



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

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

Draft MINUTES of the EU Disability High Level Group meeting

Wednesday 24 April and Thursday 25 April 2013
in Brussels

Chair: Aurel Ciobanu-Dordea, Director JUST/D and

Johan ten Geuzendam, Head of Unit JUST/D3

Secretary: Erik Somelar, JUST/D3

Logistics: Catherine Koeckx, JUST/D3

24 April - 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
Ms Barbora Micicova (Czech Republic – new deputy member)
Mr Ján Gabura (Slovak Republic – new deputy member)

The Chair welcomed **Monika Pozderac-Zabcic** as observer from Croatia (where the member and deputy member had not yet been appointed)

2. Approval of the record of the HLG meeting of 24-25/10/2012

The record of the 24-25 October 2012 meeting of the DHLG was approved.

3. EU 2020 and disability

The Commission gave an overview of the state of play regarding submissions of National Reform Programs by the Member States, noting that disability issues were addressed in the documents in many cases.

Mr Jan Spooren (Secretary General of European Platform for Rehabilitation) presented the existing evidence of the impact of austerity, based on a study conducted by the EFC focussing on Greece, Hungary, Ireland, Spain, Portugal and the U.K.

Members found regrettable that the spending cuts were generally made without a significant degree of differentiation. They proposed several approaches and actions for consideration, including stronger focus on innovation that would allow maintaining

quality while reducing spending and more prominent inclusion of social considerations into the European Semester processes.

The Commission underlined the effort made to cover disability issues in the European Semester processes. The adoption of the relevant conclusions and Country Specific Recommendations is now a matter for the member States.. It also noted that the on-going negotiations concerning programming of the future European Structural and Investment Funds (ESIF) address the issue of ex-ante conditionalities which are included in the Commission's proposed regulation for the ESIF 2014-2020 programming period, and that the Commission continues to support this proposal in the on-going discussion with the Council and Parliament

According to the European Disability Forum (EDF) the EFC findings are in line with EDF's survey. EDF insisted that in most member states there are horizontal cuts. National services cut the support to inclusion and education and these are actions under articles of the UNCRPD.

The European Association of Service Providers for Persons with Disabilities (EASPD) expressed its concern that the impact of the crisis harms the implementation of the UN Convention.

4. European-model Disability Card and civil society

The discussion was based on the three meeting documents: Description of the project; Project Working Group (PWG); Progress of the project.

The Commission elaborated the details of setting up a working group that will deal with the practical preparations for the launch of the Card. It also informed that a Call for Proposals could be used to give financial support to the participating countries during the start-up phase.

Several Member States reiterated or declared their interest to work on EU-model cards: HU, FR, ES, FI, IT, MT, BE, SK.

The questions raised by Members included: possibility of sending members from civil society as well as the government; solutions for countries, where regional governments play the deciding role in disability-related issues; functioning of the scheme after the end of the initial support; practical arrangements for meetings of the PWG

Commission recognized the importance of regional and local players in this area but explained that the PWG should not become too big to keep it effective and that travel costs linked to participation in its meetings could be reimbursed for not more than one representative per country. Further, it reiterated that each participating country remains free to choose many of the card's modalities, including its model of financing of the issuance and management of the cards. Also, the Commission expressed its preference for PWG members that would have good connections to all stakeholders of the scheme – administrations, benefit providers, DPOs etc. Regarding working methods of the PWG, the Commission foresaw only a limited number of meetings in Brussels and frequent communication through electronic means.

EDF welcomed the work of the PWG and considered the project very useful. EDF wished that Ministries of tourism and culture would be involved in the implementation of the project.

5. Presentation of the results of the ASD Pilot projects

The Commission informed the Members about the current stand of the Pilot Projects and announced the intention to produce a practical document using the results of the Pilot Projects.

Mr. Pavel Varbanov (ESI-CEE), who was involved in one of the projects, gave a first-hand account of a successful project that helped persons with ASD into jobs in the ICT area. Mr Varbanov outlined also difficulties and lessons learned. He remarked upon

willingness of ICT employers to hire persons with ASD and the goodwill the project had experienced.

In the discussion following topics were raised: relative and absolute difficulties of integrating low-functioning persons with ASD into the working life; usefulness of actively informing and involving employers.

6. Preparations of the 4th Work Forum

The Commission informed the Members that the Work Forum will take place on the 24-25th of October 2013 following the meeting of the DHLG. It recounted the topics dealt with in previous Work Forums and requested proposals for topics of this forthcoming meeting by the 24th May 2013. The Commission recalled that the Forum's objective is to share experiences between peers concerning the implementation and monitoring of the Convention. Among preliminary ideas expressed by the Members during the meeting were: moving from issues of procedure/governance to substantive issues of implementation; going deeper into reporting and follow-up issues (on EU and MS level); dealing more specifically with protection issues. This year's Work Forum will also offer an opportunity for the EU Framework to meet with the national frameworks and independent mechanisms.

Break 13.00-14.30

24 April – Afternoon

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

7. Reporting to the UN

Mr Andreas Reinalter (AT) gave an overview of eight key points raised by the UN CRPD Committee regarding the Austrian report, among which issues coordination of policy and reporting of a federal state would be of special interest to the EU. A full list of issues is expected to follow. Austria noted that a “shadow report” was submitted by the civil society and expressed agreement with the position of the Committee that the opinions of civil society should be directly included in the report.

The Commission informed the Members of the progress in the preparation of the EU's UN CRPD report and introduced a presentation by the contracted research team that is carrying out a study to support the Commission in the preparation of the EU report. Professor Gerard Quinn (Centre for Disability Law and Policy, NUI Galway) outlined the approach to the task, the research methods and schedule. The Commission emphasised that the EU report to be submitted to the Treaty body will be written by the Commission, and that the study carried out by the research consortium is providing information, data and analysis to feed into the reporting.

Issues raised by the Members included the Hungarian experience with reporting as well as its examination by the Committee, the organisation of the EU report so as not to duplicate the Member States' reporting, expected contributions of the Member States. Parallels with the member states' reporting to other UN Committees (e.g. Womens Rights) were also drawn.

The Commission underlined the importance of sharing information on the reporting and the examination in line with the provisions of the Code of Conduct and the duty of sincere cooperation. The Commission remains ready to support Member States in

commenting on issues raised by the Committee which fall under EU competence, as it has already been the case for past examinations.

8. Preparation of the 6th HLG Report on the implementation of the UNCRPD

The Commission gave a short introduction on the objective of the Report and the preparatory process, noting that the draft had been distributed to Members on 22 April 2013 with a request for additional information to be submitted by 3 May 2013 in order to finalise the report.

9. Information on the first meeting of the UNCRPD Framework to promote, protect and monitor the UNCRPD - state of Play

The Commission informed the Members that on 29/10/2012 the Council endorsed the Commission's note on the setting up of the EU Framework. The EU Framework's constituent meeting was held in January 2013.

It further explained that the Framework will operate as a simple and practical mechanism with an aim to seek synergies between its members.

In the discussion, Members (EASPD) revisited some considerations regarding the composition of the framework, especially with a reference to the Paris principles.

The Commission recalled that the composition of the framework has been discussed at length in previous meetings of the DHLG and within COHOM and stressed its commitment to transparency and openness also towards stakeholders and civil society.

10. European Accessibility Act

The Commission informed the members about the progress in the preparation of the EAA and presented key results of the Eurobarometer on accessibility published in December 2012.

Responding to the questions of the members, the Commission informed them that the problem is being addressed from an internal market perspective, dealing with issues of market fragmentation, that the initiative is under the responsibility of Commissioner Reding and that Directorate General Justice is in charge of the proposal, in cooperation with the other services, with an internal task force within DG Justice. The Commission, answering another question, pointed out that the European institutions (the Council, the Parliament) normally decide themselves on the working groups or committees that will be in charge of the proposal once it has been adopted by the College of Commissioners.

11. Info points

The Commission informed the Members about progress in verifying and correcting data gathered in the Labour Survey ad-hoc module on disability (LFS-AHM 2011), confirming that a selection of articles based on the completely processed data would appear in the autumn of 2013. The Commission also informed the Members about progress of the European Health and Social Inclusion Survey.

Further, the Commission informed the Members about the new pilot project called Real Time Sign Language Project and the preparations of the anticipated launch of the Access City Award 2014 in May. The Commission distributed info brochures on the 2014 Award.

Finally the Commission informed the Members about the Common European Guidelines on the Transition from Institutional to Community Based Care and the Toolkit on the Use of European Union Funds, developed by the European Expert Group on the Transition from Institutional to Community Based Care. The Commission invited members to disseminate these practical tools within their administrations. The Commission's information was complemented by participants in the Expert Group (EASPD), who noted that the initiative covers and benefits the entire field of social policies and addresses all

the user groups – children, people with disabilities, people with mental health problems and the elderly.

25 April - Morning

Extraordinary meeting – outside the DHLG agenda (9.00 - 13.00)

25 April - Afternoon

DHLG meeting with Member State representatives (14.00 – 17.30)

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

The Commission noted that as the conference will take place from 17 to 19 July 2013, less time than previously remains for preparations. It called for speeding up the preparatory process and proposed that coordination should be done by written procedure. The Commission also stressed that it is important for the EU to speak with one voice and asked Member States to inform about their representation at the event and their plans for statements or the organisation of side events. Formal coordination will take place via COHOM meeting and its secretariat.

Spain confirmed its intention to do a statement on cooperation and development issues.

Bulgaria, a member of the bureau, undertook to disseminate relevant information as soon as possible.

13. European-model Disability Card

The Commission shortly summarised the discussion held previously under point 4 and outlined the next steps, in particular its intention to circulate the preliminary list of possibly relevant benefits for review by the Members. It also emphasized again the opportunities open to those joining the scheme and the Project Working Group (PWG), notably kick-off support from the Commission. The Commission reminded that the date for receipt of nominations for PWG participants is 22 May 2013.

14. Preparations for the initial report by the EU to the UNCRPD Committee

Referring to previous proceedings under point 7 of the agenda, the Commission recalled the framework used to prepare the report and highlighted the current main issues and questions of the study on progress achieved in the implementation by the EU of the UN Convention on the Rights of Persons with Disabilities and the European Disability Strategy 2010-2020.

It emphasised that there are high expectations about this report, both from Member States and civil society as well as from the UN Committee, as the EU is often considered a model for other regions in the world.

The Commission explained that in the on-going first phase of preparation the research team has been focussing on desk research and analysis, complemented by stakeholders' interviews. In the second phase the study will focus on the implementation of the European Disability Strategy and the impacts generated also in the Member States, and

the research team aims to gather qualitative information on the Member States perspective. For this purpose the contractor is planning to ask the input of the members of the HLG for instance by circulating a questionnaire. As foreseen in the Code of Conduct, the Commission will, before submission to the Committee on the Rights of Persons with Disabilities, circulate the report on a confidential basis to COHOM.

15. Info points

The Commission reminded participants of a currently open Competitiveness and Innovation Program (CIP) Call for Proposals that refers in the Work Program to the possibility to address technical aspects of the renewal of the EU-model disability parking card. It recalled that an information note was distributed in advance of the Group meeting and that the closing date of the call is 14 May 2013.

The Commission informed participants of the European Court of Justice judgment in the cases C-335/11 and C-337/11 *Ring and Skouboe Werge*. Therein the Court further elaborated on the definition of disability under the anti-discrimination in employment Directive 2000/78. In essence, the Court moved away from the restrictive definition it adopted in *Chacón Navas*, and instead interpreted the Directive in the light of Article 1 UNCRPD. This judgment does not allow an employer to dismiss an employee who was unable to work for a long period of time due to his or her disability without looking into the possibility of providing reasonable accommodation for that employee and re-integrating the person in the workplace.

Presence list 24-25 April 2013

Country	Name	Organisation
AT	REINALTER Andreas	Bundesministerium für Arbeit, Soziales und Konsumentenschutz
BE	CANNEEL Corinne	Commission communautaire française (COCOF) - Direction de l'aide aux personnes handicapées
BE	HEINEN Helmut	Dienststelle für Personen mit Behinderung
BG	HARIZANOVA Nadezhda	Ministry of Labour and Social Policy
CZ	MICICOVA Barbora	Secretariat of the Government Board for People with disabilities
DE	DOBIN Axel	Bundesministerium für Arbeit und Soziales
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
HU	MOLNÁR Balázs	Permanent Representation of Hungary to the E.U.
IE	GODFREY Richard	Dept of Justice, Equality and Law Reform - Disability Equality Unit
IT	FERRANTE Alfredo	Ministero del Lavoro, della Salute e delle Politiche Sociali
LV	KAULINA-BANDERE Liene	Ministry of Welfare
LT	CAPLIKIENE Eglė	Ministry of Social Security and Labour
LU	BIVER Pierre	Ministère de la Famille et de l'intégration Division : Intégration/soins
MT	CALLUS Anne Marie	National Commission Persons with Disabilities
NL	DAMEN Nicolette	Ministry of Health, Welfare and Sport
NL	KRAMER Meike	Ministry of Health, Welfare and Sport
SI	MLAKAR Sasa	Ministry of labour, Family and Social Affairs
SK	NADAZDYOVA Maria	Ministry of Labour; Social Affairs and Family
SK	GABURA Jan	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	SÆBØNES Ann-Marit	Ministry of Children, Equality and Inclusion
Croatia	POZDERAC-ZABCIC Monika	Mission of the Republic of Croatia to the EU
COE	KOWALCZYK Irena	Council of Europe – Social Cohesion

Presence list Civil Society	
BESOZZI Carlotta	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)
ZELDERLOO Luk	European Association of Service Providers for Persons with Disabilities (EASPD)
FERRAINA Sabrina	European Association of Service Providers for Persons with Disabilities (EASPD)
SPOOREN Jan	European Platform for Rehabilitation

Commission	
CIOBANU-DORDEA Aurel	DG JUST/D
Ten GEUZENDAM Johan	DG JUST/D3
PLACENCIA-PORRERO Ima	DG JUST/D/3
SOMELAR Erik	DG JUST/D/3
LOURENCO Sofia	DG JUST/D/3
COTONE Annelisa	DG JUST/D/3
TSIORA Tania	DG JUST/D/3

KUNADT Nadja	DG JUST/D/3
ROUTIS-MOLINIER Stéphanie	DG JUST/D/3
KOECKX Catherine	DG JUST/D/3

Speakers	
MÜLLENSIEFEN Tobias	JUST D1
PRIESTLEY Mark	University of Leeds
QUINN Gerard	University of Galway
VARBANOV Pavel	ESI-CEE Bulgaria
ZWAMBORN Marcel	Human European Consultancy