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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 *- Letter to the Chair of the European Parliament Committee on Employment and Social Affairs (EMPL)*

Following the Permanent Representatives Committee meeting of 16 February 2024 which endorsed the final compromise text with a view to agreement, delegations are informed that the Presidency sent the attached letter, together with its Annex, to the Chair of the European Parliament Committee on Employment and Social Affairs (EMPL).

Council of the European Union

SGS 24 / 000912

Brussels, 16/02/2024

Mr Dragoş PÎSLARU
Chair, European Parliament Committee on Employment and Social Affairs
European Parliament
Rue Wiertz 60
B-1047 BRUSSELS

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

Dear Mr PÎSLARU,

Following the informal negotiations on this proposal between the representatives of the three institutions, today the Permanent Representatives Committee agreed with the final compromise text.

I am therefore now in a position to inform you that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) TFEU, in the exact form of the text set out in the Annex to this letter (subject to revision by the lawyer-linguists of the two institutions), the Council, in accordance with Article 294(4) TFEU, will approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the position of the European Parliament.

On behalf of the Council, I also wish to thank you for your close cooperation which should enable us to reach agreement on this file at first reading.

Yours sincerely

Pierre CARTUYVELS
Chair of the
Permanent Representatives Committee (Part 1)

Copy:
- Ms Helena DALLI, Commissioner
- Ms Lucia ĎURIŠ NICHOLSONOVÁ, European Parliament rapporteur, EMPL Committee

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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 Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

[1] OJ C , , p. .
[2] OJ C , , p. .

Whereas:

(1) The ▌ Union is founded on the values of human dignity, freedom, ***equality*** and respect of human rights and ***is*** 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)***,*** the Charter of Fundamental Rights of the European Union (the 'Charter'***) as well as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)[1a]. _____ [1a] 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***).

(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. ***Article 18 of the UNCRPD also recognises the rights of persons with disabilities to liberty of movement and to freedom to choose their residence on an equal basis with others.***

(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 ▌ UNCRPD ▌ 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. ***While the Union and all its Member States have signed and ratified the UNCRPD, there is a need to make progress on equality for persons with disabilities both for the Union itself as well as in all Member States.***

(6) ***The UNCRPD recognises that persons with disabilities include persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various environmental, administrative, technological and societal barriers can result in discriminatory treatment.*** The purpose of the UNCRPD is ***therefore*** 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, ***individual autonomy including the freedom to make one's own choices, and independence of persons,*** thus ensuring their full and effective participation and inclusion in society on an equal basis with others. The UNCRPD also recognises the importance of ***respect for difference and acceptance of persons with disabilities as part of human diversity and humanity and*** the need to take appropriate measures to ensure ***equality of opportunity and*** accessibility to persons with disabilities. ***The UNCRPD states that women and girls with disabilities are subject to multiple forms of discrimination, and therefore State Parties should take adequate 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.***

(6a) deleted

(7) The European Pillar of Social Rights, proclaimed by the European Parliament, the Council and the European Commission at Gothenburg on 17 November 2017[3] provides that everyone, inter alia regardless of disability, has the right to equal treatment and opportunities regarding ***employment, social protection, education, and*** access to goods and services available to the public ***and that equal opportunities of under-represented groups are to be fostered*** (principle 3). In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to ***income support that ensures living in dignity,*** services that enable them to participate in society ***and a work environment adapted to their needs*** (principle 17).

(7a) The Strategy for the Rights of Persons with Disabilities 2021-2030 is intended to tackle the diverse challenges that persons with disabilities face and progress in all areas of the UNCRPD, both at Union and national level.

(8) Directive (EU) 2019/882 of the European Parliament and the Council[4] (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 services[5], and improve the accessibility of relevant information. ▌

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

4 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).

5 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.

(8a) In addition, Union law also guarantees the right to non-discrimination in access to transport and other rights. Examples of such rights include the right to receive assistance free of charge for passengers with disabilities and reduced mobility travelling by air[6], rail[7], waterborne means of transport[8], or bus and coach[9]. 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 charging[10].

(9) Persons with disabilities may apply to competent authorities ***or bodies*** 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. Where the competent authorities ***or bodies*** recognise the disability status of an applicant, they ***may*** issue a disability certificate, a disability card or other formal document recognising the applicant's disability status. ***Some Member States do not have a definition of disability status. In those Member States, entitlements to specific services based on a disability may be used when services or benefits are granted to persons with disabilities.***

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6 ***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.***

7 ***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.***

8 ***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.***

9 ***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).***

10 ***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).***

(10) ***The UNCRPD recognises that discrimination and social exclusion experienced by persons with disabilities result from the environmental, systemic and attitudinal barriers in society, rather than by their impairment, as defined in the UNCRPD and in this Directive.*** Due to the lack of ***mutual*** recognition of disability status between Member States, persons with disabilities ***often*** face specific ***and significant*** difficulties ***and barriers*** when exercising their fundamental rights of ***equal treatment, non-discrimination and*** free movement. ***This is particularly the case for short stays or visits to another Member State within the meaning of Article 6 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 of 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, Article 7 of Directive 2004/38/EC requires additional conditions to be met and, in this case, Article 8 of Directive 2004/38/EC provides that 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 ▌ assessed and formally recognised by the competent authorities ***or bodies*** in the other Member State and may receive a disability certificate, a disability card***,*** or any other formal document recognising their disability status ***or a decision on the entitlement to specific services based on a disability*** in accordance with applicable rules of that Member State.

