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Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the European Disability Card and the European Parking Card for persons  
with disabilities**

(Text with EEA relevance)

{SEC(2023) 305 final} - {SWD(2023) 289 final} - {SWD(2023) 290 final} -  
{SWD(2023) 291 final}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • Reasons for and objectives of the proposal

The European Union (EU) is founded on the values of human dignity, freedom, and respect of human rights and committed to combating discrimination, including on the grounds of disability, as set out in the Treaty on European Union, the Treaty on the Functioning of the European Union (TFEU) and the Charter of Fundamental Rights (Charter).

The right of EU citizens to move and reside freely within the European Union is one of the EU's most cherished achievements, and an important driver of its economy.

The EU and all its Member States are party to the UN Convention on the Rights of Persons with Disabilities (UNCRPD). The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The UNCRPD contains obligations for States Parties to recognise the rights of persons with disabilities to liberty of movement on an equal basis with others. States Parties are also requested to take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost.

The European Pillar of Social Rights, proclaimed by the European Parliament, the Council, and the European Commission at Gothenburg on 17 November 2017<sup>1</sup>, provides that everyone, regardless of disability, has the right to equal treatment and opportunities regarding access to goods and services available to the public (principle 3). In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to services that enable them to participate in society (principle 17). The European Pillar of Social Rights Action Plan refers to significant barriers that persons with disabilities still face, which are further addressed in the Strategy for the Rights of Persons with Disabilities 2021-2030.

Persons with disabilities whose disability status is assessed and recognised by the competent authorities in a Member State are often granted special conditions or preferential treatment in the access to a variety of services, activities and facilities, including when these are provided not for remuneration in that Member State, and whether provided by public authorities or private operators, on the basis of national or local rules/legal obligations, and often provided on a voluntary basis (in particular by private operators).

The most common special conditions or preferential treatment are offered or provided for with respect to public and private transport, parking spaces, cultural events (e.g. museums), leisure and sport centres or services, amusement parks, tourism. These may consist of free access, reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels, priority access, personal assistance, support (such as access to braille, audio guides), provision of aids, extended parking or reserved (parking) spaces<sup>2</sup>. With respect to passenger transport services, personal assistants or other persons accompanying or assisting persons with disabilities may travel free of charge or be seated, where practicable next to the person with disabilities or to

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<sup>1</sup> Interinstitutional Proclamation on the European Pillar of Social Rights (OJ C 428, 13.12.2017, p. 10).

<sup>2</sup> See for further examples Annex 6.4 Mapping of services providing preferential conditions in the EU, Impact Assessment, SWD(2023) 289.

the person with reduced mobility<sup>3</sup>. Preferential treatment and special conditions are also offered when accessing activities or facilities provided not for remuneration.

However, persons with a recognised disability status in their Member State of residence travelling to another Member State may encounter difficulties with accessing special conditions or preferential treatment offered in or provided for in the Member State they are visiting, often due to a lack of recognition of their disability card or certificate issued by their Member State of residence.

Alongside physical and other barriers in accessing both public and private spaces, high travelling expenses are a key factor discouraging many persons with disabilities from travelling<sup>4</sup>, because they have also specific needs which make their travel costs higher than for persons without disabilities<sup>5</sup>. The Eurostat survey on persons not participating in tourism confirms for the general population that financial reasons are a key argument for not travelling, indicating that 44.83% of the total population did not participate in tourism “for financial reasons” in 2019<sup>6</sup>. Persons with disabilities have a higher poverty risk than persons without disabilities. At EU level, about 21.1% of persons with disabilities aged 16 and over faced a risk of poverty in 2021, compared with 14.9 % of persons without disabilities. The percentage for all persons aged 16 and over was 16.4 %.

Having to deal with legal uncertainty and potential additional costs may impair the possibilities of persons with disabilities to exercise their free movement rights fully and effectively.

Furthermore, for many persons with disabilities, private car transport is the best or only option for getting around independently. The possibility to park as close to their destination as possible and the availability of reserved or extended parking facilities for persons with disabilities is key in supporting their autonomy and facilitates the exercise of free movement rights. The EU parking card for persons with disabilities was created by means of a Council Recommendation establishing a standardised, common EU model/format in 1998<sup>7</sup> and is one of the most visible and important achievements of EU disability policy. It is widely used by all the Member States. However, despite this, cardholders are facing difficulties when using the standardised, EU model parking card for persons with disabilities, such as uncertainties about the rights granted and limited recognition of the card when travelling to other Member States, as well as fines being imposed even when showing the EU parking card or when it is displayed. In addition, national differences in the format and design as well as implementation of the EU parking card for persons with disabilities hamper its use, increase (legal

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<sup>3</sup> See for instance Article 23(1)(a) and (b) of Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations OJ L 172, 17.5.2021, p. 1.

<sup>4</sup> Findings from Final Report based on Survey targeted at EU-level CSOs; Shaw and Coles, ‘Disability, holiday making and the tourism industry in the UK: a preliminary survey’, 25(3) Tourism Management (2004) 397-403; Eugénia Lima Devile and Andreia Antunes Moura (2021), Travel by People With Physical Disabilities: Constraints and Influences in the Decision-Making Process.

<sup>5</sup> McKercher and Darcy (2018), Re-conceptualizing barriers to travel by people with disabilities, Tourism Management Perspectives, 59-66.

<sup>6</sup> Eurostat database, tour\_dem\_npsex. Available at: [https://ec.europa.eu/eurostat/databrowser/view/tour\\_dem\\_npsex/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/tour_dem_npsex/default/table?lang=en) . 2019 was the latest available year for this information.

<sup>7</sup> Council Recommendation of 4 June 1998 on a parking card for persons with disabilities (98/376/EC), OJ L167/25, 12.6.1998, as adapted by Council Recommendation of 3 March 2008 by reason of 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, OJ L 63/43,7.3.2008.

uncertainty, and give rise to forgery risks or fraudulent actions, as well as enforcement issues<sup>8</sup>.

Therefore, this initiative establishes the framework, rules, and common conditions, including a common standardised model, for a European Disability Card as proof of a recognised disability status and the European Parking Card for persons with disabilities, as proof of their recognised right to parking conditions and facilities reserved for persons with disabilities (“parking rights”). The objective of the initiative is to support the access on equal terms and conditions in all Member States for holders of the European Disability Card or European Parking Card for persons with disabilities to special conditions or preferential treatment with respect to services, activities and facilities, including when provided not for remuneration, and respectively parking conditions and facilities.

Mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities should facilitate and guarantee the exercise by persons with disabilities, when travelling to or visiting another Member State, of their rights to receive and benefit from special conditions and/or preferential treatment offered by private operators or public authorities to access services, activities and facilities, including when provided not for remuneration, as well as access to parking conditions and facilities reserved for persons with disabilities, without discrimination on grounds of nationality or place of residence, on equal terms and conditions as those provided for on the basis of national certificates, disability cards or other formal documents recognising their disability status issued by the competent authorities in the host country.

Establishing a framework of rules and common conditions for both the European Disability Card and the European Parking Card for persons with disabilities will help ensure a more effective and inclusive participation and inclusion in society of persons with disabilities.

The proposal to create a European Disability Card is one of the flagship initiatives of the Strategy for the Rights of Persons with Disabilities 2021-2030<sup>9</sup>:

*“The Commission will propose creating a European Disability Card by end of 2023 with a view to be recognised in all Member States. It will build on the experience of the ongoing EU Disability Card pilot project in eight Member States and upon the European parking card for persons with disabilities.”*

The intention to table a proposal on the European Disability Card was also set out in the Communication on the Conference on the Future of Europe – *Putting Vision into Concrete Action*<sup>10</sup> and referred to by President von der Leyen in the context of her 2022 State of the Union address<sup>11</sup>. The initiative is part of the Commission Work Programme 2023 – *A Union standing firm and united*<sup>12</sup>.

The European Parliament called for the Card in three resolutions. In its Resolution of 18 June 2020 on the European Disability Strategy post-2020<sup>13</sup>, it asked the Commission to expand the existing pilot project of the EU Disability Card and to ensure that the EU parking card for people with disabilities is fully observed in all Member States. The European Parliament welcomed the plan to present an initiative on the European Disability Card to be recognised in

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<sup>8</sup> See for further information Annex 6.3 ‘Implementation analysis of the EU Parking Card for persons with disabilities’ of the Impact Assessment, SWD(2023) 289.

<sup>9</sup> COM (2021) 101

<sup>10</sup> COM (2022) 404 final, 17.6.2022, Annex, pt. 5 Values and rights, rule of law and security.

<sup>11</sup> State of the European Union 2022, Letter of Intent, 14 September 2022

<sup>12</sup> COM (2022) 548 final, 18.10.2022, Annex 1 pt. 43 under the heading ‘A new push for European Democracy’

<sup>13</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2020-0156\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0156_EN.html)

all Member States, with a view to scaling up the pilot projects for the EU Disability Card and the EU model parking card for persons with disabilities in its Resolution of 7 October 2021 on the protection of persons with disabilities through petitions<sup>14</sup>. It advocated in its Resolution of 13 December 2022 towards equal rights for persons with disabilities<sup>15</sup>, for a legally binding and ambitious initiative, covering a range of different areas beyond culture, leisure and sport.

The European Economic and Social Committee also adopted a supportive exploratory Opinion<sup>16</sup> with respect to the European Disability Card, acknowledging with respect to the EU Parking Card the importance of updating the legislation harmonising the characteristics, issuing procedures and functioning of it.

- **Consistency with existing policy provisions in the policy area**

This initiative builds on two existing instruments.

