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From:	European Committee of the Regions
date of receipt:	5 February 2024
To:	General Secretariat of the Council
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 - *Opinion of the European Committee of the Regions*

Delegations will find attached the opinion adopted by the European Committee of the Regions on the above.

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European Committee of the Regions

SEDEC-VII/044

159th plenary session, 31 January-1 February 2024

OPINION

EU disability card and parking card for persons with disabilities

THE EUROPEAN COMMITTEE OF THE REGIONS

- welcomes the European Commission's initiative to establish a common standardised model for the European Disability Card (EDC) and the European Parking Card for people with disabilities (EPC) as an effective measure in facilitating freedom of movement with the greatest possible independence for people with disabilities and the right to equal treatment and opportunities regarding access to goods and services available to the public;
- stresses the need to precisely define the scope of this Directive because of different procedures and different arrangements in the Member States in asserting preferential treatment, and to clearly define the services and activities covered by this Directive which should be differentiated from services and activities in the field of social security, social protection or social assistance not covered by this Directive;
- recommends expanding the EDC to cover social security services during transition periods when it comes to studying or recruiting persons with disabilities in another Member State. This extension is proposed not only for the period until full entitlement is established in the new Member State, but also for short stays like youth exchanges, student exchanges, internships, professional training, etc. This is crucial, as individuals with disabilities relocating to another country often face gaps in social security entitlements;
- stresses the relevance of local and regional authorities (LRAs) in the effective implementation of the Directive, and in particular of public authorities in tourist destinations, in accordance with their competences, which may include, e.g. ensuring adequate parking spaces, controlling access to services, activities and facilities for card holders, ensuring regular checks to prevent abuse, etc.;
- stresses the need for strong and continuous cooperation of LRAs with service providers and to consider the significant role of the LRAs in collecting feedback, improving the effectiveness and usefulness of the cards and sharing best practices about the implementation of the cards;
- stresses that the EDC should complement the proof of disability issued at national level and issued separately, and that the issuing of the card, both in physical and electronic form, should be free of charge to all users, at their request, and that this framework will address the proof of disability status in all Member States.

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Rapporteur

Marko Vešligaj, Mayor, City of Pregrada

Reference documents

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
COM(2023) 512

Proposal for a Directive of the European Parliament and of the Council extending Directive [XXXX] to third country nationals legally residing in a Member State
COM(2023) 698

Opinion of the European Committee of the Regions – EU disability card and parking card for persons with disabilities

I. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1
Article 2(2) (add new paragraph)

Text proposed by the European Commission	*CoR amendment*
	This Directive is applicable to benefits and social assistance outlined in Article 2(2), points(b) and (c) under the following conditions: ***- European Disability Card holders relocating to another Member State for employment or educational pursuits until their disability status undergoes reassessment and receives formal recognition from the competent authorities in the host Member State; and*** ***- European Disability Card holders participating in an EU mobility programme, throughout the duration of said programme. In situations meeting these conditions, Member States ensure that individuals holding a European Disability Card have access to benefits and social assistance as outlined in Article 2.2, points (b) and (c).***

Reason
The proposal is to retain a limited application to defined groups, making thus an exception, for students, employees and participants of the EU Mobility Programme with disabilities only for 2.2 b) and c), not for the case of a) which is likely to cover most of the social benefits for people with disabilities. This approach strikes a balance between safeguarding the directive's core intent and addressing concerns related to accessing social security benefits and the strain this may create on social security systems and thus local and regional authorities. At the same time, it seeks to address the plea of civil society organisations of granting temporary access to the benefits provided by the EU Disability and Parking Card.

Amendment 2
Article 5(1)

Text proposed by the European Commission	*CoR amendment*
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,	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).	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) ***or the situations referred to in Article 2(3)***.

Reason
Connected to Amendment 1 to Article 2.

