

“Advancing the Cause of Diabetes in Europe: The Example of Discrimination”

EU Diabetes Working Group meeting – 29 September 2010 **Meeting report**

Summary

*On Wednesday 29 September the **EU Diabetes Working Group (EUDWG)** met in the European Parliament to discuss discrimination of people living with diabetes. The meeting was hosted by **EUDWG Co-Chair Marisa Matias (GUE/NGL, PT)** and organised by **the European Coalition for Diabetes (ECD)**.*

*The theme of the meeting was “Advancing the Cause of Diabetes in Europe: The Example of Discrimination”. **Lex Herrebrugh**, Regional Manager of IDF Europe, and **Veerle Puttemans**, consultant to the ECD, gave an overview of how people living with diabetes are affected by discrimination, based on the results of an IDF Europe survey. **Tobias Müllensiefen**, legal officer in DG Employment, Social Affairs, and Equal Opportunities, gave a presentation on “EU anti-discrimination law and chronic diseases” and concluded that there is no definitive answer at EU level to whether having a chronic disease, such as diabetes, can be seen as a disability or not. **Anne Felton**, president of the Foundation of European Nurses in Diabetes (FEND), briefed the audience about the upcoming UN Summit on Non-Communicable Diseases (NCDs), which will be held in New York in September 2011, and called on MEPs to act in order to ensure a successful outcome of the meeting.*

On 29 September the EU Diabetes Working Group (EUDWG) held a meeting on “Advancing the Cause of Diabetes in Europe: The Example of Discrimination” in the European Parliament in Brussels. The meeting, which was hosted and co-chaired by Marisa Matias MEP (GUE/NGL, PT), one of the four EUDWG Co-Chairs, together with Anne Felton, President of the Foundation of European Nurses in Diabetes (FEND), and organised by the European Coalition for Diabetes (ECD), gathered around 25 participants including Members of the European Parliament, Commission officials, officials from the Permanent Representations of Denmark and Ireland to the EU, NGO and industry representatives (for more details, please see the participants list in annex).

Marisa Matias welcomed the participants to the meeting and reminded them of the aim of the EU Diabetes Working Group (EUDWG): to improve the prevention of diabetes and the health and quality of life of the 30 million citizens in the EU living with diabetes. Ms Matias also re-launched the call for membership of the EUDWG and encouraged the MEPs present at the meeting to become formal members, thereby supporting the diabetes community in shaping EU policies with an impact on diabetes. Moreover, she announced the launch of the new ECD website: www.ecdiabetes.eu.

While introducing the meeting topic, Ms Matias recalled that discrimination of people living with diabetes takes place in many different areas such as insurance coverage, employment

and driving licenses. How and when people with diabetes are being discriminated also varies between countries.

Lex Herrebrugh, Regional Manager of IDF Europe, noted that discrimination on the basis of health conditions still exists and that there is not enough support in the current legal framework to prevent it. He concluded that people with diabetes practically inevitably sooner or later will be discriminated. This might happen in schools, work places, social clubs, when applying for jobs, insurances or driving licenses.

Veerle Puttemans, consultant to the ECD, debriefed the audience on the key findings of the IDF Europe survey on 'Driving licenses and diabetes', conducted at the beginning of 2010. According to the survey, people with diabetes generally do not have to inform legal authorities about their medical status, when a driving license is obtained prior to diagnosis. However, serious hypos and complications may limit permission to drive and/or require more regular medical exams in order to keep their driving license. The survey also revealed that in most countries the costs of the medical exams are not covered. The IDF survey concluded with a call on the Commission to revise the 2009 Directive on driving licenses (2009/112/EC)¹, amending the original Directive from 1991, to improve the fight against the discrimination of people living with diabetes.

Tobias Müllensiefen, legal officer in DG Employment, Social Affairs, and Equal Opportunities, gave a presentation on "EU antidiscrimination law and chronic diseases". Mr Müllensiefen noted that the legal basis for the Commission's action in the field of discrimination is article 19 of the Treaty on the Functioning of the EU (TFEU)². The article states six grounds of discrimination in which the EU can be active: sex; racial or ethnic origin; religion or belief; disability; age; and sexual orientation. He also mentioned the Employment Equality Directive (2000/78/EC)³, which establishes a general framework for equal treatment in employment and occupation and protects workers against discrimination on grounds of disability, among others.

