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2023/0393 (COD)

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LIMITE

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL extending Directive [XXXX] to third country nationals legally residing in a Member State

Delegations will find attached an initial draft of the four-column table for the interinstitutional negotiations on the above proposal.

NB. This draft is based on the report adopted by the Committee on Employment and Social Rights (EMPL) and the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament and is subject to endorsement by the plenary.

**Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL extending
Directive [XXXX] to third country nationals legally residing in a Member State**

2023/0393(COD)

Non-versioned [LATEST TEXT]

23-02-2024 at 11h32

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2023/0393 (COD)	2023/0393 (COD)	2023/0393 (COD)	
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL extending Directive [XXXX] to third country nationals legally residing in a Member State	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL extending Directive [XXXX] to third country nationals legally residing in a Member State	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL extending Directive [XXXX] to third country nationals legally residing in a Member State	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union,	Having regard to the Treaty on the Functioning of the European Union,	Having regard to the Treaty on the Functioning of the European Union,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and in particular Article 79(2), point b thereof,	and in particular Article 79(2), point b thereof,	and in particular Article 79(2), point b thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee¹; <u>1. OJ C , , p. .</u>	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions¹; <u>1. OJ C , , p. .</u>	
Citation 6				
9	Acting in accordance with the	Acting in accordance with the	Acting in accordance with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ordinary legislative procedure,	ordinary legislative procedure,	ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	(1) In order to facilitate the exercise of rights by persons with disabilities when travelling to or visiting another Member State for a short period, Directive [proposal for a Directive]¹ established the framework, rules and common conditions, including a common standardised model, for a European Disability Card as proof of recognised disability status for accessing special conditions or preferential treatment offered by private operators or public authorities in a wide variety of services, activities and facilities, including when not provided for remuneration, and for a European Parking Card for persons with disabilities, as proof of their recognised right to parking conditions and facilities reserved for persons with disabilities². ¹. COM(2023) 512 final ². COM(2023) 512 final	(1) In order to facilitate the exercise of rights by <u>right to freedom of movement of</u> persons with disabilities when travelling to or visiting another Member State for a short period, Directive [proposal for a Directive]¹ established the framework, rules and common conditions, including a common standardised model and <u>accessible format</u>, for a European Disability Card as proof of recognised disability status for accessing <u>and benefitting on equal terms and conditions from any</u> special conditions or preferential treatment offered by private operators or public authorities in a wide variety of services, activities and facilities, including when not provided for remuneration, and for a European Parking Card for persons with disabilities, as proof of their recognised right to <u>any</u> parking conditions and facilities reserved for persons with disabilities² <u>in a Member State other than that in</u>	(1) In order to facilitate the exercise of rights by persons with disabilities when travelling to or visiting another <u>for a short period of time a</u> Member State for a short period <u>other than the Member State in which they reside</u>, Directive (EU) [....] <u>of the European Parliament and of the Council</u> <u>[proposal for a Directive]</u>¹ established the framework, rules and common conditions, including a common standardised model, for a European Disability Card as proof of recognised disability status <u>or entitlement to specific services based on a disability</u>, for accessing special conditions or preferential treatment offered by private operators or public authorities in a wide variety of services, activities and facilities, including when not provided for remuneration, and for a European Parking Card for persons with disabilities, as proof of their <u>a</u> recognised right to parking conditions and facilities reserved for	

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		<u>which they are residing.</u> 1. COM(2023) 512 final 2. COM(2023) 512 final	persons with disabilities ² . 1. COM(2023) 512 final OJ L, p. . 2. COM(2023) 512 final	
Recital 1a				
11a			<u>(1a) The TFEU provides that, in defining the rights of third-country nationals legally residing in Member States, the Union's action should be aimed at ensuring, inter alia, their fair treatment. To that end, the European Parliament and the Council should adopt measures, including on the definition of the rights of third-country nationals legally residing in a Member State.</u>	
Recital 1b				
11b			<u>(1b) In this context, a set of rules should be laid down specifying the rights in respect of which equal treatment between the beneficiaries of Directive (EU) [.../...] and such third-country nationals is provided for.</u>	
Recital 2				
12	(2) To help Member States respect and fulfil their national equal treatment and non-discrimination	(2) To help <u>ensure that</u> Member States respect and fulfil their national -equal treatment, <u>inclusion</u>	(2) To help Member States respect and fulfil their national <u>In order to contribute to</u> equal treatment and	