Amendment 3

Article 6(4)

Text proposed by the European Commission	***CoR amendment***
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.***	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 ***free of charge for the beneficiary and within a reasonable period from the date of the application which shall not exceed 60 days, provided that the disability has already been officially recognised under national law.***

Reason
In order to implement the improvements brought about by the European Disability and Parking Card, the receipt and renewal of both cards must be guaranteed within a reasonable period of time. Furthermore, cardholders must not be burdened with additional costs. However, it should be noted that the assessment of disability according to national rules is fundamental for the aimed period of 60 days for the issuance and renewal of both cards and exceptions for the assessment period shall be considered.

Amendment 4

Article 6(4) (add new paragraph)

Text proposed by the European Commission	***CoR amendment***
	Member States shall ensure that persons with disabilities, or designated representatives acting on their behalf and with their approval, may appeal a decision by the competent authorities regarding the issuance, renewal or withdrawal

	of a European Disability Card.

Reason
An additional reference to strengthen the visibility of the self-determination of people with disabilities and to emphasise that they have access to the same legal instruments as people without disabilities.

Amendment 5

Article 9

Text proposed by the European Commission	***CoR amendment***
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. 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 shall take all 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	1. Member States, ***and where relevant local and regional authorities***, 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 in assistive formats ***for*** persons with disabilities ***with special attention given to people with hearing, visual or cognitive disabilities through, for example, accessible information in national sign languages and easy to read formats.*** 2. Member States***, and where relevant local and regional authorities,*** 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, and where relevant local and regional authorities, shall take appropriate measures to raise awareness among the public and inform persons with disabilities, including in accessible ways, about special conditions or preferential treatment at national, regional and local level by using all information channels, including at municipal level.*** ***4***. Member States***, and where relevant local and regional authorities,*** shall take all 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. ***5***. Member States***, and where relevant local and***

national law or practice. ***6***. Member States shall carry out checks 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 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.	***regional authorities,*** 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. ***6***. Member States***, and where relevant local and regional authorities,*** 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. *7*. Member States***, and where relevant local and regional authorities,*** shall carry out checks 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). ***8***. 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. ***9. The Commission shall ensure that appropriate funding is made available to the Member States and their local and regional authorities 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.***

Reason
Throughout this amendment, it should be made clear that LRAs play a key role in the implementation

of the European Disability and Parking Card and should therefore be consulted to a greater extent. In addition, they have the role of informing their target groups about the Disability and Parking Card in an accessible way by dealing with people with disabilities on a day-to-day basis. Finally, an important point to this end is that LRAs must not be confronted with additional financial challenges, but must be supported in this by the European level.

Amendment 6

Article 11(4)

Text proposed by the European Commission	*CoR amendment*
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.	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***, persons with disabilities and their representative organisations as well as relevant implementing administrative authorities at local and regional level***.

Reason
The idea behind this amendment is to ensure the participation and monitoring by those who are supposed to benefit from the implementation of the given directive. Through direct participation, people with disabilities can directly share their expertise and experiences for the purposes of more inclusive legislation. Moreover, local and regional authorities also have significant experience, as most issues concerning people with disabilities are dealt with at their political level.

Amendment 7

Article 12(1)

Text proposed by the European Commission	*CoR amendment*
The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	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.

Reason
This amendment reflects a demand of several stakeholders representing people with disabilities.

Amendment 8

Article 15

Text proposed by the European Commission	*CoR amendment*
1. Member States shall ensure that private	1. Member States***, and where relevant local and***

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 encourage private operators or public authorities to voluntarily provide special conditions or preferential treatment for persons with disabilities. (…)	***regional authorities,*** 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***, including through accessible information that is made available audio-visually or in simple language. To this end, EU funding should be provided as mentioned in Article 9***. 2. Member States***, and where relevant local and regional authorities,*** shall encourage private operators or public authorities to voluntarily provide special conditions or preferential treatment for persons with disabilities. (…)

Amendment 9

Article 16(4)

Text proposed by the European Commission	*CoR amendment*
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.	The Commission's report shall take into account the viewpoints of persons with disabilities, ***implementing local and regional authorities,*** economic stakeholders and relevant non-governmental organisations, including organisations representing persons with disabilities.