In light of Article 19 and the Employment Equality Directive, Mr Müllensiefen concluded that discrimination against people with diabetes (or chronic diseases) might fall under the 'disability' category. However, as the term 'disability' is not clearly defined, this needs to be established by the courts. Mr Müllensiefen also recalled that the European Court of Justice (Chacon Navas judgment, case C-13/05)⁴ ruled that *"the concepts of 'disability' and 'sickness' cannot simply be treated as being the same"*. In this regard, the case of a person who has been dismissed by his or her employer solely on account of sickness does not fall within the general framework laid down for combating discrimination on grounds of disability by Directive 2000/78. Mr Müllensiefen concluded that the definition of chronic diseases as 'disability' will depend on the concrete circumstances of each case.

Anne-Marie Felton, President of FEND, explained that there is also discrimination among diseases as some chronic diseases have a higher profile on the EU health policy agenda than other. She welcomed the recent inclusion of non-communicable diseases in the Millennium

¹ The Commission Directive 2009/112/EC amending Council Directive 91/439/EEC on driving licences is available [here](#).

² The Treaty on the Functioning of the EU (TFEU) is available [here](#).

³ The Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation is available [here](#).

⁴ The European Court of Justice ruling on Sonia Chacón Navas vs Eurest Colectividades SA (case C-13/05) is available [here](#).

Development Goals (MDGs) and then focused her presentation on the importance of the upcoming high level meeting of the UN General Assembly on non-communicable diseases (NCDs), which will be held in September 2011 in New York. She also reminded the audience of the significant impact of the UN resolution on 'Prevention and control of non-communicable diseases'⁵ adopted on 13 May 2010.

The Modalities Resolution meeting scheduled for December 2010 will determine the terms and reference, scope and duration of the UN high level summit meeting scheduled for September 2011 and Ms Felton called on EU policy makers present at the meeting to advocate strongly for the following: 1) a three day meeting; 2) to include NGOs in the discussions and ensure the ECD representation participate in the summit as part of the EU delegation; 3) to put pressure on all key policy makers, such as Heads of State, to attend the meeting; and 4) to establish an official EU position to put forward at the meeting."

Moreover, as two countries will be appointed by the UN to drive the work, namely one developing country and one developed country, Ms Felton urged MEPs to ensure that an EU member is appointed for that key role. Finally, Ms Felton asked to push for the UN summit to result in an "outcomes statement" for which member states can be held accountable, rather than a weaker "dedaration", as had been requested by some countries.

During the final exchange of views, Georgios Papanikolaou MEP (EPP, GR) mentioned how a young member of his own family had been subject to discrimination at school after having been diagnosed with diabetes and underlined the need to tackle this serious problem. Mr Papanikolaou expressed his full support for any action taken in this direction.

Marisa Matias proposed to the MEPs present in the audience, namely Ms Ilda Figueiredo (GUE/NGL, PT) and Mr Georgios Papanikolaou MEP (EPP, GR), to join forces against discrimination in the area of diabetes with a Written Declaration. She mentioned the possibility of issuing a European Parliament own initiative report on diabetes, and welcomed Ms Felton's requests on how to ensure the success of the upcoming UN summit on NCDs. Finally, she explained that she is currently the Rapporteur on the report for an EU Strategy on Alzheimer and she hopes to be able to do the same on diabetes in the future.

To conclude the meeting, Marisa Matias reminded participants of the key upcoming diabetes events:

- In the context of World Diabetes Day (14 November 2010), IDF Europe is organising screening sessions and a press conference on 9 and 10 November. The press conference will be co-hosted by Ms Matias and her colleague Simon Busuttil, Co-Chair of the EUDWG as well, and will feature the screening of the movie Blood Life starring Dr. De Clerck, a Belgian nun explaining the work she has been doing in Congo with people with diabetes.
- The next EUDWG meeting "The Grand Challenge: Delivering for Diabetes in Europe" that will take place on 8 December in the European Parliament under the auspices of the Belgian Presidency. Health Commissioner Dalli and Research Commissioner Geoghegan-Quinn have already confirmed their presence.

⁵ The UN Resolution on Prevention and control of non-communicable diseases is available [here](#).

For more information about the 29 September EUDWG (including speakers presentations) or any previous EUDWG meetings, please visit www.ecdiabetes.eu.

To become a member of the EUDWG, please complete the form in annex and return it to secretariat@ecdiabetes.eu or by fax to +32 (0)2 537 19 81.

Photos from the EU Diabetes Working Group meeting - 29 September 2010



In the photo above: Anne Felton, Marisa Matias and Tobias Müllensiefen



In the photo above: Lex Herrebrugh



In the photo above: Anne Felton