



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

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

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The European Disability Expertise (EDE) provides independent scientific support to the Commission's policy Unit responsible for disability issues. It aims to mainstream disability equality in EU policy processes, including implementation of the Strategy for the Rights of Persons with Disabilities 2021-2030 and the United Nations Convention on the Rights of Persons with Disabilities.

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<sup>1</sup> Under the direction of Professor Lisa Waddington.

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## Introduction

The European Disability Expertise (EDE) provides the European Commission's Disability and Inclusion Unit with scientific support and advice. One of the functions of EDE is to establish a mechanism for monitoring and evaluating EU laws and policies that affect disabled people (including, for example, legislation, communications and resolutions of the Council, Parliament and Commission, and of associated committees, etc.). The resulting summaries and details of laws and policies are made available for the benefit of the wider research community, policymakers and other stakeholders via the Commission's homepage.<sup>2</sup> The annotated review of EU legislation and policy instruments presented here both updates and extends a mapping of legislative instruments first conducted in 2008, and regularly carried out since then.<sup>3</sup>

The annotated review covers both disability-specific and mainstream instruments, insofar as they either mention disability explicitly or could in another way be interpreted as covering disability.<sup>4</sup> The review therefore provides evidence of the extent to which disability is being mainstreamed in different areas of EU law and policy. The summaries and examples presented here relate to primary and secondary EU legislation, funding instruments and the most important soft-law instruments. Given the significant number of soft-law instruments relating to disability, and the speed at which they are updated and become out-of-date, the emphasis is placed on instruments that have been adopted after the conclusion of the CPRD by the EC/EU in 2010.

## Methodology

The structure of this review takes, as its starting point, the Declaration of Competences attached to the Council Decision 2010/48/EC by which the EU concluded the UN Convention on the Rights of Persons with Disabilities. The Declaration set out the competences of the EU (EC) with regard to matters governed by the CRPD and the headings in this Declaration were taken as the starting point for the restructuring this review. The 2017 mid-term progress report on the implementation of the European Disability Strategy 2010-2020 revised and updated the list of instruments included in the 2010 Declaration of competences, and expanded the list of headings. The headings used in that report are also taken into account in structuring this review.

However, the EU has adopted many important disability-related instruments since the adoption of the 2010 Declaration of Competences and the 2017 update. In light of that, the headings used in those two instruments are now insufficient to cover the full scope of EU legislation and policy instruments which explicitly address disability. This review therefore includes a number of additional headings which reflect EU competences in

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<sup>2</sup> See: <http://www.disability-europe.net/>.

<sup>3</sup> Professor Delia Ferri provided assistance with drafting the previous (2021) annotated legal review.

<sup>4</sup> As a consequence, instruments which refer to e.g. 'vulnerable consumers', 'vulnerable persons' or use of 'simple and accessible language' are covered in this review, even if the relevant instruments do not refer to people with disabilities explicitly. Nevertheless, the relevant instruments could be of particular relevance to persons with disabilities in light of this terminology.

fields covered by the CRPD. The combination of these three sources has resulted in the headings used in the present review.

The annotated review covers two types of EU instruments. The bulk of the instruments covered are legislation, including legislation which establishes and regulates EU funding programmes. Secondly, a small number of key non-binding instruments are included. These are mainly recent political documents of great importance, strategies, action plans and joint positions, as well as official outputs relevant to the European standardisation work, Council Conclusions and resolutions and European Parliament resolutions.

Finally, the instruments listed in the 2017 mid-term review and/or the last (2021) annotated legal review, which have since been repealed, are also included in a separate sub-section under each heading (where relevant). This is done to ensure historical accuracy and allow for a comparison with the 2017 overview and previous annotated legal review.

Each section consists of a brief introductory narrative followed by a list of annotations on each individual instrument. For each section, the annotation first lists all relevant key instruments (mainly legislation) in chronological order. Secondly, funding instruments are listed and annotated. Thirdly, important non-binding instruments are annotated. Lastly, instruments listed in the 2017 Declaration of Competences and/ or the last (2021) annotated legal review, and since repealed, are annotated. All the annotations include a hyperlink to the instrument and a short description of the instrument's relevance for disability policy. The annotations identify the instrument's legal basis and refer to the most relevant provisions of the instrument from a disability perspective, wherever possible. A reference to relevant CRPD articles that relate to (or could be related to) each instrument is also provided. It must however be noted that many instruments in the review were adopted before 2011, when the Convention entered into force for the EU, and the Convention was not taken into account during the drafting process of these older instruments. The reference to the CRPD in the table of documents should therefore not necessarily be interpreted as implying that the instrument contributes to the implementation of the Convention.



## 1 EU Treaties and institutional affairs

European Union primary law included its first reference to disability in the 1999 Amsterdam Treaty (*document 01.01*). Article 6a of the Amsterdam Treaty (which became Article 13 of Treaty establishing the European Community and is now Article 19 of the Treaty on the Functioning of the European Union) allows the EU to take appropriate measures to combat discrimination on the ground of disability (among other grounds).

The 2009 Treaty on the Functioning of the European Union (TFEU) (*document 01.03*) added a new provision (Article 10 TFEU) that stipulates that in '*defining and implementing its policies and activities, the Union shall aim to combat discrimination based on [...] disability [...]*'. In addition, with the entry into force of the TFEU, the European Union Charter of Fundamental Rights (*document 01.02*), which was adopted in 2000, became binding on the EU and the Member States when implementing EU law. The Charter contains a number of references to disability.

The European Union acceded to the UN Convention on the Rights of Persons with Disabilities (CRPD) by virtue of the Council Decision 2010/48/EC (*document 01.06*). This was followed by the adoption of the Code of Conduct between the Council, the Member States and the Commission setting out internal arrangements for the implementation and representation of the EU relating to the CRPD (*document 01.07*). The Convention entered into force for the EU on 23 January 2011. The initial report of the EU to the CRPD Committee was submitted in 2014 (*document 01.08*). In September 2015, the CRPD Committee published its Concluding Observations on the European Union (*document 01.10*). These contain a set of recommendations for better implementation of the Convention, including a request for an interim report to be submitted in 2016 on a number of urgent issues. The EU submitted this report in 2017 (*document 01.11*). The second round of periodic review started in 2022 with the adoption by the CRPD Committee of the List of Issues. The EU must now respond to these, following which the CRPD Committee will adopt its Concluding Observations on the EU.

The Commission proposal<sup>5</sup> for a Decision on the conclusion by the EU of the Optional Protocol to the Convention has not, as of spring 2023, been adopted.

The EU Agency for Fundamental Rights (FRA) was established in 2007 to provide the EU and its Member States with expertise relating to fundamental rights and to support them in formulating courses of action in the field of fundamental rights. The Regulation establishing the Agency (*document 01.04*) acknowledges its close connection to the EU Charter of Fundamental Rights. Neither disability nor any other specific ground is mentioned in the Regulation.

The yet-to-be adopted Council Regulation on the election of the members of the European Parliament by direct universal suffrage contains numerous provisions concerning the right to vote for all persons with disabilities, regardless of legal capacity, and on the accessibility of elections.

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<sup>5</sup> See: [Proposal for a Council Decision concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities COM\(2008\)0530 final](#).

In the same vein, the Commission proposal for a Council Directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals (COM(2021)0732) amending the earlier instrument (Council Directive 93/109/EC) foresees that information relating to elections to the European Parliament must be made accessible to persons with disabilities and older persons by using appropriate means, modes and formats of communication. This provision is mirrored in the Commission proposal for a Directive regulating municipal elections (COM(2021)733).

## 1.1 Key instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
01.01	<a href="#">Treaty of Amsterdam, amending the Treaty on European Union, the Treaties establishing the European Communities and related acts</a>		6a	2 3 4 5	The Treaty sets out competence of the EC/EU and covers all aspects of EC/EU policy and institutional framework. Article 6a allowed the Council to take measures to combat discrimination on a number of grounds, including disability. The corresponding article is now Article 19 TFEU.
01.02	<a href="#">Charter of Fundamental Rights of the European Union</a>		21(1), 26	2 3 4 5	Under the Charter, the EU 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. Any discrimination based on [...] disability [...] shall be prohibited.
01.03	<a href="#">Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union</a>		2, 3 TEU 10, 19 TFEU	2 3 4 5	Current text of the two EU treaties (TEU and TFEU). The TEU, which addresses objectives and governance of the EU, does not mention disability but includes human dignity and equality among its values, and the fight against social exclusion and discrimination among its objectives.

					The TFEU, which sets out competences of the EU, provides for disability mainstreaming and for specific measures to combat discrimination. Article 10 is the second Treaty article (after Article 19 (former 13), that explicitly mentions disability.
01.04	<a href="#">Council Regulation (EC) No 168/2007 of 15 February 2007</a> establishing a European Union Agency for Fundamental Rights	EC Treaty Article 308	-	3 4 31	The Regulation establishes the European Union Agency for Fundamental Rights to provide assistance and expertise on fundamental rights within the EU and support the implementation of the Charter of Fundamental Rights. Although not disability-specific, the Agency can be (and is) mandated to carry out disability-specific research, and promote dialogue with civil society, including Disabled People's Organisations (DPOs). The Agency is currently part of the EU CRPD framework under Article 33.
01.05	<a href="#">Council Decision No 252/2013/EU of 11 March 2013</a> establishing a Multiannual Framework for 2013-2017 for the European Union Agency for Fundamental Rights	TFEU Article 352	2(g)	3 4 5 31	The Decision mentions the main thematic objectives of FRA for the 2013-2017 reference period. Discrimination on the ground of disability is one of them.
01.06	<a href="#">Council Decision 2010/48/EC of 26 November 2009</a> concerning the conclusion, by the European Community, of the United Nations	EC Treaty Articles 13 and 95 in conjunction with the second sentence of the	All	33 43 44	The Decision is a procedural instrument enabling the EU to deposit the instrument of conclusion of the CRPD with the

	Convention on the Rights of Persons with Disabilities	first paragraph of Article 300(2) and the first subparagraph of Article 300(3)			UN and conclude (become a party to) the CRPD. The Decision also establishes that, with respect to matters falling within the EU's competence, the Commission will be a focal point for matters relating to the implementation of the CRPD.
01.07	Code of Conduct between the Council, the Member States and the Commission setting out internal arrangements for the implementation by and representation of the European Union relating to the United Nations Convention on the Rights of Persons with Disabilities <a href="#">2010/C 340/08</a>		All	33 35 37 40 43 44	The Code sets out arrangements for the division of tasks between the Council, the Member States and the Commission based on different competences and covers activities such as taking positions and voting on issues at the UN concerning the CRPD.
01.08	Initial report on the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) by the European Union <a href="#">CRPD/C/EU/1</a>	-	All	33 35	Initial EU report to the CRPD Committee outlining the EU actions to implement its obligations under the Convention.
01.09	Response of the European Union to the list of issues in relation to the initial report of the European Union on the implementation of the UN Convention on the Rights of Persons with Disabilities <a href="#">CRPD/C/EU/1/Add.1</a>	-	All	33 35 37	Follow up report to the CRPD Committee.
01.10	Concluding Observations to the Initial Report of the European Union. Addendum. Information received from the European Union	-	All	All	Report on the progress made in the areas requested by the CRPD Committee, namely the EU declaration of competences,

	on follow-up to the Concluding Observations <a href="#">CRPD/C/EU/CO/1/Add.1</a>				adoption of the European Accessibility Act, and the EU monitoring framework.
01.11	Decision of the Bureau of the European Parliament of 17 October 2022 amending the Implementing Measures for the Statute for Members of the European Parliament <a href="#">2022/C 452/01</a>	TFEU Article 223(2), Statute for Members of the European Parliament Articles 2(1), (3) and (4)	New Article 26	27	The Decision clarifies the rules of reimbursement of certain expenses of MEPs and permits for authorisation of reimbursement by Parliament of certain expenditure provided for assistance to individual MEPs with a disability.

## 1.2 Repealed instruments

01.12	<a href="#">Council Decision (EU) 2017/2269 of 7 December 2017</a> establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2018–2022	TFEU Article 352	2(b)	3 4 5 31	The Decision identified equality and discrimination on the ground of disability as being among the thematic areas of the FRA work in 2018-2022.
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## 2 Accessibility

The internal market is a European area without frontiers where goods, services, persons and capital can move freely. The EU is competent to adopt measures which have *'the aim of establishing or ensuring the functioning of the internal market'* (Article 26(1) TFEU). Article 114 TFEU (previously Article 95 TEC) can provide the legal basis for such measures. In addition, Declaration No. 22 to the Treaty of Amsterdam stipulates that in drawing up measures under what is now Article 114, 'the institutions of the Community [now Union] shall take account of the needs of persons with a disability.'

Some examples of legislative instruments (partially) based on Article 95 TEC (now 114 TFEU) that aim to improve the accessibility of internal market for persons with disabilities are:

- Directive 2004/27/EC (*document 02.08*), which requires that the packaging of medicinal products must include a label in Braille and that the package information leaflet be available, on request, in formats accessible to visually impaired users;
- Directive 2006/42/EC on machinery (*document 02.09*), which includes provisions for the accessibility of lifts for persons with disabilities; and
- Directive 2008/6/EC on postal services (*document 02.04*), which includes a general non-discrimination clause and makes specific references to blind and partially sighted persons.

The conclusion of the CRPD by the European Union in 2010 served as catalyst for the adoption of more disability-related legislation in the field of accessibility. The following sub-sections address accessibility with regard to specific fields which are the subject of EU legislation and policy.

### 2.1 Goods and services

The 2014 European Directives on public procurement (*documents 02.22 and 02.23*) contain a number of important provisions that allow for the use of public procurement to advance accessibility of good and services for persons with disabilities. Both 2014 Directives allow Member States to reserve the right to participate in certain public procurement contracts to operators who employ persons with disabilities and/or whose main aim is the integration of disabled people. The Directives also set out that all public tenders *'shall, except in duly justified cases, be drawn up so as to take into account accessibility criteria for persons with disabilities or design for all users'*. This means, in practice, that the public buyer can only work with those bidders who propose to supply goods or services which are accessible to disabled users.

The 2015 Directive on payment services in the internal market (*document 02.29*) obliges service providers to inform consumers of their rights in alternative formats, which are accessible to persons with disabilities.

In 2019, Directive (EU) 2019/882, better known as the European Accessibility Act (*document 02.40*), was adopted by the European Union. It is a landmark instrument that has the objective to approximate certain national accessibility requirements and eliminate barriers to the free movement of goods and services, thereby contributing to the proper functioning of the internal market. The Directive was adopted on the basis of Article 114 TFEU and covers specific products and services such as smartphones and computers, televisions and TV programmes, E-books, online shopping websites and mobile applications, as well as banking and ATMs and ticketing and check-in machines. Member States had to adapt their national administrative framework to the Directive's requirements by 28 June 2022, and the new rules will be applicable to all goods and services that enter into circulation in the internal market on or after 28 June 2025.

## **2.2 Accessibility of transport**

The European legal framework in the field of transport covers all the main transport modes and includes an ensemble of mainstream and disability-specific regulations and directives.

The first significant instrument to be adopted in this area was the 2006 Air Passengers' Rights Regulation (EC) No 1107/2006 (*document 02.10*). It protects passengers against denied boarding on the ground of their reduced mobility or disability; provides them with the right to receive comprehensive assistance by qualified personnel; and stipulates compensatory measures for lost or damaged mobility equipment and assistive devices. The Regulation grants passengers the right to receive essential information at airports and on-board aircrafts in accessible formats. The Regulation also provides for a complaint mechanism.

The 2007 Regulation (EU) 1371/2007 on the rights of rail passengers (*document 02.11*) includes a chapter on the specific rights of persons with reduced mobility. This provides for rights which are similar to those found under the Air Passengers' Rights Regulation. The 2021 recast Regulation (EU) 2021/782 of this instrument (*document 02.48*) makes a number of significant changes to the original text, including reducing the minimum pre-notification time for assistance from 48 to 24 hours; the establishment of a single point of contact for all railway undertakings to manage assistance; liability for lost or damaged mobility equipment and assistance dogs; and obligatory staff training on assistance to persons with disabilities.

The 2014 technical specifications for interoperability covering access needs of persons with reduced mobility (TSI PRM) (*document 02.28*) are a set of technical rules aimed at improving accessibility for persons with reduced mobility when travelling by rail. They cover issues such as width of doors, positioning of toilets and wheelchair accessible seats and provision of information in accessible formats. The rules were further strengthened in 2019 (*document 02.43*).

The 2016 Directive (EU) 2016/797 on the interoperability of the rail system within the European Union (*document 02.32*) includes a definition of '*persons with disabilities*' which is compliant with the CRPD, and a number of provisions tackling accessibility of the rail system for disabled passengers. The Directive sets out the conditions



necessary to achieve interoperability of the European rail system and replaces a 2008 Directive governing the same issue (*document 02.67*).