(11a) To promote the free movement of persons with disabilities participating in an EU mobility programme continued equal access to special conditions, preferential treatment and/or parking conditions and facilities should be ensured through use of the European Disability Card and the European Parking Card for the duration of that EU mobility programme. EU mobility programmes encompass programmes established by the EU to support mobility of persons for a fixed period to another Member State for an educational, training, professional, civic and/or cultural purpose(s), such as the European Solidarity Corps Programme or Erasmus+.

(12) However, persons with recognised disability status ***or entitlement to specific services based on a disability*** travelling to or visiting for a short period of time a Member ***State*** other than the Member State in which they reside, ***regularly*** encounter significant difficulties ***and barriers***, if their disability status ***or entitlement to specific services based on a disability*** 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 ***or entitlement to specific services based on a disability*** in the host Member State, in order to benefit from special conditions and/or preferential treatment offered there. ***Persons with non-visible disabilities in particular often face specific difficulties when asked to prove their disability while travelling.***

(13) In this case, persons with disabilities travelling to or visiting another Member State are put at a ***significant*** disadvantage when exercising their free movement rights as compared to persons ***without disabilities as well as persons*** with disabilities holding a disability certificate, a disability card or any other formal document recognising their disability status ***or entitlement to specific services based on a disability*** in the Member State they travel to or visit.

(13a) Citizens of the Union expressed concerns about the lack of mutual recognition of disability across the EU in a number of petitions delivered to the European Parliament and have requested the introduction of an EU-wide disability card.

(14) Furthermore, not knowing whether and, if so, to what extent***,*** their disability status ***or entitlement to specific services based on a disability*** and formal documents recognising this ▌ may be recognised when travelling to or visiting another Member State, creates ***significant*** uncertainty for them. ***Moreover, limited availability of online information regarding their specific rights and available advantages exacerbates this problem.*** Ultimately, persons with disabilities may be deterred from exercising their rights of free movement ***and full and effective participation and inclusion in society***.

(14a) deleted

(15) Alongside ***various visible and invisible,*** physical***, social*** and other barriers in accessing both public and private spaces ***and services and lack of reasonable accomodations***, high expenses are a key factor discouraging many persons with disabilities from travel[11*1*], because they have specific needs ***resulting in additional expenses related to their disability*** and may also require person(s) accompanying or assisting them including those recognised as personal assistant(s) in accordance with national legislation or practices, ***or making use of sign language interpreters or assistance animals,*** making their travel costs higher than for persons without disabilities[12*2*]. The lack of recognition of disability status ***or entitlement to specific services based on a disability*** in other Member States might limit their access to special conditions, such as free access or reduced tariffs, ***priority seating on public transport, reserved parking spaces*** or preferential treatment and has an impact on their travel costs, lives***, social and economic integration and personal autonomy. Furthermore, the widespread lack of knowledge of psychosocial, cognitive, physical or sensorial accessibility policies can result in discriminatory behaviour.***

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11 ***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.***

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

(16) Preferential treatment (such as personal assistance, priority access, ***the possibility to not wait in line*** etc.) offered with or without remuneration ***is often*** important for persons with disabilities to be able to access various services, activities or facilities and to ***fully benefit from*** them. However, due to the lack of ***mutual*** recognition, in the Member State they visit or travel to, of their disability status ***or entitlement to specific services based on a disability*** and of formal documents recognising this ▌ 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 ***or entitlement to specific services based on a disabilit*** issued there.

(17) ***While voluntary in nature and limited in scope,*** the Pilot Project on the EU Disability card launched in 2016 and carried out in eight Member States, demonstrated ***that facilitating mutual recognition of disability status between Member States provided*** advantages for persons with disabilities in accessing ***benefits and*** 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 period[13] ***and shows that the card's objectives continue to be relevant to the current needs of persons with disabilities***. In addition, it included other examples of services, activities and facilities which offer special conditions or preferential treatment to persons with disabilities.

[13] 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.

(18) On the basis of their disability status ***or entitlement to specific services based on a disability***, persons with disabilities may apply for a parking card to competent authorities ***or bodies*** 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.

(19) Council Recommendation 98/376/EC[14] 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, ***given its non-binding nature the*** implementation ***of that Recommendation*** and the inclusion of national specific additions or deviations from the recommended model have led to a variety of different ***parking*** cards. This hinders the cross-border recognition of the cards across Member States, hampering the access of persons with disabilities to ***specific*** 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 ***have also experienced*** 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. ***As the co-legislators adopt legally binding rules which are more detailed in this field, the Council Recommendation is no longer achieving these objectives. Consequently, Member States may allow cards issued before the date of application of this Directive, in accordance with the Council Recommendation on parking cards for persons with disabilities, to have the same effect as the European Parking Card in their territory.***

[14] 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.

(20) In order to facilitate the access by persons with disabilities to special conditions or preferential treatment related to services ***including passenger transport services***, activities and facilities, ***also*** 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 ***mutual*** recognition of their disability status ***or entitlement to specific services based on a disability*** and of formal documents recognising this ▌ issued in other Member States and parking rights should be removed.

