



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Directorate D: Equality
Unit D.3: Rights of persons with disabilities

Brussels, 29 May 2012
JUST D3/ES/ck

Draft MINUTES of the EU Disability High Level Group

**Thursday 10 May from 9.30 to 18.00
and Friday 11 May from 9.00 to 16.00**

Conference Centre A. BORSCHETTE

36 rue Froissart

B-1040 Brussels

Chair: Aurel Ciobanu Dordea, Director JUST/D and

Johan ten Geuzendam, HoU JUST/D3

Secretary: Erik Somelar, JUST/D3

Logistics: Catherine Koeckx, JUST/D3

Morning – 10 May

Meeting with member state representatives (9:30 – 13:00 h)

1. Welcome and presentation of the agenda

The Chair opened the meeting, welcomed the participants and explained the linguistic regime. The agenda was adopted.

The Chair announced and welcomed new members of the Group – Ms Annette Tabbara, Mr Roland Kisgyöri (member), Mr László Szőke (substitute member), Mr. Richard Godfrey, Dr. Orlando Costa, Mr Ignacio Tremiño, Ms Lina Pastorek, Ms Miriam Bennett-Houlton.

2. Approval of the record of the HLG meeting of 24-25 October 2011

The record of the 24-25 October 2011 meeting of the DHLG was approved.

3. Consultation on PROGRESS Work program 2013

The Commission explained the actions planned. As many of the actions, such as the NGO running costs subsidy, will continue in 2013, the Commission proposed just one new action for 2013, a study on implementation measures for the forthcoming European Accessibility Act. The Commission explained the link between presented actions and the EU 2020 program, where employment, education and social inclusion targets are most relevant for disability issues. Members agreed with the proposed approach.

4. Implementing the UNCRPD:

Article 33.2 monitoring framework

The Commission presented basic elements of a proposal for the setting up of a framework at EU level for the protection, promotion and monitoring of the UNCRPD (art. 33.2). The objective of the proposal is to create a simple, efficient and practical arrangement to maximise the synergies between existing bodies and institutions without causing undue administrative and financial burden. The process for the setting up of the framework was not concluded yet at the time of the meeting, with the next step being a discussion in the COHOM group of the Council on 16 May.

Discussion mainly focussed on questions arising from the inclusion of the Commission in the framework and the modus operandi of a monitoring structure composed of 5 parties. The Commission explained that its participation in the EU framework is necessary in order to monitor member states' implementation of EU law in matters falling under the scope of the Convention. As foreseen in the EU Treaties, this monitoring function vis-à-vis member states pertains to the Commission and is also a fundamental element of the reporting obligation of the EU under art. 35.1 CRPD and art. 12(c) of the Code of Conduct.

The Commission also clarified that the position of the UNCRPD as an international treaty in the EU legal framework is below the TFEU but above instruments of secondary legislation such as Regulations and Directives.

The Commission assessed the multiparty composition of its framework as an enabling feature and pointed out that decisions, if any, would be taken by consensus.

Work Forum

The Commission presented seven proposals for the topics that the next Work Forum could focus on. All topics were found to be interesting and relevant by Members. The UK proposed to include in the range of possible topics measures to build the capacity of disabled peoples' organisations (DPOs) so that they are sustainable, are better able to work with Governments on development and delivery of policies for disabled people, and are able to represent and support disabled people. There was also a suggestion to consider extending the Work Forum to two full days and shortening the High Level Group meeting that will precede the Work Forum.

Article 35 report

The Commission gave an overview of its main considerations regarding the implementation report that the EU is due to present to the UN Committee on the Rights of Persons with Disabilities in 2013.

In line with the Code of Conduct, the EU report will focus on the Declaration of Competence annexed to the Council Decision on the conclusion of the Convention and will address the matters governed by the Convention falling within the relevant provisions of each act appearing in the Declaration of Competence. The Report will address also the “internal” implementation of the Convention by the EU institutions as Public Administration (vis-à-vis their staff and the public).

Taking into account the 2009 UN reporting guidelines, the EU report will also aim to present relevant measures (beyond the acts listed in the declaration of competence) and progress made in the implementation of the Convention following an article-by-article approach.

In the following discussion, the Commission specified that it may, under each relevant article, make general remarks regarding the implementation of the UNCRPD by the Member States insofar as issues falling under EU competence are concerned.

