



2023/0311(COD)

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

PA_Legam

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 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 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. ***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).

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.

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

(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.

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, 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

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.

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. ***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 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 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.

Amendment

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