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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	COM(2023) 512 FINAL
Subject:	Proposal for a Directive of the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities - <i>Compromise proposal</i>

Delegations will find attached a set of drafting suggestions prepared by the Presidency concerning the above proposal in the light of the discussions that have taken place in the Working Party and written comments received from delegations.

2023/0311 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing the European Disability Card and the European Parking Card for persons with disabilities

(Text with EEA relevance)

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 Articles 53(1) and 62, Article 91 and Article 21(2) TFEU 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 European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

¹ OJ C , , p. .

² OJ C , , p. .

Whereas:

- (1) The European Union is founded on the values of human dignity, freedom, and respect of human rights and committed to combating discrimination, including on the grounds of disability, as set out in the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and the Charter of Fundamental Rights of the European Union (the ‘Charter’).
- (2) In Article 26 of the Charter, the Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.
- (3) Every citizen of the Union has the fundamental right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give effect to them.
- (4) According to the Court of Justice of the European Union, citizenship of the Union is destined to be the fundamental status of nationals of the Member States when exercising the right to move and reside within the territory of the Member States, enabling those who find themselves in the same situation to enjoy, within the scope *ratione materiae* of the TFEU, the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for.
- (5) The Union is a Party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)³, and is bound by its provisions which are an integral part of the Union legal order to the extent of its competences. All the Member States are Parties to the UNCRPD and are bound by it also to the extent of their competences.

³ Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, OJ L 23, 27.1.2010, p. 35.

- (6) The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities **without discrimination of any kind**, and to promote respect of their inherent dignity, thus ensuring their full and effective participation and inclusion in society on an equal basis with others. The UNCRPD also recognises the importance of the need to take appropriate measures to ensure accessibility to persons with disabilities. **The UNCRPD states that women and girls with disabilities are subject to multiple discrimination, and therefore State Parties shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.**
- (7) The European Pillar of Social Rights, proclaimed by the European Parliament, the Council and the European Commission at Gothenburg on 17 November 2017⁴ provides that everyone, *inter alia* regardless of disability, has the right to equal treatment and opportunities regarding, among others, access to goods and services available to the public (principle 3). In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to services that enable them to participate in society (principle 17).

⁴ Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C 428, 13.12.2017, p. 10.

- (8) Directive (EU) 2019/882 of the European Parliament and the Council⁵ (the ‘European Accessibility Act’) aims to improve access to products and services by eliminating and preventing barriers arising from divergent accessibility requirements in the Member States, thus contributing to increasing the availability of accessible products and services in the internal market, including access to websites and mobile device based service of certain public services⁶, and improve the accessibility of relevant information. In addition, Union law also guarantees the right to non-discrimination in access to transport and other rights such as the right to receive assistance free of charge for passengers with disabilities and reduced mobility travelling by air⁷, rail⁸, waterborne means of transport⁹, or bus and coach¹⁰. Union law also enables the Member States to provide for reduced fees or user charges for toll roads/bridges/tunnels as well as exemptions from the obligation to pay such fees or user charges for or any vehicle used or owned by persons with disabilities as concerns the roads subject to road charging¹¹.

⁵ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, (OJ L 151, 7.6.2019, p. 70).

⁶ In addition, Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies, aims to improve the accessibility of public sector bodies websites and their mobile apps.

⁷ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26.7.2006, p. 1.

⁸ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations OJ L 172, 17.5.2021, p. 1.

⁹ Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, OJ L 334, 17.12.2010, p. 1.

¹⁰ Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

¹¹ [...] **Directive (EU) 2022/362 of the European Parliament and of the Council of 24 February 2022 amending Directives 1999/62/EC, 1999/37/EC and (EU) 2019/520, as regards the charging of vehicles for the use of certain infrastructures (OJ L 69/1, 4.3.2022, p.1).**

- (9) Persons with disabilities may apply to competent authorities in the Member State in which they reside for the recognition of disability status as this is a matter within their competence. Each Member State [...] has disability assessment procedures which differ from Member State to Member State, **what might lead to different levels of disability statuses in accordance with their respective national system.** Where the competent authorities recognise the disability status of an applicant, they issue a disability certificate, a disability card or other formal document recognising the applicant's disability status.
- (10) Due to the lack of recognition of disability status between Member States, persons with disabilities may face specific difficulties when exercising their fundamental rights of free movement. **This is particularly the case for short stays or visits to another Member States within the meaning of Directive 2004/38/EC, which provides that Union citizens and their family members should have the right to reside in another Member State for a period up to three months without being subject to any conditions or any formalities other than the requirement to hold a valid identity card or passport. For periods longer than three months, the host Member State may require Union citizens to register with the relevant authorities.**
- (11) Persons with disabilities moving for longer periods to other Member States for employment, study or other purposes, except where otherwise provided by law or agreed among Member States, may have their disability status assessed and formally recognised by the competent authorities in the other Member State and may receive a disability certificate, a disability card or any other formal document recognising their disability status in accordance with applicable rules of that Member State.
- (12) However, persons with recognised disability status travelling to or visiting for a short period of time a Member States other than the Member State in which they reside, may encounter significant difficulties, if their disability status is not recognised in the Member State they travel to or visit and if they do not hold a certificate, disability card or any other formal document recognising their disability status in the host Member State, in order to benefit from special conditions and/or preferential treatment offered there.

