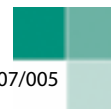




## **Annotated review of European Union law and policy with reference to disability**

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## Background and method

The Academic Network of European Disability experts (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its Disability Unit. In particular, the activities of the Network support the development of the EU Disability Strategy and practical implementation of the United Nations Convention on the Rights of Persons with Disabilities. The Network is co-ordinated by the Human European Consultancy (Netherlands) and the Centre for Disability Studies at the University of Leeds (UK).

One of the functions of ANED is to establish a mechanism for monitoring and evaluating EU laws and policies that affect disabled people (including, for example, legislation, communications and resolutions of the Council, Parliament and Commission, and of associated committees, etc.). The resulting summaries and details of laws and policies are also made available for the benefit of the wider research community, policymakers and other stakeholders via the ANED website<sup>1</sup>. The annotated overview of EU legislation and policy instruments presented here, both updates and extends a provisional mapping of legislative instruments conducted for ANED in 2008.

The review covers both disability-specific and mainstream instruments. It therefore provides evidence of the extent to which disability is being mainstreamed in different areas of EU law and policy. The summaries and examples presented here relate to primary and secondary EU legislation, as well as soft-law instruments that are currently in force. Given the significant number of soft-law instruments relating to disability, and the speed at which they are updated (and become out-of-date), the European Year of Persons with Disabilities 2003 has been used as a general starting point for referencing the instruments. However, some earlier policy instruments that remain of significance today are included as well. The review covers instruments up to the end of 2009.

The varied nature of soft law instruments offers a very wide possibility of documents for inclusion in the review. The terms of reference suggested documents such as recommendations of the Council, resolutions of the Parliament, and other policy documents, such as objectives/guidelines relating to the open methods of coordination, action plans, standardisation mandates, strategies, and so on. The guiding principle for selection was whether an instrument contributes to shaping European disability policy. If so, it was included in the review even if it could not, strictly speaking, be called 'soft law' (for example, in the case of studies, conclusions, and guidelines).

The review uses the Eurlex typology<sup>2</sup> for categorising the instruments, with individual instruments listed at the end of each thematic section in ascending chronological order, legal acts first, followed by policy instruments. Annotations on each individual instrument are presented in the structured annex, following the same scheme. As the Treaty on the Functioning of the European Union (TFEU) came into force on 1 December 2009, the current numbering of Articles in the Treaty is used here, with the previous numbering under the EC Treaty mentioned in brackets.

The process of review is ongoing and the review will be updated with new instruments and additional details at the end of 2010. It is therefore advisable to consult the relevant ANED web pages for the most up-to-date information.

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<sup>1</sup> <http://www.disability-europe.net/>

<sup>2</sup> <http://eur-lex.europa.eu/en/index.htm>

## Part I: Thematic Summaries

### 1 General, financial and institutional matters

The primary law of the European Union became explicitly inclusive of persons with disabilities with the entry into force on 1 May 1999 of the Amsterdam Treaty (*annex 01.02*), which included an article (Article 13 EC) allowing the Council of Ministers to take measures to combat discrimination on the ground of disability (among others). This first step was seen as a formal commitment by the EU to fighting against discrimination and working towards equality in Europe. The new Treaty on the Functioning of the European Union (TFEU) (*annex 01.12*) entered into force on 1 December 2009, preserving and strengthening this provision (new Article 19 TFEU) and adding a new provision (Article 10 TFEU) that stipulates that in 'defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'. In addition, with the entry into force of the Treaty, the Charter of the European Union on Fundamental Rights (*annex 01.03*), adopted in 2000 and containing a number of references to disability, became binding on all but three EU Member States that had opted out of it.

The **EU Fundamental Rights Agency** was established in 2007 to provide the EU and its Member States with expertise relating to fundamental rights and support them in formulating courses of action in the field of fundamental rights (*annex 01.09*). The regulation establishing the Agency acknowledges its close connection to the Charter. Neither disability nor any other specific ground is mentioned in the regulation but the thematic activities of the Agency are spelt out in the multiannual framework regularly adopted by the Council. The Multiannual Framework for 2007-2013 (*annex 01.11*) includes 'discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and any combination of these grounds (multiple discrimination)' as one of the thematic areas of the Agency's work for the period concerned.

Accessibility, equal opportunities and social inclusion for people with disabilities are relevant with regard to some of the **institutional matters** of the European Union. A significant number of references to mainstreaming disability were made for the first time in the 2008 **EU general budget** (*annex 01.10*), inserted by the European Parliament. Remarks making reference to disability were made on the budget lines in 12 areas: Employment and Social Affairs, Energy and Transport, Environment, Regional Policy, Education and Culture, Communication, External Relations, Enlargement, Commission's Administration, Statistics, European Personnel Selection Office, and Administrative Expenditure related to Policy Areas. In most cases, these remarks state that the expenditure in question must take into account the promotion of the well-being and/or rights of persons with disabilities. In addition, in two instances, specific amounts were reserved for disability-specific causes: EUR 200 000 to set up a pilot project for recruiting trainees with disabilities to promote the employment of disabled staff by the Institutions and combat discrimination faced by people with disabilities (Article XX 01 02 01 04), and EUR 200 000 to establish a reserve for European Schools to be released upon presentation by the Schools of a proposal for a pilot project on inclusive education for pupils with special educational needs (Article 26 01 51 01). The 2009 and 2010 EU general budgets repeated this practice and addressed disability in many of the areas of expenditure where it had first been mentioned in 2008.

Over the years, the EU Institutions have adopted a set of rules aimed at including people with disabilities in their working environment. The **EU Staff Regulations** (*annex 01.06*) first adopted in 1968 have been revised many times since and now include provisions on equality of opportunity and reasonable accommodation for people with disabilities.<sup>3</sup> Most of these instruments take the form of internal rules of the Institutions and are not available online (but can be requested from the Institutions in question). Most important of these instruments are:

- European Parliament Bureau decision of 12 November 2007 on the new terms of reference of the High-Level Group on Gender Equality and Diversity;
- European Parliament Bureau decision of 4 September 2006 setting up a pilot traineeship programme for people with disabilities;
- European Parliament Bureau decision of 9 March 2009: Action Plan for the promotion of equality and diversity in the EP Secretariat for the period 2009-2013.

Annotated instruments:

→ *Legislation*

1. Commission Decision(s) No. 96/564/EC-96/566 (Euratom, EC) of 11 September 1996 and No. 90/176-90/180 (Euratom, EEC) EEC of 23 March 1990 authorizing several particular Member States not to take into account certain categories of transactions and to use certain approximate estimates for the calculation of the VAT own resources base
2. Treaty of Amsterdam, amending the Treaty on European Union, the Treaties establishing the European Communities and related acts, 10 November 1997
3. Charter of Fundamental Rights of the European Union, 2000/C 364/01
4. Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents
5. Commission Decision of 25 November 2003 on a revised Code of Good Practice for the Employment of People with Disabilities
6. Council Regulation (EC, Euratom) No. 723/2004 of 22 March 2004 amending the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities
7. European Parliament Bureau Decision of 22 June 2005 'Code of Good Practice for the Employment of People with Disabilities'
8. Council Decision of 12 December 2005 adopting the rules laying down the procedure for granting financial aid to supplement the pension of a surviving spouse who has a serious or protracted illness or who is disabled
9. Council Regulation (EC) No. 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights
10. Final adoption of the General Budget of the European Union for the financial year 2008: section III, Commission
11. Council Decision 2008/203/EC of 28 February 2008 implementing Regulation (EC) No. 168/2007 as regards the adoption of a Multi-annual Framework for the European Union Agency for Fundamental Rights for 2007-2012
12. Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, OJ C 115, 09/05/2008

<sup>3</sup> The current review includes the most recent revision of the Council regulation amending the Staff Regulations. The non-binding consolidated version of the Staff Regulations can be obtained at [http://ec.europa.eu/civil\\_service/docs/toc100\\_en.pdf](http://ec.europa.eu/civil_service/docs/toc100_en.pdf)

## 2 Customs union and free movement of goods

The European Community has set up a Community system of **relief from customs duty** for certain goods and services from outside the Community. Within this system, several legal instruments<sup>4</sup> (*annotations 02.02 and 02.03*) exempt some goods and services for the benefit of people with disabilities from duties. Specifically, Regulation 918/83 refers to ‘articles specially designed for the educational, scientific or cultural advancement’ of blind people or other physically or mentally ‘handicapped’ people, provided they fulfil certain conditions. Relevant annexes to the Regulation explicitly refer to Braille paper, white canes for the blind, equipment for the mechanical production of Braille and recorded material for the blind, as well as talking books and other electronic equipment.

Annotated instruments:

→ *Legislation*

1. Council Decision of 8 May 1979 on the conclusion of the Protocol to the Agreement on the importation of educational, scientific and cultural materials (No. 79/505/EEC)
2. Council Regulation (EEC) No. 918/83 of 28 March 1983 setting up a Community system of relief from customs duty
3. Commission Regulation (EEC) No. 2289/83 of 29 July 1983 laying down provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No. 918/83

## 3 Agriculture

Disability is referred to in the general non-discrimination clause of the regulation setting up the **European Agricultural Fund for Rural Development** (*annex 03.02*), and there is one example of EU legislation providing a specific exemption from an obligation for farmers who have a disability which renders them unable to work.

Annotated instruments:

→ *Legislation*

1. Commission Regulation (EEC) No. 1391/78 of 23 June 1978 laying down amended rules for the application of the system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds
2. Council Regulation (EC) No. 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development

## 5 Freedom of movement for workers and social policy

The main focus of disability-related EU legislation is employment and social policy. A wide range of relevant instruments – legislation as well as soft-law measures - exist in this field.

**The 2000 Employment Equality Directive** (*annex 05.10*) was the first legal instrument of direct relevance to disability adopted on the basis of Article 13 of the EC Treaty (now Article 19 TFEU). The Directive obliges the Member States to take measures to eliminate direct and indirect discrimination and harassment on the ground of disability (among other grounds) with regard to employment (including recruitment) and vocational training.

<sup>4</sup> Amended many times. Cf [http://europa.eu/legislation\\_summaries/customs/l11002\\_en.htm#AMENDINGACT](http://europa.eu/legislation_summaries/customs/l11002_en.htm#AMENDINGACT).

The obligation on employers to provide reasonable accommodation in order to meet the needs of individuals with a disability results from this directive, as well as the possibility of employing positive measures to compensate for the disadvantages historically experienced by persons with disabilities in the labour market.

The Directive had to be implemented by the EU Member States by the beginning of 2007 at the latest (earlier for some Member States). Following the expiration of this deadline, the Commission analysed the implementing measures adopted by the Member States<sup>5</sup> and initiated infringement procedures for incorrect implementation against a number of them. As of January 2009, the proceedings were ongoing.

In 2008, a proposal for a new non-discrimination directive was proposed by the European Commission<sup>6</sup> (COM(2008)426). When adopted, it will complement the Employment Equality Directive by extending protection against discrimination on the ground of disability (among other grounds) to a number of areas outside the labour market.

In addition, the 2008 Directive on Temporary Agency Work (*annex 05.21*), whose objective is to ensure the protection of temporary agency workers and to improve the quality of temporary agency work, establishes the principle of equal treatment for men and women and non-discrimination on the ground of disability (among other grounds) as a core principle protected by the Directive.

In the field of **health and safety in the workplace**, EU legislation recognises the need for particular measures for workers with disabilities, such as an adapted workplace, including 'doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped persons' (*annotations 05.0, 05.05, 05.06, 05.07*). The European Commission's recent proposal to introduce measures to encourage improvements in the health and safety at work of pregnant workers and workers who have recently given birth or are breastfeeding aims to extend the minimum length of maternity leave from 14 to 18 weeks<sup>7</sup> (COM(2008)637) and foresees special measures for mothers of children born with disabilities.

A number of EC regulations (*annotations 05.01, 05.02, 05.14, 05.23*) deal with the application of **national social security schemes** to (self) employed persons and their families moving within the Community and cover, among other things, the entitlement of persons moving across EU borders to invalidity benefits. These regulations are regularly amended to take account of Member States' changing legislation on the matter.

The **European Social Fund** (*annex 05.03*) is a key financial tool allowing the EU to translate its disability employment policy aims into action. Most Member States use some ESF funds to promote the labour market integration of people with disabilities through a range of actions, including work experience schemes, wage subsidies, temporary sheltered employment and other intermediate labour market measures. Support can also be provided for self-employment. The ESF is covered in more detail below in Section 14 of this review.

The **European Disability Action Plan 2004-2010** is a key policy document adopted by the European Commission during the 2003 European Year of Persons with Disabilities.

<sup>5</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:72000L0078:EN:NOT>

<sup>6</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:EN:HTML>

<sup>7</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0637:EN:HTML>



It aims to mainstream disability into relevant Community policies and develop concrete actions to advance the well-being of persons with disabilities. The Action Plan is divided into biennial phases, each of which focuses on a set of priority areas of intervention:

The first phase 2004-2005 (*annex 05.29*) focused on:

- access to, and remaining in, employment;
- lifelong learning;
- using the potential of new technologies;
- accessibility to the public built environment.

Work done during the first phase was presented in the Commission communication announcing the second phase. The Commission reported that it had produced a number of documents advancing the situation of persons with disabilities in employment (European Employment Report and the regulation on State Aid for employment), education and training (policy recommendations) and accessibility (the communication on eAccessibility, implementation of web accessibility guidelines, and the European curriculum on Design for All).

In its turn, the second phase of the Disability Action Plan 2006-2007 (*annex 05.32*) announced the following priorities:

- encouraging activity;
- promoting access to quality support and care services;
- fostering accessibility of goods and services;
- increasing the EU's analytical capacity.

The second phase was evaluated in the Commission communication presenting the third phase of the Action Plan. The Commission reported having taken action to finalise the implementation of the Employment Equality Directive, to simplify the rules on employment and training aids for disabled people, and to ensure the accessibility of EU Structural Funds to persons with disabilities. The issue of care and support services was addressed by the Disability High-Level Group, who agreed a practical framework at EU level for the quality of social services of general interest to disabled people. Accessibility was improved by the regulation on the rights of disabled people when travelling by air, standardisation mandates to develop ICT accessibility requirements, and a number of pilot projects on accessibility.

The third phase of the Disability Action Plan 2008-2009 (*annex 05.36*) focuses on:

- actions for inclusive participation through accessibility:
  - o fostering accessibility of the labour market;
  - o boosting accessibility of goods, services and infrastructures;
  - o consolidating the Commission's analytical capacity to support accessibility.
- actions towards full enjoyment of fundamental rights:
  - o facilitating the UN Convention; complementing the Union's legislative framework of protection against discrimination.

A midterm evaluation of the Disability Action Plan was commissioned by the European Commission from an independent consultancy as part of the PROGRESS programme and the final report<sup>8</sup> was published in June 2009.

<sup>8</sup><http://ec.europa.eu/social/keyDocuments.jsp?type=73&policyArea=0&subCategory=0&country=0&year=0&advSearchKey=&mode=advancedSubmit&langId=en>



In autumn 2009, the Commission subsequently launched a public consultation on the post-2010 disability strategy. As of January 2010, the consultation was ongoing.

One of the most important instruments on disability is the so-called **Open Method of Coordination (OMC)** – a means of voluntary cooperation between the Member States adopted at the Lisbon Summit in 2000. The OMC are based on soft-law mechanisms such as guidelines, indicators and sharing of best practice, and result in regular reports (so-called Joint Reports) submitted by Member States on specific topics and adopted by the Social Protection Committee established in 2000 and, subsequently, the Council. The **OMC for Social Protection and Social Inclusion** is the most significant for persons with disabilities, on which the Council has so far adopted five reports, the first one dating from 2002, and the latest from 2009. The reports are regularly compiled and made available on the Commission website<sup>9</sup>.

The 2009 Joint Report on Social Protection and Social Inclusion (*annex 5.48*) renewed the Commission's call to the Member States to ensure universal access to affordable high quality long-term care. In 2008, as part of the Renewed Social Agenda (*annex 05.43*), the Commission proposed some steps to strengthen the Social OMC and make it more effective (*annex 05.45*).

**The European Employment Strategy (EES)** launched in 1997 is an initiative similar to the OMC and also of significance. Based on a set of periodically revised Employment Guidelines (the latest revision was in July 2008 (*annex 05.46*)), the Member States report on their efforts to tackle deteriorating labour market prospects, including for people with disabilities, to the Commission, which collates their reports into Joint Employment Reports to be adopted by the Employment Committee set up in 2000. The latest report covers years 2008-2009 (*annex 05.47*).

The Member States sitting as the Council of the European Union have also adopted priorities advancing the situation of persons with disabilities. The most important documents in this respect are the **conclusions of the two ministerial meetings on disability** (in Germany in 2007<sup>10</sup> and in Slovenia in 2008 (*annex 05.41*)) and the Council resolution on the situation of persons with disabilities adopted under the Slovenian EU Presidency in 2008 (*annex 05.37*). In addition, the conclusions of the spring meetings of the European Council<sup>11</sup> (*annex 05.38*) that are traditionally dedicated to social issues regularly mention disability as a priority.

The European Parliament too has produced a number of resolutions (either contributing to the EU legislative process or on its own initiative) that have had a varying impact on the development of EU disability policy. For example, the resolution of 20 May 2008 on progress made in equal opportunities and non-discrimination in the EU (*annex 05.40*) contained a strong call for a horizontal directive protecting against discrimination on four grounds (age, disability, religion or belief, and sexual orientation). The Commission fulfilled the Parliament's request and announced a horizontal proposal on 2 July 2008.

<sup>9</sup> <http://ec.europa.eu/social/main.jsp?catId=753&langId=en>

<sup>10</sup> The conclusions of the 2007 ministerial meeting on disability in Berlin are not available online, although references to them are made in subsequent documents published both by the Commission and the European Disability Forum.

<sup>11</sup> The highest political body of the European Union, at the level of Heads of State; not to be confused with the Council of the European Union.

In addition to disability-specific instruments, a substantial part of disability policy is shaped by **mainstream instruments**, such as the Commission's 'For Diversity. Against Discrimination' campaign funded through the PROGRESS programme, actions taken as part of the 2007 European Year of Equal Opportunities (*annex 05.52*), and instruments addressing groups other than persons with disabilities (such as older people or women) (*annotations 05.50, 05.51 and 05.34*), which indirectly inform disability policy.

Regarding **statistics**, a number of surveys are conducted in the EU that produce data on disability. However none of these are disability-specific, except for the European disability and social integration module (EDSIM) that was developed in 2007-2008 as the result of an open grant call and is currently being tested. Work on developing a common international measurement of disability is ongoing within the framework of the Washington Group on Disability Statistics<sup>12</sup> under the auspices of the UN.