Passengers' rights for those traveling by sea and road are addressed respectively in the Regulation 1177/2010 on the rights of passengers when travelling by sea and inland waterway (*document 02.17*) and the Regulation 181/2011 on the rights of passengers in bus and coach transport (*document 02.18*). The Regulations each contain a specific chapter setting out provisions on accessibility and non-discrimination; provide for assistance to travellers with a disability or reduced mobility; and set out a mechanism for handling complaints.

In addition to the passenger rights' package, a number of other EU instruments contain some measures to improve the access of persons with reduced mobility to transport. These include legislation on safety rules and standards for passenger ships (*document 02.17*); technical guidelines applicable to means of transport and transport infrastructure (*document 08.06*); technical prescriptions for accessible vehicles to be used for passenger transport (*documents 02.15 and 02.47*); and compulsory training courses on disability awareness and the specific needs of people with disabilities for drivers and other transport personnel (*document 02.52*).

### **2.3 ICT and access to information**

The growing recognition of the importance of accessible ICTs for persons with disabilities in the rapidly expanding digital universe has been explored in EU policies since the early 2000s, and a number of important measures, including legislation, have been adopted.

Directive (EU) 2018/1972 establishing a European Electronic Communications Code (*document 02.38*) was adopted in 2018. It modernises the EU telecoms rules and establishes a legal framework coordinating electronic communications networks and services in the EU. The Code merges four earlier telecoms Directives (Framework, Authorisation, Access and Universal Service Directive). The Code makes a direct reference to the CRPD and establishes enhanced obligations regarding availability and affordability of electronic communications, including telephony, basic Internet access and the '112' emergency number. Equivalence of access and choice for end users with disabilities is a key principle of the Code.

The above-mentioned European Accessibility Act complements the Electronic Communications Code regarding accessibility requirements.

The 2016 Web Accessibility Directive (*document 02.33*) regulates accessibility of public sector websites and mobile applications. Following the adoption of the Directive, a new European Standard "Accessibility requirements for ICT products and services" (*document 02.39*) was adopted to support its implementation. All covered websites and mobile applications had to be accessible as per the requirements of the Directive by 23 June 2021.

The 2010 Audiovisual Media Services Directive (*document 02.16*) was amended in 2018 (*document 02.37*) to reflect changing market realities. Today, the Directive covers platforms such as Netflix and Amazon Video, as well as traditional TV

broadcasts. The amended Directive includes an explicit reference to the CRPD and tightens the requirement to make media services, including emergency services, accessible for persons with disabilities. The Directive also establishes the obligation to monitor progress towards achieving accessibility and requires that Member States establish a mechanism whereby persons with disabilities can submit accessibility-related complaints concerning the services covered by the Directive.

Accessibility of terminal equipment is regulated by Directive 2014/53/EU on harmonisation of the laws of the Member States relating to the making available on the market of radio equipment (*document 02.25*). This Directive repeals an earlier instrument and sets out that radio equipment should be accessible for disabled end users.

Regulation No 910/2014 on electronic identification and trust services (*document 02.26*) enables secure and seamless electronic transactions between businesses, citizens and authorities by regulating mutual recognition of e-signatures. A dedicated article in the Regulation contains an obligation to make the services covered by the Regulation accessible to persons with disabilities.

The 2013 Council Regulation on the electronic publication of the EU Official Journal (*document 02.21*) explicitly recalls the EU's obligations under the CRPD concerning the accessibility of information for users with disabilities.

Directive 2001/29/EC on copyright (*document 02.05*) allows Member States to make exceptions from copyright regulations in respect of reproductions '*for the benefit of people with a disability, which are directly related to the disability and of a non-commercial nature, to the extent required by the specific disability*'. In light of the 2018 accession of the EU to the Marrakesh Treaty, the Directive was amended in 2017 (*document 02.35*), by establishing rules on the use of certain works without the authorisation of the right holder for the benefit of visually impaired persons. The Council Decision to conclude the Marrakesh Treaty (*document 02.36*) was adopted by the Council in 2018, enabling the formal accession. The copyright framework was further strengthened in 2019 with the adoption of Directive (EU) 2019/790 on copyright in the Digital Single Market (*document 02.45*) that allows for an exception from the European Union copyright legislation in the context of education.

The Commission proposal for a Regulation laying down harmonised rules on artificial intelligence ([COM\(2021\)206](#)) proposes certain ethical and accessibility rules and requirements for the application of artificial intelligence, such as protection against exploitation of "vulnerabilities" of certain users and prohibits discrimination against persons with disabilities as the result of technical inaccuracies in AI systems.

## 2.4 Standardisation

The 2012 Regulation on European standardisation (*document 02.20*) regulates cooperation between European standardisation organisations, national standardisation bodies, Member States and the Commission. It also sets out rules for the establishment of European standards and European standardisation deliverables, the identification of ICT technical specifications, the financing of work on standardisation and stakeholder participation. The preamble to the Regulation

recognises the need to make the European standardisation process accessible to persons with disabilities, in light of the EU's obligations under the CRPD.

The European Commission started issuing mandates for the development of accessibility standards in the fields of information and communication technologies in 1998. This work has resulted in a number of European standards.

The first European standard for accessible ICT products and services – EN 301549 “Accessibility requirements suitable for public procurement of ICT products and services in Europe” – was published in 2014 and has been regularly revised since (*document 02.57*).

The European Standard EN 17161 on “Design for All – Accessibility following a Design for All approach in products, goods and services – Extending the range of users” was published in 2019 (*document 02.58*). It sets out requirements and recommendations to enable organisations to design, develop and offer goods and services so that they can be understood and used by the widest range of users.

The European standard EN 17210:2021 “Accessibility and usability of the built environment – Functional requirements” (*document 02.60*) was published in 2021 and based on a mandate issued by the European Commission in 2007. The standard describes functional requirements and recommendations for achieving an accessible and usable built environment following the Universal Design principle.

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
02.01	<p><u>Council Directive 89/665/EEC of 21 December 1989</u> on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, as amended by Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts.</p>	EEC Treaty Article 100a	-		<p>Directive 89/665/EEC requires EU Member States to ensure that decisions on the award of public contracts and concessions, as well as preliminary procedural decisions in that context, are reviewed quickly and effectively in the event they have infringed EU public procurement law. Directive 92/13/ECC applies the same provisions to the award of public contracts and concessions in the utilities sector, as well as preliminary procedural decisions. Both Directive 89/665/EEC and Directive 92/13/EEC were amended by Directive 2007/66/EC but no new references on disability were added. Therefore, references found in Directives 89/665/EC and 92/13/EEC continue to apply.</p>
02.02	<p><u>Council Directive 92/13/EEC of 25 February 1992</u> coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors,</p>	EEC Treaty Article 100a	-		<p>Directive 89/665/EEC requires EU Member States to ensure that decisions on the award of public contracts and concessions, as well as preliminary procedural decisions in that context, are reviewed quickly and effectively in the event they have infringed EU public procurement law. Directive 92/13/ECC applies the same provisions to the award of public contracts and concessions in the utilities sector, as well as preliminary procedural decisions. Both Directive 89/665/EEC and Directive 92/13/EEC were amended by Directive 2007/66/EC but no new references on disability were added. Therefore, references found in Directives 89/665/EC and 92/13/EEC continue to apply.</p>

	as amended by Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts				
02.03	<u>Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997</u> on common rules for the development of the internal market of Community postal services and the improvement of quality of services, as amended by Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 with regard to the further opening to competition of Community postal services, and as amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 with regard to the full accomplishment of the	EC Treaty Article 57 (2), 66 and 100a	5(1), 7(1), Recital 16	3(f) 9 21	<p>The Directive establishes common rules that EU Member States must implement to complete the EU's internal market for postal service, including rules on accessibility and quality. Directive 2008/6/EC amended Directive 97/67/EC redefining among others the scope of its Article 12, that requires Member States to ensure universal access to postal services to all citizens on a non-discriminatory basis. Directive 2008/6/EC states that blind and partially-sighted persons can be granted free access to postal services.</p> <p>Current consolidated version: <u>27/02/2008</u>.</p>

	internal market of Community postal services				
02.04	<u>Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC (as amended by Directive 2002/39/EC) with regard to the full accomplishment of the internal market of Community postal services</u>	EC Treaty Article 47(2), Articles 55 and 95	Article 12, Recital 37	3(f) 9 21	
02.05	<u>Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society</u>	EC Treaty Articles 47(2), 55 and 95	5(3)(b), Recitals 34 and 43	3(f) 9 21 30(3)	The Directive adapts legislation on copyright and related rights to technological developments, and particularly to the information society, while providing for a high level of protection of such rights. It also allows Member States to introduce exceptions or limitations to copyright and related rights in respect of uses for the benefit of people with a disability.  This act has been amended. Current consolidated version: 06/06/2019.
02.06	<u>Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use, as amended by</u>	EC Treaty Article 95	-	3(f) 9 21 25	The Directive brings together all the existing provisions in force on the sale, production, labelling, classification, distribution and advertising of medicinal products for human use in the EU and is to be considered together with

	Directive 2004/27/EC of the European Parliament and of the Council				<p>Directive 2004/27/EC (document 02.08) which adds provisions requiring accessibility of medicinal products for persons with visual impairments.</p> <p>This act has been amended. Current consolidated version: <u>26/07/2019</u>.</p>
02.07	<p><u>Council Regulation (EC, Euratom) No 1700/2003 of 22 September 2003</u> amending Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community</p>	<p>EC Treaty Article 308</p> <p>Euratom Treaty Article 203</p>	1(8) of the amending Regulation which amends Article 9(1)	3(f) 9 21 30(1)(a)	<p>The Regulation increases transparency within the EU by opening up historical archives of the Communities to the public. It imposes obligations on the archives of European institutions to meet the specific needs of people with a visual impairment.</p> <p>This act has been amended. Current consolidated version: <u>26/03/2015</u>.</p>
02.08	<p><u>Directive 2004/27/EC of the European Parliament and of the Council</u>, amending the Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use</p>	<p>EC Treaty Article 95</p>	Article 56a	3(f) 9 21 25	<p>The Directive provides common guidelines for medical products used within the EU regarding their authorisation, availability and packaging. It requires, among others, that the packaging of medicinal products must include a label in Braille and that the information leaflet must be available in formats accessible to visually impaired users.</p>

02.09	<u>Directive 2006/42/EC of the European Parliament and of the Council</u> on machinery, amending Directive 95/16/EC	EC Treaty Article 95A	Article 24(2)	3(f) 9	The Directive provides for the harmonisation of essential health and safety requirements for machinery at EU level and includes provisions regarding the accessibility of lifts by disabled persons.  This act has been amended. Current consolidated version: <u>26/07/2019</u> .
02.10	<u>Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006</u> concerning the rights of disabled persons and persons with reduced mobility when travelling by air	EC Treaty Article 80(2)	All	3(f) 4(h) 5 9 20 21	The Regulation grants several rights to travellers with disabilities. Disabled people cannot be denied boarding or booking; they are entitled to receive assistance at airports and with boarding; and cannot be charged extra for this. The Regulation also includes a provision on accessibility of information.  This act has been amended. Current consolidated version: <u>15/08/2006</u> .
02.11	<u>Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007</u> on rail passengers' rights and obligations	EC Treaty Article 71(1)	1(d) 3(14) 3(15) 18(5) 19-25	3(f) 9 20 21	The Regulation establishes rights and obligations for rail passenger service users in order to improve the efficiency and attractiveness of rail transport. It provides for several rights for travellers with disabilities, such as prohibition on refusing them permission to board a train, and prohibition to charge them additional fees. The



					provisions also contain several obligations regarding accessibility and obligations to facilitate independent travelling by people with disabilities.
02.12	<u>Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009</u> establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council	EC Treaty Article 80(2)	-	-	The Directive provides common rules on the investigation of accidents within the maritime transport within the EU and contains several provisions on victims or seriously injured persons.
02.13	<u>Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009</u> on safety rules and standards for passenger ships, repealing Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 and Council Directive 98/18/EC on safety rules and standards for passenger ships	EC Treaty Article 80(2)	Annex III	3(f) 9	The Directive concerns passenger ships operating in domestic seas around the European Union and sets safety rules and common standards. Under the Directive, Member States are obliged to establish specific rules on safety and accessibility for passengers with reduced mobility.
t02.14	<u>Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009</u> , amending	EC Treaty Article 95	7	3(f) 9 21	The Directive maintains the obligations of Directive 2002/22/EC as regards persons with disabilities, and

	<p>Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services,</p> <p>Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws</p>				<p>therefore contains provisions allowing Member States to take specific measures to ensure that access to, and affordability of, electronic communication services are guaranteed for disabled users. It also imposes an obligation on the Member States to ensure the accessibility of the emergency services, including the '112' phone number for all disabled users.</p>
02.15	<p><u>Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006</u></p>	<p>EC Treaty Article 71</p>	16(1)(c)	3(f) 9 20	<p>The Regulation clarifies and simplifies the rules for the international carriage of passengers by road within the territory of the EU, and the conditions under which non-resident carriers may operate national transport services within an EU country. Member States shall have national requirements relating to the carriage of certain categories of passengers, including persons with reduced mobility, and are obliged to apply them.</p>

02.16	<u>Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audio-visual media services (Audiovisual Media Services Directive)</u>	TFEU Articles 53(1) and 62	7 9(1)(c)(ii) Recitals 46 and 104	3(f) 9 21 30	The Directive establishes a framework for cross-border audio-visual media services in order to strengthen the internal programme production and distribution market, and guarantee conditions of fair competition. Member States shall encourage media service providers to make their services accessible to people with a visual or hearing disability and avoid disability-based discrimination in audio-visual commercial communications.  This act has been amended. Current consolidated version: <u>18/12/2018</u> .
02.17	<u>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</u>	TFEU Articles 91(1) and 100(2)	3 7-15	5 9 20	The Regulation provides that passengers with a disability or reduced mobility who travel by sea and by inland waterways are to enjoy the same rights as other passengers wherever they travel in the EU.
02.18	<u>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</u>	TFEU Article 91(1)	9-18	5 9 20	The Regulation provides that passengers with a disability or reduced mobility who travel by bus and coach are to enjoy the same rights as other passengers wherever they travel in the EU.

	coach transport and amending Regulation (EC) No 2006/2004				
02.19	<u>Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products, repealing Council Directive 89/106/EEC</u>	TFEU Article 114	Annex I point 4	3(f) 9	<p>The Regulation lays down conditions for the placing or making available on the market construction products by establishing harmonised rules for how to express the performance of construction products. Construction works must be designed and built taking into consideration accessibility and use for disabled persons.</p> <p>This act has been amended. Current consolidated version: <u>16/07/2021</u>.</p>
02.20	<u>Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC, and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council, and repealing Council Decision 87/95/EEC</u>	TFEU Article 114	Recitals 19, 24	3(f) 4(1)(f) 9	<p>This Regulation is the legal basis for the EU to use European standards for products and services in support of Union legislation and policies. Furthermore, it confirms that the European standards must be compliant with the CRPD and sets obligations for various stakeholders, including DPOs, regarding their active involvement in the process of setting standards.</p> <p>This act has been amended. Current consolidated version: <u>07/10/2015</u>.</p>

	and Decision No 1673/2006/EC of the European Parliament and of the Council				
02.21	<u>Council Regulation (EU) No 216/2013 of 7 March 2013</u> on the electronic publication of the Official Journal of the European Union	TFEU Article 352	4(1)(c) Recital 11	3(f) 9 20	The Regulation ensures better access for the public to EU legislation and related notices, as it establishes the EU's Official Journal in its electronic form as a legally binding document. It also recalls the EU's obligations under the CRPD to make information accessible to persons with disabilities.  This act has been amended. Current consolidated version: <u>16/01/2019</u> .
02.22	<u>Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014</u> on public procurement, repealing Directive 2004/18/EC	TFEU Article 53(1), Article 62 and Article 114	20(1), 42(1), 62(1) Recital 3	3(e)(f) 5(4) 9 27	The Directive establishes rules on the use of public contracts for the provision of works, supplies or services by companies or individuals and the exemptions which can be applied. It specifies that the national authorities must treat all applicants equally and not discriminate. Article 20 provides that Member States may reserve the right to participate in public procurement procedures to sheltered workshops and economic operators whose main aim is the social and professional integration of disabled persons. It also stipulates that technical

					<p>specifications laying down the characteristics of the work to be performed shall include accessibility criteria for persons with disabilities.</p> <p>This act has been amended. Current consolidated version: <a href="#">01/01/2020</a>.</p>
02.23	<p><u>Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors, repealing Directive 2004/17/EC</u></p>	<p>TFEU Article 53(1), Article 62 and Article 114</p>	<p>38(1), 60(1), 81(1) Recital 5</p>	<p>3(e)(f) 5(4) 9</p>	<p>The Directive establishes rules on the use of public contracts by companies or individuals in the water, energy, transport and postal sectors to obtain works, supplies or services. It takes account of the specific features of these sectors, which play a key role in meeting society's needs, including the integration of disabled people. It also stipulates that technical specifications laying down the characteristics of the work to be performed shall include accessibility criteria for persons with disabilities.</p> <p>This act has been amended. Current consolidated version: <a href="#">01/01/2020</a>.</p>
02.24	<p><u>Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating</u></p>	<p>TFEU Article 114</p>	<p>Recital 18</p>	<p>3(f) 9</p>	<p>The Directive creates uniform conditions throughout the EU for the sale of electrical equipment designed for use within certain voltage limits. The harmonised standards relevant to this</p>

	to the making available on the market of electrical equipment designed for use within certain voltage limits				Directive should take into account, among others, the CRPD.
02.25	<u>Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment, repealing Directive 1999/5/EC</u>	TFEU Article 114	3(3)(h) Recitals 15, 18	3(f) 9 21	The Directive establishes rules for putting radio equipment on the EU's internal market, including health and safety requirements. The Directive contains specific provisions related to users with disabilities and provides that radio equipment can support accessibility features for disabled people.  This act has been amended. Current consolidated version: 11/09/2018.
02.26	<u>Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market, repealing Directive 1999/93/EC</u>	TFEU Article 114	Article 15, Recital 29	3(f) 9	The Regulation creates a new system for secure electronic interactions across the EU between businesses, citizens and public authorities. It contains a non-compulsory requirement of accessibility.
02.27	<u>Council Regulation (EU) No 729/2014 of 24 June 2014 on denominations and technical specifications of euro coins intended for circulation</u>	TFEU Article 128(2)	Recital 6	9	The Regulation lays down the denominations and technical specifications of euro coins. It states that consultations with consumer associations and the European Blind Union were carried out to take into account the specific requirements of

					important categories of coin users. According to the Regulation, in order to facilitate acceptance of the coinage system by users, easy distinction between coins through visual and tactile characteristics needs to be guaranteed.
02.28	<u>Commission Regulation (EU) No 1300/2014 of 18 November 2014</u> on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility	TFEU	All	3(f) 4(3) 3(f) 9 20 21	The Regulation establishes technical specifications and common standards relating to the accessibility of the rail system within the EU for persons with disabilities or reduced mobility.  This act has been amended. Current consolidated version: <u>16/06/2019</u> .
02.29	<u>Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015</u> on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC	TFEU Article 114	106(5)	3(f) 9 21	The Directive provides the legal foundation for the further development of a better integrated internal market for electronic payments within the EU. The obligation to inform consumers of their rights includes the obligation to provide information in formats which are accessible for persons with disabilities.  This act has been amended. Current consolidated version: <u>23/12/2015</u> .



02.30	<u>Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC</u>	TFEU Article 114	Annex II point 6	3(f) 9	<p>The Regulation defines a set of essential safety requirements at EU level, as well as construction, inspection and assembly procedures to apply to cableways for the conveyance of passengers and, in this way, ensures free movement of such products in the internal market. It contains an obligation to provide safe use by children and people with reduced mobility if the installation is designed for the transport of such persons.</p> <p>This act has been amended. Current consolidated version: <u>31/03/2016</u>.</p>
02.31	<u>Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004</u>	TFEU Article 91(1)	Article 7	4(3) 9	The Regulation provides that organisations of persons with disabilities and reduced mobilities must be consulted on questions concerning rail interoperability and passenger safety.
02.32	<u>Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union</u>	TFEU Article 91(1) and Articles 170 and 171	48(3)(a) Recitals 29, 30 Annex III points 1.6, 2.1.2 and 2.4.2	3(f) 9	The Directive sets out the conditions to be met to achieve interoperability within the European rail system, in particular metros, trams and trains, including their design, construction, placing in service, upgrading and renewal. It directly refers to the CRPD and its accessibility provisions, and

					<p>therefore requires Member States to promote a railway system that will be accessible for all and to ensure persons with disabilities' access to all rail services on an equal basis with others.</p> <p>This act has been amended. Current consolidated version: <u>28/05/2020</u>.</p>
02.33	<p><u>Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016</u> on the accessibility of the websites and mobile applications of public sector bodies</p>	TFEU Article 114(1)	All	3(f) 9 21	<p>The Directive requires that the websites and mobile apps of public sector bodies are accessible. It lays down accessibility requirements, and provides for a better perception, understanding, navigation and interaction by users with disabilities. The Directive directly refers to the CRPD and its requirement of reasonable accommodation.</p>
02.34	<p><u>Regulation (EU) 2017/1563 of the European Parliament and of the Council of 13 September 2017</u> on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually</p>	TFEU Article 114	All	9 21 30 32	<p>The Regulation establishes rules on the exchange of accessible works, which are exempted from copyright protection, between the EU and third countries.</p>

	impaired or otherwise print-disabled				
02.35	<u>Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017</u> on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society	TFEU Article 114	All	3(f) 9 21 30	The Directive further harmonises parts of EU copyright legislation dealing with copyright exemptions for works used by people who are blind or visually impaired. The adoption of the Directive paved the way for the conclusion by the EU of the Marrakesh Treaty.
02.36	<u>Council Decision (EU) 2018/254 of 15 February 2018</u> on the conclusion on behalf of the European Union of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled	TFEU Article 114, in conjunction with point (a)(v) of Article 218(6)	All	3(f) 9 21 30 32	The Decision approves the formal accession to the Marrakesh Treaty by the EU.
02.37	<u>Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018</u> amending	TFEU Article 53(1) and Article 62	7	3(f) 9 21 31	The Directive includes an obligation to make media services continuously and progressively more accessible to persons with disabilities through proportionate

	Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administration action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities				measures. It also provides for monitoring and complaint schemes, and accessibility of emergency information provided to the public.
02.38	<u>Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018</u> establishing the European Electronic Communications Code (Recast)	TFEU Article 114	111 Various other articles	3(f) 9 21	The Directive establishes a harmonised framework for the regulation of electronic communications networks, electronic communications services, associated facilities and associated services, and certain aspects of terminal equipment. It aims to ensure the provision of high-quality services that take into account the accessibility requirements of end users with disabilities.
02.39	<u>Commission Implementing Decision (EU) 2018/2048 of 20 December 2018</u> on the harmonised standard for websites and mobile applications in support of Directive (EU) 2016/2102 of the European Parliament and of the Council	<u>Regulation (EU) No 1025/2012</u>	All	3(f) 9 21	The Decision establishes a harmonised standard for websites and mobile applications and was developed to enable the implementation of Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies.

02.40	<u>Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (The European Accessibility Act)</u>	TFEU Article 114	All	3(f) 9	The Directive establishes common obligations as regards accessibility requirements for certain products and services by. This will eliminate and prevent barriers to the free movement of products and services covered by this Directive. Barriers would otherwise arise from divergent accessibility requirements in the Member States.
02.41	<u>Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast)</u>	TFEU Article 194(2)	14	3(f) 9	The Directive establishes common rules for the generation, transmission, distribution, energy storage and supply of electricity, together with consumer protection provisions. Energy consumption comparison tools should be accessible for persons with disabilities.
02.42	<u>Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services</u>	TFEU Article 114	-	3(f) 9 21 22 30	The Directive establishes some common rules concerning contracts between traders and consumers for the supply of digital content, or digital services, in particular. Since it addresses the broader aspects of accessibility of digital content, it is potentially directly relevant for consumers with disabilities.
02.43	<u>Commission Implementing Regulation (EU) 2019/772 of 16 May 2019 amending Regulation (EU)</u>	<u>Directive (EU) 2016/797 on the interoperability of the rail system</u>	All	3(f) 9 31	The Regulation specifies the information to be collected to identify barriers to accessibility experienced by persons with

	No 1300/2014 as regards inventory of assets with a view to identifying barriers to accessibility, providing information to users and monitoring and evaluating progress on accessibility	<u>within the European Union</u> , and in particular Article 5(11) thereof			disabilities under the technical specifications for interoperability of rail systems.
02.44	<u>Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative</u>	TFEU Article 24	2(2) 4(2) 10(1)	3(c)(f) 9 29(b)	The Regulation establishes the procedures and conditions required for a European citizens' initiative inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters of concern. It includes provisions concerning the accessibility of the procedure for persons with disabilities.
02.45	<u>Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC</u>	TFEU Article 53(1) and Articles 62 and 114	-	9 21 30(3)	The Directive establishes rules to harmonise further EU law applicable to copyright and related rights in the framework of the internal market, taking into account, in particular, digital and cross-border uses of protected content. Certain exceptions to copyright rules are foreseen for users with disabilities, and the Directive cross-references Directive 2017/1564 ( <i>document 02.35</i> ).
02.46	<u>Regulation (EU) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on</u>	TFEU Article 21(2)	Recital 35	3(f) 9 18 22	This Regulation strengthens the security standards applicable to identity cards and residence documents issued by

	strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement				Member States. It encourages making such documents accessible and user-friendly for persons with disabilities.
02.47	<u>Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019</u> on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and “vulnerable” road users	TFEU Article 114	9(6) Recital 9	3(f) 9 20	The Regulation establishes additional requirements for type-approval for vehicles, including those used to transport passengers with reduced mobility.
02.48	<u>Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021</u> on rail passengers’ rights and obligations (recast)	TFEU Article 91(1)	Chapter V	3(f) 5 9 20	The Regulation establishes rules applicable to rail transport as regards, among others, non-discrimination and assistance for persons with disabilities and persons with reduced mobility.
02.49	<u>Regulation (EU) 2022/612</u> of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications	TFEU Article 114	13, 15	9 11 20 21	The Regulation provides for a common approach to pricing of communications when traveling within the Union. Roaming customers with disabilities should be provided with the basic personalised pricing information, if

	networks within the Union (recast)				they so request, and a link to access a dedicated accessible webpage on alternative means of reaching emergency services.
02.50	<u>Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act)</u>	TFEU Article 114	Article 8	4(1)(e) 9 21	The Regulation introduces rules for platforms that act as “gatekeepers” in the digital sector and prevents them from imposing unfair conditions on businesses and end users. It includes accessibility requirements.
02.51	<u>Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)</u>	TFEU Article 114	Article 47	4(1)(e) 9 21	The Regulation encourages the drawing up of codes of conduct with the involvement of providers of online platforms and NGOs to promote accessible online content.
02.52	<u>Directive (EU) 2022/2561 of the European Parliament and of the Council of 14 December 2022 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers (codification)</u>	TFEU Article 91	Recital 26 Annex I	4(1)(i) 8 20	The Directive regulates rules and requirements for training on disability awareness for drivers of certain road vehicles.



02.53	<u>Decision (EU) 2022/2481</u> of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030	TFEU Article 173(3)	Article 3(1)(g) Recital 12	9 21	The Decision establishes the Digital Decade Policy Programme 2030 and sets out its monitoring and cooperation mechanism. It recognises the importance of online participation for everyone, persons with disabilities who are defined as disadvantaged groups.
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## 2.5 Funding instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
02.54	<u>Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013</u> laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund, repealing Council Regulation (EC) No 1083/2006	TFEU Article 177	7 55	All	The Regulation provides that accessibility for persons with disabilities shall be taken into account throughout the preparation and implementation of funding programmes. Compliance with this principle is to be appraised during the ex ante evaluation of each programme. Disability-based discrimination in the distribution of the funds is prohibited.  This act has been amended. Current consolidated version: <u>29/12/2020</u> .

02.55	<u>Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021</u> establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240	TFEU Article 172 and Article 173(3)	Recital 46 Annex I	3(f) 4(1)(g) 9 20 21 25 32	The Regulation establishes the Digital Europe Programme and emphasises that digitalisation can improve barrier-free accessibility for all, including persons with disabilities. Specific objectives included in Annex I focus <i>inter alia</i> on digital skills training, development of e-health, mobility. Some third countries are associated to the Programme.
02.56	<u>Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021</u> establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014	TFEU Articles 172 and 194	9(2)(b)(ix) 14(1)(b)	3(f) 9 20	The Regulation establishes the Connecting Europe Facility. Actions eligible for funding under the Programme include measures to improve transport infrastructure accessibility for all modes of transport and for all users, especially users with reduced mobility.

## 2.6 Other instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
02.57	European Standard <u>EN 301549:2021</u> on “accessibility requirements suitable for public procurement of ICT products and services in Europe”			3(f) 9	This is the first European Standard on e-accessibility, covering both software and hardware, as well as services.
02.58	European Standard <u>EN 17161: 2019</u> “Design for All – Accessibility following a Design for All approach in products,			3(f) 9	The Standard specifies requirements that enable an organisation to design, develop and provide products, goods and services which can be accessed,

	goods and services – Extending the range of users”				understood and used by the widest range of users, including persons with disabilities.
02.59	<u>Commission Recommendation (EU) 2019/786 of 8 May 2019</u> on building renovation (notified under document C(2019) 3352)	TFEU Article 292	Annex point 2.3.1.7s	3(f) 9	The Recommendations provides guidelines for the Member States to follow when implementing Directive (EU)2018/844 on the energy performance of buildings. For new buildings and buildings undergoing major renovations, it is recommended that efforts are undertaken to avoid the creation of accessibility barriers for persons with disabilities and, where possible, existing accessibility barriers should be removed.
02.60	European standard <u>EN 17210:2021</u> “Accessibility and usability of the built environment – Functional requirements”		All	3(f) 9	The Standard is based on the M/420 Standardisation mandate to CEN, CENELEC and ETSI in support of European accessibility requirements for public procurement in the built environment.
02.61	<u>European Parliament resolution of 4 October 2022</u> on AccessibleEU Centre in support of accessibility policies in the EU internal market 2022/2013(INI)	TEU Article 2, TFEU Articles 19, 48, 67(4), 153, 165, 168 and 174	All	9	The own-initiative resolution outlines the European Parliament’s vision of the AccessibleEU Centre announced in the European Disability Strategy 2021-2030.

## 2.7 Repealed instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
02.62	<u>Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services</u>	EC Treaty Article 84(2)			No longer in force, Date of end of validity: 19/12/2017; Repealed and replaced by <u>32017L2110</u> . Last consolidated version: <u>17/06/2009</u> .
02.63	<u>Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)</u>	EC Treaty Articles 47(2), 55 and 95	16(2)	3(f) 4(3) 9 21	The Directive established standard rules in the EU on various issues related to electronic commerce. Implicitly repealed by Directive 2009/22/EC.
02.64	<u>Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)</u>	EC Treaty Article 95			No longer in force, Date of end of validity: 20/12/2020; Repealed by <u>32018L1972</u> . Last consolidated version: <u>19/12/2009</u> .
02.65	<u>Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications</u>	EC Treaty Article 95			No longer in force, Date of end of validity: 20/12/2020; Repealed by Directive (EU) 2018/1972 <u>32018L1972</u> . Last consolidated version: <u>30/04/2016</u> .

	networks and services (Universal Service Directive)				
02.66	<u>Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC</u>	EC Treaty Article 71	Annex I, sub.1.5	4(1)(i) 8 20	This act was repealed and replaced by Directive 2022/2561.
02.64	<u>Directive 2005/40/EC of the European Parliament and of the Council of 7 September 2005 amending Council Directive 77/541/EEC on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles</u>	EC Treaty Article 95			The Directive made it compulsory to fit safety belts in all kinds of vehicles, thereby improving their safety. Provisions allow Member States to set differentiated requirements regarding seatbelts for people with disabilities.  No longer in force, Date of end of validity: 31/10/2014; Implicitly repealed by 32009R0661.
02.65	<u>Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems,</u>	EC Treaty Article 95			No longer in force, Date of end of validity: 31/08/2020; Repealed by 32018R0858. Last consolidated version: <u>01/09/2019</u> .

	components and separate technical units intended for such vehicles (Framework Directive)				
02.66	<u>Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007</u> amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities	EC Treaty Articles 47(2) and 55			The Directive provided some common guidelines concerning broadcasting activities in the EU, including gradual improvements to accessibility of audiovisual services to persons with disabilities.  No longer in force, Date of end of validity: 04/05/2010.
02.67	<u>Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008</u> on the interoperability of the rail system within the Community (Recast)	EC Treaty Articles 71 and 156			No longer in force, Date of end of validity: 30/10/2020; Repealed by <u>32016L0797</u> And <u>32016L0798</u> . ac <u>01/01/2015</u> .
02.68	<u>Regulation (EC) No 78/2009 of the European Parliament and of the Council of 14 January 2009</u> on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC	EC Treaty Article 95	All	3(f) 9	The Regulation established technical requirements for motor vehicles throughout the EU, in order to better protect pedestrians, including those with reduced mobility.  No longer in force, Date of end of validity: 05/07/2022; Repealed by 32019R2144. Last consolidated version: 01/07/2013.

02.69	<u>Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009</u> amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services	EC Treaty Article 95	Various	3(f) 9 21	The Directive reformed the regulatory framework for electronic communications and introduced measures to ensure that users with disabilities derived maximum benefits in terms of choice, price and quality of telecommunications.  No longer in force, Date of end of validity: 20/12/2020; Implicitly repealed by 32018L1972.
02.70	<u>Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009</u> concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefore	EC Treaty Article 95	7(4)	3(f) 9 20	The Regulation set out the technical requirements and the procedures to ensure that new motor vehicles met EU safety and energy efficiency standards, including accessibility features.  No longer in force, Date of end of validity: 05/07/2022; Repealed by 32019R2144.
02.71	<u>2012/464/EU: Commission Decision of 23 July 2012</u> amending Decisions 2006/861/EC, 2008/163/EC, 2008/164/EC, 2008/217/EC, 2008/231/EC, 2008/232/EC, 2008/284/EC, 2011/229/EU, 2011/274/EU, 2011/275/EU, 2011/291/EU and	TFEU			No longer in force, Date of end of validity: 01/01/2015; Implicitly repealed by 32014R1299, 32014R1300, 32014R1301, 32014R1302, 32014R1303, 32014R1304, <u>32014R1305</u> .

	2011/314/EU concerning technical specifications for interoperability (notified under document C(2012) 4985)				
02.72	<u>Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013</u> establishing 'Erasmus+': the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC	TFEU Articles 165(4) and 166(4)			No longer in force, Date of end of validity: 31/12/2020; Repealed by <a href="#">32021R0817</a> . Last consolidated version: <a href="#">05/10/2018</a> .
02.73	<u>Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013</u> establishing the Creative Europe Programme (2014 to 2020), repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC	TFEU Article 166(4), the first indent of Article 167(5) and Article 173(3)			No longer in force, Date of end of validity: 31/12/2020; Repealed by <a href="#">32021R0818</a> . Last consolidated version: <a href="#">01/01/2018</a> .
02.74	<u>Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013</u> establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010	TFEU Article 172			No longer in force, Date of end of validity: 31/12/2020; Repealed by <a href="#">32021R1153</a> . Last consolidated version: <a href="#">02/08/2018</a> .



	and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010				
02.75	<u>Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013</u> establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020	Articles 19(2), 21(2), 114, 168, 169 and 197			No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>32021R0692</u> .

### 3 Social inclusion and independent living

The EU budget framework is a key tool for promoting social inclusion and independent living of persons with disabilities in the European Union Member States. The Multiannual Financial Framework 2021-2028, and the individual financial instruments it comprises, include a number of provisions that mainstream and advance the rights of persons with disabilities. While many funding instruments mention persons with disabilities, the most significant are:

- Regulation 2021/1057 establishing the European Social Fund Plus (*document 03.18*). ESF+ contributes to the Member States' social inclusion and anti-poverty programmes, fostering social innovation and support for youth and marginalised persons. The financial envelope for the implementation of the ESF+ for the period 2021 to 2027 is EUR 87.9 billion. The Regulation mainstreams persons with disabilities throughout and includes a number of important provisions on the accessibility of the programmes for persons with disabilities.
- Regulation 2021/1058 on the European Regional Development Fund (*document 03.19*). The European Regional Development Fund (ERDF) invests in infrastructure, innovation and research, the digital agenda, support for small and medium-sized enterprises (SMEs) and the low-carbon economy. The aim of the Fund is to strengthen economic and social cohesion in the European Union by correcting imbalances between its regions. The need to invest in "accessible infrastructure" and to promote "the transition from institutional to family- and community-based care" are among the specific objectives of the Fund.
- Regulation 2021/692 establishing Citizens, Equality, Rights and Values Programme (*document 03.14*). Amongst other things, the Programme focuses on the protection and promotion of the rights of persons with disabilities and combating disability-based discrimination and violence. The financial envelope for the implementation of the Programme for the period from 1 January 2021 to 31 December 2027 is EUR 641.7 million.

The European Strategy for the Rights of Persons with Disabilities 2021-2030 (*document 03.28*) was published in March 2021 and is the result of extensive multi-stakeholder consultation and reflection on the lessons learnt from the implementation of the previous European Disability Strategy 2010-2020. The Strategy is structured thematically and includes a concrete flagship proposal for each theme, such as the establishment of the resource centre AccessibleEU (see also *document 02.61*), rolling out the European Disability Card, and the presentation of the framework for social services of excellence for persons with disabilities. It also announces governance and coordination innovations in the form of the Disability Platform that replaces the High-level disability group.

The European Disability Strategy is part of the strategic package for Achieving the Union of Equality that is one of the objectives of the current European Commission. Other instruments that contribute to the objective are the Gender Equality Strategy (*document 03.24*), the Roma Strategic Framework (*document 03.26*), the EU Anti-Racism Action Plan (*document 03.25*) and the LGBTIQ Equality Strategy (*document*

03.27). All these instruments mainstream persons with disabilities in their proposed actions and include calls for disability mainstreaming at the national level as well.

EU law includes a variety of compensatory measures to level out the situation of persons with disabilities by providing them with free or reduced-price services and tax benefits. They include:

- Directive 2003/96/EC, allowing Member States to apply differentiated rates of taxation for energy products and electricity when they are used for or by people with disabilities (*document 11.02*);
- Directive 2006/112/EC, allowing Member States to apply a reduced VAT rate to certain goods and services, used by disabled people, including audiobooks and books in Braille (*document 11.03*);
- Directive 2008/6/EC, allowing Member States to maintain free postal services for persons with visual impairments (*document 02.04*);
- Directives 2014/24/EU and 2014/25/EU, allowing Member States to reserve the right to participate in public procurement to sheltered workshops and operators whose main aim is “the social and professional integration of disabled or disadvantaged people” (*documents 02.22 and 02.23*).

A number of instruments (*documents 03.02, 03.03, 03.05*) address the application of national social security schemes to (self) employed persons and their families who move within the EU and cover, among other things, the entitlement of persons moving across EU borders to invalidity and sickness benefits. These Regulations are regularly amended to take account of Member States’ changing legislation on the matter.

Commission proposal for a Directive to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms ([COM\(2021\)93](#)) proposes that the information provided to workers on their individual pay level and the average pay levels be provided in accessible formats upon request.

### 3.1 Key instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
03.01	<u>Council Decision 83/516/EEC of 17 October 1983 on the tasks of the European Social Fund</u>	EEC Treaty Article 126	Art 4(2) section c	27 28	The Decision specifies that the projects promoting the employment of people with disabilities can be financed by the Fund.  This act has been amended. Current consolidated version: 01/01/1986.
03.02	<u>Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems</u>	EC Treaty Articles 42 and 308	3	28	The Regulation coordinates social security legislation and systems between Member States, and among others covers disability allowances.  This act has been amended. Current consolidated version: 31/07/2019.
03.03	<u>Council Decision 2006/6/EC and Euratom of 12 December 2005 adopting the rules laying down the procedure for granting financial aid to supplement the pension of a surviving spouse who has a serious or protracted illness or who is disabled</u>	Staff Regulations of officials of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68, and in particular Article 76a	All	28	The Decision (Staff Regulations) provides for financial support for the surviving spouses of EU civil servants, who are ill or disabled.
03.04	<u>Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying</u>	EC Treaty Articles 42 and 30	2.1	9 22 28	The Regulation specifies which Member State's legislation is to apply in a given case in the context of social security

	down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems				<p>systems and concerning individuals who have exercised the right of free movement. The principle of e-accessibility for disabled and elderly persons is to be taken into account in exchanges between Member States' authorities and persons covered by the Regulation.</p> <p>This act has been amended. Current consolidated version: <u>01/01/2018</u>.</p>
03.05	<u>Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009</u> amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its Annexes	EC Treaty Articles 42 and 308		28	The Regulation coordinates social security legislation and systems between Member States, and among others, covers disability allowances.
03.06	<u>Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009</u> concerning common rules for the internal market in natural gas, and repealing Directive 2003/55/EC	EC Treaty Article 47(2) and Articles 55 and 95	3(3)	19 28	<p>The Directive requires that Member States provide for protection of '<i>vulnerable customers</i>' (who must be defined at the national level) from energy poverty, especially in '<i>critical times</i>'.</p> <p>This act has been amended. Current consolidated version: <u>23/05/2019</u>.</p>

03.07	<u>Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting</u>	TFEU Articles 50 and 114	3	4(1)(e) 5	The Directive regulates the requirements for sustainability reporting of private undertakings, including reporting on diversity, social inclusion and accessibility for persons with disabilities.
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### 3.2 Funding instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
03.08	<u>Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal, repealing Regulation (EC) No 1080/2006</u>	TFEU Articles 178 and 349	Recital 15	19 24 25 27 28 30	The Regulation establishes the tasks of the ERDF and provides that, in order to promote social inclusion and combat poverty, it is necessary to improve access to social, cultural and recreational services taking account of the specific needs of persons with disabilities and elderly people. See also Regulation (EU) 2021/1058 below that is the most recent instrument regulating the ERDF.  This act has been amended. Current consolidated version: <a href="#">24/04/2020</a> .
03.09	<u>Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the</u>	TFEU Article 164	8	5 19 24 27	The Regulation establishes the missions of the ESF and the scope of its support, including specific actions to combat all

	European Social Fund, repealing Council Regulation (EC) No 1081/2006			28	<p>forms of discrimination and improve accessibility for persons with disabilities.</p> <p>See also Regulation (EU) 2021/1057 that is the most recent instrument regulating the ESF.</p> <p>This act has been amended. Current consolidated version: <a href="#">02/08/2018</a>.</p>
03.10	<u>Regulation (EU) No 223/2014 of the European Parliament and of the Council of 11 March 2014 on the Fund for European Aid to the Most Deprived</u>	TFEU Article 175(3)	5(11)	5 19 28	<p>The Regulation establishes support schemes for food and/or basic material assistance for the most deprived persons through partner organisations selected by Member States. Discrimination against persons with disabilities in the distribution of support is prohibited.</p> <p>This act has been amended. Current consolidated version: <a href="#">17/02/2021</a>.</p>
03.11	<u>Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005</u>	TFEU Article 42 and Article 43(2)		9 28	<p>The Regulation set out how the EAFRD aimed to develop rural areas over the 2014-2020 period, including the objective of “achieving a balanced territorial development of rural economies and communities including the creation and maintenance of employment.”</p>

					<p>It set as a priority the promotion of social inclusion in rural areas. The Member States were to combat disability discrimination and guarantee accessibility for people with disabilities while implementing the programmes.</p> <p>This act has been amended. Current consolidated version: <u>25/06/2021</u>.</p>
03.12	<u>Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021</u> establishing the InvestEU Programme and amending Regulation (EU) 2015/1017	TFEU Article 173 and the third paragraph of Article 175	Annex II point 13(j)	9 27 28	The Regulation establishes the InvestEU Fund, which provides for an EU guarantee to support financing and investment operations carried out by the implementing partners. Inclusion of and accessibility for persons with disabilities is one of the actions eligible for investment.
13.13	<u>Regulation (EU) 2021/691 of the European Parliament and of the Council of 28 April 2021</u> on the European Globalisation Adjustment Fund for Displaced Workers (EGF) and repealing Regulation (EU) No 1309/2013	TFEU Article 175	Recital 25 10	4 5 27 28	The Regulation establishes the Fund to offer assistance to displaced workers in the case of major restructuring events, in particular those caused by challenges related to globalisation. The Preamble to the Regulation also states that when drawing up active labour market policy measures, Member States should pay particular attention to disadvantaged beneficiaries, including persons with disabilities. Disability-based



					discrimination in the implementation of the Regulation is prohibited.
03.14	<u>Regulation (EU) 2021/692 of the European Parliament and of the Council of 28 April 2021</u> establishing the Citizens, Equality, Rights and Values Programme and repealing Regulation (EU) No 1381/2013 of the European Parliament and of the Council and Council Regulation (EU) No 390/2014	TFEU Article 16(2), Article 19(2), Article 21(2), Article 24, Article 167, and Article 168	Recital 15 4 6	5 6 9 16 32	The Regulation establishes the Citizens, Equality, Rights and Values Programme. Protecting and promoting the rights of persons with disabilities is one of the main focus areas of the Programme. The Programme is open to participation from third countries.
03.15	<u>Regulation (EU) 2021/693 of the European Parliament and of the Council of 28 April 2021</u> establishing the Justice Programme and repealing Regulation (EU) No 1382/2013	TFEU Article 81(1) and (2) and Article 82(1)	4 10 18	4(1)(c) and (i) 5 8 13	The Regulation establishes the Programme to contribute to the further development of a European area of justice based on the rule of law. Disability is mainstreamed across all Programme areas, and non-discrimination is to be guaranteed. Awareness raising can be funded under the Programme.
03.16	<u>Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021</u> establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013	TFEU Article 173(3), Article 182(1), Article 183, and the second paragraph of Article 188	Recital 53	4(1)(f) and (g) 4(2) 5 32	The Regulation establishes Horizon Europe and sets out the rules for participation and dissemination concerning indirect actions under the Programme, as well as determining the framework governing EU support for R&I activities over the same period. Activities funded under the Programme should aim to

					eliminate inequalities and promote equality and diversity in all aspects of R&I with regard to disability. The Programme is open to participation from third countries.
03.17	<u>Regulation (EU) 2021/818 of the European Parliament and of the Council of 20 May 2021</u> establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013	TFEU Article 167(5), and Article 173(3)	4(5)(a) Recital 61	27 30 32	The Regulation establishes the Creative Europe programme. Objectives shall be pursued in a way that encourages inclusion, equality, diversity and participation. Particular actions to ensure that people with disabilities have access to culture and participate in it actively are encouraged.
03.18	<u>Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021</u> establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013	TFEU Article 46, point (d), Article 149, Article 153(2), point (a), Article 164, Article 175, third paragraph, and Article 349	6 28(2)	All	The Regulation establishes the ESF+. This supports Member States and regions to achieve high employment levels, fair social protection and a skilled and resilient workforce, as well as inclusive and cohesive societies. Inclusion of persons with disabilities and accessibility of the Fund's activities to them is a horizontal principle.
03.19	<u>Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021</u> on the European Regional Development Fund and on the Cohesion Fund	TFEU Article 177, and Articles 178 and 349	3	9 19 25 26 28	The Regulation establishes a Fund to invest in infrastructure and reduce the disparities between European regions. It is to promote accessibility and transition to community-based care.

### 3.3 Other instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
03.20	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Establishing a European Pillar of Social Rights' <a href="#">COM(2017)250</a>		All	9 27 28	In addition to providing for a general framework for improving the social situation in the EU, the Communication explicitly highlights the importance of the European Accessibility Act.
03.21	Enhancing Community-based Support and Care – Council Conclusions 24 November 2017, <a href="#">15563/17</a>		All	19 23(3) 28	The Conclusions include a set of recommendations for community living for persons with disabilities, emphasising a strategic use of the EU funds.
03.22	European Parliament resolution of 29 November 2018 on the situation of women with disabilities <a href="#">P8_TA(2018)0484</a>		All	6 9 16 24 25 27	The Resolution includes a list of recommendations on labour, accessibility, work-life balance, education, health, violence and digital inclusion of women with disabilities.
03.23	Conclusions of the Council of the European Union and the Representatives of the Member States meeting within the Council on Access to sport for persons with disabilities <a href="#">2019/C192/06</a>		All	9 30	The Conclusions outline the EU priorities in relation to access to sport by persons with disabilities.
03.24	Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee		Various	4(1)(c) 5 6 16	The Strategy sets out the EU priorities for achieving gender equality. It includes a range of actions to mainstream disability.

	of the Regions “A Union of Equality: Gender Equality Strategy 2020-2025” <u>COM(2020) 152</u>				
03.25	Communication from the Commission to the European Parliament and the Council “A Union of Equality: A Union of equality : EU anti-racism action plan 2020-2025” <u>COM(2020)565</u>		Various	4(1)(c) 5	The Action Plan presents actions to achieve equality on race and ethnic grounds. It reiterates the need achieve a horizontal approach covering all grounds of discrimination, incl. disability.
03.26	Communication from the Commission to the European Parliament and the Council “A Union of Equality: EU Roma strategic framework for equality, inclusion and participation” <u>COM(2020)620</u>		Various	4(1)(c) 5	The Strategic Framework sets out the European equality strategy for Roma and gives guidance to Member States regarding their national Roma strategic networks, which should mainstream Roma with disabilities throughout.
03.27	Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions “Union of Equality: LGBTIQ Equality Strategy 2020-2025” <u>COM(2020) 698</u>		Various	4(1)(c) 5 16	The Strategy sets out the EU priorities in relation to achieving equality for people belonging to the LGBTIQ community. It recognises multiple discrimination and mainstreams disability.
03.28	Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions “Union of Equality: Strategy for the Rights		All	All	The Communication outlines the EU disability strategy for 2020-2030 across thematic areas such as accessibility, independent living, political participation, employment etc. It includes an external

	of Persons with Disabilities 2021-2030” <u>COM(2021) 101</u>				dimension addressing disability rights outside of the EU.
03.29	Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions “The European Pillar of Social Rights Action Plan” <u>COM(2021)102</u>		Various	All	The Action Plan sets out provisions to implement the European dimension of the European Pillar of Social Rights. It mainstreams disability and cross-references the European Disability Strategy 2021-2030.
03.30	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “EU strategy on the rights of the child” <u>COM(2021)142</u>		Various	5 7 23	The Strategy outlines the EU priorities for realisation of children’s rights. It mainstreams disability and makes a reference to the European Disability Strategy 2021-2030.
03.31	<u>Council Recommendation (EU) 2021/1004 of 14 June 2021</u> establishing a European Child Guarantee	TFEU Article 292, in conjunction with Article 153(2) and Article 153(1)(j)	Various	5 7 23 28	The Recommendation addresses actions to prevent social exclusion by guaranteeing access of children in need, including children with disabilities, to a set of key services.
03.32	<u>Council Recommendation of 8 December 2022</u> on access to affordable high-quality long-term care (2022/C 476/01)	TFEU Article 292, in conjunction with Article 153(1), point (k)	Point 5(d), Annex	19	The Recommendation sets out the principles of long-term care and stresses the equal right of all persons with disabilities to live independently in the community, with choices equal to others.

03.33	European Parliament resolution of 13 December 2022 towards equal rights for persons with disabilities ( <a href="#">2022/2026(INI)</a> )	TEU Articles 2 and 3(3), TFEU Articles 9, 10, 19, 48, 67(4), 153, 165, 168, 174, 216(2)	All	4	The resolution calls for the adoption of measures for the implementation of the rights of persons with disabilities, incl the reform of the European Electoral Law, the EU Disability Card and accession to the Istanbul Convention.
03.34	<a href="#">Council Recommendation of 30 January 2023</a> on adequate minimum income ensuring active inclusion (2023/C 41/01)	TFEU Article 292, in conjunction with Article 153(1), point (j)	Point 8; various recitals	28	The Recommendation promotes adequate income support for persons lacking sufficient resources. It recommends that minimum income support should be linked to an individual household member in order to promote economic independence of persons with disabilities.

### 3.4 Repealed instruments

03.35	<a href="#">Council Directive 96/97/EC of 20 December 1996</a> amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes	EC Treaty Article 100	3	27 28	The Directive applied to working populations whose activity was interrupted by illness or accident, and disabled workers.  No longer in force, Date of end of validity: 15/08/2009; Repealed by <a href="#">32006L0054</a> . Last consolidated version: 09/03/1997.
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03.36	<u>Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC</u>	EC Treaty Article 47(2) and Articles 55 and 95	3(7)	28	<p>The Directive provided that Member States were to protect '<i>vulnerable customers</i>', defined at the national level, from energy poverty, especially in '<i>critical times</i>'.</p> <p>No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>32019L0944</u>.</p>
03.37	<u>Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC</u>	TFEU Articles 173(3) and 182(1)	Annex I Part III	4 25	<p>The Regulation mentioned disability under the specific objective '<i>to improve the lifelong health and well-being for all</i>'. Research into causes, prevention, and maximising independence of disabled people was foreseen.</p> <p>No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>32021R0695</u>. Last consolidated version: <u>04/07/2015</u>.</p>
03.38	<u>Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI")</u>				<p>No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>32021R1057</u>. Last consolidated version: <u>02/08/2018</u>.</p>

## 4 Consumer affairs

Regulation (EC) No 261/2004 on the rights of passengers travelling by air in the event of denied boarding or of cancellation or long delay of flights (*document 04.01*) establishes rights of airline customers, including those with disabilities. It foresees compensation and assistance to passengers whose travel plans have been affected by long delays or flight cancellations, while paying particular attention to persons with reduced mobility. The Regulation emphasises the obligation to pay special attention to passengers with disabilities (additional assistance, priority boarding, etc.).

Directive on unfair commercial practices 2005/29/EC (*document 04.02*) protects consumers against false information, deceit and actions causing them to make a transaction they would not have otherwise made (such as buying a falsely advertised product or requesting an unnecessary maintenance service). The Directive does not mention consumers with disabilities as such, although it refers to consumers who are 'vulnerable [...] because of their mental or physical infirmity, age or credulity'. The Directive was amended in 2019 by a Directive on better enforcement and modernisation of Union consumer protection rules (*document 04.06*) and is part of the 'New Deal for Consumers'.

Directive on consumer rights 2011/83/EU (*document 04.03*) applies to sales and service contracts concluded between a trader and a consumer, including contracts for the supply of water, gas or electricity, and excluding only specific contracts explicitly enumerated in the Directive. Beyond a mention in the preamble of the '*specific needs of consumers who are particularly vulnerable because of their mental, physical or physiological infirmity, age or credulity*', the Directive does not elaborate on the need for accessibility of contractual transactions for persons with disabilities.

The multiannual Consumer Programme 2014-2020 (*document 04.09*) was repealed in 2021 and replaced by the Single Market Programme (*document 04.08*) that includes, among other objectives, protection of consumers (including "vulnerable" consumers) and collection of high-quality statistics, which should include collection of data relevant to the EU's obligations under the CRPD.



#### 4.1 Key instruments

Nr	Title	Legal basis	Relevant article	Relevant CRPD article(s)	Remarks
04.01	<u>Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004</u> establishing common rules on compensation and assistance to passengers	EC Treaty Article 80(2)	2 (i) 9(3) 11	20	The Regulation establishes common rules on compensation and assistance for passengers in the event of denied boarding and of cancellation or long delay of flights. It imposes obligations on airline companies to give preferential treatment to passengers with disabilities in certain circumstances.
04.02	<u>Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005</u> concerning unfair business-to-consumer practices in the internal market (“Unfair Commercial Practices Directive”)	EC Treaty Article 95	5(3)	5 9 21	The Directive prohibits certain commercial practices, thereby protecting the economic interests of consumers, including those most “vulnerable”, before, during and after a commercial transaction. Traders must take into account some needs of consumers who belong to a “clearly identifiable (vulnerable) group”.
04.03	<u>Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011</u> on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council, and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council	TFEU Article 114	Recital 34	5 9 21	The Directive increases consumer protection by harmonising several key aspects of consumer contracts. The information provided to consumers should take account of the specific needs of consumers who are particularly “vulnerable” “because of their mental, physical or psychological infirmity, age or credulity”.

					This act has been amended. Current consolidated version: <u>01/07/2018</u> .
04.04	<u>Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015</u> on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC	TFEU Article 114	Recital 25	5 9 21	The Directive introduces a high, uniform level of consumer protection within the EU in relation to contracts for travel packages and linked travel arrangements. The trader must provide the traveller with all necessary information before purchasing a package, taking into account the specific needs of travellers who are “particularly vulnerable because of their age or physical infirmity”.
04.05	<u>Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019</u> on promoting fairness and transparency for business users of online intermediation services	TFEU Article 114	Recital 50	3(f) 9 21	The Regulation establishes rules with respect to transparency, fairness and effective redress possibilities for business users of certain online intermediation services. When providing the information required under this Regulation, account should be taken of the particular needs of persons with disabilities as far as possible.
04.06	<u>Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019</u> amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better	TFEU Article 114	5 Recital 58	3(f) 4(1)(f) 9 21	The Directive amends EU consumer protection legislation. It includes a reference to “design for all” and provides that information on consumer rights should be available in a clear, understandable and easily accessible manner.

	enforcement and modernisation of Union consumer protection rules				
04.07	Communication from the Commission to the European Parliament and the Council “New Consumer Agenda: Strengthening consumer resilience for sustainable recovery” <a href="#">COM(2020) 696</a>		Various	5 9	The Agenda presents a vision for EU consumer policy from 2020 to 2025, aiming to address consumers’ immediate needs in the face of the COVID-19 pandemic and to increase their resilience. It recognises and mainstreams the specific needs of consumers with disabilities.

## 4.2 Funding instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
04.08	<a href="#">Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021</a> establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014	TFEU Articles 43(2), 114, 168(4)(b), 173 and 338	Annex II	8 31 32	The Regulation establishes a programme for competitiveness and sustainability of enterprises and consumer protection; for the management of expenditure in the area of plants, animals, food and feed; and for the European statistics. The Single Market Programme brings together activities financed under six separate predecessor programmes. Its objectives are, on the one hand, to protect and empower consumers – including “vulnerable” consumers - and businesses by facilitating access and promoting human, animal and plant health and, on the other hand, to develop and disseminate high-

					quality European statistics (which should include collection of data relevant to obligations under the CRPD).
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### 4.3 Repealed instruments

Nr	Title	Legal basis	Relevant article	Relevant CRPD article(s)	Remarks
04.09	<u>Regulation (EU) No 254/2014 of the European Parliament and of the Council of 26 February 2014 on a multiannual consumer programme for the years 2014-20, repealing Decision No 1926/2006/EC</u>	TFEU Article 169			No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>32021R0690</u> .

## 5 Education

The European initiatives in the field of education and training are supported financially by Erasmus+ programme (*document 05.01*). Erasmus+ supports, through lifelong learning, the educational, professional and personal development of people in the fields of education and training, youth and sport, in the EU and beyond. It includes provisions for dedicated funds for persons with disabilities and acknowledges the additional costs they may incur in order to participate in cross-border activities. The financial envelope for the implementation of the Programme for the period from 2021 to 2027 is EUR 24.5 billion.

The Digital Education Action Plan 2021-2027 (*document 05.02*) acknowledges the specific barriers to digital education experienced by learners with disabilities and makes proposals to address them.

## 5.1 Funding instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
05.01	<u>Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021</u> establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013	TFEU Articles 165(4) and 166(4)	15 Recital 25	9 24 27 30 32	The Regulation establishes the Erasmus+ programme in the field of education and training, youth and sport. People with disabilities are included among “people with fewer opportunities”, and the Commission is under an obligation to develop an inclusion framework to increase their participation in the programme.

## 5.2 Other instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
05.02	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “Digital Education Action Plan 2021-2027. Resetting education and training for the digital age” COM(2020)624			4(1)(g) 24	The Action Plan supports the sustainable and effective adaptation of the education and training systems of EU Member States for the digital age. It acknowledges the particular difficulties learners with disabilities experience, especially in COVID times, and mainstreams accessibility and inclusion.
05.03	<u>Council Recommendation of 8 December 2022</u> on early childhood education and care: the Barcelona targets for 2030 (2022/C 484/01)	TFEU Article 292, in conjunction with Article 153(1), point (i)	Point 7	24	The Recommendation aims to encourage the increase in participation in high quality Early Childhood Education and Care in order to facilitate women’s labour market participation and enhance children’s cognitive development. It recommends putting in place

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					targeted measures to increase participation in ECEC of children with disabilities, including through providing training to ECEC staff.
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## 6 Work and employment

Employment Equal Treatment Directive 2000/78/EC (*document 06.02*) is the only non-discrimination directive of direct relevance to people with disabilities adopted on the basis of Article 13 of the EC Treaty to date (now Article 19 TFEU). The Directive obliges the Member States to take measures to prohibit direct and indirect discrimination and harassment on the ground of disability (among other grounds) with regard to employment, including recruitment, and vocational training. The obligation on employers to provide reasonable accommodation in order to meet the needs of individuals with a disability results from this Directive and the national law which transposed it. Member States may also adopt positive measures to compensate for the disadvantages historically experienced by persons with disabilities.

The European Employment Strategy includes Employment Guidelines (*documents 06.03, 06.07 and 06.14*), Joint Employment Reports, National Reform Programmes and Country-specific recommendations. Member States must take account of the situation of persons with disabilities in the labour market when implementing the Guidelines. The European Employment Strategy is implemented through the European Semester.

The European Pillar of Social Rights (*document 06.15*) sets priorities and goals and serves as a compass for employment and social policies in the EU. Principle 17 of the Pillar underlines that persons with disabilities have the right to income support that ensures their living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs.

The Disability Employment Package (*document 06.16*) is part of the Strategy for the Rights of Persons with Disabilities 2021-2030 (*document 03.28*) that aims to support Member States in ensuring that persons with disabilities enjoy economic autonomy through employment. The Package consists of several guidance documents rolled out in 2022-2023.

The 2019 Directive on Work-Life Balance for Parents and Carers (*document 06.12*) covers issues such as informal care, parental and paternity leave and carer's leave, and encourages Member States to take enhanced measures to address the situation of parents with disabilities and carers of children with disabilities.

In order to create more equal opportunities for disadvantaged groups, including people with disabilities, the Commission State Aid Regulation (*document 11.07*) declares state aid (up to a certain amount) used to support the employment or training of people with disabilities compatible with the internal market. Such aid includes wage subsidies used to employ persons with disabilities and financial support to compensate for the additional costs of employing workers with disabilities.

The EU Staff Regulations (*document 06.08*), first adopted in 1968, have been revised many times since, and now include provisions on equality of opportunity and reasonable accommodation for people with disabilities. After the entry into force of the CRPD, the Staff Regulations have aligned the definition of persons with disabilities with the CRPD, introduced the concept of reasonable accommodation, and made provisions for disabled family members of EU civil servants.



The 2016 Regulation on a European Network of Employment Services (EURES) (*document 06.10*) stipulates that the information provided on the EURES portal and support services must be accessible for persons with disabilities. It mandates the Commission and EURES members and partners to determine the means to fulfil this obligation.

Europass, a European framework to support the transparency and understanding of skills and qualifications across the EU Member States, consists of web-based tools for self-assessing and documenting skills and experiences. It was first established in 2004 and is now regulated by Decision (EU) 2018/646 (*document 06.11*), which specifies that the web-based tools that are part of the Europass framework should be made accessible for persons with disabilities and older persons. The Commission has the task to keep up to date with the latest technological developments that enable accessibility.

## 6.1 Key instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
06.01	<u>Council Directive 89/654/EEC of 30 November 1989</u> concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC)	EEC Treaty Article 118	Annex I point 20	3(f) 9 27	The Directive sets minimum health and safety requirements in the workplace, including organisation of workplaces for “handicapped workers”.  This act has been changed. Current consolidated version: <u>26/07/2019</u> .
06.02	<u>Council Directive 2000/78/EC of 27 November 2000</u> establishing a general framework for equal treatment in employment and occupation	EC Treaty Article 13	All	5 27	The Directive establishes a general framework for combating discrimination on the ground of disability (and some other grounds) in employment and occupation. It establishes the duty of reasonable accommodation for persons with disabilities.
06.03	<u>Council Decision 2005/600/EC of 12 July 2005</u> on Guidelines for the employment policies of the Member States	EC Treaty Article 128(2)		5 24 27	The Decision contains 8 guidelines for reaching higher levels of employment in the EU, including by improving inclusion of disadvantaged people (such as disabled persons), greater investment in human resources, adaptation of education and training systems and more flexibility combined with employment security.

06.04	<u>Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation</u>	EC Treaty Article 141(3)	6	5 6 27 28	The Directive prohibits discrimination between men and women concerning the conditions of recruitment, access to employment, dismissals, training, promotion and membership of workers' or employers' organisations. Social security schemes for workers must address needs of disabled workers.
06.05	<u>Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work</u>	EC Treaty Article 137(2)	5	3 5 27	The Directive protects temporary agency workers and applies the principle of equal treatment to temporary agency workers. It also prohibits disability-based discrimination with regard to temporary workers.
06.06	<u>Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC</u>	EC Treaty Article 47(2) and Articles 55 and 95	14	5(4) 27	The Directive establishes the procedures for the award of public contracts in the field of defence and security. It allows Member States to reserve the right to participate in contract award procedures to sheltered workshops or provide for such contracts to be performed in the context of sheltered employment programmes which employ persons with disabilities.
06.07	<u>Council Decision 2010/707/EU of 21 October 2010 on guidelines for the employment policies of the Member States</u>	TFEU Article 148(2)		5 24 27 28	The Guidelines provide directions for the coordination of Member States' employment policies. The national policies should guarantee equal opportunities of

					employment, combat discrimination and promote social exclusion, including towards persons with disabilities.
06.08	<u>Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union</u>	TFEU Article 336	1 Various	5 27	The Staff Regulations provide a framework for attracting, recruiting and maintaining staff within the EU institutions. They include a provision on reasonable accommodation for staff with disabilities, and articles covering disabled family members of staff.
06.09	<u>Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers</u>	TFEU points (a) and (b) of Article 79(2)	Recital 8	5 27	The Directive establishes the conditions for non-EU citizens to work in Member States for short periods as seasonal workers, often in agriculture and tourism. It includes provisions to ensure that such workers are not exploited, are treated equally with nationals, and are not discriminated against on the basis of, among other grounds, disability.
06.10	<u>Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU)</u>	TFEU Article 46	4(2)	3(f) 9 21 27	The Regulation establishes a framework for cooperation to facilitate the exercise of the freedom of movement of workers within the EU. It includes a provision to ensure accessibility for persons with disabilities to the information provided on the EURES portal and to national mobility support services

	No 492/2011 and (EU) No 1296/2013				available for workers and employers under the Regulation.
06.11	<u>Decision (EU) 2018/646 of the European Parliament and of the Council of 18 April 2018</u> on a common framework for the provision of better services for skills and qualifications (Europass) and repealing Decision No 2241/2004/EC	TFEU Articles 165 and 166	4.2, 6.1(c)	3(f) 4(1)(g) 9 21 24 27	The Decision commits the EU to ensuring accessibility of the Europass web-based tools and gives the Commission the task of using the latest technological developments to enable this.
06.12	<u>Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019</u> on work-life balance for parents and carers and repealing Council Directive 2010/18/EU	TFEU point (b) of Article 153(2), in conjunction with point (i) of Article 153(1)	5(8) Recital 4	5 6 23 27	The Directive establishes minimum requirements to achieve equality between men and women with regard to labour market opportunities and treatment at work. It facilitates the reconciliation of work and family life for workers who are parents or carers, and encourages Member States to give specific consideration to the needs of disabled parents and parents of children with disabilities.
06.13	<u>Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022</u> on adequate minimum wages in the European Union	TFEU Articles 153(2), point (b), in conjunction with Article 153(1), point (b)	Recitals 10, 14, 15	27	The Directive establishes a framework for adequate statutory minimum wages, reiterating that persons with disabilities are often affected by low wages, especially in sheltered employment.
06.14	<u>Council Decision (EU) 2022/2296 of 21 November 2022</u> on guidelines for the employment policies of the Member States	TFEU Article 148(2)	All	27	The Decision includes guidelines for the employment policies that form part of the Integrated Guidelines and serve as a basis

					for country-specific recommendations to Member States. It includes recommendations on fostering employment of persons with disabilities.
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## 6.2 Other instruments

06.15	European Pillar of Social Rights. Interinstitutional Proclamation ( <a href="#">2017/C 428/09</a> )		Principle 17	5 6 19 25 27 28	The Pillar relaunched the social dimension of the EU. It addresses the EU labour markets and social systems and includes a principle focusing on inclusion of persons with disabilities.
06.16	<u>Package to improve labour market outcomes of persons with disabilities</u> (Disability Employment Package – “Employment Package”)		All	27	The Package is part of the Disability Strategy 2021-2030 and consists of several measures to support Member States in ensuring that persons with disabilities enjoy social inclusion and economic autonomy through employment.
06.17	Council Conclusions on the inclusion of persons with disabilities in the labour market <a href="#">15134/22</a>	-	All	27	The Conclusion accompanies the Disability Employment Package and encourages its implementation.

## 7 Health

Directive 2011/24/EU on the application of patients' rights in cross-border healthcare (*document 07.01*) clarifies and promotes the rights of patients to access healthcare in another EU Member State. The Directive facilitates persons with disabilities or chronic illnesses to travel to another Member State to receive specialised medical treatment that is either not available, or otherwise difficult to obtain, in their own Member State. It provides that information about cross-border healthcare is to be provided in accessible formats. Patients with disabilities who need to be accompanied by a personal assistant may apply for reimbursement of extra costs, but the decision whether to refund those costs remains at the discretion of the Member States. The Directive also provides for the establishment of the European Reference Networks (ERN). These are virtual networks of healthcare professionals which can facilitate discussions on rare diseases in Europe.

Regulation (EU) No 536/2014 sets out EU-wide rules on clinical trials on medicines for human use (*document 07.02*). It addresses the situation of persons with disabilities, including people in residential care and those "incapable of giving informed consent". In some cases, such individuals may not participate in such trials.

Accessibility for persons with disabilities has been taken into account in the design of digital tools in response to the COVID-19 pandemic (*documents 07.03, 07.04*).

The EU4Health Programme (*document 07.06*) funds European initiatives in the area of health. It includes actions promoting access to health services and facilities for persons with disabilities. The financial envelope for the implementation of the Programme for the period 2021 - 2027 is EUR 2.4 billion.

## 7.1 Key instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
07.01	<u>Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare</u>	TFEU Articles 114, 168	2(a), 6(5), 7(4)	3(f) 9 21 25	<p>The Directive sets out the conditions under which a person traveling to another Member State to receive medical care can have the cost reimbursed by their national health insurance scheme. It includes some optional provisions for granting prior authorisation to travel for recipients of cross-border healthcare and imposes an obligation to make certain information and facilities accessible for patients with disabilities.</p> <p>This act has been amended. Current consolidated version: 01/01/2014.</p>
07.02	<u>Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, repealing Directive 2001/20/EC</u>	TFEU Articles 114 and 168(4)(c)	10	25	<p>The Regulation ensures the safety of people participating in clinical trials and aims to simplify procedures authorising these trials. Additional protective measures should be granted to people with disabilities, including those in residential care and people "incapable of giving informed consent".</p> <p>This act has been amended. Current consolidated version: 27/05/2014.</p>



07.03	<u>Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic</u>	TFEU Article 121(2)	9(1)(h)	3(f) 9 18 21 22 25	The Regulation establishes a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It imposes an obligation to make the certificates accessible for persons with disabilities.
07.04	<u>Commission Recommendation (EU) 2020/518 of 8 April 2020 on a common Union toolbox for the use of technology and data to combat and exit from the COVID-19 crisis, in particular concerning mobile applications and the use of anonymised mobility data</u>	TFEU Article 292		3(f) 9 21 22 25	The Recommendation recalls that the common EU approach to the development of COVID-19 mobile applications should include a consideration of accessibility for persons with disabilities.
07.05	<u>Council Recommendation of 9 December 2022 on strengthening prevention through early detection: A new EU approach on cancer screening replacing Council Recommendation 2003/878/EC (2022/C 473/01)</u>	TFEU Article 168(6)	Point 19	25	The Recommendation advises that measures should be taken to ensure that persons with disabilities can access cancer screening services, which should be accessible.

## 7.2 Funding instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
07.06	<u>Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021</u> establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-2027, and repealing Regulation (EU) No 282/2014	TFEU Article 168(5)	Article 12, Annex I point 7(a)	25	The Programme provides that actions promoting access to health services and related facilities, and care for people with disabilities, are included in the list of actions eligible for funding under the Programme.

## 7.3 Repealed instruments

07.07	<u>Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014</u> on the establishment of a third Programme for the Union's action in the field of health (2014-2020) and repealing Decision No 1350/2007/EC	TFEU Article 168(5)			<p>This Regulation contained the EU's third health programme, which aimed to foster health in Europe by encouraging cooperation between Member States to improve health policies. There was no specific focus on persons with disabilities, but the Programme mentioned the EU's commitment to fight against discrimination on all grounds.</p> <p>No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>32021R0522</u>.</p>
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## 8 Personal mobility

EU legislation addresses various aspects of personal mobility of persons with disabilities. In addition to the instruments covered in this chapter, chapter 2 on Accessibility (particularly accessibility and transport) and chapter 10 on Immigration both include instruments relevant to personal mobility.

The EU legislative framework includes a number of instruments that prohibit disability-based discrimination of third-country nationals at European borders and require that account be taken of specific needs of persons with disabilities. These include:

- Regulation (EU) 2016/399 (Schengen Borders Code) (*document 08.08*);
- Directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for research or study purposes (*document 08.09*); and
- Regulation (EU) 2019/1896 on the European Border and Coast Guard (*document 08.11*).

Additionally, EU legislation imposes accessibility requirements on the online platform used for submission of the travel authorisation requests by third-country nationals to enter the EU (*document 08.10*) and regarding EU identity cards and residence documents (*document 02.46*).

The 2021 Regulation on the European Solidarity Corps (*document 08.14*) outlines the framework for engaging young people in cross-border solidarity activities, such as traineeships, volunteering, jobs and networking projects. It includes persons with disabilities in the definition of “young people with fewer opportunities” and, as such, entitles them to benefit from a range of specific measures, including reasonable accommodation, to facilitate participation in activities. The financial envelope for the implementation of the Programme for the period from 2021 to 2027 is EUR 1 billion.

## 8.1 Key instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
08.01	<u>Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation</u>	EC Treaty Article 80(2)	Various in Annexes	20	The Regulation establishes various technical and procedural requirements in the field of aviation, several of which are for the benefit of passengers with disabilities. They are applicable to all civil airplanes within the EU.
08.02	<u>Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences</u>	EC Treaty Article 71	Various	20	The Directive introduces a European driving licence to ensure greater freedom of movement for EU drivers and reinforce road safety. It also contains several provisions regulating the issuing of driving licences to persons with disabilities and was further amended by Commission Directive 2009/113/EC as regards the medical conditions that should be considered when granting driving licences.  This act has been amended. Current consolidated version: <u>01/11/2020</u> .
08.03	<u>Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing</u>	EC Treaty Articles 71 and 89	3	5 20 28	The Regulation defines the conditions under which competent authorities can intervene in the area of public passenger transport to guarantee non-discriminatory and regular access to

	Council Regulations (EEC) No 1191/69 and 1107/70				<p>transportation facilities for all. It enables Member States to maintain or set tariff ceilings for the benefit of people with disabilities.</p> <p>This act has been amended. Current consolidated version: <a href="#">24/12/2017</a>.</p>
08.04	<u>Commission Regulation (EC) No 8/2008 of 11 December 2007 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane</u>	EC Treaty		20	The Regulation prescribes some specific requirements applicable to operators of any aeroplane used for commercial air transport which is registered within the EU.
08.05	<u>Commission Directive 2009/113/EC of 25 August 2009 amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences</u>	EC Treaty	Various	20	The Directive amends Annex III to Directive 2006/126/EC and therefore identifies eyesight (sic), diabetes and epilepsy as being medical conditions affecting fitness to drive which need to be considered by Member States while granting driving licences.
08.06	<u>Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU</u>	TFEU Article 172	4(d)(v) 10.1(e) 37	3(f) 9 20	The Regulation establishes a long-term strategy for the development of a complete trans-European transport network consisting of infrastructure for railways, maritime and air transport, roads, inland waterways and rail-road terminals. It covers technical standards as well as the requirements for interoperability of infrastructures. Accessibility for passengers with

					<p>disabilities is one of the objectives of the network.</p> <p>This act has been amended. Current consolidated version: <u>06/03/2019</u>.</p>
08.07	<u>Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts</u>	TFEU Article 114	Annex I points 1.2 and 1.6 Recital 20	3(f) 9 19 20	<p>The Directive establishes uniform rules on the sale and putting into service of lifts and safety components for lifts. It applies to lifts that permanently serve buildings and constructions that are intended for the transport of persons and goods, but it does not apply to funicular railways, hoists and escalators or walkways. It requires Member States to comply with the CRPD, and therefore obliges them to require lifts that allow the use by disabled persons, where their dimensions permit.</p>
08.08	<u>Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)</u>	TFEU Article 77(2)(b) and (e)	7(2)	5 18 20	<p>The Regulation establishes some common EU rules for crossing internal and external borders. When carrying out border checks, border guards must not discriminate against persons on the ground of disability.</p> <p>This act has been amended. Current consolidated version: <u>11/06/2019</u>.</p>

08.09	<u>Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing</u>	TFEU points (a) and (b) of Article 79(2)	Recital 62	5 18 24	The Directive simplifies and streamlines the existing provisions for several categories of third-country nationals coming to the EU for the purposes of research, study, training, voluntary service, pupil exchange schemes or educational projects, and au pairing. Member States must not discriminate against individuals on the basis of disability.
08.10	<u>Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2-16/1624 and (EU) 2017/2226</u>	TFEU points (b) and (d) of Article 77(2) and point (a) of Article 87(2)	14 16(2)	3(f) 5 9 18 20	The Regulation prohibits disability discrimination against ETIAS applicants and provides for accessible online application platforms.
08.11	<u>Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624</u>	TFEU Article 77(2)(b) and (d) and Article 79(2)(c)	80(3) Several articles include references to the needs of/protection of “vulnerable” persons.	4(1)(i) 5 13 18 22	The Regulation establishes a European Border and Coast Guard to ensure European integrated border management at the EU’s external borders. In the performance of its tasks, the European Border and Coast Guard shall take into account the specific needs of persons with disabilities and other persons in a particularly vulnerable situation.

08.12	<u>98/376/EC: Council Recommendation of 4 June 1998 on a parking card for people with disabilities</u>	-	All	3(f) 9 20	The Recommendation introduced a parking card for persons with disabilities.
08.13	<u>Council Recommendation of 3 March 2008 adapting Recommendation 98/376/EC</u> on a parking card for people with disabilities, by reason of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic	-	All	3(f) 9 20	The Recommendation extended the validity of parking card to new EU Member States.

## 8.2 Financial instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
08.14	<u>Regulation (EU) 2021/888 of the European Parliament and of the Council of 20 May 2021</u> establishing the European Solidarity Corps Programme and repealing Regulations (EU) 2018/1475 and (EU) No 375/2014	TFEU Articles 165(4), 166(4) and 214(5)	2(4), Recitals 26, 43	5 9 20 24	The Regulation provides for funding for the engagement of young people, including those with fewer opportunities, such as persons with disabilities, in accessible and high-quality solidarity activities, and primarily volunteering. It encourages the adoption of specific measures, incl. reasonable accommodation for persons with disabilities, to promote social inclusion.



### 8.3 Repealed instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
08.15	<u>Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC</u>	TFEU Article 77(2)(b) and (d) and Article 79(2)(c)		5	No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>Regulation (EU) 2019/1896</u> .

## 9 Criminal matters

Directive 2012/29/EU establishing minimum standards on rights, support and protection of victims of crime (*document 09.06*) aims to ensure that communication with disabled victims is provided in a manner accessible to them, and the situation of victims with disabilities is duly considered during individual assessments to establish the “vulnerability” of the victim.

Directive on the right to information in criminal proceedings 2012/13/EU (*document 09.05*) refers generally to the right to receive information in a “simple and accessible language”.

Directive on the right to access to a lawyer and on the right to communicate with third persons 2013/48/EU (*document 09.07*) broadly mentions that communication must be provided in simple and understandable language (without specifying that it should be accessible to persons with disabilities) and provides that “vulnerable persons” should receive appropriate consideration (without elaborating on the definition of “vulnerable persons”).

The 2020 European Strategy on Victims’ Rights (*document 09.10*) acknowledges for the first time that persons with disabilities may be targets of crime specifically because of their disabilities and recognises the need to train professional in disability-inclusive accessible communication.

Legislation on the rights of persons accused or suspected of having committed a crime provides that information must be communicated to them in a clear and understandable language and imposes an obligation on the Member States to provide additional procedural safeguards for “vulnerable persons” (*documents 09.07 and 09.08*).

Separately, the 2011 Anti-Trafficking Directive (*document 09.02*) specifically provides for support for victims whose “special needs” derive from their “health, disability, or mental or psychological disorder”.

The Commission proposal for a Directive on combating violence against women and domestic violence ([COM\(2022\)0105](#)) proposes to include disability among aggravating circumstances in relation to violent offences against women, while also providing that specific support be made available for women with disabilities. It also foresees accessibility features for victim helplines. When finalised, it will become the latest instrument adopted on the basis of TFEU Article 82(2) (alongside *documents 09.05, 09.06 and 09.07*).

## 9.1 Key instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
09.01	<u>Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings</u>	TFEU Article 82(2) point (b) of the second subparagraph	-	13	The Directive lays down rules concerning the right to interpretation and translation in criminal proceedings and proceedings for the execution of a European arrest warrant. It does not refer explicitly to persons with disabilities.
09.02	<u>Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, replacing Council Framework Decision 2002/629/JHA</u>	TFEU Article 82(2) and Article 83(1)	11(7)	3(a) 6 7 13 16	The Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of trafficking of human beings and establishes provisions for the protection of victims. Disability is a factor that must be taken into account when determining the victim's "vulnerability".
09.03	<u>Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, replacing Council Framework Decision 2004/68/JHA</u>	TFEU Article 82(2) and Article 83(1)	3(5)(ii), 9(a)	3(a) and (h) 7 8 13 16	The Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of sexual abuse and sexual exploitation of children, child pornography and solicitation of children for sexual purposes, and establishes provisions for protection of victims. Abuse of a child in a vulnerable situation, including those with disabilities, is an aggravating circumstance.

					This act has been amended. Current consolidated version: <u>17/12/2011</u> .
09.04	<u>Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order</u>	TFEU Article 82(1)(a) and (d)	Recital 15	13 16	The Directive establishes rules concerning the issuing of a European protection order to allow for cross-border protection of a person from a serious crime or reduce the consequences of a previous criminal act. In the procedures for the issuing and recognition of the order, competent authorities should give consideration to the needs of “vulnerable victims”, including persons with disabilities.
09.05	<u>Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings</u>	TFEU Article 82(2)	3(2), 4(4)	3(f) 9 13 21	The Directive establishes minimum EU-wide rules on the right to interpretation and translation in criminal proceedings for all people, including those with disabilities, even though they are not explicitly mentioned. Information should be provided in simple and accessible language.
09.06	<u>Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA</u>	TFEU Article 82(2)	3(2), 22(3)	3(a) and (f) 9 13 21	The Directive establishes that victims of crime should receive appropriate information, support and protection, and are able to participate in criminal proceedings. Communication with victims must be in a simple and accessible language. It should take into account the personal characteristics of the victim,

					including any disability which may affect the ability to understand or to be understood.
09.07	<u>Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty</u>	TFEU Article 82(2) point (b)	-	13 14	The Directive establishes minimum rules concerning the procedural rights of suspects and accused persons in criminal proceedings. The needs of “vulnerable persons” (undefined in the Directive) must be taken account of.
09.08	<u>Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings</u>	TFEU Article 82(2) point (b)	Recital 42	13	The Directive establishes common minimum rules on the procedural rights of suspects and accused persons in criminal matters. The Member States should take into account the particular needs of “vulnerable persons” (due to their age, mental or physical condition or disability) with regard to both their presence in the trial and effective participation in the proceedings.
09.09	<u>Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings</u>	TFEU Article 82(2) point (b)	12(5)(b), Recitals 36 and 65	3(h) 5 7 13 14(2) 24	The Directive establishes procedural safeguards to ensure the respect of rights of children who are suspects or accused in criminal proceedings. They should be granted individual assistance that takes into account the child's specific “vulnerabilities”, such as learning disabilities and

					communication difficulties. Detained children, including those with disabilities, should have right to education and training.
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## 9.2 Other instruments

09.10	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions“ EU Strategy on victims' rights (2020-2025)” <u>COM(2020) 258</u>	-	All	3(f) 4(1)(i) 9 21 13	The Communication aims to empower victims of crime and ensure victims' rights in criminal proceedings through strengthening cooperation and coordination. It recognises that victims with disabilities may be victims of crime specifically because of their disabilities; it recognises the need to train professionals on disability and employ accessible means of communication.
09.11	<u>Commission Recommendation of 8 December 2022</u> on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions C(2022)8987	TFEU Article 292	Points 54, 75-76	13 14(2) 15 17	The Recommendation sets out guidance on how to take effective and appropriate measures to strengthen the rights of all suspected and accused persons deprived of liberty. Among others, persons with disabilities are entitled to accessible communication, appropriate medical care and accessible material conditions of detention.

## 10 Asylum and immigration

Some EU legislation concerning policies with regard to refugees and other third country nationals contain provisions that take into account the specific needs and situation of people with disabilities. Discriminatory treatment by EU agents of third-country nationals on the ground of disability is prohibited by EU law (*documents 10.02, 10.06 and 10.07*). Beneficiaries of refugee or subsidiary protection having specific requirements (including persons with disabilities) are to receive adequate health care under the same eligibility conditions as nationals of the EU Member States under EU law (*documents 10.03, 10.05*).

The EU legislative framework concerning the beneficiaries of international protection (*documents 10.03, 10.04 and 10.05*) provides that, in the procedures for granting and withdrawing international protection, appropriate consideration should be given to the needs of victims, including “particularly vulnerable” persons, such as persons with disabilities, and disability-based discrimination is prohibited.

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
10.01	<u>Council Directive 2004/81/EC of 29 April 2004</u> on the residence permit issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities	EC Treaty Article 63 point 3	9(2)	5 18 25	The Directive defines the conditions for granting residence permits of limited duration to third-country nationals who cooperate in the fight against trafficking in human beings or against action to facilitate illegal immigration. Member States shall provide necessary medical or other assistance to the concerned third-country nationals who do not have sufficient resources and have specific needs, such as persons with disabilities.
10.02	<u>Council Directive 2003/86/EC of 22 September 2003</u> on the right to family reunification	EC Treaty Article 63(3)(a)	6(3)	5 18 23	The Directive determines the conditions under which non-EU nationals residing lawfully on the territory of the EU may exercise the right to family reunification. Disability cannot be the reason for withdrawing a residence permit or removing a person from a Member State.
10.03	<u>Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011</u> on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for	TFEU Article 78(2) points (a) and (b)	20(3), 30(2)	5 11 18 25	The Directive establishes standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, including refugee status. Member States must take into account the specific



	persons eligible for subsidiary protection, and for the content of the protection granted				situation of persons with disabilities. Adequate healthcare must be provided to disabled beneficiaries of international protection.
10.04	<u>Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection</u>	TFEU Article 78(2)(d)	13(3)(a), 31(7)(b), Recital 29	11 13 18	The Directive establishes EU-wide procedures for granting and withdrawing international protection. EU Member States must ensure that applications are examined individually, objectively and impartially, and that applicants in need of specific assistance (including due to disability, serious illness or mental health issue) are granted access to all procedures and support.
10.05	<u>Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection</u>	TFEU Article 78(2)(f)	21, 22	11 13 14 18	The Directive establishes minimum standards for the reception of applicants for international protection in the Member States' reception centres. Persons with disabilities are included in the definition of "vulnerable groups" and entitled to support of their specific reception needs.
10.06	<u>Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending</u>	TFEU Article 16(2), Article 74 and Article 77(2)(a), (b), (d) and (e)	5	18 22	The Regulation co-establishes, jointly with Regulation (EU) 2019/818 ( <i>document 10.07</i> ), a framework to ensure interoperability between different European travel, immigration and visa systems.

	Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA				Discrimination on the basis of disability in the processing of personal data is prohibited. Particular attention shall be paid to children, the elderly, persons with a disability and persons in need of international protection.
10.07	<u>Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816</u>	TFEU Articles 16(2), 74, 78(2)(e), 79(2)(c), 82(1)(d), 85(1), 87(2)(a) and 88(2)	5	18 22	The Regulation co-establishes, jointly with Regulation (EU) 2019/817 ( <i>document 10.06</i> ), a framework to ensure interoperability between different European travel, immigration and visa systems. Discrimination on the basis of disability in the processing of personal data is prohibited. Particular attention shall be paid to children, the elderly, persons with a disability and persons in need of international protection.

### 10.1 Funding instruments

10.08	<u>Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and</u>	TFEU Article 78(2) and Article 79(2) and (4)	5(1)(f)	11 32	The Fund has the general objective to contribute to support actions which contribute to efficient management of migration flows and development of a common policy on asylum. Certain undefined groups of “vulnerable persons” should be
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	No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC				<p>given special attention in the actions funded by the Programme.</p> <p>This act has been amended. Current consolidated version: <u>28/03/2020</u>.</p>
10.09	<u>Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021</u> establishing the Asylum, Migration and Integration Fund	TFEU Articles 78(2), 79(2) and (4), 82(1), 84 87(2)		11 32	<p>The Fund has the general objective to contribute to support actions which contribute to efficient management of migration flows and development of a common policy on asylum. Certain undefined groups of “vulnerable persons” should be given special attention in the actions funded by the Programme.</p> <p>This act has been amended. Current consolidated version: <u>06/04/2022</u>.</p>

## **11 Taxation and Customs Union**

The EU legislative framework includes rules providing for tax reductions/exemptions and other financial incentives applicable to goods and services that benefit persons with disabilities. Relevant examples of covered goods and services include VAT exemption for books and educational materials for visually impaired persons (*documents 11.01, 11.03, 11.04*), differentiated tax rates for energy products used by persons with disabilities (*document 11.02*), and permissible state aid to enterprises which hire persons with disabilities (*document 11.07*).

### 11.1 Key instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
11.01	<u>Council Decision 79/505/EEC of 8 May 1979</u> on the conclusion of the Protocol to the Agreement on the importation of educational, scientific and cultural materials	EEC Treaty	Protocol Article II	9 21 30	The Decision concludes, on the behalf of the EC, the <u>Protocol</u> to the UNESCO agreement on the importation of educational materials. The States Parties undertake not to levy any internal taxes or other internal charges of any kind on articles “for the blind and other physically and mentally handicapped persons” and “books, publications and documents of all kinds in raised characters for the blind”.
11.02	<u>Council Directive 2003/96/EC of 27 October 2003</u> restructuring the Community framework for the taxation of energy products and electricity	EC Treaty Article 93	5	28	The Directive provides that differentiated rates of taxation may be applied by Member States for use of energy / electricity by/for people with disabilities.  This act has been amended. Current consolidated version: <u>15/09/2018</u> .
11.03	<u>Council Directive 2006/112/EC of 28 November 2006</u> on the common system of value added tax, as amended by <u>Directive 2009/47/EC of 5 May 2009</u> (consolidated text)	EC Treaty Article 93	Annex III (4), Annex IV (4)	28	The Decision establishes the common system of VAT. Certain goods for persons with disabilities are subject to a reduced tax rate.
11.04	<u>Council Directive 2009/132/EC of 19 October 2009</u> determining the scope of Article 143(b) and (c) of Directive 2006/112/EC as regards exemption from value added tax on	EC Treaty Articles 93 and 94	Chapter III	28	This Directive defines the scope of the exemptions from value added tax (VAT) and the rules for their implementation. It contains a whole chapter on articles imported for the

	the final importation of certain goods				benefit of “blind or other handicapped persons” that can be exempt on admission.  This act has been changed. Current consolidated version: <u>01/07/2021</u> .
11.05	<u>Council Regulation (EC) No 1186/2009 of 16 November 2009</u> setting up a Community system of reliefs from customs duty	EC Treaty Articles 26, 37 and 308	Chapter XVII	28	The Regulation allows for the granting of relief from duties that would normally be payable on goods, both imported into and exported out of the EU. It establishes the cases in which relief from import and export duties can be granted. It contains a whole chapter on goods for charitable or philanthropic organisations, such as articles intended for the blind and other “handicapped” persons that can benefit from relief.
11.06	<u>Commission Implementing Regulation (EU) No 1224/2011 of 28 November 2011</u> for the purposes of Articles 66 to 73 of Council Regulation (EC) No 1186/2009 setting up a Community system of reliefs from customs duty	TFEU		28	The Regulation establishes provisions for the implementation of Articles 66 to 73 of Regulation (EC) No 1186/2009. It outlines the procedure for duty-free admission to the territory of the European Community of articles for the use of persons with disabilities.  This act has been amended. Current consolidated version: <u>01/07/2013</u> .

11.07	<p><u>Commission Regulation (EU) No 651/2014 of 17 June 2014</u>          declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty</p>	<p>TFEU          Article 108(4)</p>	<p>All (particularly sections 5.6 and 11)</p>	<p>3(f)          9          24          27          30</p>	<p>The Regulation (GBER) declares state aid for the purpose of training, recruitment and employment of persons with disabilities compatible with the internal market and exempts it from notification. It also declares compatible with the internal market aid to improve the accessibility of cultural heritage and cultural goods and services.</p> <p>This act has been amended.          Current consolidated version: <u>05/04/2021</u>.</p>
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## 12 Statistics and data collection

A number of surveys that produce data and statistics on disability, directly or indirectly, have been conducted in the EU. However, only a handful of these surveys are disability-specific.

Regulation (EU) 2019/1700 on a common framework for European statistics relating to persons and households (*document 12.08*) consolidates and repeals two earlier methodologies for household surveys (Labour Force Sample Survey, *document 12.10*, and SILC, *document 12.12*). It is complemented by a Commission Delegated Regulation (*document 12.09*) that establishes the periodicity for collecting different types of data from 2021 to 2028, including data on health status and disability.

The European Health Interview Survey (EHIS) (*document 12.03*) consists of four modules on health status, health care use, health determinants and socio-economic background variables, and covers topics such as chronic conditions, limitations in daily activities, physical and sensory functional limitations. It is conducted every five years.

The Single Market Programme (*document 04.08*) is the financial instrument which funds the above-mentioned statistical activities.

The European legislative framework includes rules on non-discrimination and (non-) collection of personal information related to health and disability, and measures to ensure that collection of personal data does not lead to harm of persons, especially those who are regarded as “vulnerable” (documents 12.05 and 12.06).



## 12.1 Key instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
12.01	<u>Regulation (EC) No 458/2007 of the European Parliament and of the Council of 25 April 2007 on the European system of integrated social protection statistics (ESSPROS)</u>	EC Treaty Article 285(1)	Annex II point 1(a)	28 31	The Regulation establishes the European system of integrated social protection statistics, and provides a legal framework intended to improve the usefulness of current data collections in terms of timeliness, coverage and comparability. It provides that data on beneficiaries of different types of pension, including disability pensions, is to be collected under a specific module on pension beneficiaries from 2008 onwards.
12.02	<u>Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work</u>	EC Treaty Article 285(1)	All	25 31	The Regulation establishes rules for the collection and presentation of statistics on public health and health & safety at work. Under the domain of health status and health determinants, the Member States shall supply to the Commission statistics on “health status, including health perceptions, physical and mental functioning, limitations and disability”  This act has been amended. Current consolidated version: 01/01/2021.
12.03	<u>Commission Regulation (EU) No 141/2013 of 19 February 2013 implementing Regulation (EC) No 1338/2008 of the European</u>	TFEU	All	25 26 31	The Regulation establishes rules on the collection and presentation of statistics on health status and determinants and use of health

	Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics based on the European Health Interview Survey (EHIS)				care services. The data to be collected includes information on persons' "physical and sensory functional limitations".  This act has been amended Current consolidated version: <u>17/02/2014</u> .
12.04	<u>Commission Regulation (EU) 2015/359 of 4 March 2015</u> implementing the Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 as regards statistics on healthcare expenditure and financing	TFEU		25 26 31	The Regulation sets rules for how statistics on public health and health & safety at work should be collected and presented to provide comparable data across all EU countries.
12.05	<u>Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016</u> 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)	TFEU Article 16		22 31	The Regulation lays down rules relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data. EU Members States are obliged to ensure that the protection of personal data does not lead to physical, material or non-material damage of persons, in particular of those who are the "most vulnerable".  This act has been amended. Current consolidated version: <u>04/05/2016</u> .

12.06	<u>Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA</u>	TFEU Article 16(2)	10 Recital 24	22 25	<p>The Directive establishes general rules to protect natural persons in relation to the processing of personal data for the purposes of judicial cooperation in criminal matters, and to ensure the free movement of personal data within the Union. Personal data concerning health includes all data pertaining to the health status of a person, including information relating to past, current or future physical or mental health status, including disability.</p> <p>This act has been amended. Current consolidated version: <u>04/05/2016</u>.</p>
12.07	<u>Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime</u>	TFEU point (d) of Article 82(1) and point (a) of Article 87(2)	Recital 20	5 22	<p>The Directive regulates the transfer of passenger information data by air carriers to the competent national authorities for the purpose of improving border controls and combating serious crimes and terrorism. Competent authorities should not discriminate against persons on the ground of disability, among other grounds, when using the data.</p>
12.08	<u>Regulation (EU) 2019/1700 of the European Parliament and of the Council of 10 October 2019 establishing a common framework for European statistics relating to persons and households, based</u>	TFEU Article 338(1)	3(3)I 14(1)(i)	31	<p>The Regulation establishes a common framework for European statistics relating to persons and households, based on data at individual level collected from samples of persons and</p>

	on data at individual level collected from samples, amending Regulations (EC) No 808/2004, (EC) No 452/2008 and (EC) No 1338/2008 of the European Parliament and of the Council, and repealing Regulation (EC) No 1177/2003 of the European Parliament and of the Council and Council Regulation (EC) No 577/98				households. All data collected in the domains identified by the instrument should be disaggregated by disability. Feasibility and pilot studies launched by the Commission can target the improvement of data collection methodologies with the view to enhancing participation by persons with disabilities.
12.09	<u>Commission Delegated Regulation (EU) 2020/256 of 16 December 2019</u> supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by establishing a multiannual rolling planning	TFEU	Annex II	31	The Regulation implements the common framework for European statistics, outlining the periodicity for collecting different types of data, including data on health status and disability. This act has been amended. Current consolidated version: <u>31/12/2020</u> .

## 12.2 Repealed instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
12.10	<u>Council Regulation (EC) No 577/98 of 9 March 1998</u> on the organisation of a labour force sample survey in the Community	EC Treaty Article 213		31	The Regulation established a harmonised methodology for collecting national statistics on labour participation of people aged 15 and over, as well as on persons outside the labour force. Article 4.2 of the Regulation provides for an additional set of variables to supplement the information collected. These variables ("ad hoc" modules) are

					<p>drawn up annually and have already twice focused on the employment of disabled people.</p> <p>No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>32019R1700</u>.</p>
12.11	<u>Regulation (EU) No 99/2013 of the European Parliament and of the Council of 15 January 2013 on the European statistical programme 2013-17</u>	TFEU Article 338(1)		31	<p>The Regulation established the European statistical programme that aimed to ensure that European statistics were focused on the information needed to design, implement, monitor and evaluate EU policies. Statistics were to be provided in key areas of social policy, which included disability.</p> <p>No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>32021R0690</u>.</p>
12.12	<u>Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC)</u>			31	<p>The Regulation established a harmonised methodology for collecting national statistics on income and living conditions. It made no explicit mention of disability as a topic for data collection, but poverty and exclusion were mentioned.</p> <p>No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>32019R1700</u>.</p>

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12.13	<u>Regulation (EU) No 1287/2013 of the European Parliament and of the Council of 11 December 2013 establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) (2014 – 2020) and repealing Decision No 1639/2006/EC</u>				No longer in force, Date of end of validity: 31/12/2020; Repealed by <u>32021R0690</u> .
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### **13 International cooperation**

The 2017 European Consensus on Development (*document 13.04*) is a joint statement by the Council, the Member States, the European Parliament and the Commission on aligning the EU development policy to the UN Agenda 2030 for Sustainable Development. While eradication of poverty remains its main objective, the Consensus includes a focus on persons with disabilities, committing the EU and its Member State to 'vigorously promote the rights of persons with disabilities and take stronger measures to ensure their full inclusion in society and their equal participation in the labour market'.

The 2020-2024 Action Plan on Human Rights and Democracy (*document 13.09*) mainstreams the rights of persons with disabilities in its actions and includes specific actions to support the ratification of the CRPD in partner countries, advocate for elimination of barriers and ensure accessibility.

The Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI) (*document 13.03*) 2021-2027 replaces all previous financial instruments for international cooperation and external action. Equality and rights of persons with disabilities are amongst the key areas for cooperation indicated in the instrument, that also stresses the need to support accessible housing, health and education for all through the EU actions. The financial envelope for the implementation of the Instrument for the period from 1 January 2021 to 31 December 2027 is EUR 79.4 billion.

### 13.1 Funding instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
13.01	<u>Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-accession Assistance (IPA)</u>	EC Treaty	3 169(3)(g)(iv)	5 32	The Regulation outlines the modalities of pre-accession assistance to given countries and provides for support to them in their transition to membership of the European Union. Regulation (EC) 1085/2006 was repealed on 31/12/2013.  This act has been amended. Current consolidated version: <u>21/11/2015</u> .
13.02	<u>Commission Implementing Regulation (EU) 2015/2093 of 18 November 2015 amending Regulation (EC) No 718/2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA)</u>	<u>Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)</u> , and in particular Article 3(3) thereof		11 32	The Regulation amends the IPA and provides for the possibility of using European Union funds for implementing pre-accession assistance. It makes reference to aid for refugees in Syria, states that Syria is facing the challenge of responding to humanitarian needs of refugees, including minors and “vulnerable” persons, and the EU should provide assistance.  Regulation (EC 1085/2006 was repealed on 31/12/2013.
13.03	<u>Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International</u>	TFEU Articles 209 and 212 and Article 322(1)	8(2) Annexes	5 11 32	The Regulation establishes and lays down the objectives of the NDICI Instrument for the period of the 2021-2027 Multiannual Financial Framework. The



	Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009				Regulation mainstreams the rights of persons with disabilities in all external action funding.
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### 13.2 Other instruments

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
13.04	Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission (2017/C 210/01) “Our new consensus on development: Our world, our dignity, our future”		All	5 6 32	The Joint Statement includes a rights-based approach to disability; refers to double discrimination experienced by women with disabilities; and commits to promoting equal participation of persons with disabilities.
13.05	<u>Partnership Agreement 2000/483/EC</u> between the members of the African, Caribbean and Pacific (ACP) Group of States on the one hand, and the European Community and its Member States, on the other hand. It was signed in Cotonou on 23 June 2000		Various	32	The Cotonou Agreement, along with both amending agreements, concluded respectively in 2005 and 2010, offers a comprehensive framework for EU relations with the African, Caribbean and Pacific States. Cooperation has the key goal of reducing poverty, and shall contribute to the peace, security and democratic stability of the region. The Partnership Agreement supports ACP countries’ in their efforts to develop policies and reforms which improve access to social services, economic and
13.06	Agreement amending the Partnership Agreement between the members of the ACP group states and the EC – 2005		Various	32	

13.07	Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States and the European Community and its Member States 04/11/2010		Various	32	social development, taking account of the needs and specific demands of the most “vulnerable and disadvantaged groups”.  This act has been amended. Current consolidated version: <a href="#">31/05/2018</a> .
13.08	Joint Communication to the European Parliament and the Council “Towards a comprehensive Strategy with Africa” <a href="#">JOIN(2020)4</a>		Various	32	The Joint Communication outlines the EU strategy for relations with Africa. It commits to mainstreaming the rights of persons with disabilities, among other groups.
13.09	Joint Communication to the European Parliament and the Council “EU Action Plan on Human Rights and Democracy 2020-2024” <a href="#">JOIN(2020)5</a>		Various	32	The Action Plan mainstreams disability throughout and includes disability-specific actions under the “Empowering people” subheading.
13.10	Joint Communication to the European Parliament and the Council “EU Gender Action Plan (GAP) III – an Ambitious Agenda for Gender Equality and Women’s Empowerment in EU External Action” <a href="#">JOIN(2020)17</a>		Various	6 32	The Action Plan mainstreams women and girls with disabilities in the GAP III actions and acknowledges the intersectional discrimination they experience.
13.11	Joint Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions “Renewed partnership with the Southern Neighbourhood” <a href="#">JOIN(2021)2</a>		Various	32	The Partnership outlines the EU’s strategy for relations with the Southern Neighbourhood countries. It commits to continuing to work with regional partners to ensure the full enjoyment of the rights of persons with disabilities.

**13.3 Repealed instruments**

Nr	Title	Legal basis	Relevant articles	Relevant CRPD article(s)	Remarks
13.12	<u>Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006</u> on establishing a financing instrument for the promotion of democracy and human rights worldwide	EC Treaty Articles 179(1) and 181a(2)			The Regulation was a financial instrument providing assistance for, and contributing to the development and enhancement of, democracy and the rule of law, and respect for all human rights and fundamental freedoms worldwide, including for persons with disabilities.  No longer in force, Date of end of validity: 31/12/2013.
13.13	<u>Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006</u> establishing a financing instrument for development cooperation	EC Treaty Article 179(1)			The financing instrument addressed development cooperation. It aimed to improve development cooperation between Member States. It provided funding for disability relevant initiatives.  No longer in force, Date of end of validity: 31/12/2013.
13.14	<u>Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014</u> establishing an Instrument for Pre-accession Assistance	TFEU Article 212(2)			The Pre-Accession Instrument aimed to help countries wishing to join the EU to implement comprehensive reforms and to align their rules and policies with EU standards, in order to prepare for their membership. Social and economic inclusion of persons with disabilities were specific objectives.

					No longer in force, Date of end of validity: 31/12/2020.
13.15	<u>Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument</u>	TFEU Articles 209(1) and 212(2)			<p>The Neighbourhood Instrument provided funding to the 16 partner countries covered by the European neighbourhood policy. It sought to strengthen relations with the beneficiaries through bilateral, multicountry and cross-border cooperation. Among specific objectives were promotion of human rights and fundamental freedoms, equality and the fight against discrimination in all its forms. Disability is not mentioned explicitly.</p> <p>No longer in force, Date of end of validity: 31/12/2020.</p>
13.16	<u>Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020</u>	TFEU Articles 209(1) and 212(2)			<p>The Development Cooperation Instrument aimed to reduce poverty in developing countries, promote sustainable development, democracy, the rule of law, human rights and good governance. Among others, the rights of persons with disabilities were to be taken into account.</p> <p>No longer in force, Date of end of validity: 31/12/2020.</p>

13.17	<u>Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries</u>	TFEU Articles 207(2), 209(1) and 212(2)			<p>The Partnership Instrument provided complementary support for the European Union's external policies. It supported measures that responded to objectives arising from the EU's bilateral, regional or multilateral relationships with non-EU countries and addressed challenges of global concern.</p> <p>No longer in force, Date of end of validity: 31/12/2020.</p>
13.18	<u>Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide</u>	TFEU Articles 209 and 212			<p>The financing instrument promoted and supported democracy and human rights worldwide and provided assistance independently of the consent of the Member States' governments. The scope of EU assistance included promotion and protection of rights of persons with disabilities.</p> <p>No longer in force, Date of end of validity: 31/12/2020.</p>
13.19	<u>Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action</u>	TFEU Articles 209(1) and 212(2)			<p>The Regulation provided the general framework for the implementation of measures funded by EU foreign policy instruments and specified the rules applicable to action programmes and individual projects in the field. The Regulation stated that, in the</p>

					<p>design and implementation of programmes and projects, accessibility for persons with disabilities was to be taken into account.</p> <p>No longer in force, Date of end of validity: 31/12/2020.</p>
13.20	<p><u>Council Regulation (Euratom) No 237/2014 of 13 December 2013</u> establishing an Instrument for Nuclear Safety Cooperation</p>	<p>Euratom Treaty Article 203</p>			<p>The Euratom Regulation was an instrument to promote the highest possible nuclear safety standards within the EU. One of its priorities was to create the safety conditions necessary to eliminate hazards to the life and health of workers in the nuclear sector and of the general public, both in the EU and in the third countries.</p> <p>No longer in force, Date of end of validity: 31/12/2020.</p>

## 14 Awareness-raising

The European Year of Persons with Disabilities 2003 (*document 14.01*) was a catalyst for the development of the consolidated EU disability policy. It saw the adoption of the first ever EU disability action plan and triggered momentum for the EU's participation in the negotiation of the future UN Convention on the Rights of Persons with Disabilities. Some subsequent "European Years" also served to raise awareness about the rights of persons with disabilities: namely the 2007 European Year of Equal Opportunities, the 2010 Year of Combating Poverty and Social Exclusion, as well as the 2021 European Year of the Rail.

A Commission proposal [\(COM\)2022\)526](#) designated 2023 as the European Year of Skills, reaffirming the commitment to ensuring full participation of persons with disabilities in society through training and learning new skills. As of April 2023, the adopted Decision of the European Parliament and of the Council was not available on Eur-lex.

### 14.1 Key instruments

Nr	Title	Legal basis	Relevant article(s)	Relevant CRPD article(s)	Remarks
14.01	<u>Council Decision 2001/903/EC of 3 December 2001 on the European Year of People with Disabilities 2003</u>	EC Treaty Article 13	All	4 5 8	This 2003 Decision provided for the European Year of People with Disabilities, which aimed, amongst others, to reinforce efforts regarding employment and integration, and to raise awareness of disability.
14.02	<u>Decision No 1098/2008/EC of the European Parliament and of the Council of 22 October 2008 on the European Year for Combating Poverty and Social Exclusion (2010)</u>	EC Treaty Article 137(2)	3(3)	8 9	This 2010 Decision provided for the European Year for Combating Poverty and Social Exclusion. All the activities of the Year were to be accessible to persons with disabilities, whose specific needs were also to be taken into account in ICT training.
14.03	<u>Decision No 940/2011/EU of the European Parliament and of the Council of 14 September 2011 on the European Year for Active Ageing and Solidarity between Generations (2012)</u>	TFEU Article 153(2)	3(6) 11(2)	8 9	This 2012 Decision provided for the European Year for Active Ageing and Solidarity between Generations. Its aim was to ensure that older people remained in the labour market for longer, and remained healthy, active and autonomous for as long as possible. The activities of the Year were to be accessible to persons with disabilities.
14.04	<u>Decision (EU) 2020/2228 of the European Parliament and of the Council of 23 December 2020 on a European Year of Rail (2021)</u>	TFEU Article 91	All	4(3) 8 9	This 2021 Decision declares 2021 to be the European Year of the Rail. One of its objectives is to improve accessibility for persons with disabilities. Organisations of persons with disabilities were



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					named among stakeholders with whom the Commission had to hold regular coordination meetings.
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## 15 Conclusion

The CRPD covers many areas in which the EU has competence, or legal power, to act, including through the adoption of legislation. In this respect, Waddington has noted that:<sup>6</sup>

‘in the context of the CRPD the full range of competences of both the EU and the Member States are engaged. Specifically, one of three, or possibly four, scenarios can describe the respective competence of the EU and its Member States with regard to individual provisions of the Convention. Namely, the EU has exclusive competence to act; the Member States have competence to act; the EU and the Member States share the competence to act; and lastly the EU can support and supplement the action of the Member States.’

This recognition that different forms competences are engaged by the CRPD builds on Articles 2, 3 4, 5 and 6 TFEU. These articles address the competences of the EU, and make a distinction between exclusive EU competences, competences shared by the EU and the Member States, and fields where the EU has the competence to take action to support the Member States.

More specifically, the 2010 Declaration of Competences, and its 2017 update, as well the related Code of Conduct (*document 01.07*) and Articles 2 to 6 TFEU are important for understanding where the EU has competence to implement the CRPD. The 2010 Declaration identifies three specific areas of exclusive competence of the EC/EU: the compatibility of State aid with the common market, the Common Customs Tariff, and obligations with respect to the EC/EU’s own public administration, including recruitment and conditions of service of staff.

The 2010 Declaration includes a longer list of areas where the EU shares competence with the Member States: combatting discrimination on the grounds of disability; free movement of goods, persons, services and capital; agriculture; transport; taxation; internal market; equal pay for men and women; trans-European network policy; and statistics.

Lastly, according to the Declaration, some other EU policies might be relevant to the CRPD. These relate to the development of a coordinated strategy for employment; the development of quality education; a Community vocational training policy; actions strengthening economic and social cohesion; and cooperation with third countries. These areas all concern fields in which the EU coordinates, supports or supplements the action of the Member States.

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<sup>6</sup> “The European Union and the United Nations Convention on the Rights of Persons with Disabilities: A Story of Exclusive and Shared Competences”, Vol. 18 *Maastricht Journal of European and Comparative Law* Issue 4, 2011, 431-453.

It should also be noted that specific instruments, which were adopted on the basis of Treaty articles which confer a shared competence on the EU, may in fact be instruments which establish exclusive powers of the EU. In this respect, Waddington notes:

‘The [2010] Declaration [of Competences] specifies that, in some of ‘those matters’ that were initially presented as falling within the scope of shared competences, the EU in fact has exclusive competence. This is “to the extent that provisions of the Convention or legal instruments adopted in implementation thereof affect common rules previously established by the European Community”. In contrast, “[w]hen Community rules exist but are not affected, in particular cases of Community provisions establishing only minimum standards, the Member States have competence, without prejudice to the competence of the European Community to act in this field”. In brief then, the EU in fact has exclusive competence where the Convention affects existing – or presumably new – EU provisions that establish “common rules”, from which the Member States cannot deviate. In such fields internal EU action has “occupied the whole field” and has pre-empted Member States from acting in that field. As a consequence, the EU has taken on full responsibility for ensuring compliance with the CRPD both by itself and its Member States.’

This systematic review of the EU law and policy which includes a reference to disability confirms that most instruments have been adopted in fields in which the EU shares competences with its Member States. The legal basis which has been used most frequently in this context is Article 114 TFEU on the internal market. This Article has provided the legal basis for instruments which are disability specific, such as the EU Web Accessibility Directive (*document 02.33*) and the European Accessibility Act (*document 02.40*), and those that mainstream disability in a meaningful way, such as the Regulation on the European standardisation (*document 02.20*) and the European public procurement directives (*documents 02.22 and 02.23*). In practice, the instruments based on the internal market provision of the Treaty address either accessibility, which corresponds to Article 9 CRPD, or consumer affairs. Legislation addressing consumer affairs does not correspond directly to an article within the CRPD and, with the exception of the European Accessibility Act (*document 02.40*), consumer protection legislation rarely refers to the CRPD and instead frequently addresses “vulnerable persons”, rather than persons with disabilities explicitly.

Article 19 TFEU, that specifically provides a legal basis for action to protect persons with disabilities against discrimination, has provided the basis for only one legislative act which explicitly addresses persons with disabilities: the Employment Equality Directive in 2000. This Directive can be seen as partially implementing Articles 5 and 27 CRPD, although the CRPD was adopted subsequent to the adoption of the EU Directive.

The unique nature of the EU as regional integration organisation, in the meaning of Article 44 CRPD, explains why it is sometimes difficult to link some of the instruments the EU is competent to adopt – particularly those in the field of asylum and immigration, and taxation – with the structure / provisions of the Convention, that was drafted and adopted with nation states in mind.

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