- (13) In this case, persons with disabilities travelling to or visiting another Member State are put at a disadvantage when exercising their free movement rights as compared to persons with disabilities holding a disability certificate, a disability card or any other formal document recognising their disability status in the Member State they travel to or visit.
- (14) Furthermore, not knowing whether and, if so, to what extent their disability status and formal documents recognising this status may be recognised when travelling to or visiting another Member State, creates uncertainty for them. Ultimately, persons with disabilities may be deterred from exercising their rights of free movement.
- (15) Alongside [...] barriers **and limitations in accessibility** in [...] public and private spaces, high expenses are a key factor discouraging many persons with disabilities from travel¹², because they have specific needs and may also require person(s) accompanying or assisting them including those recognised as personal assistant(s) in accordance with national legislation or practices, making their travel costs higher than for persons without disabilities¹³. The lack of recognition of disability status in other Member States might limit their access to special conditions, such as free access or reduced tariffs, or preferential treatment and has an impact on their travel costs, lives and choices.
- (16) Preferential treatment (such as personal assistance, priority access, etc.) offered with or without remuneration may be important for persons with disabilities to be able to access various services, activities or facilities and to better experience them. However, due to the lack of recognition, in the Member State they visit or travel to, of their disability status and of formal documents recognising this status issued in other Member States, persons with disabilities may not be able to benefit from the special conditions or preferential treatment offered by private operators or public authorities in that Member State to holders of a disability certificate, disability card or any other formal document recognising their disability status issued there.

¹² Findings from Final Report based on Survey targeted at EU-level CSOs; Shaw and Coles, 'Disability, holiday making and the tourism industry in the UK: a preliminary survey', 25(3) Tourism Management (2004) 397-403; Eugénia Lima Devile and Andreia Antunes Moura (2021), Travel by People With Physical Disabilities: Constraints and Influences in the Decision-Making Process.

¹³ McKercher and Darcy (2018), Re-conceptualizing barriers to travel by people with disabilities, Tourism Management Perspectives, 59-66. [...]

- (17) The Pilot Project on the EU Disability card launched in 2016 and carried out in eight Member States, demonstrated the advantages for persons with disabilities in accessing services in the areas of culture, leisure, sport, and, in some cases, transport, and supporting their cross-border movement in the EU for a short period¹⁴. In addition, it included other examples of services, activities and facilities which offer special conditions or preferential treatment to persons with disabilities.
- (18) On the basis of their disability status, persons with disabilities may apply for a parking card to competent authorities in the Member State in which they reside for the issuance of a parking card for person with disabilities which recognises the right to certain parking conditions and facilities reserved for persons with disabilities. Each Member State has in place an application procedure, be it at local, regional or national level, to obtain a parking card for person with disabilities (or person(s) accompanying or assisting them including personal assistant(s)) and criteria which must be fulfilled in order to be eligible.

¹⁴ See also the Final Report of the Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits, published in May 2021, <https://op.europa.eu/en/publication-detail/-/publication/4adbe538-0a02-11ec-b5d3-01aa75ed71a1/language-en>.

- (19) Council Recommendation 98/376/EC¹⁵ has provided for a European model of a parking card for persons with disabilities, which has facilitated the recognition of the parking card across Member States. However, its implementation and the inclusion of national specific additions or deviations from the recommended model have led to a variety of different cards. This hinders the cross-border recognition of the cards across Member States, hampering the access of persons with disabilities to parking conditions provided and facilities reserved for persons with disabilities who are holders of a parking card in other Member States. Moreover, the Council Recommendation has not been updated to reflect ongoing technological and digitalisation developments. Member States also experience problems with fraud and forgery of the cards, as the format is usually quite simple and easily forged and in practice different in each Member States, which makes it difficult to verify. **Since the co-legislators want to adopt legally binding rules which are more detailed in this field, the Council Recommendation is no longer sufficient to achieve these objectives.**
- (20) In order to facilitate the access by persons with disabilities to special conditions or preferential treatment related to services, activities and facilities, including when provided not for remuneration, in other Member States, remaining barriers and difficulties in travelling to or visiting another Member State due to the lack of recognition of their disability status and of formal documents recognising this status issued in other Member States and parking rights should be removed.