On the basis of the 1998 Council regulation on the organisation of a labour force sample survey in the Community (*annex 05.09*), Eurostat is provided with yearly employment data from the Member States. In addition to the main survey, a programme of so-called 'ad hoc' modules covering various subjects is drawn up annually. The last ad hoc module on the employment of disabled people was drawn up in 2001, and one is being planned for 2011 (*annex 05.19*). Secondary acts amending and fine-tuning the procedure for collecting data under the Labour Force Survey Regulation are available on the Commission website<sup>13</sup>.

As of 2003, the Survey on Income and Living Conditions (SILC) has been conducted in all Member States to collect information on living conditions, poverty and social exclusion. In addition to the main regulation establishing the survey (*annex 05.13*), a number of relating regulations were adopted to provide the methodology and definitions.<sup>14</sup>

Annotated instruments:

→ *Legislation*

1. Regulation (EEC) No. 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community
2. Council Regulation No. 574/72 (EEC) of 21 March 1972 laying down the procedure for implementing Regulation (EEC) 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community
3. Council Decision 83/516/EEC of 17 October 1983 on the tasks of the European Social Fund
4. Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC)
5. Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

<sup>12</sup> <http://www.cdc.gov/nchs/citygroup.htm>

<sup>13</sup> [http://europa.eu/legislation\\_summaries/employment\\_and\\_social\\_policy/situation\\_in\\_europe/c10927\\_en.htm](http://europa.eu/legislation_summaries/employment_and_social_policy/situation_in_europe/c10927_en.htm)

<sup>14</sup> The Eurostat page that should provide these regulations is down, but they can be obtained from [http://www.cso.ie/eusilc/eusilc\\_regulations.htm](http://www.cso.ie/eusilc/eusilc_regulations.htm).

6. Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral extracting industries through drilling (eleventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)
7. Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)
8. Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes
9. Council Regulation (EC) No. 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community
10. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
11. Commission Regulation (EC) No. 1566/2001 of 12 July 2001 implementing Council Regulation (EC) No. 577/98 on the organisation of a labour force sample survey in the Community concerning the specification of the 2002 ad hoc module on employment of disabled people
12. Council Decision 2001/903/EC of 3 December 2001 on the European Year of People with Disabilities 2003
13. Regulation (EC) No. 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC)
14. Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems
15. Council Decision 2005/600/EC of 12 July 2005 on Guidelines for the employment policies of the Member States
16. Decision No. 771/2006/EC of the European Parliament and of the Council of 17 May 2006 establishing the European Year of Equal Opportunities for All (2007) — towards a just society
17. Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast directive)
18. Regulation (EC) No. 458/2007 of the European Parliament and of the Council of 25 April 2007 on the European system of integrated social protection statistics (ESSPROS)
19. Commission Regulation (EC) No. 365/2008 of 23 April 2008 adopting the programme of ad hoc modules, covering the years 2010, 2011 and 2012, for the labour force sample survey provided for by Council Regulation (EC) No. 577/98
20. Decision No. 1098/2008/EC of the European Parliament and of the Council of 22 October 2008 on the European Year for Combating Poverty and Social Exclusion (2010)
21. Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work
22. Regulation (EC) No. 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work
23. Regulation (EC) No. 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No. 883/2004 on the coordination of social security systems

→ *Other instruments*

24. Communication from the Commission to the Council and the European Parliament 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities' COM(2003)16
25. European Parliament resolution on the Communication from the Commission to the Council and the European Parliament 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities' COM(2003)16
26. Council Resolution of 5 May 2003 on equal opportunities for pupils and students with disabilities in education and training
27. Council Resolution of 6 May 2003 on accessibility of cultural infrastructure and cultural activities for people with disabilities
28. Council Resolution of 15 July 2003 on promoting the employment and social integration of people with disabilities
29. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'Equal opportunities for people with disabilities: A European Action Plan' COM(2003)650
30. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the European Year of People with Disabilities 2003 COM (2005)486
31. Communication from the Commission on the Social Agenda COM(2005)33
32. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'Equal opportunities for people with disabilities: A European Action Plan 2006-2007' COM(2005)604
33. Brussels European Council - 23/24 March 2006 - Presidency Conclusions
34. Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions 'A Roadmap for equality between women and men 2006 – 2010' COM(2006)0092
35. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Towards Common Principles of Flexicurity: More and better jobs through flexibility and security' COM(2007)359
36. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'Equal opportunities for people with disabilities: A European Action Plan 2008-2009' COM(2007)738
37. Resolution of the Council of the European Union and the Representatives of the Governments of the Member States, meeting within the Council, on the situation of persons with disabilities in the European Union, 6491/08
38. Brussels European Council - 13/14 May 2008 - Presidency Conclusions
39. European Parliament resolution of 26 April 2007 on the situation of women with disabilities in the European Union
40. European Parliament resolution of 20 May 2008 'Progress made in equal opportunities and non-discrimination in the EU (transposition of Directives 2000/43/EC and 2000/78/EC)'
41. Presidency conclusions following the second ministerial meeting on disability issues: Kranjska Gora, 22 May 2008

42. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on a Commission Recommendation on the active inclusion of people excluded from the labour market COM(2008)0639
43. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'Renewed social agenda: Opportunities, access and solidarity in the 21st century' COM(2008)412
44. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Non-discrimination and equal opportunities: A renewed commitment' COM(2008)420
45. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A renewed commitment to social Europe: Reinforcing the Open Method of Coordination for Social Protection and Social Inclusion' COM(2008)418
46. Council Decision 2008/618/EC of 15 July 2008 on guidelines for the employment policies of the Member States
47. Joint Employment Report 2008-2009
48. Second Equality Summit - Presidency conclusions, 30 September 2008
49. Joint Report on Social Protection and Social Inclusion 2009
50. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Dealing with the impact of an ageing population in the EU' (2009 Ageing Report) COM(2009)0180
51. Presidency Conclusions on Equal opportunities for women and men: active and dignified ageing, 8 June 2009
52. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'Implementation, results and overall assessment of the 2007 European Year of Equal Opportunities for All' COM(2009)0269

## 6 Right of establishment and freedom to provide services

The right of establishment and the freedom to provide services within the Union are of key importance to the internal market. They enable economic operators (companies or persons) to provide services or establish themselves for economic purposes in any Member State by dismantling national restrictions that may make it more difficult for economic operators from other Member States to provide services or become established.<sup>15</sup> EU law specifies a number of measures that national legislators are invited to implement, such as the maintenance of free (public) postal services for people with visual impairments (*annex 06.04*) or the possibility of reserving certain contracts for the provision of services to sheltered workshops employing persons with disabilities (*annex 06.05*). Had EU law not made special provision for these measures, they would be seen as disrupting the internal market by favouring a certain group of service recipients.

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<sup>15</sup> Provision of most services within the EU is governed by the [Services Directive](#) that had to be implemented by the end of 2009 and which aims to simplify the formalities for service provision and to strengthen the rules on recipients of services. Social services are explicitly excluded from the scope of the Directive in recognition of their particular nature and importance to many groups of the population, including persons with disabilities.

Provision of **audiovisual media services**, governed by the Audiovisual Media Services Directive, is also subject to an accessibility clause encouraging (but not yet obliging) the Member States to impose a disability accessibility requirement on providers of these services (*annex 06.03*).

**Public procurement** is another powerful tool for influencing the behaviour of economic operators in the internal market. Under EU law (*annotations 06.01 and 06.02*), contracting authorities and entities are allowed (but not yet required) to implement various measures to advance equal opportunities when awarding contracts. In particular, they are invited to write disability accessibility requirements into their public tenders to encourage economic operators to offer accessible goods and services to public buyers.

Annotated instruments:

→ *Legislation*

1. Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors
2. Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts
3. Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities
4. Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services
5. Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC

## 7 Transport

Many people across the European Union experience barriers when using public transport. This can be caused by disability, old age or other mobility-reducing factors. A long-term aim of the European Community is to ensure that public transport is accessible for all. With this aim in mind, several EC instruments have been adopted. These involve measures establishing technical standards applicable to means of transport and transport infrastructure (*annex 07.11, 07.12, 07.16*); technical prescriptions for accessible vehicles to be used for urban passenger transport (*annex 07.03, 07.05*); disability accessible signs and information for travellers (*annex 07.06*); and compulsory training courses on disability awareness and the specific needs of people with disabilities for drivers and other transport personnel (*annex 07.07*).

EU legislation relating to transport can be classified into legislative acts (regulations) that confer individual rights on passengers with disabilities and those legislative acts that seek to improve the accessibility of transport infrastructure.



Into the former category fall the the important regulations no. 1107/2006 (air) and no. 1371/2007 (rail) recently entered into force.

The Air Passengers' Rights Regulation (*annex 07.10*) protects passengers with reduced mobility against denied boarding on the ground of reduced mobility or disability, provides the passenger with the right to receive comprehensive assistance by qualified personnel and stipulates compensatory measures for lost or damaged mobility equipment and assistive devices. The Regulation grants the passengers the right to receive essential information at airports and onboard aircrafts in accessible formats. The Regulation also provides for a complaints mechanism.

The regulations on the rights of rail passengers (*annotations 07.14 and 07.15*) include a chapter on the specific rights of persons with reduced mobility, guaranteeing rights similar to the rights provided in the Air Passengers' Rights Regulation.

Into the second category falls EU legislation on accessibility for maritime passengers. In addition EU legislation on accessibility for long-distance coach passengers is now being drafted to complete the transport package. The Commission proposal for a regulation concerning the rights of passengers when travelling by sea and inland waterway (COM(2008)0816)<sup>16</sup> lays down provisions for accessibility and non-discrimination and also provides for assistance to travellers with a disability or reduced mobility when travelling by sea and sets out a mechanism for handling complaints. The proposal for a regulation on the rights of passengers in bus and coach transport (COM(2008)0817)<sup>17</sup> has a similar scope and is intended to complement existing EU legislation on the accessibility of urban buses - please add reference.

In 2008, the Commission adopted technical specifications on interoperability (TSI) relating to persons with reduced mobility that will apply to the trans-European conventional rail system (*annex 07.17*). The TSI is a set of technical rules aimed to improve accessibility for persons with reduced mobility when travelling by rail. They cover issues such as width of doors, positioning of toilets and wheelchair accessible seats and provision of information in accessible formats.

With regard to private transport, a European directive prescribes uniform regulations for issuing of driving licences (*annotations 07.01 and 07.13*). Besides establishing adapted provisions and rules in order to enable people with disabilities to obtain a driving licence, the directive prescribes that all examinees should have a certain knowledge of road users with disabilities or reduced mobility. Finally, a standardised EU-wide model of a parking card for people with disabilities has been introduced in view of recommended mutual recognition (*annotations 07.19 and 07.20*). This allows people with disabilities to take advantage of the special parking facilities available in each Member State using their nationally issued card.

Annotated instruments:

→ *Legislation*

1. Council Directive 91/439/EEC of 29 July 1991 on driving licences
2. Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system

<sup>16</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0816:EN:HTML>

<sup>17</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0817:EN:HTML>



3. Council Regulation (EC) No. 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State
4. Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular roll on – roll off ferry and high-speed passenger craft services
5. Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 relating to cableway installations designed to carry persons
6. Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships
7. Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC
8. Regulation (EC) No. 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No. 295/91
9. Directive 2004/50/EC of the European Parliament and of the Council of 29 April 2004 amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the EP and of the Council on the interoperability of the trans-European conventional rail system
10. Regulation (EC) No. 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air
11. Regulation (EC) No. 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No. 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation
12. Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC
13. Directive 2006/126/EC of the EP and the Council of 20 December on driving licences (Recast)
14. Regulation (EC) No. 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos. 1191/69 and 1107/70
15. Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations
16. Commission Regulation (EC) No. 8/2008 of 11 December 2007 amending Council Regulation (EEC) No. 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane
17. Commission Decision 2008/164/EC of 21 December 2007 concerning the technical specification of interoperability relating to 'persons with reduced mobility' in the trans-European conventional and high-speed rail system
18. Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences

→ *Other instruments*

19. Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities
20. Council Recommendation of 3 March 2008 adapting Recommendation 98/376/EC on a parking card for people with disabilities, by reason of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic

## 8 Competition

Article 107 TFEU (Article 87 EC) stipulates that ‘any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market’. However, in order to create more equal opportunities for disadvantaged groups, including people with disabilities, a Commission regulation declares certain categories of aid, such as those used to support the employment or training of people with disabilities, compatible with the common market (*annex 08.01*).

Further to this regulation, the Commission has published two communications establishing criteria for analysing the compatibility of **state aid** with EU law for the training and employment of disadvantaged and disabled workers (*annotations 08.01 and 08.02*). In particular, aid for employing disabled workers is allowed if the Member State can demonstrate that granting such aid pursues an objective of common interest and show the necessity and proportionality of such aid, not forgetting to address the employment of persons with disabilities through general policy measures.

Annotated instruments:

→ *Legislation*

1. Commission Regulation No. 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Article 87 and 88 of the Treaty (General block exemption Regulation)

→ *Other instruments*

2. Communication from the Commission ‘Criteria for the analysis of the compatibility of State aid for training subject to individual notification’ OJ 2009/C 188/01
3. Communication from the Commission ‘Criteria for the analysis of the compatibility of State aid for the employment of disadvantaged and disabled workers subject to individual notification’ OJ 2009/C 188/02

## 9 Taxation

A European directive (*annex 09.03*) permits the Member States to apply the **reduced VAT rate** to certain goods and services, including ‘medical equipment, aids and other appliances normally intended to alleviate or treat disability, for the exclusive personal use of the disabled, including the repair of such goods, and supply of children's car seats’.

In March 2009, an important addition was adopted by the EU finance ministers, who included audio-books in the list of items eligible for reduced VAT rates on a permanent basis. This decision allows Member States to bring VAT on audio-books down to 5%.

In addition, the same directive allows the Member States to apply the reduced VAT rate until 31 December 2010 to a number of selected services, which include 'domestic care services such as home help and care of the young, elderly, sick or disabled'. It must be emphasised that unlike the first measure, the latter is of a temporary nature only (*see also annotation 09.02*). In addition, the directive provides for a reduced VAT rate for a number of other activities which contribute to social wellbeing that can be interpreted to include services for persons with disabilities.

Another European directive allows the Member States to apply differentiated rates of taxation for energy products and electricity when they are used by people with disabilities (*annex 09.01*).

Annotated instruments:

→ *Legislation*

1. Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity
2. Council Decision 2006/774/EC of 7 November 2006 authorising certain Member States to apply a reduced rate of VAT to certain labour-intensive services in accordance with the procedure provided for in Article 28(6) of Directive 77/388/EEC
3. Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax

## 10 Economic and monetary policy and free movement of capital

A European regulation establishing the **European Globalisation Fund** (EGF) was adopted in 2006 (*annex 10.03*). The objective of the EGF is to provide one-off individual support for a limited period of time to workers made redundant as a result of major structural changes in world trade patterns due to globalisation. Under the EGF, EUR 500 million are reserved each year to support the reintegration into employment and retraining of workers for whom the link between redundancy and globalisation is quite clear. The Commission and the Member States are obliged to ensure equality between men and women and the integration of a gender perspective and to prevent any discrimination on a number of grounds, including disability, during the various stages of the implementation of and, in particular, in access to, the EGF.

In 2005, the Council adopted Recommendation 2005/601/EC on the broad guidelines for the economic policies of the Member States and the Community (2005 to 2008) and Decision 2005/600/EC on Guidelines for the employment policies of the Member States (*annex 05.15*), which together form the **Integrated guidelines for growth and jobs** that the Member States are invited to take into account in their national reform programmes. On the basis of the annual implementation reports from the Member States to the Commission, the Council adopts a set of country-specific recommendations addressed to the Member States.

Each year, the recommendations invariably contain a number of references to disability in relation to an individual Member State's policy<sup>18</sup>.

**Euro coins** are explicitly designed to take into account the needs of people with visual impairments (*annotations 10.01 and 10.02*).

Annotated instruments:

→ *Legislation*

1. Council Regulation (EC) No. 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation
2. Council Regulation (EC) No. 423/1999 of 22 February 1999 amending Regulation (EC) No. 975/98 on denominations and technical specifications of euro coins intended for circulation
3. Regulation (EC) No. 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund

## 11 External relations

The most important instrument in this section is also the most recent. A Council decision 2010/48/EC concerning the conclusion by the European Community of the **United Nations Convention on the Rights of Persons with Disabilities** was adopted, upon a proposal from the Commission<sup>19</sup> and taking into consideration the opinion of the European Parliament (*annex 11.08*), in November 2009. The Decision will later be followed by the deposit with the UN of the instrument of formal confirmation upon adoption of the Code of Conduct (see Article 3 and 4 of aforementioned Decision). The conclusion by the EU will take effect once the instrument has been deposited.

The Commission proposal<sup>20</sup> for a decision on the conclusion by the European Union of the Optional Protocol to the Convention has not, at the time of writing, yet resulted in a binding instrument.

Launched in 2006, the **European Instrument for Democracy and Human Rights** (EIDHR) (*annex 11.01*) aims to provide support for the promotion of human rights in third countries. Its key objectives are to enhance respect for human rights where they are most at risk, strengthen the role of civil society and support regional frameworks for the protection of human rights. For the period 2007-2013 the EIDHR has a budget of EUR1.104 million. Protection of the rights of persons with disabilities is explicitly mentioned in the relevant regulation as one of the criteria to be considered when granting financial assistance.

In addition to financial instruments, the European Union has produced a number of publications giving an overview of its policy on disability in development cooperation and proposing future priorities. The **Guidance Note on Disability in Development** for European Union Delegations and Services (*annex 11.04*) was produced in 2004 to help its overseas service to include a disability perspective in their work. The Commission plans to review the Guidance Note in the light of the UN Convention on the Rights of Persons with Disabilities signed by the European Community in 2007.

<sup>18</sup> See, for example, [Council Recommendation of 25 June 2009 on the 2009 update of the broad guidelines for the economic policies of the Member States and the Community and on the implementation of Member States' employment policies](#).

<sup>19</sup> [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0530\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0530(01):EN:HTML)

<sup>20</sup> [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0530\(02\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0530(02):EN:HTML)

The European Parliament adopted in 2006 a resolution on disability and development (*annex 11.05*), which, although non-binding, is now widely used to advocate the human rights approach to disability and mainstream disability in all EU development cooperation projects.

In outlining the **EU enlargement strategy** and evaluating the progress towards EU accession of the Western Balkans and Turkey, the Commission takes into account the situation of persons with disabilities and sometimes takes a rather critical stance when it considers that disability rights are not respected (*annex 11.06*).

In 2009, recognising the serious impact of the **economic crisis** on the developing world, the Commission published a communication proposing measures to support developing countries in coping with the crisis (*annex 11.07*). In particular, the Commission emphasises the risk of poverty for the world's most vulnerable groups, amongst whom it names women, children, the elderly and the disabled. To tackle this, the Commission proposes to focus on meeting the 2010 milestones in the Millennium Development Goals Agenda for Action and to continue support in the fields of health, decent work and education.

