



EDF Position on the European Disability Card 2022

European Disability Forum Position Paper
By Marie Denninghaus | May 2022

Recommendations to policy makers



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Introduction

The European Disability Forum

The European Disability Forum is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisation of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

Acknowledgements

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Executive Summary

The European Disability Card is necessary to facilitate freedom of movement for persons with disabilities in the EU, which is a right which is still de facto denied to many.

The Card should be based on binding EU legislation, allow for mutual recognition of one's disability status, cover a maximum of different areas beyond culture, leisure, and sport, be accompanied by an EU-level website and online database as well as an EU funding instrument and a communication and awareness raising campaign to ensure the biggest

possible impact, and it should not be combined physically with the European Parking Card.

And above all, persons with disabilities and their representative organisations have to be closely involved in the development and implementation.

Introduction

The idea of a European Disability Card has been a priority for our work ever since our “Freedom of Movement” campaign in 2011 and has indeed been a demand that emerged from the disability movement even earlier.

Following the Commission’s voluntary Project Working Group on the Card, which started in 2013, and the subsequent pilot project which was launched in 2016, we now have a concrete commitment of the Commission with the Strategy on the Rights of Persons with Disabilities. In this document, published in 2021, the Commission announces that it will issue a proposal for a European Disability Card by 2023.

Now, 1 year after this announcement, many things remain unclear. What format will the Card have? Will it be compulsory in all Member States? For all persons with disabilities? And what legal form could it be based on to ensure that it is most useful to persons with disabilities?

These questions will be examined in our analysis below and summarized in our policy recommendations towards the European Commission at the end of this document, always according to our motto “Nothing about us, without us!”.

Analysis

Why we need a European Disability Card

Free movement of persons to work and live in different EU Member States is one of the four basic freedoms of the EU and is enshrined in the EU Treaties. **But this freedom is de facto denied to many persons with disabilities.**

Following a survey in the context of our 2011 top campaign on Freedom of Movement and the accompanying publication “Freedom Guide”¹, 62.2% of Europeans with disabilities claimed that existing barriers have already prevented them from travelling to another Member States². And 63.1% of interviewees did not believe that persons with disabilities can enjoy Freedom of movement under the same conditions as other European citizens³. The reasons for this are mainly a lack of accessibility on the one

¹ <https://www.edf-feph.org/publications/edf-freedom-guide-2011/>

² EDF Freedom Guide (2011), p. 37

³ EDF Freedom Guide (2011), p. 39

hand, and the difficulties to have one's disability status recognized abroad.

10 years have passed since the publication of the original Freedom Guide and our top campaign, and some things have improved. The European Accessibility Act – another long-standing demand of the disability movement – was adopted in 2019. We have the Directive on Accessibility of Public Sector Bodies' Websites 2016, we have EU legislation on passengers' rights, rail accessibility, non-discrimination in the workplace, and we have a new EU Strategy on the Rights of Persons with Disabilities which will hopefully pave the way for more progress until 2030.

But some issues remain: the way that one's disability is assessed remains a national issue and in many cases with a purely medical approach to disability. There is no EU-wide portability of disability-related benefits, which means persons with disabilities moving abroad to work or study risk their security.

Not all those issues can be solved by a European Disability Card, at least not in the first phase. But nevertheless, we need a Card because it has the potential to:

- Allow for mutual recognition of disability status across EU countries
- facilitate travelling in the EU for persons with disabilities and help create a common European identity
- create more awareness among service providers about (the lack of) accessibility and improve access in the long run, and at the same time benefit them by increasing visitor numbers
- strengthen the collaboration between different national authorities and government agencies and raise awareness of disability issues nationally
- give certain persons with (invisible) disabilities a tool to facilitate access to advantages and services without having to explain their disabilities
- provide persons with disabilities from Member States that do not have a national Disability Card a document that they can use also on national level as a proof of disability.

Legal base and form

Any proposal for an EU-wide Disability Card should take the form of **binding legislation**. This means, it should be either a Regulation or a Directive.

This is necessary to avoid problems with harmonization between the different Member States as it is for example the case with the European Parking Card: if the Member States can decide individually what

advantages and services are covered, this leads to confusion for the Card users and does not achieve the goal of facilitating freedom of movement.

Equally, a binding piece of legislation is preferable to ensure that we have the same Card model everywhere which is easily recognizable for service providers and Member State authorities.

Furthermore, to avoid discrimination between persons with disabilities, the criteria of who receives the Card should be clear and ideally harmonized as well. The minimum level is the mutual recognition of the Cards when a Card holder is travelling to another Member State.

Concerning the legal base, we have received expert legal advice and there are three feasible options: [Articles 19, 114 and 352 TFEU](#)⁴ could all be used to achieve a legally binding Card for all EU Member States. All of them have of course advantages and disadvantages that need to be carefully weighed up against each other.

It also has to be ensured that the use of the Card is **voluntary**. It has to be 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 ones' disability to avoid discrimination and stigmatization.

Content of the Card

The scope of the Card should cover a maximum of different areas that go beyond culture, leisure, and sport. Those are "nice to have" but to make a real difference in the lives of persons with disabilities, other areas such as **transport should also be included on a mandatory level**. In some Member States, for example, persons with disabilities can use public transport for free – this should also apply to persons with disabilities who are staying temporarily in that Member State. Additionally, having the Card will help persons with invisible disabilities to request assistance when travelling across the EU. Other areas that could be included are for example commercial benefits, education, or employment.

To begin with education, the Card should allow at least persons participating in **EU Mobility Programmes** such as ERASMUS+ or the European Solidarity Corps to receive the same benefits as their peers when they are abroad. A student on an ERASMUS exchange semester, for example, should receive the same level of assistance and support at their host university as a national student would, in addition to the ERASMUS

⁴ Treaty on the Functioning of the European Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

mobility grant. This will stimulate the participation of young persons with disabilities in EU Mobility Programmes.

In terms of employment, the Card should facilitate the **transition when moving to another EU Member State for work**. Seeing as though the re-assessment of ones' disability status and the change to the national system of disability benefits usually takes a long time, sometimes even several years, this "in-between" period should be bridged with the Disability Card. This will make it easier and motivate more persons with disabilities to move abroad for work, who are now in fear of losing their national support system while waiting for admission in the new system.

In Member States where **commercial benefits** exist that are defined in national law and are available to nationals with a disability, those should also become available for Disability Card holders. This could for example include affordable telecommunications for persons with disabilities, a reduction in energy bills, or discounts for assistive devices. This case will also concern mainly persons with disabilities in the "transition" phase when moving abroad and before their disability is officially recognized according to the national system.

In several pilot projects, the Card is linked to a national database with the available advantages and places where the Card is recognized and can be used, such as the [Belgian website for example](#)⁵. While discounts and reductions should always apply if they are also available to nationals with a disability, even if the provider is not listed in this database, it is a very useful tool and should also be part of the Card project in each Member State. Ideally, there should be **an EU-level website available in all EU languages** with such a database, that can be browsed by Member State, to facilitate the use for Card holders. This would be much easier for users to navigate than 27 different websites with different layouts, structures, and languages and it will also save costs. It goes without mentioning that this website has to be fully accessible and include information in Easy-to-Read format.

The website should also contain detailed information for interested service providers on how they can be listed and participate in the project to give them visibility as well as advice on improving accessibility.

Concerning the **format** of the physical Card, there are several good practice examples from the pilot projects. Ideally, the Card would have a credit-card format that can be combined (if applicable) with the national Disability Card on the front or back. Security features should be included to prevent fraudulent use and it should not contain any unnecessary or supplementary information about the person. While on some national

⁵ <https://eudisabilitycard.be/en/partners-european-disability-card>

disability cards it is the norm to include ones' level or type of disability, on the EU side the type of disability should not be included. The Card should have a standard EU-wide format provided in or derived from the legislation and the information should be in at least the national language(s) and English. It should of course also be as accessible as possible (with both tactile and written information in high contrast to maximizing legibility, and Braille). The Card could also include digital capabilities which can ensure its electronic use when possible.

Practical considerations

One of the first and foremost practical consideration is **funding**. The EU should provide a funding instrument to set up the Card in all EU Member States including the EU-wide website. Then, 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 have to be ensured. This could be done either through a continuation of the EU funding instrument and/or national funding streams. This has to be an obligation under the anticipated legislation.

Resources, especially human resources, also have to be provided to find potential new service providers and benefits that could be added to the database. Training should be provided to those institutions and businesses that accept the Card so they know how to recognize and use the Card as well as improving accessibility of their facilities. It is important to see the Card as a "work in progress" that is not finished once the Card is officially launched and the first round of Cards has been distributed but it should be constantly improved and widened both in scope and reach.

Almost as important as setting up and issuing the Card, is **communication and awareness raising**. The launch of the Card should be paired with an EU-wide and national awareness-raising campaign in all EU languages, both for the general public, potential Card users to apply, and for service providers to join the scheme and reach its full potential. 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 high visibility of this EU project.

Close collaboration with EU-level as well as national, regional, and local Disabled Persons' Organisations (DPOs) is also key. This should not be a "top-down" project but it should be executed with full involvement of persons with disabilities and their representative organisations. This should happen both on policy level to develop the Card as well as on the executive level to implement and distribute the Card, as well as to communicate about it. The Commission should organise yearly

exchanges on challenges, progress and good practices among Member States, and involving representative organisations of persons with disabilities, to improve the scope and use of the Card over time.

Finally, there have been considerations to combine the Disability Card with the European Parking Card which has already existed for several decades. While it could be an option to cover both Cards under the same legislation, it has to be ensured that the physical Cards have to remain separate. Not all persons with disabilities who are potential holders of the Disability Cards also drive a car. And for practical reasons, the Parking Card has to stay in the (parked) car while the Disability Card should be carried by the user.

Policy recommendations

The Card should

- be based on **binding EU legislation**, i.e. a Regulation or a Directive
- allow for **mutual recognition of one's disability status**
- cover a maximum of different areas beyond culture, leisure, and sport. It should by default also cover national, regional, and local public **transport, education** in the framework of EU Mobility Programmes, facilitate **employment** in the transition phase to access the national disability benefit system when moving abroad, as well as **commercial benefits**.
- Be accompanied by an **EU-level website and online database** available in all EU languages
- be accompanied by an **EU funding instrument** that ensures continuity and a lasting legacy beyond the initial launch
- be accompanied with a **communication and awareness raising campaign** to ensure the biggest possible impact
- **not be combined physically with the European Parking Card** but they should be kept separately.

Throughout the entire process from the policy and legislative procedure to the implementation and communication of the Card, persons with disabilities and their representative organisations have to be closely involved.

References

- [EDF Freedom Guide \(2011\)](#)

- [EDF webpage about the Disability Card campaign](#)
- [European Commission website about the Disability Card](#)

Document credits

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