(21) Therefore, in view of facilitating the exercise by persons with disabilities ▌ of the rights to access special conditions or preferential treatment offered by private operators or public authorities ***when travelling to or visiting another Member State for a short stay,*** 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 ***all means 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 ***or of the entitlement to specific services based on a disability*** 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. ***Member States may also decide to apply the provisions of this Directive to persons with a recognised disability status or entitlement to specific services based on a disability for periods longer than a short stay.***

(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 ***or entitlement to specific services based on a disability*** 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 ***and, where applicable, persons accompanying or assisting them including personal assistants***, on equal terms and conditions as those provided for on the basis of national certificates, disability cards or other formal documents recognising disability status***, where such formal documents exist,*** and parking cards for persons with disabilities issued by the competent authorities ***or bodies*** 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, ***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, ***access to restricted traffic and pedestrian zones, priority seating on public transport,*** designated ***and accessible*** seats in ***public transport,*** parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals ***such as guide dogs or assistance dogs for persons with disabilities, including persons with visual impairments***, 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. ***Examples of*** parking conditions and facilities include***, free or*** extended parking or reserved parking spaces***, as well as access to areas where traffic is restricted to specific vehicles in accordance with national law, such as low-emission zones***. With respect to passenger transport services ***by air, rail, waterborne means of transport or bus and coach***[15], in addition to the special conditions or preferential treatment offered to persons with disabilities, ***assistance animals such as guide dogs or assistance dogs for persons with disabilities including persons with visual impairments***, personal assistants***, sign language interpreters*** or other persons accompanying or assisting persons with disabilities (or reduced mobility) may travel free of charge or ***at a reduced price and*** be seated, where practicable***,*** next to the person with disabilities. ***Persons accompanying or assisting persons with disabilities are designated by the persons with disabilities themselves or by their legal guardians and can change on an ad hoc basis depending on the requirements of the persons with disabilities.***

(24a) Personal assistants accompany or assist persons with disabilities or carry out activities of daily living, if need be in the framework of a contractual relationship, in accordance

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15 ***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.; 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.; 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.; 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).; 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).***

with national law and practice, with the objective of encouraging personal autonomy, facilitating community life and promoting independent living. Personal assistants, regardless of their nationality, should be able to accompany or assist persons with disabilities using the European Disability Card or the European Parking Card for persons with disabilities while travelling to or visiting a Member State other than that of which they are a resident, provided that they enjoy a right to move across the Union under the applicable EU and national law.

(24b) In accordance with the relevant EU legislation, where applicable Member States should ensure that the operators of cross-border passenger transport services provide[1617] or make available upon request[18] clear information to travellers holding a European Disability Card at the time of their purchase of a travel ticket with regard to the special conditions or preferential treatment that apply for the different parts of the operations throughout the journey, in order to avoid travellers holding the European Disability Card finding themselves without a valid travel document when entering another Member State on the same transport service.

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16 ***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).***

17 ***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.***

18 ***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.***

(25) The issuance***, renewal and withdrawal*** 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 ***rules,*** procedures and competences for the assessment and recognition of disability status ***or entitlement to specific services based on a disability*** and parking rights for persons with disabilities. ***Where Member States issue the European Disability Card directly, they should seek the consent of the person concerned. The issuance and renewal of the European Disability Card should be free of charge; reissuance of the card in cases of loss or damage may be subject to a fee. The issuance and renewal of the European parking card for persons with disabilities may either be free of charge or subject to a fee. Both the fee to be possibly charged for reissuance of the European Disability Card in case of loss or damage and the fee to be possibly charged for the issuance and renewal of the European parking card for persons with disabilities should not exceed the administrative costs concerned nor prevent or discourage persons with disabilities from acquiring or reacquiring these cards.***

(25a) deleted

(26) In addition to the physical format ***of the European Disability Card***, Member States should provide for a digital card***, and may provide for a digital*** format ***of the European Parking Card for persons with disabilities, when technical specifications have been set via implementing acts. Such specifications*** 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 ***for persons with disabilities via a*** digital identity ***wallet at EU level***. Persons with disabilities should be ***informed about those possibilities and be free to decide*** to use either the ***physical or the*** digital ***format of the European Disability Card or both. In Member States where the*** physical ***version of the European Parking Card for persons with disabilities is complemented by a digital format, persons with disabilities may request the physical card and, if they so wish, both the digital and the physical card***.

(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) 2016/679[19] 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 or entitlement to specific services based on a*** disability ▌. 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) ***The European Disability Card and the European Parking Card for persons*** with disabilities ***will facilitate all persons with disabilities to*** effectively exercise their rights to free movement fully and also enjoy ***equal access to special conditions, preferential treatment, parking conditions and facilities with respect to*** services, activities and facilities offered by Member States, including when provided not for remuneration***. This is particularly the case*** for persons with disabilities ▌ who travel to or visit another Member State for ***work or training-related*** purposes.

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[19] 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 ***or entitlement to specific services based on a disability,*** and to grant special conditions, such as free access, reduced tariffs or preferential treatment for persons with disabilities***, including those making use of assistance animals,*** 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. Public authorities and private operators may also choose to offer certain special conditions and preferential treatment only to a specific group of persons with disabilities, depending on the needs of that specific group***.

(30a) A European Disability Card can be required as proof of disability status in order to access on equal terms and conditions any special conditions or preferential treatment with respect to services, activities or facilities, including when provided not for remuneration, offered to or reserved for persons with disabilities or persons accompanying or assisting them, including their personal assistants, under the scope of this Directive. However, a European Disability Card should not be required as proof of disability in order to access or exercise any rights provided for in other Union or national law, including those granting specific benefits, special conditions, or preferential treatment not falling under the scope of this Directive. Where a certificate, a disability card or any other formal document for persons with disabilities may be required in accordance with Union law, the European Disability Card should also not be required as proof of disability, unless a Member State decides to merge their national certificate, disability card or any other formal document for persons with disabilities with the European Disability Card.

(30b) This Directive does not apply to 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 Council[20]. 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 State for a short stay, this Directive does also not apply to remunerated or non-remunerated services that are provided for the long-term inclusion, habilitation or rehabilitation of persons with disabilities, and to special conditions or preferential treatment to access services provided to persons with disabilities in consideration of their individual needs and upon the fulfilment of additional criteria, based on an individual assessment or a decision on the entitlement to specific services based on a disability and which differ from the services provided to persons with disabilities that do not fulfil such additional criteria. However, the implementation of this Directive should not be used to exclude special conditions or preferential treatment already granted to persons with disabilities from the scope of this Directive by making them subject to the fulfilment of additional criteria.