As the title of this chapter presumes, a significant part of the work in this field takes place in **cooperation with third countries and international organisations**, where the European Union is represented as one of the partners. Examples of these are the Millennium Development Goals<sup>21</sup> of the United Nations, the Paris Declaration<sup>22</sup> and Accra Agenda for Action<sup>23</sup> of the OECD, and the Cotonou Agreement<sup>24</sup> of the ACP-EC partnership<sup>25</sup>. Although the above-mentioned programmes do indirectly concern disability (which in developing countries is most often caused by poverty), they do not deal with the issue directly nor mention it explicitly.

Annotated instruments:

→ *Legislation*

*Decision 2010/48/EC*

1. Regulation (EC) No. 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide
2. Regulation (EC) No. 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation
3. Commission Regulation (EC) No. 718/2007 of 12 June 2007 implementing Council Regulation (EC) No. 1085/2006 establishing an instrument for pre-accession assistance (IPA)

→ *Other instruments*

4. Guidance Note on Disability and Development for European Union Delegations and Services, July 2004
5. European Parliament resolution of 19 January 2006 on disability and development
6. Communication from the Commission to the Council and the European Parliament 'Enlargement Strategy and Main Challenges 2008-2009' COM(2008)674

<sup>21</sup> <http://www.un.org/millenniumgoals/>

<sup>22</sup> <http://www.oecd.org/dataoecd/11/41/34428351.pdf>

<sup>23</sup> <http://www.oecd.org/dataoecd/58/16/41202012.pdf>

<sup>24</sup> [http://ec.europa.eu/development/icenter/repository/Cotonou\\_EN\\_2006\\_en.pdf](http://ec.europa.eu/development/icenter/repository/Cotonou_EN_2006_en.pdf)

<sup>25</sup> [http://www.europarl.europa.eu/intcoop/acp/10\\_01/default\\_en.htm](http://www.europarl.europa.eu/intcoop/acp/10_01/default_en.htm)

7. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Supporting developing countries in coping with the crisis' COM(2009)0160
8. European Parliament resolution of 24 April 2009 on the proposal for a Council decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities
9. European Parliament legislative resolution of 24 April 2009 on the proposal for a Council decision concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities
10. European Parliament resolution of 24 April 2009 on the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

### 13 Industrial policy and the internal market

The internal market is a European area without frontiers where goods, services, persons and capital can move freely. These four aspects of the internal market ('four freedoms'<sup>26</sup>) are covered by different pieces of legislation,<sup>27</sup> whereas the overarching measures 'with the aim of establishing or ensuring the functioning of the internal market', in accordance with Article 26.1 TFEU (Article 14 EC), have been adopted on the basis of Article 114 TFEU (Article 95 EC).

Despite the opportunity and invitation provided by primary EU legislation, only a limited number of mainstream legislative instruments which also cover disability with regard to the **internal market** have been adopted. In addition to the above-mentioned Article 114 TFEU, Declaration No. 22 to the Treaty of Amsterdam stipulates that in drawing up measures under what now is Article 114, 'the institutions of the Community shall take account of the needs of persons with a disability.'

It must be noted that the rationale behind the few disability-related references found in European legislation adopted under Article 114 TFEU is the elimination of differences in specifications and harmonisation of standards of goods and services offered in the EU in order to contribute to achieving the internal market and opening up possibilities for economic operators to sell their products in the Community market. Indeed, the EU has recognised that harmonised conditions in the single market cannot be achieved by the Member States alone. The social objective, such as the elimination of barriers experienced by persons with disabilities in their daily lives and their inclusion in the society, has not been the driving force behind the Article 114-based legislation.

Examples of European legal acts harmonising accessibility requirements of goods and services in order to achieve the internal market are:

- Directive 2001/85/EC (*annex 13.07*), which requires the mandatory fitting of certain accessibility features for vehicles carrying more than eight passengers;
- Directive 95/16/EC (*annex 13.01*), which refers to disability accessibility of lifts;
- Regulation (EC) No. 78/2009 (*annex 13.19*), which imposes technical measures to protect vulnerable road users in the event of collision;

<sup>26</sup> Cf Article 26.2 TFEU.

<sup>27</sup> The aspects of the internal market that relate to free movement of goods, services, persons and capital are covered, respectively, in sections 2, 6, 5 and 10 of this review.



- Directive 2004/27/EC (*annex 13.11*), which requires that the packaging of medicinal products must include a label in Braille and that the package information leaflet be available, on special request, in formats accessible to visually impaired users;
- Implementing measures of Directive 93/42/EEC (*annex 13.39*), which provide for harmonised standards on technical aids and adjustable beds for disabled persons;
- Implementing measures of Directive 2006/42/EC (*annex 13.40*), which provide for harmonised standards on disabled passengers' aircraft boarding equipment.

In recent years, the recognition of the need to address disability specifically in internal market legislation has been noted by the European Parliament (*annex 13.33*) and the Commission (*annex 13.32*).

In line with the European recognition of the necessity for harmonised **standards** as a means of achieving the internal market, streamlining work to develop accessibility standards for persons with disabilities started in 1998, when the Commission issued a mandate to the European Standards Bodies for Standardisation in the field of information and communication technologies (ICT) for disabled and elderly people (*annex 13.23*). The mandate called for the elaboration and adoption of European standards in the field of ICT for disabled and elderly people on the basis of the two approaches chosen by the Commission: 'design for all' and 'assistive technology'.

Subsequently, in 2003, the Commission issued a further mandate on the safety and usability of products for older and disabled people (*annex 13.27*). The main deliverable of this mandate was the CEN/CENELEC Guide 6 (Guidelines for standards developers to address the needs of older persons and persons with disabilities)<sup>28</sup>.

This work was continued further when, in 2006, the Commission issued a mandate to the European Standardisation Organisations to draft the European standards of e-accessibility to be used in public procurement (*annex 13.37*). Two years later, a similar mandate on accessibility standards in the built environment followed (*annex 13.38*).

Of particular importance in this context is the recognition of the disability dimension in **research**. In recent years, eight disability-specific projects in areas such as public transport, the labour market, the built environment and free movement were funded under the Scientific Support to Policies<sup>29</sup> strand of the Sixth Framework Programme for Research, whereas the Seventh Framework Research Programme 2007-2013 (FP7) (*annex 13.15*) covers research addressing e-accessibility and improve assistive technologies for persons with disabilities.

In parallel with the FP7, the Competitiveness and Innovation Framework Programme 2007-2013 (*annex 13.14*) encourages the use of ICT-based solutions to improve the lives of persons with disabilities. Furthermore, one of the objectives of the 'Ambient Assisted Living' joint research programme for older people (*annex 13.18*) is to encourage use of the results of the programme to improve the lives of persons with disabilities.

**Information and communication technologies** (ICT) is an area where important disability-related measures have been adopted.

<sup>28</sup> <http://www.cen.eu/cenorm/businessdomains/businessdomains/iss/activity/cclcgd006.pdf>

<sup>29</sup> [http://ec.europa.eu/research/fp6/ssp/index\\_en.htm](http://ec.europa.eu/research/fp6/ssp/index_en.htm)



One of the most significant legal acts in force today is the so-called R&TTE Directive (*annex 13.03*). The Directive addresses the conformity of radio and telecommunications terminal equipment with certain essential requirements, including the requirement that equipment is designed in such a way as to enable people with disabilities to use it without, or with minimal, adaptations. The Directive empowers the Commission to decide what types of apparatus should be designed in a way so as to support their use by disabled persons. It must be noted that this power has not yet been used by the Commission.

Whereas the R&TTE Directive only addresses the accessibility of telecommunications terminals for persons with disabilities, another legislative framework – the eCommunications package – deals with the accessibility of electronic services. The package consists of six directives and one regulation<sup>30</sup>, of which two have disability-specific provisions (*annotations 13.08 and 13.09*). In 2009, the package was updated by the ‘Better Regulation’ Directive, the Users’ Rights Directive and the Regulation on the European Electronic Communications Market Authority (*annex 13.22*). The updated new package entered into force on 18 December 2009 and must be transposed into national law by June 2011.

The ‘Better Regulation’ Directive (*annex 13.21*) establishes a harmonised framework for the regulation of electronic communications services, electronic communications networks, associated facilities and associated services, and certain aspects of terminal equipment to facilitate access for disabled users. Recognising the gap created by the fact that the accessibility of terminals and of services is regulated by two different legislative frameworks, the Directive aims to ensure end-to-end connectivity and interoperability between equipment, networks and services for end-users with disabilities by including some aspects of terminal equipment in the material scope of the Directive.

The ‘Users’ Rights’ Directive (*annex 15.04*) makes numerous references to the right to ‘equivalent access’ (including choice and affordability) of disabled end-users to services available to other end end-users. This functional equivalence implies the same usability of services by all users, even if the means to achieve it are different for disabled end-users. Equivalence of access should be guaranteed by national consumer protection requirements.

The Directive also imposes an obligation on the Member States to ensure the accessibility of the emergency services, including the ‘112’ phone number to deaf, hearing-impaired, speech-impaired and deaf-blind users. Further, the Directive encourages use of European standards to achieve e-accessibility of services (including through public procurement procedures) and maintains the accessibility obligation for directory services and public pay phones or other public voice telephony. Finally, it makes an important link between the provision of electronic communications services and the terminal equipment used to provide them (currently covered by the R&TTE Directive, as explained above).

The growing recognition of the importance of accessible ICT to persons with disabilities in the rapidly expanding digital universe has been explored in Commission policies since the early 2000s.

The eEurope 2002 Action Plan was launched in 2000<sup>31</sup>, following Communication of the eEurope Initiative in 1999<sup>32</sup>.

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<sup>30</sup> [http://ec.europa.eu/information\\_society/policy/ecomms/current/index\\_en.htm](http://ec.europa.eu/information_society/policy/ecomms/current/index_en.htm)

<sup>31</sup> [http://ec.europa.eu/information\\_society/eeurope/2002/documents/archiv\\_eEurope2002/actionplan\\_en.pdf](http://ec.europa.eu/information_society/eeurope/2002/documents/archiv_eEurope2002/actionplan_en.pdf)

<sup>32</sup> [http://ec.europa.eu/information\\_society/eeurope/2002/documents/archiv\\_eEurope2002/initiative\\_en.pdf](http://ec.europa.eu/information_society/eeurope/2002/documents/archiv_eEurope2002/initiative_en.pdf)

The Action Plan included specific reference to ‘designing in’ accessibility principles for all information technologies and the publication of ‘design for all’ standards. The inclusion of people with disabilities was specifically highlighted in a Ministerial declaration in 2003<sup>33</sup>. In 2002, the Commission adopted the subsequent eEurope 2005 Action Plan (*annex 13.24*) with the general objective ‘to provide a favourable environment for private investment and for the creation of new jobs, to boost productivity, to modernise public services, and to give everyone the opportunity to participate in the global information society’ and declared improved accessibility of public websites for disabled people to be one of the specific objectives of the Plan. The measures for implementing the Action Plan were adopted by the Council Resolution of 18 February 2003 (*annex 13.26*) and followed by the Decision of the European Parliament and of the Council adopting the multi-annual (2003-2005) implementation programme (MODINIS) (*annex 13.10*). This decision laid the ground for the establishment of an eEurope Advisory Group chaired by the Commission. The group was open to participation from all stakeholders (Member States and accession countries, consumer groups, and the private sector). During the years of its existence, it produced a number of reports, including ‘E-Inclusion: new challenges and policy recommendations’<sup>34</sup> in July 2005. The report demonstrates clear links between e-inclusion and social inclusion and recommends consideration of a European Accessibility Act covering the design of public e-services as well as public procurement of ICT tools and services and development of initiatives in order to raise awareness of e-accessibility.

In parallel, an important disability-specific policy instrument - Council Resolution on eAccessibility (*annex 13.25*) - was adopted recalling the objectives of eEurope and suggesting to the Member States and the Commission a number of measures to enhance e-accessibility.

eEurope 2005 was followed by the strategic framework ‘i2010 - A European Information Society for growth and employment’ (*annex 13.28*) that provided an integrated approach to the information society in light of the renewed Lisbon agenda.<sup>35</sup> Thereafter, a number of Commission communications followed (including the 2005 eAccessibility Communication, which is of significant importance – *annotation 13.29*), exploring possible ways to address the digital divide between disabled and non-disabled users of ICT. The most recent was adopted in 2008 (*annex 13.35*), proposing the establishment of a high-level group on e-accessibility, making e-accessibility a research and innovation priority, and achieving 100% accessibility of public websites.

In the same vein, in order to catch up with rapid developments in the electronic communications market, the Commission in 2008 launched a review of the scope of legislation dealing with the accessibility of universally available communications services (also called ‘universal service’) (*annex 13.34*). The definition of universal service currently comprises fixed telephone, fax and low-band Internet networks and services, public directories and pay phones. It also includes certain measures for access and affordability of publicly available telephone services to people with disabilities. Neither mobile communications nor broadband Internet is included in the definition of universal services under the current legislation.

<sup>33</sup><http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/03/199&format=HTML&aged=0&language=EN;&guiLanguage=en>

<sup>34</sup>[http://ec.europa.eu/information\\_society/eeurope/2005/doc/all\\_about/kaplan\\_report\\_einclusion\\_final\\_version.doc](http://ec.europa.eu/information_society/eeurope/2005/doc/all_about/kaplan_report_einclusion_final_version.doc)

<sup>35</sup> In autumn 2009, the Commission launched a public consultation for the post-i2010 strategy. The Commission plans to publish the post-2010 strategy in April 2010 based on responses received.

## Annotated instruments:

→ *Legislation*

1. Council Directive 95/16/EC of the European Parliament and the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts
2. Decision No. 1336/97/EC of the European Parliament and of the Council on a series of guidelines for trans-European telecommunications networks
3. Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity
4. Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 relating to cableway installations designed to carry persons
5. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')
6. Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system
7. Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC
8. Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive).
9. Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)
10. Decision No. 2256/2003/EC of the European Parliament and of the Council of 17 November 2003 adopting a multiannual programme (2003-2005) for the monitoring of the eEurope 2005 action plan, dissemination of good practices and the improvement of network and information security (MODINIS)
11. Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use
12. Directive 2005/40/EC of the European Parliament and of the Council of 7 September 2005 amending Council Directive 77/541/EEC on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles
13. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)
14. Decision No. 1639/2006 EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007-2013)
15. Decision No. 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013)
16. Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)

17. Commission Decision 2008/164/EC of 21 December 2007 concerning the technical specification of interoperability relating to persons with reduced mobility in the trans-European conventional and high-speed rail system (notified under document C(2007) 6633)
18. Decision No. 742/2008/EC of the European Parliament and of the Council of 9 July 2008 on the Community's participation in a research and development programme undertaken by several Member States aimed at enhancing the quality of life of older people through the use of new information and communication technologies
19. Regulation (EC) No. 78/2009 of the European Parliament and of the Council of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC
20. Commission Regulation (EC) No. 631/2009 of 22 July 2009 laying down detailed rules for the implementation of Annex I to Regulation (EC) No. 78/2009 of the European Parliament and of the Council on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC
21. Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services
22. Regulation (EC) No. 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office

→ *Other instruments*

23. Mandate to the European Standards Bodies for Standardization in the field of information and communication technologies (ICT) for disabled and elderly people, M/273 EN, 29 September 1998
24. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions - eEurope 2005: An information society for all - An Action Plan to be presented in view of the Sevilla European Council, 21/22 June 2002 COM(2002)0263
25. Council Resolution of 7 February 2003 'eAccessibility' – improving the access of people with disabilities to the knowledge-based society
26. Council resolution of 18 February 2003 on the implementation of the eEurope 2005 action Plan 2003/C 48/02
27. Mandate to the European Standards Bodies for a guidance document in the field of safety and usability of products by people with special needs (e.g. elderly and disabled), M/283 EN, 1 April 2003
28. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'i2010 - A European Information Society for growth and employment' COM(2005)229
29. Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee and the Committee of the Regions 'eAccessibility' COM(2005)425
30. Riga Ministerial Declaration on 'ICT for an inclusive society', approved unanimously on 11 June 2006, Riga Latvia

31. European i2010 initiative on e-Inclusion 'To be part of the information society' COM(2007)694
32. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A single market for 21st century Europe' COM(2007)724
33. European Parliament resolution of 4 September 2007 on the Single Market Review: tackling barriers and inefficiencies through better implementation and enforcement
34. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the second periodic review of the scope of universal service in electronic communications networks and services in accordance with Article 15 of Directive 2002/22/EC COM(2008)572
35. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Towards an accessible information society' COM(2008)804
36. Accessible Information Society – Council conclusions, 20 March 2009
37. European Commission, Standardisation Mandate to CEN, CENELEC and ETSI in support of European Accessibility requirements for public procurement in the ICT domain, M/376 EN, 7 December 2005
38. European Commission, Standardisation Mandate to CEN, CENELEC and ETSI in support of European Accessibility requirements for public procurement in the built environment, M/420, 21 December 2007
39. Commission communication in the framework of the implementation of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (Publication of titles and references of harmonised standards under the Directive), 2009/C 293/03
40. Commission communication in the framework of the implementation of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) (Publication of titles and references of harmonised standards under the Directive), 2009/C 309/02

#### **14 Regional policy and coordination of structural instruments**

The EU has established several programmes - known as the Structural Funds - in order to reduce economic and social inequalities between regions and social groups. Together with the Cohesion Fund, the Structural Funds (which include the European Regional Development Fund (ERDF) and the European Social Fund (ESF)) account for the majority of EU spending. Current programmes run from 1 January 2007 until 31 December 2013 with a total budget of EUR 347.41 billion. The general regulation on the Structural Funds for the period 2007-2013 (*annex 14.04*) contains an important clause obliging the Member States and the Commission to ensure equality between women and men and non-discrimination on a number of grounds, including disability, in the implementation of the Funds and, in particular, in the access to them. Crucially, accessibility for disabled persons is explicitly named as one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during implementation. In addition, the regulations governing the individual funds also refer to equality and non-discrimination of persons with disabilities in the implementation of the Funds (*annotations 14.02 and 14.03*). A similar provision calling for equality between women and men and non-discrimination can be found in the regulation on the European Agricultural Fund for Rural Development (EAFRD) adopted in 2005 (*annex 14.01*).



Following the adoption of the cohesion package in 2006, the Council has laid down strategic guidelines for Member States on cohesion for the period 2007-2013 (*annex 14.05*). These guidelines reflect the obligations spelt out in the general regulation on Structural Funds and contain several provisions for combating discrimination and social exclusion of people with disabilities and promoting accessibility. In its turn, the Commission produced a 'Toolkit for using EU Structural and Cohesion Funds: Ensuring accessibility and non-discrimination of people with disabilities'<sup>36</sup>.