¹⁵ Council Recommendation of 4 June 1998 on a parking card for people with disabilities (OJ L 167, 12.6.1998, p. 25), as adapted by Council Recommendation of 3 March 2008 by reason of accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic OJ L 63/43, 7.3.2008.

- (21) Therefore, in view of facilitating the exercise by persons with disabilities when travelling to or visiting another Member State for a short period, of the rights to access special conditions or preferential treatment offered by private operators or public authorities without discrimination on grounds of nationality on the same basis as persons with disabilities in that Member State, and in view of facilitating the use of transport and benefiting from parking conditions and facilities reserved for persons with disabilities on the same basis as in that Member State, it is necessary to establish the framework, rules and common conditions, including a common standardised model, for a European Disability Card as proof of recognised disability status 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.
- (22) Mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities should facilitate and guarantee persons with recognised disability status in a Member State, access to special conditions or preferential treatment offered by private operators or public authorities in a variety of services, activities and facilities, including when not provided for remuneration, as well as access to parking conditions and facilities reserved for persons with disabilities, on equal terms and conditions as those provided for on the basis of national certificates, disability cards or other formal documents recognising disability status and parking cards for persons with disabilities issued by the competent authorities in the host country.
- (23) Beside parking conditions and facilities, the services, activities and facilities covered by this Directive concern a wide variety of ever-changing activities, including activities provided not for remuneration, by public authorities or private operators, either on a mandatory (on the basis of national/local rules or legal obligations) but often also on a voluntary basis (in particular by private operators) in a variety of policy domains, such as culture, leisure, tourism, sports, public and private transport, education and training.

- (24) Examples of special conditions or preferential treatment include free access, reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels, priority access, designated seats in parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals, assistance on the beach to enter the water, support (such as access to braille, audio guides, sign language interpretation), provisions of aids or assistance, loan of a wheelchair, loan of a floating wheelchair, obtaining tourist information in accessible formats, using a mobility scooter on roads or a wheelchair in bike lanes without a fine, etc. Parking conditions and facilities include extended parking or reserved parking spaces. With respect to passenger transport services, in addition to the special conditions or preferential treatment offered to persons with disabilities, in accordance with national legislation or practices, assistance animals, personal assistants or other persons accompanying or assisting persons with disabilities (or reduced mobility) may travel free of charge or be seated, where practicable next to the person with disabilities.
- (25) The issuance of the European Disability Card and the European Parking Card for persons with disabilities in a Member State is to be determined by this Directive together with that Member State's applicable procedures and competences for the assessment and recognition of disability status and parking rights for persons with disabilities.
- (26) In addition to the physical format, Member States should provide for a digital card when format and specifications have been set via delegated and implementing acts, after proposal by the Commission. Such proposal should build on the experience of past and ongoing work at European level on digitalisation of certificates and documents, such as the EU Digital COVID Certificate set up under Regulation (EU) 2021/953 and enable the use of the European Disability Card and the European Parking Card via EU Digital Identity Wallets¹⁶. Persons with disabilities should be given the option to use either the digital or physical one, or both.

¹⁶ COM(2021) 281 final

- (27) The issuance of the European Disability Card and the European Parking Card for persons with disabilities entails the processing of personal data, including in particular the data concerning the card holder's disability status, which constitutes 'data concerning health' within the meaning of Article 4(15) of Regulation (EU) 2016/679¹⁷ and is a special category of personal data within the meaning of Article 9 of that Regulation. Any personal data processing in the context of this Directive should comply with applicable data protection legislation, in particular Regulation (EU) 2016/679. When transposing this Directive, the Member States should ensure that the national legislation include appropriate safeguards applicable to the processing of personal data, in particular special categories of personal data. The Member States should also ensure the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Directive
- (28) The Member State responsible for issuing the European Disability Card or the European Parking Card for persons with disabilities should be the one where the person habitually resides [...] **in accordance with Union law** and received the assessment of their disability status. Holders of a European Disability Card or European Parking Card for persons with disabilities should be able to use the cards during their stay in any other Member State.
- (29) In order to guarantee that [...] **all persons** with disabilities can effectively exercise their rights to free movement fully and also enjoy services, activities and facilities offered by Member States, including when provided not for remuneration, the European Disability Card and the European Parking Card for persons with disabilities should also be available to [...] **students** who travel to or visit another Member State for [...] **education or training** purposes, **including in the context of EU student mobility programmes**.

