



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Senat for its Opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions regarding the Report on the implementation of the EU Framework for National Roma Integration Strategies {COM(2014) 209 final}.

This third annual report measured for the first time progress made by all the Member States, including Romania, in the four key areas of education, employment, healthcare and housing, as well as in the fight against discrimination and the use of funding. It also assessed the progress made at EU level.

In June 2015, the Commission adopted its fourth report {COM (2015) 299 final}, building on the contributions of all Member States including Romania. The assessment focused on the structural preconditions of successful implementation, namely: 1) securing and planning EU funding for Roma inclusion for the 2014-2020 period; 2) ensuring the effective coordination and cooperation at the national level; 3) fighting discrimination effectively; 4) monitoring the results on the ground. In 2016, all Member States will contribute to the fifth Commission report, as they are committed to through the Council Recommendation on effective Roma integration measures in the Member States of December 2013.

The Commission would also like to thank the Senat for its political commitment and support to the EU Roma inclusion process.

The Commission notes that the Senat believes that the current policies in Romania, as part of its new national Roma integration strategy, begin to work well, but are still insufficient to ensure equality for the Roma and to solve the problems faced by this community.

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Over the years, a solid legal framework has been developed to address racism, xenophobia and hate crimes at EU level. The central tool is the 2008 Framework Decision on combating racism and xenophobia. It obliges all EU Member States to penalise hate speech and to ensure that racist and xenophobic motivation of any other offence is considered an aggravating circumstance or may be taken into account by the courts in the determination of the penalties.

Moreover, the Racial Equality Directive (2000/43/EC), which has been transposed in the national law of all Member States including Romania, prohibits discrimination on grounds of racial or ethnic origin in a number of fields, among others education, employment, access to and supply of goods and services, including housing, as well as social protection, including social security and healthcare. Roma as an ethnic minority fall within the protection of this Directive, which also allows for positive action: with a view to ensuring full equality in practice, the principle of equal treatment does not prevent EU Member States from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin. The Racial Equality Directive requires Member States to provide for effective, proportionate and dissuasive sanctions in case of breaches of the obligations under this Directive.

Discrimination and prejudice against Roma is also directly addressed in the Council Recommendation on effective Roma integration measures (December 2013). The Recommendation underlines the importance of the practical enforcement of the Racial Equality Directive and draws the attention of the Member States to make use of the relevant case law of the European Court of Human Rights, as additional reference to identify illegal provisions and practices. The Recommendation also requests specific measures from the Member States to combat antigypsyism, like awareness raising, addressing the problems Roma face in education curricula and teaching materials and taking measures to combat anti-Roma rhetoric.

On the other hand, the legal definition of the status of ecological worker, as suggested by the Senat, does not fall within the remit of the European Union law.

The Commission hopes that these clarifications address the issues raised by the Senat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*