



Plenary sitting

A9-0003/2024

12.1.2024

*****I**
REPORT

on the proposal for a directive of the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities
(COM(2023)0512 – C9-0328/2023 – 2023/0311(COD))

Committee on Employment and Social Affairs

Rapporteur: Ďuriš Nicholsonová Lucia

Rapporteur for the opinion of associated committee pursuant to Rule 57 of the Rules of Procedure:
Erik Bergkvist, Committee on Transport and Tourism

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities

(COM(2023)0512 – C9-0328/2023 – 2023/0311(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0512),
 - having regard to Article 294(2) and Article 53(1) and Article 62, Article 91 and Article 21(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0328/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of xx.xx. 2023¹,
 - having regard to the opinion of the Committee of the Regions of xx.xx. 2023²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Transport and Tourism and the Committee on Women’s Rights and Gender Equality,
 - having regard to the letters from the Committee on Internal Market and Consumer Protection and the Committee on Petitions,
 - having regard to the report of the Committee on Employment and Social Affairs (A9-0003/2024),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

¹ OJ C xxx, xx.xx.xxxx, p. x. / Not yet published in the Official Journal.

² OJ C xxx, xx.xx.xxxx, p. x. / Not yet published in the Official Journal.

Proposal for a directive
Recital 1

Text proposed by the Commission

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

Amendment

(1) The Union is founded on the values of human dignity, freedom, **equality** and respect of human rights and **is** committed to combating discrimination, including on the grounds of disability, as set out in the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU), the Charter of Fundamental Rights of the European Union (the ‘Charter’) **as well as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)^{1a}.**

^{1a} **Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (OJ L 23, 27.1.2010, p. 35).**

Amendment 2

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Every citizen of the Union has the fundamental right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give effect to them.

Amendment

(3) Every citizen of the Union has the fundamental right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give effect to them. **Article 18 of the UNCRPD also recognises the rights of persons with disabilities to liberty of movement and to freedom to choose their residence on an equal basis with others.**

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) According to the Court of Justice of the European Union, citizenship of the Union is destined to be the fundamental status of nationals of the Member States when exercising the right to move and reside within the territory of the Member States, enabling those who find themselves in the same situation to enjoy, within the scope *ratione materiae* of the TFEU, the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for.

Amendment

(4) According to the Court of Justice of the European Union, citizenship of the Union is destined to be the fundamental status of nationals of the Member States when exercising the right to move and reside within the territory of the Member States, enabling those who find themselves in the same situation to enjoy, within the scope *ratione materiae* of the TFEU, the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for. ***The right to free movement should also apply to third country-nationals who have legal residence in a Member State and a recognised disability in that Member State, in the interest of equal treatment. This Directive is therefore complemented by a separate legal act which is to bridge the legal gap between Union citizens and third-country nationals who are legally residing in the Union in this regard and which is to provide for more legal certainty.***

Amendment 4

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) The Union is a Party to the ***United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)***³⁹, and is bound by its provisions which are an integral part of the Union legal order to the extent of its competences. All the Member States are Parties to the UNCRPD and are bound by it also to the extent of their competences.

Amendment

(5) The Union is a Party to the UNCRPD, and is bound by its provisions which are an integral part of the Union legal order to the extent of its competences. All the Member States are Parties to the UNCRPD and are bound by it also to the extent of their competences. ***While the Union and all its Member States have signed and ratified the UNCRPD there are significant differences in its***

implementation. There is a need to make progress on equality for persons with disabilities both for the Union itself as well as in all Member States, for example through investments in infrastructure, capacity building, training and awareness raising campaigns. The Union and all Member States should also ratify the Optional Protocol of the UNCRPD.

³⁹ *Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, OJ L 23, 27.1.2010, p. 35.*

Amendment 5

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect of their inherent dignity, thus ensuring their full and effective participation and inclusion in society on an equal basis with others. The UNCRPD also recognises the importance of the need to take appropriate measures to ensure accessibility to persons with disabilities.

Amendment

(6) *The UNCRPD recognises that persons with disabilities include persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various environmental, administrative, technological and societal barriers can result in discriminatory treatment.* The purpose of the UNCRPD is *therefore* to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect of their inherent dignity, *individual autonomy including the freedom to make one's own choices, and independence of persons*, thus ensuring their full and effective participation and inclusion in society on an equal basis with others. The UNCRPD also recognises the importance of *respect for difference and acceptance of persons with disabilities as part of human diversity and humanity* and the need to take appropriate measures to

ensure *equality of opportunity and accessibility* to persons with disabilities.

Amendment 6

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The UNCRPD also recognises the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status. In particular, it recognises the principle of gender equality, that women and girls with disabilities are often at greater risk and subject to multiple and intersectional discrimination and that State Parties should take adequate measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms. Therefore, the European Disability Card and European Parking Card for persons with disabilities must have a clear gender equality perspective and contribute to improving free movement, especially for women and girls with disabilities. The Convention on Preventing and Combating Violence against Women and Domestic Violence, to which the Union is party, should also guide the establishment and implementation of the European Disability Card and the European Parking Card for persons with disabilities in this context.

Amendment 7

Proposal for a directive Recital 7

Text proposed by the Commission

(7) The European Pillar of Social Rights, proclaimed by the European Parliament, the Council and the European Commission at Gothenburg on 17 November 2017⁴⁰ provides that everyone, inter alia regardless of disability, has the right to equal treatment and opportunities regarding, **among others**, access to goods and services available to the public (principle 3). In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to services that enable them to participate in society (principle 17).

⁴⁰ Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C 428, 13.12.2017, p. 10.

Amendment

(7) The European Pillar of Social Rights, proclaimed by the European Parliament, the Council and the European Commission at Gothenburg on 17 November 2017⁴⁰ provides that everyone, inter alia regardless of disability, has the right to equal treatment and opportunities regarding **employment, social protection, education, and** access to goods and services available to the public **and that equal opportunities of under-represented groups are to be fostered** (principle 3). In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to **income support that ensures living in dignity,** services that enable them to participate in society **and a work environment adapted to their needs** (principle 17).

⁴⁰ Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C 428, 13.12.2017, p. 10.

Amendment 8

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The Strategy for the Rights of Persons with Disabilities 2021-2030 is intended to tackle the diverse challenges that persons with disabilities face and progress in all areas of the UNCRPD, both at Union and national level.

Amendment 9

Proposal for a directive Recital 10

Text proposed by the Commission

(10) Due to the lack of recognition of disability status between Member States, persons with disabilities **may** face specific difficulties when exercising their fundamental rights of free movement.

Amendment

(10) Due to the lack of **mutual** recognition of disability status between Member States, persons with disabilities **often** face specific **and significant** difficulties **and barriers** when exercising their fundamental rights of **equal treatment, non-discrimination and** free movement. **The social model of disability recognises that discrimination and social exclusion experienced by persons with disabilities result from the environmental, systemic and attitudinal barriers in society, rather than by their impairment, as defined in the UNCRPD and in this Directive. Member States are encouraged to ensure that their national procedures for assessing disability status are in accordance with the provisions of the UNCRPD.**

Amendment 10

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Persons with disabilities **moving** for longer periods to other Member States for **employment**, study or **other purposes**, **except where otherwise provided by law or agreed among Member States**, may have their disability status **assessed and formally recognised** by the competent authorities in the other Member State **and may receive** a disability certificate, a disability card or any other formal document recognising their disability status in accordance with applicable rules of that Member State.

Amendment

(11) **Where** persons with disabilities **move** for longer periods to other Member States for **work**, study or **in the context of participation in an EU mobility programme such as ERASMUS+ and the European Solidarity Corps**, the **European Disability Card should serve as temporary recognition of** their disability status **until a formal decision has been taken regarding assessment and formal recognition of the status** by the competent authorities in the other Member State, **by means of** a disability certificate, a disability card or any other formal document recognising their disability status in accordance with applicable rules of that Member State.

Amendment 11

Proposal for a directive Recital 12

Text proposed by the Commission

(12) However, persons with recognised disability status travelling to or visiting for a short period of time a Member **States** other than the Member State in which they reside, **may** encounter significant difficulties, if their disability status is not recognised in the Member State they travel to or visit and if they do not hold a certificate, disability card or any other formal document recognising their disability status in the host Member State, in order to benefit from special conditions and/or preferential treatment offered there.

Amendment

(12) However, persons with recognised disability status travelling to or visiting for a short period of time a Member **State** other than the Member State in which they reside, **regularly** encounter significant difficulties **and barriers**, if their disability status is not recognised in the Member State they travel to or visit and if they do not hold a certificate, disability card or any other formal document recognising their disability status in the host Member State, in order to benefit from special conditions and/or preferential treatment offered there. ***Persons with non-visible disabilities in particular often face specific difficulties when asked to prove their disability while travelling.***

Amendment 12

Proposal for a directive Recital 13

Text proposed by the Commission

(13) In this case, persons with disabilities travelling to or visiting another Member State are put at a disadvantage when exercising their free movement rights as compared to persons with disabilities holding a disability certificate, a disability card or any other formal document recognising their disability status in the Member State they travel to or visit.

Amendment

(13) In this case, persons with disabilities travelling to or visiting another Member State are put at a **severe** disadvantage when exercising their free movement rights as compared to **persons without disabilities as well as** persons with disabilities holding a disability certificate, a disability card or any other formal document recognising their disability status in the Member State they travel to or visit.

Amendment 13

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Union citizens have expressed concerns in a number of petitions delivered to the European Parliament and transmitted to the Commission relating to the introduction of a Union-wide recognised European Disability Card, European Parking Card for persons with disabilities and the mutual recognition of disability across Member States^{1a}.

^{1a} Petition 0756-2019 by P.T. (German), on an EU-wide disability card, Petition 1124-2019 by R.Z. (German), on behalf of the self-help group ‘Amputee - what next?’, signed by one other person, on the disability card in Germany, Petition 1342/2021 by Rufino Casares Durán (Spanish), bearing one other signature, on equal recognition of the degree of disability in the European Union, Petition 0822/2022 by Maria Pindado Galan (Spanish), on behalf of Confederación Autismo España, asking for the European Disability Statute to contemplate the rights of people with autism

Amendment 14

Proposal for a directive
Recital 14

Text proposed by the Commission

Amendment

(14) Furthermore, not knowing whether and, if so, to what extent their disability status and formal documents recognising this status may be recognised when travelling to or visiting another Member State, creates uncertainty for them. Ultimately, persons with disabilities may be deterred from exercising their rights of

(14) Furthermore, not knowing whether and, if so, to what extent, their disability status and formal documents recognising this status may be recognised when travelling to or visiting another Member State, creates ***huge*** uncertainty for them. ***Moreover, limited availability of online information regarding their specific rights and available advantages exacerbates this***

free movement.

problem. Ultimately, persons with disabilities may be deterred from exercising their rights of free movement **and full and effective participation and inclusion in society.**

Amendment 15

Proposal for a directive Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) In view of both demographic changes and the need to facilitate the mobility of persons with disabilities, Member States should increase measures aiming to improve the accessibility of public spaces and infrastructure, in particular public transport, and to adjust them to the requirements of persons with disabilities.

Amendment 16

Proposal for a directive Recital 15

Text proposed by the Commission

Amendment

(15) Alongside physical and other barriers in accessing both public and private spaces, high expenses are a key factor discouraging many persons with disabilities from travel⁴⁸, because they have specific needs and may also require person(s) accompanying or assisting them including those recognised as personal assistant(s) in accordance with national legislation or practices, making their travel costs higher than for persons without disabilities⁴⁹. The lack of recognition of disability status in other Member States might limit their access to special conditions, such as free access or reduced tariffs, or preferential treatment and has an

(15) Alongside **various visible and invisible**, physical, **social** and other barriers in accessing both public and private spaces **and services**, high expenses are a key factor discouraging many persons with disabilities from travel⁴⁸, because they have specific needs **resulting in additional expenses related to their disability** and may also require person(s) accompanying or assisting them including those recognised as personal assistant(s) in accordance with national legislation or practices, making their travel costs higher than for persons without disabilities⁴⁹. The lack of recognition of disability status in other Member States might limit their

impact on their travel costs, lives **and choices**.

access to special conditions, such as free access or reduced tariffs, **priority seating on public transport, reserved parking spaces** or preferential treatment and has an impact on their travel costs, lives, **social and economic integration and personal autonomy**. **Furthermore, the widespread lack of knowledge of psychosocial, cognitive, physical or sensorial accessibility policies can result in discriminatory behaviour.**

⁴⁸ Findings from Final Report based on Survey targeted at EU-level CSOs; Shaw and Coles, ‘Disability, holiday making and the tourism industry in the UK: a preliminary survey’, 25(3) Tourism Management (2004) 397-403; Eugénia Lima Devile and Andreia Antunes Moura (2021), Travel by People With Physical Disabilities: Constraints and Influences in the Decision-Making Process.

⁴⁸ Findings from Final Report based on Survey targeted at EU-level CSOs; Shaw and Coles, ‘Disability, holiday making and the tourism industry in the UK: a preliminary survey’, 25(3) Tourism Management (2004) 397-403; Eugénia Lima Devile and Andreia Antunes Moura (2021), Travel by People With Physical Disabilities: Constraints and Influences in the Decision-Making Process.

⁴⁹ McKercher and Darcy (2018), Re-conceptualizing barriers to travel by people with disabilities, Tourism Management Perspectives, 59-66. [More for Explanatory Memorandum?]

⁴⁹ McKercher and Darcy (2018), Re-conceptualizing barriers to travel by people with disabilities, Tourism Management Perspectives, 59-66. [More for Explanatory Memorandum?]

Amendment 17

Proposal for a directive Recital 16

Text proposed by the Commission

(16) Preferential treatment (such as personal assistance, priority access, etc.) offered with or without remuneration **may be** important for persons with disabilities to be able to access various services, activities or facilities and to **better experience** them. However, due to the lack of recognition, in the Member State they visit or travel to, of their disability status and of formal documents recognising this status issued in other Member States, persons with

Amendment

(16) Preferential treatment (such as personal assistance, priority access, etc.) offered with or without remuneration **is often** important for persons with disabilities to be able to access various services, activities or facilities and to **fully benefit from** them. However, due to the lack of **mutual** recognition, in the Member State they visit or travel to, of their disability status and of formal documents recognising this status issued in other

disabilities may not be able to benefit from the special conditions or preferential treatment offered by private operators or public authorities in that Member State to holders of a disability certificate, disability card or any other formal document recognising their disability status issued there.

Member States, persons with disabilities may not be able to benefit from the special conditions or preferential treatment offered by private operators or public authorities in that Member State to holders of a disability certificate, disability card or any other formal document recognising their disability status issued there.

Amendment 18

Proposal for a directive Recital 17

Text proposed by the Commission

(17) The Pilot Project on the EU Disability card launched in 2016 and carried out in eight Member States, demonstrated **the** advantages for persons with disabilities in accessing services in the areas of culture, leisure, sport, and, in some cases, transport, and supporting their cross-border movement in the EU for a short period⁵⁰. In addition, it included other examples of services, activities and facilities which offer special conditions or preferential treatment to persons with disabilities.

⁵⁰ See also the Final Report of the Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits, published in May 2021, <https://op.europa.eu/en/publication-detail/-/publication/4adbe538-0a02-11ec-b5d3-01aa75ed71a1/language-en>.

Amendment

(17) ***While voluntary in nature and limited in scope***, the Pilot Project on the EU Disability card launched in 2016 and carried out in eight Member States, demonstrated ***that facilitating mutual recognition of disability status between Member States provided*** advantages for persons with disabilities in accessing ***benefits and*** services in the areas of culture, leisure, sport, and, in some cases, transport, and supporting their cross-border movement in the EU for a short period⁵⁰ ***and shows that the card's objectives continue to be relevant to the current needs of persons with disabilities***. In addition, it included other examples of services, activities and facilities which offer special conditions or preferential treatment to persons with disabilities.

⁵⁰ See also the Final Report of the Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits, published in May 2021, <https://op.europa.eu/en/publication-detail/-/publication/4adbe538-0a02-11ec-b5d3-01aa75ed71a1/language-en>.

Amendment 19

Proposal for a directive Recital 19

Text proposed by the Commission

(19) Council Recommendation 98/376/EC¹⁵ has provided for a European model of a parking card for persons with disabilities, which has facilitated the recognition of the parking card across Member States. However, its implementation and the inclusion of national specific additions or deviations from the recommended model have led to a variety of different cards. This hinders the cross-border recognition of the cards across Member States, hampering the access of persons with disabilities to parking conditions provided and facilities reserved for persons with disabilities who are holders of a parking card in other Member States. Moreover, the Council Recommendation has not been updated to reflect ongoing technological and digitalisation developments. Member States also *experience* problems with fraud and forgery of the cards, as the format is usually quite simple and easily forged and in practice different in each Member States, which makes it difficult to verify.

¹⁵ Council Recommendation of 4 June 1998 on a parking card for people with disabilities (OJ L 167, 12.6.1998, p. 25), as adapted by Council Recommendation of 3 March 2008 by reason of accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic OJ L 63/43,7.3.2008.

Amendment

(19) Council Recommendation 98/376/EC15 has provided for a European model of a parking card for persons with disabilities, which has facilitated the recognition of the parking card across Member States. However, *given its non-binding nature* the implementation *of that Recommendation* and the inclusion of national specific additions or deviations from the recommended model have led to a variety of different *parking* cards. This hinders the cross-border recognition of the cards across Member States, hampering the access of persons with disabilities to *specific* parking conditions provided and facilities reserved for persons with disabilities who are holders of a parking card in other Member States. Moreover, the Council Recommendation has not been updated to reflect ongoing technological and digitalisation developments. Member States *have* also *experienced* problems with fraud and forgery of the cards, as the format is usually quite simple and easily forged and in practice different in each Member States, which makes it difficult to verify.

¹⁵ Council Recommendation of 4 June 1998 on a parking card for people with disabilities (OJ L 167, 12.6.1998, p. 25), as adapted by Council Recommendation of 3 March 2008 by reason of accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic OJ L 63/43,7.3.2008.

Amendment 20

Proposal for a directive Recital 20

Text proposed by the Commission

(20) In order to facilitate the access by persons with disabilities to special conditions or preferential treatment related to services, activities and facilities, **including** when provided not for remuneration, in other Member States, remaining barriers and difficulties in travelling to or visiting another Member State due to the lack of recognition of their disability status and of formal documents recognising **this** status issued in other Member States and parking rights should be removed.

Amendment

(20) In order to facilitate the access by persons with disabilities to special conditions or preferential treatment related to services **including passenger transport services**, activities and facilities, **also** when provided not for remuneration, in other Member States, remaining barriers and difficulties in travelling to or visiting another Member State due to the lack of **mutual** recognition of their disability status and of formal documents recognising **that** status issued in other Member States and parking rights should be removed.

Amendment 21

Proposal for a directive Recital 21

Text proposed by the Commission

(21) Therefore, in view of facilitating the exercise by persons with disabilities **when travelling to or visiting another Member State for a short period**, of the rights to access special conditions or preferential treatment offered by private operators or public authorities without discrimination on grounds of nationality on the same basis as persons with disabilities in that Member State, and in view of facilitating the use of transport and benefiting from parking conditions and facilities reserved for persons with disabilities on the same basis as in that Member State, it is necessary to establish the framework, rules and common conditions, including a common standardised model, for a European

Amendment

(21) Therefore, in view of facilitating the exercise by persons with disabilities of the rights to access special conditions or preferential treatment offered by private operators or public authorities **when travelling to or visiting another Member State for a short period**, without discrimination on grounds of nationality on the same basis as persons with disabilities in that Member State, and in view of facilitating the use **of all means** of transport and benefiting from parking conditions and facilities reserved for persons with disabilities on the same basis as in that Member State, it is necessary to establish the framework, rules and common conditions, including a common standardised model, for a European

Disability Card as proof of recognised disability status and for a European Parking Card for persons with disabilities, as proof of their recognised right to parking conditions and facilities reserved for persons with disabilities.