¹⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (30) The envisaged framework for mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities does not impinge on the competences of a Member State to assess and recognise the disability status and to grant special conditions, such as free access, reduced tariffs or preferential treatment for persons with disabilities and/or person(s) accompanying or assisting them including personal assistant(s). **It does not impose an obligation to public entities or private operators to introduce special conditions or preferential treatment for persons with disabilities, nor does it create a centralised EU list of special conditions and preferential treatment for the European Disability Card holders across Member States.**
- (30a) [...] **This Directive does not cover social security benefits under Regulations (EC) No 883/2004 and (EC) No 987/2009, cash or in-kind benefits in the area of social protection and employment, or social assistance covered by Article 24(2) of Directive 2004/38/EC of the European Parliament and of the Council¹⁸. As the aim of this Directive is to facilitate equal access to special conditions or preferential treatment for persons with disabilities when travelling to or visiting another Member States for a short period of time, Member States should keep the right to reserve special benefits or preferential treatment for the long-term integration, habilitation or rehabilitation of persons with disabilities in local communities. Such services may require a link with the Member State concerned, by setting additional conditions, such as residence in that Member State or the performance of a specific individual assessment.**

¹⁸ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77.

- (31) In order to raise awareness and facilitate access to special conditions or preferential treatment, while travelling to or visiting another Member State, all relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and/or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available in a clear, comprehensive, user-friendly manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882. Private operators or public authorities granting special conditions or preferential treatment to persons with disabilities should make such information publicly available in a clear, comprehensive, user-friendly manner and accessible formats, for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882. **In addition, the Commission will include in a website, available in all EU languages, relevant information on the European Disability Card and the European Parking Card for persons with disabilities, in accessible formats.**
- (32) **The Member States, with the support of the Commission, as appropriate and in accordance with their respective competences,** should take [...] the necessary steps to avoid any risk of forgery or fraud [...] **in relation to** the European Disability Card or the European Parking Card for persons with disabilities and should actively combat fraudulent use and forgery of these cards.
- (33) In order to ensure the proper application of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement the directive to set the digital format of the European Disability Card and the European Parking Card for persons with disabilities, and to amend Annexes I and Annex II in order to modify the common features of the standardised format, adapt the format to technical developments, prevent forgery and fraud and ensure interoperability.

- (34) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission with regards to establishing common technical specifications further specifying the respective formats of the European Disability Card and the European Parking Card for persons with disabilities, their respective security and digital features, as well as interoperability matters. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁹.
- (35) Member States should ensure that adequate and effective means exist to ensure compliance with this Directive and should therefore establish appropriate remedies, including checks on compliance and administrative and judicial procedures, to guarantee that persons with disabilities, person(s) accompanying or assisting them including personal assistant(s), as well as public bodies or private associations, organisations or other legal entities which have a legitimate interest may take action on behalf of a person with disabilities under national law.
- (36) Member States should take appropriate measures and provide for effective, proportionate and dissuasive penalties in the event of breaches or failure to comply with the obligations laid down in this Directive and that relates to the rights which are within its scope. Such penalties can include administrative and financial sanctions, such as fines or the payment of compensation, as well as other types of penalties.
- (37) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter. Notably, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of Article 26 of the Charter.

¹⁹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(38) Since the objective of this Directive, namely to **contribute to the freedom of movement of persons with disabilities and** enhance the possibilities for persons with disabilities to travel to or visit another Member States, **and thereby fight against discrimination against them**, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action establishing a framework with rules and common 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 of the Treaty on European Union. 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:

CHAPTER I
GENERAL PROVISIONS

Article 1

Subject matter

This Directive lays down:

- (a) the rules governing the issuance of the European Disability Card and the European Parking Card for persons with disabilities as proof respectively of a disability status or of a right to parking conditions and facilities reserved for persons with disabilities, in view of facilitating short stays of persons with disabilities in a Member State other than that of which they are a resident, by granting them access to any special conditions or preferential treatment with respect to services, activities or facilities, including when provided not for remuneration, or parking conditions and facilities offered to or reserved for persons with disabilities or person(s) accompanying or assisting them including their personal assistant(s);
- (b) common templates for the European Disability Card and the European Parking Card for persons with disabilities.