II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

1. welcomes the European Commission's initiative to establish a common standardised model for the European Disability Card (EDC) and the European Parking Card for people with disabilities (EPC) as an effective measure in ensuring freedom of movement with the greatest possible independence for people with disabilities and the right to equal treatment and opportunities regarding access to goods and services available to the public;

2. considers that the objectives of this initiative cannot be sufficiently achieved at national level, as it specifically establishes European Union (EU) cards enabling people with disabilities to assert their rights to parking conditions and reserved spaces or other preferential treatment when using services, activities or content in a Member State other than their state of residence, which, by reason of the scale and effects of the action, can be better achieved at EU level. The initiative is therefore compatible with the principle of subsidiarity;

3. recalls its prior opinion on the "Strategy for the Rights of Persons with Disabilities"[1], emphasising the importance of aligning the new Directive with the comprehensive principles established in the previous opinion; highlights the need for a holistic approach, ensuring the new initiative is not only practical but also rooted in broader considerations of accessibility, independence and equal opportunities for persons with disabilities;

4. also welcomes the separate Commission proposal COM/2023/698 (final)[2] extending the Directive to third country nationals legally residing in a Member State. This is a necessary extension of the Directive to prevent not only any discrimination between EU-citizens and third-country nationals residing in the European Union, but to ensure that those who need the European Disability Card and the European Parking Card also have equal access to them;

5. highlights the fact that this Directive does not seek to harmonise the different eligibility criteria, conditions or assessment procedures for acquiring the status of people with disabilities but leaves this competence to the Member States, in accordance with the principle of subsidiarity;

6. welcomes the fact that the model ensures equal access to specific conditions or preferential treatment for all people with disabilities holding an EDC or an EPC and that information is provided in accessible formats in accordance with the relevant requirements of Annex I to Directive 2019/882;

7. considers that the common standardised models for the EDC and the EPC in this proposal do not go beyond what is necessary and proportionate to assert the rights of people with disabilities in terms of freedom of movement and the right to equal treatment and opportunities regarding access to services and activities in the EU;

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1 CDR 1679/2021.

2 COM(2023) 698 final.

8. stresses the need to precisely define the scope of this Directive because of different procedures and different arrangements in the Member States in asserting preferential treatment, and to clearly define the services and activities covered by this Directive which should be differentiated from services and activities in the field of social security, social protection or social assistance not covered by this Directive;

9. recommends expanding the EDC to cover social security services during transition periods when it comes to studying or recruiting persons with disabilities in another Member State. This extension is proposed not only for the period until full entitlement is established in the new Member State, but also for short stays like youth exchanges, student exchanges, internships, professional training, etc. This is crucial, as individuals with disabilities relocating to another country often face gaps in social security entitlements; it thereby eliminates discrimination against, improves equity in favour of and empowers people with disabilities to fully assert their right to freedom of movement, one of the four fundamental freedoms on which the EU is founded, implying the principle of equal treatment;

10. stresses the relevance of local and regional authorities in the effective implementation of the Directive, and in particular of public authorities in tourist destinations, in accordance with their competences, which may include, for example, ensuring adequate parking spaces, controlling access to services, activities and facilities for card holders, ensuring regular checks to prevent abuse, etc.;

11. stresses the role of local and regional authorities in providing training programmes for citizens, especially people with disabilities, on their rights and opportunities as card holders, but also for officials, staff and private entities. This is notably relevant in tourist destinations offering tourism-related products and services (e.g. public procurers, health professionals, civil protection workers, tourist guides, tour operators, transport operators, etc.);