Disability Card as proof of recognised disability status and for a European Parking Card for persons with disabilities, as proof of their recognised right to parking conditions and facilities reserved for persons with disabilities.

Amendment 22

Proposal for a directive Recital 22

Text proposed by the Commission

(22) Mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities should facilitate and guarantee persons with recognised disability status in a Member State, access to special conditions or preferential treatment offered by private operators or public authorities in a variety of services, activities and facilities, including when not provided for remuneration, as well as access to parking conditions and facilities reserved for persons with disabilities, on equal terms and conditions as those provided for on the basis of national certificates, disability cards or other formal documents recognising disability status and parking cards for persons with disabilities issued by the competent authorities in the host country.

Amendment

(22) Mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities should facilitate and guarantee persons with recognised disability status in a Member State, access to special conditions or preferential treatment offered by private operators or public authorities ***including hospitals, health care institutions and emergency services*** in a variety of services, activities and facilities, including when not provided for remuneration, as well as access to parking conditions and facilities reserved for persons with disabilities ***and, where applicable, persons accompanying or assisting them including personal assistants***, on equal terms and conditions as those provided for on the basis of national certificates, disability cards or other formal documents recognising disability status and parking cards for persons with disabilities issued by the competent authorities in the host country.

Amendment 23

Proposal for a directive Recital 23

Text proposed by the Commission

(23) Beside parking conditions and

Amendment

(23) Beside parking conditions and

facilities, the services, activities and facilities covered by this Directive concern a wide variety of ever-changing activities, including activities provided not for remuneration, by public authorities or private operators, either on a mandatory (on the basis of national/local rules or legal obligations) but often also on a voluntary basis (in particular by private operators) in a variety of policy domains, such as culture, leisure, tourism, sports, public and private transport, education.

facilities, the services, activities and facilities covered by this Directive concern a wide variety of ever-changing activities, including activities provided not for remuneration, by public authorities or private operators, either on a mandatory (on the basis of national/local rules or legal obligations) but often also on a voluntary basis (in particular by private operators) in a variety of policy domains, such as culture, leisure, tourism, sports, public and private transport, education **and employment**.

Amendment 24

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) Examples of special conditions or preferential treatment include free access, reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels, priority access, designated seats in parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals, assistance on the beach to enter the water, support (such as access to braille, audio guides, sign language interpretation), provisions of aids or assistance, loan of a wheelchair, loan of a floating wheelchair, obtaining tourist information in accessible formats, using a mobility scooter on roads or a wheelchair in bike lanes without a fine, etc. Parking conditions and facilities include extended parking or reserved parking spaces. With respect to passenger transport services, in addition to the special conditions or preferential treatment offered to persons with disabilities, in accordance with national legislation or practices, assistance animals, personal assistants or other persons accompanying or assisting persons with disabilities (or reduced mobility) may travel free of charge or be

Amendment

(24) Examples of special conditions or preferential treatment include free access, reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels, priority access, **access to restricted traffic and pedestrian zones, priority seating on public transport** designated **and accessible** seats in **public transport**, parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals **such as guide dogs or assistance dogs for persons with disabilities, including persons with visual impairments**, assistance on the beach to enter the water, support (such as access to braille, audio guides, sign language interpretation), provisions of aids or assistance, loan of a wheelchair, loan of a floating wheelchair, obtaining tourist information in accessible formats, using a mobility scooter on roads or a wheelchair in bike lanes without a fine, etc. Parking conditions and facilities include extended parking or reserved parking spaces. With respect to passenger transport services, in addition to the special conditions or preferential treatment offered to persons

seated, where practicable next to the person with disabilities.

with disabilities, in accordance with national legislation or practices, assistance animals ***such as guide dogs or assistance dogs for persons with disabilities including persons with visual impairments***, personal assistants or other persons accompanying or assisting persons with disabilities (or reduced mobility) may travel free of charge or be seated, where practicable next to the person with disabilities. ***Persons accompanying or assisting persons with disabilities are designated by the persons with disabilities themselves or by their legal guardians and can change on an ad hoc basis depending on the requirements of the persons with disabilities.***

Amendment 25

Proposal for a directive Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) Personal assistants, regardless of their nationality, accompany or assist persons with disabilities or carry out activities of daily living if need be in the framework of a contractual relationship, in accordance with national law and practice, with the objective of encouraging personal autonomy, facilitating community life and promoting independent living.

Amendment 26

Proposal for a directive Recital 24 b (new)

Text proposed by the Commission

Amendment

(24b) Member States should ensure that the operators of cross-border passenger transport services provide clear

information to travellers holding a European Disability Card at the time of their purchase of a travel ticket with regard to the special conditions or preferential treatment that apply for the different parts of the operations throughout the journey, in order to avoid travellers holding the European Disability Card finding themselves without a valid travel document when entering another Member State on the same transport service.

Amendment 27

Proposal for a directive Recital 25

Text proposed by the Commission

(25) The issuance of the European Disability Card and the European Parking Card for persons with disabilities in a Member State is to be determined by this Directive together with that Member State's applicable procedures and competences for the assessment and recognition of disability status and parking rights for persons with disabilities.

Amendment

(25) The issuance, **renewal and withdrawal** of the European Disability Card and the European Parking Card for persons with disabilities in a Member State is to be determined by this Directive together with that Member State's applicable **rules**, procedures and competences for the assessment and recognition of disability status and parking rights for persons with disabilities. **The issuance and renewal of the European Disability Card and the European Parking Card for persons with disabilities should always be free of charge.**

Amendment 28

Proposal for a directive Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Experience shows that when presenting a European Disability Card or similar national recognition of disability, due to a lack of awareness,

misunderstandings or communication barriers, persons with disabilities, particularly those with invisible disabilities, do not always receive the most appropriate support and accommodation for their disability including when travelling by public transport or dealing with national authorities, as well as during emergencies. Member States should therefore provide the option to persons with disabilities, when applying for the European Disability Card to the relevant authorities, to choose to display relevant symbols on that card in order to indicate their assistance requirements. The Commission should develop guidelines for commonly recognised pictograms illustrating the different types of assistance required by persons with disabilities.

Amendment 29

Proposal for a directive Recital 26

Text proposed by the Commission

(26) In addition to the physical format, Member States should provide for a digital card when format and specifications have been set via delegated and implementing acts, after proposal by the Commission. Such proposal should build on the experience of past and ongoing work at European level on digitalisation of certificates and documents, such as the EU Digital COVID Certificate set up under Regulation (EU) 2021/953 and enable the use of the European Disability Card and the European Parking Card via EU Digital Identity Wallets⁵². Persons with disabilities should be **given the option** to use either the digital or physical **one**, or both.

Amendment

(26) In addition to the physical format, Member States should provide for a digital card when format and specifications have been set via delegated and implementing acts, after proposal by the Commission. Such proposal should build on the experience of past and ongoing work at European level on digitalisation of certificates and documents, such as the EU Digital COVID Certificate set up under Regulation (EU) 2021/953 and enable the use of the European Disability Card and the European Parking Card via EU Digital Identity Wallets⁵². Persons with disabilities should be **duly informed about those possibilities and be free to decide** to use either the digital or physical **cards** or both **on an equal basis and without discrimination**.

Amendment 30

Proposal for a directive Recital 29

Text proposed by the Commission

(29) In order to guarantee that workers with disabilities can effectively exercise their rights to free movement fully and also enjoy services, activities and facilities offered by Member States, including when provided not for remuneration, the European Disability Card and the European Parking Card for persons with disabilities **should also be available** to workers who travel to or visit another Member State for work-related purposes.

Amendment

(29) In order to guarantee that workers **and participants of EU mobility programmes** with disabilities can effectively exercise their rights to free movement fully and also enjoy services, **transport infrastructure**, activities and facilities offered by Member States **to the holders of national certificates, disability cards or other formal documents recognising disability status**, including when provided not for remuneration, the European Disability Card and the European Parking Card for persons with disabilities **also apply** to workers **including mobile, frontier and cross-border workers with disabilities or participants of EU mobility programmes with disabilities** who travel to or visit another Member State for **educational or** work-related purposes.

Amendment 31

Proposal for a directive Recital 30

Text proposed by the Commission

(30) The envisaged framework for mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities does not impinge on the competences of a Member State to assess and recognise the disability status and to grant special conditions, such as free access, reduced tariffs or preferential treatment for persons with

Amendment

(30) The envisaged framework for mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities does not impinge on the competences of a Member State to assess and recognise the disability status and to grant special conditions, such as free access, reduced tariffs or preferential treatment for persons with

disabilities and/or person(s) accompanying or assisting them including personal assistant(s). It does not cover social security benefits, social protection or social assistance covered by Article 24(2) of Directive 2004/38/EC of the European Parliament and of the Council⁵⁶ .

disabilities and/or person(s) accompanying or assisting them including personal assistant(s). It does not cover social security benefits, social protection or social assistance covered by Article 24(2) of Directive 2004/38/EC of the European Parliament and of the Council⁵⁶ . ***Benefits in the area of social security, social protection or employment and social assistance should be covered in certain instances, either when moving to another Member State for work or study, until disability status has been reassessed and formally recognised, or while participating in EU mobility programmes to allow for the temporary continued recognition of the disability status while persons with disabilities are undergoing the reassessment process to have their disability status recognised by another Member State. The Member State that issued the European Disability Card should be responsible for providing the benefits or assistance in those instances.***

⁵⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77.

⁵⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77.

Amendment 32

Proposal for a directive Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) A European Disability Card can be required as proof of disability status in order to exercise the right to equal access

to any special conditions or preferential treatment with respect to services, activities or facilities, including when provided not for remuneration, offered to or reserved for persons with disabilities or persons accompanying or assisting them, including their personal assistants provided for by this Directive. However, a European Disability Card should not be required as proof of disability status by persons with disabilities or persons accompanying or assisting them, including their personal assistants or assistance animals, in order to access or exercise any rights provided for in other Union or national law, including those granting specific benefits, special conditions, or preferential treatment.

Amendment 33

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) In order to raise awareness and facilitate access to special conditions or preferential treatment, while travelling to or visiting another Member State, all relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and/or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available in a clear, comprehensive, user-friendly manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882. Private operators or public authorities granting special conditions or preferential treatment to persons with disabilities should make such information publicly available in a clear, comprehensive, user-friendly manner and

Amendment

(31) In order to raise awareness and facilitate access to special conditions or preferential treatment **for persons with disabilities**, while travelling to or visiting another Member State, all relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and/or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available **by Member States** in a clear, comprehensive, user-friendly manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882. Private operators or public authorities granting special conditions or preferential treatment to persons with disabilities should make such information publicly available in a clear, comprehensive, user-

accessible formats, for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882.

friendly manner and accessible formats for *persons with disabilities, including in digital formats, national and international sign languages and easy to read format, and upon request in assistive formats requested by persons with disabilities* respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882. *Furthermore, to ensure that the relevant information is easy to access and use for persons with disabilities and the public, Member States should designate a National Contact Point as a ‘one-stop shop’ providing information and guidance on the conditions and services, facilities and activities included in the European Disability Card and the European Parking Card for persons with disabilities in its territory.*

Amendment 34

Proposal for a directive Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) The Commission should establish a single dedicated Union website, available in all official languages of the Union institutions and accessible formats, collating national information on obtaining, issuing, using, renewing and withdrawal of a European Disability Card and a European Parking Card for persons with disabilities. In order to strengthen the utility and impact of the European Parking Card for persons with disabilities, that Union website should contain information, based on information provided by the Member States, in order to inform persons with disabilities of the different parking conditions and facilities offered for persons with disabilities in each Member State and its regions, cities, and municipalities. The Union website should further contain an accessible

digital portal through which Member States' national websites comprising information on special conditions or preferential treatment offered by their public authorities can be accessed. Member States should update that information regularly, including when changes occur in accordance with national legislation. Member States should also be able to facilitate information concerning the special conditions or preferential treatment offered by private operators on their websites, where available.

Amendment 35

Proposal for a directive Recital 31 b (new)

Text proposed by the Commission

Amendment

(31b) In order to increase the number of service providers who offer special conditions or preferential treatment for persons with disabilities, Member States should support and encourage private operators and public authorities through relevant measures including through providing information and exchanges of best practice on the different types of special conditions or preferential treatment which could be offered as well as the provision of training on disability mainstreaming and disability awareness to ensure the special conditions or preferential treatment is offered in an inclusive and accessible way. For example such training could address the recognition of relevant symbols where displayed on the European Disability Card indicating the nature of the reasonable accommodation required by persons with disabilities, the accessibility issues faced and relevant assistance required by persons with disabilities including invisible disabilities, requirements of persons with different

disabilities concerning communication, respectful and safe management of equipment, use of assistive augmentative communication (AAC) and how to provide and publicise any offer of special conditions or preferential treatments in an accessibly visible way. Member States should ensure all such measures are carried out in partnership with persons with disabilities and their representative organisations to ensure that they are inclusive and effective.

Amendment 36

Proposal for a directive Recital 32

Text proposed by the Commission

(32) Member States should take all the necessary steps to avoid any risk of forgery or fraud when issuing the European Disability Card or the European Parking Card for persons with disabilities and should actively combat fraudulent use and forgery of these cards.

Amendment

(32) Member States should take all the necessary steps to avoid any risk of forgery or fraud, ***whether individual or systemic***, when issuing the European Disability Card or the European Parking Card for persons with disabilities and should actively combat fraudulent ***issuance***, use and forgery of these cards ***and exchange information on such cases to ensure mutual trust between Member States as the mutual recognition of disability status is the cornerstone of the European Disability Card. Member States should ensure that any measures taken to combat forgery or fraud take into account the rights of persons with disabilities and should not result in any interference with their legitimate interests in using either card or lead in any way to their stigmatisation. Member States should assess the impact of any measures on persons with disabilities and consult them and their representative organisations in the design and implementation of the measures.***

Amendment 37

Proposal for a directive Recital 33

Text proposed by the Commission

(33) In order to ensure the proper application of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement *the* directive *to set* the digital format of the European Disability Card and the European Parking Card for persons with disabilities, and to amend Annexes I and *Annex* II in order to modify the common features of the standardised format, adapt the format to technical developments, prevent forgery and fraud and ensure interoperability.

Amendment

(33) In order to ensure the proper application of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement *this* Directive *by setting* the digital format of the European Disability Card and the European Parking Card for persons with disabilities, and to amend Annexes I and II in order to modify the common features of the standardised format *and universal accessibility requirements* adapt the format to technical developments, prevent forgery and fraud and ensure interoperability.

Amendment 38

Proposal for a directive Recital 35

Text proposed by the Commission

(35) Member States should ensure that adequate and effective means exist to ensure compliance with this Directive and should therefore establish appropriate remedies, including checks on compliance and administrative and judicial procedures, to guarantee that persons with disabilities, person(s) accompanying or assisting them including personal assistant(s), as well as public bodies or private associations, organisations or other legal entities which have a legitimate interest may take action on behalf of a person with disabilities under national law.

Amendment

(35) Member States should ensure that adequate and effective means exist to ensure compliance with this Directive and should therefore establish appropriate remedies, including checks on compliance and administrative and judicial procedures, to guarantee that persons with disabilities, person(s) accompanying or assisting them including personal assistant(s), as well as public bodies *such as equality bodies* or private associations, organisations *in particular representative organisations of persons with disabilities* or other legal entities which have a legitimate interest may take action on behalf of a person with disabilities under national law. *Persons with disabilities should also have a right of redress, including adequate compensation, in the case of*

infringements of their rights arising from this Directive. Member States should ensure that those provisions comply with the principle of reasonable accommodation for persons with disabilities in their design and implementation in line with the UNCRPD.

Amendment 39

Proposal for a directive Recital 37

Text proposed by the Commission

(37) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter. Notably, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of Article 26 of the Charter.

Amendment

(37) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter **and the UNCRPD**. Notably, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social, **economic** and occupational integration and participation in the life of the community and to promote the application of Article 26 of the Charter.

Amendment 40

Proposal for a directive Recital 38

Text proposed by the Commission

(38) Since the objective of this Directive, namely to enhance the possibilities for persons with disabilities to travel to or visit another Member States, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action establishing a framework with rules and common conditions, be better achieved at Union level, the Union may adopt measures, in accordance with the principle

Amendment

(38) Since the objective of this Directive, namely to **strengthen the exercise of the free movement rights of persons with disabilities**, and enhance the possibilities for, persons with disabilities to travel to or visit another Member States, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action establishing a framework with rules and common conditions, be better achieved at

of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) the rules governing the issuance of the European Disability Card for persons with disabilities as proof **of their** disability status, **in view of promoting equal rights and freedom of movement** for persons with disabilities **and** facilitating short stays of persons with disabilities in a Member State other than that of which they are a resident, by granting them access to any special conditions or preferential treatment with respect to services, activities or facilities, including when provided not for remuneration, offered to or reserved for persons with disabilities **residing in that Member State and, where applicable, persons** accompanying or assisting them including their personal **assistants**;

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the rules governing the issuance of the European Parking Card for persons with disabilities as proof of a right to

parking conditions and facilities reserved for persons with disabilities, in view of promoting equal rights and freedom of movement for persons with disabilities and facilitating short stays of persons with disabilities in a Member State other than that in which they are a resident, by granting them access to any parking conditions and facilities offered to or reserved for persons with disabilities and where applicable persons accompanying or assisting them including their personal assistants;

Amendment 43

Proposal for a directive Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By way of derogation from paragraph 2, this Directive shall apply to the benefits and social assistance referred to in paragraph 2, points (b) and (c), where:

(a) European Disability Card holders move to another Member State to engage in work or enrol in an educational institution until their disability status is re-assessed and formally recognised by the competent authorities in the other Member State; and

(b) a European Disability Card holder participates in an EU mobility programme, for the duration of that programme.

Member States shall take the necessary measures to ensure that holders of a European Disability Card, while in the situations referred to in this paragraph, are granted access to the benefits and social assistance referred to in paragraph 2, points (b) and (c), by the Member State that issued the European Disability card.

Amendment 44

Proposal for a directive Article 2 – paragraph 4

Text proposed by the Commission

4. This Directive does not impinge on national competences to grant or require to grant special benefits or specific, preferential conditions, such as free access, reduced tariffs, or preferential treatment for persons with disabilities and, where provided, for person(s) accompanying or assisting them including their personal assistant(s).

Amendment

4. This Directive does not impinge on national competences to grant or require to grant special benefits or specific, preferential conditions, such as free access, reduced tariffs, or preferential treatment for persons with disabilities and, where provided, for person(s) accompanying or assisting them including their personal assistant(s), ***as well as assistance animals such as guide dogs or assistance dogs.***

Amendment 45

Proposal for a directive Article 2 – paragraph 5

Text proposed by the Commission

5. This Directive shall be without prejudice to the rights that persons with disabilities or person(s) accompanying or assisting them, including their personal assistant(s), may derive from other provisions of Union law or national law implementing Union law, including those granting specific benefits, special conditions, or preferential treatment.