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[20] *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 ***for persons with disabilities***, 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 ***by Member States*** 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 ***including sign language, braille, assistive formats and audio/audio features. Member States should aim to ensure the*** information ***does not exceed a level of complexity above level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages***.

(31a) The Commission should set up a dedicated Union webpage. This Union webpage should contain a link to the national website of each Member State. The Union webpage should be available in all official Union languages, international sign language and the national sign languages of Member States as well as in accessible and easy-to-read formats, in accordance with the relevant accessibility requirements for services set in Annex I to Directive (EU) 2019/882. The information referred to in this Article should be easily understandable, without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.

(31b) Due to a lack of awareness, misunderstandings or communication barriers, persons with disabilities, particularly those with invisible disabilities, do not always receive the most appropriate support and accommodation for their disability including when travelling by public transport or dealing with national authorities, as well as during emergencies. In order to incentivize service providers and facilitate the access of persons with disabilities to special conditions or preferential treatment, Member States should raise awareness about the existence and use of the European Disability Card and the European Parking Card for persons with disabilities among public authorities and private operators and should encourage them to voluntarily provide special conditions or preferential treatment for persons with disabilities. In particular, Member States may encourage private operators and public authorities through, for example, the provision of information on possible special conditions or preferential treatment to be offered as well as the provision of disability- awareness training so as to ensure the relevance, effectiveness and inclusivity of any special conditions or preferential treatment offered. Member States should seek to develop, implement and evaluate any such measures in consultation with persons with disabilities and their representative organizations.

(31c) Public authorities granting special conditions, preferential treatment or parking conditions and facilities to persons with disabilities should make such information publicly available in a clear, comprehensive, user-friendly manner and accessible formats, including through the public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882 including sign language, braille, assistive formats and audio/audio features. Private operators granting special conditions, preferential treatment or parking conditions and facilities to persons with disabilities should also be encouraged to make such information publicly available in a clear, comprehensive, user-friendly manner and accessible formats.

(32) Member States***, with the support of the Commission,*** should take ▌ the necessary steps to ***prevent*** 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 ***issuance,*** use and forgery of these cards. ***Members States should exchange information on such cases to ensure mutual trust between Member States as the mutual recognition of disability status is the cornerstone of the European Disability Card. Member States should ensure that any measures taken to prevent the risk of forgery or fraud should respect the rights of persons with disabilities and should not lead in to their stigmatisation. Member States should consult persons with disabilities and their representative organisations in the design and implementation of the measures.***

(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 ***features addressing fraud-prevention on the physical*** format of the European Disability Card and the European Parking Card for persons with disabilities ▌ and to amend Annexes I and ▌ II in order to modify the ***data fields*** of the standardised format ***set out in Annexes I and II where such modifications are necessary, in order to*** adapt the format to technical developments, prevent forgery and fraud ***or to address abuse or misuse*** 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 ***setting the accessible digital format of the European Disability Card, and the accessible digital format of*** the European Parking Card for persons with disabilities ***for Member States which decide to complement its physical version with a digital version, as well as with regards to establishing common technical specifications for the*** security and digital features, as well as interoperability matters***, of the physical version of the cards***. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[21]**.**

(34a) In accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council, the Commission is to consult the European Data Protection Supervisor when preparing delegated acts or implementing acts that impact on the protection of individuals' rights and freedoms with regard to the processing of personal data. The Commission may also consult the European Data Protection Board where such acts are of particular importance for the protection of rights and freedoms of individuals with regard to the processing of personal data.

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[21] ***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)***.

(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 ***or*** judicial procedures, to guarantee that persons with disabilities, person(s) accompanying or assisting them including personal assistant(s), as well as public bodies ***such as equality bodies,*** private associations, organisations***, in particular representative organisations of persons with disabilities,*** or other legal entities which have a legitimate interest ***in ensuring that the provisions of this Directive are complied with,*** may take action on behalf ***or in support*** of a person with disabilities***, with his or her approval, in accordance with*** national law ***and procedures. Member States should ensure that those provisions take into account Article 13 and the principle of reasonable accommodation of the UNCRPD***.

(36) Member States should take appropriate measures ▌ in the event of breaches or failure to comply with the obligations laid down in this Directive and ▌ the rights which are within its scope. ***Appropriate measures should be effective, proportionate and dissuasive and*** can include administrative and financial sanctions, such as ***warnings,*** fines or the payment of ***adequate*** 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 ***and the UNCRPD***. 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***, economic*** and occupational integration and participation in the life of the community and to promote the application of Article 26 of the Charter.

(38) Since the objective of this Directive, namely to ***strengthen the exercise of the free movement rights of persons with disabilities, and*** enhance the possibilities for persons with disabilities to travel to or visit another Member ***State, 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 ▌ for persons with disabilities as proof ***of their*** disability status or ***proof of entitlement to specific services based on a disability, in view of promoting freedom of movement*** for persons with disabilities ***and*** facilitating short stays of persons with disabilities in a Member State other than that of which they are a resident, by granting them ***equal*** access to any special conditions or preferential treatment with respect to services, activities or facilities, including when provided not for remuneration, ▌ offered to or reserved for persons with disabilities ***in that Member State, including those making use of assistance animals and, where applicable, persons*** accompanying or assisting them including their personal ***assistants***;

(aa) the rules governing the issuance of the European Parking Card for persons with disabilities as proof of a right to parking conditions and facilities reserved for persons with disabilities, in view of promoting freedom of movement for persons with disabilities and facilitating short stays of persons with disabilities in a Member State other than that in which they are a resident, by granting them equal access to any parking conditions and facilities offered to or reserved for persons with disabilities in that Member State and where applicable persons accompanying or assisting them including their personal assistants;

(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 stay***:

- services within the meaning of Article 57 TFEU,
- passenger transport services,
- other activities and facilities, ▌ including where not provided for remuneration.