Article 2

Scope

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, **in the context of a short-term stay**:
 - services within the meaning of Article 57 TFEU,
 - passenger transport services,
 - other activities and facilities, , including where not provided for remuneration.
2. This Directive does not apply to:
 - (a) benefits in the area of social security under Regulations (EC) No 883/2004 and (EC) No 987/2009;
 - (b) [...] contributory or non-contributory cash benefits or benefits in kind in the area of [...] social protection or employment;
 - (c) social assistance [...] covered by Article 24(2) of Directive 2004/38/EC
 - (d) **remunerated or non-remunerated services that are provided for the long-term integration, habilitation or rehabilitation of persons with disabilities in local communities.**
3. This Directive does not affect Member States' competence to determine the conditions for assessing and recognising disability status, or for granting the right to parking conditions and facilities reserved for persons with disabilities. It does not affect Member States' competence to issue [...]at national, regional or local level, a certificate, a disability card or any other formal document for persons with disabilities.

4. This Directive does not [...] **affect** national competences to grant or require to grant special benefits or specific, preferential conditions, such as free access, reduced tariffs, or preferential treatment for persons with disabilities and, where provided, for person(s) accompanying or assisting them including their personal assistant(s).
5. This Directive shall be without prejudice to the rights that persons with disabilities or person(s) accompanying or assisting them, including their personal assistant(s), may derive from other provisions of Union law or national law implementing Union law, including those granting specific benefits, special conditions, or preferential treatment.

Article 3

Definitions

For the purpose of this Directive, the following definitions shall apply:

- (a) “Union citizen” means any person having the nationality of a Member State;
- (b) “family member of a Union citizen” [...] **means a member of the family as defined in Article 2 of Directive 2004/38/EC;**
- (c) “persons with disabilities” [...] **includes** persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- (d) “personal assistant” is a person accompanying or assisting persons with disabilities who is recognised in accordance with the national legislation or practices as such;

- (e) “special conditions or preferential treatment” means specific conditions, including those related to financial conditions, or differentiated treatment related to assistance and support such as free access, reduced tariffs, priority access, offered to persons with disabilities and/or, when applicable, to person(s) accompanying or assisting them including personal assistant(s) or assistance animals recognised in accordance with the national legislation or practices as such, irrespective whether provided on a voluntary basis or imposed by legal obligations;
- (f) “parking conditions and facilities” means any parking space reserved for persons with disabilities in general as well as associated parking benefits for, or preferential conditions afforded to, persons with disabilities, such as free parking, reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels or extended parking spaces irrespective of whether provided on a voluntary basis or imposed by legal obligations.
- (g) **“short stay” is a visit or stay in another Member State of up to three months.**
- (h) **“assistance animal” means an animal that provides assistance or performs tasks for the benefit of a person with a disability in accordance with national rules and practices.**

Article 4

Beneficiaries

This Directive shall apply to:

- (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, to **other person(s) when they** accompany or assist 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 national competences, practices, and procedures as well as, when applicable, to person(s) accompanying or assisting them including personal assistant(s).

Article 5

Equal access to special conditions or preferential treatment and to parking conditions and facilities for persons with disabilities

1. Member States shall take the necessary measures to ensure that holders of a European Disability Card, while travelling to or visiting a Member State other than that of which they are a resident, shall be granted access on equal terms and conditions as those provided to persons with disabilities who are holders of a disability certificate, disability card or any other formal document recognising their disability status in that Member State, to any special conditions or preferential treatment offered with respect to the services, activities and facilities referred to in Article 2(1).
2. Member States shall take the necessary measures to ensure that holders of a European Parking Card for persons with disabilities while travelling to or visiting a Member State other than that of which they are a resident, shall be granted access to parking conditions and facilities reserved for persons with disabilities on equal terms and conditions as those provided for in that Member State to its holders of parking cards issued in that Member State.

3. Unless specified otherwise in the relevant provisions of this Directive or in other Union law, Member States shall take the necessary measures to ensure that:
- (a) when special conditions or preferential treatment referred to in paragraph 1 of this Article include favourable conditions for person(s) accompanying or assisting them including personal assistant(s) or specific conditions for assistance animals, these favourable or specific conditions are granted on equal terms and conditions to the person(s) accompanying or assisting them, including personal assistant(s) or assistance animals of the holder of a European Disability Card;
 - (b) when parking conditions and facilities referred to in paragraph 2 of this Article include favourable conditions for person(s) accompanying or assisting them including personal assistant(s), these favourable conditions are granted on equal terms and conditions to the person(s) accompanying or assisting them, including personal assistant(s) of the holder of the European Parking Card for persons with disabilities.

