



Draft MINUTES of the EU Disability High Level Group meeting

Wednesday 24 October and Thursday 25 October 2012
in Brussels

Chair: Aurel Ciobanu Dordea, Director JUST/D and

Johan ten Geuzendam, Head of Uunit JUST/D3

Secretary: Erik Somelar, JUST/D3

Logistics: Catherine Koeckx, JUST/D3

24 October- Morning

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

Denmark: Ms Hanne Stig Andersen (new permanent member)

Ms Emilie Suldrup Wolff (occasional deputy)

France: Mr. Alexis Rinckenbach (new permanent deputy member)

Germany: Ms Julia Schmidt (occasional member)

Malta: Ms Amy Zahra (new permanent deputy member)

The Netherlands: Ms Nicolette Damen (member) and her stagiaire Ms Meike Kramer

Portugal: Mr. José Manuel Serodio (new permanent member)

Mr. Orlando Costa (new permanent deputy member)

Spain: Ms Begoña Gosalbez (occasional member)

Sweden: Mr Nilsson (new permanent deputy member)

2. Approval of the record of the HLG meeting of 10-11/05/2012

The record of the 10-11 June 2012 meeting of the DHLG was approved.

3. UNCRPD: the 5th Conference of State Parties

The Conference took place on 7-9 September 2011 in New York.

In its debriefing, the Commission noted that the candidates from the EU did well in elections to the Committee, with all 3 candidates elected in the first round.

It agreed with Sweden's and Norway's positive evaluation of the Conference and the success in relating to other State parties the particularities of a regional organisation as a Party to the UNCRPD during the side event as well as informing about the European work on accessibility during the plenary session. Members shared their observations, including the wish for direct participation of more expert Members of the DHLG and increased level of awareness and cooperativeness of Ministries of Foreign Affairs especially during the preparatory phase for the event. Efforts for successfully coordinating and sharing statements should be stepped up.

Norway and Netherlands (at the Conference as observers) shared their expectations about possible conclusion of their ratification processes in 2013.

It was noted that Spain is a co-facilitator (with the Philippines) of the next year's High level segment on disability that is planned as an event during the UN General Assembly.

4. Preparations for the first report by the EU to the UNCRPD Committee

The Commission informed the Members about the preparations for a study that will support data collection and analysis for both the initial report to the UNCRPD Committee and the review of the European Disability Strategy. The Commission asked the Members to be prepared to assist the contractor with their research and explained that the scope of the study will be focusing on the disability-relevant provisions in the acts included in the Declaration of Competences.

The Members underlined the necessity of completing desk research before formulating questions of the interviews and of allowing enough time to find answers.

The Group discussed the situation of data availability in the Member States, noting that from 19 initial reports already due to the UN Committee only 9 have been produced. The Commission noted that data on implementation of relevant Directives will be researched by the services of the Commission responsible for monitoring their implementation.

Members also shared their experience of drafting their reports, especially regarding integrating all relevant ministries and civil society into the process.

Finally the Commission reminded the Members to offer the Commission an opportunity to comment on the report prior to its submission, and to share the reports with other Members of the DHLG.

Under the same agenda point, Italy presented highlights of its report to the Committee on the Rights of Persons with Disabilities. Its Ministry of Foreign Affairs is in the process of drawing up a core document on international treaty obligations taken on by Italy that will be a part of all such reports.

Finally, Hungary shared its experience with the discussion of its report at the 8th session of the Committee on the Rights of Persons with Disabilities in Geneva.

In discussing the content and modalities of responses to questions asked by the Committee, the Commission noted that the Member States can request that EU representatives be included in their delegations to help answering questions related to EU matters.

Members also noted that there is a considerable backlog in processing of Reports by the Committee. Adding a third two-week session per year has been put forward as a solution.

5. Preparations for the Accessibility Act

The Commission noted that the recently confirmed Commission Work Plan for 2013 foresees the presentation of the Act in the 1st half of 2013.

The discussion dealt with issues such as which Council working group would deal with the proposal and the proposal's legal basis.