2. Member States shall apply the provisions of this Directive for periods longer than a short stay for card holders participating in an EU mobility programme, for the duration of that programme. Member States may also decide to apply the provisions of this Directive for periods longer than a short stay for card holders visiting or staying in their territory.

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) special contributory or non-contributory cash benefits or benefits in kind in the area of social security, social protection or employment;

(c) social assistance covered by Article 24(2) of Directive 2004/38/EC***;***

(ca) remunerated or non-remunerated services that are provided for the long-term inclusion, habilitation or rehabilitation of persons with disabilities;

(cb) special conditions or preferential treatment to access services provided to persons with disabilities in consideration of their individual needs and upon the fulfilment of additional criteria, based on an individual assessment or on a decision to entitlement to specific services.

2a. deleted

(a) deleted

(b) deleted

deleted

3. This Directive does not affect Member States' competence to determine the conditions for assessing and recognising disability status ***or the entitlement to specific services based on a disability***, 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***, including a decision on the entitlement to specific services based on a disability***.

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***, including those making use of assistance animals*** 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), ***or assistance animals*** may derive from other provisions of Union law or national law implementing Union law, including those granting specific benefits, special conditions, or preferential treatment. ***A European Disability Card shall not be required as a proof of disability in order to access or exercise any of the rights referred to in this paragraph, where a certificate, a disability card or any other formal document for persons with disabilities may be required in accordance with Union law unless the Member State decides to merge their national certificate, disability card or any other formal document for persons with disabilities with the European Disability Card.***

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 ***family*** member ***as defined in Article 2, point (2) of Directive 2004/38/EC or within the meaning of Article 3(2) of that Directive***, whichever ***their*** nationality, of a Union citizen exercising his or her right to free movement ▌ ;

(c) "persons with disabilities" means 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 ***any*** specific conditions, including those related to financial conditions, or ***any*** differentiated treatment related to assistance and support ▌ 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 ***of*** 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 ***or where applicable person accompanying or assisting them including personal assistants, either exclusively or*** in general***,*** as well as ***any*** associated parking benefits for, or preferential conditions afforded to, persons with disabilities, ▌ irrespective of whether provided on a voluntary basis or imposed by legal obligations.

(fa) deleted

(fb) deleted

(fc) "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 ***or entitlement to specific services based on a disability*** is recognised by the competent authorities ***or bodies*** in the Member State of their residence***, including where applicable,*** by means of a certificate, a ***disability*** card or any other formal document issued in accordance with national competences, practices, and procedures, ***who may be accompanied or assisted by one or when necessary several other person(s),*** including personal assistant(s), ***or by assistance animals, as it may be indicated by the letter "A" on their European Disability Card. The letter "A" may also be added for persons with disabilities with an increased need for support, according to national law and practices.***

(b) Union citizens and family members of Union citizens whose rights to parking conditions and facilities reserved for persons with disabilities are recognised ***by the competent authorities or bodies*** in their Member State of residence***, including where applicable,*** by way of a parking card or another document issued in accordance with national competences, practices, and procedures***, who may be accompanied or assisted by one or when necessary several other person(s)*** including personal assistant(s).

Article 5

Equal access to special conditions or preferential treatment ▌ 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 ***or entitlement to specific services based on a disability*** in that Member State***, where such formal documents exist***, to any special conditions or preferential treatment offered with respect to the services, activities and facilities referred to in Article 2(1).

2. ***[…]***

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 ***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 person(s) accompanying or assisting them, including personal assistant(s) or assistance animals of the holder of a European Disability Card.***

   (a) ***[...]***

   (b) ***[...]***

Article 5a

Equal access to parking conditions and facilities for persons with disabilities

1. 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.

2. 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 when parking conditions and facilities referred to in the first paragraph 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 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 ***physical version of the*** European Disability Card following the common standardised ***and accessible*** format set out in Annex I. Member States shall introduce ▌ in physical cards ***a QR code and any other digital features using electronic means addressing fraud prevention laid down in the delegated acts*** referred to in ***the first subparagraph of paragraph 7 of this*** Article***, within a reasonable time after their adoption and not later than X [date of application of this Directive]***.

2. European Disability Cards issued by Member States shall be mutually recognised in all Member States.

3. Competent authorities ***or bodies*** 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 ***or body*** 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 ***or by an authorised person, under national law. Persons with disabilities shall be informed about the possibility to apply for the European Disability Card when it is not issued directly***. It shall be issued and renewed ***free of charge to the beneficiary, within the same period*** for issuing disability certificates, disability cards or any other formal document ***or procedure*** recognising the disability status ***or entitlement to specific services based on a disability. Member States may decide to charge a fee for the costs relating to the reissuance of the card in cases of loss or damage. In case of a fee, Member States shall ensure that this fee does not exceed the administrative costs concerned or discourage persons*** with disabilities ***from requesting the card again***.