CHAPTER II

EUROPEAN DISABILITY CARD AND EUROPEAN PARKING CARD FOR PERSONS WITH DISABILITIES

Article 6

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

1. Each Member State shall introduce the European Disability Card following the common standardised **and accessible** format set out in Annex I. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Disability Card, as soon as the requirements concerning the digital features referred to in Annex I, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European Disability Card in Annex I.
2. European Disability Cards issued by Member States shall be mutually recognised in all Member States.
3. Competent authorities in the Member States shall issue, renew or withdraw the European Disability Card in accordance with their national rules, procedures and practices. Without prejudice to Regulation (EU) 2016/679, Member States shall ensure the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Directive. The competent authority responsible for issuing the European Disability Card shall be considered as the controller referred to in Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of personal data. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of breaches of obligations with regard to personal data.

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 [...] **a reasonable period in accordance with the national practices for the recognition of disability status or needs of a person with disabilities. Member States should be allowed to charge a fee for the costs relating to the issuing, renewal or withdrawal of a European Disability Card.**
5. The European Disability Card shall be issued as a physical card and shall be complemented by a digital format [...] **as soon as the requirements are laid down by the Commission in the technical specifications referred to in Article 8.** Persons with disabilities shall be given the option to use either the digital or physical card, or both.
6. The validity of the European Disability Card issued shall be determined by [...] **the issuing Member State [...] taking into account the [...] duration [...] of the disability certificate, disability card or any other formal document [...] or procedure** recognising their disability status issued[...] by the competent authority of the Member State [...] **of their residence.**
7. The Commission is empowered to adopt delegated acts in accordance with Article 11 to supplement this Directive in order to [...] **amend or complement the** digital format of the European Disability Card and ensure interoperability, and to amend Annex I in order to modify the common features of the standardised format, adapt the format to technical developments, introduce digital features in order to prevent forgery and fraud, address abuse or misuse and ensure interoperability.

Article 7

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

1. Each Member State shall introduce the European Parking Card for persons with disabilities following the common standardised **and accessible** format set out in Annex II. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Parking Card for persons with disabilities, as soon as the requirements concerning the digital features referred to in Annex II, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European [...] **Parking Card for persons with disabilities** in Annex II.
2. European Parking Cards for persons with disabilities issued by Member States shall be mutually recognised in all Member States.
3. Competent authorities in the Member States shall issue, renew, or withdraw the European Parking Card for persons with disabilities in accordance with their national rules, procedures and practices. Without prejudice to Regulation (EU) 2016/679, Member States shall ensure the security, authenticity and confidentiality of the personal data collected and stored for the purpose of this Directive. The competent authority responsible for issuing the European parking Card for persons with disabilities shall be considered as the controller referred to in Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of personal data. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of breaches of obligations with regard to personal data.
4. The European Parking Card for persons with disabilities shall be issued or renewed by the Member State of residence upon application by the person with disabilities. It shall be issued or renewed within a reasonable period from the date of the application which shall not exceed 60 days.

5. Member States shall take the necessary measures to ensure that the European Parking Card for persons with disabilities replaces all existing [...] parking cards, issued in accordance with the Council Recommendation on parking cards for persons with disabilities²⁰ at national, regional or local level [...] **upon the request for its issuance, and in any case within 2 years from the date of application of this Directive. During this period, cards issued before the date of application of this Directive, in accordance with the Council Recommendation on parking cards for persons with disabilities shall have the same effect as the European Parking Card. Member States should be allowed to charge a fee for the costs relating to the issuing, renewal or withdrawal of a European [...] Parking Card for persons with disabilities.**
6. The European Parking Card for persons with disabilities shall be issued or renewed as a physical card and shall be complemented by a digital format [...] **as soon as the requirements are laid down by the Commission in the technical specifications referred to in Article 8.** Persons with disabilities shall be given the option to use either the digital or physical card, or both.
7. The Commission is empowered to adopt delegated acts in accordance with Article 11 to supplement the Directive in order to [...] **amend or complement** the digital format of the European Parking Card for persons with disabilities and ensure interoperability, including through the development and deployment of digital tools, and to amend Annex II in order to modify the common features of the standardised format, adapt the format to technical developments, prevent forgery and fraud, address abuse or misuse and ensure interoperability, including through the development and deployment of digital tools.

²⁰ Council Recommendation of 4 June 1998 (98/376/EC) OJ L 167/25, 12.6.1998 as adapted by Council Recommendation of 3 March 2008 by reason of accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic OJ L 63/43, 7.3.2008.