As concerns the European Disability Card, the proposal builds on the related **pilot project** expanding its scope to all Member States and covering a broader range of different policy areas, not only services, but also activities and facilities, including when provided not for remuneration. The pilot project was carried out on a voluntary basis in eight Member States (Belgium, Cyprus, Estonia, Finland, Italy, Malta, Romania, and Slovenia) in 2016-2018 and remained in place after the end of the project. The pilot provided a common format for a card for mutual recognition on a voluntary basis among the eight participating Member States of the disability status (as established in accordance with their respective national eligibility criteria, rules, practices and procedures), for access to benefits and services in the areas of culture, leisure, sport and, in some countries, transport<sup>17</sup>, when travelling to one of the participating countries. National service providers in these sectors could voluntarily adhere to the Card's scheme. The package of benefits provided in each Member State depended on the number and type of participating service providers. Once they joined the Card's scheme, service providers were obliged to offer the same benefits they provided to nationals with disabilities also to cardholders from other participating Member States. Member States had to maintain a record of the services that adhere to the system and update it regularly.

The EU Pilot clearly demonstrated the advantages for persons with disabilities in accessing services in the areas of culture, leisure, sport, and, in some cases, transport, and supporting their cross-border movement in the EU for a short period. In addition, the 2021 Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits<sup>18</sup> confirmed the EU added value of the card and concluded that there is potential for larger-scale action.

Compared to the pilot project (which listed the four sectors covered and included (nationally) elaborated lists of "participating providers" in a public database), the underlying rationale/logic of this legislative proposal is different. By providing for the mutual recognition of the European Disability Card in all Member States, this legislative proposal aims to grant cardholders travelling to or visiting another Member State, with access on equal terms and conditions to existing special conditions or preferential treatment in relation to a large variety

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<sup>14</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0414\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0414_EN.pdf)

<sup>15</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0435\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0435_EN.html)

<sup>16</sup> SOC/765, 27/04/2024

<sup>17</sup> Private transport (CY, FI and MT) or public transport (FI and SI)

<sup>18</sup> <https://op.europa.eu/en/publication-detail/-/publication/4adbe538-0a02-11ec-b5d3-01aa75ed71a1/language-en>

of services, activities and facilities, including when provided not for remuneration. This approach should significantly reduce the administrative burden in the pilot project for Member States related to the need to maintain and update databases of service providers that accept the European Disability Card.

For the European Parking Card for persons with disabilities, the initiative will replace the system put in place by Council Recommendation 98/376/EC<sup>19</sup> which provided for a voluntary European model of a parking card for people with disabilities and facilitated the recognition of the parking card across Member States. Specific national additions or deviations from the recommended model have led to a proliferation of different cards<sup>20</sup>, hindering their cross-border recognition as well as access of persons with disabilities to special parking conditions and facilities reserved for persons with disabilities that hold a ‘local’ parking card. Moreover, the Council Recommendation has not been updated to reflect developments in technology and digitalisation, or to help Member States experiencing problems with fraud and forgery of the cards to address them.

The proposal will provide the common rules and conditions governing the issuance of the European Parking Card for persons with disabilities and its common template to be applied by all Member States replacing all the multiple existing national parking cards.

Furthermore, in view of guaranteeing equal treatment with EU citizens, it is the Commission’s intention to put forward a separate legal act extending the scope of this proposal to third country nationals legally staying or residing in the territory of a Member State and that are entitled to travel to other Member States in accordance with Union law.

- **Consistency with other Union policies**

This initiative aims to make it easier for persons with disabilities, when travelling to or visiting another Member State to benefit from available special conditions and/or preferential treatment when accessing services, activities and facilities, including when provided not for remuneration, under equal conditions to residents with disabilities, thus facilitating the exercise of their free movement rights within the EU.

With respect to services normally provided for remuneration in the internal market, this proposal complements Directive 2006/123 on services in the internal market<sup>21</sup>. Furthermore, it complements the European Accessibility Act (Directive 2019/882)<sup>22</sup> and Web accessibility Directive (Directive (EU) 2016/2102)<sup>23</sup> which aim to eliminate and prevent barriers arising from divergent accessibility requirements in the Member States.

The proposal complements and could facilitate the application of the EU passenger rights legislation adopted between 2004 and 2021 in relation to four modes of transport: aviation,

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<sup>19</sup> Council Recommendation of 4 June 1998 on a parking card for persons with disabilities (98/376/EC), OJ L167/25, 12.6.1998, as adapted by Council Recommendation 2008/205/EC by reason of 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, OJ L63/43, 7.3.2008.

<sup>20</sup> See for further information Annex 6.3 ‘Implementation analysis of the EU Parking Card for persons with disabilities’ of the Impact Assessment, SWD(2023) 289.

<sup>21</sup> OJ L376/36, 27.12.2006.

<sup>22</sup> Directive (EU) 2019/882 on the accessibility requirements for products and services, OJ L150/70, 7.6.2019.

<sup>23</sup> Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies.

rail, waterborne, and bus and coach<sup>24</sup>. This legislation guarantees passengers with disabilities and reduced mobility the right to non-discrimination in access to transport and to receive assistance free of charge and, if necessary, adaptation of the transport services to their special needs to allow them to use the four transport modes as any other citizen.

The initiative is also in line with the recent Directive (EU) 2022/362<sup>25</sup>, which enables the Member States to provide for reduced fees or user charges for toll roads/bridges/tunnels as well as exemptions from the obligation to pay such fees or user charges for any vehicle used or owned by persons with disabilities as concerns roads subject to road charging.

The proposal will equally help support a more effective and inclusive participation in society of persons with disabilities as envisaged by the UNCRPD and contribute to the implementation of the 2030 United Nations Agenda for Sustainable Development, as Goal 8 encourages policies that promote sustainable tourism and local culture; Goal 10 aims to reduce inequalities; and Goal 11 aims at providing access to safe, affordable, accessible and sustainable transport systems for all.

Moreover, the proposal provides a further building block for a wider European digital certification infrastructure, which builds on the experience of the EU Digital Covid Certificate and will link to the European Digital Identity Wallet after adoption of the proposed revised Regulation.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

### **• Legal basis**

This proposal has multiple, interlinked objectives concerning several policy areas, such as services, transport, and rights to free movement. Therefore, the use of different legal bases is the most adequate and appropriate to cover the various objectives of this initiative.

Articles 53(1) and Article 62 TFEU (concerning services normally provided for remuneration in the internal market) are relevant, as the proposal will grant cardholders the right to benefit from preferential conditions/treatment when accessing services on an equal basis with persons with a disability in the visited Member State.

With respect to special conditions and preferential treatment to access services in the field of transport, including parking facilities, Article 91 TFEU provides the necessary legal base. In addition, this Article is also relevant since it allowed for the adoption of the Council Recommendation in 1998<sup>26</sup> which created the existing EU parking card voluntary scheme, which will be replaced by the current initiative.

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<sup>24</sup> Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L150/70, 7.6.2019; Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004; Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, Regulation (EU) 2021/782 on rail passengers' rights and obligations (recast). []

<sup>25</sup> Directive (EU) 2022/362 of the European Parliament and of the Council of 24 February 2022 amending Directives 1999/62/EC, 1999/37/EC and (EU) 2019/520, as regards the charging of vehicles for the use of certain infrastructures, OJ L69/1, 4.3.2022.

<sup>26</sup> Council Recommendation of 4 June 1998 on a parking card for persons with disabilities (98/376/EC), OJ L167/25, 12.6.1998, as adapted by Council Recommendation 2008/205/EC by reason of 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, OJ L63/43, 7.3.2008.

In order to cover those special conditions or preferential treatment provided when accessing activities and facilities that do not fall into the categories of ‘services’ covered by the other legal bases referred to above, in particular those activities and facilities not provided for remuneration, Article 21(2) TFEU, as a residual legal base, provides for the possibility for the European Union to act and adopt provisions to facilitate the right of EU citizens to move and reside freely within the territory of the Member States. Moreover, family members, whichever the(ir) nationality, of a Union citizen exercising his or her right to free movement in accordance with Union rules are assimilated to Union citizens.

- **Subsidiarity (for non-exclusive competence)**

This proposal fully respects the principle of subsidiarity. The different, interlinked objectives of this proposal cannot be sufficiently achieved by the Member States independently but can rather, by reason of the scale and effects of the action, be better achieved at EU level. Action at EU level is therefore necessary.

The problems identified have a cross-border dimension that cannot be solved by the Member States on their own. The need for EU action is directly linked to cross-border travel and related challenges faced by persons with disabilities in the EU, thus the need to ensure a coordinated approach among the Member States to facilitate their access to special conditions or preferential treatment on equal terms and conditions with the holders of a disability card or certificate issued by the country being visited.

Absence to act at EU level would likely result in Member States adopting different systems, resulting in continued difficulties with the recognition of disability cards and certificates, as well as of the EU parking card, across borders. Should the EU not intervene, current differences in national disability cards and certificates would likely also increase, and the different treatment of persons with disabilities across the Member States would remain or increase further, with adverse effects on their access to special conditions or preferential treatment in relation to services, activities and facilities, including when provided not for remuneration, which may negatively impact the exercise of their free movement rights.

The initiative does not seek to harmonise the eligibility criteria, conditions, or assessment procedures to obtain a disability status in a Member State, for which Member States remain competent. Therefore, this proposal does not affect Member States’ competences to determine the conditions and procedures when assessing disability status for the purposes of granting a European disability card and in recognising the right to parking conditions and facilities reserved for persons with disabilities and issuing a certificate, disability or parking card for persons with disabilities, or any other formal document, be it at local, regional or national level.

Furthermore, the proposal does not impinge on national competences to determine whether or not to grant special benefits or preferential conditions, such as free access, reduced tariffs, or preferential treatment for persons with disabilities and, where applicable, person(s) accompanying or assisting them. Neither does the proposal impose obligations on private operators or public authorities as to whether to grant preferential conditions. It only ensures that when such special conditions or preferential treatment are granted, these should be available on equal terms and conditions to all persons with disabilities who are holders of a European Disability Card or European Parking Card for persons with disabilities and that the information in that regard is made available in accessible formats using the relevant accessibility requirements for services set in Annex I of Directive 2019/882.



- **Proportionality**

Regarding the principle of proportionality, the form and content of the proposal does not exceed or go beyond what is necessary and proportionate to achieve its various, interlinked objectives.

General, common rules and a common standardised format/template for both cards are set. However, taking into account national differences, circumstances and practices, the assessment of disability status itself, establishing the necessary procedures to issue the cards and determining the special conditions or preferential treatment for people with disabilities in access to services, activities and facilities, including when provided not for remuneration, are left to the Member States, unless provided otherwise by Union law.

- **Choice of the instrument**

In line with the identified legal bases, notably Articles 53(1) and 62, in combination with Article 91 TFEU, and Article 21(2) TFEU, a Directive is regarded as the suitable, proportionate, and effective instrument to deliver the different, interlinked objectives of the initiative.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Stakeholder consultations**

An inter-service steering group on the European Disability Card was set up in July 2022 and was actively involved in the preparation of the initiative, including its impact assessment.

In line with the Better Regulation Guidelines, a broad range of international, EU and national stakeholders were consulted, namely (i) those with an interest in the matter (e.g., national public authorities, service providers, NGOs); (ii) potential beneficiaries of the European Disability Card or the European Parking Card for persons with disabilities (e.g., persons with disabilities, personal assistants); and (iii) experts (e.g., researchers, consultancies and advisors, international organisations).

The stakeholder consultation included: (a) a public consultation, (b) strategic and (c) targeted interviews, (d) targeted online surveys, (e) three online workshops, (f) six focus groups with service providers from selected Member States and (g) six case studies. Stakeholders could also send comments on the Commission's (h) call for evidence<sup>27</sup>.

The majority of the consultation activities were organised by an external contractor as part of a study supporting the preparation of the impact assessment. The Commission also consulted Member States' authorities and Civil Society Organisations representing persons with disabilities, which are members of the Disability Platform. The discussions in Platform meetings and its specific sub-group on the European Disability Card were key to obtain feedback for fine tuning the proposal.

- **Impact assessment**

The proposal for a Commission initiative setting the framework, rules and conditions for the issuance and use of the European Disability Card and the European Parking Card for persons with disabilities is accompanied by an impact assessment report<sup>28</sup>, a draft of which was

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<sup>27</sup> See for further details: the Synopsis report of the stakeholder consultation, Annex 2 to the Impact Assessment Report, SWD (2023) 289.

<sup>28</sup> SWD (2023) 289.

submitted to the Regulatory Scrutiny Board (RSB) on 21 June 2023. The RSB issued a positive opinion with reservations on 19 July 2023. The impact assessment report was revised in accordance with the Board's findings and recommendations. The more detailed technical comments of the RSB were also addressed.

The design of options and the decision to discard certain options is strongly based on experience gained under the European Disability Card pilot project and of the experience of the Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities, together with feedback received from stakeholders and Member States.

The option of merging the European Disability Card and the European Parking Card for persons with disabilities into one single card has been considered and then discarded due to a lack of practical and technical feasibility<sup>29</sup>. The two cards have different eligibility criteria, issuance procedure(s), scope and use. Not all holders of a European Disability Card would be holders of a European Parking Card for persons with disabilities. Stakeholders consulted pointed out that merging the two cards would limit the possibility of persons with disabilities to use both cards simultaneously. In practice, the European Parking Card will typically be left and displayed in the vehicle, while the European Disability Card will need to remain with the cardholder. Therefore stakeholders considered that they should be kept as two distinct cards.

The assessment considered policy options aimed at facilitating mutual recognition of disability status in the EU in relation to access to services when visiting another Member State (A) and facilitating use and legal certainty in the use of the European Parking Card for persons with disabilities (B), which, taken together, address the identified challenges.

Several other options such as voluntary arrangements<sup>30</sup>, covering only a selection of services<sup>31</sup>, harmonising the definitions and eligibility criteria for assessing disability status<sup>32</sup> or harmonising the procedures for issuing the relevant cards at EU level,<sup>33</sup> were also discarded.

The preferred option is a combination of policy option A2 (mandatory European Disability Card model in all Member States for travel covering all service sectors) with option B2 (mandatory European Parking Card for persons with disabilities model).

*Policy option A2* is the most effective at facilitating the mutual recognition of disability status in relation to access to services when visiting another Member State, as it provides for the creation of the European Disability Card, to be used precisely for that purpose and that can be easily recognised across the Member States. The Card would eliminate uncertainty both for service providers that currently have to check disability status of customers and for persons with disabilities travelling or visiting other Member States.

*Policy option B2* is the most effective at facilitating the recognition of the EU parking card. As a binding legislative instrument, it makes mandatory the minimum requirements of the EU

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<sup>29</sup> On the option of merging the European Parking Card with the new European Disability Card, opinions vary. There is strong consensus among MS and also civil society organisations representing persons with disabilities that the European Parking Card should not be merged with the new EDC. In contrast, individual respondents in the public consultation agreed that the European Parking Card should be incorporated into the new EDC, possibly confusing a “single card” with a “single legal instrument”.

<sup>30</sup> Which would imply bringing additional deviations in the standard (physical and/or digital) format of the Card over time and associated difficulties for its recognition and use, as well as high uncertainty for persons with disabilities.

<sup>31</sup> Which would involve heavy administrative burden and not address the core issue of equal treatment of persons with disabilities, regardless of where their disability is assessed,

<sup>32</sup> Which would go beyond EU competence.

<sup>33</sup> Idem.

common parking card model and its security format and features. The more homogeneous, uniform format for national parking cards would reduce uncertainty linked to their recognition for persons with disabilities, making their lives easier when travelling by car in the EU. This would allow cardholders to travel by car, without uncertainty that their parking card may not be recognised abroad. It would also lead to cost savings for the persons concerned, as they would be able to use public parking slots reserved for persons with disabilities.

The preferred combination of policy options is expected to have positive social impacts and strong positive impacts on ensuring fundamental rights within the EU (notably the right to free movement, non-discrimination and integration of persons with disabilities). The environmental impact of the combined policy options is likely to be small and insignificant in magnitude, while it would entail limited positive digital impacts. The preferred policy options are not expected to have any significant impact on competitiveness and SMEs and expected administrative costs for businesses will be marginal<sup>34</sup>.

- **Fundamental rights**

The proposal would have a positive impact<sup>35</sup> on several rights recognised in the Charter of Fundamental Rights of the European Union.

By reducing the uncertainty about the recognition of disability cards and parking cards across the EU it would facilitate the effective exercise of free movement rights by persons with disabilities when travelling to or visiting another Member State than the one in which they reside (Article 45 of the Charter).

Having access on equal terms and conditions to special conditions or preferential treatment offered to persons with disabilities to services, activities and facilities, including when provided not for remuneration, as well as parking conditions and facilities reserved for persons with disabilities while travelling to or visiting another Member State should benefit persons with disabilities, ensuring their independence, social integration, and participation in the life of the community (Article 26 of the Charter).

The proposal would contribute to the principles of non-discrimination and equality in access to services (Article 21 of the Charter). Being able to benefit from special conditions or preferential treatment or parking conditions and facilities reserved for persons with disabilities in all Member States on an equal basis with residents who are persons with a disability status recognised in that country, without discrimination on grounds of nationality or place of residence, are important factors determining their choice to use such services.

Establishing a framework of rules and common conditions for both the European Disability Card and European Parking Card for persons with disabilities will also help to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect of their inherent dignity. In turn, this will ensure a more effective and inclusive participation in society of persons with disabilities as envisaged by the UNCRPD.

This proposal implies the processing of personal data, in particular the data concerning the card holder's disability status. Processing the personal data of individuals, including the collection, access, and use of personal data, affects the right to privacy and the right to

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<sup>34</sup> See for further details: Chapter 6 'What are the impacts of the policy options?' and Annex 5: Competitiveness check of the Impact Assessment Report, SWD(2023) 289.

<sup>35</sup> Due to the lack of disaggregated data it is unfortunately not possible at this stage to measure any impact on gender.

protection of personal data under Article 7 and Article 8 of the Charter. Interference with these fundamental rights is necessary and genuinely meets the objective of general interest recognised by the Union law.

As regards the right to the protection of personal data, Member States authorities issuing the cards will be the controllers of the data. Member States should ensure, when implementing this Directive, that their national legislation provides for appropriate safeguards applicable to the processing of personal data, in particular personal data concerning a card holder's disability status, in line with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>36</sup>. The Member States should also ensure the security, authenticity and confidentiality of the personal data collected and stored for the purpose of this Directive. Further security measures for personal data may be provided for through an implementing act, when the digital features and digital format will be set up. For the purposes of the proposed Directive, personal data need only to be provided on the physical card and, once its format and specifications have been set, included in the digital card issued.

#### **4. BUDGETARY IMPLICATIONS**

The proposal has very limited budgetary implications for the EU budget. The only operational costs relate to the organisation of committee and expert group meetings, as well as support for the checks of national transposition measures, i.e. operational appropriation of EUR 0.62 million under existing budget line, as well as administrative expenditure of around EUR 0.342 million per year. This expenditure will entail an internal redeployment of funds with no increase in the amount.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

In case the proposal is approved, Member States will have to notify to the Commission, within six months after its entry into force, the body (or bodies) designated to issue, renew and withdraw the European Disability Card and the European Parking Card for persons with disabilities, as well as the conditions for issuing such cards or declaring the cards invalid.

Member States will have to communicate to the Commission all the information necessary for the Commission to draw up its regular report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the application of the Directive.

- **Explanatory documents (for directives)**

The proposal does not require any explanatory documents for its transposition into national law.

- **Detailed explanation of the specific provisions of the proposal**

Article 1 describes the subject matter.

Article 2 on scope relates to the material scope and describes which services, activities and facilities, including when provided not for remuneration, are covered. It reiterates that Member States remain competent to assess disability status and to issue the European

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<sup>36</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Disability Card and the European Parking Card for persons with disabilities, to determine the procedures for issuing them respecting the common elements provided for in Articles 6 and 7, and to decide whether or not to grant special benefits or specific, special conditions or preferential treatment for persons with disabilities and, where applicable, person(s) accompanying or assisting them. It also clarifies the subject matter by excluding social security benefits.

Article 3 contains key definitions.

Article 4 lists the beneficiaries, while Article 5 provides for equal access to special conditions or preferential treatment for holders of the European Disability Card and the European Parking Card for persons with disabilities and person(s) accompanying or assisting them, including those recognised as personal assistant(s) in accordance with national legislation or practices.

Articles 6 and 7 set out the format, procedures and administrative formalities for the European Disability Card and the European Parking Card for persons with disabilities respectively. They relate to the introduction and validity of the cards and set out the respective formats that are included in Annexes. Both articles empower the Commission to adopt delegated acts to set out detailed provisions on the digitalisation of the Cards.

Article 8 provides for the possibility to adopt common technical specifications to further specify the format of the cards as well as the format of future digital elements.

Article 9 sets out the relevant provisions for surveillance, compliance and accessible information with respect to the use of the card, including in the case of risk of forgery or fraud.

Article 10 requires Member States to identify the competent authorities that will issue the cards.

Articles 11 and 12 set out the rules and procedures for the exercise of delegation by the Commission and the implementing acts set out in articles 6, 7 and 8.

Articles 13 and 14 relate to enforcement and penalties, allowing organisations representing persons with disabilities and other public bodies with legitimate interests also to take action to ensure compliance with the Directive. Penalties should be accompanied by remedial action, as it is important to remedy problems encountered in the use of the cards and to take steps for future improvement.

Article 15 contains accompanying measures for access to information and awareness raising, including accessibility of the information.

Article 16 relates to reporting and review and obligations for the first and subsequent reports on the application of the Directive.

Article 17 stipulates that the current European parking card for persons with disabilities recommendation shall become obsolete and ceases to apply.

Articles 18 and 19 provide for transposition and entry into force.

Annexes I and II describe respectively the European Disability Card and the European Parking Card for persons with disabilities, and set out their format and design.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the European Disability Card and the European Parking Card for persons with disabilities**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,  
Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1) and 62, Article 91 and Article 21(2) TFEU thereof,  
Having regard to the proposal from the European Commission,  
After transmission of the draft legislative act to the national parliaments,  
Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,  
Having regard to the opinion of the Committee of the Regions<sup>2</sup>,  
Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The European Union is founded on the values of human dignity, freedom, and respect of human rights and committed to combating discrimination, including on the grounds of disability, as set out in the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and the Charter of Fundamental Rights of the European Union (the ‘Charter’).
- (2) In Article 26 of the Charter, the Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.
- (3) Every citizen of the Union has the fundamental right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give effect to them.
- (4) According to the Court of Justice of the European Union, citizenship of the Union is destined to be the fundamental status of nationals of the Member States when exercising the right to move and reside within the territory of the Member States, enabling those who find themselves in the same situation to enjoy, within the scope *ratione materiae* of the TFEU, the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for.
- (5) The Union is a Party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>3</sup>, and is bound by its provisions which are an integral part of

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

the Union legal order to the extent of its competences. All the Member States are Parties to the UNCRPD and are bound by it also to the extent of their competences.

- (6) The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect of their inherent dignity, thus ensuring their full and effective participation and inclusion in society on an equal basis with others. The UNCRPD also recognises the importance of the need to take appropriate measures to ensure accessibility to persons with disabilities.
- (7) The European Pillar of Social Rights, proclaimed by the European Parliament, the Council and the European Commission at Gothenburg on 17 November 2017<sup>4</sup> provides that everyone, *inter alia* regardless of disability, has the right to equal treatment and opportunities regarding, among others, access to goods and services available to the public (principle 3). In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to services that enable them to participate in society (principle 17).
- (8) Directive (EU) 2019/882 of the European Parliament and the Council<sup>5</sup> (the ‘European Accessibility Act’) aims to improve access to products and services by eliminating and preventing barriers arising from divergent accessibility requirements in the Member States, thus contributing to increasing the availability of accessible products and services in the internal market, including access to websites and mobile device based service of certain public services<sup>6</sup>, and improve the accessibility of relevant information. In addition, Union law also guarantees the right to non-discrimination in access to transport and other rights such as the right to receive assistance free of charge for passengers with disabilities and reduced mobility travelling by air<sup>7</sup>, rail<sup>8</sup>, waterborne means of transport<sup>9</sup>, or bus and coach<sup>10</sup>. Union law also enables the Member States to provide for reduced fees or user charges for toll roads/bridges/tunnels as well as exemptions from the obligation to pay such fees or user charges for or any vehicle used or owned by persons with disabilities as concerns the roads subject to road charging<sup>11</sup>.

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<sup>3</sup> Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, OJ L 23, 27.1.2010, p. 35.

<sup>4</sup> Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C 428, 13.12.2017, p. 10.

<sup>5</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, (OJ L 150, 7.6.2019, p. 70).

<sup>6</sup> In addition, Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies, aims to improve the accessibility of public sector bodies websites and their mobile apps.

<sup>7</sup> 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, OJ L 204, 26.7.2006, p. 1.

<sup>8</sup> Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations OJ L 172, 17.5.2021, p. 1.

<sup>9</sup> Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, OJ L 334, 17.12.2010, p. 1.

<sup>10</sup> Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

<sup>11</sup> European Parliament and Council, Directive (EU) 1999/62/EC and European Parliament and Council Directive (EU) 2022/362 amending Directives 1999/62/EC, 1999/37/EC and (EU) 2019/520, as regards the charging of vehicles for the use of certain infrastructures.

- (9) Persons with disabilities may apply to competent authorities in the Member State in which they reside for the recognition of disability status as this is a matter within their competence. Each Member State and its respective competent authorities have a disability assessment procedure which differs from Member State to Member State. Where the competent authorities recognise the disability status of an applicant, they issue a disability certificate, a disability card or other formal document recognising the applicant's disability status.
- (10) Due to the lack of recognition of disability status between Member States, persons with disabilities may face specific difficulties when exercising their fundamental rights of free movement.
- (11) Persons with disabilities moving for longer periods to other Member States for employment, study or other purposes, except where otherwise provided by law or agreed among Member States, may have their disability status assessed and formally recognised by the competent authorities in the other Member State and may receive a disability certificate, a disability card or any other formal document recognising their disability status in accordance with applicable rules of that Member State.
- (12) However, persons with recognised disability status travelling to or visiting for a short period of time a Member States other than the Member State in which they reside, may encounter significant difficulties, if their disability status is not recognised in the Member State they travel to or visit and if they do not hold a certificate, disability card or any other formal document recognising their disability status in the host Member State, in order to benefit from special conditions and/or preferential treatment offered there.
- (13) In this case, persons with disabilities travelling to or visiting another Member State are put at a disadvantage when exercising their free movement rights as compared to persons with disabilities holding a disability certificate, a disability card or any other formal document recognising their disability status in the Member State they travel to or visit.
- (14) Furthermore, not knowing whether and, if so, to what extent their disability status and formal documents recognising this status may be recognised when travelling to or visiting another Member State, creates uncertainty for them. Ultimately, persons with disabilities may be deterred from exercising their rights of free movement.
- (15) Alongside physical and other barriers in accessing both public and private spaces, high expenses are a key factor discouraging many persons with disabilities from travel<sup>12</sup>, because they have specific needs and may also require person(s) accompanying or assisting them including those recognised as personal assistant(s) in accordance with national legislation or practices, making their travel costs higher than for persons without disabilities<sup>13</sup>. The lack of recognition of disability status in other Member States might limit their access to special conditions, such as free access or reduced tariffs, or preferential treatment and has an impact on their travel costs, lives and choices.

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<sup>12</sup> Findings from Final Report based on Survey targeted at EU-level CSOs; Shaw and Coles, 'Disability, holiday making and the tourism industry in the UK: a preliminary survey', 25(3) *Tourism Management* (2004) 397-403; Eugénia Lima Devile and Andreia Antunes Moura (2021), *Travel by People With Physical Disabilities: Constraints and Influences in the Decision-Making Process*.

<sup>13</sup> McKercher and Darcy (2018), *Re-conceptualizing barriers to travel by people with disabilities, Tourism Management Perspectives*, 59-66. [More for Explanatory Memorandum?]



- (16) Preferential treatment (such as personal assistance, priority access, etc.) offered with or without remuneration may be important for persons with disabilities to be able to access various services, activities or facilities and to better experience them. However, due to the lack of recognition, in the Member State they visit or travel to, of their disability status and of formal documents recognising this status issued in other Member States, persons with disabilities may not be able to benefit from the special conditions or preferential treatment offered by private operators or public authorities in that Member State to holders of a disability certificate, disability card or any other formal document recognising their disability status issued there.
- (17) The Pilot Project on the EU Disability card launched in 2016 and carried out in eight Member States, demonstrated the advantages for persons with disabilities in accessing services in the areas of culture, leisure, sport, and, in some cases, transport, and supporting their cross-border movement in the EU for a short period<sup>14</sup>. In addition, it included other examples of services, activities and facilities which offer special conditions or preferential treatment to persons with disabilities.
- (18) On the basis of their disability status, persons with disabilities may apply for a parking card to competent authorities in the Member State in which they reside for the issuance of a parking card for person with disabilities which recognises the right to certain parking conditions and facilities reserved for persons with disabilities. Each Member State has in place an application procedure, be it at local, regional or national level, to obtain a parking card for person with disabilities (or person(s) accompanying or assisting them including personal assistant(s)) and criteria which must be fulfilled in order to be eligible.
- (19) Council Recommendation 98/376/EC<sup>15</sup> has provided for a European model of a parking card for persons with disabilities, which has facilitated the recognition of the parking card across Member States. However, its implementation and the inclusion of national specific additions or deviations from the recommended model have led to a variety of different cards. This hinders the cross-border recognition of the cards across Member States, hampering the access of persons with disabilities to parking conditions provided and facilities reserved for persons with disabilities who are holders of a parking card in other Member States. Moreover, the Council Recommendation has not been updated to reflect ongoing technological and digitalisation developments. Member States also experience problems with fraud and forgery of the cards, as the format is usually quite simple and easily forged and in practice different in each Member States, which makes it difficult to verify.
- (20) In order to facilitate the access by persons with disabilities to special conditions or preferential treatment related to services, activities and facilities, including when provided not for remuneration, in other Member States, remaining barriers and difficulties in travelling to or visiting another Member State due to the lack of recognition of their disability status and of formal documents recognising this status issued in other Member States and parking rights should be removed.

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<sup>14</sup> See also the Final Report of the Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits, published in May 2021, <https://op.europa.eu/en/publication-detail/-/publication/4adbe538-0a02-11ec-b5d3-01aa75ed71a1/language-en>.

<sup>15</sup> Council Recommendation of 4 June 1998 on a parking card for people with disabilities (OJ L 167, 12.6.1998, p. 25), as adapted by Council Recommendation of 3 March 2008 by reason of 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 OJ L 63/43, 7.3.2008.

- (21) Therefore, in view of facilitating the exercise by persons with disabilities when travelling to or visiting another Member State for a short period, of the rights to access special conditions or preferential treatment offered by private operators or public authorities without discrimination on grounds of nationality on the same basis as persons with disabilities in that Member State, and in view of facilitating the use of transport and benefiting from parking conditions and facilities reserved for persons with disabilities on the same basis as in that Member State, it is necessary to establish the framework, rules and common conditions, including a common standardised model, for a European Disability Card as proof of recognised disability status and for a European Parking Card for persons with disabilities, as proof of their recognised right to parking conditions and facilities reserved for persons with disabilities.
- (22) Mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities should facilitate and guarantee persons with recognised disability status in a Member State, access to special conditions or preferential treatment offered by private operators or public authorities in a variety of services, activities and facilities, including when not provided for remuneration, as well as access to parking conditions and facilities reserved for persons with disabilities, on equal terms and conditions as those provided for on the basis of national certificates, disability cards or other formal documents recognising disability status and parking cards for persons with disabilities issued by the competent authorities in the host country.
- (23) Beside parking conditions and facilities, the services, activities and facilities covered by this Directive concern a wide variety of ever-changing activities, including activities provided not for remuneration, by public authorities or private operators, either on a mandatory (on the basis of national/local rules or legal obligations) but often also on a voluntary basis (in particular by private operators) in a variety of policy domains, such as culture, leisure, tourism, sports, public and private transport, education.
- (24) Examples of special conditions or preferential treatment include free access, reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels, priority access, designated seats in parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals, assistance on the beach to enter the water, support (such as access to braille, audio guides, sign language interpretation), provisions of aids or assistance, loan of a wheelchair, loan of a floating wheelchair, obtaining tourist information in accessible formats, using a mobility scooter on roads or a wheelchair in bike lanes without a fine, etc. Parking conditions and facilities include extended parking or reserved parking spaces. With respect to passenger transport services, in addition to the special conditions or preferential treatment offered to persons with disabilities, in accordance with national legislation or practices, assistance animals, personal assistants or other persons accompanying or assisting persons with disabilities (or reduced mobility) may travel free of charge or be seated, where practicable next to the person with disabilities.
- (25) The issuance of the European Disability Card and the European Parking Card for persons with disabilities in a Member State is to be determined by this Directive together with that Member State's applicable procedures and competences for the assessment and recognition of disability status and parking rights for persons with disabilities.

- (26) In addition to the physical format, Member States should provide for a digital card when format and specifications have been set via delegated and implementing acts, after proposal by the Commission. Such proposal should build on the experience of past and ongoing work at European level on digitalisation of certificates and documents, such as the EU Digital COVID Certificate set up under Regulation (EU) 2021/953 and enable the use of the European Disability Card and the European Parking Card via EU Digital Identity Wallets<sup>16</sup>. Persons with disabilities should be given the option to use either the digital or physical one, or both.
- (27) The issuance of the European Disability Card and the European Parking Card for persons with disabilities entails the processing of personal data, including in particular the data concerning the card holder's disability status, which constitutes 'data concerning health' within the meaning of Article 4(15) of Regulation (EU) 2016/679<sup>17</sup> and is a special category of personal data within the meaning of Article 9 of that Regulation. Any personal data processing in the context of this Directive should comply with applicable data protection legislation, in particular Regulation (EU) 2016/679. When transposing this Directive, the Member States should ensure that the national legislation include appropriate safeguards applicable to the processing of personal data, in particular special categories of personal data. The Member States should also ensure the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Directive
- (28) The Member State responsible for issuing the European Disability Card or the European Parking Card for persons with disabilities should be the one where the person habitually resides within the meaning of Regulations (EC) Nos 883/2004 of the European Parliament and of the Council<sup>18</sup> and (EC) No 987/2009 of the European Parliament and of the Council<sup>19</sup> and received the assessment of their disability status. Holders of a European Disability Card or European Parking Card for persons with disabilities should be able to use the cards during their stay in any other Member State.
- (29) In order to guarantee that workers with disabilities can effectively exercise their rights to free movement fully and also enjoy services, activities and facilities offered by Member States, including when provided not for remuneration, the European Disability Card and the European Parking Card for persons with disabilities should also be available to workers who travel to or visit another Member State for work-related purposes.
- (30) The envisaged framework for mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities does not impinge on the competences of a Member State to assess and recognise the disability status and to grant special conditions, such as free access, reduced tariffs or preferential treatment for persons with disabilities and/or person(s) accompanying or assisting them including personal assistant(s). It does not cover social security benefits, social

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<sup>16</sup> COM(2021) 281final

<sup>17</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>18</sup> Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1)

<sup>19</sup> 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 (OJ L 284, 30.10.2009, p. 1).

protection or social assistance covered by Article 24(2) of Directive 2004/38/EC of the European Parliament and of the Council<sup>20</sup>.

- (31) In order to raise awareness and facilitate access to special conditions or preferential treatment, while travelling to or visiting another Member State, all relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and/or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available in a clear, comprehensive, user-friendly manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882. Private operators or public authorities granting special conditions or preferential treatment to persons with disabilities should make such information publicly available in a clear, comprehensive, user-friendly manner and accessible formats, for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882.
- (32) Member States should take all the necessary steps to avoid any risk of forgery or fraud when issuing the European Disability Card or the European Parking Card for persons with disabilities and should actively combat fraudulent use and forgery of these cards.
- (33) In order to ensure the proper application of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement the directive to set the digital format of the European Disability Card and the European Parking Card for persons with disabilities, and to amend Annexes I and Annex II in order to modify the common features of the standardised format, adapt the format to technical developments, prevent forgery and fraud and ensure interoperability.
- (34) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission with regards to establishing common technical specifications further specifying the respective formats of the European Disability Card and the European Parking Card for persons with disabilities, their respective security and digital features, as well as interoperability matters. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>21</sup>.
- (35) Member States should ensure that adequate and effective means exist to ensure compliance with this Directive and should therefore establish appropriate remedies, including checks on compliance and administrative and judicial procedures, to guarantee that persons with disabilities, person(s) accompanying or assisting them including personal assistant(s), as well as public bodies or private associations, organisations or other legal entities which have a legitimate interest may take action on behalf of a person with disabilities under national law.

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<sup>20</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77.

<sup>21</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (36) Member States should take appropriate measures and provide for effective, proportionate and dissuasive penalties in the event of breaches or failure to comply with the obligations laid down in this Directive and that relates to the rights which are within its scope. Such penalties can include administrative and financial sanctions, such as fines or the payment of compensation, as well as other types of penalties.
- (37) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter. Notably, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of Article 26 of the Charter-
- (38) Since the objective of this Directive, namely to enhance the possibilities for persons with disabilities to travel to or visit another Member States, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action establishing a framework with rules and common conditions, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### *Article 1*

##### ***Subject matter***

This Directive lays down:

- (a) the rules governing the issuance of the European Disability Card and the European Parking Card for persons with disabilities as proof respectively of a disability status or of a right to parking conditions and facilities reserved for persons with disabilities, in view of facilitating short stays of persons with disabilities in a Member State other than that of which they are a resident, by granting them access to any special conditions or preferential treatment with respect to services, activities or facilities, including when provided not for remuneration, or parking conditions and facilities offered to or reserved for persons with disabilities or person(s) accompanying or assisting them including their personal assistant(s);
- (b) common templates for the European Disability Card and the European Parking Card for persons with disabilities.

#### *Article 2*

##### ***Scope***

1. This Directive shall apply to parking conditions and facilities and to all situations where special conditions or preferential treatment are offered by private operators or public authorities to persons with disabilities as regards access to the following services, activities and facilities:
- services within the meaning of Article 57 TFEU,

- passenger transport services,
  - other activities and facilities, , including where not provided for remuneration.
2. This Directive does not apply to:
    - (a) benefits in the area of social security under Regulations (EC) No 883/2004 and (EC) No 987/2009;
    - (b) special contributory or non-contributory cash benefits or benefits in kind in the area of social security, social protection or employment;
    - (c) social assistance covered by Article 24(2) of Directive 2004/38/EC.
  3. This Directive does not affect Member States' competence to determine the conditions for assessing and recognising disability status, or for granting the right to parking conditions and facilities reserved for persons with disabilities. It does not affect Member States' competence to issue in addition at national, regional or local level, a certificate, a disability card or any other formal document for persons with disabilities.
  4. This Directive does not impinge on national competences to grant or require to grant special benefits or specific, preferential conditions, such as free access, reduced tariffs, or preferential treatment for persons with disabilities and, where provided, for person(s) accompanying or assisting them including their personal assistant(s).
  5. This Directive shall be without prejudice to the rights that persons with disabilities or person(s) accompanying or assisting them, including their personal assistant(s), may derive from other provisions of Union law or national law implementing Union law, including those granting specific benefits, special conditions, or preferential treatment.

### *Article 3*

#### *Definitions*

For the purpose of this Directive, the following definitions shall apply:

- (a) “Union citizen” means any person having the nationality of a Member State;
- (b) “family member of a Union citizen” means a member of the family, whichever the(ir) nationality, of a Union citizen exercising his or her right to free movement in accordance with Union rules;
- (c) “persons with disabilities” means persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- (d) “personal assistant” is a person accompanying or assisting persons with disabilities who is recognised in accordance with the national legislation or practices as such;
- (e) “special conditions or preferential treatment” means specific conditions, including those related to financial conditions, or differentiated treatment related to assistance and support such as free access, reduced tariffs, priority access, offered to persons with disabilities and/or, when applicable, to

person(s) accompanying or assisting them including personal assistant(s) or assistance animals recognised in accordance with the national legislation or practices as such, irrespective whether provided on a voluntary basis or imposed by legal obligations;

- (f) “parking conditions and facilities” means any parking space reserved for persons with disabilities in general as well as associated parking benefits for, or preferential conditions afforded to, persons with disabilities, such as free parking, reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels or extended parking spaces irrespective of whether provided on a voluntary basis or imposed by legal obligations.

#### *Article 4*

#### ***Beneficiaries***

This Directive shall apply to:

- (a) Union citizens and family members of Union citizens whose disability status is recognised by the competent authorities in the Member State of their residence by means of a certificate, a card or any other formal document issued in accordance with national competences, practices, and procedures, as well as, when applicable, to person(s) accompanying or assisting them including personal assistant(s),
- (b) Union citizens and family members of Union citizens whose rights to parking conditions and facilities reserved for persons with disabilities are recognised in their Member State of residence by way of a parking card or another document issued in accordance with national competences, practices, and procedures as well as, when applicable, to person(s) accompanying or assisting them including personal assistant(s).

#### *Article 5*

#### ***Equal access to special conditions or preferential treatment and to parking conditions and facilities for persons with disabilities***

1. Member States shall take the necessary measures to ensure that holders of a European Disability Card, while travelling to or visiting a Member State other than that of which they are a resident, shall be granted access on equal terms and conditions as those provided to persons with disabilities who are holders of a disability certificate, disability card or any other formal document recognising their disability status in that Member State, to any special conditions or preferential treatment offered with respect to the services, activities and facilities referred to in Article 2(1).
2. Member States shall take the necessary measures to ensure that holders of a European Parking Card for persons with disabilities while travelling to or visiting a Member State other than that of which they are a resident, shall be granted access to parking conditions and facilities reserved for persons with disabilities on equal terms and conditions as those provided for in that Member State to its holders of parking cards issued in that Member State.

3. Unless specified otherwise in the relevant provisions of this Directive or in other Union law, Member States shall take the necessary measures to ensure that:
  - (a) when special conditions or preferential treatment referred to in paragraph 1 of this Article include favourable conditions for person(s) accompanying or assisting them including personal assistant(s) or specific conditions for assistance animals, these favourable or specific conditions are granted on equal terms and conditions to the person(s) accompanying or assisting them, including personal assistant(s) or assistance animals of the holder of a European Disability Card;
  - (b) when parking conditions and facilities referred to in paragraph 2 of this Article include favourable conditions for person(s) accompanying or assisting them including personal assistant(s), these favourable conditions are granted on equal terms and conditions to the person(s) accompanying or assisting them, including personal assistant(s) of the holder of the European Parking Card for persons with disabilities.

## **CHAPTER II**

### **EUROPEAN DISABILITY CARD AND EUROPEAN PARKING CARD FOR PERSONS WITH DISABILITIES**

#### *Article 6*

##### *Format, mutual recognition, issue and validity of the European Disability Card*

1. Each Member State shall introduce the European Disability Card following the common standardised format set out in Annex I. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Disability Card, as soon as the requirements concerning the digital features referred to in Annex I, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European Disability Card in Annex I.
2. European Disability Cards issued by Member States shall be mutually recognised in all Member States.
3. Competent authorities in the Member States shall issue, renew or withdraw the European Disability Card in accordance with their national rules, procedures and practices. Without prejudice to Regulation (EU) 2016/679, Member States shall ensure the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Directive. The competent authority responsible for issuing the European Disability Card shall be considered as the controller referred to in Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of personal data. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of breaches of obligations with regard to personal data.
4. The European Disability Card shall be issued or renewed by the Member State of residence directly or upon application by the person with disabilities. It shall be issued and renewed within the same period set in the applicable national legislation



for issuing disability certificates, disability cards or any other formal document recognising the disability status of a person with disabilities.

5. The European Disability Card shall be issued as a physical card and shall be complemented by a digital format upon adoption of the delegated acts referred to in paragraph 7. Persons with disabilities shall be given the option to use either the digital or physical card, or both.
6. The validity of the European Disability Card issued by a Member State shall be at least for the same duration as that of the disability certificate, disability card or any other formal document with the longest duration recognising their disability status issued to the person concerned by the competent authority of the Member State in its territory.
7. The Commission is empowered to adopt delegated acts in accordance with Article 11 to supplement this Directive in order to set the digital format of the European Disability Card and ensure interoperability, and to amend Annex I in order to modify the common features of the standardised format, adapt the format to technical developments, introduce digital features in order to prevent forgery and fraud, address abuse or misuse and ensure interoperability.

#### *Article 7*

#### ***Format, mutual recognition, issue and validity of the European Parking Card for persons with disabilities***

1. Each Member State shall introduce the European Parking Card for persons with disabilities following the common standardised format set out in Annex II. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Parking Card for persons with disabilities, as soon as the requirements concerning the digital features referred to in Annex II, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European Disability Card in Annex II.
2. European Parking Cards for persons with disabilities issued by Member States shall be mutually recognised in all Member States.
3. Competent authorities in the Member States shall issue, renew, or withdraw the European Parking Card for persons with disabilities in accordance with their national rules, procedures and practices. Without prejudice to Regulation (EU) 2016/679, Member States shall ensure the security, authenticity and confidentiality of the personal data collected and stored for the purpose of this Directive. The competent authority responsible for issuing the European parking Card for persons with disabilities shall be considered as the controller referred to in Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of personal data. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of breaches of obligations with regard to personal data.
4. The European Parking Card for persons with disabilities shall be issued or renewed by the Member State of residence upon application by the person with disabilities. It shall be issued or renewed within a reasonable period from the date of the application which shall not exceed 60 days.

5. Member States shall take the necessary measures to ensure that the European Parking Card for persons with disabilities replaces all existing valid parking cards, issued in accordance with the Council Recommendation on parking cards for persons with disabilities<sup>22</sup> at national, regional or local level at the latest by dd/mm/yy [*date of application of this Directive*].
6. The European Parking Card for persons with disabilities shall be issued or renewed as a physical card and shall be complemented by a digital format upon adoption of the delegated acts referred to in paragraph 7. Persons with disabilities shall be given the option to use either the digital or physical card, or both.
7. The Commission is empowered to adopt delegated acts in accordance with Article 11 to supplement the Directive in order to set the digital format of the European Parking Card for persons with disabilities and ensure interoperability, including through the development and deployment of digital tools, and to amend Annex II in order to modify the common features of the standardised format, adapt the format to technical developments, prevent forgery and fraud, address abuse or misuse and ensure interoperability, including through the development and deployment of digital tools.

### **CHAPTER III**

#### **COMMON PROVISIONS**

##### *Article 8*

##### ***Common technical specifications***

1. The Commission shall adopt implementing acts establishing common technical specifications for further specifying the formats of the European Disability Card and European Parking Card for persons with disabilities, their respective security and state of the art digital features including their specific format and, the data contained therein, including the appropriate security measures for the personal data, as well as interoperability matters, such as common EU applications for reading the data contained in digital features in physical cards using electronic means addressing fraud-prevention, as well as for defining the technical specifications of the digital card storage medium, for matters such as verifying the validity of the cards and their number, for controlling their authenticity, for preventing forgery and fraud, reading of the card(s) between Member States, for their use in the EU Digital Identity Wallet as well as for ensuring accessibility for persons with disabilities to any data in the cards.
2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

##### *Article 9*

##### ***Surveillance, compliance, accessibility of information and awareness raising***

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<sup>22</sup> Council Recommendation of 4 June 1998 (98/376/EC) OJ L 167/25,12.6.1998 as adapted by Council Recommendation of 3 March 2008 by reason of 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 OJ L 63/43,7.3.2008.

1. Member States shall make the conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible formats, including in digital formats, and upon request in assistive formats requested by persons with disabilities.
2. Member States shall take appropriate measures to raise awareness among the public and inform persons with disabilities, including in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.
3. Member States shall take all necessary steps to avoid the risk of forgery or fraud and shall actively combat the fraudulent use and forgery of the European Disability Card and European Parking Card for persons with disabilities.
4. Member States shall take the necessary measures to ensure that holders of a European Disability Card or European Parking Card for persons with disabilities return their cards to the competent authority once the conditions under which they were issued are no longer fulfilled.
5. Member States shall take the necessary measures to ensure that in case they encounter cases of abuse or misuse of the cards issued by another Member State on their territory, the competent authorities in the Member State who issued the European Disability Card or European Parking Card for persons with disabilities are informed. The Member State of issuance shall ensure appropriate follow-up in accordance with national law or practice.
6. Member States shall carry out checks on compliance with the obligations deriving from the European Disability Card or European Parking Card for persons with disabilities and with the corresponding rights of persons with disabilities holding those cards and person(s) accompanying or assisting them including their personal assistant(s).
7. The information referred to in paragraph 1 and 2 of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through private operators' or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.

#### *Article 10*

##### ***Competent authorities***

By dd/mm/yy [*within six months after the entry into force of this Directive*], Member States shall notify to the Commission the competent authorities designated to issue, renew and withdraw the European Disability Card and the European Parking Card for persons with disabilities.

## **CHAPTER IV**

### **DELEGATED AND IMPLEMENTING POWERS**

#### *Article 11*

##### ***Exercise of the delegation***

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 6(7) and Article 7(7) shall be conferred on the Commission for an indeterminate period of time from [*date of entry into force of this directive*].
3. The delegation of power referred to in Articles 6(7) and Article 7(7) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 6(7) and Article 7(7) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

#### *Article 12*

##### ***Committee procedure***

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

## **CHAPTER V**

### **FINAL PROVISIONS**

#### *Article 13*

##### ***Enforcement***

1. Member States shall ensure that adequate and effective means exist to ensure compliance with this Directive.
2. The means referred to in paragraph 1 shall include:
  - (a) provisions whereby persons with disabilities may take action under national law before the courts or before the competent administrative bodies in case of violations of their rights under this Directive and in national provisions implementing this Directive;

- (b) provisions whereby public bodies or private associations, organisations or other legal entities which have a legitimate interest in ensuring that the provisions of this Directive are complied with may take action in accordance with national law and procedures before the courts or before the competent administrative bodies on behalf or in support of a person with disabilities, with his or her approval, in any judicial or administrative proceedings provided for the enforcement of obligations under this Directive.

#### *Article 14*

##### ***Penalties***

1. Member States shall lay down the rules on penalties applicable to violations of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.
2. The penalties provided for must be effective, proportionate and dissuasive and be accompanied by effective remedial action.
3. Member States shall notify the Commission of these provisions no later than by dd/mm/yy [*date of transposition*] and without delay of any subsequent amendments to them.

#### *Article 15*

##### ***Access to information***

1. Member States shall ensure that private operators or public authorities make information on any special conditions or preferential treatment pursuant to Article 5 publicly available in accessible formats.
2. Member States shall encourage private operators or public authorities to voluntarily provide special conditions or preferential treatment for persons with disabilities.
3. The information referred to in paragraph 1 of this article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.

#### *Article 16*

##### ***Reporting and review***

1. By dd/mm/yy [*three years after the date of application of this Directive*], and every five years thereafter, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.
2. The report shall address, inter alia, in the light of social, economic developments the use of the European Disability Card and European Parking Card for persons with disabilities with a view to assessing the need to review this Directive.
3. Member States shall communicate to the Commission, at its request and in due time, all the information necessary for the Commission to draw up such a report.

4. The Commission's report shall take into account the viewpoints of persons with disabilities, economic stakeholders and relevant non-governmental organisations, including organisations representing persons with disabilities.

*Article 17*

***Obsolescence of Council Recommendation 98/376/EC***

Council Recommendation 98/376/EC shall become obsolete with effect from dd/mm/yy [*the date of application of this Directive*] and shall cease to be applied from that date.

*Article 18*

***Transposition***

1. Member States shall adopt and publish, by dd/mm/yy [*within 18 months after the entry into force of this Directive*] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.
2. They shall apply those provisions from dd/mm/yy [*30 months from the date of entry into force of this Directive*].
3. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

*Article 19*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 20*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

# **LEGISLATIVE FINANCIAL STATEMENT**

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## 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

### 1.1. Title of the proposal/initiative

Proposal for a Directive of the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities

### 1.2. Policy area(s) concerned

Rights of persons with disabilities  
Access to services, passenger transport services, activities and facilities of persons with disabilities  
Free movement of persons with disabilities

### 1.3. The proposal/initiative relates to:

- a new action
- a new action following a pilot project/preparatory action<sup>59</sup>
- the extension of an existing action
- a merger or redirection of one or more actions towards another/a new action

### 1.4. Objective(s)

#### 1.4.1. General objective(s)

The general objective of the proposal is to facilitate the free movement of holders of a European Disability and/or Parking Card when visiting or travelling to another Member State by the mutual recognition of their disability status and grant access to services, activities and facilities or parking conditions and facilities for persons with disabilities in the EU on equal terms and conditions as those provided to persons with disabilities in that Member State.

#### 1.4.2. Specific objective(s)

Specific objective 1: The proposal aims to provide holders of the European Disability Card with access on equal terms and conditions in the Member State visited or of travel to any special preferential conditions or preferential treatment with respect to services, activities and facilities offered to persons with disabilities.

Specific objective 2: The proposal aims to provide holders of the European Parking Card for persons with disabilities with access on equal terms and conditions in the Member State visited or of travel to any parking conditions and facilities offered to or reserved for persons with disabilities.

<sup>59</sup> As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

### 1.4.3. *Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

Increased number of persons with disabilities benefitting from special conditions and/or preferential treatment offered to persons with disabilities with respect to services, activities and facilities when visiting or travelling to other Member States;

Increased number of persons with disabilities benefitting from any parking conditions and facilities offered to or reserved for persons with disabilities when visiting or travelling to other Member States;

Increased number of persons with disabilities travelling to or visiting other Member States.

### 1.4.4. *Indicators of performance*

*Specify the indicators for monitoring progress and achievements.*

Number of Member States having transposed the Directive to date

Number of European Disability Cards issued by Member States

Number of European Parking Cards for persons with disabilities issued by Member States

## 1.5. **Grounds for the proposal/initiative**

### 1.5.1. *Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative*

The main requirement to be met in the short term is reaching an agreement on the legislative proposal by the co-legislators, in the course of 2024. The proposal contains a [18-months deadline] for the transposition of the adopted legal act by the Member States.

The proposal also envisages the adoption of delegated and implementing acts.

### 1.5.2. *Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention, which is additional to the value that would have been otherwise created by Member States alone.*

EU action is needed and justified to facilitate the free movement of persons with disabilities to access special conditions and/or preferential treatment for services, activities and facilities as well as parking conditions and facilities across all Member States on an equal basis with residents of the country they are visiting, and, by doing so, to improve the functioning of the single market for services, activities and facilities at EU level.

The problem identified has a cross-border dimension that cannot be solved by the Member States on their own. Since the introduction of the EU parking card in 1998,

the Member States have included national specific additions or deviations from the EU model parking card, which has led to a variety of cards across Member States. In addition, Member States have experienced problems with fraud and forgery of the cards. Moreover, the Council Recommendation has not been updated to reflect ongoing technological and digitalisation developments.

While the EU Disability Card pilot project worked among the 8 participating Member States, it lacked a broader EU-wide dimension, creating significant uncertainty and unequal treatment of persons with disabilities travelling and visiting different Member States. As the pilot project card and its model are voluntary, the same problems of divergence as with the parking card would likely develop over time.

The necessity of EU action is directly linked to the cross-border nature of travel and related challenges faced by persons with disabilities travelling in the EU, thus the need to ensure an adequate coordinated approach among Member States in facilitating access to preferential conditions offered by services on an equal basis to residents in their country. As such, should the EU not intervene, current differences in national disability cards would increase, thus the different treatment of persons with disabilities across the Member States and inherent uncertainty (including legal uncertainty) would remain, with adverse effects on the exercise of their free movement rights.

EU action adds value by introducing a mutually recognised instrument (the European Disability Card), facilitating the free of movement for persons with disabilities in the EU and their equal treatment when accessing services, activities and facilities compared to residents with disabilities across Member States. The evaluation study on the pilot EU Disability Card showed that in the eight Member States participating in the project, the EU action has enabled mutual recognition of disability status that would not have been achieved by Member States acting alone. In this light, the intervention of the European Commission contributed to the implementation of the European Disability Strategy 2010-2020.

### 1.5.3. *Lessons learned from similar experiences in the past*

The European Disability Card builds on two instruments already in place: the EU parking card and the EU Disability Card pilot. The **EU parking card for people with disabilities** was created by Council recommendation 98/376/EC and amended in 2008. It provides for a standardised model of EU parking card with a view of ensuring its mutual recognition across the Member States, hence facilitating the free movement of persons with disabilities by car. Despite its positive role, users are facing difficulties in the use of the EU parking card. From 2018 to 2022, around 260 enquiries about the EU parking card were submitted on the SOLVIT platform. Such complaints mainly regarded uncertainties as to the rights granted by the card to persons with disabilities when travelling to other Member States (around 30% of cases), mutual recognition of national parking cards, issued based on the EU model (around 25% of cases), as well as the justification for fines received even when showing the EU parking card (around 12% of cases).

The **EU Disability Card** pilot project, tested following the EU Citizenship Report 2013, was carried out in eight Member States (Belgium, Cyprus, Estonia, Finland, Italy, Malta, Romania and Slovenia) in 2016-2018 and remained in place after the end of the project. The pilot provides a common format for a card for voluntary mutual recognition among the participating Member States of the disability status, as

established in accordance with national eligibility criteria or rules, for access to benefits and services in the areas of culture, leisure, sport and, in some countries, transport. In case of no action the recognition of their national disability cards and certificates will remain voluntary and limited when it comes to preferential conditions when accessing services, activities and facilities.

*1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments*

The proposal is compatible with the European Pillar of Social Rights, the Strategy for the Rights of Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities. It is compatible with the Multiannual Financial Framework 2021-2027.

*1.5.5. Assessment of the different available financing options, including scope for redeployment*

The implementation of this legislative proposal requires the organisation of meetings with the Member States on its transposition, as well as meetings with the Member States on the adoption of delegated and implementing acts. The necessary expenditure for the organisation of the meetings, i.e. travel costs of delegates, is covered by the European Social Fund Plus – EaSI strand (direct management).

## 1.6. Duration and financial impact of the proposal/initiative

### limited duration

- in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

### unlimited duration

- Implementation with a start-up period from 2023 to 2027,
- followed by full-scale operation.

## 1.7. Method(s) of budget implementation planned<sup>60</sup>

### Direct management by the Commission

- by its departments, including by its staff in the Union delegations;
- by the executive agencies

### Shared management with the Member States

### Indirect management by entrusting budget implementation tasks to:

- third countries or the bodies they have designated;
  - international organisations and their agencies (to be specified);
  - the EIB and the European Investment Fund;
  - bodies referred to in Articles 70 and 71 of the Financial Regulation;
  - public law bodies;
  - bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;
  - bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;
  - bodies or persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

### Comments

The proposal's budgetary impact is limited and can be fully covered by the resources already available in the Multiannual Financial Framework 2021-2027, both for staff and for credits, as redeployment opportunities have been identified.

After 2027, a very limited impact is expected too, which would be taken into account when elaborating the post-2027 Multiannual Financial Framework.

<sup>60</sup> Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: <https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx>

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

Within [three years after the date of application of the Directive], and every five years thereafter, the Commission will submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on its application.

### **2.2. Management and control system(s)**

#### **2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed**

Direct management, as per article 62.1(a) of the Financial Regulation, is the preferable mode as the actions will be implemented by the European Commission, in particular DG EMPL, which will ensure the coordination with the Member States and the various stakeholders.

#### **2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them**

The controls are part of DG EMPL internal control system. These new activities will be covered by the same approach to identify risks and mitigate them.

#### **2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)**

The controls are part of DG EMPL internal control system. These new activities will generate non-significant additional costs of control at DG level.

### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.*

The Commission shall ensure that, when actions financed are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties. The Commission is authorised to carry out checks and verifications in situ under this Decision, in compliance Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities financial interests against fraud and other irregularities. If need be, investigations shall be carried out by the European Anti-Fraud Office and shall be governed by Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF).

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number 2b	Diff./Non-diff. <sup>61</sup>	from EFTA countries <sup>62</sup>	from candidate countries and potential candidates <sup>63</sup>	from other third countries	other assigned revenue
	07 02 04 00 – ESF+ EaSI strand	Diff.	YES/	YES	YES	NO

<sup>61</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>62</sup> EFTA: European Free Trade Association.

<sup>63</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

### 3.2. Estimated financial impact of the proposal on appropriations

#### 3.2.1. Summary of estimated impact on operational appropriations

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

<b>Heading of multiannual financial framework</b>	Number	2b
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DG: EMPL			Year 2023	Year 2024	Year 2025	Year 2026	Year 2027				TOTAL
• Operational appropriations											
Budget line <sup>64</sup> 07 02 04 00	Commitments	(1a)			0,560	0,060					<b>0,620</b>
	Payments	(2a)			0,060	0,310	0,250				<b>0,620</b>
Budget line	Commitments	(1b)									
	Payments	(2b)									
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>65</sup>											
<b>TOTAL appropriations for DG EMPL</b>	Commitments	=1a+1b +3			0,560	0,060					<b>0,620</b>
	Payments	=2a+2b +3			0,060	0,310	0,250				<b>0,620</b>

<sup>64</sup> According to the official budget nomenclature.

<sup>65</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.



• TOTAL operational appropriations	Commitments	(4)									
	Payments	(5)									
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)									
<b>TOTAL appropriations under HEADING 2b</b> of the multiannual financial framework	Commitments	=4+ 6			0,560	0,060					<b>0,620</b>
	Payments	=5+ 6			0,060	0,310	0,250				<b>0,620</b>

**If more than one operational heading is affected by the proposal / initiative, repeat the section above:**

• TOTAL operational appropriations (all operational headings)	Commitments	(4)									
	Payments	(5)									
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)									
<b>TOTAL appropriations under HEADINGS 1 to 6</b> of the multiannual financial framework (Reference amount)	Commitments	=4+ 6			0,560	0,060					<b>0,620</b>
	Payments	=5+ 6			0,060	0,310	0,250				<b>0,620</b>

<b>Heading of multiannual financial framework</b>	<b>7</b>	'Administrative expenditure'
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This section should be filled in using the 'budget data of an administrative nature' to be firstly introduced in the [Annex to the Legislative Financial Statement](#) (Annex 5 to the Commission decision on the internal rules for the implementation of the Commission section of the general budget of the European Union), which is uploaded to DECIDE for interservice consultation purposes.

EUR million (to three decimal places)

		Year 2023	Year 2024	2025	2026	2027			<b>TOTAL</b>
<b>DG: EMPL</b>									
• Human resources		0,342	0,342	0,342	0,342	0,342			<b>1,710</b>
• Other administrative expenditure									
<b>TOTAL DG EMPL</b>	Appropriations	0,342	0,342	0,342	0,342	0,342			<b>1,710</b>

<b>TOTAL appropriations under HEADING 7 of the multiannual financial framework</b>	(Total commitments = Total payments)	0,342	0,342	0,342	0,342	0,342			<b>1,710</b>
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EUR million (to three decimal places)

		Year 2023	Year 2024	Year 2025	Year 2026	Year 2027			<b>TOTAL</b>
<b>TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework</b>	Commitments	0,342	0,342	0,902	0,402	0,342			<b>2,330</b>
	Payments	0,342	0,342	0,402	0,652	0,592			<b>2,330</b>

3.2.2. Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓			Year 2023		Year 2024		Year 2025		Year 2026		Year 2027								TOTAL	
			OUTPUTS																	
	Type <sup>66</sup>	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVES No 1 and No 2 <sup>67</sup>																				
- Output	Meetings with the Member States						4	0,060	4	0,060									8	0,120
- Output	Check of national transposition measures								1	0,250	1	0,250							2	0,500
Subtotal for specific objective No 1																				
<b>TOTALS</b>							4	0,060	5	0,310	1	0,250							10	0,620

<sup>66</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>67</sup> Planned activities will support the achievement of both specific objectives.

### 3.2.3. Summary of estimated impact on administrative appropriations

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	2023	2024	2025	2026	2027			<b>TOTAL</b>
--	------	------	------	------	------	--	--	--------------

<b>HEADING 7 of the multiannual financial framework</b>								
Human resources	0,342	0,342	0,342	0,342	0,342			<b>1,710</b>
Other administrative expenditure								
<b>Subtotal HEADING 7 of the multiannual financial framework</b>	0,342	0,342	0,342	0,342	0,342			<b>1,710</b>

<b>Outside HEADING 7<sup>68</sup> of the multiannual financial framework</b>								
Human resources								
Other expenditure of an administrative nature								
<b>Subtotal outside HEADING 7 of the multiannual financial framework</b>	n.a.	n.a.	n.a.	n.a.	n.a.			n.a.

<b>TOTAL</b>	0,342	0,342	0,342	0,342	0,342			<b>1,710</b>
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

<sup>68</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

### 3.2.3.1. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

	2023	2024	2025	2026	2027		
<b>• Establishment plan posts (officials and temporary staff)</b>							
20 01 02 01 (Headquarters and Commission’s Representation Offices)	2	2	2	2	2		
20 01 02 03 (Delegations)							
01 01 01 01 (Indirect research)							
01 01 01 11 (Direct research)							
Other budget lines (specify)							
<b>• External staff (in Full Time Equivalent unit: FTE)<sup>69</sup></b>							
20 02 01 (AC, END, INT from the ‘global envelope’)							
20 02 03 (AC, AL, END, INT and JPD in the delegations)							
<b>XX 01 xx yy zz</b> <sup>70</sup>	- at Headquarters						
	- in Delegations						
01 01 01 02 (AC, END, INT - Indirect research)							
01 01 01 12 (AC, END, INT - Direct research)							
Other budget lines (specify)							
<b>TOTAL</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>		

**XX** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	2 AD will support the negotiations in the adoption process, organise the meetings with the Member States and produce implementing and delegated legislative acts as needed.
External staff	

<sup>69</sup> AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

<sup>70</sup> Sub-ceiling for external staff covered by operational appropriations (former ‘BA’ lines).

3.2.4. *Compatibility with the current multiannual financial framework*

The proposal/initiative:

- can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).

The necessary appropriations can be programmed under the ESF+ direct management strand for 2025-2027.

- requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

- requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. *Third-party contributions*

The proposal/initiative:

- does not provide for co-financing by third parties
- provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	2025	2026	2027					Total
EEA countries	p.m.	p.m.	p.m.					p.m.
TOTAL appropriations co-financed	p.m.	p.m.	p.m.					p.m.

3.3. Estimated impact on revenue

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
  - on own resources
  - on other revenue
  - please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>71</sup>				
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)
Article .....						

For assigned revenue, specify the budget expenditure line(s) affected.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

<sup>71</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.