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	obligations vis-à-vis persons with disabilities who are third-country nationals legally residing in their territory and not falling within the scope of the Directive [XXXX], and guarantee the recognition of their disability status across Member States, thus facilitating the exercise of their rights to move or travel to other Member States in accordance with Union law and ensuring a more effective participation and inclusion in society of persons with disabilities who are third-country nationals on an equal basis with Union citizens, it is necessary to extend the rules, rights and obligations laid down in Directive.../.... to persons with disabilities who are third country nationals legally residing in the territory of a Member State, whose disability status has been recognised by that Member State, and who are entitled to move or travel to other Member States in accordance with Union law.	and non-discrimination obligations <u>under international, Union and national law</u> vis-à-vis persons with disabilities who are third-country nationals legally residing in their territory and not falling within the scope of the Directive [XXXX], and guarantee the recognition of their disability status across Member States, thus facilitating the exercise of their rights to move or travel to other Member States in accordance with Union law and ensuring a more effective <u>effective and full</u> participation and inclusion in society of persons with disabilities who are third-country nationals on an equal basis with Union citizens, it is necessary to extend the rules, rights and obligations laid down in Directive.../.... to persons with disabilities who are third country nationals legally residing in the territory of a Member State, whose disability status has been recognised by that Member State, and who are entitled to move or travel to other Member States in accordance with Union law.	non-discrimination obligations vis-à-vis <u>of</u> persons with disabilities who are third-country nationals legally residing in their <u>the</u> territory and not falling within the scope of the of a <u>Member State and who are not beneficiaries of</u> Directive <u>(EU) [...]/... [XXXX]</u>, and <u>to</u> guarantee the recognition of their disability status across Member States, thus facilitating the exercise of their rights to move or travel to other Member States in accordance with or <u>entitlement to specific services based on a disability across the</u> Union, thus also <u>law and</u> ensuring a more effective participation and inclusion in society of persons with disabilities who are third-country nationals <u>such persons</u> on an equal basis with Union citizens, it is necessary to extend <u>apply</u> the rules, rights and obligations laid down in Directive: <u>(EU) [...]/.../....</u> to persons with disabilities who are third-country <u>third-country</u> nationals legally residing in the territory of a Member State, and whose disability status <u>or entitlement to specific services based on a disability</u> has been recognised by that Member State, and who are entitled to move or travel to other Member States in accordance with Union law <u>as well as, when applicable, to persons accompanying or assisting them, including their personal assistants,</u>	

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			<u>or assistance animals.</u>	
Recital 2a				
12a		<u>(2a) In accordance with Article 67(2) of the Treaty of the Functioning of the European Union (TFEU), stateless persons should be treated as third-country nationals for the purpose of this Directive.</u>		
Recital 2b				
12b		<u>(2b) Third country nationals who are asylum seekers legally residing in the territory of a Member State, whose disability status has been recognised by that Member State, and who are entitled to move or travel to other Member States in accordance with Union law are considered covered by this Directive.</u>		
Recital 3				
13	(3) Therefore, Member States shall take the necessary measures to ensure that the rules governing the eligibility, issuance, renewal or withdrawal, mutual recognition and data protection of the European Disability Card and the European	(3) Therefore, Member States shall take <u>should take all</u> the necessary measures to ensure that the rules governing the eligibility, issuance, renewal or withdrawal <u>and appeal thereof</u> , mutual recognition and data protection of the European Disability	(3) Therefore, Member States shall <u>should</u> take the necessary measures to ensure that the rules governing the eligibility, issuance, renewal or withdrawal, mutual recognition and data protection of <u>set out in Directive (EU) [..../...]</u>	

