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| **OPINION** |
| European Economic and Social Committee |
| **The European Disability Card** |
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| The European Disability Card (Exploratory opinion from the European Commission) |
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| **SOC/765** |
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| Rapporteur: **Ioannis VARDAKASTANIS** |
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| Referral | Exploratory opinion from the Commission, 20/01/2023 |
| Legal basis | Article 11 of the Treaty on the Functioning of the European Union |
| Section responsible | Employment, Social Affairs and Citizenship |
| Adopted in section | 03/04/2023 |
| Adopted at plenary | 27/04/2023 |
| Plenary session No | 578 |
| Outcome of vote (for/against/abstentions) | 135/02/03 |

1. **Conclusions and recommendations**
   1. The EESC welcomes the flagship initiative of the European Commission which will launch a European Disability Card, enabling the right to free movement and residence across the EU for persons with disabilities by **facilitating the mutual recognition of disability status for card holders**. The European Disability Card has been a long-standing request and a high priority of the disability movement, given the ongoing limitations to the freedom of movement rights that the non-recognition of disability upholds.
   2. **The EESC underlines that the non-mutual recognition of disability hinders the availability of support measures for persons with disabilities, implying a direct denial of the realisation of their rights** to travel and/or move to other EU countries.

## The EESC understands that the improvement of this freedom of movement achieved by the mutual recognition of disabilities would enhance the **construction of a common European identity and lead to greater consistency** for persons with disabilities, creating awareness among service providers about the lack of accessibility and **improving access in the long run**. This will benefit them, at the same time, by increasing the number of visitors.

## The European Disability Card will also **strengthen the collaboration between different national authorities and government agencies to raise awareness of disability issues**, giving certain persons with invisible disabilities a tool to facilitate access to advantages and services without having to explain their disabilities. It will also ease the provision of services to persons with disabilities from Member States that do not have a national disability card by providing a document that they can use also at national level as a proof of disability.

## The EESC underlines the importance of complementing the launch of the European Disability Card with measures, both at European and national level, aimed at **improving the general accessibility of built environments, transport, services and goods** in accordance with Directive (EU) 2019/882[[1]](#footnote-1), Directive (EU) 2016/2102[[2]](#footnote-2), regulations on transport accessibility[[3]](#footnote-3) and related accessibility standards.

* 1. The EESC is pleased that the Commission is proposing a legislative initiative for the European Disability Card, and calls for the European Commission **to propose a regulation, as it is a more appropriate instrument** to ensure agility in the application and to avoid differences in implementation at national level.
  2. The EESC stresses the importance of including in the European Disability Card **the scope of access to all forms of services, benefits and discounts already granted at national level**, accepted by all services offering preferential conditions or adaptations to persons with disabilities, whether provided by public or private entities.
  3. The EESC recommends that the European Disability Card provide the possibility to **grant access to benefits linked to public social policies and/or national social security systems on a temporary basis** when a person with a disability has moved to a Member State to study or to work, at least throughout the process of getting the disability re-assessed and certified.
  4. While the recognition of disability through the European Disability Card does not imply the homogenisation of the disability assessment models among Member States, it compels Member States to **improve current systems based primarily on a medical approach to be more in line with models that abide by the UNCRPD**.
  5. The EESC believes that **the card must be in physical form with digital capabilities**, fully accessible and with a standardised ID size, including information about the personal assistance and/or accompanying person for the owner of the card.
  6. The EESC suggests that the European Disability Card legislation must include an **EU-level, fully accessible website, with an easy-to-read version and sign language availability, available in all EU languages, providing practical information for every country**. It must also include EU-wide and national awareness-raising campaigns in all EU languages for the general public, potential card users and service providers.
  7. The EESC supports the proposal to develop the new legislation for the EU Parking Card together with the proposal for a European Disability Card. Nevertheless, it calls for the Commission to take into account that **both cards must remain physically separate** in all cases.
  8. The EESC stresses the importance for EU institutions to **maintain close collaboration with persons with disabilities, as well as EU-level, national, regional and local representative organisations of persons with disabilities (DPOs)** in the development, execution and later assessment of the European Disability Card.
  9. The EESC understands that the European Disability Card is **fully in line with the General Data Protection Regulation (GDPR)**[[4]](#footnote-4) **and protects the personal information of the user**. It asks the Commission to guarantee a high level of protection of this data, together with security and anti-counterfeiting measures, through the proposed legislation in the design and use of the European Disability Card.