The Commission will soon launch an open call for tender to contract a study to gather and analyse relevant data and information. The Commission called upon the Members to be prepared to respond to the information requests in a 6-month period starting in September 2012.

5. Upcoming 5th HLG report and the accompanying info note

The Commission gathered feedback to draft documents that the Members had received via CIRCA. Members were requested to send any remaining factual contributions by 15 May 2012. It was announced that the Report will be finalized in written procedure.

6. Cooperation ahead of the 5th UNCRPD Conference of State Parties

The Members and the Commission exchanged information regarding the candidates for the seats becoming vacant at the UN Disability Committee. Sweden as the Presidency of the Bureau of the Conference announced that the agenda will be distributed in early June and undertook to share relevant information through the AGORA system.

The Commission encouraged the Members to contribute to the cooperation between the Commission and the Member States in line with the Code of Conduct.

7. Follow-up on Disability Parking Cards: technological opportunities to address fraud

Experts from the UK Department for Transport gave a detailed overview of the reform of the UK disability parking (Blue Badge) scheme.

The Commission gave an overview of the possibilities of including in the CIP work programme of DG INFSO the technology opportunities for improving the functioning of the Disability Parking Cards. If the item would be included in the work programme, Member States organisations would be able to submit proposals for funding an EU-wide project. The outcome of that possible work would be relevant for the update of the present EU-model Disability Parking Card. The Commission emphasised that if the INFSO 2013 work plan would contain a suitable item, the project selection will be made on a competitive basis. The Commission stressed the importance for interested organisations to form a strong consortium to prepare a solid bid given the large number of proposals normally received in this programme.

The Members saw the presentations as very useful; the Commission announced that this point will receive appropriate follow-up, starting with distribution of the presentations.

Afternoon – 10 May

Joint meeting with representatives of civil society (14:30-18:05)

9. Welcome and presentation of the agenda

The Chair opened the meeting, welcomed the participants and explained the agenda.

10. Approval of the record of the HLG meeting of 24-25 October 2011

The record of the 24-25 October 2011 meeting of the DHLG was approved.

8 and 15 Preparations for the Accessibility Act

This agenda point had been foreseen to be discussed twice. Due to time constraints it was discussed only once, in the joint meeting.

The Commission gave an overview of the present situation and the next steps, referring to the Roadmap for the Accessibility Act, setting out to the Members the general approach it is taking, namely exploring the internal market approach. The Commission also requested opinions and suggestions regarding the list of goods and services deserving high priority for accessibility, with contributions invited to arrive by 24 May 2012.

The Members expressed their support to the approach. Specific recommendations included paying special attention to the SME, using standards to underpin legislation, using public procurement to give momentum to the initiative. The hope was expressed that the Act would contain legally binding elements and a monitoring mechanism. It was underlined that accessibility ultimately depends on each link in a chain on the way to a good or a service being accessible. Attention was drawn to an anticipated need for highly trained, and preferably certified, experts giving advice to organisations and constituting a human interface.

The Commission reminded the Members that it seeks in particular feedback regarding the list of goods and services deserving high priority. Some organisations (EDF) undertook to supply comprehensive lists. The Commission explained that one criterion for drafting the list goods and services is the functioning of the internal market in supplying these goods and services. The Commission also asked the members for information, if available, on real or likely obstacles in the internal market .

11. Statistics: progress on LFS-AHM, EHSIS, perspectives

The Commission presented the expected time frame for the availability of the data from the LFS ad hoc module on disability and the EHSIS (European Health and Social Integration Survey). It also outlined the intentions to achieve efficiencies by rationalising the social surveys it currently runs, for instance by avoiding duplication of questions. At the same time, the Commission regrets about the long time it takes to gather and process the data of important big-scale surveys.

Questions were asked about the possibility of mainstreaming disability in all surveys and distinguishing a health condition from an impairment.

The Commission asked the Members to raise the enthusiasm of their respective national statistics offices regarding disability surveys and disability mainstreaming.

12. Online Tool

ANED presented the recent developments and provided a demonstration of the online tool's current functionalities and content.

The Commission encouraged the Member States to validate the data, as that would increase its quality and value. The commission recalled that 6 Member States had undertaken to officially validate the data. A procedure was agreed to that purpose and the Commission undertook to assure that follow-up is given by 24 May 2012.