Annotated instruments:

→ *Legislation*

1. Council Regulation (EC) No. 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)
2. Regulation (EC) No. 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No. 1783/1999
3. Regulation (EC) No. 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No. 1784/1999
4. Council Regulation (EC) No. 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No. 1260/1999
5. Council Decision 2006/702/EC of 6 October 2006 on Community strategic guidelines on cohesion

## 15 Environment, consumers and health protection

At the moment, very little European legislation and policy explicitly addresses the specific needs of **consumers with disabilities**.

An important mainstream instrument, the 2004 regulation on the rights of passengers travelling by air in the event of denied boarding or of cancellation or long delay of flights (*annex 07.08*) is one of the few that includes a specific disability dimension. The regulation deals with the rights of airline customers, including these with disabilities. It foresees compensation and assistance to passengers whose travel plans have been affected by long delays or flight cancellations, while paying particular attention to persons with reduced mobility, including persons with disabilities. The regulation emphasises the obligation to pay special attention to passengers with disabilities (special assistance, priority boarding, etc).

The directive on unfair business-to-consumer commercial practices (*annex 15.02*) and the EU Consumer Policy Strategy (*annex 15.07*) do not mention consumers with disabilities as such (although both do talk about 'vulnerable consumers') but are potentially important tools for developing goods and services that are accessible, affordable and appropriate to disabled people.

<sup>36</sup> <http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=174&type=2&furtherPubs=yes>

European programmes for Community action in the field of **public health** (*annotations 15.01 and 15.07*), although not focusing on disability specifically, are nevertheless relevant as they provide a significant financial basis for implementing actions that are directly relevant to persons with disabilities and chronic illnesses, such as promoting health, including reducing health inequalities, disseminating health-related information and improving citizens' health, including mental health. Disability as a factor increasing the risk of health inequality is explicitly recognised in the Commission Communication on Solidarity in Health: Reducing Health Inequalities in the EU (*annex 15.13*), whereas mental health has been addressed as a separate subject by both the Commission (*annex 15.05*) and the European Parliament (*annotations 15.06 and 15.11*).

More generally on health, in 2008 the Commission launched a consultation on the European Workforce for Health (*annex 15.08*) that attempts to find responses to the increasing challenges facing health systems today, taking into account factors such as the ageing population, the role of new technologies and increased spending on health that undermines the sustainability of health systems. The Green Paper discusses actions that need to be taken to ensure a healthier workforce in Europe, training of providers of services to disabled and elderly persons and managing mobility of health workers.

Indirectly related, the new proposal for a directive on the application of patients' rights in cross-border healthcare<sup>37</sup> aims at clarifying and promoting the rights of patients to gain access to healthcare in another EU Member State while ensuring, at the same time, its high quality throughout Europe. The proposal has the potential to improve the lives of persons with disabilities or chronic illnesses who travel to another Member State seeking specialised medical treatment that is either not available or otherwise difficult to obtain in their own Member State.

The Council recommendation on a European action in the field of rare diseases (*annex 15.10*) proposes the establishment before 2013 of national plans for rare diseases in order to ensure universal access of patients to high quality care. The recommendation also calls for a common EU definition and codification of rare diseases and invites the Member States to identify the research priorities on rare diseases. The role of patients' organisations is highlighted as particularly important.

Disability is mentioned in Community soft-law instruments concerning Alzheimer's disease and other dementias, such as the Commission's Communication of July 2009 (*annex 15.12*).

Annotated instruments:

→ *Legislation*

1. Decision No. 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008)
2. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No. 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (Text with European Economic Area relevance)

<sup>37</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0414:EN:HTML>



3. Decision No. 1350/2007/EC of the European Parliament and of the Council of 23 October 2007 establishing a second programme of Community action in the field of health (2008-2013)
4. Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No. 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws

→ *Other instruments*

5. Green Paper 'Improving the mental health of the population. Towards a strategy on mental health for the European Union' COM(2005)484
6. European Parliament non-legislative resolution of 6 September 2006 on improving the mental health of the population - towards a strategy on mental health for the EU
7. Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee 'EU Consumer Policy strategy 2007-2013 - Empowering consumers, enhancing their welfare, effectively protecting them' COM(2007)0099
8. Green Paper on European Workforce for Health COM(2008)725
9. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Rare Diseases - Europe's challenges COM(2008)0679
10. Council Recommendation of 8 June 2009 on an action in the field of rare diseases 2009/C 151/02
11. European Parliament resolution of 19 February 2009 on mental health
12. Communication from the Commission to the European Parliament and the Council on a European initiative on Alzheimer's disease and other dementias COM(2009)0380
13. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Solidarity in health: reducing health inequalities in the EU' COM(2009)0567

## 16 Science, information, education and culture

The need to make **information** accessible to persons with disabilities has been recognised by the EU in recent years (*annotations 01.10 and 16.02*).

The **Youth Action Programme** 2007-2013 (*annex 16.04*) pays particular attention to increasing the opportunities, in a broad sense, of young people with disabilities. Two subsequent documents echo this aim: the Council conclusions of 27 November 2009 (*annex 16.09*) and the Commission Communication on an EU Strategy for Youth: Investing and Empowering (*annex 16.08*).

Accessibility of **education and lifelong learning** to persons with disabilities is gradually becoming a more prominent issue on the agenda of EU policymakers. In 2003, a decision of the European Parliament and the Council (*annex 16.03*) established the multiannual eLearning Programme for the improvement of the quality and accessibility of European education and training systems through the effective use of ICT. Action one of the programme, 'Promoting digital literacy', addresses the barriers experienced by vulnerable users, including persons with disabilities, in access to ICT.

Later on, the decision establishing the lifelong learning programme (*annex 16.05*) to contribute to the development of the Community as an advanced knowledge-based society, provided that one of programme's horizontal policies would be promoting equality between men and women and contributing to combating all forms of discrimination, including discrimination based on disability. The programme also recognises the need to widen access to lifelong learning to people from disadvantaged groups and reflects the higher costs of participation for disabled persons through the provision of higher grants.

The 2008 decision of the European Parliament and of the Council to establish the Erasmus Mundus programme 2009-2013 for the promotion of quality in European higher education and intercultural understanding through cooperation with third countries and for the development of third countries in the field of higher education (*annex 16.06*) makes several references to disability, including making the fight against disability discrimination one of the programme's horizontal issues and recognising the need to widen access to the programme to representatives of the disadvantaged groups, taking into account the special learning needs of persons with disabilities.

As part of the 'social package' adopted by the Commission in 2008, the communication on an agenda for European cooperation on schools (*annex 16.07*) calls for a re-think of policies regarding special educational needs, arguing in favour of inclusive education as an approach preferable to teaching in a segregated setting.

Annotated instruments:

→ *Legislation*

1. Decision No. 291/2003/EC of the European Parliament and of the Council of 6 February 2003 establishing the European Year of Education through Sport 2004
2. Council Regulation (EC, Euratom) No. 1700/2003 of 22 September 2003 amending Regulation (EEC, Euratom) No. 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community
3. Decision No. 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme)
4. Decision No. 1719/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing the Youth in Action programme for the period 2007 to 2013
5. Decision No. 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning
6. Decision No. 1298/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing the Erasmus Mundus 2009-2013 action programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries

→ *Other instruments*

7. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Improving competences for the 21st Century: An Agenda for European Cooperation on Schools' COM(2008)425

8. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'An EU Strategy for Youth : Investing and Empowering - A renewed open method of coordination to address youth challenges and opportunities' COM(2009)0200
9. Council conclusions of 27 November 2009 on promoting a Creative Generation: developing the creativity and innovative capacity of children and young people through cultural expression and access to culture.

## 17 Law relating to undertakings

Whilst harmonising certain aspects of **copyright law**, EU law still allows for the right of reproduction and communication of public works to be limited by Member States for the benefit of users with disabilities. Namely, a European directive (*annex 17.01*) allows the Member States to make exceptions from copyright regulations in respect of reproductions 'for the benefit of people with a disability, which are directly related to the disability and of a non-commercial nature, to the extent required by the specific disability'.

A more recent Commission initiative (a green paper followed by a communication) attempts to analyse how broad dissemination of knowledge can be achieved in the framework of the above-mentioned directive. The communication (*annex 17.03*) has an explicit disability dimension. It calls for a collaborative approach to encourage publishers to make more works available in accessible formats and announces the creation of a stakeholder forum for the needs of disabled persons (particularly visually impaired persons) by the end of 2009, emphasising that the UN Convention on the Rights of Persons with Disabilities would serve as a benchmark for measuring progress in the work of the forum.

In 2002, a regulation on the application of international accounting standards<sup>38</sup> was adopted by the Communities with the objective of harmonising financial information presented by companies in order to ensure a high degree of transparency and comparability of financial statements. To comply with this regulation, the Commission adopted another regulation (*annex 17.02*) adopting **international accounting standards**, which include many references to employee benefits, such as short- and long-term disability benefits, and disability insurance. Entitlement of employees to these benefits must be disclosed in the companies' yearly financial information.

Annotated instruments:

### → Legislation

1. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society
2. Commission Regulation (EC) No. 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No. 1606/2002 of the European Parliament and of the Council

### → Other instruments

3. Communication from the Commission 'Copyright in the Knowledge Economy' COM(2009)0532

<sup>38</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002R1606:EN:HTML>

## 19 Area of freedom, security and justice

Some EU legislation concerning EU policies with regard to **refugees and other third country** nationals contain provisions that take into account the special needs and vulnerability of people with disabilities. Discriminatory treatment by EU agents of third-country nationals on the ground of disability is prohibited by EU law (*annotations 19.01 and 19.02*). Beneficiaries of refugee or subsidiary protection having special needs (including persons with disabilities) are entitled under an EU directive (*annex 19.03*) to adequate health care under the same eligibility conditions as nationals of the EU Member States.

The regulation establishing the **European Refugee Fund** for the period 2008 to 2013 (*annex 19.05*) with the budget of EUR 628 million aiming to support and improve the Member States' efforts to grant reception conditions to refugees recognises the specific situation of refugees with disabilities, among other vulnerable groups. Under the Swedish Presidency and the Stockholm Programme 2010-2014<sup>39</sup>, new frameworks are developed for co-operation in policing and asylum policy (although disability was not referred to directly)

Annotated instruments:

### → Legislation

1. Regulation (EC) No. 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No. 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers
2. Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)
3. Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted
4. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities
5. Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers
6. Decision No. 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme Solidarity and Management of Migration Flows and repealing Council Decision 2004/904/EC
7. Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme Solidarity and Management of Migration Flows

<sup>39</sup> [http://www.se2009.eu/polopoly\\_fs/1.26419!menu/standard/file/Klar\\_Stockholmsprogram.pdf](http://www.se2009.eu/polopoly_fs/1.26419!menu/standard/file/Klar_Stockholmsprogram.pdf)

## Conclusions and recommendations

Almost two hundred legal instruments have been annotated in this review.

The largest numbers of instruments (legal acts and policy measures) which include a reference to disability were found in the fields of: Freedom of movement for workers and social policy (52 instruments); Industrial policy and the internal market (40 instruments); Transport policy (21 instruments).

As noted in review, only one TFEU article (Article 19) specifically refers to disability and serves as the legal basis for three of the instruments included in the review.<sup>40</sup> All other instruments are based on TFEU articles that make no reference to disability whatsoever. This reveals that some TFEU articles, e.g. articles relating to transport, are commonly being used to provide the basis for legislation addressing disability. Further, as the current Commission proposal for an equal treatment directive demonstrates, it can be challenging to effectively legislate on anti-discrimination measures for persons with disabilities if Article 19 TFEU is the only legal basis for the legislation. The nature of disability discrimination is such that it may be necessary in the future to invoke Article 114 (internal market) to address all possible situations of discrimination (such as inaccessible design of goods).

In relation to **social policy**, it can be noted that the area is thoroughly explored by various policy documents as well as, more recently, initiatives by EU Presidencies. Instruments targeting groups other than persons with disabilities (such as women or older people) can also be used to improve the situation of persons with disabilities. For example, certain policy instruments targeting older people mention the importance of an accessible environment - essential to persons with disabilities - and others on gender equality recognise the special situation of women with disabilities.

As far as **industrial policy and the internal market** are concerned, the work on e-accessibility deserves special attention. An impressive number of policy documents have been produced in the past decade. These instruments all contain strong messages advocating greater efforts on e-accessibility, with each newer instrument stating that measures proposed in older instruments were not sufficient and calling for stronger action. Despite the evidence in favour of legislative action (demonstrated by the Commission and independent researchers alike), deliberations about the necessity of such action are ongoing.

As mentioned above, the link between internal market and disability, although recognised in some mainstream EU legislation, may need to be reinforced with disability-specific measures based on the internal market provisions of the Treaty.

With respect to **transport policy**, the two proposals currently on the legislative table (on maritime transport and on coach passengers) will complete the transport package. It can therefore be suggested that the need for soft-law instruments in this area is limited.

Some areas, notably **science, information, education and culture**, only have a handful of legal acts which include a disability dimension. This is compensated by a long list of policy instruments where the legislator's commitment to disability equality is affirmed.

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<sup>40</sup> The new Article 10 TFEU that entered into force on 1 December 2009 has not yet been invoked.

However, in other fields, such as **environment, consumers and health protection**, disability remains largely unaddressed (somewhat surprisingly, given the importance of the protection of consumers with disabilities, or health services to persons with disabilities), although there exist a limited number of instruments that can be indirectly used to inform disability policy in these respective fields. It can be suggested that reinforcing the disability dimension of consumer protection would go in the direction of achieving the internal market.

In the field of **statistics**, more and more new surveys relating to disability have started to appear; however, most of them approach disability as a 'health' issue. This approach will have to change once the European Union ratifies the UN Convention, which neither sees disability as a 'health' issue nor talks about prevention of disability or incapacitation to work due to disability (as many statistical surveys currently do).

Another important area that should be highlighted specifically is the field of **external relations**. The European Union, the world's largest aid donor, says that it recognises the importance of mainstreaming so-called 'social' issues on the road to achieving the Millennium Development Goals. However, none of the main EU instruments on development mention disability explicitly nor provide for activities to mainstream it. This situation should change with the accession by the European Union to the UN CRPD that obliges the States Parties to take disability into account in all international cooperation work.

The scope for developing EU legislation that specifically addresses disability has now taken on a new importance in light of the future conclusion by the EU of the **UN Convention on the Rights of Persons with Disabilities**. The Convention is the first international human rights treaty to be concluded by the EU and will impose legally binding obligations on the EU. The EU will also be obliged to report to the Committee on the Rights of Persons with Disabilities on the action that it has taken to implement the Convention. In practice this means that all European legislation in preparation should be checked against the rights and obligations provided in the Convention and that legislation in force be modified to respect the Convention. It must be noted that such disability-proofing would also be in accordance with the new Article 10 TFEU.

Recommendations:

- More policy areas should be made disability-proof; special attention should be paid to fields such as health, consumer protection and external affairs, where the recognition of the disability dimension in legislation and policy is currently largely non-existent.
- The disability dimension in legislation adopted under Article 114 TFEU should be made more explicit, in accordance with Declaration 22 of the Amsterdam Treaty. The benefits of giving a social aspect to internal market legislation must be demonstrated in the legislative process.
- Soft-law instruments should be used in a more strategic, less random fashion. Newer instruments should mainly measure progress made towards goals set out in earlier instruments and build continuous policy in relation to a specific area.
- All new instruments should take into account the UN Convention on the Rights of Persons with Disabilities and make appropriate references to disability and people with disabilities.
- Existing legislation must also be revised to take account of the new obligations imposed by the UN Convention.



### Annex of annotations to relevant instruments

The annex provides details of the law and policy instruments identified in the review. Each instrument is identified individually (including a hyperlink to the original document). The content of the disability-specific provision(s) within the instrument is noted, accompanied by a brief commentary on the aim and consequences of the relevant provision(s) where the description of content is not self-evident.

		Legal basis	General aim	Article	Content	Consequence
<b>01. General, financial and institutional matters</b>						
01.01	<a href="#">Commission Decision(s) Nos 96/564/EC-96/566 (Euratom, EC) of 11 September 1996 and Nos 90/176-90/180 (Euratom, EEC) EEC of 23 March 1990 authorizing several particular Member States not to take into account certain categories of transactions and to use certain approximate estimates for the calculation of the VAT own resources base (only the texts in the Member States' languages are authentic)</a>	Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax	Authorizing particular Member States not to take into account certain categories of transactions and to use certain approximate estimates for the calculation of the VAT own resources base.	Art 1(2)	Transactions carried out by blind persons or workshops for the blind' are exempted from VAT, provided these exemptions do not give rise to significant distortion of competition.	
01.02	<a href="#">Treaty of Amsterdam, amending the Treaty on European Union, the Treaties establishing the European Communities and related acts</a>		Treaty governing the EU.	Art 13	Covers all aspects of EU policy and institutional framework.	Article allowing the Council to take measures to combat discrimination on a number of grounds, incl. disability.
01.03	<a href="#">Charter of Fundamental Rights of the European Union</a>	-	Proclamation of the common fundamental	Art 21, Art 26	The Union recognises and respects the right of	The Charter has not come



			rights and values of the European Union.		persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.	into force yet. Although the integration of people with disabilities into society is explicitly addressed, Art 26 does not seem to grant enforceable rights.
01.04	<a href="#">Regulation (EC) No 1049/2001 of the EP and of the Council of 30 May 2001 regarding public access to EP, Council and Commission documents</a>	Art 255 EC Treaty, Art 251 (ex 189b) EC Treaty	General rules concerning public access to documents of EC institutions.	Art 10(3)	'Documents shall be supplied in an existing version and format (including electronically or in an alternative format such as Braille, large print or tape) with full regard to the applicant's preference.'	
01.05	Commission Decision of 25 November 2003 on a revised Code of Good Practice for the Employment of People with Disabilities		To introduce measures for the equality of persons with disabilities working for the EU institutions.			
01.06	<a href="#">Council Regulation No 723/2004 of 22 March 2004 amending the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European</a>	Art 283 EC Treaty	To adopt staff regulations for EU officials.	Arts 1c, 82	Prohibits disability-based discrimination in recruitment and employment and provides for reasonable accommodation measures.	

	<u>Communities</u>					
01.07	<a href="#">European Parliament Bureau Decision of 22 June 2005 'Code of Good Practice for the Employment of People with Disabilities'</a>	Art 13 EC Treaty, Art 1d Staff Regulations	To provide a clear statement of the Parliament's policy in relation to the employment of people with disabilities.		Covers recruitment, reasonable accommodation, positive action, disability awareness training, etc.	Has served as the basis for a number of equal treatment projects at the EP, including positive action in relation to the recruitment of disabled staff and adaptations of the workplace.
01.08	<a href="#">Council Decision of 12 December 2005 adopting the rules laying down the procedure for granting financial aid to supplement the pension of a surviving spouse who has a serious or protracted illness or who is disabled</a>	Art 76a of the Staff Regulations	To support the surviving spouses of workers.	All		
01.09	<a href="#">Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights</a>	Art 208 EC Treaty	To establish the FRA to provide assistance and expertise relating to fundamental rights and to implement the Charter of Fundamental Rights.	No specific article		Although not disability-specific, the Agency can be mandated to carry out disability-specific research.