1. **General comments**
   1. The EESC notes that European citizenship status, as observed by Article 20 of the Treaty on the Functioning of the European Union, entails **the right to move and reside freely within the territory of the Member States**[[5]](#footnote-5). For persons with disabilities, this right is protected by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), ratified by the European Union and the 27 Member States, in Article 18, determining the liberty of movement, freedom to choose their residence and nationality, **on an equal basis with others**. Understanding disability as a series of impairments which in interaction with various barriers may hinder the full and effective participation in society on an equal basis with others[[6]](#footnote-6), it is the responsibility of society as a whole, in particular through national and European public policies, to protect and effectively enable the realisation of this right.
   2. Under this framework, the provision of support, assistance, accessibility measures, specific services, reasonable accommodation, positive actions and other forms of benefits to persons with disabilities are the tools through which the equal enjoyment of rights is accomplished and barriers are overcome. Hence, **the non-recognition of disability that hinders the availability of these support measures implies a direct denial of the realisation of the rights** of the 87 million persons with disabilities living in the EU to travel and/or move to other EU countries.
   3. The EESC is pleased that the Commission is proposing a legislative initiative for the European Disability Card, and strongly recommends that the European Disability Card be established through a **regulation, applicable in all Member States in a rapid, effective and homogeneous manner. A regulation is a more appropriate instrument** to ensure agility in the application and to avoid differences in implementation at national level. The legislation cannot have the character of recommendation, as that would not allow for the card to have universal and homogeneous applicability. In the case of a directive, there would be a high risk of an undefined extension of the time needed to transpose it, with potential situations where European Disability Cards have an active status in some Member States but other EU countries do not have proper legislation applying its benefits. On the other hand, a regulation would have immediate effect in every Member State.
   4. The European Disability Card, facilitating the removal of barriers for persons with disabilities to move freely in the EU, would hence work and **have the characteristics of a European Disability Passport**, allowing the identification of and the subsequent access to all the rightfully deserved services and benefits.
   5. The EESC believes that **the pilot project launched** between 2016 and 2019 in eight Member States **showed the feasibility of the card and the opportunities it brings to users**, how it enables easier mobility by granting access to beneficial conditions on particular services already available to persons with disabilities of the host Member State.
   6. The assessment of the pilot project[[7]](#footnote-7) developed in 2021 detailed this effectiveness. For instance, **the use of the card boosted participation of persons with disabilities** in the culture and leisure sectors, cross-border mobility increased and many users improved their tourism experiences abroad.
   7. Nevertheless, the assessment also showed that **users requested greater ambition and coverage of more sectors, including the transport sector**, which was limited. Also, awareness raising campaigns were deemed highly necessary so potential users could better understand the new possibilities and service providers could recognise the card and the discounts and services it entailed.
   8. The assessment report clearly expresses the opportunities but also the requests from persons with disabilities and the potential gaps the European Disability Card may highlight if the sectors covered are limited. Hence, the EESC highlights the importance of **granting access to all forms of services, benefits and discounts already granted at national level** for users of the European Disability Card, accepted by all services offering preferential conditions or adaptations to persons with disabilities, whether provided by public or private entities. It believes that the legislation should not set a limited list of sectors but apply to all services of the EU single market, as listing would entail many exceptions, maintaining most of the current obstacles and limiting its effectiveness.
   9. The EESC understands that, regarding the coverage of benefits linked to public social policies and/or national social security systems such as direct economic support, provision of personal assistance, support for students or work-related benefits for companies when hiring employees with disabilities, the European Disability Card should provide the possibility of **granting such services on a temporary basis when a person with a disability has moved to a Member State to study or to work**, at least throughout the process of getting the disability re-assessed and certified. This will mean that persons with disabilities moving to another Member State for a job or to study (e.g. Erasmus+ programme) will have the possibility to access any support required to work or study on an equal basis.
   10. The EESC highlights that the European Disability Card is **fully in line with the General Data Protection Regulation (GDPR)**[[8]](#footnote-8) **and protects the personal information of the user**, given that the use of this document to access services and benefits safeguards the person from being obliged to show and inform about personal data, in particular the disability assessment and personal health information.
   11. The European Disability Card proposal should include the **launch of** **an enforcing and monitoring system**, in order to ensure its smooth and effective implementation, together with a structure to channel and manage complaints and requests from users.