Amendment

5. This Directive shall be without prejudice to the rights that persons with disabilities or person(s) accompanying or assisting them, including their personal assistant(s), ***or assistance animals such as guide dogs and assistance dogs*** may derive from other provisions of Union law or national law implementing Union law, including those granting specific benefits, special conditions, or preferential treatment. ***A European Disability Card shall not be required as proof of disability in order to access or exercise any of the rights referred to in this paragraph.***

Amendment 46

Proposal for a directive

Article 3 – paragraph 1 – point d

Text proposed by the Commission

(d) “personal assistant” is a person accompanying or assisting persons with disabilities, who is recognised in accordance with the national legislation or practices as such;

Amendment

(d) “personal assistant” is a person, ***whichever their nationality***, accompanying or assisting persons with disabilities, who is recognised in accordance with the national legislation or practices as such;

Amendment 47

Proposal for a directive

Article 3 – paragraph 1 – point e

Text proposed by the Commission

(e) “special conditions or preferential treatment” means specific conditions, including those related to financial conditions, or differentiated treatment related to assistance and support such as free access, reduced tariffs, priority access, offered to persons with disabilities and/or, when applicable, to person(s) accompanying or assisting them including personal assistant(s) or assistance animals recognised in accordance with the national legislation or practices as such, irrespective whether provided on a voluntary basis or imposed by legal obligations;

Amendment

(e) “special conditions or preferential treatment” means ***any*** specific conditions, including those related to financial conditions, or ***any*** differentiated treatment related to assistance and support such as free access, reduced tariffs, priority access, ***access to restricted traffic zones and pedestrian zones, priority seats in public transports***, offered to persons with disabilities and/or, when applicable, to person(s) accompanying or assisting them including personal assistant(s), ***sign language interpreters***, or assistance animals. ***such as guide dogs or assistance dogs***. recognised in accordance with the national legislation or practices as such, irrespective ***of*** whether provided on a voluntary basis or imposed by legal obligations;

Amendment 48

Proposal for a directive

Article 3 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

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

Amendment 49

Proposal for a directive

Article 3 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) “reasonable accommodation” means necessary and appropriate modification and adjustments that do not impose a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights, fundamental freedoms and the rights provided for in this Directive;

Amendment 50

Proposal for a directive

Article 3 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) “EU mobility programme” means a Union programme that supports natural persons moving to another Member State for an educational, training, professional,

civic or cultural purpose or a combination thereof for a fixed period.

Amendment 51

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) Union citizens and family members of Union citizens whose disability status is recognised by the competent authorities in the Member State of their residence by means of a certificate, a card or any other formal document issued in accordance with national competences, practices, and procedures, as well as, when applicable, to person(s) accompanying or assisting them including personal assistant(s),

Amendment

(a) Union citizens and family members of Union citizens whose disability status is recognised by the competent authorities in the Member State of their residence by means of a certificate, a card or any other formal document issued in accordance with national competences, practices, and procedures, as well as, when applicable, to person(s) accompanying or assisting them including personal assistant(s) ***and sign language interpreters;***

Amendment 52

Proposal for a directive

Article 5 – paragraph 3 – point a

Text proposed by the Commission

(a) when special conditions or preferential treatment referred to in paragraph 1 of this Article include favourable conditions for person(s) accompanying or assisting them including personal assistant(s) or specific conditions for assistance animals, these favourable or specific conditions are granted on equal terms and conditions to the person(s) accompanying or assisting them, including personal assistant(s) or assistance animals of the holder of a European Disability Card;

Amendment

(a) when special conditions or preferential treatment referred to in paragraph 1 of this Article include favourable conditions for person(s) accompanying or assisting them including personal assistant(s) or specific conditions for assistance animals, these favourable or specific conditions are granted on equal terms and conditions to the person(s) accompanying or assisting them, including personal assistant(s) or assistance animals ***such as guide or assistance dogs*** of the holder of a European Disability Card;

Amendment 53

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

1. Each Member State shall introduce the European Disability Card following the common standardised format set out in Annex I. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Disability Card, as soon as the requirements concerning the digital features referred to in Annex I, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European Disability Card in Annex I.

Amendment

1. Each Member State shall introduce the European Disability Card following the common standardised format **and universal accessibility requirements** set out in Annex I. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Disability Card, as soon as the requirements concerning the digital features referred to in Annex I, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European Disability Card in Annex I.

Amendment 54

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. European Disability Cards issued by Member States shall be mutually recognised in all Member States.

Amendment

2. European Disability Cards issued by Member States shall be mutually recognised in all Member States **and shall be compatible with any certificate, disability card or any other formal document for persons with disabilities issued at national, regional or local level.**

Amendment 55

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

4. The European Disability Card shall

Amendment

4. The European Disability Card shall

be issued or renewed by the Member State of residence directly or upon application by the person with disabilities. It shall be issued and renewed within the *same* period set in the applicable national legislation for issuing disability certificates, disability cards or any other formal document recognising the disability status of a person with disabilities.

be issued or renewed by the Member State of residence directly *where already provided for in the national disability assessment and recognition procedure* or upon application by the person with disabilities. *Persons with disabilities shall be duly informed about the possibility to apply for the European Disability Card where it is not issued directly.* It shall be issued and renewed *free of charge to the beneficiary and within either 60 days or within the period set in the applicable national legislation for issuing disability certificates, disability cards or any other formal document recognising the disability status of a person with disabilities whichever is shorter.*

Amendment 56

Proposal for a directive Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Member States shall ensure that persons with disabilities, or designated representatives acting on their behalf and with their or their legal guardian's approval, are able to appeal against a decision by the competent authorities regarding the issuance, renewal or withdrawal of a European Disability Card in accordance with national law and practice.*

Amendment 57

Proposal for a directive Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The European Disability Card shall be issued as a physical card and shall be complemented by a digital format upon

5. The European Disability Card shall be issued as a physical card and shall be complemented by a digital format upon

adoption of the delegated acts referred to in paragraph 7. Persons with disabilities shall be given the option to use either the digital or physical card, or both.

adoption of the delegated acts referred to in paragraph 7. Persons with disabilities shall be given the option to use, ***on an equal footing***, either the digital or physical card, or both.

Amendment 58

Proposal for a directive Article 6 – paragraph 6

Text proposed by the Commission

6. The validity of the European Disability Card issued by a Member State shall be at least for the same duration as that of the disability certificate, disability card or any other formal document with the longest duration recognising their disability status issued to the person concerned by the competent authority of the Member State in its territory.

Amendment

6. The validity of the European Disability Card issued by a Member State shall be at least for the same duration as that of the ***national*** disability certificate, disability card or any other formal document with the longest duration recognising their disability status issued to the person concerned by the competent authority of the Member State in its territory.

Amendment 59

Proposal for a directive Article 6 – paragraph 7

Text proposed by the Commission

7. The Commission ***is empowered to*** adopt delegated acts in accordance with Article 11 ***to supplement*** this Directive ***in order to set*** the digital format of the European Disability Card and ensure interoperability, ***and*** to amend Annex I in order to modify the common features of the standardised format, adapt the format to technical developments, introduce digital features in order to prevent forgery and fraud, address abuse or misuse and ensure interoperability.

Amendment

7. ***By ... [12 months from the date of entry into force of this Directive]***, the Commission ***shall*** adopt delegated acts in accordance with Article 11 ***supplementing*** this Directive ***by setting*** the digital format of the European Disability Card and ensure interoperability.

The Commission is empowered to adopt delegated acts in accordance with Article 11 to amend Annex I in order to modify the

common features of the standardised format ***and universal accessibility requirements***, adapt the format to technical developments, introduce digital features in order to prevent forgery and fraud, address abuse or misuse and ensure ***accessibility and*** interoperability.

Amendment 60

Proposal for a directive Article 7 – paragraph 1

Text proposed by the Commission

1. Each Member State shall introduce the European Parking Card for persons with disabilities following the common standardised format set out in Annex II. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Parking Card for persons with disabilities, as soon as the requirements concerning the digital features referred to in Annex II, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European ***Disability*** Card in Annex II.

Amendment

1. Each Member State shall introduce the European Parking Card for persons with disabilities following the common standardised format ***and universal accessibility requirements*** set out in Annex II. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Parking Card for persons with disabilities, as soon as the requirements concerning the digital features referred to in Annex II, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European ***Parking*** Card in Annex II.

Amendment 61

Proposal for a directive Article 7 – paragraph 4

Text proposed by the Commission

4. The European Parking Card for persons with disabilities shall be issued or renewed by the Member State of residence upon application by the person with disabilities. It shall be issued or renewed

Amendment

4. The European Parking Card for persons with disabilities shall be issued or renewed by the Member State of residence upon application by the person with disabilities. It shall be issued or renewed

within a reasonable period from the date of the application which shall not exceed **60** days.

free of charge to the beneficiary and within a reasonable period from the date of the application which shall not exceed **30** days. ***Persons with disabilities shall, however, have the right to request to have the digital version of the European Parking Card for persons with disabilities available within 15 days of an application by the person with disabilities.***

Amendment 62

Proposal for a directive Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that persons with disabilities, or designated representatives acting on their behalf and with their or their legal guardian's approval, may appeal against a decision by the competent authorities regarding the issuance, renewal or withdrawal of a European Parking Card in accordance with national law and practice.

Amendment 63

Proposal for a directive Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall take the necessary measures to ensure that the European Parking Card for persons with disabilities replaces all existing valid parking cards, issued in accordance with the Council Recommendation on parking cards for persons with disabilities⁵⁸ at national, regional or local level at the latest by dd/mm/yy [date of application of this Directive/].

5. Member States shall take the necessary measures to ensure that the European Parking Card for persons with disabilities replaces all existing valid parking cards, issued in accordance with the Council Recommendation on parking cards for persons with disabilities⁵⁸ at national, regional or local level ***upon the European Parking Card's issuance, and in any event*** at the latest by dd/mm/yy [date of application of this Directive.

⁵⁸ Council Recommendation of 4 June 1998 (98/376/EC) OJ L 167/25, 12.6.1998 as adapted by Council Recommendation of 3 March 2008 by reason of accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic OJ L 63/43, 7.3.2008.

⁵⁸ Council Recommendation of 4 June 1998 (98/376/EC) OJ L 167/25, 12.6.1998 as adapted by Council Recommendation of 3 March 2008 by reason of accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic OJ L 63/43, 7.3.2008.

Amendment 64

Proposal for a directive Article 7 – paragraph 6

Text proposed by the Commission

6. The European Parking Card for persons with disabilities shall be issued or renewed as a physical card and shall be complemented by a digital format upon adoption of the delegated acts referred to in paragraph 7. Persons with disabilities shall be given the option to use either the digital or physical card, or both.

Amendment

6. The European Parking Card for persons with disabilities shall be issued or renewed as a physical card and shall be complemented by a digital format upon adoption of the delegated acts referred to in paragraph 7. Persons with disabilities shall be given the option to use, ***on an equal footing***, either the digital or physical card, or both.

Amendment 65

Proposal for a directive Article 7 – paragraph 7

Text proposed by the Commission

7. The Commission ***is empowered to*** adopt delegated acts in accordance with Article 11 ***to supplement*** the Directive ***in order to set*** the digital format of the European Parking Card for persons with disabilities and ensure interoperability, including through the development and deployment of digital tools, ***and*** to amend

Amendment

7. ***By ... [12 months from the date of entry into force of this Directive]***, the Commission ***shall*** adopt delegated acts in accordance with Article 11 ***supplementing*** the Directive ***by setting*** the digital format of the European Parking Card for persons with disabilities and ensure interoperability, including through the

Annex II in order to modify the common features of the standardised format, adapt the format to technical developments, prevent forgery and fraud, address abuse or misuse and ensure interoperability, including through the development and deployment of digital tools.

development and deployment of digital tools.

The Commission is empowered to adopt delegated acts in accordance with Article 11, to amend Annex II in order to modify the common features of the standardised format and universal accessibility requirements, adapt the format to technical developments, prevent forgery and fraud, address abuse or misuse and ensure interoperability, including through the development and deployment of digital tools.

Amendment 66

Proposal for a directive Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Provisions for card holders when changing residence

1. Member States shall ensure that the holders of European Disability Cards or European Parking Cards for persons with disabilities who have changed their Member State of residence, and who await issuance of a national disability card, certificate or any other formal document recognising their disability status by the competent authorities in that Member State, are guaranteed the rights provided for in this Directive during that period. The European Disability Card and the European Parking Card for persons with disabilities issued by the Member State of last residence shall be valid until the new national disability card, certificate or any other formal document recognising the

disability status of the holder has been issued.

2. Member States shall ensure that the process of re-assessment and recognition of disability status, and any subsequent issuing of a new European Disability Card or European Parking Card for persons with disabilities, is carried out within a reasonable period of time and in an efficient manner.

Amendment 67

Proposal for a directive Article 8 – paragraph 2

Text proposed by the Commission

2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Amendment

2. Those implementing acts shall be adopted *by ... [12 months from the date of entry into force of this Directive]*, in accordance with the examination procedure referred to in Article 12(2).

Amendment 68

Proposal for a directive Article 9 – title

Text proposed by the Commission

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

Amendment

Surveillance *and* compliance

Amendment 69

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall make the conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a

Amendment

deleted

European Parking Card for persons with disabilities publicly available in accessible formats, including in digital formats, and upon request in assistive formats requested by persons with disabilities.

Amendment 70

Proposal for a directive Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. *Member States shall take appropriate measures to raise awareness among the public and inform persons with disabilities, including in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.*

deleted

Amendment 71

Proposal for a directive Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall take all necessary steps to avoid the risk of forgery or fraud and shall actively combat the fraudulent use and forgery of the European Disability Card and European Parking Card for persons with disabilities.

3. Member States shall take all necessary steps to avoid the risk of forgery or fraud and shall actively combat, ***thoroughly investigate and, where relevant, provide for administrative or judicial proceedings to address*** the fraudulent ***issuance***, use and forgery of the European Disability Card and European Parking Card for persons with disabilities.

Amendment 72

Proposal for a directive Article 9 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Any measures taken to avoid the risk of forgery or fraud shall respect the rights of persons with disabilities and shall not result in any interference with the legitimate interests of persons with disabilities in their access to or use of either card or lead in any way to their stigmatisation.

Amendment 73

Proposal for a directive Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall take the necessary measures to ensure that holders of a European Disability Card or European Parking Card for persons with disabilities return their cards to the competent authority ***once*** the conditions under which they were issued are no longer fulfilled.

4. Member States shall take the necessary measures to ensure that holders of a European Disability Card or European Parking Card for persons with disabilities return their cards to the competent authority ***in the event that*** the conditions under which they were issued are no longer fulfilled.

Amendment 74

Proposal for a directive Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall take the necessary measures to ensure that in case they encounter cases of abuse or misuse of the cards issued by another Member State on their territory, the competent authorities in the Member State who issued the European Disability Card or European Parking Card for persons with disabilities are informed. The Member State of issuance shall ensure appropriate follow-up in accordance with national law or practice.

5. Member States shall take the necessary measures to ensure that in case they encounter cases of abuse or misuse of the cards issued by another Member State on their territory, the competent authorities in the Member State who issued the European Disability Card or European Parking Card for persons with disabilities are informed. The Member State of issuance shall ensure appropriate follow-up in accordance with national law or practice.

Member States shall exchange information with regard to abuse or misuse of the cards.

Amendment 75

Proposal for a directive Article 9 – paragraph 7

Text proposed by the Commission

7. The information referred to in paragraph 1 and 2 of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through private operators' or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.

Amendment

deleted

Amendment 76

Proposal for a directive Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Accessibility of information and awareness raising

1. Member States shall provide for conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible formats, including in digital formats, national and international sign languages, braille and easy-to-read and audio formats, and in other alternative assistive formats upon the request of persons with disabilities.

2. Member States shall take

appropriate measures to raise awareness among the public, in particular to public authorities and private operators having the potential to offer special conditions, preferential treatment and parking conditions and facilities for persons with disabilities pursuant to Article 5 and other relevant stakeholders including representative organisations of persons with disabilities, and inform persons with disabilities, in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities. The Commission shall undertake a European awareness raising campaign in cooperation with the Member States.

3. The information referred to in paragraphs 1 and 2 of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through the official websites of private operators or public authorities where available and designated National Contact Points, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I to Directive (EU) 2019/882.

4. The information referred to in paragraphs 1 and 2 shall be easily understandable, without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.

5. The Commission shall ensure that appropriate funding is made available to the Member States to address costs related to the information provision and awareness raising obligations under this Article and Article 15.

Amendment 77

Proposal for a directive
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

***Representative organisations of persons
with disabilities***

***Member States shall ensure that
representative organisations of persons
with disabilities can participate
meaningfully in the development,
planning, implementation, monitoring
and evaluation of both the European
Disability Card and the European
Parking Card for persons with disabilities.***

Amendment 78

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

4. Before adopting a delegated act, the Commission shall consult ***persons with disabilities and their representative organisations as well as*** experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment 79

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

1. The Commission shall be assisted by a committee ***and shall ensure that representative organisations of persons with disabilities can participate meaningfully.*** That committee shall be a committee within the meaning of

Amendment 80

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Enforcement

Amendment

Enforcement **and remedies**

Amendment 81

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that adequate and effective means exist to ensure compliance with this Directive.

Amendment

1. Member States shall ensure that adequate and effective means exist to ensure compliance with **and enforcement of** this Directive.

Amendment 82

Proposal for a directive

Article 13 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Directive.

Amendment 83

Proposal for a directive

Article 13 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) provisions whereby persons with disabilities have a right of redress, including adequate compensation, in cases of infringements of their rights arising from this Directive.

Amendment 84

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the design and implementation of provisions referred to in paragraph 2 comply with the principle of reasonable accommodation for persons with disabilities.

Amendment 85

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall lay down the rules on penalties applicable to violations of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.

1. Member States shall lay down the rules on penalties applicable to ***public authorities or private operators for*** violations of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.

Amendment 86

Proposal for a directive Article 14 – paragraph 2

Text proposed by the Commission

2. The penalties provided for must be effective, proportionate and dissuasive and be accompanied by effective remedial action.

Amendment

2. The penalties provided for must be effective, proportionate and dissuasive and be accompanied by effective remedial action ***either in the form of fines or the payment of adequate compensation.***

Amendment 87

Proposal for a directive Article 15 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Each Member State shall establish a single dedicated website collating the special conditions or preferential treatment offered by their public authorities and shall ensure this information is up to date. Member States may also facilitate information concerning the special conditions or preferential treatment offered by private operators on the website where available. The website shall be in the official languages of the Member States, national and international sign languages for audio and video content, in accessible and easy-to-read formats, in English as well as in any other relevant languages as determined by the Member State.

Amendment 88

Proposal for a directive Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure, where

applicable, that operators of cross-border passenger transport services provide clear information to passengers holding a European Disability Card on the special conditions or preferential treatment applicable in different parts of the operations.

Amendment 89

Proposal for a directive Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall encourage private operators or public authorities to voluntarily provide special conditions or preferential treatment for persons with disabilities.

Amendment

2. Member States shall **support and** encourage private operators or public authorities to voluntarily provide special conditions or preferential treatment for persons with disabilities ***in as wide a range of services, other activities and facilities as possible.***

In particular, Member States shall support and encourage private operators and public authorities through, inter alia, the provision of information and exchange of best practices on possible special conditions or preferential treatment to be offered and the provision of disability- awareness training so as to ensure the relevance, effectiveness and inclusivity of any special conditions or preferential treatment offered. Member States shall ensure all such measures are carried out in partnership with persons with disabilities and their representative organisations.

Amendment 90

Proposal for a directive Article 15 – paragraph 3

Text proposed by the Commission

3. The information referred to in

Amendment

3. The information referred to in

paragraph 1 of this article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.

paragraphs 1 and 1a of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882 **without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages and including in the national sign languages.**

Amendment 91

Proposal for a directive Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Union website for the European Disability Card and European Parking Card for persons with disabilities

1. By ...[x months from the date of entry into force of this Directive], the Commission shall set up a single dedicated Union website (Union website). The Union website shall contain:

- (a) the information referred to in Article 9a;***
- (b) relevant information related to the applicable parking conditions and facilities as defined at local, regional, or national level in each Member State;***
- (c) an accessible digital portal through which the national websites referred to in Article 15(1) can be accessed.***

Member States shall ensure that public authorities provide the information referred to in points (a) and (b) of the first

subparagraph to the Union website and shall update that information where necessary.

2. The Union website shall be available in all official Union languages, international sign language and the national sign languages of Member States as well as in accessible and easy-to-read formats, in accordance with the relevant accessibility requirements for services set in Annex I to Directive (EU) 2019/882. The information referred to in this Article shall be easily understandable, without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.