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5. The European Disability Card shall be issued as a physical card and shall be complemented by ***an accessible*** digital format ***within a reasonable time after the requirements are laid down by the Commission in the technical specifications*** referred to in ***Article 8(2)***. Persons with disabilities shall be given the option to ***request*** either ***the physical or*** the digital ***card or both. The digital format shall not contain more personal data than the data provided for the*** physical ***version of the European Disability Card in Annex I. The personal data shall be encrypted and technical precautions shall be in place to ensure that the storage medium is read only by authorised users***.

6. The validity of the European Disability Card ***shall be determined by the issuing*** Member State***. Member States*** shall ***ensure the European Disability Card has the longest possible validity taking into account, where applicable, the duration*** of the disability certificate, disability card or any other formal document ***or procedure*** recognising their disability status ***or entitlement to specific services issued*** by the competent authority ***or body*** of the Member State ***of their residence***.

7. ***By [12 months from the date of entry into force of this Directive], the Commission shall*** adopt delegated acts in accordance with Article 11***:***
(1) to set the QR code and, if appropriate, other state of the art digital ***features using electronic means on the physical version*** of the European Disability Card ***for the purpose of preventing fraud, and (2) to establish digital features ensuring the security of the physical version of the European Disability Card for persons with disabilities, including the appropriate security measures for the personal data in accordance with Regulation (EU) 2016/679, 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.***
The Commission is also empowered to adopt delegated acts in accordance with Article 11 to modify the ***data fields*** of the standardised format ***set out in Annex I, where such modification is necessary to*** adapt the format to technical developments, ▌ to prevent forgery and fraud, ***or to*** address abuse or misuse and ensure interoperability. ***Member States shall be given sufficient time to implement such modifications.***

Article 7

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

1. Each Member State shall introduce the ***physical version of the*** European Parking Card for persons with disabilities following the common standardised ***and accessible*** format set out in Annex II. Member States shall introduce ▌ in physical cards ***a QR code and any other digital features using electronic means addressing fraud-prevention laid down in the delegated acts*** referred to in ***the first subparagraph of paragraph 7 of this*** Article***, within a reasonable time after their adoption and not later than X [date of application of this Directive]***.

2. European Parking Cards for persons with disabilities issued by Member States shall be mutually recognised in all Member States.

3. Competent authorities ***or bodies*** 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 ***or body*** 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 ***or by an authorized person, under national law***. It shall be issued or renewed within a reasonable period from the date of the application which shall not exceed ***90 days, unless required assessments are ongoing. Member States may issue and renew the card free of charge or with a fee for the costs relating to the issuance and renewal of the European Parking Card for persons with disabilities. In case of a fee, Member States shall ensure that this fee does not exceed the administrative costs concerned or prevent or discourage persons with disabilities from acquiring the card***.

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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 disabilities[22] at national, regional or local level ***upon the request for its issuance, and in any case within 5 years from the entry into force of this Directive. During this period, Member States may allow cards issued before the*** date of application of this Directive***, in accordance with the Council Recommendation on parking cards for persons with disabilities, to have the same effect as the European Parking Card in their territory***.

[22] 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.

6. The European Parking Card for persons with disabilities shall be issued or renewed as a physical card***. Member States may decide to complement the physical card by an*** digital format ***within a reasonable time after the requirements are laid down by the Commission in the technical specifications*** referred to in ***Article 8(2)***. ***In Member States where the physical card is complemented by a digital format,*** persons with disabilities ***may request the physical card, and if they so wish, both the digital and the physical card.*** The digital ***format shall not contain more personal data than the data provided for the*** physical ***version of the European Parking Card for persons with disabilities in Annex II. The personal data shall be encrypted and technical precautions shall be in place to ensure that the storage medium is read only by authorised users***.

7. ***By [12 months from the date of entry into force of this Directive], the Commission shall*** adopt delegated acts in accordance with Article 11***:***
(1) to set the QR code and, if appropriate, other state of the art digital ***features using electronic means on the physical version*** of the European Parking Card for persons with disabilities ***for the purpose of preventing fraud, and (2) to establish common technical specifications ensuring the security of the physical version of the European Parking Card for persons with disabilities,including the appropriate security measures for the personal data in accordance with Regulation (EU) 2016/679, 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-preventions.***
The Commission is also empowered to adopt delegated acts in accordance with Article 11 to modify the ***data fields*** of the standardised format ***set out in Annex II where such modification is necessary to*** adapt the format to technical developments, ***to*** prevent forgery and fraud ***or to*** address abuse or misuse and ensure interoperability***. Member States shall be given sufficient time to implement such modifications***.

Article 7a

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2. deleted

CHAPTER III
COMMON PROVISIONS

Article 8

Common technical specifications *and digital format*

1. ***deleted***

2. The Commission shall adopt implementing acts to set the accessible digital formats for the European Disability Card and the European Parking Card for persons with disabilities, with the data fields set out in Annex I and Annex II, and ensure interoperability.

3. The Commission shall adopt implementing acts establishing common technical specifications for 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 a digital identity wallet at EU level.

2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Before adopting an implementing act, the Commission shall consult persons with disabilities and their representative organisations as well as 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.

Article **9**

Surveillance *and compliance*

1. ***deleted***

2. ***deleted***

2a. ***deleted***

3. Member States***, with the support of the Commission,*** shall take ***the*** necessary steps to ***prevent*** the risk of forgery or fraud and shall actively combat the fraudulent ***issuance,*** use and forgery of the European Disability Card and European Parking Card for persons with disabilities.

3a. ***deleted***

4. ***[...]***

5. ***In case a*** Member ***State encounters serious or systematic cases of abuse of the European Disability Card or European Parking Card for persons with disabilities*** issued by another Member State on their territory, ***that Member State shall inform*** the Member State ***that*** issued the ***relevant card***. The Member State of issuance shall ensure appropriate follow-up in accordance with national law or practice. ***Member States shall exchange information with regard to abuse of those cards.***

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***, including in respect of assistance animals,*** and person(s) accompanying or assisting them including their personal assistant(s).