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	Parking Card for persons with disabilities as proof respectively of a disability status or of a right to parking conditions and facilities reserved for persons with disabilities, as well as the rights for beneficiaries, including access on equal terms and conditions to any special conditions or preferential treatment with respect to services, activities or facilities, including when provided not for remuneration, or parking conditions and facilities offered to or reserved for persons with disabilities or person(s) accompanying or assisting them including their personal assistant(s), set out in Directive/..., equally apply to third country nationals legally residing in the Union and who are entitled to move or travel to other Member States in accordance with Union law.	Card and the European Parking Card for persons with disabilities as proof respectively of a disability status or <u>entitlement to specific services based on a disability, or</u> of a right to parking conditions and facilities reserved for persons with disabilities, as well as the rights for beneficiaries, including access on equal terms and conditions to any special conditions or preferential treatment with respect to services, activities or facilities, including when provided not for remuneration, or parking conditions and facilities offered to or reserved for persons with disabilities or person(s) accompanying or assisting them including their personal assistant(s), <u>regardless of their nationality, or assistance animals such as guide dogs or assistance dogs</u>, set out in Directive/..., equally apply to third country nationals legally residing in the Union and who are entitled to move or travel to other Member States in accordance with Union law.	<u>governing</u> the European Disability Card and the European Parking Card for persons with disabilities as proof respectively of a disability status or <u>entitlement to specific services based on a disability, or</u> of a right to parking conditions and facilities reserved for persons with disabilities, as well as the rights for beneficiaries, including <u>providing</u> access, on equal terms and conditions, to any special conditions or preferential treatment with respect to services, activities or facilities, including when provided not for remuneration, or and to parking conditions and facilities offered to or reserved for persons with disabilities, <u>as well as, when applicable, to persons</u> or person(s) accompanying or assisting them, including their personal assistant(s), set out in Directive/... <u>assistants, or assistance animals</u>, equally apply to third-country <u>third-country</u> nationals legally residing in the Union. <u>Granting rights to such third-country nationals to access special conditions or preferential treatment, and/or parking conditions and facilities reserved for persons with disabilities in the same way as those provided for the beneficiaries of Directive [...]/...]</u> does not affect and who are entitled to move or travel to other Member States' <u>competence to admit such</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>third-country nationals to their territory, nor the rules governing the mobility of such third-country nationals across the Union</u> -in accordance with Union law.	
Recital 3a				
13a		<u>(3a) The issuance, and renewal of the European Disability Card should be free of charge. Reissuance of that 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 re-acquiring those cards. Where Member States issue the European Disability Card directly, they should seek the consent of the person concerned. Third-country nationals with disabilities should be duly informed, in a language they can understand, about the possibility to</u>		

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		<u><i>apply for the European Disability Card where it is not issued directly.</i></u>		
Recital 3b				
13b		<u><i>(3b) A European Disability Card can be required as proof of the 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</i></u>		

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		<u>certificate, disability card or any other formal document for persons with disabilities with the European Disability Card.</u>		
Recital 3c				
13c		<u>(3c) 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 with national law and practice, with the objective of encouraging personal autonomy, contributing to strengthen the integration of persons with disabilities into society, facilitating community life and promoting the 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 traveling 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 Union and national law. Persons accompanying or assisting persons with disabilities are designated by the persons with disabilities themselves or by their</u>		

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		<u>legal guardians and can change on an ad hoc basis depending on the requirements of the persons with disabilities.</u>		
Recital 3d				
13d		<u>(3d) Member States should ensure that adequate and effective means exist to ensure compliance with this Directive and should therefore establish appropriate measures, including checks on compliance and administrative or judicial procedures, to guarantee that persons with disabilities, persons accompanying or assisting them including personal assistants, 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 of or in support of persons with disabilities, with their approval, in accordance with national law and procedures. Member States should ensure that those provisions take into account Article 13 UNCRPD and the principle of reasonable accommodation of the UNCRPD.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 3e				
13e		<u>(3e) 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 those cards. Member States should exchange information with regard to such cases of fraudulent issuance, use and forgery to ensure mutual trust between Member States as the mutual recognition of disability status is the cornerstone of the European Disability Card and the European Parking Card for persons with disabilities. 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 into their stigmatisation. Member States should consult persons with disabilities and their representative organisations in the design and implementation of the measures.</u>		
Recital 3f				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
13f		<u>(3f) All relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and 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 ensuring that all third-country nationals legally residing in the territory of Member States are aware of their rights and the application process. 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.</u>		
Recital 3g				
13g		<u>(3g) Third-country nationals with disabilities, in particular women and girls, are at a heightened risk</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>of being subject to intersectional discrimination. 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, gender, gender expression, gender identity, sexual orientation or sex characteristics, or other status.</u>		
Recital 3h				
13h		<u>(3h) The LGBTQ+ Equality Strategy 2020-2025 enlightens that LGBTQ+ persons with disabilities can face additional difficulties to obtain support and information, and to participate fully in community life and in society at large.</u>		
Recital 3i				
13i				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(3i) The UNCRPD recognises the principle of gender equality, that women and girls with disabilities are often at greater risk and subject to multiple and intersectional discrimination and that State Parties to the UNCRPD should take adequate measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms. It is imperative to recognize that women and girls with disabilities are affected by discrimination in many areas of life. The European Disability Card and European Parking Card for persons with disabilities must therefore have a clear gender equality perspective and contribute to improving free movement, especially for women and girls with disabilities. The Convention on Preventing and Combating Violence against Women and Domestic Violence, to which the Union is party, should guide the establishment and implementation of the European Disability Card and the European Parking Card for persons with disabilities in that context.</u>		
Recital 3j				
13j		<u>(3j) The Commission should issue a report including an analysis of</u>		