Amendment 92

Proposal for a directive Article 16 – paragraph 1

Text proposed by the Commission

1. By dd/mm/yy [**three** years **after** the date of application of this Directive], and every **five** years thereafter, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

Amendment

1. By dd/mm/yy [**two** years **from** the date of application of this Directive], and every **four** years thereafter, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

Amendment 93

Proposal for a directive Article 16 – paragraph 2

Text proposed by the Commission

2. The report shall address, inter alia, in the light of social, economic developments the use of the European Disability Card and European Parking Card for persons with disabilities with a view to

Amendment

2. The report shall address, inter alia, in the light of social, economic, **technological and other relevant** developments the use of the European Disability Card and European Parking Card

assessing the need to review this Directive.

for persons with disabilities, ***the extent to which the implementation of this Directive has met its objectives and its interaction with other relevant Union legal acts*** with a view to assessing the need to review this Directive. ***The report shall include an assessment of the use of the card as regards portability in the area of social security benefits, social protection and social assistance in the situations referred to in Article 2(2a).***

The report shall also include an intersectionality and gender equality analysis of the impact of this Directive on the free movement of persons with disabilities who have intersecting identities, in particular women and girls. The report shall also evaluate the effectiveness of the incentivising measures provided by Member States to service providers under Article 15(2).

Amendment 94

Proposal for a directive Article 16 – paragraph 4

Text proposed by the Commission

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

Amendment

4. The Commission’s report shall take into account the viewpoints of persons with disabilities, relevant non-governmental organisations, ***in particular*** organisations representing persons with disabilities ***as well as economic stakeholders.***

Amendment 95

Proposal for a directive Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt and publish, by dd/mm/yy [within ***18*** months ***after*** the entry into force of this Directive]

Amendment

1. Member States shall adopt and publish, by dd/mm/yy [within ***12*** months ***from*** the ***date of*** entry into force of this

at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment 96

Proposal for a directive Article 18 – paragraph 2

Text proposed by the Commission

2. They shall apply those provisions from dd/mm/yy [**30** months from the date of entry into force of this Directive].

Amendment

2. They shall apply those provisions from dd/mm/yy [**24** months from the date of entry into force of this Directive].

Amendment 97

Proposal for a directive Annex I – paragraph 2

Text proposed by the Commission

BACK SIDE National information in the national language or national languages to be decided by the issuing Member State.

Amendment

BACK SIDE National information in the national language or national languages to be decided by the issuing Member State.
Member States shall provide the option to persons with disabilities, when applying for the card to the relevant authorities, to display relevant symbols on the card in order to indicate the nature of their required reasonable accommodation. The Commission shall develop guidelines for common pictograms illustrating different types of assistance.

Amendment 98

Proposal for a directive Annex II – point 3 – point b – indent 1

Text proposed by the Commission

– in capital letters, the words

Amendment

– in capital letters, the words

‘European Parking Card for persons with disabilities’ in the language(s) of the Member State issuing the card; after a suitable space, it shall appear in small type in the other languages of the European Union;

‘European Parking Card for persons with disabilities’ in the language(s) of the Member State issuing the card ***and in braille using the Marburg code dimensions***; after a suitable space, it shall appear in small type in the other languages of the European Union;

EXPLANATORY STATEMENT

The EU Treaties and the Charter of Fundamental Rights of the EU establish equality as a cornerstone of EU law. The fundamental right to free movement of persons is established by Article 21 of TFEU and Article 45 of the Charter. However the exercise of this right is very often not a reality for persons with disabilities who face significant barriers travelling to and visiting other Member States for work, tourism etc. Even where they do manage to do so, services, including passenger transport services, and other activities, facilities and infrastructure are regularly very difficult or even impossible to access.

The introduction of a new European Disability Card (EDC) and updated European Parking Card for persons with disabilities (EPC) should help to address these obstacles and make it easier for persons with disabilities to travel across the EU by ensuring they can, on an equal basis with nationals, access special conditions, preferential treatment, and parking rights when visiting another Member State. The binding nature of the proposal and the expansion of the scope as compared to the pilot project are very welcome indeed.

Nevertheless, the area of social benefits, assistance and protection is unfortunately not addressed. Currently, access to these supports is lost when a person with disabilities moves to another Member State to work, study or take part in an EU mobility programme and the wait to obtain them via reassessment of disability status in the new Member State can take months or even years. In the intervening period, persons with disabilities are without the support that helps ensure their inclusion and personal autonomy - principles enshrined in the UNCRPD, which all Member States and the EU itself are a party to. This creates a huge barrier in persons with disabilities truly enjoying their fundamental freedoms on an equal basis with others - in essence these freedoms are reserved for those without disabilities or those wealthy enough to cover the extra costs resulting from their disability out of their own pocket. This is not real equality and is unacceptable in a 'Social Europe'. The draft report therefore includes such benefits, assistance and protection for EDC holders for the period in which their disability status is being reassessed where they move for employment, education or to participate in an EU mobility programme.

The draft report further aims to strengthen the Commission proposal by, inter alia, expressly providing that the EDC can never be required as proof in order to access or exercise existing rights for persons with disabilities in other Union or national law, that competent authorities issuing or renewing either card must do so free of charge and within a reasonable period that does not exceed 60 days, as well as ensuring the right of persons with disabilities to appeal decisions by authorities concerning the cards.

As regards the EPC the Commission should gather, within an EU database, information to be provided by Member States' public authorities concerning what the different parking conditions and facilities offered in each Member State are at local, regional and national level. This will greatly facilitate persons with disabilities in planning and organising the travel the cards aim to encourage.

Regarding provisions on avoiding risks of fraud or forgery, it is important that any measures taken to achieve this aim do not interfere with the rights and interests of persons with disabilities using the card correctly or lead in any way to stigmatisation.

Measures concerning availability and accessibility of information, as well as awareness raising measures, have also been strengthened and include an EU awareness raising campaign to be undertaken by the Commission, a dedicated EU website to gather information on the conditions and rules, practices, and procedures to issue, renew or withdraw as well as how to obtain, use and renew the cards in the different Member States. Member States shall also be obliged to establish national websites outlining the relevant special conditions and preferential treatment offered by public authorities so that persons with disabilities, service providers and the public in general are informed of the advantages the cards entail.

Finally, amendments to strengthen the enforcement of the directive and ensure the right to redress including through adequate compensation as well as to better involve the representative organisations of persons with disabilities in the implementation and evaluation of the cards have been tabled.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
European Disability Forum
European Commission

The list above is drawn up under the exclusive responsibility of the rapporteur.

7.12.2023

OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on Employment and Social Affairs

on the proposal for a directive of the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities.
(COM(2023)0512 – C9-0328/2023 – 2023/0311(COD))

Rapporteur for opinion (*): Erik Bergkvist(*) Associated committee – Rule 57 of the Rules of Procedure

SHORT JUSTIFICATION

The objective of this initiative is to create a *European Disability Card* that will serve as proof of a recognised disability status. The proposal provides **for mutual recognition of the European Disability Card in all Member States**, thereby granting cardholders travelling to or visiting another Member State access on equal terms and conditions as the residents of the visited Member State, to existing special conditions or preferential treatment in relation to various services, activities and facilities.

Your rapporteur welcomes the Commission's proposal, which answers to the **long-standing call of all disability movements** to ensure better treatment of persons with disabilities and allow them to benefit from special conditions outside of their home country. Your rapporteur also supports the Commission's initiative to combine the European Disability Card with the *European Parking Card for persons with disabilities* into one single proposal.

This proposal will establish the main rules governing the issuance of the European Disability Card, and the European Parking Card for persons with disabilities, as well as **common standardised models for the two cards**.

As regards the European Parking Card for persons with disabilities, the proposal will replace the system put in place by Council Recommendation 98/376/EC as specific national additions and deviations from the recommended model have led to a proliferation of different cards hindering their cross-border recognition. The current proposal therefore provides for common rules and conditions governing the issuance of the card and a common template to be applied by all Member States replacing all the multiple existing national parking cards.

Your Rapporteur believes that this proposal will set **the basis for free movement for persons with disabilities**, on the same level as any other person. Indeed, whereas all EU citizens have the right to move freely within the Union, in practice this right is often compromised for persons with disabilities, whose mobility in daily life is impeded by a **structural lack of accessibility** and adequate services. It is urgent to overcome these barriers and ensure full non-discrimination and equality in access to services, so that people with disabilities can enjoy the same rights as the rest of society, also in practice. The creation of a common European Disability Card and a European Parking Card for persons with disabilities is a promising step in this direction.

However, the Commission's proposal can be further improved in this regard.

It is important that the new European cards are **easy to access, to use and free of charge**. Therefore, your Rapporteur proposes that each Member State shall establish a **National Contact Point** as a 'one-stop shop' providing information and guidance to users on the conditions and services included in the new European cards in their territory, as well as the conditions and services granted under relevant national cards and certificates. These national contact points shall be connected through a **European web portal**, together with the official websites in each Member State, to facilitate that holders of the respective cards can get a clear overview of the conditions and services applying in each Member State.

Furthermore, your Rapporteur is convinced that the **digital format** of the European cards will provide substantial added value for the holders, once the technical format and specifications have been set. To this effect, the Commission shall adopt delegated acts no later than 12 months after the entry into force of this Directive, to avoid any unwarranted delays in this process.

Moreover, it is necessary to ensure that holders of the European Disability Card using **cross-border passenger services are not negatively impacted** in cases where Member States apply different conditions or preferential treatments. Therefore, your Rapporteur proposes that Member States shall ensure that operators provide clear information to travellers at the time of purchase on what parts of the operations where those special conditions or preferential treatments apply, to avoid that passengers travelling from a Member State would risk finding themselves without a valid travel document when entering another Member State.

Still, this proposal should also **not impose a bureaucratic burden on Member States** which is why your rapporteur decided to refrain from amending the scope and letting Member States decide depending on their current national practices.

Finally, to ensure that this Directive remains fit for purpose and continues to improve the functioning of the European Disability Card and the European Parking Card for people with disabilities, your Rapporteur proposes that **the Commission shall regularly assess whether the Directive has met its objectives** as well as its interaction with other relevant Union legal acts, and, if appropriate, make a legislative proposal to amend the Directive.

AMENDMENT

The Committee on Transport and Tourism calls on the Committee on Employment and Social Affairs, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Every citizen of the Union has the fundamental right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give effect to them.

Amendment

(3) Every citizen of the Union has the fundamental right to move and reside freely within the territory of the Member States, ***with the easiest possible access to public and private means of transport***, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give effect to them.

Amendment 2

Proposal for a directive Recital 4

Text proposed by the Commission

(4) According to the Court of Justice of the European Union, citizenship of the Union is destined to be the fundamental status of nationals of the Member States when exercising the right to move and reside within the territory of the Member States, enabling those who find themselves in the same situation to enjoy, within the scope *ratione materiae* of the TFEU, the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for.

Amendment

(4) According to the Court of Justice of the European Union, citizenship of the Union is destined to be the fundamental status of nationals of the Member States when exercising the right to move and reside within the territory of the Member States, enabling those who find themselves in the same situation to enjoy, within the scope *ratione materiae* of the TFEU, the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for. ***The right to free movement should also apply to third country nationals who have legal residence in a Member State of the European Union and a recognised disability in that Member State, in the interest of equal treatment. Therefore, this Directive is complemented by a separate legal act, which will bridge the legal gap between EU citizens and legally residing third country nationals in this regard and provide for more legal certainty.***

Amendment 3

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect of their inherent dignity, thus ensuring their full and effective participation and inclusion in society on an equal basis with others. The UNCRPD also recognises the importance of the need to take appropriate measures to ensure accessibility to persons with disabilities.

Amendment

(6) ***The UNCRPD recognises that the interaction of persons with disabilities' impairments with various physical, administrative, technological, societal and infrastructural barriers can result in discriminatory treatments.*** The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect of their inherent dignity, thus ensuring their full and effective participation and inclusion in society on an equal basis with others. The UNCRPD also recognises the importance of the need to take appropriate measures to ensure accessibility to persons with disabilities ***and to ensure that persons with disabilities enjoy personal mobility with the greatest possible independence.***

Amendment 4

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) The European Pillar of Social Rights, proclaimed by the European Parliament, the Council and the European Commission at Gothenburg on 17 November 2017⁴⁰ provides that everyone, inter alia regardless of disability, has the right to equal treatment and opportunities regarding, ***among others***, access to goods and services available to the public (principle 3). In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to services that enable them to participate in society (principle 17).

Amendment

(7) The European Pillar of Social Rights, proclaimed by the European Parliament, the Council and the European Commission at Gothenburg on 17 November 2017⁴⁰ provides that everyone, inter alia regardless of disability, has the right to equal treatment and opportunities regarding ***employment, social protection, education and*** access to goods and services available to the public ***and that equal opportunities of under-represented groups are to be fostered*** (principle 3). In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to services that

enable them to participate in society *and economy as well as to a work environment fit to their needs* (principle 17).

⁴⁰ Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C 428, 13.12.2017, p. 10.

⁴⁰ Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C 428, 13.12.2017, p. 10.

Amendment 5

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) The equality and non-discrimination mandate contained in Article 5 of the CRPD is relevant to this Directive, as the European Disability Card is meant to accelerate the equality of persons with disabilities through global recognition within the EU and in its Member States.

Amendment 6

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) The Strategy for the Rights of Persons with Disabilities 2021-2030 intends to tackle the diverse challenges that persons with disabilities face and progress in all areas of the United Nations Convention on the Rights of Persons with Disabilities, both at EU and Member State level.

Amendment 7

Proposal for a directive Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) This Directive lays down the rules governing the issuance of the European Disability Card and the European Parking Card for persons with disabilities which, in the latter case, automatically replaces the equivalent existing national parking cards. To decrease bureaucratic burdens both for national authorities and, most importantly, for persons with disabilities, the European Disability Card should replace existing national disability recognition cards or certificates in cases where the scope and application of these cards is identical to that of the European Disability Card, and in cases where the scope and application are not identical, when the national disability card or certificate is issued beneficiaries shall also automatically receive a European Disability Card.

Amendment 8

Proposal for a directive Recital 9 b (new)

Text proposed by the Commission

Amendment

(9 b) With a view to strengthen the effectiveness of the European Disability Card and of the European Parking Card for persons with disabilities and their added value in terms of facilitating the free movement of holders of these cards, the Commission should as part of the revision of this Directive thoroughly assess the national frameworks related to the recognition of a disability status and issuance of a disability card and parking certificate, in view to harmonise the definition of disability and to ensure mutual recognition of disability status across Member States. Furthermore, the Commission should also assess any impact of the European Disability Card

and the European Parking Card for persons with disabilities with respect to national frameworks in which the preferential treatment of the disabled persons differs based on the level of disability or other conditions.

Amendment 9

Proposal for a directive Recital 10

Text proposed by the Commission

(10) Due to the lack of recognition of disability status between Member States, persons with disabilities *may* face specific difficulties when exercising their fundamental rights of free movement.

Amendment

(10) Due to the lack of *mutual* recognition of disability status between Member States, persons with disabilities *often* face specific *and significant* difficulties when exercising their fundamental rights of *equal treatment, non-discrimination and* free movement. *Moreover, the limited availability of online information on their specific rights and advantages exacerbates this problem.*

Amendment 10

Proposal for a directive Recital 11

Text proposed by the Commission

(11) Persons with disabilities moving for longer periods to other Member States for employment, study or other purposes, except where otherwise provided by law or agreed among Member States, may have their disability status assessed and formally recognised by the competent authorities in the other Member State and may receive a disability certificate, a disability card or any other formal document recognising their disability status in accordance with applicable rules of that Member State.

Amendment

(11) Persons with disabilities moving for longer periods to other Member States for employment, study or other purposes, except where otherwise provided by law or agreed among Member States, may have their disability status assessed and formally recognised by the competent authorities in the other Member State and *could be granted access to social security benefits, social protection and social assistance there, for a time-limited period during this assessment, and* may receive a disability certificate, a disability card or any other formal document recognising their

disability status in accordance with applicable rules of that Member State.

Amendment 11

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) **However**, persons with recognised disability status travelling to **or** visiting **for a short period of time** a Member **States** other than the Member State in which they reside, **may** encounter significant difficulties, if their disability status is not recognised **in the Member State they travel to or visit** and if they do not hold a certificate, disability card or any other formal document recognising their disability status in the host Member State, in order to benefit from special conditions and/or preferential treatment offered there.

Amendment

(12) Persons with recognised disability status travelling to, visiting, **studying, working in or moving to** a Member **State** other than the Member State in which they reside, **regularly** encounter significant difficulties **and barriers**, if their disability status is not recognised and if they do not hold a certificate, disability card or any other formal document recognising their disability status in the host Member State, in order to benefit from special conditions and/or preferential treatment offered there.

Amendment 12

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) In this case, persons with disabilities travelling to **or** visiting another Member State are put at a disadvantage when exercising their free movement rights as compared to persons with disabilities holding a disability certificate, a disability card or any other formal document recognising their disability status in **the** Member State **they travel to or visit**.

Amendment

(13) In this case, persons with disabilities travelling to, visiting, **studying or working in or moving to** another Member State are put at a disadvantage when exercising their free movement rights as compared to **persons without disabilities and** persons with disabilities holding a disability certificate, a disability card or any other formal document recognising their disability status in **that** Member State.

Amendment 13

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) Being a woman is a factor that affects all dimensions, including mobility and free movement, and must therefore be considered so that this legislation contributes to recognising the rights of women and girls with disabilities, mothers and carers of persons with disabilities and protecting them from intersectional discrimination.

Amendment 14

Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

Amendment

(13 b) The European Union has ratified the Convention on preventing and combating violence against women and domestic violence, the Istanbul Convention.

Amendment 15

Proposal for a directive
Recital 14

Text proposed by the Commission

Amendment

(14) Furthermore, not knowing whether and, if so, to what extent their disability status and formal documents recognising this status may be recognised when travelling to *or* visiting another Member State, creates uncertainty for them. Ultimately, persons with disabilities may be deterred from exercising their rights of free movement.

(14) Furthermore, not knowing whether and, if so, to what extent their disability status and formal documents recognising this status may be recognised when travelling to, visiting, ***studying or working in or moving to*** another Member State, creates ***significant*** uncertainty for them. Ultimately, persons with disabilities may be deterred from exercising their rights of free movement ***and from being fully part of society.***

Amendment 16

Proposal for a directive Recital 14 a (new)

Text proposed by the Commission

Amendment

(14 a) Considering both demographic changes such as an aging population and the need to increase the mobility of persons with disabilities and their participation in society, Member States and local authorities should make all possible efforts to ensure that the accessibility of public transport, public spaces and infrastructures meets the needs of persons with disabilities.

Amendment 17

Proposal for a directive Recital 15

Text proposed by the Commission

Amendment

(15) Alongside physical and other barriers in accessing both public and private spaces, high expenses are a key factor discouraging many persons with disabilities from travel⁴⁸, because they have specific needs and may also require person(s) accompanying or assisting them including those recognised as personal assistant(s) in accordance with national legislation or practices, making their travel costs higher than for persons without disabilities⁴⁹. The lack of recognition of disability status in other Member States might limit their access to special conditions, such as free access or reduced tariffs, or preferential treatment **and has an** impact on their travel costs, lives **and** choices.

(15) Alongside physical and other barriers in accessing both public and private spaces **and services**, high expenses are a key factor discouraging many persons with disabilities from travel⁴⁸, because they have specific needs and may also require person(s) accompanying or assisting them including those recognised as personal assistant(s) in accordance with national legislation or practices, making their travel costs higher than for persons without disabilities⁴⁹. The lack of recognition of disability status in other Member States might limit their access to special conditions, such as free access or reduced tariffs, **priority spots in public transport, or clearly visible and reserved parking spaces**, or preferential treatment, **thus having a negative** impact on their travel costs, lives, choices **and personal**

autonomy.

⁴⁸ Findings from Final Report based on Survey targeted at EU-level CSOs; Shaw and Coles, ‘Disability, holiday making and the tourism industry in the UK: a preliminary survey’, 25(3) Tourism Management (2004) 397-403; Eugénia Lima Devile and Andreia Antunes Moura (2021), Travel by People With Physical Disabilities: Constraints and Influences in the Decision-Making Process.