   12. The EESC understands that the recognition of disability through the European Disability Card does not imply the homogenisation of the disability assessment models among Member States. Nevertheless, it compels Member States to **improve current systems based primarily on a medical approach to move towards models that abide by the UNCRPD**. According to the recent European Parliament research on *Disability assessment, mutual recognition and the EU Disability Card*, there is a strong consensus on the need to improve the adoption of shared principles and greater harmonisation on disability assessments, disability definitions and mutual recognition. Also, it understands that existing assessment systems have focused more on individual characteristics than environmental ones, relying heavily on medical knowledge or tests of individuals functioning out of context rather than a more holistic approach that considers people's actual life situations[[9]](#footnote-9).
2. **Specific comments**
   1. The EESC believes that, concerning the format, **the card must be physical, with digital capabilities** – for example, a QR code and/or electronic chip linking to the disability assessment details would be a positive addition. This physical card must be completely accessible, with braille description, and a standardised ID size.
   2. The European Disability Card project must include an **EU-level website that provides practical details for every country**, such as where to get the card and how it works. The EU website should be available in every language and must be accessible at the highest level of conformance (AAA) of the Web Accessibility Guidelines[[10]](#footnote-10), with easy-to-read formats and sign language availability, as should the national websites and the full process of acquiring the card.
   3. The European Disability Card should also include **information about the personal assistance and/or accompanying persons for the owner of the card**, in order to include them within the scope of the benefits and support whenever it is applicable. This information can be expressed with a concrete symbol or mention in the physical card.
   4. The EESC believes that the use of **the European Disability Card must be voluntary**, with it being codified in the law that each person with a disability can decide themselves if they want to apply for the card and it should never be an obligation to hold such a card to prove a disability.
   5. The EESC urges the Commission to provide **a funding instrument to set up the European Disability Card in all EU Member States including the EU-wide website**. Afterwards, continued funding for the printing and issuing of the card, staff, communication and maintenance of the website and related tools such as possible mobile applications must be ensured. This could be done either through a continuation of the EU funding instrument and/or national funding streams.
   6. Communication and awareness raising about the European Disability Card is crucial to make sure it reaches all the potential beneficiaries and service providers. **The launch of the card should be paired with EU-wide and national awareness-raising campaigns** for the general public, for potential card users to apply and for service providers to join the scheme so it can reach its full potential, in all EU languages, easy-to-read and sign-language formats, to ensure accessibility for all. Particular effort must be made to reach those persons with disabilities who may have more difficulties accessing information about the existence and benefits of and the processes involved in acquiring the card, such as persons with psychosocial or intellectual disabilities and those who have a limited support system, as is the case for refugees with disabilities. To better reach Ukrainian refugees with disabilities, there should also be communication in Ukrainian. This campaign has to be followed up with regular communication to update card holders and the general public on new additions to the card scheme and benefits of the card in general to ensure this EU project is highly visible.
   7. The EESC highlights the relevance for the EU institutions of **maintaining close collaboration with persons with disabilities, as well as EU-level, national, regional and local representative organisations of persons with disabilities (DPOs)**. The project should be carried out with the full involvement of persons with disabilities and their representative organisations. This should happen both at policy level to develop the card and executive level to implement and distribute it, as well as to communicate about it. The Commission should organise yearly exchanges on challenges, progress and good practices among Member States, involving persons with disabilities and DPOs, to improve the scope and use of the card over time.
   8. The implementation of the European Disability Card should include **a process of data collection** on anonymised information about beneficiaries, disaggregated by gender and age.
3. **EU Parking Card**
   1. The EESC understands the importance of **updating the legislation harmonising the characteristics and functioning of the EU Parking Card**. The different formats of the card implemented at national, regional or even local level still imply obstacles and malfunctioning for users. Nevertheless, its use is of paramount importance for many persons with disabilities, in particular as it is the only solution that allows access to restricted urban areas, given public transport is often no alternative due to lack of accessibility.
   2. The EESC believes the format, characteristics and issuing procedure of the EU Parking Card should be harmonised, in a form which is binding for Member States and clearly communicated to card users. T**he controls on fraudulent use of the card and illegal use of parking spaces reserved for persons with disabilities should be strengthened**, and harder security and anti-counterfeiting measures should be implemented along with higher and more effective fines against misuse and forgery. The awareness-raising campaign should also be aimed at the general public as regards tackling the illegal use of reserved parking spaces.
   3. **The legislation on the EU Parking Card should further harmonise the rules on eligibility and the issuing procedure**, in a form which is binding for Member States and clearly communicated to card users. It can also facilitate the exchange of good practices between the national authorities by starting a Commission working group on the subject, allowing ideas to develop at EU level.
   4. The development of the new legislation for the EU Parking Card, together with the proposal for a European Disability Card, must take into account that **both cards must remain physically separate** in all cases. Not all persons with disabilities who are potential holders of the disability cards also drive a vehicle and, for practical reasons, the parking card has to stay in the parked vehicle, while the European Disability Card should be carried by the user.

