



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

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

Draft MINUTES of the EU Disability High Level Group meeting

Wednesday 23 and 24 October 2013
Brussels

Chair: Aurel Ciobanu-Dordea, Director JUST.D and
Johan ten Geuzendam, Head of Unit JUST.D3
Secretary: Els Mortier, Legal and Policy Officer JUST.D.3
Logistics: Catherine Koeckx, JUST/D3

23 October- Morning

Meeting with Member States' representatives

1. Welcome and presentation of the agenda

The Chair opened the meeting, welcomed the participants and explained the linguistic regime. The Chair also announced and welcomed new DHLG members, in particular the new member from Croatia, Ms Žaljka Grbac.

The agenda was adopted.

2. Approval of the minutes of the HLG meeting of 24-25 April 2013

The minutes of the meeting of 24 and 25 April were approved.

3. UNCRPD

a. The 6th Session of the Conference of State Parties (CoSP)

The Commission presented the theme of the 6th session of the CoSP “*Ensuring adequate standard of living: empowerment and participation of persons with disabilities within the framework of the CRPD*”, preceded by a civil society forum. Explanations were given about the two round tables (on *1. Economic empowerment through inclusive social protection and poverty reduction strategies*” and on *2. Disability-inclusive development in national, regional and international processes*”), the informal panel (on “*Community-based rehabilitation and habilitation for inclusive society*”) and the interactive dialogue on the implementation with the UN system.

The Commission pointed out that during the General Debate a record number of 75 statements were pronounced and that many Member States' statements aligned themselves on the concerns expressed in the EU statement. There is an overall

convergence in seeing the UNCRPD as both human rights treaty and development instrument.

The Commission mentioned that the 7th session of the CoSP will most probably take place from 10-12 June 2014.

b. Debriefing of the Austria examination by the CRPD Committee and the list of issues for the Swedish examination

Max Rubisch (DHLG member - AT) gave a short debriefing of the Austrian examination by the UNCRPD Committee. He indicated that Austria received a list of 44 questions and that the Austrian response was coordinated between federal ministries, regional governments, the Austrian Ombudsman board and the European Commission. The civil society shadow report was submitted two months after the transmission of the Austrian response to the UN. The concluding observations made by the UNCRPD Committee were transmitted to all state actors and DPOs. Max Rubisch mentioned that the Committee was critical about the number of institutionalised persons and the lack of action in inclusive education. He stated that some of the recommendations (26 in total) will be difficult to implement, in particular structural ones linked to Austria's federal system. In any case, these recommendations are a useful support for the further development of Disability policy in Austria.

The next report will have to be submitted by Austria in 2018, as a combination of its second and third reports.

Lars X Nilsson (DHLG member – SE) gave a brief presentation of how the Swedish Ministry is planning to carry out the work for the Swedish examination. Sweden recently received a list of 46 questions from the Committee and is currently organising the work. The written replies will be presented to the Committee on 25 November 2013.

4. General Block Exemption Regulation revision – state of play

The Commission (Anna Nykiel-Mateo, COMP.A.3 - State Aid Policy & Scrutiny) gave a short overview of the on-going state aid reform and the draft proposal of the new General Block Exemption Regulation (GBER). She explained that the draft proposal aims to simplify rules for aid granting authorities and to allow a range of measures with horizontal objectives which are unlikely to raise serious competition concerns.

A public consultation on the first draft proposal of the GBER was launched on 8 May and closed on 28 June 2013. A revised draft proposal will be submitted again to public consultation before the end of the year. The adoption of the proposal by the Commission is expected before summer 2014.

The Commission explained that the conditions for exemption of aid for recruitment and employment of disadvantaged workers and workers with disabilities are expected to remain largely unchanged. A change is however proposed with regard to the definition of categories of disadvantaged and severely disadvantaged workers.

With regard to the proposed notification threshold of very large schemes (annual public expenditure exceeding 0,01 % of national gross domestic product (GDP) and 100 million €), the Commission stated that this is still under discussion.

5. InclEUusive Card (European-model Disability Card)

The Commission presented the progress made by the Project Working Group (PWG) on the "InclEUusive Card". Currently, fifteen Member States (BE, BG, CY, EE, FI, FR, DE, EL, HU, IT, MT, PT, SK, SI and ES) and EDF have nominated a representative in the PWG. The main purpose of the first meeting of the PWG in July 2013 was to give members a first indication of the respective benefits that could become available to inclEUusive card holders from other participating Member States. The Commission explained that during the second meeting, scheduled on 29 October, a more in-depth discussion will take place on the package of benefits, eligibility criteria for receiving national cards and/or certain benefits and the candidate national organisational entities. The Commission also reminded some PWG members to submit the requested information.