01.10	<a href="#">Final adoption of the General Budget of the European Union for the financial year 2008: section III, Commission</a>	Art 272 EC Treaty	To establish the general budget of the EU for 2008.	Chapters 26 01, XX	The budget has a number of references to disability, involving either the allocation of funds to disability-related projects (disabled trainees and European Schools) or mainstreaming disability across policy areas (enlargement, social policy, and transport).	
01.11	<a href="#">Council Decision 2008/203/EC of 28 February 2008 implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Agency for Fundamental Rights for 2007-2012</a>	Regulation 168/2007	To establish thematic areas of work for the reference period.	Article 2(b)	The framework includes a strand allowing disability-based discrimination to be combated.	
01.12	<a href="#">Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union</a>		To revise the working procedures of the EU.	Arts 10, 19	Provides for disability mainstreaming and for specific measures to combat discrimination.	The role of the European Parliament in the anti-discrimination procedure is strengthened.
01.14	<a href="#">2008/203/EC: Council Decision of 28 February 2008 implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Union Agency for Fundamental</a>	Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European	To implement Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Union Agency for Fundamental Rights for 2007-2012.	Art 2(b)	Disability is mentioned here as a thematic area in which the Agency may undertake actions.	

	<a href="#">Rights for 2007-2012</a>	Union Agency for Fundamental Rights, in particular Article 5(1)				
<b>02. Customs union and free movement of goods</b>						
02.01	<a href="#">Council Decision of 8 May 1979 on the conclusion of the Protocol to the Agreement on the importation of educational, scientific and cultural materials (No 79/505/EEC)</a>	Art 157e EEC Treaty	Conclusion of the Protocol to the Agreement on the importation of educational, scientific and cultural materials, regarding the non-application of customs duties or relief from duty on the importation of such articles.	Art 1 of the Decision in conjunction with in particular paras I and III of the Protocol and Annex E of the Protocol.	The concluded Protocol contains provisions which imply the prohibition of duties on several goods for the benefit of people with disabilities, e.g. educational materials adapted for use by blind people (goods are listed in Annex E of the Protocol).	Note that the Community has made a reservation with regard to parts of the Protocol which contain prohibitions on internal charges on certain materials (Decision Art 1(2)).
02.02	<a href="#">Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of relief from customs duty</a>	Articles 28, 43 and 235 EEC Treaty	Setting up a Community system of relief from customs duty.	Arts 70-78	Establishes duty-free import of articles and services for the advancement of people with disabilities	Consolidated text (Regulation No 918/83 was amended by Regulation No 2289/83, No 1746/85, No 3691/87 and No 3357/91).

02.03	<a href="#">Commission Regulation (EEC) No 2289/83 of 29 July 1983 laying down provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No 918/83</a>	Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of relief from customs duty	To lay down provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No 918/83, which concern the duty-free import of articles and services for the advancement of people with disabilities.	All	This Regulation lays down detailed provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No 918/83 on relief from duties and duty-free import of materials and services for the benefit of people with disabilities.	Consolidated text (Regulation No 2289/83 was amended by Regulation No 735/92). The detailed provisions of this regulation mainly aim to prevent abuse of the system of customs duty relief laid out in Arts 70 - 78 of Council Regulation (EEC) No 918/83.
<b>03. Agriculture</b>						
03.01	<a href="#">Commission Regulation (EEC) No 1391/78 of 23 June 1978 laying down amended rules for the application of the system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds</a>	Council Regulation (EEC) No 1078/77 of 17 May 1977 introducing a system of premiums for the non-marketing of milk and milk products and for the	To lay down amended rules for the application of the system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds.	Art 12(2) b.	Exemption under which Member States are not obliged to recover premiums from recipients in the case of an extended period of disability such as to prevent the recipient from carrying on his occupation.	Very specific provision for a certain group of people with disabilities.

		conversion of dairy herds				
03.02	<a href="#">Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)</a>	Articles 36, 37 and 299(2) EC Treaty	To lay down regulations regarding the support for rural development by the European Agricultural Fund for Rural Development (EAFRD).	Art 8	General non-discrimination provision (covering disability as a possible ground of discrimination) with regard to the implementation of the EAFRD and its accompanying programme.	The EAFRD was established to reinforce rural development within the Community. Measures (during all stages of the programme) under the EAFRD should never have a discriminating effect.
<b>05. Freedom of movement for workers and social policy</b>						
05.01	<a href="#">Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community</a>	Arts 2,7,51 EC Treaty	To secure mobility of labour in improved conditions.	Art 4(b)	Invalidity benefits are covered by the Regulation.	
05.02	<a href="#">Council Regulation No 574/72 (EEC) of 21 March 1972 laying down the procedure for implementing regulation (EEC) 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the</a>	Art 51 EC Treaty, Art 235 EC Treaty, Art 98 of Regulation (EEC) 1408/71 on the application of social security	Regulation regarding the application of Regulation 1401/71/EC, regarding the application of (national) social security schemes to employed persons, to self employed persons and to their families moving within	All	Provisions for the application and conversion of national social security benefits for people moving between Member States of the European Community.	



	<a href="#">Community</a>	schemes to employed persons, to self-employed persons and to their families moving within the Community	the Community.			
05.03	<a href="#">83/516/EEC: Council Decision of 17 October 1983 on the tasks of the European Social Fund</a>	Art 126 EEC Treaty	Specifying the aims and tasks of the European Social Fund.	Art 4(2) section c.,	The promotion of employment of people with disabilities is laid down as an objective that can be financed by the fund.	
05.04	<a href="#">Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC)</a>	Art 118a EEC Treaty	Laying down minimum safety and health requirements for the workplace.	Art 3, art. 4 in conjunction with Annexes I (20) en II (15)	'Workplaces must be organized to take account of handicapped workers, if necessary. This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped persons.'	
05.05	<a href="#">Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the</a>	Art 118a EEC Treaty	Implementation of minimum safety and health requirements at temporary or mobile construction sites.	Art 9, Art 10, in conjunction with Annex IV (17)	'Workplaces must be organized to take account of handicapped workers, if necessary. This provision applies in particular to the doors, passageways, staircases, showers,	

	<a href="#">meaning of Article 16 (1) of Directive 89/391/EEC)</a>				washbasins, lavatories and workstations used or occupied directly by handicapped persons.'	
05.06.	<a href="#">Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral- extracting industries through drilling (eleventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)</a>	Art 118a EEC Treaty	Establishing safety and health protection of workers in the mineral-extracting industries through drilling.	Art 10, in conjunction with Annex Part A (20)	'Workplaces must be organized to take account of handicapped workers, if necessary. This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped persons.'	
05.07	<a href="#">Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)</a>	Art 118a EEC Treaty	Establishing safety and health protection of workers in surface and underground mineral-extracting industries.	Art 10, in conjunction with Annex part A (18)	'Workplaces must be organized to take account of disabled workers, if necessary. This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by disabled workers.'	
05.08	<a href="#">Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security</a>	Art 100 EC Treaty	Implementing the principle of equal treatment for men and women in occupational social security schemes (amending Directive 86/378/EEC).	Art 3	Workers with disabilities fall within the scope of this directive.	

	<a href="#">schemes</a>					
05.09	<a href="#">Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community</a>	Art 213 EC Treaty	To collect comparable statistical information on the level and pattern of and trends in employment and unemployment in the Member States.			
05.10	<a href="#">Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation</a>	Art 13 EC Treaty	Laying down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation, with a view to putting into effect in the Member States the principle of equal treatment.	Arts 1, 2(2)(b), 3(4), 5, 7, 18	Prohibits discrimination on the ground, inter alia, of disability with regard to employment and vocational training. This directive also contains an obligation on employers to take 'appropriate measures' in order to in order to eliminate disadvantages for persons with disabilities (reasonable accommodation), and it allows 'positive actions', i.e. specific measures to prevent or compensate for disadvantages.	
05.11	<a href="#">Commission Regulation (EC) No 1566/2001 of 12 July 2001 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community concerning the</a>	Regulation 577/1998	To establish the ad hoc module for 2002.	All		

	<a href="#">specification of the 2002 ad hoc module on employment of disabled people</a>					
05.12.	<a href="#">2001/903/EC: Council Decision of 3 December 2001 on the European Year of People with Disabilities 2003</a>	Art 13 EC Treaty	Establishing the European Year of People with Disabilities 2003.	All	Provides for meetings and events, promotional campaigns, cooperation with broadcasting and media organisations, and surveys and studies on a Community-wide scale in order to reinforce efforts regarding employment and integration and to raise awareness of disability.	
15.13	<a href="#">Regulation (EC) No 1177/2003 of the EP and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC) (Text with EEA relevance)</a>	Art 285(1) EC Treaty, Art 251 EC Treaty	Establishing a common framework for the systematic production of Community statistics on income and living conditions (EU-SILC), encompassing comparable and timely cross-sectional and longitudinal data on income and on the level and composition of poverty and social exclusion at national and European levels.	-	No explicit mention of disability as an aim. However, 'poverty' and 'exclusion' are mentioned.	
05.14	<a href="#">Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on</a>	Arts 42, 308 EC Treaty	To provide for a common coordination mechanism on social security systems	Art 3	Invalidity benefits are covered by the Regulation.	

	<a href="#">the coordination of social security systems</a>		for the residents of all Member States.			
05.15	<a href="#">2005/600/EC: Council Decision of 12 July 2005 on Guidelines for the employment policies of the Member States</a>	Art 128(2) EC Treaty		Annex, Section 1	Decision states that Member States' employment policies should pay particular attention to the employment of people with disabilities.	
05.16	<a href="#">Decision No 771/2006/EC of the EP and of the Council of 17 May 2006 establishing the European Year of Equal Opportunities for All (2007) — towards a just society (Text with EEA relevance)</a>		Establishing the European Year of Equal Opportunities for All (2007) — towards a just society.	All	Decision establishes a committee and formulates aims of the Year of Equal Opportunities.	
05.17	<a href="#">Directive 2006/54/EC of the EP and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)</a>	Art 141(3) (ex 119 EC Treaty, EEC Treaty) EC Treaty, Art 251 (ex 189b) EC Treaty	On the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.	Arts 6, 7	Scope is explicitly broadened to people with disabilities.	
05.18	<a href="#">Regulation (EC) No 458/2007 of the EP and of the Council of 25 April 2007 on the European system of integrated social protection statistics (ESSPROS)( Text with EEA relevance).</a>	Art 285(1) EC Treaty, Art 251 EC Treaty	Establishing the European system of integrated social protection statistics (ESSPROS).	Art 2(b)	'Social protection' is designated as one of the fields for statistical study under this regulation. Disability is mentioned as one of the issues within this field.	
05.19	<a href="#">Commission Regulation (EC) No 365/2008 of 23 April 2008</a>	Regulation 577/1998	To establish the ad hoc modules for three years.		Employment of disabled people is assigned as an	

	<a href="#">adopting the programme of ad hoc modules, covering the years 2010, 2011 and 2012, for the labour force sample survey provided for by Council Regulation (EC) No 577/98</a>				ad hoc module for 2011.	
05.20	<a href="#">Decision No 1098/2008/EC of the European Parliament and of the Council of 22 October 2008 on the European Year for Combating Poverty and Social Exclusion (2010)</a>	Aft 137(2) EC Treaty	Designates 2010 as the European Year against Poverty.	All	The Decision provides that all activities of the Year must be accessible to persons with disabilities, whose specific needs should also be taken into account in ICT training.	
05.21	<a href="#">Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work</a>	Art 137(2) EC Treaty	To ensure the protection of temporary agency workers and to improve the quality of temporary agency work by ensuring that the principle of equal treatment is applied, and by recognising temporary-work agencies as employers.	Art 5	The principle of equal treatment of temporary workers prohibits disability-based discrimination.	
05.22	<a href="#">Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work</a>	Art 285(1) EC Treaty	To establish a common framework for the systematic production of Community statistics on public health and health and safety at work.	All	Health status under the Regulation includes health perceptions, physical and mental functioning, limitations and disability.	
05.23	<a href="#">Regulation (EC) No 987/2009 of the European Parliament and of the Council of 26 September 2009 laying down the</a>	Arts 42, 308 EC Treaty; Regulation 883/2004	To adopt coordination measures (exchange of data between institutions and persons) in order to	Art 2.1	Accessibility of data exchanges to persons with disabilities is spelled out.	



	<a href="#">procedure for implementing Regulation (EC) No 883/2004 on coordination of social security systems</a>		guarantee the effective exercise of the free movement of persons.			
05.24	<a href="#">Communication from the Commission to the Council and the European Parliament 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities' COM(2003)16</a>		To set out the Commission's support to the future UN Convention on the Rights of Persons with Disabilities and explain why active Community involvement was necessary.	All	Reaffirms the rights-based approach to disability and emphasises the importance of a binding UN instrument on disability. States that the Commission will recommend that the Council mandate it to represent the EU in negotiations.	
05.25	<a href="#">European Parliament resolution on the Communication from the Commission to the Council and the European Parliament 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities' COM(2003)16</a>		To set out EP support for the future Convention and emphasise that it should be based on the recognition of the rights-based approach, reasonable accommodation, involvement of disabled people, awareness-raising and attention to multiple discrimination.	All		
05.26	<a href="#">Council Resolution of 5 May 2003 on equal opportunities for pupils and students with disabilities in education and training</a>		To emphasise the importance of inclusive education and reasonable accommodation in education and training, and to call on the	All		

			Member States and the Commission to take measures to act upon these principles.			
05.27	<a href="#">Council Resolution of 6 May 2003 on accessibility of cultural infrastructure and cultural activities for people with disabilities</a>	All	To call on the Member States to make culture accessible to people with disabilities and to encourage the culture sector to promote a positive image of persons with disabilities.	All		
05.28	<a href="#">Council Resolution of 15 July 2003 on promoting the employment and social integration of people with disabilities</a>	-	Promoting full integration and participation of people with disabilities in all aspects of society, recognising that they have equal rights with other citizens.	All	Resolution calls on the Commission and Member States to promote the full integration and participation of people with disabilities in all aspects of society, recognising that they have equal rights with other citizens.	
05.29	<a href="#">Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'Equal opportunities for people with disabilities: A European Action Plan' COM(2003)650</a>		To set up a European Action Plan, based on the following pillars: full implementation of the Employment Directive, mainstreaming disability across all policy issues, and achieving accessibility for all.	All		
05.30	<a href="#">Communication from the Commission to the Council, the</a>	Council Decision	Assessment of the European Year of People	All	-	

	<a href="#">EP, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the European Year of People with Disabilities 2003 COM(2005)486</a>	2001/903/EC	with Disabilities 2003.			
05.31	<a href="#">Communication from the Commission on the Social Agenda COM(2005)33</a>		To improve the implementation of the Social Agenda taking account of the 'cost of the lack of social policy' and by meeting two targets: achieving full employment and respecting the principle of equal opportunities for all.			
05.32	<a href="#">Communication from the Commission, to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'Equal opportunities for people with disabilities: A European Action Plan 2006-2007' COM(2005)604</a>		To announce the second phase of the Disability Action Plan focusing on encouraging employment, access to support services, accessibility of goods and services, and data on discrimination.	All		
05.33	<a href="#">Brussels European Council - 23/24 March 2006 - Presidency Conclusions</a>		The European Council agrees on a number of specific areas for priority action to be implemented by the end	Para 34		

			of 2007 in the context of the renewed partnership for growth and employment. Among these areas is increasing employment opportunities for certain groups, incl. people with disabilities.			
05.34	<a href="#">Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'A Roadmap for equality between women and men 2006-2010' COM(2006)0092</a>		The roadmap outlines six priority areas for EU action on gender equality for the period 2006-2010: equal economic independence for women and men; reconciliation of private and professional life; equal representation in decision-making; eradication of all forms of gender-based violence; elimination of gender stereotypes; and promotion of gender equality in external and development policies.			
05.35	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Towards Common Principles of Flexicurity: More and better</a>		To propose an enhanced strategy to combine flexibility and security in the workplace to achieve the Lisbon Agenda goals.			