Brussels, 27 April 2023

Oliver Röpke

The President of the European Economic and Social Committee

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1. [OJ L 151, 7.6.2019, p. 70](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882). [↑](#footnote-ref-1)
2. [OJ L 327, 2.12.2016, p. 1](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2016.327.01.0001.01.ENG&toc=OJ%3AL%3A2016%3A327%3ATOC) [↑](#footnote-ref-2)
3. [OJ L 204, 26.7.2006, p. 1](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32006R1107#:~:text=Regulation%20%28EC%29%20No%201107%2F2006%20of%20the%20European%20Parliament,MT%2C%20NL%2C%20PL%2C%20PT%2C%20SK%2C%20SL%2C%20FI%2C%20SV%29); [OJ L 46, 17.2.2004, p. 1](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004R0261#:~:text=Regulation%20%28EC%29%20No%20261%2F2004%20of%20the%20European%20Parliament,of%20flights%2C%20and%20repealing%20Regulation%20%28EEC%29%20No%20295%2F91); [OJ L 334, 17.12.2010, p. 1](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32010R1177#:~:text=Regulation%20%28EU%29%20No%201177%2F2010%20of%20the%20European%20Parliament,Regulation%20%28EC%29%20No%202006%2F2004%20Text%20with%20EEA%20relevance); [OJ L 123, 17.5.2003, p. 18](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32003L0024); [OJ L 315, 3.12.2007, p. 14](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32007R1371); [OJ L 356, 12.12.2014, p. 110](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R1300); [OJ L 55, 28.2.2011, p. 1](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32011R0181); [OJ L 42, 13.2.2002, p. 1](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0085). [↑](#footnote-ref-3)
4. [OJ L 119, 4.5.2016, p. 1](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679). [↑](#footnote-ref-4)
5. [OJ C 115, 9.5.2008, p. 47](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2008:115:TOC) Article 20, 2. a). [↑](#footnote-ref-5)
6. United Nations. (2006). Convention on the Rights of Persons with Disabilities. Treaty Series, 2515, 3. [↑](#footnote-ref-6)
7. European Commission. 2021. Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits. Final Report <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8407&furtherPubs=yes> [↑](#footnote-ref-7)
8. [OJ L 119, 4.5.2016, p. 1](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679#:~:text=Regulation%20%28EU%29%202016%2F679%20of%20the%20European%20Parliament%20and,%28General%20Data%20Protection%20Regulation%29%20%28Text%20with%20EEA%20relevance%29). [↑](#footnote-ref-8)
9. European Parliament, *Disability assessment, mutual recognition and the EU Disability Card. Progress and opportunities*. Policy Department for Citizens' Rights and Constitutional Affairs Directorate-General for Internal Policies PE 739.397 - November 2022. [↑](#footnote-ref-9)
10. Web Content Accessibility Guidelines (WCAG) 2.0 <http://www.w3.org/TR/WCAG20/>. [↑](#footnote-ref-10)