



EUROPEAN UNION

THE EUROPEAN PARLIAMENT

THE COUNCIL

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: **DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
extending Directive (EU) 2024/... to third-country nationals legally residing
in a Member State**

DIRECTIVE (EU) 2024/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

**extending Directive (EU) 2024/...⁺ to third-country nationals
legally residing in a Member State**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2), point (b), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the Committee of the Regions¹,

Acting in accordance with the ordinary legislative procedure²,

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)).

¹ OJ C, C/2024/1981, 18.3.2024, ELI: <http://data.europa.eu/eli/C/2024/1981/oj>.

² Position of the European Parliament of 24 April 2024 (not yet published in the Official Journal) and decision of the Council of

Whereas:

- (1) In order to strengthen the exercise of the free movement rights of persons with disabilities and to enhance the possibilities for persons with disabilities to travel to or visit another Member State for a short stay, Directive (EU) 2024/... of the European Parliament and of the Council³⁺ establishes the framework of common rules and conditions, including a common standardised and accessible format, for a European Disability Card as proof of a recognised disability status or of an entitlement to specific services based on a disability, for accessing, on equal terms and conditions, any special conditions or preferential treatment offered by public authorities or private operators in a variety of services, activities or facilities, including where not provided for remuneration, and for a European Parking Card for persons with disabilities, as proof of their recognised right to parking conditions and facilities reserved for persons with disabilities in a Member State other than that in which they reside.

³ Directive (EU) 2024/... of the European Parliament and of the Council of ... establishing the European Disability Card and the European Parking Card for persons with disabilities (OJ L , ..., ELI: ...).

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)) and insert in the footnote the number, date, OJ reference and ELI reference of that Directive.

- (2) Article 79 of the Treaty on the Functioning of the European Union (TFEU) provides that the Union's action is to aim to ensure, inter alia, the fair treatment of third-country nationals legally residing in Member States. On that basis, a set of rules should be laid down specifying the rights for which equal treatment between the beneficiaries of Directive (EU) 2024/...⁺ and such third-country nationals is provided.
- (3) In accordance with Article 67(2) TFEU, stateless persons are to be treated as third-country nationals for the purposes of this Directive.

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)).

- (4) In order to strengthen respect for equal treatment, inclusion and non-discrimination, including in relation to the relevant obligations under international law, with regard to persons with disabilities who are third-country nationals legally residing in a Member State and who are not beneficiaries of Directive (EU) 2024/...⁺, and to guarantee the recognition of their disability status or entitlement to specific services based on a disability across the Union, thus also ensuring effective and full participation and inclusion in society of such persons on an equal basis with Union citizens, it is necessary to apply the rules, rights and obligations laid down in Directive (EU) 2024/...⁺ to persons with disabilities who are third-country nationals legally residing in a Member State and whose disability status or entitlement to specific services based on a disability has been recognised by that Member State, as well as, where applicable, to persons accompanying or assisting them including personal assistants, or to assistance animals. For instance, third-country nationals who are beneficiaries of temporary protection under Council Directive 2001/55/EC⁴ or beneficiaries of international protection under Regulation (EU) 2024/1347 of the European Parliament and of the Council⁵, should be covered by this Directive, provided that they are legally residing in a Member State and that their disability status or entitlement to specific services based on a disability has been recognised by that Member State.

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)).

⁴ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

⁵ Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (OJ L, 2024/1347, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1347/oj>).

- (5) All the provisions in Directive (EU) 2024/...⁺ should, by virtue of this Directive, be applicable *mutatis mutandis* to third-country nationals falling within the scope of this Directive.
- (6) In particular, while this Directive should not affect the applicable Union rules governing mobility across the Union of third-country nationals legally residing in a Member State, by ensuring mutual recognition of their disability status or entitlement to specific services based on a disability across Member States, this Directive could facilitate the exercise of the right of those persons to move or travel across the Union provided that they already have such a right to mobility. When such third-country nationals holding a European Disability Card or a European Parking Card for persons with disabilities move or travel legally across the Union, they will benefit from the mutual recognition rights under this Directive.