7. ***deleted***

Article 9a

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 and easy-to-read 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 and their representative organisations, 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. The Commission shall undertake a European awareness raising campaign in cooperation with the Member States and shall continuously promote awareness raising and dissemination of information on the implementation of this Directive.

2a. Member States shall take measures to raise awareness among public authorities and private operators about the existence and the use of the European Disability Card and the European Parking Card for persons with disabilities and encourage them to voluntarily provide special conditions or preferential treatment, and parking conditions and facilities for persons with disabilities in as wide a range of services, other activities and facilities as possible.

3. 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, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882, including through the official websites of public authorities, or by other suitable means.

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Article 10

Competent authorities*, bodies, and contact points*

Member States shall designate a competent authority or authorities, or competent body or bodies responsible for the issuance, renewal and withdrawal of the European Disability Card and the European Parking Card for persons with disabilities.

2. Member states shall have in place a national contact point(s) in order to facilitate the dialogue between the Member States and the Commission on the proper transposition and the implementation of this Directive. Within 6 months after the entry into force of this Directive, Member States shall inform the Commission about the contact point(s).

Article 10a

Representative organisations of persons with disabilities

Member States shall ensure the active consultation and involvement of representative organisations of persons with disabilities in the development, implementation and evaluation of both the European Disability Card and the European Parking Card for persons with disabilities.

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 ***a*** period of ***5 years from the*** date of entry into force of this Directive***. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period***.

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 ***persons with disabilities and their representative organisations as well as*** 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 *and remedies*

1. Member States shall ensure that adequate and effective means exist to ensure compliance with ***and enforcement of*** this Directive.

2. The means referred to in paragraph 1 shall include:

(-a) provisions, in accordance with national law and practice, whereby persons with disabilities, or designated representatives acting on their behalf and with their or their legal guardian's approval, are able to appeal against a decision by the competent authorities or bodies regarding the issuance, renewal or withdrawal of a European Disability Card or a European Parking Card;

(a) provisions whereby persons with disabilities may take action under national law before the courts or before the competent administrative bodies in case of ***non-compliance with or breach of the obligations or*** rights ***laid down in*** this Directive and ▌ 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 ***protecting their rights***, with his or her approval, in any judicial or administrative proceedings provided for the enforcement of obligations under this Directive***: ● public bodies; ● private associations, organisations or other legal entities which have a legitimate interest in ensuring that the provisions of this Directive are complied with, such as representative organisations of persons with disabilities***.

(ba) deleted

2a. deleted

Article 14

***Non-compliance and* penalties**

1. Member States shall lay down the rules on ***appropriate measures, such as*** penalties ***in accordance with national law and practice,*** applicable to ***public authorities or bodies or private operators for non-compliance with or breaches*** of the national provisions adopted pursuant to this directive and shall take all measures necessary to ensure that they are implemented.

2. The ***measures*** provided for must be effective, proportionate and dissuasive and be accompanied by effective remedial action.

3. ***deleted***

Article 15

Access to information

1. Member States shall ensure that ▌ public authorities make ***the*** information on ***the*** special conditions***, preferential treatment or parking conditions and facilities they provide for persons with disabilities*** pursuant to Article 5 ***and Article 5a*** publicly available***, including through their website where available, or by other suitable means***.

Member States shall establish a national website containing general information regarding the objective and the use of both cards, including, where appropriate, references to the competent authorities, responsible for issuing, renewing and withdrawing the cards. This website shall also include general information available on special conditions and preferential treatments provided by national public authorities for persons with disabilities and redirect users to visit specific website of relevant public authorities for more specific information. This website or webpage may also propose such information from private operators at national level.

-1a. deleted

-1b. Member States shall also encourage private operators to make information on the special conditions and preferential treatment or parking conditions and facilities they provide pursuant to Article 5 and Article 5a publicly available in accessible formats.

2. ***[…]***

deleted

3. The information referred to in ***paragraphs [1 and 1b]*** shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, ▌ 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 ***to*** Directive (EU) 2019/882.

3a. In accordance with the relevant EU legislation, where applicable, operators of cross-border passenger transport services shall ensure that clear information to passengers holding a European Disability Card is provided or available on the special conditions or preferential treatment applicable in different parts of the operations.

Article 15a

Union webpage for the European Disability Card and European Parking Card for persons with disabilities

1. By ...[6 months from the date of application of this Directive], the Commission shall set up a dedicated Union webpage. This Union webpage shall contain:

(a) A link to the national website referred to in Article 15.

(b) deleted

(c) deleted

deleted

2. ***The Union webpage shall be available in all official Union languages, international sign language and the national sign languages of Member States as well as in accessible and easy-to-read formats, in accordance with the relevant accessibility requirements for services set in Annex I to Directive (EU) 2019/882. The information referred to in this Article shall be easily understandable, without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.***

Article 16

Reporting and review

1. By dd/mm/yy [three years ***from*** the date of application of this Directive], and every ***four*** 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 ***referred to in paragraph 1 of this Article*** shall address, inter alia, in the light of social, economic***, technological and other relevant*** developments the use of the European Disability Card and European Parking Card for persons with disabilities ***in particular the impact of any fees where relevant, the extent to which the implementation of this Directive has met its objectives and its interaction with other relevant Union legal acts*** with a view to assessing the need to review this Directive.
That report shall also 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 Directives 79/7/EEC, 2000/43/EC, 2000/78/EC or 2004/113/EC, with a particular focus on women and girls with disabilities.

2a.

deleted

2b.

By XXX [1 year after the date of application], the Commission shall carry out an assessment on any remaining gaps relating to the free movement of persons with disabilities. The Commission shall take due account of the outcome of this assessment when deciding whether further action at Union level would be required to address any such gaps.

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 ***report referred to in paragraph 1*** shall take into account the viewpoints of persons with disabilities, ▌ relevant non-governmental organisations, ***in particular*** organisations representing persons with disabilities ***as well as economic stakeholders***.

Article 17

[...]

deleted

Article 18

Transposition

1. Member States shall adopt and publish, by dd/mm/yy [within ***30*** 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 [***42*** 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	*For the Council*
The President	*The President*

Annex I

EUROPEAN DISABILITY CARD FORMAT

FRONT SIDE text European Disability Card in English ***and in the national language or national languages.***

BACK SIDE National information in the national language or national languages to be decided by the issuing Member State.



1. The size of the European Disability Card shall be in accordance with ***the ID-1 format laid down by ISO/IEC*** 7810.

2. ***[…]***

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 ***or the file*** 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 ***date of issuance and 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 ***or where not possible an alternate Sans Serif font. It should be ensured that there is enough contrast between the foreground and background colours***.

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***(s) or other assisting person(s) recognised according to national practices, or by assistance animals. The letter "A" may also be added for persons with disabilities with an increased need for support, according to national law and practices***.

10. A ***QR-Code, and possibly other digital*** features using electronic means addressing fraud-prevention to be added following adoption of the ***delegated act*** referred to in Article ***6(7), first subparagraph.***
The digital features in physical cards may contain more personal data than the data provided for the physical version of the European Disability Card in Annex I. However, access to such data shall be limited to public authorities of the issuing Member States and only to authorised users. The processing of such personal data shall be compliant with the General Data Protection Regulation.

11. Entries shall be shown in English and the national language or national languages of the Member State issuing the European Disability 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 Latin characters.

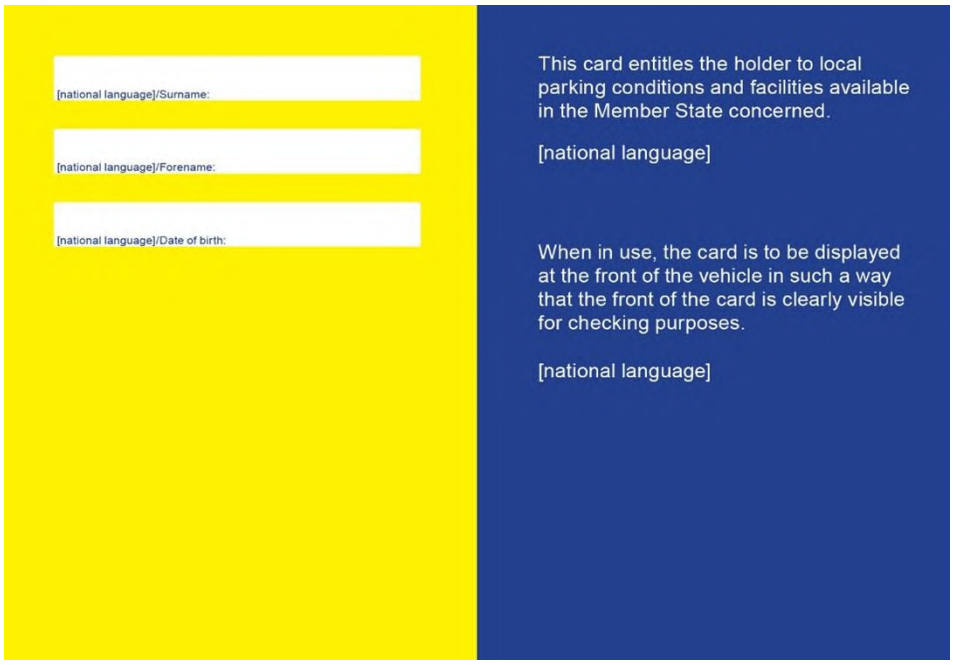
Annex II

EUROPEAN PARKING CARD FOR PERSONS WITH DISABILITIES FORMAT

FRONT



BACK



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 issuance and*** the date of expiry of the parking card;
- the serial number of the parking card;
- the name ▌ of the issuing authority/organisation;
- ***if*** the card is associated ***with*** a vehicle***,*** its number plate shall be visible. ***For Member States that do not require the number plate to be indicated, the card shall not contain the relevant data field.***

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

- in capital letters, the words ‘European Parking Card for persons with disabilities’ in ***English and in the national*** language(s) of the Member State issuing the card ***and in braille using the Marburg code dimensions;***

- as background, the distinguishing code of the Member State issuing the parking card surrounded by the ring of stars symbolising the European Union.

- ***A QR code, and possibly other digital features using electronic means addressing fraud-prevention to be added following adoption of the delegated act referred to in Article 7(7), first subparagraph.***
  The digital features in physical cards may contain more personal data than the data provided for the physical version of the European Parking Card in Annex II. However, access to such data shall be limited to public authorities of the issuing Member States and only to authorised users. The processing of such personal data shall be compliant with the General Data Protection Regulation.

(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;

- ***[…]***

- ***[…]***

- ***[…]***

- ***[…]***

(d) The right-hand side of the reverse shall contain ***in English and in the national language(s) of the Member State issuing the card***:

- 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. ▌ Entries shall be shown in ***English and the national*** language or ***national*** 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 ***[…]*** Latin characters.

5. ***[…]***