⁴⁹ McKercher and Darcy (2018), Re-conceptualizing barriers to travel by people with disabilities, Tourism Management Perspectives, 59-66. [More for Explanatory Memorandum?]

⁴⁸ Findings from Final Report based on Survey targeted at EU-level CSOs; Shaw and Coles, ‘Disability, holiday making and the tourism industry in the UK: a preliminary survey’, 25(3) Tourism Management (2004) 397-403; Eugénia Lima Devile and Andreia Antunes Moura (2021), Travel by People With Physical Disabilities: Constraints and Influences in the Decision-Making Process.

⁴⁹ McKercher and Darcy (2018), Re-conceptualizing barriers to travel by people with disabilities, Tourism Management Perspectives, 59-66. [More for Explanatory Memorandum?]

Amendment 18

Proposal for a directive Recital 16

Text proposed by the Commission

(16) Preferential treatment (such as personal assistance, priority access, etc.) offered with or without remuneration **may be** important for persons with disabilities to be able to access various services, activities or facilities and to better experience them. However, due to the lack of recognition, in the Member State they visit **or** travel to, of their disability status and of formal documents recognising this status issued in other Member States, persons with disabilities may not be able to benefit from the special conditions or preferential treatment offered by private operators or public authorities in that Member State to holders of a disability certificate, disability card or any other formal document recognising their disability status issued there.

Amendment

(16) Preferential treatment (such as personal assistance, priority access, etc.) offered with or without remuneration **is often** important for persons with disabilities to be able to access various services, activities or facilities and to better experience them. However, due to the lack of **mutual** recognition, in the Member State they visit, travel **to, study or work in or move** to, of their disability status and of formal documents recognising this status issued in other Member States, persons with disabilities may not be able to benefit from the special conditions or preferential treatment offered by private operators or public authorities in that Member State to holders of a disability certificate, disability card or any other formal document recognising their disability status issued there. ***This is de facto limiting their freedom of movement.***

Amendment 19

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) The Pilot Project on the EU Disability card launched in 2016 and carried out in eight Member States, demonstrated the advantages for persons with disabilities in accessing services in the areas of culture, leisure, sport, and, in some cases, transport, and supporting their cross-border movement in the EU for a short period⁵⁰. In addition, it included other examples of services, activities and facilities which offer special conditions or preferential treatment to persons with disabilities.

⁵⁰ See also the Final Report of the Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits, published in May 2021, <https://op.europa.eu/en/publication-detail/-/publication/4adbe538-0a02-11ec-b5d3-01aa75ed71a1/language-en>.

Amendment

(17) The Pilot Project on the EU Disability card launched in 2016 and carried out in eight Member States, demonstrated the advantages for persons with disabilities in accessing services in the areas of culture, leisure, sport, and, in some cases, transport, and supporting their cross-border movement in the EU for a short period⁵⁰. In addition, it included other examples of services, activities, **transport infrastructure** and facilities which offer special conditions or preferential treatment to persons with disabilities.

⁵⁰ See also the Final Report of the Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits, published in May 2021, <https://op.europa.eu/en/publication-detail/-/publication/4adbe538-0a02-11ec-b5d3-01aa75ed71a1/language-en>.

Amendment 20

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Council Recommendation 98/376/EC⁵¹ has provided for a European model of a parking card for persons with disabilities, which has facilitated the recognition of the parking card across Member States. However, its implementation and the inclusion of national specific additions or deviations from the recommended model have led to a

Amendment

(19) Council Recommendation 98/376/EC⁵¹ has provided for a European model of a parking card for persons with disabilities, which has facilitated the recognition of the parking card across Member States. However, its implementation and the inclusion of national specific additions or deviations from the recommended model have led to a

variety of different cards. This hinders the cross-border recognition of the cards across Member States, hampering the access of persons with disabilities to parking conditions provided and facilities reserved for persons with disabilities who are holders of a parking card in other Member States. Moreover, the Council Recommendation has not been updated to reflect ongoing technological and digitalisation developments. Member States also experience problems with fraud and forgery of the cards, as the format is usually quite simple and easily forged and in practice different in each Member States, which makes it difficult to verify.

variety of different cards. This hinders the cross-border recognition of the cards across Member States, hampering the access of persons with disabilities to parking conditions provided and facilities reserved for persons with disabilities who are holders of a parking card in other Member States. Moreover, the Council Recommendation has not been updated to reflect ongoing technological and digitalisation developments. Member States also experience problems with fraud and forgery of the cards, as the format is usually quite simple and easily forged and in practice different in each Member States, which makes it difficult to verify.

Access to services should be instantaneous without requiring a new application in case of moving to another country.

⁵¹ Council Recommendation of 4 June 1998 on a parking card for people with disabilities (OJ L 167, 12.6.1998, p. 25), as adapted by Council Recommendation of 3 March 2008 by reason of accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic OJ L 63/43,7.3.2008.

⁵¹ Council Recommendation of 4 June 1998 on a parking card for people with disabilities (OJ L 167, 12.6.1998, p. 25), as adapted by Council Recommendation of 3 March 2008 by reason of accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic OJ L 63/43,7.3.2008.

Amendment 21

Proposal for a directive Recital 20

Text proposed by the Commission

(20) In order to facilitate the access by persons with disabilities to special conditions or preferential treatment related to services, activities and facilities, including when provided not for

Amendment

(20) In order to facilitate the access by persons with disabilities to special conditions or preferential treatment related to services ***such as passenger transport services***, activities, ***transport***

remuneration, in other Member States, remaining barriers and difficulties in travelling to *or* visiting another Member State due to the lack of recognition of their disability status and of formal documents recognising this status issued in other Member States and parking rights should be removed.

infrastructure and facilities, including when provided not for remuneration, in other Member States, remaining *infrastructural, legal, economic and administrative* barriers and difficulties in travelling to, visiting, *studying or working in or moving to* another Member State due to the lack of *mutual* recognition of their disability status and of formal documents recognising this status issued in other Member States and parking rights should be removed.

Amendment 22

Proposal for a directive Recital 21

Text proposed by the Commission

(21) Therefore, in view of facilitating the exercise by persons with disabilities when travelling to *or* visiting another Member State *for a short period*, of the rights to access special conditions or preferential treatment offered by private operators or public authorities without discrimination on grounds of nationality on the same basis as persons with disabilities in that Member State, and in view of facilitating the use of transport and benefiting from parking conditions and facilities reserved for persons with disabilities on the same basis as in that Member State, it is necessary to establish the framework, rules and common conditions, including a common standardised model, for a European Disability Card as proof of recognised disability status and for a European Parking Card for persons with disabilities, as proof of their recognised right to parking conditions and facilities reserved for persons with disabilities.

Amendment

(21) Therefore, in view of facilitating the exercise by persons with disabilities when travelling to, visiting *studying or working in or moving to* another Member State of the rights to access special conditions or preferential treatment offered by private operators or public authorities without discrimination on grounds of nationality on the same basis as persons with disabilities in that Member State, and in view of facilitating the use of *all means of* transport and benefiting from parking conditions and facilities reserved for persons with disabilities on the same basis as in that Member State, it is necessary to establish the framework, rules and common conditions, including a common, standardised model, for a European Disability Card as proof of recognised disability status and for a European Parking Card for persons with disabilities, as proof of their recognised right to parking conditions and facilities reserved for persons with disabilities.

Amendment 23

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) In order for people with disabilities to fully benefit from the European Disability Card and the European Parking Card for persons with disabilities, Member States should establish clear, accessible and up-to-date websites containing the relevant information regarding the rights and advantages of card holders.

Amendment 24

Proposal for a directive
Recital 23

Text proposed by the Commission

Amendment

(23) Beside parking conditions and facilities, the services, activities and facilities covered by this Directive concern a wide variety of ever-changing activities, including activities provided not for remuneration, by public authorities or private operators, either on a mandatory (on the basis of national/local rules or legal obligations) but often also on a voluntary basis (in particular by private operators) in a variety of policy domains, such as culture, leisure, tourism, sports, public and private transport, education.

(23) Beside parking conditions, **infrastructure** and facilities, the services, activities and facilities covered by this Directive concern a wide variety of ever-changing activities, including activities provided not for remuneration, by public authorities or private operators, either on a mandatory (on the basis of national/local rules or legal obligations) but often also on a voluntary basis (in particular by private operators) in a variety of policy domains, such as culture, leisure, tourism, sports, public and private transport, education.

Amendment 25

Proposal for a directive
Recital 24

Text proposed by the Commission

Amendment

(24) Examples of special conditions or preferential treatment include free access,

(24) Examples of special conditions or preferential treatment include free access,

reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels, priority access, designated seats in parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals, assistance on the beach to enter the water, support (such as access to braille, audio guides, sign language interpretation), provisions of aids or assistance, loan of a wheelchair, loan of a floating wheelchair, obtaining tourist information in accessible formats, using a mobility scooter on roads or a wheelchair in bike lanes without a fine, etc. Parking conditions and facilities include extended parking or reserved parking spaces. With respect to passenger transport services, in addition to the special conditions or preferential treatment offered to persons with disabilities, in accordance with national legislation or practices, assistance animals, personal assistants or other persons accompanying or assisting persons with disabilities (or reduced mobility) **may** travel free of charge **or** be seated, where practicable next to the person with disabilities.

reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels, priority access, **access to restricted traffic zones and pedestrian zones, priority seats in public transports**, designated **and easily accessible** seats in **public transport**, parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals, **such as guide dogs or assistance dogs of great importance for people with disabilities including visual impairment**, assistance on the beach to enter the water, support (such as access to braille, audio guides, sign language interpretation), provisions of aids or assistance, loan of a wheelchair, **zero or reduced interest rate** loan of a floating wheelchair, obtaining tourist information in accessible formats, using a mobility scooter on roads or a wheelchair in bike lanes without a fine, etc. Parking conditions and facilities include extended parking or reserved **and easily accessible** parking spaces. With respect to passenger transport services, in addition to the special conditions or preferential treatment offered to persons with disabilities, in accordance with national legislation or practices, assistance animals, personal assistants or other persons accompanying or assisting persons with disabilities (or reduced mobility) **should be entitled to** travel free of charge **and** be seated, where practicable next to the person with disabilities. **Persons accompanying or assisting persons with disabilities are designated by the person with disabilities themselves and can change on an ad hoc basis depending on their needs.**

Amendment 26

Proposal for a directive Recital 24 a (new)

Text proposed by the Commission

Amendment

(24 a) In cases where in a Member State special conditions or preferential treatments apply to cross-border passenger transport operations under the European Disability Card, the Member States should take measures to ensure that operators of those operations provide clear information to travellers at the time of purchase on what parts of the operations where those special conditions or preferential treatments apply, to avoid that travellers holding the European Disability Card would risk finding themselves without a valid travel document when entering another Member State where the same passenger operation is not subject to the same special conditions or preferential treatments.

Amendment 27

Proposal for a directive Recital 25

Text proposed by the Commission

Amendment

(25) The issuance of the European Disability Card and the European Parking Card for persons with disabilities in a Member State is to be determined by this Directive together with that Member State's applicable procedures and competences for the assessment and recognition of disability status and parking rights for persons with disabilities.

(25) The issuance of the European Disability Card and the European Parking Card for persons with disabilities in a Member State is to be determined by this Directive together with that Member State's applicable procedures and competences for the assessment and recognition of disability status and parking rights for persons with disabilities. ***The issuance and renewal of the European Disability Card and the European Parking Card for persons with disabilities should always be free of charge.***

Amendment 28

Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25 a) Member States should ensure that the European Disability Card and the European Parking Card for persons with disabilities contain all relevant information also in braille.

Amendment 29

Proposal for a directive
Recital 27

Text proposed by the Commission

Amendment

(27) The issuance of the European Disability Card and the European Parking Card for persons with disabilities entails the processing of personal data, including in particular the data concerning the card holder's disability status, which constitutes 'data concerning health' within the meaning of Article 4(15) of Regulation (EU) 2016/679⁵³ and is a special category of personal data within the meaning of Article 9 of that Regulation. Any personal data processing in the context of this Directive should comply with applicable data protection legislation, in particular Regulation (EU) 2016/679. When transposing this Directive, the Member States should ensure that the national legislation include appropriate safeguards applicable to the processing of personal data, in particular special categories of personal data. The Member States should also ensure the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Directive

(27) The issuance of the European Disability Card and the European Parking Card for persons with disabilities entails the processing of personal data, including in particular the data concerning the card holder's disability status, which constitutes 'data concerning health' within the meaning of Article 4(15) of Regulation (EU) 2016/679⁵³ and is a special category of personal data within the meaning of Article 9 of that Regulation. Any personal data processing in the context of this Directive should comply with applicable data protection legislation, in particular Regulation (EU) 2016/679 ***of the European Parliament and of the Council and Directive 2002/58/EC of the European Parliament and of the Council^{1a}***. When transposing this Directive, the Member States should ensure that the national legislation include appropriate safeguards applicable to the processing of personal data, in particular special categories of personal data. The Member States should also ensure the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Directive

^{1a} Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector, (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37-47.

⁵³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁵³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Amendment 30

Proposal for a directive Recital 28

Text proposed by the Commission

(28) The Member State responsible for issuing the European Disability Card or the European Parking Card for persons with disabilities should be the one where the person habitually resides within the meaning of Regulations (EC) Nos 883/2004 of the European Parliament and of the Council⁵⁴ and (EC) No 987/2009 of the European Parliament and of the Council⁵⁵ and received the assessment of their disability status. Holders of a European Disability Card or European Parking Card for persons with disabilities should be able to use the cards during their stay in any other Member State.

⁵⁴ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p.

Amendment

(28) The Member State responsible for issuing the European Disability Card or the European Parking Card for persons with disabilities should be the one where the person habitually resides within the meaning of Regulations (EC) Nos 883/2004 of the European Parliament and of the Council⁵⁴ and (EC) No 987/2009 of the European Parliament and of the Council⁵⁵ and received the assessment of their disability status. Holders of a European Disability Card or European Parking Card for persons with disabilities should ***always*** be able to use the cards during their stay in any other Member State, ***as well as in any means of transport.***

⁵⁴ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p.

1)

⁵⁵ Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).

1)

⁵⁵ Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).

Amendment 31

Proposal for a directive Recital 29

Text proposed by the Commission

(29) In order to guarantee that workers with disabilities can effectively exercise their rights to free movement fully and also enjoy services, activities and facilities offered by Member States, including when provided not for remuneration, the European Disability Card and the European Parking Card for persons with disabilities should also be available to workers who travel to or visit another Member State for work-related purposes.

Amendment

(29) In order to guarantee that workers with disabilities can effectively exercise their rights to free movement fully and also enjoy services, **transport infrastructure**, activities and facilities offered by Member States, including when provided not for remuneration, the European Disability Card and the European Parking Card for persons with disabilities should also be available to workers who travel to or visit another Member State for work-related purposes, **including cross-border workers with disabilities**.

Amendment 32

Proposal for a directive Recital 30

Text proposed by the Commission

(30) The envisaged framework for mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities does not impinge on the competences of a Member State to assess and recognise the disability status and to grant special conditions, such as free access, reduced tariffs or preferential treatment for persons with

Amendment

(30) The envisaged framework for mutual **and automatic** recognition of the European Disability Card and the European Parking Card for persons with disabilities does not impinge on the competences of a Member State to assess and recognise the disability status and to grant special conditions, such as free access, reduced tariffs or preferential treatment for persons

disabilities and/or person(s) accompanying or assisting them including personal assistant(s). It does not cover social security benefits, social protection or social assistance covered by Article 24(2) of Directive 2004/38/EC of the European Parliament and of the Council⁵⁶.

with disabilities and/or person(s) accompanying or assisting them including personal assistant(s). It does not cover social security benefits, social protection or social assistance covered by Article 24(2) of Directive 2004/38/EC of the European Parliament and of the Council⁵⁶. ***However, to ensure freedom of movement and equal opportunities for persons with disabilities, Member States may cover social security benefits, social protection and social assistance for a time-limited period to allow for the temporary recognition of the disability status of the holder of a European Disability Card when moving to another Member State for employment or studies, including participation in an EU mobility programme such as ERASMUS+, until the new Member State has completed the reassessment of the disability status. In such cases, these provisions should also be extended to family members of a card holder.***

⁵⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77.

⁵⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77.

Amendment 33

Proposal for a directive Recital 31

Text proposed by the Commission

(31) In order to raise awareness and facilitate access to special conditions or preferential treatment, while travelling to ***or*** visiting another Member State, all

Amendment

(31) In order to raise awareness and facilitate access to special conditions or preferential treatment ***for persons with disabilities***, while travelling to, visiting

relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and/or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available in a clear, comprehensive, user-friendly manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882. Private operators or public authorities granting special conditions or preferential treatment to persons with disabilities should make such information publicly available in a clear, comprehensive, user-friendly manner and accessible formats, for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882.

studying or working in or moving to another Member State, all relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and/or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available ***on the EU web portal*** in a clear, comprehensive, user-friendly manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882 ***including by making all information available in the national sign language(s)***. Private operators or public authorities granting special conditions or preferential treatment to persons with disabilities should make such information publicly available in a clear, comprehensive, user-friendly manner and accessible formats, for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882. ***Furthermore, to ensure that the relevant information is easy to access and use for the public and persons with disabilities, Member States should designate a National Contact Point as a 'one-stop shop' providing information and guidance to users on the conditions and services included in the European Disability Card and the European Parking Card for persons with disabilities in its territory, as well as the conditions and services granted under relevant national cards and certificates. To further facilitate the dissemination of information and strengthen the utility of the cards for persons with disabilities, the Commission should establish a publicly accessible EU database making available this information from the Member States. The Commission should have sufficient oversight on the well functioning of the National Contact Points and should***

sufficiently be consulted.

Amendment 34

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) In order to ensure the proper application of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement the directive to set the digital format of the European Disability Card and the European Parking Card for persons with disabilities, and to amend Annexes I and Annex II in order to modify the common features of the standardised format, adapt the format to technical developments, prevent forgery and fraud and ensure interoperability.

Amendment

(33) In order to ensure the proper application of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement the directive to set the digital format of the European Disability Card and the European Parking Card for persons with disabilities, and to amend Annexes I and Annex II in order to modify the common features of the standardised format, adapt the format to technical developments, prevent forgery and fraud and ensure interoperability, ***security and testing of these digital formats, including verification features and the interoperability with national systems.***

Amendment 35

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) Member States should ensure that adequate and effective means exist to ensure compliance with this Directive and should therefore establish appropriate remedies, including checks on compliance and administrative and judicial procedures, to guarantee that persons with disabilities, person(s) accompanying or assisting them including personal assistant(s), as well as public bodies or private associations, organisations or other legal entities which have a legitimate interest may take action

Amendment

(35) Member States should ensure that adequate and effective means exist to ensure compliance with this Directive and should therefore establish appropriate remedies, including checks on compliance and administrative and judicial procedures, to guarantee that persons with disabilities, person(s) accompanying or assisting them including personal assistant(s), as well as public bodies, ***such as Equality Bodies where these have been established,*** or private associations, organisations, ***in***

on behalf of a person with disabilities under national law.

particular organizations representing persons with disabilities, or other legal entities which have a legitimate interest may take action on behalf of a person with disabilities under national law.

Amendment 36

Proposal for a directive Article 1 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) the rules governing the issuance of the European Disability Card and the European Parking Card for persons with disabilities, ***whose disability status is assessed and recognised by the competent authorities in a Member State of their residence***, as proof respectively of a disability status or of a right to parking conditions and facilities reserved for persons with disabilities, in view of facilitating stays ***and the free movement*** of persons with disabilities in a Member State other than that of which they are a resident, by granting them ***the same*** access to any special conditions or preferential treatment ***as that offered to persons with a disability residing in the Member State*** with respect to services, activities or facilities, including when provided not for remuneration, or parking conditions and facilities offered to or reserved for persons with disabilities or person(s) accompanying or assisting them including their personal assistant(s);

Amendment 37

Proposal for a directive Article 1 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) The conditions necessary to promote equality for persons with

disabilities and to contribute to their free movement within the EU, without obstacles to free movement and with the individual supports that each person needs, projecting the EU's basic foundation, freedom of movement, to all persons with disabilities, who so far face severe disadvantages in this domain;

Amendment 38

Proposal for a directive Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. A Member State may decide that the exemptions set out in paragraph 2 shall not apply in the following instances in order to ensure equal treatment and opportunities between its citizens and other Union citizens with disabilities:

(a) where a holder of a European Disability Card moves to from another Member State to engage in an employment contract or enroll in an educational institution until the disability status has been reassessed by the competent authorities in the Member State of arrival; or

(b) where a holder of a European Disability Card participates in an EU mobility programme.