CHAPTER III

COMMON PROVISIONS

Article 8

Common technical specifications

1. The Commission shall adopt implementing acts establishing common technical specifications for further specifying the **digital and accessible** formats of the European Disability Card and European Parking Card for persons with disabilities, their respective security and state of the art digital features including their specific format and, the data contained therein, including the appropriate security measures for the personal data, as well as interoperability matters, such as common EU applications for reading the data contained in digital features in physical cards using electronic means addressing fraud-prevention, as well as for defining the technical specifications of the digital card storage medium, for matters such as verifying the validity of the cards and their number, for controlling their authenticity, for preventing forgery and fraud, reading of the card(s) between Member States, for their use in the EU Digital Identity Wallet as well as for ensuring accessibility for persons with disabilities to any data in the cards.
2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Article 9

Surveillance, compliance, accessibility of information and awareness raising

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.

2. **The Commission and** 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.
3. Member States, **with the support of the Commission, as appropriate and in accordance with their respective competences,** shall take [...] necessary steps to avoid the risk of forgery or fraud and shall actively combat the fraudulent use and forgery of the European Disability Card and European Parking Card for persons with disabilities.
4. Member States shall take the necessary measures to ensure that holders of a European Disability Card or European Parking Card for persons with disabilities return their cards to the competent authority once the conditions under which they were issued are no longer fulfilled.
5. Member States shall take the necessary measures to ensure that in case they encounter cases of abuse or misuse of the cards issued by another Member State on their territory, the competent authorities in the Member State who issued the European Disability Card or European Parking Card for persons with disabilities are informed. The Member State of issuance shall ensure appropriate follow-up in accordance with national law or practice.
6. Member States shall carry out checks, **as appropriate,** on compliance with the obligations deriving from the European Disability Card or European Parking Card for persons with disabilities and with the corresponding rights of persons with disabilities holding those cards and person(s) accompanying or assisting them including their personal assistant(s).
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 the official websites of public authorities, or by other suitable means** in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.

Article 10

Competent authorities

[...] Member States shall [...] designate **a competent authority and a national contact point(s) in relation** to the **issuance, renewal and withdrawal of** the European Disability Card and the European Parking Card for persons with disabilities. **Member States shall notify to the Commission the national contact point(s) within 6 months after the entry into force of this Directive and the competent authority by the [transposition deadline of Article 18(1)].**

CHAPTER IV
DELEGATED AND IMPLEMENTING POWERS

Article 11

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 6(7) and Article 7(7) shall be conferred on the Commission for an indeterminate period of time from [*date of entry into force of this directive*].
3. The delegation of power referred to in Articles 6(7) and Article 7(7) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
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.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 6(7) and Article 7(7) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 12

Committee procedure

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.

CHAPTER V

FINAL PROVISIONS

Article 13

Enforcement

1. Member States shall ensure that adequate and effective means exist to ensure compliance with this Directive.
2. The means referred to in paragraph 1 shall include:
 - (a) provisions whereby persons with disabilities may take action under national law before the courts or before the competent administrative bodies in case of violations of their rights under this Directive and in national provisions implementing this Directive;
 - (b) provisions whereby [...] **one or more of the following bodies, as determined by national law**, may take action in accordance with national law and procedures before the courts or before the competent administrative bodies on behalf or in support of a person with disabilities, with his or her approval, in any judicial or administrative proceedings provided for the enforcement of obligations under this Directive:
 - **public bodies or their representatives;**
 - **private associations, organisations or other legal entities which have a legitimate interest in ensuring that the provisions of this Directive are complied with.**

Article 14

Penalties

1. Member States shall lay down the rules on penalties applicable to violations of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.
2. The penalties provided for must be effective, proportionate and dissuasive and be accompanied by effective remedial action.
3. [...]

Article 15

Access to information

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.
2. Member States shall [...] **take measures to promote the provision of** special conditions or preferential treatment for persons with disabilities **by private operators or public authorities.**
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.

Article 16

Reporting and review

1. By dd/mm/yy [*three years after the date of application of this Directive*], and every five years thereafter, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.
2. The report shall address, inter alia, in the light of social, economic developments the use of the European Disability Card and European Parking Card for persons with disabilities with a view to assessing the need to review this Directive.
3. Member States shall communicate to the Commission, at its request and in due time, [...]the information necessary for the Commission to draw up such a report.
4. The Commission's report shall take into account the viewpoints of persons with disabilities, economic stakeholders and relevant non-governmental organisations, including organisations representing persons with disabilities.

