



EDF's proposed amendments for a European Disability Card and European Parking Card

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EDF proposed amendments

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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 organisations 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.



Introduction

Our initial reception of the proposal is very positive. The proposal will result in binding legislation for both Cards. Most priorities we highlighted have been included in the proposal, including the key element of mutual recognition of disability status across Member States, and having a broad scope instead of a limited list of services as in the [Disability Card pilot project](#)¹.

The Disability Card will serve as a basis for raising greater awareness of diversity and promoting the acceptance of people with disabilities in society, while also enhancing social responsibility and supporting free movement of persons with disabilities within the European Union. The Disability Card will also be particularly helpful for people with invisible disabilities, who are often faced with additional attitudinal barriers.

In the context of what an instrument like the Disability Card can achieve, it is very promising in the sense of guaranteeing non-discrimination when moving across EU countries and creating certainty and removing administrative barriers for both persons with disabilities and private and public operators of services, facilities and activities. We very much applaud the inclusion of transport as one of the most relevant aspects of the Commission's proposal.

However, it must also be noted that the Cards will not solve all the problems of free movement for persons with disabilities. Essentially, the Disability Card will provide assurance of mutual recognition of disability for persons with disabilities for all services, facilities and activities for short stays in other EU Member States.

But persons with disabilities will still face significant barriers to free movement when moving permanently to another Member State to work or study, as when doing this they lose the disability-related social protection of their Member State of residence (e.g. provision of reasonable accommodation in employment or education, personal assistance, access to adapted housing...). Unfortunately, the Disability Card proposal did not address this matter, despite free movement being one of the core rights of EU citizenship.

Thus, to strengthen the text of the proposal and to get the most out of the two Cards, we make the following proposals for amendments. We also call on the EU institutions to move quickly to improve the proposal and adopt it as soon as possible. We stand ready to engage with all policy makers who wish to have further information on how these cards impact persons with disabilities.

¹ <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8407&furtherPubs=yes> , retrieved on 18 October 2023

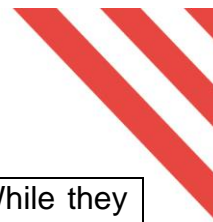


Executive Summary

- **Article 2.1 (Scope) should be retained** as it is in the Commission proposal to allow for the widest scope possible
- **Article 2.2 (Scope) should be extended to include temporary protection** when moving permanently to another Member State to work or study, while a persons' disability status is being reassessed.
- Article 4 (beneficiaries) should also **include third country nationals** who are residents of an EU Member State and have a recognized disability
- Article 6 (Format, mutual recognition, issue and validity of the European Disability Card) shall state clearly that the Card should be **free of charge and voluntary**.
- Article 7 (Format, mutual recognition, issue and validity of the European Parking Card for persons with disabilities) should include a new **database on the applicable parking rules**
- Article 9 (Surveillance, compliance, accessibility of information and awareness raising) should be extended to include **EU-level funding**, an online **database with the relevant information on the Disability Card**, as well as an **EU-coordinated awareness raising campaign**.
- Persons with disabilities and their representative organisations shall be **meaningfully involved** in the Committee procedure and the development of delegated acts (Articles 11 and 12)
- Annex II (the Parking Card model) shall also contain **writing in Braille**

Recitals

Commission proposal	EDF amendments
<i>new</i>	<i>An exemption shall be added to Art. 2.2 to allow for temporary recognition of ones' disability status for the transition phase when moving abroad for work or studies, and while one is undergoing the reassessment procedure to have ones' disability recognized by the new Member State. This exemption shall also apply to participants in EU Mobility Programmes, such as ERASMUS+ for example.</i>
Justification:	
Persons with disabilities will still face a gap in the provision of vital services, such as personal assistance, adapted housing, provision of reasonable accommodation, assistive devices,	



etc., when moving permanently to another Member States for work or studies. While they immediately lose their right to social security related benefits in their home country, it takes months or sometimes years to have their disability recognised in the new country of residence. In the interim period, the persons concerned are left with nothing and must pay for these vital services out of their own pocket. We believe that the EU does have scope for action here, especially because Article 21(2) of the Treaty on the Functioning of the EU as a residual legal base, provides for the EU to adopt legislation to “facilitate the right of EU citizens to move and reside freely within the territory of the Member States.”[3]

Example: A person using personal assistance wants to move from Member State A to Member State B for work. Since disability benefits are coupled to residence in MS A, the person loses their right to receive disability benefits as well as their personal budget to pay for personal assistance upon arrival in MS B. However, in MS B it can take more than one year to have their disability recognized. In the meantime, the person has to pay for personal assistance themselves, leaving them in a precarious administrative and financial situation.

Therefore, EDF asks that the Disability Card should provide this temporary protection while the disability is being re-assessed in the new country of residence when somebody moves with a work contract or is enrolled in an education facility of the new country of residence.

The same is true for people, including young people, that are participating in EU Mobility Programmes. That means that students or volunteers moving abroad to study or do a work-related experience will still lose their social security benefits from their Member State of residence and will not automatically get disability status in their host country. They usually stay longer than a “short” period, but are not residents either, so they can either not have their disability re-assessed, or even if they can, the waiting time is often so long that the procedure cannot be finished during the time of their studies/work experience. Again, those people stay without any financial support and often have to pay for assistance, support services, or assistive devices out of their own pockets.

Commission proposal	EDF amendments
<i>new</i>	<i>In order to strengthen the proposal on the Parking Card and to make some concrete improvements for persons with disabilities, a new database shall be set up to inform persons with disabilities of the different parking rights and rules concerning disabled parking spaces in the different Member States and its regions, cities, and municipalities.</i>



Justification:

Currently there is no such database or website on EU level available and it is difficult to find out what the rules for disabled parking spaces are. They differ significantly across Member States, regions, cities, or even municipalities in the EU. In Brussels for example, this can lead to the situation that the rules on disabled parking spaces are different on one side of the street to the other because different municipalities are competent in each case. This should also be addressed in the Directive, for example by setting up an EU-level database to easily access information about parking rules and parking spaces.

Article 2.1 - Scope

Commission proposal	EDF amendments
<p>1. This Directive shall apply to parking conditions and facilities and to all situations where special conditions or preferential treatment are offered by private operators or public authorities to persons with disabilities as regards access to the following services, activities and facilities:</p> <ul style="list-style-type: none"> - services within the meaning of Article 57 TFEU, - passenger transport services, - other activities and facilities, - including where not provided for remuneration. 	<p>Article 2.1 should be retained.</p>
<p>Justification:</p> <p>This is a very strong point of the Directive as it does not limit the services in question to a specific list like in the pilot project, but it reverses the logic that rather all services are concerned unless they are specifically excluded. This is very much welcomed by the disability movement and should definitely be retained in the final text.</p>	

Article 2.2 - Scope

Commission proposal	EDF amendments
<p>2. This Directive does not apply to:</p>	<p>2. This Directive does not apply to:</p>



- (a) benefits in the area of social security under Regulations (EC) No 883/2004 and (EC) No 987/2009;
- (b) special contributory or non-contributory cash benefits or benefits in kind in the area of social security, social protection or employment;
- (c) social assistance covered by Article 24(2) of Directive 2004/38/EC.

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- (b) special contributory or non-contributory cash benefits or benefits in kind in the area of social security, social protection or employment;
- (c) social assistance covered by Article 24(2) of Directive 2004/38/EC.

3. Exceptions to paragraph 2 shall be made by Member States to ensure equal treatment and opportunities between national and other Europeans with disabilities:

- a) when a European Disability Card holder moves to the Member State with to a work contract or enrolment in an education institution until their disability is re-assessed in the national system, or**
- b) when a European Disability Card holder participates in an EU Mobility Programme.**

Justification:

Persons with disabilities will still face a gap in the provision of vital services, such as personal assistance, adapted housing, provision of reasonable accommodation, assistive devices, etc., when moving permanently to another Member States for work or studies. While they immediately lose their right to social security related benefits in their home country, it takes months or sometimes years to have their disability recognised in the new country of residence. In the interim period, the persons concerned are left with nothing and must pay for these vital services out of their own pocket. We believe that the EU does have scope for action here, especially because Article 21(2) of the Treaty on the Functioning of the EU as a residual legal base, provides for the EU to adopt legislation to “facilitate the right of EU citizens to move and reside freely within the territory of the Member States.”[3]

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year to have their disability recognized. In the meantime, the person has to pay for personal assistance themselves, leaving them in a precarious administrative and financial situation.

Therefore, EDF asks that the Disability Card should provide this temporary protection while the disability is being re-assessed in the new country of residence when somebody moves with a work contract or is enrolled in an education facility of the new country of residence.

The same is true for people, including young people, that are participating in EU Mobility Programmes. That means that students or volunteers moving abroad to study or do a work-related experience will still lose their social security benefits from their Member State of residence and will not automatically get disability status in their host country. They usually stay longer than a “short” period, but are not residents either, so they can either not have their disability re-assessed, or even if they can, the waiting time is often so long that the procedure cannot be finished during the time of their studies/work experience. Again, those people stay without any financial support and often have to pay for assistance, support services, or assistive devices out of their own pockets.

Article 4 - Beneficiaries

Commission proposal	EDF amendments
<p>This Directive shall apply to:</p> <ul style="list-style-type: none"> a. Union citizens and family members of Union citizens whose disability status is recognised by the competent authorities in the Member State of their residence by means of a certificate, a card or any other formal document issued in accordance with national competences, practices, and procedures, as well as, when applicable, to person(s) accompanying or assisting them including personal assistant(s), b. Union citizens and family members of Union citizens whose rights to parking conditions and facilities reserved for persons with disabilities are recognised in their Member State of residence by way of a parking card or another document issued in accordance with 	<p>This Directive shall apply to:</p> <ul style="list-style-type: none"> a) Union citizens and family members of Union citizens, <i>as well as third country nationals that have permanent residence status in a Member State of the European Union</i> whose disability status is recognised by the competent authorities in the Member State of their residence by means of a certificate, a card or any other formal document issued in accordance with national competences, practices, and procedures, as well as, when applicable, to person(s) accompanying or assisting them including personal assistant(s), b) Union citizens and family members of Union citizens, <i>as well as third country nationals that have permanent</i>



<p>national competences, practices, and procedures as well as, when applicable, to person(s) accompanying or assisting them including personal assistant(s).</p>	<p>residence status in a Member State of the European Union whose rights to parking conditions and facilities reserved for persons with disabilities are recognised in their Member State of residence by way of a parking card or another document issued in accordance with national competences, practices, and procedures as well as, when applicable, to person(s) accompanying or assisting them including personal assistant(s).</p>
<p>Justification:</p> <p>Currently, the proposal only includes EU citizens and their family members as potential Card holders both for the Disability Card and the Parking Card. This should be widened also to third country nationals who are resident in the EU and have their disability recognised by a Member State. The Commission has announced the adoption of a legal act to cover third country nationals. When/if such proposal is launched, this amendment can be dismissed.</p>	

Article 6 - Format, mutual recognition, issue and validity of the European Disability Card

Commission proposal	EDF amendments
<p>4.The European Disability Card shall be issued or renewed by the Member State of residence directly or upon application by the person with disabilities. It shall be issued and renewed within the same period set in the applicable national legislation for issuing disability certificates, disability cards or any other formal document recognising the disability status of a person with disabilities.</p>	<p>4.The European Disability Card shall be issued or renewed by the Member State of residence directly if such is the procedure according to the national disability recognition, or upon application by the person with disabilities. It shall be issued and renewed free of charge for the beneficiary and within the same period set in the applicable national legislation for issuing disability certificates, disability cards or any other formal document recognising the disability status of a person with disabilities. The card shall never be required as a proof of disability in the</p>



	<i>context of rights established in other Union legislation.</i>
<p>Justification:</p> <p>EDF would like to underline that it should be voluntary to become a European Disability Card holder to avoid stigmatisation. There should be no direct issuing of the Card unless the person has asked for it or the European Disability Card is embedded, for example, in the national disability card resulting from the national disability assessment. Furthermore, it should never be an obligation to show the Card as proof of disability for services that are granted under other Union legislation, such as the right to assistance at airports under Regulation 1107/2006². It also has to be free of charge so that cost would not be an additional barrier to apply for the Card.</p>	

Article 7 - Format, mutual recognition, issue and validity of the European Parking Card for persons with disabilities

Commission proposal	EDF amendments
<i>new</i>	<p><i>8. (new) The Commission shall set up a publicly available database that contains relevant information related to the applicable parking rules, conditions, and spaces as defined on local, regional, or national level. The database shall be available in all EU languages.</i></p> <p><i>9. Member States shall encourage public authorities to upload relevant information in the database.</i></p>
<p>Justification:</p> <p>The proposal tackles the issue of the lack of harmonisation of the design of the Parking Cards as they are issued now by the Member States. However, it does not address the problem of parking spaces and the rules around parking itself, which differ across Member States, regions, or even cities in the EU. This should also be included in the Directive, for example by setting up an EU-level database to easily access information about parking rules and parking spaces.</p>	

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006R1107>, retrieved on 19 October 2023



Article 9 - Surveillance, compliance, accessibility of information and awareness raising

Commission proposal	EDF amendments
<p>1. Member States shall make the conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible formats, including in digital formats, and upon request in assistive formats requested by persons with disabilities.</p> <p>[...]</p> <p>7. Member States shall take appropriate measures to raise awareness among the public and inform persons with disabilities, including in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.</p> <p>7. The information referred to in paragraph 1 and 2 of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through private operators' or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.</p>	<p>1. Member States shall make the conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible formats, including in digital formats, as well as in national sign languages and easy to read format, and upon request in assistive formats requested by persons with disabilities. <i>This information, including information about the services covered in article 2 paragraph 1, shall be collected on an EU-level website and shall be available in all EU languages.</i></p> <p><i>2. Member States shall take appropriate measures, and the European Commission shall coordinate a campaign,</i> to raise awareness among the public and inform persons with disabilities, including in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.</p> <p>[...]</p> <p>7. The information referred to in paragraph 1 and 2 of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through <i>an EU-level website in all EU languages</i>, private operators' or public</p>



	<p>authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.</p> <p>8. (new) The information referred to in paragraph 1 and 2 of this Article shall be understandable, without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.</p> <p>8. (new) The Commission shall ensure that appropriate funding is made available to the Member States to cover the cost of the administrative procedures, the physical issuing of the Card, the information provision, and the awareness raising campaign, and other related costs.</p>
<p>Justification:</p> <p>The proposal leaves the responsibility of awareness raising campaigns, information about the advantages available, and funding the Cards up to the Member States. EDF outlined that it would be essential to have an EU-level centralized database in all EU languages showing the available advantages for each Member State, designated EU funding, and an EU-level awareness raising campaign aimed at citizens and service providers. We believe it would be better to have a centralised approach on EU-level to ensure harmonisation of the information, coherence, and accessibility and to avoid delays, misunderstandings and incoherences in implementation later on.</p>	

Article 11 - Exercise of the delegation

Commission proposal	EDF amendments
4.Before adopting a delegated act, the Commission shall consult experts designated by each Member State in	4.Before adopting a delegated act, the Commission shall consult experts designated by each Member State in



accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, as well as persons with disabilities and their representative organisations.
Justification:	
The involvement of persons with disabilities and their representative organisations is not mentioned explicitly in the text of the proposal, except for Article 16 on reporting and review. Persons with disabilities should be more strategically involved in the implementation and evaluation of the Directive and this should be explicitly mentioned in the text.	

Article 12 – Committee procedure

Commission proposal	EDF amendments
1.The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. 2.Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	1.The Commission shall be assisted by a committee and shall meaningfully involve representative organisations of persons with disabilities. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. 2.Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
Justification:	

Article 15 – Access to information

Commission proposal	EDF amendments
1.Member States shall ensure that private operators or public authorities make information on any special conditions or preferential treatment pursuant to Article 5 publicly available in accessible formats.	1.Member States shall ensure that private operators or public authorities make information on any special conditions or preferential treatment pursuant to Article 5 publicly available in accessible formats. To



<p>[...]</p> <p>3. The information referred to in paragraph 1 of this article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.</p>	<p><i>this end, EU funding should be provided as mentioned in Article 9.</i></p> <p>[...]</p> <p>3. The information referred to in paragraph 1 of this article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882, <i>without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.</i></p>
<p>Justification:</p> <p>Providing EU funding will lead to better implementation by the Member States and take some burden off the authorities that will issue the Card.</p>	

Annex II - European Parking Card for persons with disabilities

<p>Commission proposal</p>	<p>EDF amendments</p> <p><i>3. (new) The words "European Parking Card" shall be displayed in braille using the Marburg code dimensions.</i></p>
<p>Justification:</p> <p>Braille is included in the European Disability Card, but not in the European Parking Card. In a number of Member States, persons who are blind and those with low vision are eligible to be beneficiaries of the European Parking Card. Adding braille on the card will facilitate the identification of the card by the users.</p>	



Related documents

- [EDF Analysis of the Commission Proposal on the European Disability Card and the European Parking Card](#)

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