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		<u>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 Directive 79/7/EEC, 2000/43/EC, 2000/78/EC or 2004/113/EC, as well as other grounds, such as race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age, gender, gender expression, gender identity, sexual orientation or sex characteristics, or other status, with a particular focus on women and girls with disabilities.</u>	PUBLIC	
Recital 4				
14	(4) In accordance with Chapter 4 of the Convention implementing the Schengen Agreement¹, third-country nationals legally residing in a Member State may move or travel freely within the territories of other Member States under the conditions set out in that Convention. Thus, under the Schengen acquis, third-country nationals legally residing in the territories of Member States may move or travel freely within the territories of all other Member States during a period of 90 days in any 180-day period in accordance with	(4) In accordance with Chapter 4 of the Convention implementing the Schengen Agreement¹, third-country nationals legally residing in a Member State may move or travel freely within the territories of other Member States under the conditions set out in that Convention. Thus, under the Schengen acquis, third-country nationals legally residing in the territories of Member States may move or travel freely within the territories of all other Member States during a period of 90 days in any 180-day period in accordance with	(4) In accordance with Chapter 4 of the Convention implementing the Schengen Agreement¹, third-country nationals legally residing in a Member State may move or travel freely within the territories of other Member States under the conditions set out in that Convention. Thus, under the Schengen acquis, third-country nationals legally residing in the territories of Member States may move or travel freely within the territories of all other Member States during a period of 90 days in any 180-day period in accordance	

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	the conditions set out in Article 21 of that Convention. 1. Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19, ELI: http://data.europa.eu/eli/convention/2000/92/2/oj).	the conditions set out in Article 21 of that Convention. 1. Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19, ELI: http://data.europa.eu/eli/convention/2000/92/2/oj).	with the conditions set out in Article 21 of that Convention. 1. Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19, ELI: http://data.europa.eu/eli/convention/2000/92/2/oj).	
Recital 5				
15	(5) This Directive should not affect the applicable Union rules governing mobility across the Union of third country nationals legally residing in a Member State, and who are entitled to move or travel to other Member States in accordance with Union law, but should rather facilitates the exercise of their right to move or travel when they already have such a right to mobility.	(5) This Directive should not affect the applicable Union rules governing mobility across the Union of third country nationals legally residing in a Member State <u>across the Union</u>, and who are entitled to move or travel to other Member States in accordance with Union law, but should rather facilitates <u>facilitate</u> the exercise of their right to move or travel when they already have such a right to mobility. <u>It is important that the persons subject to a return decision whose removal has been suspended on the basis of fact or law are able to benefit equally from this Directive. In that context, they should be able to obtain an appropriate legal status from Member States to allow them to do so. For the purpose of this Directive, legal residence of a third-</u>	(5) <u>In particular, while</u> this Directive should not affect the applicable Union rules governing mobility across the Union of third country nationals legally residing in a Member State, and who are entitled [...] <u>it could facilitate the exercise of the right of those persons</u> to move or travel to other Member States in accordance with Union law, but should rather facilitates the exercise of their right to move or travel when they already have such a right to mobility across the Union [...] <u>if they already have such a right to mobility. Only those persons who move legally across the Union should benefit from the mutual recognition rights under this Directive.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>country national in the territory of a Member State shall be established on the basis of the status granted by that Member State under Union or national law, irrespective of the duration of this status.</u>		
Recital 6, first subparagraph				
16	(6) In accordance with Articles 1 and 2 and Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(6) In accordance with Articles 1 and 2 and Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(6) In accordance with Articles 1 and 2 and Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	
Recital 6, second subparagraph				
17	[or]	[or]	for	
Recital 6, third subparagraph				
18	In accordance with Articles 1 and 2 and Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of	In accordance with Articles 1 and 2 and Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of	In accordance with Articles 1 and 2 and Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of	