	<a href="#">jobs through flexibility and security' COM(2007)359</a>					
05.36	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Equal opportunities for people with disabilities: A European Action Plan 2008-2009' COM(2007)738</a>		The third stage of the Disability Action Plan focusing on inclusion through accessibility of the labour market and of goods and services, and the legislative framework (UN Convention and EU directives).			
05.37	<a href="#">Resolution of the Council of the European Union and the Representatives of the Governments of the Member States, meeting within the Council, on the situation of persons with disabilities in the European Union, 10 March 2008</a>		To recap on the past achievements of the European disability strategy and call for further action.	All	Invites the Commission to strengthen efforts to prevent and combat discrimination and speed up the work on the ratification and implementation of the UN Convention on the Rights of Persons with Disabilities	
05.38	<a href="#">Brussels European Council - 13/14 March 2008 - Presidency Conclusions</a>			Para 16	In the framework of flexicurity, the European Council agrees that more attention needs to be paid to the employment of persons with disabilities.	
05.39	<a href="#">European Parliament resolution of 27 April 2007 on the situation of women with disabilities in the European Union</a>		To draw attention to the double discrimination experienced by disabled women and to propose measures to be included	All		

			in both disability and gender policies.			
05.40	<a href="#">European Parliament Resolution of 20 May 2008 on progress made in equal opportunities and non-discrimination in the EU (transposition of Directives 2000/43/EC and 2000/78/EC)</a>		To evaluate progress made with existing EU legislation in the fight against discrimination and support the adoption of a new legislative proposal.	Paras 13, 36, 38m 49	Call for anti-discrimination legislation to protect people from discrimination outside the labour market.	
05.41	<a href="#">Presidency conclusions following the second informal ministerial meeting on disability issues: Kranjska Gora, 22 May 2008</a>		To report from the ministerial meeting and agree on key actions.	All	Quick ratification and implementation of the Convention are central. Progress should be monitored during regular ministerial meetings.	
05.42	<a href="#">Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on a Commission Recommendation on the active inclusion of people excluded from the labour market COM(2008)0639</a>		To follow up the Communication on a renewed Social Agenda; to propose measures based on three principles: opportunities, access and solidarity; to complement the work to promote flexicurity; and to respond to demographic developments and to the challenges of globalisation by easing transitions.		Calls for a consensus on the common principles for active inclusion of vulnerable groups.	
05.43	<a href="#">Communication from the Commission to the Council, the European Parliament, the European Economic and Social</a>		To present a new social agenda based on opportunities, access and solidarity.	Sections 4.5-4.6	Commission proposes a recommendation on active inclusion, calls for improvements in digital	



	<a href="#">Committee and the Committee of the Regions 'Renewed social agenda: Opportunities, access and solidarity in the 21st century' COM(2008)412</a>				literacy, and announces the new Equal Treatment Directive.	
05.44	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Non-discrimination and equal opportunities: A renewed commitment' COM(2008)420</a>		Accompanies the proposal for a new Equal Treatment Directive and proposes additional measures to fight discrimination.	All	The measures proposed are awareness-raising, positive action and mainstreaming of equality.	
05.45	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A renewed commitment to social Europe: Reinforcing the Open Method of Coordination for Social Protection and Social Inclusion' COM(2008)418</a>		To strengthen the Social OMC by improving its visibility and working methods, to improve its interaction with other policies, reinforce its analytical tools and evidence base, and enhance ownership in Member States through peer review, mutual learning and involvement of all relevant actors.		The Commission presents evidence that despite the overall usefulness of the OMCs, more needs to be done to implement them in practice.	
05.46	<a href="#">2008/618/EC: Council Decision on guidelines for the employment policies of the Member States</a>	Art 128(2) EC Treaty	Laying down guidelines for the employment policies of the Member States (2005-2008).	Annex, Section 1	Decision states that Member States' employment policies should pay particular attention to the employment of people	

					with disabilities	
05.47	<a href="#">Joint Employment Report 2008-2009</a>		The latest (as of February 2010) joint report based on the Council Employment Guidelines.		The report notes the continued deterioration of the situation on the labour market, remarking specifically that the employment of persons with disabilities remains insufficient in most Member States.	
05.48	<a href="#">Second Equality Summit - Presidency conclusions, 30 September 2008</a>		To report from the Paris Equality Summit.	All	The report notes the importance of the continued fight against discrimination and the central role of the draft Equal Treatment Directive in it. It also reflects on the importance of the involvement of all stakeholders in this work and equality mainstreaming.	
05.49	<a href="#">Joint Report on Social Protection and Social Inclusion 2009</a>		The latest (as of February 2010) joint report on Social Protection.		The report notes that although the inclusion of disabled people continues to be addressed, disability mainstreaming remains limited. Employment activation, elimination of barriers to education and lifelong learning, and stricter conditionality	

					generally dominate rather than the elimination of structural obstacles to full participation.	
05.50	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Dealing with the impact of an ageing population in the EU (2009 Ageing Report)' COM(2009) 180 final</a>		To propose the coordination of European ageing policies.		Proposes public policy measures to address the care of elderly citizens with disabilities through reforming disability and early retirement pension schemes.	
05.51	<a href="#">Presidency Conclusions on Equal opportunities for women and men: active and dignified ageing, 8 June 2009</a>		To agree on a number of measures for the dignified ageing of women and men.			
05.52	<a href="#">Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'Implementation, results and overall assessment of the 2007 European Year of Equal Opportunities for All' COM(2009)0269</a>		To evaluate the success of the 2007 European Year of Equal Opportunities.	All	Lists Commission activities undertaken on the basis of the evaluation of the Year (the Social Package, incl. the Equal Treatment Directive).	
<b>06. Right of establishment and freedom to provide services</b>						
06.01	<a href="#">Directive 2004/17/EC of the EP and of the Council of 31 March 2004 coordinating the</a>	Art 47(2), Art 55 and 95 EC Treaty, Art 251	Coordinating the procurement procedures of entities operating in	Art 28, 34, Annex XXI	Provision allows Member States to reserve the right to participate in public	

	<a href="#">procurement procedures of entities operating in the water, energy, transport and postal services sectors</a>	EC Treaty	the water, energy, transport and postal services sectors.		contract award procedures to sheltered workshops or provide for such contracts to be performed in the context of sheltered employment programmes.	
06.02	<a href="#">Directive 2004/18/EC of the EP and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts</a>	Art 47(2), Art 55 and Art 95 EC Treaty, Art 251 EC Treaty	Coordination of procedures for awarding public works contracts, public supply contracts and public service contracts.	Art 19, Art 23(1), Art 23 in conjunction with Annex VI 1(a) and (b).	Provision allows Member States to reserve the right to participate in public contract award procedures to sheltered workshops or provide for such contracts to be performed in the context of sheltered employment programmes.	
06.03	<a href="#">Directive 2007/65/EC of the EP and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities. Text with EEA relevance</a>	Art 47(2) and Art 55 EC Treaty, Art 251 EC Treaty	Coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.	Arts 3c, 3e(c), section ii.	Member States are obliged to encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability, and also obliged to prohibit audiovisual commercial communications that include or promote discrimination.	This provision does not seem to grant enforceable rights.
06.04	<a href="#">Directive 2008/6/EC of the EP and of the Council of 20</a>	Art 47(2), Art 55 and 95 EC	Full accomplishment of the internal market of	Art 1, section 14	Provision allows Member States to maintain or	

	<a href="#">February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services</a>	Treaty, Art 251 EC Treaty	Community postal services, amending Directive 97/67/EC.	(amending Art 12 of Directive 97/67/EC)	introduce free postal services for the benefit of people with visual handicaps.	
06.05	<a href="#">Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC</a>	Arts 47(2), 55, 95 EC Treaty	To present the contract award procedure in the area of defence and security.	Art 14	Allows the Member States to reserve the right to participate in contract award procedures to sheltered workshops or provide for such contracts to be performed in the context of sheltered employment programmes where most of the employees concerned are handicapped persons.	
<b>07. Transport Policy</b>						
07.01	<a href="#">Council Directive 91/439/EEC of 29 July 1991 on driving licences</a>	Art 75 EC Treaty	Laying down requirements for driving licences.	Arts 3(6), 4(2), Annex III	Articles lay down specific adapted rules with regard to driving licences for people with disabilities.	To be repealed on 19 January 2013.
07.02	<a href="#">Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system</a>	Art 129d EC Treaty, 189c EC Treaty	Establishing the conditions to be met in order to achieve interoperability within Community territory of the trans-European high-speed rail system, which concern projects for and the construction, upgrading and operation of the infrastructures and	Art 5(3)(b) in conjunction with annex II	Provision which requires that stations and train carriages of high-speed rail systems must be accessible to disabled passengers.	

			rolling stock.			
07.03	<a href="#">Council Regulation (EC) No 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State</a>	Art 75, Art 189c EC Treaty	Laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State.	Art 4(1)(c)	The carriage of people with reduced mobility is subject to laws, regulations and administrative provisions in force in the host Member State, providing that they meet the minimum requirements of EC law.	This provision seems to protect passengers with disabilities in a given Member State against lower standards with regard to disability of operators of passenger transport services from other Member States.
07.04	<a href="#">Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services</a>	Art 84(2) EC Treaty, Art 189c EC Treaty	Laying down a system of mandatory surveys which will provide greater assurance of safe operation of regular ro-ro ferries and high-speed passenger craft services.	Arts 5(1) and 8 in conjunction with Annex I section 8 resp Annex III section 3	Obligations to provide passengers with general information about the services and assistance available to people with disabilities and to organise safety training for personnel providing direct safety assistance to passengers in passenger spaces, and in particular to elderly and disabled persons in an emergency.	
07.05	<a href="#">Directive 2000/9/EC of the EP</a>	Art 47(2), Arts	Laying down regulations	Art 3 in	Obligation of safe use of	Note that the



	<a href="#">and of the Council of 20 March 2000 relating to cableway installations designed to carry persons</a>	55 and 95 EC Treaty, Art 251 EC Treaty	for cableway installations designed to carry persons.	conjunction with Annex II, section 6.	the installation by people with reduced mobility if the installation is designed for the transport of such persons.	obligation here is conditional; the installation needs to be designed for 'the transport of such persons'.
07.06	<a href="#">Directive 2003/24/EC of the EP and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships</a>	Art 71 EC Treaty, Art 251 EC Treaty	Laying down safety rules and standards for passenger ships, amending Council Directive 98/18/EC.	Art 1 section 1	Member states are obliged to prescribe specific rules on safety and accessibility for passengers with reduced mobility, regarding to passenger shipping	
07.07	<a href="#">Directive 2003/59/EC of the EP and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC</a>	Art 71 EC Treaty, Art 251 EC Treaty	Laying down regulations on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.	Annex I, sub 1.5	Drivers of vehicles for transporting passengers are obliged to be trained in dealing with passengers with disabilities/reduced mobility.	
07.08	<a href="#">Regulation (EC) No 261/2004 of the EP and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of</a>	Art 80(2) EC Treaty, Art 251 EC Treaty	Establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights.	Article 2 (i), 9(3), 11	Obligation on airline companies to give preferential treatment to passengers with disabilities (in the event of denied boarding and of cancellation or long delay	

	<a href="#">cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (Text with EEA relevance) - Commission Statement</a>				of flights).	
07.09	<a href="#">Directive 2004/50/EC of the EP and of the Council of 29 April 2004 amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the EP and of the Council on the interoperability of the trans-European conventional rail system</a>	Arts 71 and 156 EC Treaty, Art 251	Establishing the conditions to be met to achieve interoperability within Community territory of the trans-European high-speed rail system. These conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of this system placed in service after 30 April 2004, as well as the qualifications and health and safety conditions of the staff who contribute to its operation.			
07.10	<a href="#">Regulation (EC) No 1107/2006 of the EP and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air Text with EEA relevance.</a>	Art 80(2) EC Treaty, Art 251 EC Treaty	Establishing rights of disabled persons and persons with reduced mobility when travelling by air.	All	Provision grants several rights to travellers with disabilities. Disabled people cannot be denied boarding or booking; they are entitled to receive assistance at airports and with boarding, and cannot be charged extra for this; this regulation	

					also establishes standards for assistance.	
07.11	<a href="#">Regulation (EC) No 1899/2006 of the EP and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (Text with EEA relevance)</a>	Art 80(2) EC Treaty, Art 251 EC Treaty	Harmonisation of technical requirements and administrative procedures in the field of civil aviation.	Miscellaneous, in Annexes	Miscellaneous technical and procedural requirements for the field of aviation, several for the benefit of passengers with disabilities.	
07.12	<a href="#">2006/87/EC Directive of the EP and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC</a>	Art 71(1) EC Treaty, Art 251 EC Treaty	Laying down technical requirements for inland waterway vessels.	Miscellaneous, see Annexes	Several detailed technical requirements for the safety and accessibility of people with disabilities.	
07.13	<a href="#">Directive 2006/126/EC of the EP and of the Council of 20 December 2006 on driving licences (Recast) (Text with EEA relevance)</a>	Art 71 EC Treaty, Art 251 EC Treaty	Prescribing uniform regulations regarding driving licences.	Miscellaneous	The Directive contains several specially adapted provisions with regard to driving licences for persons with disabilities. The Directive also prescribes that examinees should know about road users with disabilities/reduced mobility.	Partly in force already, partly from 19 January 2009.
07.14	<a href="#">Regulation (EC) No 1370/2007 of the EP and of the Council of 23 October 2007 on public passenger transport services by</a>	Art 71(1), Art 89 EC Treaty, Art 251 EC Treaty	Defining how, in accordance with the rules of Community law, competent authorities	Art 3	Exemption which enables Member States to maintain or proclaim maximum tariffs for the	Provision only creates a possibility, not an obligation,

	<a href="#">rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70</a>		may act in the field of public passenger transport to guarantee the provision of services of general interest which are among other things more numerous, safer, of a higher quality or provided at lower cost than those that market forces alone would have allowed.		benefit of (among others) people with disabilities (provided that they are reported under Art 88 EC) with regard to public service contracts with operators.	for maximum tariffs.
07.15	<a href="#">Regulation (EC) No 1371/2007 of the EP and of the Council of 23 October 2007 on rail passengers' rights and obligations</a>	Art 71(1) EC Treaty, Art 251 EC Treaty	Establishing rail passengers' rights and obligations.	recital (10), Articles 1(d), 3(14)d, 3(15), 18(5), 19-25	Several rights for travellers with disabilities with regard to rail travel. Among these are a prohibition on refusing travellers with disabilities onto a train, and prohibitions to charge them additional costs. The provisions also contain several obligations regarding accessibility and obligations to facilitate independent travelling by people with disabilities.	
07.16	<a href="#">Commission Regulation (EC) No 8/2008 of 11 December 2007 amending Council Regulation (EEC) No 3922/91 as regards common technical</a>	Council Regulation (EEC) No 3922/91 on the harmonisation of technical	Amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative	Art 1 in conjunction with the Annex, in particular	Safety requirements for commercial transportation by aeroplane, among which specific provisions with regard to the safety of	

	<a href="#">requirements and administrative procedures applicable to commercial transportation by aeroplane (Text with EEA relevance)</a>	requirements and administrative procedures in the field of civil aviation, in particular Article 11(1)	procedures applicable to commercial transportation by aeroplane.	OPS 1.1000 (c) (iii) and Appendix 1 to OPS 1.1005 (e) 4	people with disabilities. Includes instructions for flight personnel regarding passengers with disabilities, and specifications for their seating.	
07.17	<a href="#">Commission Decision 2008/164/EC of 21 December 2007 concerning the technical specification of interoperability relating to 'persons with reduced mobility' in the trans-European conventional and high-speed rail system</a>	Directives 2001/16/EC and 96/48/EC	To harmonise provisions to be made for persons with reduced mobility travelling as passengers on the conventional and high-speed railway system.	All	Technical standards to improve the interoperability of the European rail system.	
07.18	<a href="#">Directive 2008/57/EC of the EP and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast). Text with EEA relevance</a>	Arts 71 and 156 EC Treaty, Art 251	Establishing the conditions to be met to achieve interoperability within the Community rail system in a manner compatible with the provisions of Directive 2004/49/EC.	Art 2(g) and 31 in conjunction with Annex II, 2.1, 2.6	A provision contains the obligation to comply with technical requirements regarding rail infrastructure. These requirements include the needs of people with reduced mobility.	
07.19	<a href="#">98/376/EC: Council Recommendation of 4 June 1998 on a parking card for people with disabilities</a>	Art 75(1) EC Treaty, Art 189c EC Treaty	Recommendation to use a uniform parking card for people with disabilities.	All	The standardised model allows people with disabilities to take advantage of the special parking facilities available in each Member State.	
07.20	<a href="#">Council Recommendation of 3 March 2008 adapting Recommendation 98/376/EC</a>	Acts of Accession 2003 and 2005	To update the 1998 Recommendation.			

	<a href="#">on a parking card for people with disabilities, by reason of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic</a>					
<b>08. Competition Policy</b>						
08.01	<a href="#">Commission Regulation (EC) of 6 August 2008 declaring certain categories of aid incompatible with the common market in application of Article 87 and 88 of the Treaty (General block exemption Regulation)</a>	Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Arts 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid, in particular Art 1(1) points (a) and (b) thereof	Declaring certain categories of aid compatible with the common market in application of Article 87 and 88 of the Treaty (General Block Exemption Regulation).	Art 1(1)(i) and (3)(a), Art 2(20) and (21), Art 6(1)(i) and (j), Art 7(4), Art 8(5), Art 39(2), Art 40, 41 and 42.	Several categories of financial aid by states are prohibited by articles 87 and 88 of the EC Treaty as being incompatible with the common market. This regulation creates categories of exemptions to this prohibition of aid, among which is the category of aid for people with disabilities.	One of the recitals (61) states that 'the promotion of training and the recruitment of disadvantaged and disabled workers and compensation of additional costs for the employment of disabled workers constitute a central objective of the economic

						and social policies of the Community and of its Member States'.
08.02	<a href="#">Communication from the Commission 'Criteria for the analysis of the compatibility of State aid for training subject to individual notification' OJ 2009/C 188/01</a>	To provide guidance on the criteria the Commission would apply for the assessment of the training aid measures		Paras 8, 9.3, 14	Training of disabled workers is one of the fields where state aid is allowed and encouraged.	
08.03	<a href="#">Communication from the Commission 'Criteria for the analysis of the compatibility of State aid for the employment of disadvantaged and disabled workers subject to individual notification' OJ 2009/C 188/02</a>	To set out guidance as to the criteria the Commission will apply for the assessment of State aid in the form of wage subsidies that needs to be notified individually pursuant to Regulation 800/2008		Section 2	State aid meeting the objectives of common interest (incl. those benefiting disabled workers) need to be notified to the Commission.	
<b>09. Taxation</b>						
09.01	<a href="#">Council Directive 2003/96/EC of 27 October 2003 restructuring</a>	Art 93 EC Treaty	Restructuring the Community framework	Art 5	Differentiated rates of taxation may be applied	



	<a href="#">the Community framework for the taxation of energy products and electricity (Text with EEA relevance)</a>		for the taxation of energy products and electricity.		by Member States for use of energy by/for people with disabilities.	
09.02	<a href="#">Council Decision 2006/774/EC of 7 November 2006 authorising certain Member States to apply a reduced rate of VAT to certain labour-intensive services in accordance with the procedure provided for in Article 28(6) of Directive 77/388/EEC</a>	Directive 77/388/EEC	To authorise Member States to apply a reduced VAT rate to certain services, on the request of a particular Member State.	All	A number of Member States have requested and received authorisation to apply the reduced VAT rate to domestic care services, incl. care of the disabled.	
09.03	<a href="#">Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax</a>	Art 93 EC Treaty	Laying down regulations regarding the common system of value added tax.	Art 98 in conjunction with Annex II, (4), Art 106 in conjunction with Annex IV (4), art. 370,371 and 375-380 in conjunction with Annex X (5)	Provisions grant exemptions allowing Member States to apply alternative (reduced) VAT rates on certain goods/services with regard to people with disabilities and transactions made by blind people.	
<b>10. Economic and monetary policy and free movement of capital</b>						
10.01	<a href="#">Council Regulation (EC) No 975/98 of 3 May 1998 on</a>	Art 105a(2) EC Treaty, Art 189c	Laying down the denominations and	Recital 7, art. 1	Technical specifications for euro coins, some for	