Members proposed some technical corrections to the data already in the database. They also expressed their belief that the Tool is valuable, easy to use and worth contributing to. The place of civil society contributions was discussed, the Commission underlined that the Tools is intended to be purely factual and ANED confirmed its focus on factual correctness.

13. Implementing the UNCRPD: Article 33.2 monitoring framework

The Commission presented basic elements of a proposal to set up at EU level a framework to protect, promote and monitor the CRPD as foreseen in art. 33.2. It expressed hope that discussions in the COHOM on 16 May would result in the framework commencing its operations very soon.

Civil society representatives expressed their hope that the Commission would prove able to carry out its dual role of focal point and member of the monitoring framework. The EASPD pointed out that care should be taken to ensure that all relevant actors, including "key enablers" as the service providers can contribute. Information was requested on practical details of the formalisation of the Framework's legal status and the role of the High Level Group in EU coordination.

The Commission explained that its dual role has been extensively analysed and that its participation in the framework has a distinct function and tasks compared to its role as a focal point. The Commission did not exclude that adjustments to the framework could be made in future if proven necessary. It also explained that a new legal instrument is not considered necessary to formalise the Framework, as the indentified entities already exist and are able to perform as member of the framework without any changes to their respective mandates.

The Commission responded that the formal coordination role at EU level pertains to COHOM as specified in the Code of Conduct, but the HLG could provide expertise when necessary.

Work Forum

The Commission presented seven proposals for the topics that the Work Forum could focus on. All topics were seen by Members as interesting and relevant. The Commission

invited the Members to give further suggestions and feedback on the proposed topics, by 15 June 2012.

Article 35 report

The Commission gave an overview of its main considerations regarding the implementation report that the EU is due to present in 2013. In particular, the Commission explained, whereas the ultimate responsibility for the Report rests with the Commission, civil society will be consulted in the process and that the submission of shadow reports can be normally expected. The Commission called upon the Members to be prepared to respond to the information requests in a 6-month period starting in September 2012 during the data collection and analysis for a study to support the preparation of the EU report.

14. Consultation on PROGRESS Work program 2013

The Commission explained the actions planned. As many of the actions, such as the NGO running costs subsidy will continue in 2013, the Commission proposed just one new action for 2013, a study on implementation measures for the forthcoming European Accessibility Act. Members agreed with the proposed approach.

15. (see point 8)

16. European-model Disability Card – follow up on previous discussion

The Commission referred to the note distributed previously, where practical steps and choices for the development of a privately run card were described. It also recalled previous discussions on the topic and encouraged the Members to support practical efforts, for instance by recommending partner organisations in Member States. The Commission reaffirmed that the card would work on the basis of mutual recognition, no attempt to harmonise definitions is foreseen.

Several Member State representatives (HU, MT, CY, BE, LU, SK) confirmed their support for a European-model card. Both the paths of creating an entirely new system and extending an existing scheme (such as EURECARD) received some support with arguments.

The Members recommended extensive consultations with stakeholders and possible partners. It was underlined that the system should not only give benefits but also promote ideas. EDF stated that it is finalising a questionnaire to its members and will also research EURECARD extension possibilities.

Concluding, the Commission undertook to gather feedback from the Member States, based on the questionnaire aligned with the EDF survey of its members and to return to the issue in October. It remarked that a benefits database is an unavoidable part of the system and conceded that EU support may be necessary for a pilot project that would start the scheme. The Commission also undertook to re-circulate materials previously presented to the HLG on this topic.

17. Structural Funds Regulation – update on progress

The Commission described the current state of the negotiations on the package of Structural Funds regulations for the programming period 2014-2020. Ex-ante

conditionalities on disability and accessibility were removed from the latest draft of the general regulation in a compromise text negotiated by the Danish Presidency.

The Members noted the merit of the ex-ante conditionalities as a mainstreaming tool. They also observed that investment into removing barriers would be an economic stimulus that is needed under the present economic downturn.

Concluding, the Commission stressed the importance of supporting preservation of the horizontal ex-ante conditionalities in the General Regulation.

18. Update on the FRA's work on the rights of persons with disabilities: reports on independent living and involuntary placement and involuntary treatment

The FRA presented its ongoing work that many Members had kindly supported by giving feedback on the draft report on involuntary placement. Responding to a question, FRA indicated that legal experts found that focusing on mental disabilities in the legal part of the report is justified. It undertook to include persons with intellectual disabilities in the social part of the report on involuntary placement.