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	freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland has notified [, by letter of ...] its wish to take part in the adoption and application of this Directive.	freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland has notified [, by letter of ...] its wish to take part in the adoption and application of this Directive.	freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland has notified [, by letter of ...] its wish to take part in the adoption and application of this Directive.	
Recital 7				
19	(7) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(7) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(7) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	
Recital 8				
20	(8) Since the objective of this Directive, namely to facilitate the possibilities to move, or travel to other Member States, for persons with disabilities (or those accompanying or assisting them), who are third-country nationals legally residing in the territory of a Member State and who are entitled to move or travel to other Member States in accordance with Union law, cannot be sufficiently achieved by the Member States but can rather, by	(8) Since the objective of this Directive, namely to <u>strengthen the exercise of the free movement rights of persons with disabilities, as well as to</u> facilitate the possibilities to move, or travel to other Member States, for persons with disabilities for those accompanying or assisting them , <u>including their personal assistants, regardless of their nationality</u> , who are third-country nationals legally residing in the territory of a Member	(8) Since the <u>main</u> objective of this Directive, namely to facilitate the possibilities to move, or travel to other Member States, for <u>define certain rights of</u> persons with disabilities (or those accompanying or assisting them) , who are third-country nationals legally residing in the territory of a Member State and who are entitled to move or travel to other Member States in accordance with Union law <u>not beneficiaries of Directive [...]/...], as well as, when</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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,	State and who are entitled to move or travel to other Member States in accordance with Union law, 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,	<u>applicable, for persons accompanying or assisting them, including their personal assistants, or assistance animals,</u> 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 <u>of</u> 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,	
Recital 8a				
20a		<u>(8a) According to [Directive (EU) XXXXX], Member States are to ensure that public authorities make information on the special conditions, preferential treatment and parking conditions and facilities for persons with disabilities to make information thereof publicly available in a clear, comprehensive and user-friendly way as well as in accessible formats. Member States may also encourage private operators that offer special conditions,</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>preferential treatment and parking conditions and facilities for persons with disabilities to do so. The Commission is to establish a single dedicated Union website in accordance with Article [15a] of that Directive. Member States are to establish and update a national website with that information in accordance with Article [15] of that Directive.</u>		
Formula				
21	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Article 1				
22	Article 1	Article 1	Article 1	
Article 1, first paragraph				
23	Member States shall ensure that the rules laid down in [Directive (EU) XXXXX] apply to third country nationals not falling within the scope of that Directive whose disability status and/or rights to parking conditions and facilities reserved for persons with disabilities have been recognised by the Member State of their residence, as well as to persons	Member States shall ensure that the rules, <u>rights and obligations</u> laid down in [Directive (EU) XXXXX] apply to third country nationals not falling within the scope of that Directive whose disability status and/or rights to parking conditions and facilities reserved for persons with disabilities, have been recognised by the Member State of	Member States shall ensure that the rules laid down in f Directive (EU) XXXXX <u>[.../...]</u> apply to third country <u>third-country</u> nationals not falling within the scope <u>legally residing in the territory of a Member State who are not beneficiaries</u> of that Directive <u>and</u> whose disability status <u>or entitlement to specific services</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accompanying or assisting them, including personal assistant(s) within the meaning Article 3 point (d) of that Directive.	their residence, as well as to <u>any</u> persons accompanying or assisting them, including <u>their</u> personal assistant(s) within the meaning <u>assistants regardless of their nationality, as well as to those making use of assistance animals, as defined in Article 3, points (d) and (h)</u> point (d) of that Directive.	<u>based on a disability</u> , and/or rights to parking conditions and facilities reserved for persons with disabilities, have been recognised by the Member State of their residence, as well as, <u>when applicable</u> , to persons accompanying or assisting them, including personal assistant(s) <u>assistants, or assistance animals</u> , within the meaning <u>of</u> Article 3 point (d) of that Directive.	
Article 2				
24	Article 2	Article 2	Article 2	
Article 2, first paragraph				
25	This Directive shall not affect the applicable Union rules governing mobility across the Union, of third country nationals legally residing in the territory of a Member State.	This Directive shall not affect the applicable Union rules governing mobility across the Union , of third country nationals legally residing in the territory of a Member State <u>across the Union</u> .	This Directive shall not affect the applicable Union rules governing mobility across the Union, of third country <u>of third-country</u> nationals legally residing in the territory of a Member State.	
Article 3				
26	Article 3	Article 3	Article 3	
Article 3, first paragraph				