	<a href="#">denominations and technical specifications of euro coins intended for circulation</a>	EC Treaty	technical specifications of euro coins.		the benefit of blind and visually impaired people.	
10.02	<a href="#">Council Regulation (EC) No 423/1999 of 22 February 1999 amending Regulation (EC) No 975/98 on denominations and technical specifications of euro coins intended for circulation</a>	Art 105a(2) EC Treaty, Art 189c EC Treaty	Laying down the denominations and technical specifications of euro coins.	Art 1	Adaptation to the technical specifications of 10 and 50 cent coins for the benefit of blind and visually impaired people.	
10.03	<a href="#">Regulation (EC) No 1927/2006 of the EP and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund</a>	Article 159(3) EC Treaty, Art 251 EC Treaty	Establishing the European Globalisation Adjustment Fund.	Art 7	General non-discrimination provision (covering disability as a possible ground of discrimination) with regard to the implementation of the Fund and its accompanying programme.	Measures (during all stages of the programme) under the EGAF should never have a discriminating effect.
<b>11. External relations</b>						
11.01	<a href="#">Regulation (EC) No 1889/2006 of the EP and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide</a>	Arts 179(1) (ex Art 130w EC Treaty) and 181a(2) EC Treaty, Art 251 EC Treaty (ex Art 189b EC Treaty)	Establishing a financing instrument for the promotion of democracy and human rights worldwide.	Art 1(1), section b. subs. (iii) and (vii) and section (2)	The instrument can be used for assisting the promotion of rights of people with disabilities in developing countries.	
11.02	<a href="#">Regulation (EC) No 1905/2006 of the EP and of the Council of 18 December 2006 establishing a financing instrument for</a>	Arts 179(1) EC Treaty (ex Art 130w EC Treaty), Art 251	Establishing a financing instrument for the promotion of democracy and human rights	Art 5(2)(b)(i)	Facilitates support to reinforce the rights of people with disabilities in developing countries and	

	<a href="#">development cooperation</a>	EC Treaty (ex Art 189b EC Treaty)	worldwide.		to combat discrimination.	
11.03	<a href="#">Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA)</a>	Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA), (in particular Art 3(3))	Establishing an instrument for pre-accession assistance (IPA).	Art 3, Art 169(3)(g)(i v)	General non-discrimination provision with regard to pre-accession assistance (i.e. assistance for states that are candidates to become EU member states). Such assistance may never have a discriminating effect. Article 169 prescribes that beneficiary states should report which actions are undertaken with regard to the inclusion in employment and society of people with disabilities.	
11.04	<a href="#">Guidance Note on Disability and Development for European Union Delegations and Services, July 2004</a>		To guide the external Commission delegations in their work on disability in third countries.	All	Explains the notion of a human rights-based model of disability; sets out the main challenges and proposes a number of principles on which to base the work of the Delegations.	The reference on the Commission website is not an accessible document.
11.05	<a href="#">European Parliament resolution of 19 January 2006 on disability and development</a>	To propose measures to reflect a disability dimension in	To propose measures to reflect a disability dimension in EU development policies.	All	Supports the inclusion of an article on international cooperation in the future UN Convention; pays special attention to	

		EU development policies.			children with disabilities, and to fields such as accessibility, health and education.	
11.06	<a href="#">Communication from the Commission to the Council and the European Parliament 'Enlargement Strategy and Main Challenges 2008-2009' COM(2008)674</a>					
11.07	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Supporting developing countries in coping with the crisis' COM(2009)0160</a>		To analyse the impact of the financial crisis on the most vulnerable countries and to propose appropriate measures.	Section III.4.1	In the recognition that people with disabilities are among the most vulnerable groups, reaffirms the EU's commitment to the MDG Agenda for Action and recognises the need for support in the fields of health, decent work and education.	
11.08	<a href="#">European Parliament resolution of 24 April 2009 on the proposal for a Council decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities</a>		To approve the accession of the European Community to the UN Convention on the Rights of Persons with Disabilities.	All		
11.09	<a href="#">European Parliament legislative resolution of 24 April 2009 on the proposal for a Council decision concerning the</a>		To approve the accession of the European Community to the Optional Protocol to the	All		

	<a href="#">conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities</a>		UN Convention on the Rights of Persons with Disabilities.			
11.10	<a href="#">European Parliament resolution of 24 April 2009 on the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto</a>		To draw attention to the process of ratification of the UN Convention on the Rights of Persons with Disabilities by the European Community.	All	Calls for quick ratification and effective implementation, with allocation of resources and involvement of civil society.	
<b>13. Industrial policy and internal market</b>						
13.01	<a href="#">EP and Council Directive 95/16/EC of 29 June 1995 on the approximation of the laws of the Member States relating to lifts</a>	Art 100a EC Treaty, Art 189b EC Treaty	Approximation of the laws of the Member States relating to lifts.	Art 4 in conjunction with Annex I, sections 1.2 and 1.6.1	Technical requirements for the safety and accessibility of users with a disability.	
13.02	<a href="#">Decision No 1336/97/EC of the EP and of the Council on a series of guidelines for trans-European telecommunications networks</a>	Art 129d EC Treaty, Art 189b EC Treaty	Laying down a series of guidelines for trans-European telecommunications networks.	Annex I, section 1	Network operators should pay specific attention to accessibility of their services to people with disabilities.	Consolidated text (this decision was changed by Decision 1376/2002/EC, see Section 16 below).
13.03	<a href="#">Directive 1999/5/EC of the EP and of the Council of 9 March 1999 on radio equipment and telecommunications terminal</a>	Art 100a EC Treaty, Art 189b EC Treaty	Establishing a regulatory framework for the placing on the market, free movement and putting	Art 3(3 sub (f))	Provision that enables the Commission to decide that apparatus within certain equipment classes	

	<a href="#">equipment and the mutual recognition of their conformity</a>		into service in the Community of radio equipment and telecommunications terminal equipment.		or apparatus of particular types is to be so constructed that it supports certain features in order to facilitate its use by users with a disability.	
13.04	<a href="#">Directive 2000/9/EC of the EP and of the Council of 20 March 2000 relating to cableway installations designed to carry persons</a>		<i>Already addressed in Section 7 Transport Policy.</i>			
13.05	<a href="#">Directive 2000/31/EC of the EP and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')</a>	Arts 47(2), 55 and 95 EC Treaty, Art 251 EC Treaty	Contributing to the proper functioning of the internal market by ensuring the free movement of information society services between the Member States.	Art 16(2)	Member States and the Commission are to encourage the involvement of associations representing the visually impaired and disabled with regard to the drafting and implementation of codes of conduct affecting their interests.	
13.06	<a href="#">Directive 2001/16/EC of the EP and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system</a>	Art 156 EC Treaty, Art 251 EC Treaty	Establishing the conditions to be met to achieve interoperability within the Community territory of the trans-European conventional rail system.	Art 1, Annex II, sections 2.1 and 2.6	Obligations regarding safe and accessible (i.e. meeting the needs of people with disabilities) subsystems of the infrastructure, by means of technical requirements.	Note that this Directive is amended by Directive 2004/50/EC of the EP and of the Council of 29 April 2004 amending Council Directive

						96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the EP and of the Council on the interoperability of the trans-European conventional rail system.
13.07	<a href="#">Directive 2001/85/EC of the EP and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC</a>	Art 95 EC Treaty, Art 251 EC Treaty	Prescribing regulations relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat (amending 70/156/EEC and 97/27/EC).	Art 3 in conjunction with Annex VIII	Vehicles constructed with areas for standing passengers, to allow frequent passenger movement, must be accessible for wheelchair users and other passengers with reduced mobility, and must comply with the technical requirements of Annex VII.	
13.08	<a href="#">Directive 2002/22/EC of the EP and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services</a>	Art 95 EC Treaty, Art 251 EC Treaty	Prescribing universal service and users' rights relating to electronic communications networks and services (Universal Service	Art 6(1), Art 7, Art 11 (2), Art 33	Article 6(1) states: 'Member States shall ensure that national regulatory authorities can impose obligations on undertakings in order to	



	<a href="#">(Universal Service Directive)</a>		Directive).		ensure that public pay telephones are provided to meet the reasonable needs of end-users in terms of the geographical coverage, the number of telephones, the accessibility of such telephones to disabled users and the quality of services! This Directive also contains a provision under which Member States have to ensure access to and affordability of publicly available telephone services, including access to emergency services, directory enquiry services and directories, equivalent to that enjoyed by other end-users (art 7(1)). Finally there is a provision to ensure that national regulatory authorities take account of the views of end-users and consumers, including in particular disabled users of communication services (art 33).	
13.09	<a href="#">Directive 2002/21/EC of the EP</a>	Art 95 EC	Establishing a common	Recital 8,	The Preamble states that	

	<a href="#">and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)</a>	Treaty, Art 251 EC Treaty	regulatory framework for electronic communications networks and services (Framework Directive).	Art 8 (2)(a) and (4)(e)	it is important for regulators to encourage network operators and terminal equipment manufacturers to cooperate in order to facilitate access by disabled users to electronic communications services. The Directive also requires national regulatory authorities to promote competition in the provision of services to ensure that users, including disabled users, derive maximum benefit in terms of choice, price, quality and requires the authorities to address the needs of disabled users in particular.	
13.10	<a href="#">Decision No 2256/2003/EC of the European Parliament and of the Council of 17 November 2003 adopting a multiannual programme (2003-2005) for the monitoring of the eEurope 2005 action plan, dissemination of good practices and the improvement of network and information security (MODINIS)</a>	Art 157(3) EC Treaty	To adopt a multiannual programme to monitor the eEurope 2005 action plan, disseminate good practices and improve network and information security.		The creation of a steering group is foreseen by the Decision to monitor the implementation of the programme.	As part of implementation of the eEurope 2005 action plan, the group produced a number of reports, including one on inclusion.

13.11	<a href="#">Directive 2004/27/EC of the EP and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use (Text with EEA relevance)</a>	Art 95 EC Treaty, Art 251 EC Treaty	Amending the Community code relating to medicinal products for human use (amending Directive 2001/83/EC).	Arts 1, 42 (inserting Article 56a)	Obligation to print indications in Braille on certain types of medicines.	To be enforced by the national medicines authority.
13.12	<a href="#">Directive 2005/40/EC of the EP and of the Council of 7 September 2005 amending Council Directive 77/541/EEC on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles (Text with EEA relevance)</a>	Art 95 EC Treaty, Art 251 EC Treaty	Approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles (amending Council Directive 77/541/EEC).	Art 1, 2	Provision allows Member States to set differentiated requirements regarding seatbelts for people with disabilities.	
13.13	<a href="#">Directive 2006/42/EC of the EP and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) (Text with EEA relevance)</a>	Art 95 EC Treaty, Art 251 EC Treaty	Laying down requirements for various kinds of machinery.	Art 24	'Where the lift is intended for the transport of persons, and where its dimensions permit, the car must be designed and constructed in such a way that its structural features do not obstruct or impede access and use by disabled persons and so as to allow any appropriate adjustments intended to facilitate its use by them.'	Accessibility obligation is conditional.
13.14	<a href="#">Decision No 1639/2006 EC of the European Parliament and of</a>	Arts 156, 157(3), 175(1)	To contribute to the competitiveness and	Art 29	The programme provides for actions to improve	The programme is

	<a href="#">the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007-2013)</a>	EC Treaty	innovative capacity of the Community as an advanced knowledge society, with sustainable development based on robust economic growth and a highly competitive social market economy.		quality of life through accessibility of electronic services in areas of public interest and digital literacy.	not intended to cover research and technological development but rather the implementation of the new solutions.
13.15	<a href="#">Decision No 1982/2006/EC of the EP and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) - Statements by the Commission</a>	Article 166(1) EC Treaty, Article 251 EC Treaty	Strengthening research, technological development and demonstration activities (2007-2013).	Art 2 in conjunction with Annex I, section I, subsection 1.'health' and 3. 'Information and Communication Technologies (ICT)'	Supports research with regard to disability issues and design-for-all devices in the field of ICT. Social inclusion is mentioned as the rationale for this.	
13.16	<a href="#">Directive 2007/46/EC of the EP and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) Text with EEA</a>	Art 95 EC Treaty, Art 251 EC Treaty	Establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles.	Art 39(2)	A provision states that the Commission 'shall adopt amendments to the annexes to this Directive (...) which are necessary to (...) the specific needs of persons with disabilities.'	

13.17	<a href="#">relevance</a> <a href="#">2008/164/EC: Commission Decision of 21 December 2007 concerning the technical specification of interoperability relating to persons with reduced mobility in the trans-European conventional and high-speed rail system (notified under document C(2007) 6633) (Text with EEA relevance)</a>	Directive 2001/16/EC of 19 March 2001 of the EP and of the Council on the interoperability of the conventional rail system, speed rail system, in particular Article 6(1) and Directive 96/48/EC of 23 July 1996 of the EP and of the Council on the interoperability of the high-speed rail system, in particular Article 6(1)	Harmonising the provisions to be made for persons with reduced mobility travelling as passengers on the conventional and high-speed railway system while realising interoperability of the railway system.	Art 1 in conjunction with the Annexes	Multiple technical specifications for the benefit of passengers with reduced mobility. These include for instance: wheelchair passable doorways and facilities; information in both visible and audible language compulsory at railway stations; several emergency facilities for people with disabilities; and disability training and awareness raising for railway station personnel.	
13.18	<a href="#">Decision No 742/2008/EC of the European Parliament and of the Council of 9 July 2008 on the Community's participation in a research and development programme undertaken by several Member States aimed</a>	Arts 169, 172(2)	To make a financial contribution, in the framework of implementation of the 7th Framework Research Programme, to the Member States			Annex I states that the benefits of the AAL Joint Programme can also be used by people

	<a href="#">at enhancing the quality of life of older people through the use of new information and communication technologies</a>		participating in the Ambient Assisted Living Joint Programme to improve the quality of life and employability of older people.			with disabilities.
13.19	<a href="#">Regulation (EC) No 78/2009 of the European Parliament and of the Council of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC</a>	Art 95 EC Treaty	To lay down requirements for the construction and functioning of motor vehicles and frontal protection systems in order to reduce the number and severity of injuries to pedestrians and other vulnerable road users who are hit by the fronts of vehicles and in order to avoid such collisions.			A set of technical requirements; the motor vehicles meeting them should be clearly identified.
13.20.	<a href="#">Commission Regulation (EC) No 631/2009 of 22 July 2009 laying down detailed rules for the implementation of Annex I to Regulation (EC) No 78/2009 of the European Parliament and of the Council on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC</a>	Regulation 78/2009	To lay down technical requirements for the tests required under Regulation No 78/2009.	All		A set of technical requirements.

13.21	<a href="#">Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services</a>	Art 95 EC Treaty	To establish a harmonised framework for the regulation of electronic communications services, electronic communications networks, associated facilities and associated services, and certain aspects of terminal equipment to facilitate access for disabled users.	Article 7b	Introduces measures to ensure that disabled users derive maximum benefits in terms of choice, price and quality of telecommunications, while addressing their specific needs.	The Directive is part of the Telecommunications Package adopted in 2009 and including an important disability accessibility dimension.
13.22	<a href="#">Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office</a>	Art 95 EC Treaty	To establish BEREC with the view of contributing to the development and better functioning of the internal market for electronic communications networks and services, by aiming to ensure a consistent application of the EU regulatory framework for electronic communications.	All	BEREC will be involved in the implementation of the Telecommunications Package, incl. measures relating to access to number 112.	
13.23	<a href="#">Mandate to the European Standards Bodies for Standardisation in the field of information and communication technologies</a>		To determine, with the participation of stakeholders, requirements for accessibility, based on the	All		



	<a href="#">(ICT) for disabled and elderly people, M/273 EN, 29 September 1998</a>		approaches of 'universal design' and 'assistive technologies', and to develop European standards.			
13.24	<a href="#">Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions 'eEurope 2005: An information society for all - An Action Plan to be presented in view of the Sevilla European Council, 21/22 June 2002' COM(2002)0263</a>		To provide a favourable environment for private investment and for the creation of new jobs, to boost productivity, to modernise public services, and to give everyone the opportunity to participate in the global information society.		Recognises that interactivity and interoperability of basic public services include a component of accessibility to people with disabilities and special needs. The Commission and the Member States are recommended to draw up a list of services where interactivity is desirable.	
13.25	<a href="#">Council Resolution of 7 February 2003 "eAccessibility" – improving the access of people with disabilities to the knowledge-based society</a>		To address the lack of eAccessibility for people with disabilities.		Two types of measures are agreed by the Council: tackling barriers to participation using existing funding mechanisms and cooperating with stakeholders; and exploring existing technical, legislative and educative measures (and possibly introducing new ones) to achieve eAccessibility.	
13.26	<a href="#">Council Resolution of 18</a>		To agree on			Disability is not

	<a href="#">February 2003 on the implementation of the eEurope 2005 action Plan 2003/C 48/02</a>		comprehensive benchmarking to be carried out on the implementation of eEurope; to systematically involve stakeholders; and to exchange good practices.			mentioned specifically; eEurope was the general framework, under which various projects on eAccessibility were implemented.
13.27	<a href="#">Mandate to the European Standards Bodies for a guidance document in the field of safety and usability of products by people with special needs (e.g. elderly and disabled), M/283 EN, 1 April 2003</a>		Mandate to draft a guidance document to explain how to address the needs of elderly and disabled people in product standards; to set up a mechanism to ensure that the document is actually used.	All		The work resulted in the publication of CEN/CENELEC Guide 6: Guidelines for standards developers to address the needs of older persons and persons with disabilities.
13.28	<a href="#">Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'i2010 - A European Information Society for growth and employment' COM(2005)229</a>		To propose a new strategic framework to promote an open and competitive digital economy and emphasise ICT as a driver of inclusion and quality of life. The new strategy is a key element of the renewed Lisbon partnership for	Objective 3: An Information Society that is inclusive, provides high quality	eAccessibility is to be addressed through a mix of research and stimulation measures to make ICT systems easier to use for a wider range of people. The Communication also announces a European initiative on inclusion to	

			growth and jobs.	public services and promotes quality of life	be proposed in 2008, addressing issues such as equal opportunities, ICT skills and regional divides.	
13.29	<a href="#">Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee and the Committee of the Regions 'eAccessibility' COM(2005)425</a>		To contribute to the i2010 initiative by achieving an Information Society for All promoting an inclusive digital society that provides opportunities for all and minimises the risk of exclusion.	All	The measures would be based on three pillars: public procurement, certification, and better use of existing legislation. Two years after the publication of this Communication, the Commission would evaluate the outcome of the measures.	
13.30	<a href="#">Riga Ministerial Declaration on 'ICT for an inclusive society', approved unanimously on 11 June 2006, Riga Latvia</a>		To agree on common measures for an Inclusive Society through the use of ICT.	Paras 15-19, 25	Commitment to full implementation of existing EU legislation on telecommunications, exploring standards with the view of making them mandatory; achieving full accessibility of public websites by 2010; and setting up a group to assess the need for more legislation on eAccessibility.	
13.31	<a href="#">Communication from the Commission to the Council, the European Parliament, the</a>		To follow up on targets set out in Riga Declaration.	Chapter 3.1	Proposes a number of activities to be followed by all stakeholders;	