The provisions in this paragraph shall also apply to family members of a card holder complying with the conditions in points (a) and (b).

Amendment 39

Proposal for a directive Article 2 – paragraph 3

Text proposed by the Commission

3. This Directive does not affect Member States' competence to determine the conditions for assessing and recognising disability status, or for granting the right to parking conditions and facilities reserved for persons with disabilities. It does not affect Member States' competence to issue in addition at national, regional or local level, a certificate, a disability card or any other formal document for persons with disabilities.

Amendment 40

**Proposal for a directive
Article 2 – paragraph 4**

Text proposed by the Commission

4. This Directive does not impinge on national competences to grant or require to grant special benefits or specific, preferential conditions, such as free access, reduced tariffs, or preferential treatment for persons with disabilities and, where provided, for person(s) accompanying or assisting them including their personal assistant(s).

Amendment 41

**Proposal for a directive
Article 2 – paragraph 5**

Text proposed by the Commission

5. This Directive shall be without prejudice to the rights that persons with disabilities or person(s) accompanying or assisting them, including their personal

Amendment

3. This Directive does not affect Member States' competence to determine the conditions for assessing and recognising disability status, or for granting the right to parking conditions and facilities reserved for persons with disabilities. ***Without prejudice to Article 6, paragraph 2a***, it does not affect Member States' competence to issue in addition at national, regional or local level, a certificate, a disability card or any other formal document for persons with disabilities.

Amendment

4. This Directive does not impinge on national competences to grant or require to grant special benefits or specific, preferential conditions, such as free access, reduced tariffs, or preferential treatment for persons with disabilities and, where provided, for person(s) accompanying or assisting them including their personal assistant(s), ***as well as assistance animals such as guide dogs and assistance dogs***.

Amendment

5. This Directive shall be without prejudice to the rights that persons with disabilities or person(s) accompanying or assisting them, including their personal

assistant(s), may derive from other provisions of Union law or national law implementing Union law, including those granting specific benefits, special conditions, or preferential treatment.

assistant(s) **and assistance animals such as guide dogs and assistance dogs**, may derive from other provisions of Union law or national law implementing Union law, including those granting specific benefits, special conditions, or preferential treatment.

Amendment 42

Proposal for a directive Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) “persons with disabilities” means persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

Amendment

(c) “persons with disabilities” means persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society **and economy** on an equal basis with others;

Amendment 43

Proposal for a directive Article 3 – paragraph 1 – point e

Text proposed by the Commission

(e) “special conditions or preferential treatment” means specific conditions, including those related to financial conditions, or differentiated treatment related to assistance and support such as free access, reduced tariffs, priority access, offered to persons with disabilities and/or, when applicable, to person(s) accompanying or assisting them including personal assistant(s) or assistance animals recognised in accordance with the national legislation or practices as such, irrespective whether provided on a voluntary basis or imposed by legal obligations;

Amendment

(e) “special conditions or preferential treatment” means specific conditions, including those related to financial conditions, or differentiated treatment related to assistance and support such as free access, reduced tariffs, priority access, **access to restricted traffic zones and pedestrian zones, priority seats in public transports**, offered to persons with disabilities and/or, when applicable, to person(s) accompanying or assisting them including personal assistant(s) or assistance animals **such as guide dogs or assistance dogs** recognised in accordance with the national legislation or practices as such, irrespective whether provided on a

voluntary basis or imposed by legal obligations;

Amendment 44

Proposal for a directive Article 3 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(f a) “EU mobility programme” means any programme that is temporary, lasts for a fixed period of time, and takes place in a Member State other than the person's state of residence, in the field of education, training, or for work related purposes.

Amendment 45

Proposal for a directive Article 4 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

This Directive shall allow for the recognition of disability status for all Union citizens with disabilities participating in an EU mobility programme that has a fixed period of time.

Amendment 46

Proposal for a directive Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that holders of a European Disability Card, while travelling to *or* visiting a Member State other than that of which they are a resident, shall be granted access on equal terms and

1. Member States shall take the necessary measures to ensure that holders of a European Disability Card, while travelling to, visiting, ***studying, working in or moving to*** a Member State other than that of which they are a resident, shall be

conditions as those provided to persons with disabilities who are holders of a disability certificate, disability card or any other formal document recognising their disability status in that Member State, to any special conditions or preferential treatment offered with respect to the services, activities and facilities referred to in Article 2(1).

granted access on equal terms and conditions as those provided to persons with disabilities who are holders of a disability certificate, disability card or any other formal document recognising their disability status in that Member State, to any special conditions or preferential treatment offered with respect to the services, activities and facilities referred to in Article 2(1).

Amendment 47

Proposal for a directive Article 5 – paragraph 3 – point a

Text proposed by the Commission

(a) when special conditions or preferential treatment referred to in paragraph 1 of this Article include favourable conditions for person(s) accompanying or assisting them including personal assistant(s) or specific conditions for assistance animals, these favourable or specific conditions are granted on equal terms and conditions to the person(s) accompanying or assisting them, including personal assistant(s) or assistance animals of the holder of a European Disability Card;

Amendment

(a) when special conditions or preferential treatment referred to in paragraph 1 of this Article include favourable conditions for person(s) accompanying or assisting them including personal assistant(s) or specific conditions for assistance animals, these favourable or specific conditions are granted on equal terms and conditions to the person(s) accompanying or assisting them, including personal assistant(s) or assistance animals, ***such as guide and assistance dogs*** of the holder of a European Disability Card;

Amendment 48

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

1. Each Member State shall introduce the European Disability Card following the common standardised format set out in Annex I. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European

Amendment

1. Each Member State shall introduce the European Disability Card following the common standardised ***and accessible*** format ***as well as the accessibility requirements*** set out in Annex I. Member States shall introduce digital features in physical cards using electronic means

Disability Card, as soon as the requirements concerning the digital features referred to in Annex I, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European Disability Card in Annex I.

addressing fraud-prevention as part of the European Disability Card, as soon as the requirements concerning the digital features referred to in Annex I, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European Disability Card in Annex I.

Amendment 49

Proposal for a directive Article 6 – paragraph 2

Text proposed by the Commission

2. European Disability Cards issued by Member States shall be mutually recognised in all Member States.

Amendment

2. European Disability Cards issued by Member States shall be mutually recognised in all Member States ***and by the EU institutions. Without prejudice to Article 6, paragraph 2a, the European Disability Card will be compatible with any national disability recognition card or certificate.***

Amendment 50

Proposal for a directive Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In cases where the scope and application of the European Disability Card is identical to that of a Member State's existing national disability recognition cards or certificates, that Member State shall replace any such national disability recognition card or certificate by the European Disability Card. In cases where the scope and application are not identical, when the national disability card or certificate is issued beneficiaries shall also

automatically receive a European Disability Card.

Amendment 51

Proposal for a directive Article 6 – paragraph 3

Text proposed by the Commission

3. Competent authorities in the Member States shall issue, renew or withdraw the European Disability Card in accordance with their national rules, procedures and practices. Without prejudice to Regulation (EU) 2016/679, Member States shall ensure the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Directive. The competent authority responsible for issuing the European Disability Card shall be considered as the controller referred to in Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of personal data. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of breaches of obligations with regard to personal data.

Amendment

3. Competent authorities in the Member States shall issue, renew or withdraw the European Disability Card in accordance with their national rules, procedures and practices. Without prejudice to Regulation (EU) 2016/679 *of the European Parliament and of the Council and Directive 2002/58/EC of the European Parliament and of the Council*, Member States shall ensure the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Directive. The competent authority responsible for issuing the European Disability Card shall be considered as the controller referred to in Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of personal data. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of breaches of obligations with regard to personal data.

Amendment 52

Proposal for a directive Article 6 – paragraph 4

Text proposed by the Commission

4. The European Disability Card shall be issued or renewed by the Member State of residence directly or upon application by

Amendment

4. The European Disability Card shall be issued or renewed by the Member State of residence directly *if such is the*

the person with disabilities. It shall be issued and renewed within the same period set in the applicable national legislation for issuing disability certificates, disability cards or any other formal document recognising the disability status of a person with disabilities.

procedure according to the national disability status recognition or upon application by the person with disabilities. It shall be issued and renewed ***free of charge for the beneficiary and*** within the same period set in the applicable national legislation for issuing disability certificates, disability cards or any other formal document recognising the disability status of a person with disabilities.

Amendment 53

Proposal for a directive Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States shall ensure that persons with disabilities, or designated representatives acting on their behalf and with their approval, may appeal a decision by the competent authorities regarding the issuance or renewal of an European Disability Card.

Amendment 54

Proposal for a directive Article 6 – paragraph 6

Text proposed by the Commission

Amendment

6. The validity of the European Disability Card issued by a Member State shall be at least for the same duration as that of the disability certificate, disability card or any other formal document with the longest duration recognising their disability status issued to the person concerned by the competent authority of the Member State in its territory.

6. The validity of the European Disability Card issued by a Member State, ***including in cases when replacing the national disability certificate, disability card or any other formal document, as laid down in paragraph 2a,*** shall be at least for the same duration as that of the disability certificate, disability card or any other formal document with the longest duration recognising their disability status issued to the person concerned by the competent authority of the Member State in its territory.

Amendment 55

Proposal for a directive Article 6 – paragraph 7

Text proposed by the Commission

7. The Commission **is empowered to** adopt delegated acts in accordance with Article 11 **to supplement** this Directive **in order to set** the digital format of the European Disability Card and ensure interoperability, **and** to amend Annex I in order to modify the common features of the standardised format, adapt the format to technical developments, introduce digital features in order to prevent forgery and fraud, address abuse or misuse and ensure interoperability.

Amendment

7. **By ... [12 months from the date of entry into force of this Directive],** the Commission **shall** adopt delegated acts in accordance with Article 11 **supplementing** this Directive **by setting** the digital format of the European Disability Card and ensure interoperability. **The Commission is empowered to adopt delegated acts in accordance with Article 11** to amend Annex I in order to modify the common features of the standardised **and accessible** format, adapt the format to technical developments, introduce digital features in order to prevent forgery and fraud, address abuse or misuse and ensure interoperability, **accessibility and security, including verification features and the interoperability with national systems.**

Amendment 56

Proposal for a directive Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The European Disability Card may be required as a proof of disability only for the purposes of this Directive, but holders of the card shall not be obliged to display the card as proof of disability in the context of rights established in other Union legislation, unless otherwise established.

Amendment 57

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Each Member State shall introduce the European Parking Card for persons with disabilities following the common standardised format set out in Annex II. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Parking Card for persons with disabilities, as soon as the requirements concerning the digital features referred to in Annex II, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European **Disability** Card in Annex II.

Amendment 58

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. Competent authorities in the Member States shall issue, renew, or withdraw the European Parking Card for persons with disabilities in accordance with their national rules, procedures and practices. Without prejudice to Regulation (EU) 2016/679, Member States shall ensure the security, authenticity and confidentiality of the personal data collected and stored for the purpose of this Directive. The competent authority responsible for issuing the European parking Card for persons with disabilities shall be considered as the controller referred to in Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of

Amendment

1. Each Member State shall introduce the European Parking Card for persons with disabilities following the common standardised format **as well as the accessibility requirements** set out in Annex II. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Parking Card for persons with disabilities, as soon as the requirements concerning the digital features referred to in Annex II, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European **Parking** Card in Annex II.

Amendment

3. Competent authorities in the Member States shall issue, renew, or withdraw the European Parking Card for persons with disabilities in accordance with their national rules, procedures and practices. Without prejudice to Regulation (EU) 2016/679 **of the European Parliament and of the Council and Directive 2002/58/EC of the European Parliament and of the Council**, Member States shall ensure the security, authenticity and confidentiality of the personal data collected and stored for the purpose of this Directive. The competent authority responsible for issuing the European parking Card for persons with disabilities shall be considered as the

personal data. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of breaches of obligations with regard to personal data.

controller referred to in Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of personal data. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of breaches of obligations with regard to personal data.

Amendment 59

Proposal for a directive Article 7 – paragraph 4

Text proposed by the Commission

4. The European Parking Card for persons with disabilities shall be issued or renewed by the Member State of residence upon application by the person with disabilities. It shall be issued or renewed within a reasonable period from the date of the application which shall not exceed **60** days.

Amendment

4. The European Parking Card for persons with disabilities shall be issued or renewed by the Member State of residence upon application by the person with disabilities. It shall be issued or renewed ***free of charge for the beneficiary and*** within a reasonable period from the date of the application which shall not exceed **30** days. ***Persons with disabilities however shall have the right to request to have the digital version of the European Parking Card for persons with disabilities ready in 15 days.***

Amendment 60

Proposal for a directive Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States shall ensure that persons with disabilities, or designated representatives acting on their behalf and with their approval, may appeal a decision by the competent authorities regarding the issuance or renewal of a European Parking Card for persons with disabilities.

Amendment 61

Proposal for a directive Article 7 – paragraph 7

Text proposed by the Commission

7. The Commission **is empowered to** adopt delegated acts in accordance with Article 11 **to supplement** the Directive **in order to set** the digital format of the European Parking Card for persons with disabilities and ensure interoperability, including through the development and deployment of digital tools, **and** to amend Annex II in order to modify the common features of the standardised format, adapt the format to technical developments, prevent forgery and fraud, address abuse or misuse and ensure interoperability, **including** through the development and deployment of digital tools.

Amendment

7. **No later than 12 months after the entry into force of this Directive**, the Commission **shall** adopt delegated acts in accordance with Article 11 **supplementing** the Directive **by setting** the digital format of the European Parking Card for persons with disabilities and ensure interoperability, including through the development and deployment of digital tools. **The Commission is also empowered to adopt delegated acts in accordance with Article 11** to amend Annex II in order to modify the common features of the standardised format, adapt the format to technical developments, prevent forgery and fraud, address abuse or misuse and ensure **accessibility and security, including verification features and the interoperability with national systems** through the development and deployment of digital tools.

Amendment 62

Proposal for a directive Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Provisions for card holders when changing residence

Member States shall ensure that the process of re-assessment and recognition of disability status, and any subsequent issuing of a new European Disability Card or European Parking Card for persons with disabilities, is carried out within a reasonable period of time and in

an efficient manner.

Amendment 63

Proposal for a directive Article 8 – paragraph 2

Text proposed by the Commission

2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Amendment

2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) **and within 12 months of the entry into force of this Directive.**

Amendment 64

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall make the conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible formats, including **in digital** formats, and upon request in assistive formats requested by persons with disabilities.

Amendment

1. Member States shall make the conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible **physical and digital** formats, including **braille, the audio version, national sign languages and easy-to-read** formats, and upon request in assistive formats requested by persons with disabilities.

Amendment 65

Proposal for a directive Article 9 – paragraph 2

Text proposed by the Commission

2. Member States shall take appropriate measures to raise awareness among the public and inform persons with disabilities, including in accessible ways,

Amendment

2. Member States, **in cooperation with the Commission**, shall take appropriate measures to raise awareness among the public and inform persons with

about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.

disabilities, including in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities. ***In this regard, each Member State shall designate a National Contact Point providing information and guidance to the public and persons with disabilities on the conditions and services included in the European Disability Card and the European Parking Card for persons with disabilities in its territory, as well as the conditions and services granted under relevant national cards and certificates.***

Amendment 66

Proposal for a directive Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. As an appropriate measure for the purpose of raising awareness among the public and inform persons with disabilities, as laid down in the previous paragraph, the Commission should develop a Union-wide awareness campaign disseminating information and training on the European Disability Card to citizens and public authorities and private operators having the potential to offer preferential treatment pursuant to Article 5, on an ongoing basis.

Amendment 67

Proposal for a directive Article 9 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. By [6 months after the date of transposition of this Directive], the Commission shall establish a publicly

available dedicated and up-to-date European web portal containing a database making available relevant information related to the applicable conditions, infrastructure and facilities pertaining to the European Disability Card and the European Parking Card for persons with disabilities in each Member State's territory. The web portal shall provide this information in all the languages of the European Union, including sign language, easy-to-read and augmentative means of communication.

It shall connect, in a clear, accessible, and transparent manner, the National Contact Points referred to in paragraph 2 and the official websites in the Member States referred to in paragraph 7 of this Article.

Where appropriate, the available information shall be provided per local, regional, or national level in each Member State.

Member States shall ensure public authorities upload this information to the database and update it where necessary.

The Commission shall consider including a comparison function on the European web portal, allowing users to compare a Member State's regulations with another, including, where relevant, regional and municipal differences within Member States.

Amendment 68

Proposal for a directive Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. *Any measures taken to avoid risk of forgery or fraud shall have due regard and consideration to the rights of persons with disabilities and shall not result in any interference with the legitimate interests of persons with disabilities in the use of*

either card or lead to their stigmatisation.

Amendment 69

Proposal for a directive Article 9 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Member States shall take the necessary measures to ensure that private operators and public authorities apply the same conditions or preferential treatment to holders of a European Disability Card and a European Parking Card for persons with disabilities as those enjoyed by the national citizens of the Member State with a recognised disability. Member States shall provide for sanctions applicable in the event of a breach of this obligation.

Amendment 70

Proposal for a directive Article 9 – paragraph 7

Text proposed by the Commission

Amendment

7. The information referred to in paragraph 1 and 2 of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through private operators' or public authorities' official website where **available, or** by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.

7. The information referred to in paragraph 1 and 2 of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through private operators' or public authorities' official website **and** where **appropriate** by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.

Amendment 71

Proposal for a directive Article 11 – paragraph 4

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, ***as well as persons with disabilities and their representative organisations.***

Amendment 72

**Proposal for a directive
Article 13 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that adequate and effective means exist to ensure compliance with this Directive.

Amendment

1. Member States shall ensure that adequate and effective means exist to ensure compliance with this Directive, ***promoting the participation and dialogue with associations representing persons with disabilities.***

Amendment 73

**Proposal for a directive
Article 13 – paragraph 2 – point b**

Text proposed by the Commission

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

Amendment

(b) provisions whereby public bodies or private associations, ***such as Equality Bodies where applicable, organisations, in particular representative organisations of persons with disabilities,*** or other legal entities which have a legitimate interest in ensuring that the provisions of this Directive are complied with may take action in accordance with national law and procedures before the courts or before the competent administrative bodies on behalf or in support of a person with disabilities, with his or her approval, in any judicial or

administrative proceedings provided for the enforcement of obligations under this Directive.

Amendment 74

Proposal for a directive Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall lay down the rules on penalties applicable to violations of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.

Amendment

1. Member States shall lay down the rules on penalties applicable to ***public and private operators as well as service providers for*** violations of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.

Amendment 75

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that private operators or public authorities make information on any special conditions or preferential treatment pursuant to Article 5 publicly available in accessible formats.

Amendment

1. Member States shall ensure that private operators or public authorities make information on any special conditions or preferential treatment pursuant to Article 5 publicly available in ***clear, comprehensive and accessible physical and digital formats, including braille, large print, the audio version.***

Amendment 76

Proposal for a directive Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall ensure, where applicable, that operators of cross-border

passenger transport services provide clear information to passengers holding a European Disability Card on what parts of the operations where special conditions or preferential treatments apply.

Amendment 77

Proposal for a directive Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall encourage private operators or public authorities to voluntarily provide special conditions or preferential treatment for persons with disabilities.

Amendment

2. Member States shall encourage **and may support** private operators or public authorities to voluntarily provide special conditions or preferential treatment for persons with disabilities.