Some DHLG members underlined the importance of mutual recognition.

6. Parking card for people with disabilities

The Commission presented the state of play of the parking card for people with disabilities, introduced by a Recommendation in 1998. The Commission reminded that the card allows its holders to use certain parking facilities under preferential conditions in their country of residence as well as in other EU countries. Some problems with the use of the card were highlighted such as fraud by copying and difficulties to check who the card holder is.

In 2008 the Council Recommendation was updated by reason of the accession of (12) new Member States in 2004 and 2007. The necessity of amending the Recommendation following the accession of Croatia presents an opportunity to address other issues such as those regarding security and anti-fraud.

Information was given on the Pilot project under the programme of the Competitive and Innovation Programme (CIP) - 2013 ICT Policy Support Programme (PSP), launched by DG CNECT. The pilot project will aim at using innovative technological solutions to prevent parking card fraud and is expected to start on 1 January 2014 (duration: 3 years). The Commission explained that there might be a possibility for some Member States to participate as an additional testing site in the pilot project. DHLG members representing countries that might be interested in participating are asked to inform the Commission.

The Commission also explained that the list of National Contact Points is being updated and the possibility of revising the informative brochure being explored.

Finally, the Commission submitted 8 questions to the DHLG members (contained in the note on the Parking card that was uploaded in CIRCABC on 18 October 2013) and asked for more detailed reflection to be sent in writing by 25 November 2013.

7. High Level Meeting of the UN General Assembly on Disability and Development (23 September 2013)

The Commission presented the outcome of the High Level Meeting of the UN General Assembly on Disability and Development on 23 September 2013 in NY and its contribution to the post-2015 development agenda. The Commission explained that the input from the European regional consultation organised back to back with the DHLG meeting of April 2013 was useful for the preparation of the outcome document.

Commissioner Piebalgs recalled in his statement the EU commitment to the implementation of the UNCRPD for the achievement of the Millennium Development Goals (MDGs). The Outcome document underlines the importance of ensuring accessibility for and inclusion of persons with disabilities in all aspects of development and of giving due consideration to all persons with disabilities in the post-2015 development agenda.

DHLG members were also informed about two on-going processes: 1) the reporting on the MDGs and 2) the post-2015 paper that is being prepared in the context of the EU regional consultation. The latter will be discussed more in detail during the next DHLG meeting.

Joint meeting with representatives of civil society

8. Welcome and presentation of the agenda

The Chair welcomed the new participants. The agenda was adopted.

9. Approval of the minutes of the HLG meeting of 24-25 April 2013

The minutes of the last DHLG meeting of 24-25 April 2013 were approved.

10. Commission report on the implementation of the UNCRPD (Article 35) and progress report on the European Disability Strategy 2010-2020

The Commission informed the members about the state of play of the preparation of the report on the implementation of the UNCRPD and the progress report on the European Disability Strategy for which a study is carried out by Human European Consultancy together with Leeds University and University of Galway.

The Commission explained that the work ahead for the preparation of the EU report to the UN includes cooperation with the EC inter-service group, input from the DHLG and exchange of views and consultations with the EU Framework to promote, protect and monitor the Convention, the Council Working Group for Human rights and the European Parliament. The report is expected to be adopted in early 2014.

The objective of the study on the European Disability Strategy is to update on the progress made in the implementation of the actions foreseen for the period 2010-2015 and to make recommendations to EU institutions, Member States and other stakeholders. It will also be used as input for the UNCRPD report.

Members of the DHLG expressed concern about the short timeframe for consultation. It was also pointed out that civil society organisations which are not member of the European Framework should have the opportunity to express their views on the report.

11. High Level Meeting of the UN General Assembly on Disability and Development (23 September 2013)

The Commission presented the outcome of the High Level Meeting of the UN General Assembly on Disability and Development on 23 September 2013 in NY and its contribution to the post-2015 development agenda. The Commission explained that the input from the European regional consultation organised back to back with the DHLG meeting of April 2013 was useful for the preparation of the outcome document

Commissioner Piebalgs recalled in his statement the EU commitment to the implementation of the UNCRPD for the achievement of the Millennium Development Goals (MDGs). The Outcome document underlines the importance of ensuring accessibility for and inclusion of persons with disabilities in all aspects of development and of giving due consideration to all persons with disabilities in the post-2015 development agenda.

The Commission also referred to a number of informal meetings in the margin of the High Level meeting that were open to civil society.

Some civil society members of the DHLG pointed out that the MDGs fully neglect persons with disabilities and that this is not tolerable. Other members underlined that it is crucial that the important references made now to disability issues are reflected in the post-2015 development agenda.