Article 17

[...]

Article 18

Transposition

1. Member States shall adopt and publish, by dd/mm/yy [*within [...] 20 months after the entry into force of this Directive*] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

2. They shall apply those provisions from dd/mm/yy [*30 months from the date of entry into force of this Directive*].
3. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 19

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

Article 20

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

ANNEX I

EUROPEAN DISABILITY CARD FORMAT

FRONT SIDE text European Disability Card in English

BACK SIDE National information in the national language or national languages to be decided by the issuing Member State. **Member States shall be allowed to introduce additional and/or more specific information related to the disability status of the card holder, including the type or severity of disability.**

BE European Disability Card

Name: Name Arial 14pt

Surname: Family Name

Date of birth: 17/07/1999

Card serial number: 0123456789

Expiry date: 01/12/2029

A

1. The size of the European Disability Card shall be in accordance with ISO 7810.
2. The Format shall be ID-1 and the Dimensions 85.6 x 53.98 mm.

3. The card shall have:
- a picture of the card holder;
 - the surname and forename of the card holder;
 - the date of birth of the card holder;
 - the serial number of the card.
4. The colour of the card shall be light and dark blue, as set in the picture and with references:
- Dark blue: CMYK 100, 90, 10, 0
RGB 0, 68, 148
 - Lighter: CMYK 94, 63, 7, 1
RGB 0, 110, 183
5. The card shall indicate the expiry date **of the card**.
6. The card shall contain a country code with the blue circle around it.
7. Letters shall be type font ARIAL Regular.
8. The words European Disability Card shall be displayed using Arial font and in braille using the Marburg code dimensions.
9. The optional letter “A” (+braille sign) can be added when the card entitles accompanying by a personal assistant.
10. A digital feature/digital features using electronic means addressing fraud-prevention to be added following adoption of the technical specifications referred to in Article 6(1).

ANNEX II

EUROPEAN PARKING CARD FOR PERSONS WITH DISABILITIES FORMAT

FRONT

EUROPEAN
PARKING CARD
FOR PERSONS
WITH DISABILITIES

Expiry date:

Card serial number:

Issuing authority/organisation:

Vehicle plate number:

BE

BACK

Surname:

Forename(s):

Date of birth:

Expiry date:

Holder signature/mark:

Card serial number:

This card entitles the holder to the special local parking facilities available in the Member State concerned

When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes

BE

1. The size of the European Parking Card for persons with disabilities shall be:
 - height: 106 mm
 - width: 148 mm
2. The colour of the card shall be dark blue and yellow, as set in above picture and with references:
 - Dark blue: CMYK 100, 90, 10, 0
RGB 0, 68, 148
 - Yellow: CMYK 94, 63, 7, 1
RGB 255, 237, 0
3. The European Parking Card for persons with disabilities shall be divided vertically into two parts on both the front and reverse.
 - (a) The left-hand side of the front shall contain:
 - the wheel-chair user symbol in dark blue on a yellow background;
 - the date of expiry of the parking card;
 - the serial number of the parking card;
 - the name and stamp of the issuing authority/organisation;
 - [...] if the card is associated to a vehicle its number plate shall be visible.

(b) The right-hand side of the front shall contain:

- in capital letters, the words ‘European Parking Card for persons with disabilities’ in the language(s) of the Member State issuing the card; after a suitable space, it shall appear in small type in the other languages of the European Union;
- as background, the distinguishing code of the Member State issuing the parking card surrounded by the ring of stars symbolising the European Union.

(c) The left-hand side of the reverse shall contain:

- the card holder’s surname;
- the card holder’s forename(s);
- the date of birth of the card holder;
- the expiry date of the card;
- a photograph of the card holder;
- the serial number of the parking card;
- the card holder’s signature or other authorised mark, if allowed under national legislation.

(d) The right-hand side of the reverse shall contain:

- the statement: ‘This card entitles the holder to local parking conditions and facilities reserved for persons with disabilities available in the Member State concerned’;
- the statement: ‘When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes’.

4. With the exception of the right-hand side of the front, entries shall be shown in the language or languages of the Member State issuing the parking card. If a Member State wishes to make the entries in a national language other than one of the following: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, it shall draw up a bilingual version of the card using one of the aforementioned languages, without prejudice to the other provisions of this Annex. If a Member State wishes to make entries in Bulgarian or Greek, it shall draw up a bilingual version of the card using one of the aforementioned languages, which use Latin characters.
5. A digital feature/digital features using electronic means addressing fraud-prevention to be added following adoption of the technical specifications referred to in Article 7(1).
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