Amendment 78

Proposal for a directive Article 15 – paragraph 3

Text proposed by the Commission

3. The information referred to in **paragraph 1** of this article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.

Amendment

3. The information referred to in **paragraphs 1 and 1a** of this article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.

Amendment 79

Proposal for a directive Article 16 – paragraph 1

Text proposed by the Commission

1. By dd/mm/yy [**three** years after the date of application of this Directive], and every five years thereafter, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

Amendment

1. By dd/mm/yy [**two** years after the date of application of this Directive], and every five years thereafter, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

Amendment 80

Proposal for a directive

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The report shall include an impact assessment of the use of the card as the tool for improving the portability of benefits in the area of social security under Regulations (EC) No 883/2004 and (EC) No 987/2009 and social assistance covered by Article 24(2) of Directive 2004/38/EC.

Amendment 81

Proposal for a directive

Article 16 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The report shall include an impact assessment of national frameworks, eligibility criteria, conditions, or assessment procedures to obtain a disability status as well as the relative renewal and withdrawal of the European Disability Card and the European Parking Card for persons with disabilities, in view to harmonise the definition of disability and to ensure mutual recognition of disability status across

Member States and identify possible discrepancies between Member States in this regard as well as any negative impacts on holders of the cards.

The report shall also evaluate any impact of the European Disability Card and the European Parking Card for persons with disabilities with respect to national frameworks in which the preferential treatment of the persons with disabilities differs based on the level of disability or other conditions.

Amendment 82

Proposal for a directive Article 16 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. As part of this report, the Commission shall also assess the extent to which the implementation of this Directive has met its objectives and its interaction with other relevant Union legal acts.

On the basis of that report, the Commission shall, if appropriate, make a legislative proposal to amend this Directive.

Amendment 83

Proposal for a directive Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall adopt and publish, by dd/mm/yy [within **18** months after the entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission

1. Member States shall adopt and publish, by dd/mm/yy [within **12** months after the entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission

the text of those provisions.

the text of those provisions.

Amendment 84

Proposal for a directive Article 18 – paragraph 2

Text proposed by the Commission

2. They shall apply those provisions from dd/mm/yy [**30** months from the date of entry into force of this Directive].

Amendment

2. They shall apply those provisions from dd/mm/yy [**24** months from the date of entry into force of this Directive].

Amendment 85

Proposal for a directive Annex I – point 8

Text proposed by the Commission

8. The words European Disability Card shall be displayed using Arial font and in braille using the Marburg code dimensions.

Amendment

8. ***All relevant information, including*** the words European Disability Card shall be displayed using Arial font and in braille using the Marburg code dimensions.

Amendment 86

Proposal for a directive Annex I – point 10 a (new)

Text proposed by the Commission

Amendment

10 a. The card shall have a defined QR code containing all the card data in an accessible format and shall be duly marked with raised marks.

Amendment 87

Proposal for a directive Annex II – point 3 – point a – indent 5

Text proposed by the Commission

- where the card is associated to a vehicle its number plate shall be visible.

Amendment

- where the card is associated to a vehicle(s) its number plate(s) shall be visible.

Amendment 88

Proposal for a directive

Annex II – point 3 – point b – indent 1

Text proposed by the Commission

- in capital letters, the words ‘European Parking Card for persons with disabilities’ in the language(s) of the Member State issuing the card; after a suitable space, it shall appear in small type in the other languages of the European Union;

Amendment

- in capital letters, the words ‘European Parking Card for persons with disabilities’ in the language(s) of the Member State issuing the card **and in braille using the Marburg code dimensions**; after a suitable space, it shall appear in small type in the other languages of the European Union;

Amendment 89

Proposal for a directive

Annex II – point 5 a (new)

Text proposed by the Commission

Amendment

- 5 a. The card shall have a defined QR code containing all the card data in an accessible format and shall be duly marked with raised marks.**

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Entity and/or person
Funktionsrätt Sverige
European Disability Forum (EDF)
European Blind Union (EBU)

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing the European Disability Card and the European Parking Card for persons with disabilities
References	COM(2023)0512 – C9-0328/2023 – 2023/0311(COD)
Committee responsible Date announced in plenary	EMPL 19.10.2023
Opinion by Date announced in plenary	TRAN 19.10.2023
Associated committees - date announced in plenary	19.10.2023
Rapporteur for the opinion Date appointed	Erik Bergkvist 19.10.2023
Discussed in committee	30.11.2023
Date adopted	7.12.2023
Result of final vote	+: 39 –: 0 0: 0
Members present for the final vote	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Marco Campomenosi, Jakob G. Dalunde, Karima Delli, Mario Furore, Isabel García Muñoz, Jens Gieseke, Bogusław Liberadzki, Peter Lundgren, Elżbieta Katarzyna Łukacijewska, Tilly Metz, Cláudia Monteiro de Aguiar, Caroline Nagtegaal, Tomasz Piotr Poręba, Bergur Løkke Rasmussen, Dominique Riquet, Thomas Rudner, Vera Tax, Barbara Thaler, István Ujhelyi, Achille Variati, Elissavet Vozemberg-Vrionidi, Lucia Vuolo, Kosma Zlotowski
Substitutes present for the final vote	Tom Berendsen, Sara Cerdas, Maria Grapini, Ljudmila Novak, Dorien Rookmaker, Nicolae Ștefănuță, Kathleen Van Brempt
Substitutes under Rule 209(7) present for the final vote	Karolin Braunsberger-Reinhold, Andreas Glück, Ondřej Kovařík, Erik Marquardt, Anđelika Anna Mozdzanowska, Wolfram Pirchner, Eugen Tomac

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

39	+
ECR	Peter Lundgren, Andżelika Anna Mozdżanowska, Tomasz Piotr Poręba, Dorien Rookmaker, Kosma Złotowski
ID	Marco Campomenosi
NI	Mario Furore
PPE	Tom Berendsen, Karolin Braunsberger-Reinhold, Jens Gieseke, Elżbieta Katarzyna Łukacijewska, Cláudia Monteiro de Aguiar, Ljudmila Novak, Wolfram Pirchner, Barbara Thaler, Eugen Tomac, Elissavet Vozemberg-Vrionidi, Lucia Vuolo
Renew	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Andreas Glück, Ondřej Kovařík, Caroline Nagtegaal, Bergur Løkke Rasmussen, Dominique Riquet
S&D	Sara Cerdas, Isabel García Muñoz, Maria Grapini, Bogusław Liberadzki, Thomas Rudner, Vera Tax, István Ujhelyi, Kathleen Van Brempt, Achille Variati
Verts/ALE	Jakop G. Dalunde, Karima Delli, Erik Marquardt, Tilly Metz, Nicolae Ștefănuță

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

05.12.2023

LETTER OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

Mr Dragoş PÎSLARU Dragoş
Chair
Committee on Employment and Social Affairs
BRUSSELS

Subject: Opinion in the form of a letter on the Proposal for a Directive of the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities (COM(2023)0512 – C9-0328/2023 – 2023/0311(COD))

Dear Mr Chair,

Under the procedure referred to above, the Committee on the Internal Market and Consumer Protection has been asked to submit an opinion to your committee. At its meeting of 25 October 2023, the committee decided to send the opinion in the form of a letter.

The Committee on the Internal Market and Consumer Protection considered the matter at its meeting of 4 December 2023 and adopted its opinion in the form of a letter at that meeting¹. It decided to call on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its legislative report.

Yours sincerely,

Anna CAVAZZINI
Chairwoman

¹ The following were present for the final vote: Andrus Ansip (Vice-Chair), Maria Grapini (Vice-Chair), Maria-Manuel Leitão-Marques (Vice-Chair), Pablo Arias Echeverría, Laura Ballarín Cereza, Biljana Borzan, Markus Buchheit, Maria da Graça Carvalho, Dita Charanzová, Deirdre Clune, Malte Gallée, Sandro Gozi, Eugen Jurzyca, Włodzimierz Karpiński, Morten Løkkegaard, Antonius Manders, Karen Melchior, Anne-Sophie Pelletier, Miroslav Radačovský, René Repasi, Andreas Schwab, Róza Thun und Hohenstein, Kim Van Sparrentak, Tom Vandenkendelaere, Marion Walsmann, Marco Zullo, Estrella Durá Ferrandis (pursuant to Rule 209(7)), Ska Keller (pursuant to Rule 209(7)).

SUGGESTIONS

The Committee on Internal Market and Consumer Protection calls on the Committee on Employment and Social Affairs, as the Committee responsible, to take into account the following suggestions:

1. The IMCO Committee warmly welcomes the Commission proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities as a long awaited initiative to respond to the concerns of citizens with disabilities and their calls to fully enjoy freedom of movement and access to services in the EU. The importance of accessibility issues to the Committee was highlighted by its recent own-initiative report on the AccessibleEU Centre.² In that report, the IMCO Committee recalled that accessibility is an essential precondition for persons with disabilities to fully enjoy human rights and fundamental freedoms. It is one of the general principles of the Convention on the Rights of Persons with Disabilities, which is legally binding on the EU and its Member States.

2. The IMCO Committee also recalls the rooting of the proposal in the values and principles of the internal market. The proposal complements Directive 2006/123 on services in the internal market³. Thus, the legal bases of the proposal are Articles 53(1) and Article 62 TFEU (concerning services normally provided for remuneration in the internal market), as the proposal will grant cardholders the right to benefit from appropriate, specialized and preferential conditions/treatment when accessing services on an equal basis with persons with a disability in the visited Member State.

3. Furthermore, the proposal complements the European Accessibility Act (Directive 2019/882)⁴ and the Web accessibility Directive (Directive (EU) 2016/2102),⁵ both of which aim to eliminate and prevent barriers arising from divergent accessibility requirements in the Member States. The importance of the European Accessibility Act as background to the proposal is explained by recital 8. These pieces of legislation are important achievements of the IMCO Committee from the previous legislature, and the Committee would like to underline their on-going relevance to the debate about accessibility, and to highlight that these fundamental internal market achievements have paved the way for the adoption of the Disability Card proposal.

4. As regards the internal market principles on which the European Disability Card and the European Parking Card are built, the IMCO Committee recalls the Commission's position, as set out in recital 22 to the proposal, that mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities should facilitate and fully guarantee the exercise by persons with disabilities, when travelling to or visiting another Member State, of their rights to receive and benefit from special conditions and/or preferential treatment offered by private operators or public authorities to access services, including passenger transport services, activities and facilities, including when provided not for remuneration, as well as easy access to parking conditions and facilities reserved for persons with disabilities, without discrimination on grounds of nationality or place of residence, on equal terms and

² 2022/2013(INI).

³ OJ L 376, 27.12.2006, p 36.

⁴ Directive (EU) 2019/882 on the accessibility requirements for products and services, OJ L 150, 7.6.2019, p 70.

⁵ Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies.

conditions as those provided for on the basis of national certificates, disability cards or other formal documents recognising their disability status issued by the competent authorities in the host country.

5. The IMCO Committee also underlines the importance of finding the best means for disseminating information amongst people with disabilities, so that visitors from one Member State are able to easily find information regarding the rights and obligations they have in the visited Member State. The IMCO Committee welcomes the Accessible EU initiative and believes that it could include useful information regarding the European Disability Card and the European Parking Card for persons with disabilities.

6. The Disability Card will serve as a basis for raising greater awareness of diversity and promoting the acceptance of people with disabilities in society, while also strengthening the right to free movement of persons with disabilities within the European Union. The Disability Card will also be particularly helpful for people with invisible disabilities, who are often faced with additional attitudinal barriers.

7. This instrument will guarantee non-discrimination when moving across EU countries and creating certainty and removing administrative barriers for both persons with disabilities and private and public operators of services, facilities and activities. In order to strengthen the proposal on the Parking Card and to make some concrete improvements for persons with disabilities, a new database should be set up to inform persons with disabilities of the different parking rights and rules concerning disabled parking spaces in the different Member States and its regions, cities, and municipalities.

8. Persons with disabilities still face significant barriers to free movement when moving permanently to another Member State to work or study. Therefore, an exemption to Article 2(2) would be recommended in order to allow a temporary recognition of one's disability status for the transition phase when moving abroad for work or studies, and while one is undergoing the reassessment procedure to have one's disability recognised by the new Member State. This exemption should also apply to participants in EU Mobility Programmes, such as ERASMUS+.

9. Considers that to guarantee the free movement of workers with disabilities and to promote the inclusion of persons with disabilities in the workforce, the European Disability Card should also be available to those persons with disabilities that travel to other Member States for work-related purposes.

10. In line with the Commission's proposal, mutual recognition is the key mechanism by which the aims of the proposal are to be achieved, so that no extra actions are required from the cardholder. The IMCO Committee stands fully behind this means of enhancing the rights of persons with disabilities, promoting their independence and their full participation in society. This is a simple way of achieving those aims and fully in line with the approach adopted in internal market legislation.

11. At the same time, the IMCO Committee welcomes the Commission's position that the granting of such rights to persons with disabilities should build on, and not undermine, protection already afforded at national level, in order to strengthen the exercise of the free movement rights of persons with disabilities. Thus, the IMCO Committee welcomes the position taken by the Commission that, as stated in Article 2 and recital 30, the proposal does not impinge on the competences of a Member State to assess and recognise the disability status

and to grant special conditions, such as free access, reduced tariffs or preferential treatment for persons with disabilities and/or person(s) accompanying or assisting them including personal assistant(s). The proposal is a minimum harmonisation initiative, in that it does not prevent Member States from granting additional recognition for persons with disabilities. The IMCO Committee welcomes this approach. However, it emphasises that the minimum harmonisation approach should not be used as a justification to avoid more ambitious provisions and, furthermore, encourages Member States to cooperate closely in this sector in order to achieve a high level of integration and protection for all European citizens living with disabilities.

12. The IMCO Committee welcomes the mixed approach taken by the Commission to the format of the Disability Card and the European Parking Card. It welcomes the digital-friendly aspect, which is fully in line with the modern approach taken in other internal market legislation, such as the Web accessibility Directive. However, as in other fields, it is important to ensure that the Disability Card and the European Parking Card are fully and easily available and understandable to all users, including those who are not familiar with digital technologies and to whom such technologies pose challenges, in order to allow for immediate understanding not only for persons with disabilities, but also for persons who give assistance to them or who are asked to assist them. The Disability Card should make clear at least what type of assistance the person needs and, at best, what the disability of the person is. Therefore, the Card should have clear information, including pictograms, showing the kind of assistance needed.

13. Thus, the IMCO Committee welcomes the explicit position taken by the Commission that a physical card, with digital elements capable of being read with electronic means, should also be available, and, as stated in Articles 6(5) and 7(6) and recital 26, that the user should always be given the choice between a physical or a digital card, or both. It is important to stress, however, that while braille is included in the European Disability Card, it is missing from the European Parking Card. The physical European Parking Card should be fully accessible, including the addition of braille on the card itself. The European Parking Card should be displayed in braille using the Marburg code dimensions, which will facilitate the identification of the card by the users.

14. The IMCO Committee stresses the importance of ensuring the effectiveness of the European Disability Card and the European Parking Card through a proper communication campaign and the involvement of local and regional authorities, including police services.

15. While guaranteeing the Member State's prerogatives to award national disability cards to persons with disabilities, the IMCO Committee encourages the Commission to consider the future merging of national and European disability cards.

16. At the same time, the IMCO Committee acknowledges the broad delegation of power to the Commission to amend the standardised format of the Card, and believes that changes in this sense should not lead to misinterpretation by users and by authorities responsible for issuing the Card, which would undermine the achievement of the aims of the Directive.

17. The IMCO Committee suggests the inclusion of a non-exhaustive list of specific performance indicators to the reporting and review clause, specifically, the addition of impact and result indicators, including the impact on the transport sector, public authorities, institutions and public budgets and on the distributional impact across Member States, to the purely output-oriented ones — such as the number of Member States having transposed the Directive, number

of European Disability Cards, and number of European Parking Cards issued by Member States. The information on quantitative costs and benefits of the Directive would be also useful. These additions aim to provide a better evaluation of the Directive's transposition and application, contributing to a more robust and informed decision-making process.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPOREUR HAS RECEIVED INPUT**

The Chair, in her capacity as rapporteur, declares under her exclusive responsibility that she did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.

4.12.2023

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Employment and Social Affairs

on the proposal for a directive of the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities
COM(2023)0512 - C9 - 0328/2023

Rapporteur for opinion: Rosa Estaràs Ferragut

AMENDMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) Whereas the Charter of Fundamental Rights of the European Union (the 'Charter'), in particular in its Articles 3, 6, 7, 8, 14, 15, 16, 20, 21, 23, 24, 25, 26, 31, 34, 35, 36, 41, 42, 45, and 47, brings together the most important personal freedoms and rights, including for persons with disabilities,

(2b) Whereas The resolution of 13 December 2022 entitled 'Towards equal rights for persons with disabilities'^{1a}, states the importance and need to have an EU disability card,

(2c) Whereas the resolution of 4 October 2023 entitled 'Harmonising the

rights of autistic persons^{2a}, highlights the importance of the proposal on the EU disability card,

1a

https://www.europarl.europa.eu/doceo/document/TA-9-2022-0435_EN.html

2a

https://www.europarl.europa.eu/doceo/document/TA-9-2023-0343_EN.html

Amendment 2

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) Whereas Gender equality is a value of the Union enshrined in Article 2 TEU, and in Article 8 TFEU it is stated that in all its activities the Union shall aim to eliminate inequalities, establishing the principle of gender mainstreaming and gender equality; whereas The European Union has ratified the Istanbul Convention on preventing and combating violence against women and domestic violence, and therefore, the protection and support provided under the Istanbul Convention must be available to any woman without discrimination, regardless of any disability;

Amendment 3

Proposal for a directive Recital 3 b (new)

Text proposed by the Commission

Amendment

(3 b) The equality and non-discrimination mandate contained in Article 5 of the CRPD is relevant, as the European Disability Card is meant to

accelerate the equality of persons with disabilities through their mutual recognition within the EU. There is a need to approach mobility and free movement in a gender sensitive way so that this legislation contributes to recognising the rights of women and girls with disabilities, mothers and caregivers of persons with disabilities and adopting an intersectional approach in protecting them from discrimination. It is imperative to recognize that women and girls with disabilities are affected by discrimination in many areas of life including social isolation, lack of access to community services, low-quality housing, institutionalisation and inadequate healthcare which hampers them from contributing and engaging actively in society. Women with disabilities are 10 times more likely to experience physical or sexual assault than women without disabilities and therefore information on the access to specialized support services should be made available for those women with disabilities having suffered any form of gender based violence. Overall, the situation for women and girls with disabilities is worse than those of men and boys with disabilities, with this being accentuated for example in rural areas where access to services and opportunities in general is much more limited. Any person with a factual disability, according to the meaning stated in Article 1 of the CRPD, when they reside or move in an EU Member State other than their own, should have their disability status recognised.

Amendment 4

Proposal for a directive Recital 6

Text proposed by the Commission

(6) The purpose of the UNCRPD is to

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Amendment

(6) The purpose of the UNCRPD is to

123/143

PE754.831v02-00

promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect of their inherent dignity, thus ensuring their full and effective participation and inclusion in society on an equal basis with others. The UNCRPD also recognises the importance of the need to take appropriate measures to ensure accessibility to persons with disabilities.

promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect of their inherent dignity, thus ensuring their full and effective participation and inclusion in society on an equal basis with others. ***In its article 6, the UNCRPD specifically recognises that women and girls with disabilities are subject to multiple discrimination, due in many cases to the intersection of gender and disability, which impacts all spheres of their life including their mobility experiences requiring State parties to “take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms” and ensure the full development, advancement and empowerment of women. Women with disabilities often face intersectional forms of discrimination, and thus EU legislation need to integrate an intersectional approach in order to properly address exclusion and discrimination from a comprehensive, systemic and structural perspective; EU Member States are bound by the UNCRPD, however there are significant differences between the countries’ implementation^{1a}. There is a need to progress on equality for persons with disabilities in all countries, for example through investments in infrastructure, capacity building and awareness raising campaigns.*** The UNCRPD also recognises the importance of the need to take appropriate measures to ensure ***universal*** accessibility to persons with disabilities, ***as for instance to the ones with functional illiteracy mostly affecting women, especially in regards to the current directive, and to ensure that persons with disabilities enjoy personal mobility with the greatest possible independence.***

(6 a) It is necessary to acknowledge that women and girls with disabilities face increased risk of violence and abuse,

including sexual abuse, and have heightened vulnerability on account of their sex, age and disability,

(6 b) Figures clearly show that caregivers of disabled people are in their vast majority women and that therefore a gender sensitive approach has to be applied also when considering the caregivers side.