The Commission recalled that the 2008 proposal for a Directive with an anti-discrimination legal basis is still under discussion in the Council and that the negotiations will continue. The European Accessibility Act is intended to complement

this and other European proposals and instruments relevant for accessibility. The Commission is exploring the use of an internal market legal basis and examining the realities of the market. The idea is to facilitate and clarify the interpretation of accessibility at EU level.

Regarding the selection of priority goods and services, the Commission clarified that this selection follows a logic, focusing on goods and services which, first of all, are relevant to people with disabilities, relevant to accessibility and are meaningful from the internal market perspective.

6. Parking cards – state of the art

The Commission recalled the main issues in the review of the functioning of the EU-model Disability Parking Cards. The discussion document uploaded via CIRCABC was basis for discussion.

Several Members described problems faced by the system, e.g. fraud by copying, high workload connected to issuance, insufficient clarity regarding the precise colour of the card, lack of distance-readable data for access to restricted historical areas, difficulties with the mutual recognition. They also reported on some measures taken to address the problems, such as decentralisation, streamlining of recognition of eligible disability. Norway asked to be explicitly included in the info materials.

Italy reported that the legal obstacles to the implementation of the Card were removed in Spring 2012 and that municipalities can now proceed with issuing the EU-model card.

The Commission will continue to involve Members among others by the specific questionnaire to be developed after the meeting. Commission informed the Members on the possible call for proposals under the CIP programme relevant for this matter.

7. Multi-Donor Trust Fund of the UN Partnership

Sweden presented the Fund and its arguments for participation. It described the goal of the Partnership as helping to develop capacities of governments and organisations to effectively implement the UNCRPD. It noted that persons with disabilities, who constitute up to 15% of the world population, are at a significantly higher risk of poverty than people without disabilities, even more so in the developing countries.

Finland highlighted its use of the Trust Fund to give focus to its development policy, and to better enable the cooperation with the recipient countries in the area of disability. The same approach is adopted by Cyprus.

Austria explained that its policies foresee mainstreaming disability, including in the development cooperation, but this is managed on a project basis.

The Commission explained that its approach to development policy and to disability mainstreaming within it is project-based. It underlined, however, that it does not question the usefulness of the Fund.

The countries participating in the fund undertook to share materials that would help others to decide whether to join it.

Break 13.00-14.30

24 October – Afternoon

Joint meeting with representatives of civil society (14:30 – 18:00 h)

8. Welcome and presentation of the agenda

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

9. Approval of the record of the HLG meeting of 10-11/05/2012

The record of the 10-11 June 2012 meeting of the DHLG was approved.

10. UNCRPD: the 5th Conference of State Parties

The Commission noted that the candidates from the EU did well in elections to the Committee, with all 3 candidates elected in the first round.

EDF shared its positive experience of the Conference and side events. It highlighted the interest shown in the implementation activities of the EU, especially given its specificity compared to national State Parties. EDF noted that its President will chair the International Disability Alliance for the next two years.

The Women's Lobby noted the positive feedback from an informal session devoted to implementing the UNCRPD for women with disabilities. It also expressed a desire that gender issues should be handled in the plenary.

11. State of play in preparations of the UNCRPD Framework

The Commission informed the Members about the steps taken so far and of the milestones directly ahead (COREPER meeting on 24 October).

Members (FI, SE) welcomed the progress on resolving certain remaining issues, allowing the framework to be functional soon.

Issues raised and discussed by Members included the role of the Commission, the degree of independence of the framework and its modus operandi. The EASPD welcomed the increase in the level of involvement of the EDF, but noted that Dr. Gauthier de Beco in his report on Article 33.2 had called for the involvement of all relevant actors of civil society, according to a broad interpretation of the Paris Principles. EASPD also noted that there is a practice in some Member States (e.g. BE, AT, DK) of involvement beyond disabled peoples organisations (DPOs) to actors like universities, social partners, development aid organisations.

The Commission underlined the opportunity for discussion of practicalities in the Framework's constituent meeting and its openness for feedback on the functioning of the Framework. It reminded that the Framework will pool the available resources without demanding any additional resources and that there was no substitution of the High Level Group by the Framework.