19. Presentation of the report "Looking the other way- A Study Guide to Victims of Violence with disability" (Sweden).

Ann Jönsson (National Board for Health and Welfare, Sweden) presented the Guide and described its use. Members shared information on studies launched and concluded in Germany and Norway as well as by the Council of Europe. The DAPHNE database was also referred to. Ms Jönsson clarified the data situation in Sweden, followed by a short methodological discussion.

The Commission concluded by underlining the importance of prevention in this area.

20. Info points

The members were informed about the launch of the new round of the Access City Awards (applications open as of 22 May, until 5 September 2012), the dates of the European Day of Persons with Disabilities conference (3-4 December 2012) and the migration of the communication environment of the HLG to CIRCABC.

21. Any other business

The Multi-Donor Trust Fund of the UN Partnership was discussed and information about its current EU supporters was exchanged.

EASPD called attention to its study about the effects of the economic crisis. EPR called attention to a similar study being prepared in cooperation with Eurofound.

The Commission invited Members to make proposals for the agenda of the next HLG meeting on 24 and 25 October 2012.

Presence list 10-11 May 2012

Country	Name	Organisation
AT	RUBISCH Max	Bundesministerium für Arbeit, Soziales und Konsumentenschutz
AT	REIBMAYR Georg	Permanent Representation of Austria to the E.U.
BE	KENNES Rudi	VAPH
BE	RAMBOUX Anne	SPF Sécurité sociale
BG	HARIZANOVA Nadezhda	Ministry of Labour and Social Policy
CY	FLOURENTZOU Christina	Ministry of Labour and Social Insurance (Department for Social Inclusion of Persons with Disabilities)
CZ	CULIK Stefan	Ministry of labour and Social Affairs
CZ	CERVINKOVA Katerina	Ministry of labour and Social Affairs
CZ	VITKOVA RULIKOVA Klara	Ministry of labour and Social Affairs
DE	TABBARA Annette	Bundesministerium für Arbeit und Soziales
DK	BAEKGAARD Anne	Socialministeriet
DK	JOHANSEN Thomas	Socialministeriet
EE	AUSNA Aile Rahel	Ministry of Social Affairs of Estonia
ES	TREMINO Ignacio	Ministerio de Sanidad y Política Social
FI	POYHONEN Eveliina	Ministry of Social Affairs and Health
FR	BOULISSIERE Thierry	Ministère des Solidarités et de la Cohésion sociale
EL	NIKOLSKY Dimitrios	Hellenic Ministry of Health and Solidarity
HU	SZÓKE László	Ministry of National Resources
HU	GARAMVÖLGYI Annamaria	Ministry of National Resources
HU	MOLNÁR Balász	Permanent Representation of Hungary to the E.U.
IRL	GODFREY Richard	Disability Equality Unit Dept of Justice, Equality and Law Reform
LV	CELMINA Elina	Ministry of Welfare

LT	NOVIKOVAS Vitalijus	Permanent Representation of Latvia to the E.U.
LU	BIVER Pierre	Ministère de la Famille et de l'intégration Division : Intégration/soins
MT	CALLUS Anne Marie	National Commission Persons with Disabilities
NL	POFFE Léon	Ministry of Health, Welfare and Sport
PL	KIELDUCKA Malgorzata	Ministry of Labour and Social Policy
SI	BAC Dragica	Ministry of labour, Family and Social Affairs
SK	NADAZDYOVA Maria	Ministry of Labour; Social Affairs and Family
SE	PASTOREK Lina	Ministry of Health and Social Affairs
UK	THROWER Stephen	Department for Work and Pensions, Office for Disability issues
UK	Miriam BENNETT-HOULTON	UK Representation to the E.U.
NO	SÆBØNES Ann-Marit	Ministry of Children, Equality and Inclusion

Presence list Civil Society	
BESOZZI Carlotta	European Disability Forum
FAURE Alain	European Disability Forum
VIVANTI Donata	European Disability Forum
PANZERI Paola	Confederation of Family Organisations in the E.U (COFACE)
ZELDERLOO Luk	European Association of Service Providers for Persons with Disabilities (EASPD)
FEA Fabrizio	European Association of Service Providers for Persons with Disabilities (EASPD)
SPOOREN Jan	European Platform for Rehabilitation