27				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	For the purposes of this Directive “third country national” means any person who is neither a Union citizen within the meaning of Article 20(1) TFEU nor a family member of a Union citizen exercising his or her right of free movement within the meaning of Articles 2(2) and 3(2) of Directive 2004/38/EC, and who is legally residing in the territory of a Member State and is entitled to move or travel to other Member States in accordance with Union law.	For the purposes of this Directive “third country national” means any person who is neither a Union citizen within the meaning of Article 20(1) TFEU nor a family member of a Union citizen exercising his or her right of free movement within the meaning of Articles 2(2) and 3(2) of Directive 2004/38/EC, and who is legally residing in the territory of a Member State and is entitled to move or travel to other Member States in accordance with Union law.	For the purposes of this Directive “ third country <u>third-country</u> national” means any person who is neither <u>not</u> a Union citizen within the meaning of Article 20(1) TFEU nor a family member of a Union citizen exercising his or her right of free movement within the meaning of Articles 2(2) and 3(2) of Directive 2004/38/EC, and who is legally residing in the territory of a Member State and is entitled to move or travel to other Member States in accordance with Union law.	
Article 3a				
27a		<u>Article 3a</u>		
Article 3a, first paragraph				
27b		<u>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 who are third country nationals legally residing in their territory publicly available and in accessible formats, including in digital and easy-to-read formats, and upon request, in assistive formats requested by them, and in a language that they can understand.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3a, second paragraph				
27c		<u>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 in a language that they can understand 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 the fee does not exceed the administrative costs concerned or discourage persons with disabilities from requesting the card again.</u>		
Article 3b				
27d				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Article 3b</u>		
Article 3b, first paragraph				
27e		<u>The Commission shall duly inform the European Parliament of the measures of national law which Member States adopt in the field covered by this Directive.</u>		
Article 3b, second paragraph				
27f		<u>By [three years from the date of application of this Directive], and every four years thereafter, the Commission shall submit to the European Parliament, to the Council, to the Economic and Social Committee and to the Committee of the Regions a report on the application of this Directive.</u>		
Article 3b, third paragraph				
27g		<u>The report referred to in paragraph 2 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,</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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 Directive 79/7/EEC, 2000/43/EC, 2000/78/EC or 2004/113/EC, as well as other grounds with a particular focus on women and girls with disabilities.</u>		
Article 3b, fourth paragraph				
27h		<u>By [one year from 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.</u>		
Article 4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
28	Article 4	Article 4	Article 4	
Article 4(1), first subparagraph				
29	1. Member States shall adopt and publish, by dd/mm/yy [[Publications Office, please insert the date of transposition of the Directive adopted in procedure 2023/0311 (COD)]] 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	1. Member States shall adopt <u>the laws, regulations and administrative provisions necessary to comply with this Directive by ...</u> [and publish, by dd/mm/yy [[Publications Office, please insert the date of transposition of the Directive adopted in procedure 2023/0311 (COD)]] 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.	1. Member States shall adopt and publish, by dd/mm/yy <u>[Publications Office, please insert the date of transposition of the Directive adopted in procedure 2023/0311 (COD)]</u> Publications Office, please insert the date of transposition of the Directive adopted in procedure 2023/0311 (COD)] 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.	
Article 4(1), second subparagraph				
30	They shall apply those provisions from dd/mm/yy [Publications Office, please insert the date of application of the Directive adopted in procedure 2023/0311 (COD)].	They <u>Member States</u> shall apply those provisions from dd/mm/yy [Publications Office, please insert the date of application of the Directive adopted in procedure 2023/0311 (COD)] the <u>communicate to the Commission by</u> [date of application <u>transposition</u> of the Directive adopted in procedure 2023/0311 (COD)], <u>the text of the measures of national law which they adopt in the field covered by</u>	They shall apply those provisions from dd/mm/yy <u>[Publications Office, please insert the date of application of the Directive adopted in procedure 2023/0311 (COD)]</u> Publications Office, please insert the date of application of the Directive adopted in procedure 2023/0311 (COD)] .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>this Directive</u> .		
Article 4(1), third subparagraph				
31	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.	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.	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 4(2)				
32	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. field <u>matters</u> covered by this Directive.	
Article 5				
33	Article 5	Article 5	Article 5	
Article 5, first paragraph				
34	This Directive shall enter into force on the [twentieth] day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the [twentieth] day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the [twentieth] day following that of its publication in the <u>Official Journal of the European</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>Union.</u> <i>Official Journal of the European Union.</i>	
Article 6				
35	Article 6	Article 6	Article 6	
Article 6, first paragraph				
36	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	
Formula				
37	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
38	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
39	The President	The President	The President	
Formula				
40	For the Council	For the Council	For the Council	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
41	The President	The President	The President	

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