12. Paper on education and special needs

Mr Angelos Agalianos (DG EAC) presented a paper written by the NESSE network of experts on the request of the Commission. In the discussion, the following points were brought up: insufficient funding may result in mainstreaming efforts to become counterproductive. For instance teachers who cannot deal with extra pressure without support may aggravate the problems of SEN pupils. Also, when special schools are reduced in number, there may be no way back for pupils that need them, resulting in isolation at home. It was repeatedly underlined that proper funding of SN support in mainstream schools will likely be more cost-effective than special schools. Civil society members also remarked on the current situation delivering worse outcomes for girls and on the need to consult civil society when making policy. EASPD announced that it is preparing a manifesto on SEN education, noting that the special school system is

growing at the same time when inclusive education is growing and also observed that unnecessary SEN designation is often caused by social (ethnic/family) background. It also pointed out that a relevant report on its website compares 11 countries.

The Commission related its intention to give appropriate policy and action follow-up to the data and recommendations of the report. It regretted that lack of resources is delaying this follow-up.

13. Europe 2020 and disability: existing mechanisms for taking into account disability issues in the 'European Semester' of economic policy coordination

The Commission drew the line under the 2012 cycle and informed the Members about the changes to the mechanisms that were made based on lessons learned. It underlined that the European Semester concentrates on economic policy coordination, which explains relatively few mentions of disability, usually in the context of employment. At the same time, attention is systematically drawn to disability issues in internal discussions. The Commission explained the data situation with annual figures showing the gap between persons with disabilities and the rest of the population in relation to the 3 relevant headline targets on education, employment and poverty risk (figures from EU-SILC appear with a 2-year lag) and the contribution of the ANED expert network with annual reports analysing the respective national situations. Civil society members enquired about their possibilities of giving input; an understanding emerged that this would best be done at the national level.

14. Preparations for the Accessibility Act

The Commission noted that the recently confirmed Commission Work Plan 2013 foresees the presentation of the Act in 1st half-year of 2013.

The discussion touched upon several practical and information issues, such as definition of disability or services, extra costs of accessibility in different settings and the circumstances under which the EU can take action in a given policy area. The issue of the proposal's legal basis was also discussed and the Commission explained that it was examining the possibility of using an internal market approach.

The Commission recalled that a proposal for a Directive based on the anti-discrimination legal bases had already been presented in 2008 and that the Commission is continuing negotiations in the Council working group. The European Accessibility Act is intended to complement it from an internal market perspective.

25 October- Morning

Joint meeting with representatives of civil society (9.00 - 13.00)

15. European-model Disability Card

The Group heard presentations from Mr Helmut Heinen (Belgium); the European Disability Forum and the Commission. Practicalities of issuing and managing disability cards were discussed. Several Member States reiterated or declared their interest to work on EU-model cards: SI, FR, HU, SK, FI, PT, BE, IT, EL. The Commission undertook to set up a working group, involving EDF. This working group will oversee the preparation of a detailed plan for the launch of the Card. The Commission noted that to create a basis for mutual recognition a mapping of practices and conditions of issuing disability cards is needed. On this basis a proposal can be made upon which all participating countries would be able to agree. It undertook to inform the Group of all developments.

16. Recent activities relevant to the EU Disability Strategy

The Commission informed the Members about:

- The Access City Award, where the jury had finalised the list of nominees.
- European Destinations of Excellence (EDEN) 2012-2013 edition: "Accessible tourism", where 22 national tourism authorities (including IS and TK) are participating and more are invited to submit applications by July 2013.
- "Interpretative Guidelines on the application of Regulation (EC) N° 1107/2006 on the rights of persons with reduced mobility travelling by air", which is 22 pages of replies to Frequently Asked Questions on among others, reduced mobility and disability, guide dogs, oxygen, damaged assistive equipment.
- Electronic identification and trust services for electronic transactions in the internal market – puts down requirements for technical solutions in electronic transactions, which will be required to be accessible once the proposal is adopted. The discussion centred on the interpretation of "whenever possible". The Commission assured that it can only be interpreted as a binding requirement whenever a technical solution is viable.
- The revised Public Procurement Directives was adopted by the Commission and is currently being negotiated with the Member States. In the Commission's proposal, consideration of accessibility is now mandatory.

17. Info points

The Commission informed the Members about:

- Accessibility aspects of the European Capitals of Culture – new arrangements for the period after 2019 include widening access to cultural offerings (Art 1) and accessibility as selection criterion (Art 5).
- The Global Network of Age-Friendly Cities, relevant to address accessibility
- EU Directive on minimum standards for victims. Considering the directive, Member States (PT, SK) and representatives of civil society (EDF) criticised the the clause 'whenever possible' in Article 12: it is a vague formulation and should be replaced by a compulsory element. The Commission pointed out that it will be up to Member States to implement the Directive.

The COFACE informed the Members about "The COFACE Guide on the family dimension of the UNCRPD"

Any other business

Austria informed the Members that on 24 July 2012, it adopted its national action plan for integration of persons with disabilities (2012-2020), subtitled "Implementation of the UNCRPD". Austria explained its arrangements for involving civil society. It is downloadable as PDF and gives a greater role than so far to the regional level.

Concluding, the Commission reminded the Members of the conference of the European Day of Persons with Disabilities on 3 and 4 December.

Presence list 24-25 October 2012		
Country	Name	Organisation
AT	REINHALTER Andreas	Bundesministerium für Arbeit, Soziales und Konsumentenschutz
BE	KENNES Rudi	VAPH
BE	PLUMET Brigitte	AWIPH
BE	HEINEN Helmut	Dienststelle für Personen mit Behinderung
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	VITKOVA RULIKOVA Klara	Ministry of labour and Social Affairs
DE	SCHMIDT Julia	Bundesministerium für Arbeit und Soziales
DK	ANDERSEN Anne Stig	Socialministeriet
DK	WOLFF Emilie Suldrup	Socialministeriet
EE	AUSNA Aile Rahel	Ministry of Social Affairs of Estonia
ES	GOSALBEZ RAUL Begona	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
FR	RINCKENBACH Alexis	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 Balázs	Permenent Representation of Hungary to the E.U.
IT	FERRANTE Alfredo	Ministero del Lavoro, della Salute e delle Politiche Sociali
LV	KAULINA-BANDERE Liene	Ministry of Welfare
LT	CAPLIKIENE Eglė	Minsitry of Social Security and Labour
LU	BIVER Pierre	Ministère de la Famille et de l'intégration Division : Integration/soins
MT	CALLUS Anne Marie	National Commission Persons with Disabilities
MT	CAMILLERI ZAHRA Amy	National Commission Persons with Disabilities
NL	DAMEN Nicolette	Ministry of Health, Welfare and Sport
NL	KRAMER Meike	Ministry of Health, Welfare and Sport
PL	KIELDUCKA Malgorzata	Ministry of Labour and Social Policy
PT	COSTA Orlando	National Institute for Rehabilitation
PT	SERODIO José	National Institute for Rehabilitation
SI	URSIC Cveto	Ministry of labour, Family and Social Affairs
SK	NADAZDYOVA Maria	Ministry of Labour; Social Affairs and Family
SE	NILSSON Lars	Ministry of Health and Social Affairs
SE	EKMAN ALDEN Malin	Ministry of Health and Social Affairs
UK	THROWER Stephen	Department for Work and Pensions, Office for Disability issues
NO	SORLIEN Petter	Mission of Norway to the European Union
NO	SÆBØNES Ann-Marit	Ministry of Children, Equality and Inclusion
COE	KOWALCZYK Irena	Council of Europe – Social Cohesion

Presence list Civil Society	
VARDAKASTANIS Yannis	European Disability Forum
LOGARAS Dimitris	European Disability Forum
BESOZZI Carlotta	European Disability Forum
FAURE Alain	European Disability Forum
VIVANTI Donata	European Disability Forum
BRUNO Chantal	Confederation of Family Organisations in the E.U (COFACE)
PANZERI Paola	Confederation of Family Organisations in the E.U (COFACE)
FÖLDESI Erszebet	Woment's Lobby
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