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)).

- (7) Therefore, Member States should take all the necessary measures to ensure that the rules set out in Directive (EU) 2024/...⁺ governing the European Disability Card and the European Parking Card for persons with disabilities as proof, respectively, of a recognised disability status or of an entitlement to specific services based on a disability, and of their recognised right to parking conditions and facilities reserved for persons with disabilities, providing access, on equal terms and conditions, to any special conditions or preferential treatment with respect to services, activities or facilities, including where not provided for remuneration, and to parking conditions and facilities offered to or reserved for persons with disabilities, as well as, where applicable, to persons accompanying or assisting them including personal assistants, regardless of their nationality, or to assistance animals, equally apply to third-country nationals legally residing in a Member State. Providing rights to such third-country nationals to access special conditions or preferential treatment, or parking conditions and facilities reserved for persons with disabilities in the same way as those provided for the beneficiaries of Directive (EU) 2024/...⁺ does not affect the rules on the admission of third-country nationals to the territory of Member States.

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)).

- (8) Member States are encouraged to provide information in accordance with Directive (EU) 2024/...⁺ to third-country nationals with disabilities covered by this Directive in a language that they can understand or that they are reasonably expected to understand.
- (9) Third-country nationals with disabilities are at a heightened risk of being subject to multiple forms of discrimination. Moreover, the United Nations Convention on the Rights of Persons with Disabilities states that women and girls with disabilities are subject to multiple forms of discrimination, and provides for States Parties to take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms. It also recognises the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status.

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)).

- (10) The obligations of the Commission pursuant to Article 20 of Directive (EU) 2024/...⁺ should also cover third-country nationals falling within the scope of this Directive. The Commission report referred to in that Article should include an analysis of specific situations of disadvantage resulting from intersectional discrimination, which is understood as discrimination based on a combination of disability and any other grounds protected under Council Directive 79/7/EEC⁶, 2000/43/EC⁷, 2000/78/EC⁸ or 2004/113/EC⁹, with a particular focus on women and girls with disabilities.
- (11) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)).

⁶ Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ L 6, 10.1.1979, p. 24).

⁷ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

⁸ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

⁹ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).

- (12) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
- (13) Since the objective of this Directive, namely to extend the rules, rights and obligations laid down in Directive (EU) 2024/...⁺ to persons with disabilities who are third-country nationals legally residing in a Member State and who are not beneficiaries of Directive (EU) 2024/...⁺, as well as to persons accompanying or assisting them including personal assistants, or to assistance animals, thereby also facilitating their possibilities to move or travel to other Member States, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action establishing a framework of common rules and conditions, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)).

Article 1

The rules, rights and obligations laid down in Directive (EU) 2024/...⁺ shall apply to third-country nationals legally residing in a Member State who are not beneficiaries of that Directive and whose disability status or entitlement to specific services based on a disability, or rights to parking conditions and facilities reserved for persons with disabilities, have been recognised by the Member State of their residence, as well as to persons accompanying or assisting them including personal assistants, or to assistance animals, as defined, respectively, in Article 3, points (4) and (8), of that Directive.

Article 2

For the purposes of this Directive, ‘third-country national’ means any person who is not a Union citizen within the meaning of Article 20(1) TFEU.

Article 3

This Directive shall not affect applicable rules governing mobility across the Union of third-country nationals legally residing in a Member State.

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)).

Article 4

Member States may take measures to accommodate specific language needs of third-country nationals, including through language facilitation, as appropriate.

Article 5

Third-country nationals falling within the scope of this Directive shall be covered by Article 20 of Directive (EU) 2024/...⁺.

Article 6

1. By ... [30 months from the date of entry into force of this Directive], Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those measures.

They shall apply those measures from ... [42 months from the date of entry into force of this Directive].

⁺ OJ: Please insert in the text the number of the Directive contained in document PE-CONS 49/24 (2023/0311(COD)).

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 7

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 8

This Directive is addressed to the Member States in accordance with the Treaties.

Done at ..., ...

For the European Parliament
The President

For the Council
The President