	<a href="#">European Economic and Social Committee and the Committee of the Regions 'European i2010 initiative on e-Inclusion "To be part of the information society"' COM(2007)694</a>				announces that the Commission will work towards a horizontal legislative approach for users with disabilities.	
13.32	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A single market for 21st century Europe' COM(2007)724</a>		To set out a new approach to the single market, aiming to foster flexibility and adaptability while maintaining legal and regulatory certainty.		Announces a global approach to consumers' rights across the EU to empower consumers, including more vulnerable consumers with special needs or disabilities. In this framework, further initiatives on consumer contractual rights and collective redress were to be made in 2008.	
13.33	<a href="#">European Parliament resolution of 4 September 2007 on the Single Market Review: tackling barriers and inefficiencies through better implementation and enforcement</a>		To respond to Commission's Communication COM (2007)724.	Paras 3, 21,22	Recalls that the needs of people with disabilities should be taken account of when drafting Internal Market legislation; calls for better accessibility and better use of standards.	
13.34	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the second periodic review of the scope of</a>		To present the second periodic review of the scope of universal service and provide reflections on the role of universal service in meeting wider challenges at European		Asks stakeholders what the appropriate approach to ensure access to and usability of e-communications for vulnerable people (incl. disabled and older users)	The Communication invites the stakeholders to a debate, the results of which were to

	<a href="#">universal service in electronic communications networks and services in accordance with Article 15 of Directive 2002/22/EC COM(2008)572</a>		level.		would be.	be announced in the second half of 2009.
13.35	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Towards an accessible information society' COM(2008)804</a>		To speed up progress in eAccessibility; to achieve a more coherent, common and effective approach to eAccessibility; to set key steps to be taken in this respect.	All	Proposes actions to meet the targets, including supporting innovation and deployment, standardisation activities, and exploiting existing legislation. Also announces that new legislation would be considered.	
13.36	<a href="#">Accessible Information Society – Council conclusions, 20 March 2009</a>		To follow up on the Commission's work in the area of eAccessibility and give directions to all stakeholders for future work.	All	Underlines the importance of the accessibility requirement in public procurement and of standards, calls for better use of existing legislation and funding mechanisms, and invites the Member. States to implement the relevant provisions of the UN Convention on the Rights of Persons with Disabilities	
13.37	<a href="#">European Commission, Standardisation Mandate to CEN, CENELEC and ETSI in support of European</a>		To harmonise and facilitate the public procurement of accessible ICT products	All	The mandate consists of compiling an inventory of existing European and international accessibility	

	<a href="#">Accessibility requirements for public procurement in the ICT domain, M/376 EN, 7th December 2005</a>		and services by identifying accessibility requirements and providing a mechanism through which public procurers have access to an electronic toolkit.		requirements and elaborating a full list of European accessibility requirements in ICT in public procurement.	
13.38	<a href="#">European Commission, Standardisation Mandate to CEN, CENELEC and ETSI in support of European Accessibility requirements for public procurement in the built environment, M/420, 21 December 2007</a>		To facilitate the public procurement of an accessible built environment following Design for All principles by developing a set of standards/technical specifications on the built environment and by providing a mechanism through which the public procurers have access to an online toolkit.	All	The mandate was in two phases: after the inventory and assessment of the feasibility of European and international accessibility standards in the built environment, a list of European standards and a toolkit would be produced.	
13.39	<a href="#">Commission communication in the framework of the implementation of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (Publication of titles and references of harmonised standards under the Directive), 2009/C 293/03</a>		Provides standards required for implementation of the aforementioned Directive.		Standards for adjustable beds for disabled people and hoists for the transfer of disabled people were among those adopted.	
13.40	<a href="#">Commission communication in the framework of the implementation of Directive 2006/42/EC of the European</a>		Provides standards required for implementation of the aforementioned Directive.		Requirements for disabled passenger boarding vehicles are among the standards adopted.	

	<a href="#">Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) (Publication of titles and references of harmonised standards under the Directive), 2009/C 309/02</a>					
<b>14. Regional policy and internal market</b>						
14.01	<a href="#">Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)</a>	Arts 36, 37 and 299(2) EC Treaty	Laying down regulations concerning the European Agricultural Fund for Rural Development (EAFRD).	Art 8	General non-discrimination provision with regard to use of the Fund.	Provision which emphasises that the use of the Funds should never have a discriminating effect.
14.02	<a href="#">Regulation (EC) No 1080/2006 of the EP and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999</a>	Arts 162 (first paragraph) and Article 299 (2, second subparagraph) EC Treaty, Art 251 EC Treaty	Laying down regulations concerning the European Regional Development Fund.	Recital 8	General non-discrimination provision with regard to use of the Funds; disability is (explicitly) covered	Recital which emphasises that use of the Funds should never have a discriminating effect.
14.03	<a href="#">Regulation (EC) No 1081/2006 of the EP and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999</a>	Art 148 EC Treaty, Art 251 EC Treaty	Laying down regulations concerning the European Social Fund (ESF).	Art 2(2), 3(1)(c)(i) and Art 9	Combating social exclusion and promoting the participation of people with disabilities are laid down as objectives of the Fund.	
14.04	<a href="#">Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions</a>	Art 161 EC Treaty	Laying down general provisions on the European Regional	Art 16	Accessibility for persons with disabilities is one of the criteria to be observed	Regarded as an important instrument to



	<a href="#">on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999</a>		Development Fund, the European Social Fund and the Cohesion Fund.		in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation. Art 16 also contains a general non-discrimination provision with regard to use of the Funds.	promote accessibility for people with disabilities in small and medium-sized companies
14.05	<a href="#">2006/702/EC: Council Decision of 6 October 2006 on Community strategic guidelines on cohesion</a>	Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, in particular the first subparagraph of Art 25 thereof	Laying down Community strategic guidelines on cohesion, which are meant as an indicative framework for the Member States for the preparation of national strategic reference frameworks and operational programmes for the period 2007 to 2013.	Art 1 in conjunction with the Annex, miscellaneous provisions	Several provisions in this Decision call on Member States to adopt policies with regard to (in particular) accessibility and inclusive labour markets for people with disabilities.	The Decision is mainly of importance as a policy document, which is addressed to the Member States as an indicative framework for their respective policies.

**15. Environment, consumers and health protection**

15.01	<a href="#">Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008)</a>	Art 152 EC Treaty	To establish a programme with the aim to improve information for the development of public health, enhance the capacity to respond rapidly to health threats and to promote health through addressing health determinants.			The health of people with disabilities is not addressed in the programme. However, one of its objectives is to increase life expectancy without disability or sickness.
15.02	<a href="#">Directive 2005/29/EC of the EP and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the EP and of the Council and Regulation (EC) No 2006/2004 of the EP and of the Council ('Unfair Commercial Practices Directive') (Text with EEA relevance)</a>	Art 95 EC Treaty, Art 251 EC Treaty	Contributing to the proper functioning of the internal market and achieving a high level of consumer protection by approximating the laws, regulations and administrative provisions of the Member States on unfair commercial practices harming consumers' economic interests.	Art 5(3)	'3. Commercial practices which are likely to materially distort the economic behaviour only of a clearly identifiable group of consumers who are particularly vulnerable to the practice or the underlying product because of their mental or physical infirmity, age or credulity in a way which the trader could reasonably be expected to foresee, shall be assessed from the perspective of the average member of that group.'	This provision offers protection to vulnerable consumers (as long as they are part of a 'clearly identifiable group'). This means that traders are obliged to take into account foreseeable vulnerabilities of the specific group.
15.03	<a href="#">Decision No 1350/2007/EC of</a>	Art 152 EC	To complement, support			The health of

	<a href="#">the European Parliament and of the Council of 23 October 2007 establishing a second programme of Community action in the field of health (2008-2013)</a>	Treaty	and add value to national policies and contribute to the solidarity and prosperity of the EU by protecting and promoting human health and safety and improving public health.			persons with disabilities is not addressed in the programme, which is nevertheless of general relevance to disability policy.
15.04	<a href="#">Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws</a>	Art 95 EC Treaty	To revise and update various aspects of the Universal Service Directive in light of technological and market developments.	Art 7, 22,23	Member States are to take specific measures to ensure that access to and affordability of services is guaranteed for disabled end-users, incl. through obliging national regulatory authorities to assess the general needs and specific requirements of disabled end-users. Data on accessibility of services to disabled end-users is to be collected. In order to be able to adopt and implement specific arrangements for disabled end-users, the availability of terminal equipment offering the necessary services and functions is encouraged.	
15.05	<a href="#">Green Paper 'Improving the</a>		To propose an EU strategy	All		Launches a

	<a href="#">mental health of the population. Towards a strategy on mental health for the European Union'</a> <a href="#">COM(2005)484</a>		on mental health with the added value of constituting a framework for exchange and cooperation between Member States, helping to increase the coherence of actions and allowing involvement of a broad range of relevant stakeholders.			consultation on mental health with a view to collecting stakeholders' positions on the proposed strategy and initiatives.
15.06	<a href="#">European Parliament non-legislative resolution of 6 September 2006 on improving the mental health of the population - towards a strategy on mental health for the EU</a>		To respond to the Commission's Green Paper.	All	Has a broad range of recommendations to the Commission and the Member States. Emphasises the importance of removing the stigma from mental ill health.	
15.07	<a href="#">Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee 'EU Consumer Policy strategy 2007-2013 - Empowering consumers, enhancing their welfare, effectively protecting them'</a> <a href="#">COM(2007)0099</a>		To empower EU consumers by putting them in the driving seat, enhancing their welfare and protecting them from the risks they cannot tackle as individuals.			Does not mention people with disabilities but recognises the need to pay special attention to 'vulnerable consumers' and take account of children and the ageing population.

15.08	<a href="#">Green Paper on European Workforce for Health COM(2008)725</a>	To attempt to find responses to the increasing challenges facing health systems today, taking into account factors such as the ageing population, the role of new technologies and the increased spending on health that undermines the sustainability of health systems.		Discusses the actions that need to be taken to ensure a healthier workforce in Europe, training of providers of services to disabled and elderly persons, and managing mobility of health workers.		
15.09	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Rare Diseases - Europe's challenges COM(2008)0679</a>		To set out a Community strategy for support to Member States in ensuring effective and efficient recognition, prevention, diagnosis, treatment, care, and research for rare diseases in Europe.	All	Focuses on operational support as well as better visibility and recognition of rare diseases and access to services.	
15.10	<a href="#">Council Recommendation of 8 June 2009 on an action in the</a>		To propose the establishment, before	All	Calls for a common EU definition and	

	<a href="#">field of rare diseases 2009/C 151/02</a>		2013, of national plans for rare diseases in order to ensure universal access of patients to high quality care.		codification of rare diseases.	
15.11	<a href="#">European Parliament resolution of 19 February 2009 on mental health</a>	To welcome the European Pact on Mental Health and Well-Being.	All		Raises thematic aspects of mental health, such as mental health of older/younger people, mental health in the workplace, and combating stigma.	
15.12	<a href="#">Communication from the Commission to the European Parliament and the Council on a European initiative on Alzheimer's disease and other dementias COM(2009)0380</a>		To better understand and prevent dementia and take actions to respect the rights of people with dementia.		Proposes to use the facilities provided by the European Disability Action Plan to support patients' organisations.	
15.13	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Solidarity in health: reducing health inequalities in the EU' COM(2009)0567</a>		To follow up on the concerns of EU institutions and stakeholders over the extent and consequences of health inequalities between people living in different parts of the EU and between socially advantaged and disadvantaged EU citizens.		The needs of vulnerable people, incl. persons with disabilities, are recognised. The Communication notes that for some groups, the issue of health inequality, including reduced access to adequate health care, can be said to involve their human rights.	Refers to a number of rights in the Fundamental Rights Charter and the UN Convention on the Rights of Persons with Disabilities, which specify the right of persons with disabilities to health services.

<b>16. Science, information, education and culture</b>						
16.01	<a href="#">Decision No 291/2003/EC of the European Parliament and of the Council of 6 February 2003 establishing the European Year of Education through Sport 2004</a>	Art 149 EC Treaty	To establish the Year of Education through Sport with the aim to raise awareness of the positive contribution of non-formal education through sport, especially to young people.	Art 2(e)	One of the objectives of the Year is to promote the social inclusion of disadvantaged groups.	
16.02	<a href="#">Council Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 amending Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community</a>	Art 308 EC Treaty, Art 203 EAE Treaty	Laying down regulations concerning the opening to the public of the historical archives of the European Economic Community.	Art 8	Obligation on the archives of European institutions to meet the special needs of people with visual impairments.	
16.03	<a href="#">Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme)</a>	Arts 149(4) and 150(4) EC Treaty	To support and develop further the effective use of ICT in European education and training systems, as a contribution to a quality education.	Action line 1(a)	This action, under the general heading 'Promoting digital literacy', aims to identify and disseminate good practices in the promotion of digital literacy, paying particular attention to improving access for those with special needs, such as disabled users.	
16.04	<a href="#">Decision No 1719/2006/EC of the EP and of the Council of</a>	Art 149(4) EC Treaty, Art 251	Establishing the Youth in Action programme for the	Arts 3(1)(h)	Pays specific attention to improving the position of	



	<a href="#">15 November 2006 establishing the Youth in Action programme for the period 2007 to 2013</a>	EC Treaty	period 2007 to 2013.	and 3(4)(d)	young people within the EU and their access to information and communication services.	
16.05	<a href="#">Decision No 1720/2006/EC of the EP and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning</a>	Arts 149(4) and 150(4) EC Treaty, Art 251 EC Treaty	Establishing an action programme in the field of lifelong learning.	Art 1(3)(f), Art 12, recital 36	This programme pays attention to the importance of lifelong learning for the inclusion of people with disabilities.	
16.06	<a href="#">Decision No 1298/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing the Erasmus Mundus 2009-2013 action programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries</a>	Art 149(4) EC Treaty	To establish a programme for the promotion of quality in European higher education and intercultural understanding through cooperation with third countries and the development of third countries in the field of higher education.	Art 10(e)	One of the horizontal issues in the implementation of the programme is contributing to combating all forms discrimination based on disability.	
16.07	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Improving competences for the 21st Century: An Agenda for European Cooperation on Schools' COM(2008)425</a>		To propose an agenda for strengthening European cooperation on schools by identifying the major challenges facing systems that can best be tackled by such cooperation.	Paras 3.17-3.21	Recognises that students with special educational needs tend to favour inclusive education. Achieving inclusion implies re-thinking policies and improving collaboration between schools and other services. The Commission proposes to focus future cooperation on	

					measuring quality of education and providing more timely support within mainstream schools for students with special needs.	
16.08	<a href="#">Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'An EU Strategy for Youth : Investing and Empowering - A renewed open method of coordination to address youth challenges and opportunities' COM(2009)0200</a>		To propose a new Open Method of Coordination that is flexible in its reporting and reinforces links with policy areas covered by the European Youth Pact.	Field of Action 6 - Social Inclusion	Proposes actions by Member States and the Commission to prevent poverty and social exclusion among disadvantaged youth groups and mobilise all actors involved in the lives of young people.	
16.09	<a href="#">Council conclusions of 27 November 2009 on promoting a Creative Generation: developing the creativity and innovative capacity of children and young people through cultural expression and access to culture</a>		To respond to modern challenges focusing on developing the creativity and innovative potential of children and young people and equipping them with the skills and competences to face these challenges.	Para 4	The Council calls on the Commission to promote the inherent talent of all children and develop programmes which cater for children with fewer opportunities, including those with disabilities.	
<b>17. Law relating to undertakings</b>						
17.01	<a href="#">Directive 2001/29/EC of the EP and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society</a>	Arts 47(2), 55 and 95 EC Treaty, Art 251 EC Treaty	Harmonising certain aspects of copyright and related rights in the information society.	Art 5(3), subsection b	The right of reproduction, the right of communication to the public of works, and the right of making available to the public other	

					subject-matter may (under certain conditions) be limited by Member States for the benefit of users with disabilities.	
17.02	<a href="#">Commission Regulation (EC) No 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council</a>	Regulation 1606/2002	To adopt international accounting standards to be used as the basis for presentation of general purpose financial statements.			Disability-related benefits are among the information that needs to be included in financial statements, and are governed by this regulation.
17.03	<a href="#">Communication from the Commission 'Copyright in the Knowledge Economy' COM(2009)0532</a>		To examine how a broad dissemination of knowledge in the single market could be achieved in the context of existing copyright legislation.		Refers to the UN Convention on the Rights of Persons with Disabilities that provides for the right to information for people with disabilities. In this context, the Commission was to organise a stakeholder forum by the end of 2009 to seek consensus on how to address the 'book famine' experienced by visually disabled users.	
<b>19. Area of freedom, security and justice</b>						

19.01	<a href="#">Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers</a>	Art 63(1) point (1)(b) EC Treaty	Laying down minimum standards for the reception of asylum seekers.	Art 17	'Member States shall take into account the specific situation of vulnerable persons such as (...) disabled people (...) ' is stated as a general principle with regard to policy on asylum seekers.	
19.02	<a href="#">Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities</a>	Art 63(3) EC Treaty	Defining the conditions for granting residence permits of limited duration, linked to the length of the relevant national proceedings, to third-country nationals who cooperate in the fight against trafficking in human beings or against action to facilitate illegal immigration.	Art 9	Obligation on Member States to provide necessary medical or other assistance to the third-country nationals concerned, who do not have sufficient resources and have special needs, such as persons with disabilities.	
19.03	<a href="#">Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted</a>	Art 63(1)(c), (2)(a) and (3)(a) EC Treaty	Laying down minimum standards for the qualification of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.	Art 20(3)	Obligation on Member States to take into account the specific situation of 'vulnerable persons such as disabled people'.	
19.04	<a href="#">Regulation (EC) No 562/2006 of the EP and of the Council of 15 March 2006 establishing a</a>	Art 62(1) and (2)(a) EC Treaty, Art 251 EC	Establishing a Community Code on the rules governing the	Art 6(2)	General non-discrimination provision.	The provision on border checks

	<a href="#">Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)</a>	Treaty	movement of persons across borders (Schengen Borders Code).			explicitly covers disability (among other possible grounds of discrimination)
19.05	<a href="#">Decision No 573/2007/EC of the EP and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme Solidarity and Management of Migration Flows and repealing Council Decision 2004/904/EC</a>	Art 63(2)(b) EC Treaty, Art 251 EC Treaty	Establishing the European Refugee Fund for the period 2008 to 2013 as part of the general programme Solidarity and Management of Migration Flows.	Art 3(9)	Actions on behalf of the Fund must take account of vulnerable groups such as people with disabilities.	
19.06	<a href="#">2007/435/EC: Council Decision of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme Solidarity and Management of Migration Flows</a>	Art 63(3)(a) EC Treaty	Establishing the European Fund for integration of third-country nationals.	Art 4(2)(c)	Member States should reinforce their integration actions in order to be able to 'reach out' to persons with disabilities among immigrants.	
19.07	<a href="#">Regulation (EC) No 863/2007 of the EP and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004</a>	Arts 62(2)(a) and 66 EC Treaty, Art 251 EC Treaty	Establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004.	Art 6(2)	General non-discrimination provision.	The provision on border checks explicitly covers disability (among other



	<a href="#">as regards that mechanism and regulating the tasks and powers of guest officers</a>					possible grounds of discrimination) .
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