^{1a} Implementing the UN Convention on the Rights of Persons with Disabilities, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-uncrpd-human-rights-indicators_en.pdf

Amendment 5

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) (6a) Whereas data from the European Institute for Gender Equality^{1a} shows that in the EU, 20% of women with disabilities are in full-time employment, comparing to 29% of men with disabilities and 48% of women without disabilities. 22% of women with disabilities are at risk of poverty, comparing to 20% of men with disabilities and 16% of women without disabilities. 17% of women with disabilities graduate tertiary education, comparing to 18% of men with disabilities and 32% of women without disabilities. 11% of women with disabilities have unmet needs for medical examination, comparing to 10% men with disabilities and 3% women without disabilities; whereas there are approximately 46 million women and girls with disabilities in the EU, comprising about 16% of its total female population and representing 60% of the overall population of persons with disabilities^{1b}; therefore a gender-

sensitive approach has to be applied when establishing a European Disability Card, and following the specific recommendations adopted by the CRPD Committee on the initial report of the EU in 2015, in particular, the mainstreaming of women and girls with disabilities perspective must be at the centre of the EU Gender Equality strategy, together with policies and programmes and a gender perspective in its Disabilities strategy. The Committee also recommended that the European Union develops actions to advance the rights of women and girls with disabilities by establishing a mechanism to monitor progress and support funding data collection and research on women and girls with disabilities^{1c}; whereas the European Commission and EU Member States shall ensure that gender disaggregated data is collected to elaborate a gender impact assessment of the Directive and guarantee its gender-mainstreamed revision in the future.

^{1a} *Intersecting inequalities in the European Union in the 2023 Gender Equality Index*
<https://eige.europa.eu/gender-equality-index/2022/domain/intersecting-inequalities/disability/work>

^{1b} <https://www.edf-feph.org/women-and-gender-equality/>

^{1c} *Concluding observations on the initial report of the European Union CRPD/C/EU/CO/1, Committee on the Rights of Persons with Disabilities, 2 October 2015.*

Amendment 6

Proposal for a directive Recital 7

Text proposed by the Commission

(7) The European Pillar of Social Rights, proclaimed by the European Parliament, the Council and the European Commission at Gothenburg on 17 November 2017⁴⁰ provides that everyone, inter alia regardless of disability, has the right to equal treatment and opportunities regarding, **among others**, access to goods and services available to the public (principle 3). In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to services that enable them to participate in society (principle 17).

⁴⁰ Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C 428, 13.12.2017, p. 10.

Amendment

(7) The European Pillar of Social Rights, proclaimed by the European Parliament, the Council and the European Commission at Gothenburg on 17 November 2017⁴⁰ provides that everyone, inter alia regardless of disability, has the right to equal treatment and opportunities regarding **employment, social protection, education**, access to goods and services available to the public (principle 3); **and that equality of treatment and opportunities between women and men must be ensured and fostered in all areas (principle 2)** In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to services that enable them to participate in **the labour market and in society, and a work environment adapted to their needs** (principle 17). **(1) The European Pillar of Social Rights also recognises that everyone has the right to timely access to affordable, preventive and curative healthcare of good quality (principle 16).**

⁴⁰ Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C 428, 13.12.2017, p. 10.

Amendment 7

**Proposal for a directive
Recital 15 a (new)**

Text proposed by the Commission

Amendment

(15 a) Whereas the personal assistant can include informal caregivers such as family members or take into account that women bear a disproportionate responsibility for the unpaid and paid care for disabled people, including female family members;

Amendment 8
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) It is necessary to face the enormous lack of knowledge about psychosocial accessibility, which is why no individual and structural measures are taken to eliminate the barriers that hinder or impede it, including attitudinal, administrative and systemic or symbolic barriers, in order to help combat the stigma and prejudices that lead to discrimination, violence, abuse, social exclusion and segregation, which constitute obstacles to the effective exercise of the rights of persons with disabilities and do not favour respect for their autonomy, will and preferences.

Justification

Need for stronger protection of women with disabilities. The European Disability Card should include a preferential status for women and girls with disabilities who are victims of violence and abuse, giving them urgent attention as those most at risk, so that preventive action can be taken.

Amendment 9
Proposal for a directive
Recital 24

Text proposed by the Commission

Amendment

(24) Examples of special conditions or preferential treatment include free access, reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels, priority access, designated seats in parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals, assistance on the beach to enter the water, support (such as access to braille, audio guides, sign language interpretation), provisions of aids or assistance, loan of a wheelchair,

(24) Examples of special conditions or preferential treatment include free access, reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels, priority access, designated seats in parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals, assistance on the beach to enter the water, support (such as access to braille, audio guides, sign language interpretation), provisions of aids or assistance, loan of a wheelchair,

loan of a floating wheelchair, obtaining tourist information in accessible formats, using a mobility scooter on roads or a wheelchair in bike lanes without a fine, etc. Parking conditions and facilities include extended parking or reserved parking spaces. With respect to passenger transport services, in addition to the special conditions or preferential treatment offered to persons with disabilities, in accordance with national legislation or practices, assistance animals, personal assistants or other persons accompanying or assisting persons with disabilities (or reduced mobility) may travel free of charge or be seated, where practicable next to the person with disabilities.

loan of a floating wheelchair, obtaining tourist information in accessible formats, using a mobility scooter on roads or a wheelchair in bike lanes without a fine, etc. Parking conditions and facilities include extended parking or reserved parking spaces. With respect to passenger transport services, in addition to the special conditions or preferential treatment offered to persons with disabilities, in accordance with national legislation or practices, assistance animals, personal assistants or other persons accompanying or assisting persons with disabilities (or reduced mobility) may travel free of charge or be seated, where practicable next to the person with disabilities. ***With regard to the adoption of effective measures to ensure mobility, it is necessary to consider accessibility for people with disabilities in the different means of public transport (train, plane, etc.) and who need to use their own wheelchair due to the specialisation required to guarantee their safety.***

Justification

Non-discrimination of persons with disabilities. Persons with disabilities should enjoy all rights on the same basis as others. This includes being able to enjoy the free movement of persons without obstacles to their movement and with the individual support that each person needs. Ensuring universal accessibility, following Article 9 of the CRPD, in coherence with the previous AMs.

Amendment 10

Proposal for a directive

Article 2 – paragraph 1 – point 3a and 3b (new)

Text proposed by the Commission

Amendment

(3a) Information and counselling services for women and girls with disabilities.

(3b) specialised information service, assistance and support to women and girls with disabilities who are victims of

violence.

Amendment 11

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall take all necessary measures to recognise all persons with disabilities who are holders of a European Disability Card to ensure mutual recognition of the card as means of protection against discrimination on the grounds of disability, with the consequent right of access throughout the EU to the remedies and mechanisms provided against breaches of rights and lack of effective equal treatment; in particular Member States shall ensure that the European Disability Card is equally accessible to people with disabilities regardless of their sex, gender, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Amendment 12

Proposal for a directive

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The European Disability Card shall be issued as a physical card and shall be complemented by a digital format upon adoption of the delegated acts referred to in paragraph 7. Persons with disabilities shall be given the option to use either the digital or physical card, or both.

5. The European Disability Card shall be issued as a physical card and shall be complemented by a digital format upon adoption of the delegated acts referred to in paragraph 7. Persons with disabilities shall be given the option to use either the digital or physical card, or both. ***The process to request and acquire a European Disability***

Card issued by Member States shall be designed in a simplified way. For the persons with disabilities applying for the card, an option could be for example to list on the back of the card their specific requirements. In that way there should not be any physical nor digital barrier for granting their equal access to the free of charge issuance or renewal of the card. It is important to guarantee its full accessibility and usability by all people with disabilities, especially by women and girls with disabilities who are particularly at risk of being digitally excluded.

Amendment 13

Proposal for a directive Article 9 – paragraph 2

Text proposed by the Commission

2. Member States shall take appropriate measures to raise awareness among the public and inform persons with disabilities, including in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.

Amendment

2. Member States shall take appropriate measures to raise awareness among the public ***including to public authorities and private service providers having the potential to offer tailored support pursuant to Article 5, about the existence and conditions of the card.*** ***Member States shall also inform persons with disabilities, including in accessible and gender- inclusive ways, about the existence*** and inform persons with disabilities, including in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities. ***They should also coordinate comprehensive gender mainstreamed training for all actors concerned.***

Amendment 14

Proposal for a directive Article 11 – paragraph 4

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. ***The Commission shall also consult gender equality experts and request gender disaggregated data by each Member State and competent EU Authorities in view of enhancing gender mainstreaming and gender budgeting where necessary.***

Amendment 15

**Proposal for a directive
Article 13 – paragraph 2 – point b**

Text proposed by the Commission

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

Amendment

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

Amendment 16

**Proposal for a directive
Article 16 – paragraph 2**

Text proposed by the Commission

2. The report shall address, inter alia, ***in the light of social, economic***

Amendment

2. The report shall address, inter alia, the use of the European Disability Card

developments the use of the European Disability Card and European Parking Card for persons with disabilities with a view to assessing the need to review this Directive.

and European Parking Card for persons with disabilities *in the light of social and economic developments in the Member States and in the Union as a whole*, with a view to assessing the need to review this Directive. *The report shall include a gender analysis, focusing on how the provisions of this Directive actually and potentially have impacted the free movement of women and girls with disabilities. The report shall also evaluate the effectiveness of the incentivizing measures provided by Member States to service providers. It shall take into account the feedback from persons with disabilities and relevant non-governmental organisations, in particular organisations representing persons with disabilities and organizations fighting for gender equality, as well as economic stakeholders. The Commission shall create a digital portal containing all the information with regards the benefits of holding the European Disability Card and the European Parking Card in all Member States in a gender inclusive manner.*

Amendment 17

Proposal for a directive Article 16 – paragraph 3

Text proposed by the Commission

3. Member States shall communicate to the Commission, at its request and in due time, all the information necessary for the Commission to draw up such a report.

Amendment

3. Member States shall communicate to the Commission, at its request and in due time, all the information necessary for the Commission to draw up such a report. *This information shall include, inter alia, a clear gender perspective on the implementation of the Disability Card. Member States shall collect gender-disaggregated data in order to identify the forms of multiple discrimination that are faced by women and girls with disabilities when accessing special conditions or preferential treatment with respect to*

services, activities or facilities, or parking conditions and facilities offered to or reserved for persons with disabilities or person(s) accompanying or assisting them including their personal assistant(s), in compliance with the obligations deriving from the European Disability Card or European Parking Card for persons with disabilities, This data should be used for the gender impact assessment of the Directive and guarantee its gender-mainstreamed revision in the future.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR FOR THE OPINION HAS RECEIVED INPUT**

The following list is drawn up under the exclusive responsibility of the rapporteur for the opinion. The rapporteur has received input from the following entities or persons in the preparation of the [draft opinion / opinion, until the adoption thereof in committee]:

Entity and/or person
CERMI- Comité Español de Representantes de Personas con Discapacidad
ONCE-Organización Nacional de Ciegos Españoles
Asociación Autismo España

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing the European Disability Card and the European Parking Card for persons with disabilities
References	COM(2023)0512 – C9-0328/2023 – 2023/0311(COD)
Committee responsible Date announced in plenary	EMPL 19.10.2023
Opinion by Date announced in plenary	FEMM 19.10.2023
Rapporteur for the opinion Date appointed	Rosa Estaràs Ferragut 10.10.2023
Date adopted	30.11.2023
Result of final vote	+: 22 –: 1 0: 0
Members present for the final vote	Isabella Adinolfi, Robert Biedroń, Vilija Blinkevičiūtė, Margarita de la Pisa Carrión, Frances Fitzgerald, Radka Maxová, Johan Nissinen, Maria Noichl, Carina Ohlsson, Pina Picierno, Maria Veronica Rossi, Christine Schneider
Substitutes present for the final vote	Abir Al-Sahlani, Marina Kaljurand, Aušra Maldeikienė, Silvia Modig, Susana Solís Pérez, Pernille Weiss, Angelika Winzig
Substitutes under Rule 209(7) present for the final vote	Jakop G. Dalunde, France Jamet, Grace O’Sullivan, Tomáš Zdechovský

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
ECR	Margarita de la Pisa Carrión
ID	France Jamet, Maria Veronica Rossi
PPE	Isabella Adinolfi, Frances Fitzgerald, Helmut Geuking, Aušra Maldeikienė, Christine Schneider, Pernille Weiss, Angelika Winzig, Tomáš Zdechovský
Renew	Abir Al-Sahlani, Susana Solís Pérez
S&D	Robert Biedroń, Vilija Blinkevičiūtė, Marina Kaljurand, Radka Maxová, Maria Noichl, Carina Ohlsson, Pina Picierno
The Left	Silvia Modig
Verts/ALE	Grace O'Sullivan

1	-
ECR	Johan Nissinen

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

29.11.2023

LETTER OF THE COMMITTEE ON PETITIONS

Mr Dragoş Pîslaru,
Chair
Committee on Employment and Social Affairs
BRUSSELS

Subject: Opinion on the EMPL draft report on the Proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities (COM(2023)0512 – C9-0328/2023 – (2023/0311(COD)))

Dear Chair,

Under the procedure referred to above, the Committee on Petitions has been asked to submit an opinion to your committee. At its meeting of 24 October 2023, the committee decided to send the opinion in the form of a letter. It considered the matter at its meeting of 29 November 2023¹ and adopted the opinion at that meeting.

The Committee on Petitions is the focal point for the citizens to get in touch and to exchange with the European Parliament. Petitions committee organises yearly the Workshop on the Rights of Persons with Disabilities in Parliament, which is part of the programme of the Disability Week organised this year by your committee, and PETI is an active member in the UN CRPD Framework.

We welcome the Commission Proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities as a long awaited initiative to respond to the discrimination suffered and the concerns of citizens with disabilities. This instrument will guarantee non-discrimination when moving across EU countries and creating certainty and removing administrative barriers for both persons with disabilities and private and public operators of services, facilities and activities.

Indeed, many petitions pointed out the obstacles faced by persons with disabilities who are restricted in their equal access to the right to free movement and accessibility. These petitions urge the introduction of an EU wide recognised EU disability Card, Parking Card and the mutual recognition of the degree of disability by Member States, in order to guarantee the equality in the EU. The disability Card will also be helpful for persons with invisible disabilities, often faced with additional attitudinal barriers.

¹ The following were present for the final vote : Dolores Montserrat (Chair and Rapporteur), Yana Toom (Vice-Chair), Asim Ademov, Andris Ameriks, Marc Angel, Margrete Auken, Petras Auštrevičius, Vasile Blaga, Karolin Braunsberger-Reinhold, Daniel Buda, Maria Angela Danzi, Angel Dzhambazki, Ibán García Del Blanco, Alexis Georgoulis, Vlad Gheorghe, Sylvie Guillaume, Peter Jahr, Virginie Joron, Marina Kaljurand, Radan Kanev, Stelios Kypouropoulos, Cristina Maestre Martín De Almagro, Ana Miranda, Alin Mituța, Andrey Slabakov, Rainer Wieland, Michal Wiezik, Kosma Złotowski, Tatjana Ždanoka

As the matter of the European Disability Card and the European Parking Card is topical, the Committee on Petitions took already account of the proposal for a Directive establishing the European Disability Card as in the Resolution on harmonising the rights of autistic persons and the Report on the protection of persons with disabilities through petitions: lessons learnt. The Committee asked to include all situations where special conditions or preferential treatment are offered by private operators or public authorities to persons with disabilities. In addition, the Committee on Petitions called for this card to ensure the right to free movement across the EU for persons with disabilities, by granting the mutual recognition of disability status for card holders. Finally, it encouraged the Member States to be ambitious regarding the scope of the entitlements that card users will have and the Commission to ensure proper implementation by all Member States by way of binding legislation.

The European Disability Card should be voluntary, free to receive and renew, with no obligation to show it for services that are granted under other Union legislation. It should be accepted in all EU member states, which would provide adequate medical and social assistance. In addition, the European Commission must provide technical assistance to member states to implement the EDC directive and must develop specific trainings and guidelines for multiple sectors to avoid delays in verification and fraud. Finally, the implementation of provisions regarding the card should be a requirement for any country that wants to join the EU.

Therefore, I would like to ask you to take fully into account those concerns and perspectives of the citizens as described in the petitions, and to include them in EMPL legislative report on the Proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities.

Yours sincerely,

Dolors Montserrat

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft opinion, until the adoption thereof in committee:

Entity and/or person
The rapporteur declares that she did not receive any input from any entity or person

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Establishing the European Disability Card and the European Parking Card for persons with disabilities			
References	COM(2023)0512 – C9-0328/2023 – 2023/0311(COD)			
Date submitted to Parliament	7.9.2023			
Committee responsible Date announced in plenary	EMPL 19.10.2023			
Committees asked for opinions Date announced in plenary	IMCO 19.10.2023	TRAN 19.10.2023	FEMM 19.10.2023	PETI 19.10.2023
Associated committees Date announced in plenary	TRAN 19.10.2023			
Rapporteurs Date appointed	Lucia Ďuriš Nicholsonová 4.10.2023			
Discussed in committee	19.9.2023	7.11.2023	30.11.2023	
Date adopted	11.1.2024			
Result of final vote	+: -: 0:	39 0 0		
Members present for the final vote	João Albuquerque, Atidzhe Alieva-Veli, Dominique Bilde, Vilija Blinkevičiūtė, Milan Brglez, Jordi Cañas, David Casa, Leila Chaibi, Ilan De Basso, Jarosław Duda, Estrella Durá Ferrandis, Lucia Ďuriš Nicholsonová, Cindy Franssen, Chiara Gemma, Elisabetta Gualmini, Agnes Jongerius, Radan Kanev, Ádám Kósa, Katrin Langensiepen, Elena Lizzi, Sara Matthieu, Jozef Mihál, Max Orville, Dennis Radtke, Antonio Maria Rinaldi, Mounir Satouri, Monica Semedo, Eugen Tomac, Romana Tomc, Nikolaj Villumsen, Maria Walsh			
Substitutes present for the final vote	Abir Al-Sahlani, Catherine Amalric, Romeo Franz, Lina Gálvez Muñoz, José Gusmão, Carina Ohlsson			
Substitutes under Rule 209(7) present for the final vote	Maria Noichl, Vera Tax			
Date tabled	12.1.2024			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

39	+
ECR	Chiara Gemma
ID	Dominique Bilde, Elena Lizzi, Antonio Maria Rinaldi
NI	Ádám Kósa
PPE	David Casa, Jarosław Duda, Cindy Franssen, Radan Kanev, Dennis Radtke, Eugen Tomac, Romana Tomc, Maria Walsh
Renew	Atidzhe Alieva-Veli, Abir Al-Sahlani, Catherine Amalric, Jordi Cañas, Lucia Ďuriš Nicholsonová, Jozef Mihál, Max Orville, Monica Semedo
S&D	João Albuquerque, Vilija Blinkevičiūtė, Milan Brglez, Ilan De Basso, Estrella Durá Ferrandis, Lina Gálvez Muñoz, Elisabetta Gualmini, Agnes Jongerius, Maria Noichl, Carina Ohlsson, Vera Tax
The Left	Leila Chaïbi, José Gusmão, Nikolaj Villumsen
Verts/ALE	Romeo Franz, Katrin Langensiepen, Sara Matthieu, Mounir Satouri

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention