Council of 12 December 2012, Official Journal L 351, 20/12/2012 P. 0036 - 0039*

*Article 1*

Annex I to Regulation (EEC) No 2658/87 is replaced by the text set out in the Annex to this Regulation.

**ANNEX I - COMBINED NOMENCLATURE**

**Part two - Schedule of customs duties**

**Section XIV Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin**

**Chapter 71 Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin**

*Notes*

9. For the purposes of heading 7113, the expression "articles of jewellery" means:

(a) any small objects of personal adornment (for example, rings, bracelets, necklaces, brooches, earrings, watch-chains, fobs, pendants, tiepins, cuff links, dress-studs, religious or other medals and insignia); and

(b) articles of personal use of a kind normally carried in the pocket, in the handbag or on the person (for example, cigar or cigarette cases, snuff boxes, cachou or pill boxes, powder boxes, chain purses or prayer beads).

(...)

10. For the purposes of heading 7114, the expression "articles of goldsmiths" or silversmiths' wares' includes such articles as ornaments, tableware, toilet-ware, smokers' requisites and other articles of household, office or religious use.

## **K. Family law**

### **1. Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation**

*Official Journal L 343, 29/12/2010 P. 0010 – 0016*

*[Whereas]*

(30) This Regulation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, and in particular by Article 21 thereof, which states that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited. This Regulation should be applied by the courts of the participating Member States in observance of those rights and principles.

### **2. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification**

*Official Journal L 251, 03/10/2003 P. 0012 – 0018*

*[Whereas]*

(5) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation.

### **3. Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000**

*Official Journal L 338, 23/12/2003 P. 0001 – 0029, last amended by Council Regulation (EC) No 2116/2004 of 2 December 2004, Official Journal L 367, 14/12/2004 P. 0001–0002*

## **Chapter V Relations with other instruments**

### *Article 63 Treaties with the Holy See*

1. This Regulation shall apply without prejudice to the International Treaty (Concordat) between the Holy See and Portugal, signed at the Vatican City on 7 May 1940.

2. Any decision as to the invalidity of a marriage taken under the Treaty referred to in paragraph 1 shall be recognised in the Member States on the conditions laid down in Chapter III, Section 1.

3. The provisions laid down in paragraphs 1 and 2 shall also apply to the following international treaties (Concordats) with the Holy See:

(a) "Concordato lateranense" of 11 February 1929 between Italy and the Holy See, modified by the agreement, with additional Protocol signed in Rome on 18 February 1984;

(b) Agreement between the Holy See and Spain on legal affairs of 3 January 1979.

(c) Agreement between the Holy See and Malta on the recognition of civil effects to canonical marriages and to decisions of ecclesiastical authorities and tribunals on those marriages of 3 February 1993, including the Protocol of application of the same date, with the second Additional Protocol of 6 January 1995.

4. Recognition of the decisions provided for in paragraph 2 may, in Spain, Italy or Malta, be subject to the same procedures and the same checks as are applicable to decisions of the ecclesiastical courts handed down in accordance with the international treaties concluded with the Holy See referred to in paragraph 3.

5. Member States shall send to the Commission:

- (a) a copy of the Treaties referred to in paragraphs 1 and 3;
- (b) any denunciations of or amendments to those Treaties.

## **L. EU-extension**

### ***1. Documents concerning the accession of the Hellenic Republic to the European Communities, final act, joint declaration concerning Mount Athos***

*Official Journal L 291, 19/11/1979 P. 0186*

Recognising that the special status granted to Mount Athos, as guaranteed by article 105 of the Hellenic constitution, is justified exclusively on grounds of a spiritual and religious nature, the Community will ensure that this status is taken into account in the application and subsequent preparation of provision of community law, in particular in relation to customs franchise privileges, tax exemptions and the right of establishment.

### ***2. The Schengen acquis - Agreement on the Accession of the Hellenic Republic to the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed at Schengen on 19 June 1990, to which the Italian Republic acceded by the Agreement signed at Paris on 27 November 1990, and to which the Kingdom of Spain and the Hellenic Republic acceded by the Agreements signed at Bonn on 25 June 1991***

*Official Journal L 239, 22/09/2000 P. 0083 – 0089*

*[Final act]*

II. At the time of signing the Agreement on the Accession of the Hellenic Republic to the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed at Schengen on 19 June 1990, to which the Italian Republic acceded by the Agreement signed at Paris on 27 November 1990 and to which the Kingdom of Spain and the Portuguese Republic acceded by the Accession Agreements signed at Bonn on 25 June 1991, the Contracting Parties adopted the following Declarations:

#### ***5. Joint Declaration concerning Mount Athos***

Recognising that the special status granted to Mount Athos, as guaranteed by Article 105 of the Hellenic Constitution and the Charter of Mount Athos, is justified exclusively on grounds of a spiritual and religious nature, the Contracting Parties will ensure that this status is taken into account in the application and subsequent preparation of the provisions of the 1985 Agreement and the 1990 Convention.

## M. Miscellaneous

### ***1. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA***

*Official Journal L 315, 14.11.2012, p. 0057–0073*

*[Whereas]*

(9) Crime is a wrong against society as well as a violation of the individual rights of victims. As such, victims of crime should be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health. In all contacts with a competent authority operating within the context of criminal proceedings, and any service coming into contact with victims, such as victim support or restorative justice services, the personal situation and immediate needs, age, gender, possible disability and maturity of victims of crime should be taken into account while fully respecting their physical, mental and moral integrity. Victims of crime should be protected from secondary and repeat victimisation, from intimidation and from retaliation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

(...)

(56) Individual assessments should take into account the personal characteristics of the victim such as his or her age, gender and gender identity or expression, ethnicity, race, religion, sexual orientation, health, disability, residence status, communication difficulties, relationship to or dependence on the offender and previous experience of crime. They should also take into account the type or nature and the circumstances of the crime such as whether it is a hate crime, a bias crime or a crime committed with a discriminatory motive, sexual violence, violence in a close relationship, whether the offender was in a position of control, whether the victim's residence is in a high crime or gang dominated area, or whether the victim's country of origin is not the Member State where the crime was committed.

### ***2. Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC Text with EEA relevance***

*Official Journal L 315, 14.11.2012, p. 0001–0056*

#### *Article 5 Exemplary role of public bodies' buildings*

1. Without prejudice to Article 7 of Directive 2010/31/EU, each Member State shall ensure that, as from 1 January 2014, 3 % of the total floor area of heated and/or cooled buildings owned and occupied by its central government is renovated each year to meet at least the minimum energy performance requirements that it has set in application of Article 4 of Directive 2010/31/EU.

The 3 % rate shall be calculated on the total floor area of buildings with a total useful floor area over 500 m<sup>2</sup> owned and occupied by the central government of the Member State concerned that, on 1 January of each year, do not meet the national minimum energy performance requirements set in application of Article 4 of Directive 2010/31/EU. That threshold shall be lowered to 250 m<sup>2</sup> as of 9 July 2015.

Where a Member State requires that the obligation to renovate each year 3 % of the total floor area extends to floor area owned and occupied by administrative departments at a level below central government, the 3 % rate shall be calculated on the total floor area of buildings with a total useful floor area over 500 m<sup>2</sup> and, as of 9 July 2015, over 250 m<sup>2</sup> owned and occupied by central government and by these administrative departments of the Member State concerned that, on 1 January of each year, do not meet the national minimum energy performance requirements set in application of Article 4 of Directive 2010/31/EU.

When implementing measures for the comprehensive renovation of central government buildings in accordance with the first subparagraph, Member States may choose to consider the building as a whole, including the building envelope, equipment, operation and maintenance.

Member States shall require that central government buildings with the poorest energy performance be a priority for energy efficiency measures, where cost-effective and technically feasible.

2. Member States may decide not to set or apply the requirements referred to in paragraph 1 to the following categories of buildings:

(...)

(c) buildings used as places of worship and for religious activities.

### ***3. Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings***

*Official Journal L 153, 18/06/2010 P. 0013 – 0035*

#### *Article 4 Setting of minimum energy performance requirements*

1. Member States shall take the necessary measures to ensure that minimum energy performance requirements for buildings or building units are set with a view to achieving cost-optimal levels. The energy performance shall be calculated in accordance with the methodology referred to in Article 3. Cost-optimal levels shall be calculated in accordance with the comparative methodology framework referred to in Article 5 once the framework is in place.

Member States shall take the necessary measures to ensure that minimum energy performance requirements are set for building elements that form part of the building envelope and that have a significant impact on the energy performance of the building envelope when they are replaced or retrofitted, with a view to achieving cost-optimal levels.

When setting requirements, Member States may differentiate between new and existing buildings and between different categories of buildings.

These requirements shall take account of general indoor climate conditions, in order to avoid possible negative effects such as inadequate ventilation, as well as local conditions and the designated function and the age of the building.

A Member State shall not be required to set minimum energy performance requirements which are not cost-effective over the estimated economic lifecycle.

Minimum energy performance requirements shall be reviewed at regular intervals which shall not be longer than five years and, if necessary, shall be updated in order to reflect technical progress in the building sector.

2. Member States may decide not to set or apply the requirements referred to in paragraph 1 to the following categories of buildings:

(...)

(b) buildings used as places of worship and for religious activities;

(...)

### ***4. Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC***

*Official Journal L 124, 20/05/2009 P. 0030 – 0050*

## **ANNEX**

### **AGREEMENT concluded by the ECSA and the ETF on the Maritime Labour Convention, 2006**

(...)

## **THE REGULATIONS AND THE STANDARDS**

(...)

### **TITLE 3 ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING**

#### *Standard A3.1 — Accommodation and recreational facilities*

(...)

4. In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the competent authority may, after consultation with the shipowners' and seafarers' organisations concerned, permit fairly applied variations in respect of this Standard on condition that such variations do not result in overall facilities less favourable than those which would result from the application of this Standard.

#### *Regulation 3.2 — Food and catering*

1. Each Member State shall ensure that ships that fly its flag carry on board and serve food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account the differing cultural and religious backgrounds.

(...)

#### *Standard A3.2 — Food and catering*

(...)

2. Each Member State shall ensure that ships that fly its flag meet the following minimum standards:

(a) food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, quality and variety;

(...)

### **TITLE 4 HEALTH PROTECTION, MEDICAL CARE AND WELFARE**

(...)

#### *Standard A4.4 — Access to shore-based welfare facilities*

1. Each Member State shall require, where welfare facilities exist on its territory, that they are available for the use of all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed or engaged or work.

#### **5. Council recommendation of 6 December 2007 concerning a Handbook for police and security authorities concerning cooperation at major events with an international dimension**

*Official Journal C 314, 22/12/2007 P. 0004 – 0021*

## **ANNEX - HANDBOOK FOR POLICE AND SECURITY AUTHORITIES CONCERNING COOPERATION AT MAJOR EVENTS WITH AN INTERNATIONAL DIMENSION**

### **III.2.3. Terrorist threats**

Due to the fact that the EU and some of its Member States are important players in international politics, the EU and its Member States are likely to be targets of politically or religiously motivated international terrorists. Apart from international terrorists attacking the EU or its Member States at major events, there is a possibility of attacks by terrorist groups or organisations located within the EU or its Member States.

**6. Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles (Text with EEA relevance)**

*Official Journal L 154, 14/06/2007 P. 0001 – 0021, last amended by Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012, Official Journal L 316, 14/11/2012, p. 0012-0033*

*[Whereas]*

(8) According to the principles set out in the Council Resolution of 7 May 1985 on a new approach to technical harmonisation and standards [6], a pyrotechnic article should comply with this Directive when the article is placed on the Community market for the first time. In view of religious, cultural and traditional festivities in the Member States, fireworks built by the manufacturer for his own use and which have been approved by a Member State for use on its territory should not be considered as having been placed on the market and should not therefore need to comply with this Directive.

**7. Council Regulation (Euratom) No 300/2007 of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation**

*Official Journal L 081, 22/03/2007 P. 0001 – 0010*

**Article 7 Eligibility**

(...)

2. Non-state actors eligible for financial support under this Regulation shall include: non-governmental organisations, organisations representing indigenous peoples, local citizens' groups and traders' associations, cooperatives, trade unions, organisations representing economic and social interests, local organisations (including networks) involved in decentralised regional cooperation and integration, consumer organisations, women's and youth organisations, teaching, cultural, research and scientific organisations, universities, churches and religious associations and communities, the media and any non-governmental associations and independent foundations likely to contribute to development or the external dimension of internal policies.