12. stresses, in particular, the need to train staff who control the correctness of parking certificates on vehicles, as well as to take all necessary measures to combat the misuse of the EPC by non-disabled drivers; welcomes the proposal from the perspective of crime prevention, given that the EU has major problems with, among other things, the abuse, theft and forgery of these cards. The system that needs to be built for the exchange of information between Member States could counteract this;

13. stresses the need for strong and continuous cooperation of local and regional authorities with service providers and to consider the significant role of local and regional authorities in collecting feedback, improving the effectiveness and usefulness of the cards and sharing best practices about the implementation of the cards;

14. stresses that the EDC should complement the proof of disability issued at national level and issued separately, and that the issuing of the card, both in physical and electronic form, should be free of charge to all users, at their request, and that this framework will address the proof of disability status in all Member States;

15. supports the requirement to fully respect the rights to privacy and the protection of personal data and the application of safeguards for the processing of personal data in accordance with the General Data Protection Regulation (GDPR), with a focus on the confidentiality of information on the type of disability;

16. stresses the need for swift implementation of the Directive and close cooperation with all stakeholders involved, as well as the integration of all available systems and registers at Member State level. This aims to foster both cards' utility in situations connecting disability to specific rights, thereby reducing the administrative burden on public authorities, including local and regional bodies, for instance in terms of legal uncertainties linked to non-recognition of disability status, concerning equal treatment and opportunities for accessing goods and services during travel;

17. stresses the need for the rapid introduction of the new common EPC model because a large number of people with disabilities use transport in a private vehicle, as this is the most advantageous means or even the only way of moving independently;

18. stresses the need for EU financial support for local and regional authorities to provide digital tools for EDC implementation at local and regional level, taking into account the fact that not all EU local and regional authorities have established a digital register of people with disabilities and digital tools;

19. urges local and regional authorities to actively seek European and national funds supporting significant investments in infrastructure improvements and adaptations of infrastructure, such as accessible ramps and lifts, to secure and further develop projects that will increase accessibility for people with disabilities, directly improving the usability and relevance of the card by fostering visibility and accessibility to public buildings and services for people with disabilities;

20. stresses the need to define minimum accessibility standards for people with disabilities, at European, national and regional level, as well as the importance of the day-to-day visibility of the cards which is positively influenced by different activities, at local and regional level, aiming to improve the quality of life of people with disabilities by the inclusion of the cards in public services such as transport and cultural events, the training of local officials on the importance and use of the cards, etc.;

21. believes that local authorities have a key role to play in promoting and increasing the visibility of the cards, which can be achieved through a wide range of awareness-raising campaigns on the existence of the cards, targeting the general public, potential badge users and service providers, in all EU languages and in simple formats for reading and sign language, available at the highest level of compliance (AAA) of the Web Accessibility Guidelines, about the existence of the cards and the conditions for obtaining, using and renewing them.

Brussels, 31 January 2024

The President
of the European Committee of the Regions

Vasco Alves Cordeiro

The Secretary-General
of the European Committee of the Regions

Petr Blížkovský

III. PROCEDURE

Title	EU disability card and parking card for persons with disability
Reference document	COM(2023) 512
Legal basis	Articles 53(1), Article 62 TFEU, Article 91 TFEU, and Article 21(2) TFEU
Procedural basis	Council referral (under Rule 41(a))
Date of Council letter	28 September 2023
Date of Bureau/President's decision	N/A
Commission responsible	SEDEC
Rapporteur	Marko Vešligaj (HR/PES)
Analysis	17 October 2023
Discussed in commission	8 December 2023
Date adopted by commission	8 December 2023
Result of the vote in commission (majority, unanimity)	Unanimity
Date adopted in plenary	31 January 2024
Previous Committee opinions	Strategy for the Rights of Persons with Disabilities CoR opinion on Draft Council Recommendation on a parking card for disabled persons, COM(95) 696 final/CoR 307/96 fin
Subsidiarity reference	N/A