12. The European Accessibility Act and progress on accessibility standardization

The Commission presented the state of play of the preparations of the European Accessibility Act. Reference was made to the newly adopted Commission's Work Programme for 2014 that includes the European Accessibility Act in its item 21.

Furthermore, information was given on the meeting scheduled for 3 December 2013 between Commissioners Reding and Tajani and CEOs of companies working in key sectors for accessibility.

The Commission also presented developments on accessibility standards and in particular on the European Commission Standardisation mandate 376 on European Accessibility Requirements for Public Procurement of Products and Services in the ICT Domain that was going to be open for voting in the near future. The Commission explained that there are going to be 6 to 8 weeks voting time before the intended adoption around the end of January 2014 and recommended the DHLG members not to wait until the voting time starts, but to start preparing earlier by establishing contact with the National standardisation bodies.

DHLG Members were also informed about an exchange of information between DG Justice and the US department of Justice that is responsible for enforcing many of the accessibility legislation in the US in particular the ADA. The DHLG could provide input on accessibility issues being discussed with the US.

EDF informed about a meeting with the presidents of political groups of the EP on 5 June 2013 after which a declaration was adopted underlining the need for a European Accessibility Act. EDF also informed that they had addressed a letter to Commissioner Reding asking why the adoption of the proposal for an Accessibility Act is taking more time.

13. Joint ANED and FRA survey on political participation

Mark Priestley (ANED) and Martha Stickings (FRA) presented the joint project on indicators on the political participation of persons with disabilities, in view of the European elections in 2014. The project builds on the Commission SWD accompanying the European Disability Strategy 2010-2020, ANED's 2009 indicator proposals, OHCHR frameworks, and the DotCom online tool supported by DG Justice/D3. The aim is to refine and populate indicators in the area of political participation by persons with

disabilities. The evaluation of the received responses is under way and a report containing key findings will be available ahead of the EP elections in May 2014. The full report will be provided at a later stage.

Some DHLG members pointed out the importance of this issue and referred to national and civil society efforts in that regard and asked for recommendations. A question was put on the existence of information on attitudes towards disabled persons standing for office, an issues that has been subject of Eurobarometer surveys.

14. 7th HLG Report on the implementation of the UNCRPD (and feedback on the 6th report)

The Commission presented the planning for the 7th DHLG Report (2014) on the implementation of the UNCRPD and referred to the 6th report that was published on the Justice website in September 2013. After a short overview of the thematic focus of previous reports, a number of suggestions for topics for the 7th report were made:

- Participation of persons with disabilities in political and public life (art. 29 of the Convention), including voting rights;
- Equal recognition before the law (Article 12);
- Access to Justice (Article 13);
- Non-discrimination on the ground of disability, and equal treatment beyond the field of employment;
- Reconciling work with family life, in particular childcare for children with disabilities or care for elderly dependents with disabilities;
- Promoting employment of persons with disabilities as means for economic empowerment and better standards of living;
- Promoting independent living, in particular through social inclusion strategies, access to quality social and health services;
- Support for and involvement of civil society, in particular representative organisations of persons with disabilities, to promote their participation in policy-making, implementation and monitoring.

Some DHLG members made suggestions such as inclusive education (art. 24), the impact of the crisis on the rights of persons with disabilities and the link with the European Semester.

DHLG members were requested to comment on these suggestions and to send any additional suggestions by the end of November.

24 October - Morning

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

15. Update on Europe 2020 and the work of the EMCO Indicators Group

The Commission (Loris Di Pietrantonio, EMPL.C.1 - European Employment Strategy and Governance) presented the general European Semester process and the European Employment Strategy (EES) and how disability issues are addressed. An overview of Country Specific Recommendations in 9 related social policy areas was given. It was pointed out that disability related CSRs were addressed to 13 Member States concerning topics such as investment in high-quality social services, development of active labour market measures and creation of better conditions for independent living.

The Commission informed that the next European Semester will be launched with the adoption of the Annual Growth Survey in November.

Some DHLG members proposed to put the European Semester process at least once a year on the agenda of the DHLG. The Commission requested DHLG members to reflect on possible recommendations the DHLG could make to better integrate disability related issues in the European Semester. DHLG members were also asked to reflect on how they could contribute to EMCO or the SPC. DHLG members that would be interested and well placed to participate in a smaller working group for the preparation of a draft opinion to EMCO or the SPC were requested to manifest themselves in writing.

16. Data collection: publication of first results of LFS *ad-hoc* module and EHSIS-present stand

The Commission (Pascal Wolff and Lucian Agafitei (ESTAT.F.5, Education Health and Social Protection) presented the **current situation of disability statistics**.

The first results of the 2011 Labour Force survey (LFS) ad-hoc module were given. The aim of the LFS is to provide information on the situation of persons with disabilities on the labour market and to compare it with others.

The Commission also presented the state of the art of the European Health and Social Integration survey (EHSIS) which aims at meeting the needs for disability statistics as defined by the UN Convention on the Rights of Persons with Disabilities (UNCRPD). The results are expected during the first semester of 2014.

Concerning the **dissemination of disability statistics**, the Commission explained that the existing health section of the website will be made more user-friendly and a subsection related to disability will be developed. Three statistical articles based on EU-SILC data will be produced by mid-2014 covering the following topics: housing conditions among disabled people; income of disabled people and social exclusion among disabled people

Concerning the **future of disability statistics**, in view of the meeting of Directors of the National Social Statistic institutes on 18 and 19 November DHLG Members were called upon to get in contact as soon as possible with the responsible SPC member in their country or the Director of their respective National Social Statistic institutes do discuss the possibility of having disability as a core variable in all statistics and to explore how disability variables are monitored.

17. InclEUsive Card (European-model Disability Card)

The Commission presented the progress made by the Project Working Group (PWG) on the "InclEUsive Card". Currently, fifteen Member States (BE, BG, CY, EE, FI, FR, DE, EL, HU, IT, MT, PT, SK, SI and ES) and EDF have nominated a representative in the PWG. The main purpose of the first meeting of the PWG in July 2013 was to give members a first indication of the respective benefits that could become available to inclEUsive card holders from other participating Member States. The Commission explained that during the second meeting, scheduled on 29 October, a more in-depth discussion will take place on the package of benefits, eligibility criteria for receiving national cards and/or certain benefits and the candidate national organisational entities. The Commission also reminded some PWG members to submit the requested information.

Some DHLG members underlined the importance of mutual recognition.

18. Info Points

a. WIPO Treaty

The Commission presented the WIPO treaty whose goal is to facilitate access to published works for persons with print disabilities. It is linked to the Copyright Directive and concerns the adaptation of special versions of published works, books and print material. The treaty is now adopted, and it is open for signature and ratification (similar process as UNCRPD). Given the relevance of this Treaty for the coherent implementation of the UNCRPD in the EU it is important to proceed with a quick signature and ratification.

b. Sign Language pilot project

The Commission informed about the state of play of the preparation of the Sign language pilot project that has been initiated together with the European Parliament in order to put in practice technological solutions for improving communication possibilities for persons with hearing impairments inside and outside the EU institutions. An example is the provision of a remote interpretation service, offering real time text, voice and sign language ("total conversation"). A call for tender was launched in June 2013 and a contract is expected to be signed very soon. The implementation of the project will last one year.

c. European Structural and Investment ("ESI") Funds –aspects relevant for disability issues

The Commission explained that the negotiations of the regulations for the period 2014-2020 are still on-going, but that key provisions have been agreed upon on the political level, including equality, non-discrimination and accessibility provisions. The partnership agreements and the operational programmes shall indicate an integrated approach to address needs of specific target groups, including persons with disabilities, and also address equality, non-discrimination and accessibility as horizontal issues in the programming cycle.

d. EP own-initiative report on women with disabilities

The Commission presented the EP own-initiative report on women with disabilities that was voted in the FEMM committee on 3 October. The report aims at working towards better inclusion of the 40 million women with disabilities in the EU that are often confronted with discrimination on several grounds. The plenary vote will take place in November 2013.

e. Call for proposals for action grants

The Commission explained that a call for proposals for action grants aiming to support activities implemented by NGOs organised at European level was published on 12 July 2013. The call aims to support activities to be implemented in 2014 which contribute to the development, implementation and monitoring of European and national policies and legislation, amongst others, in the areas of non-discrimination and equal rights for persons with disabilities. Proposals are currently being evaluated and grant agreements are expected to be signed in the beginning of 2014.

f. EDPD Conference

The Commission informed that the topic of this year's EDPD conference, organised in cooperation with DG Enterprise, was going to be accessible tourism. As in previous years, the Access City Award ceremony takes place during the conference. The Commission pointed out that it would be appreciated if one person per Member State in charge of accessible tourism questions could be present. If necessary DHLG members were requested to pass the invitation on to the appropriate person.

19. AOB

The Chair informed that the next DHLG meeting is supposed to take place end of March/beginning of April 2014. DHLG members were asked to inform the European Commission if there are any dates in that time frame that should be avoided because of major disability related events.
