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**COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN
ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE
REGIONS**

**Situation of disabled people in the enlarged European Union: the European Action Plan
2006-2007**

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ANNEXES

1. Introduction

Equality of opportunity is the objective of the European Union's long-term strategy on disability, which aims to enable disabled people to enjoy their right to dignity, equal treatment, independent living and participation in society. Actions undertaken by the European Union both underpin the set of common EU economic and social values by enabling disabled people to fulfil their capabilities and participate in society and the economy.

The EU strategy is built on three pillars: (1) EU anti-discrimination legislation and measures, which provide access to individual rights; (2) eliminating barriers in the environment that prevent disabled people from exercising their abilities, and (3) mainstreaming disability issues in the broad range of Community policies which facilitate the active inclusion of people with disabilities.

The EU Disability Action Plan (DAP) - established by the European Commission¹ to ensure a coherent policy follow-up to the European Year of Disabled people in the enlarged Europe - provides a dynamic framework to develop the EU disability strategy.

In the changing EU economic and social environment, structured mainstreaming of disability is indispensable. Disability policies are essentially the responsibility of Member States, but Community policies and actions impact in many ways on the situation of disabled people. The Council acknowledged this² and recommended that Member States take full account of the DAP when developing national disability policies.

In this context, the Communication identifies priority objectives and actions for the second phase (2006-2007) of the DAP, focusing on the active inclusion of people with disabilities. Given the current demographic situation, the economic potential of disabled people and the contribution they can make to economic and employment growth must be further activated on the basis of the Social Agenda for 2005-2010³. Moreover, in support of the refocused Lisbon strategy, this Communication calls on Member States to promote inclusion of disabled people in their forthcoming Reform Programmes for growth and jobs⁴. This Communication is also the first EU report on the overall situation of disabled people which the Commission has undertaken to publish biennially on the European Day of Disabled People⁵. It will be a tool for disability policy-makers throughout Europe, complementing and adding value to their policies and actions.

2. Current situation

2.1. Overview

Mapping the situation of disabled people throughout Europe is difficult. Definitions and criteria for disability vary according to policy objectives, legislation and administrative

¹ COM(2003) 650 final, 30/10/2003

² Council Conclusions of 1/12/2003 Council document 15 206/03

³ COM(2005)33 final, 9/02/2005

⁴ COM(2005)24

⁵ See 1

standards⁶. Population surveys provide subjective data, affected by differing cultural perceptions in individual Member States⁷. In addition, data focus on the working age population, and exclude children and people living in institutions.

However, the EU system of harmonised methodology for data collecting⁸, used by the European Statistics on Income and Living Conditions (SILC) and the European Labour Force Survey (LFS) 2002 ad hoc module on disability⁹, allow valuable measurement of progress¹⁰.

Some 44.6 million people aged between 16 and 64 consider themselves to have a long-standing health problem or disability (LSHPD)¹¹, representing around 16% of the overall EU working age population. These figures do not distinguish between disabled people and those with a long standing health problem. Moreover they should be treated with caution: they are survey-based and not on administrative data. For their part, disabled people, with carers and service providers, make up a significant economic part of the population and many disabled people have the ability to work, hence the crucial importance of work situation adjustment.

There is a strong correlation between disability and increasing age. In 2002, nearly 30% of people in the age group 55-64 reported an LSHPD¹². It places new demands on family units and raises pressing questions about the efficiency and management of care and support services for disabled people, including older disabled people and people with long standing illness. Moreover, the Share survey¹³ shows that disability schemes affect early retirement. This calls for disability actions to further support labour force participation and promote active ageing, notably to prevent early retirement.

Figures also indicate a gap between the employment rate of disabled and non-disabled people: in 2003, 40% of people were employed compared to 64.2% for non-disabled.¹⁴ The ratio for people whose relatively light level of disability does limit daily life was 50%¹⁵. Altogether, less than half of disabled people are employed. This relatively low rate of employment shows that unemployment among disabled people continues to merit serious attention.

⁶ Commission study "Definitions of disability in Europe: a comparative analysis", Brunel University, September 2002

⁷ People are asked to report whether they consider they have a Long Standing Health Problem or Disability

⁸ Commission Regulation 1566/2001 of 12/07/2001

⁹ Eurostat statistics in focus, theme 3-26/2003.

¹⁰ The basic question posed was whether the person had a Long-Standing Health Problem or Disability (LSHPD) of over 6 months (or anticipated to last 6 months). The concept of LHSPD covers any type of severity with regard to the functioning of people, except the principle of having at least some effect on the respondent's day-to-day activities

¹¹ European Labour Force Survey (LFS) 2002 ad hoc module on disability

¹² LFS 2002 ad hoc module on disability

¹³ Share project: <http://www.share-project.org>.

¹⁴ Kok report 2003 "jobs, jobs, jobs"

¹⁵ See note 9

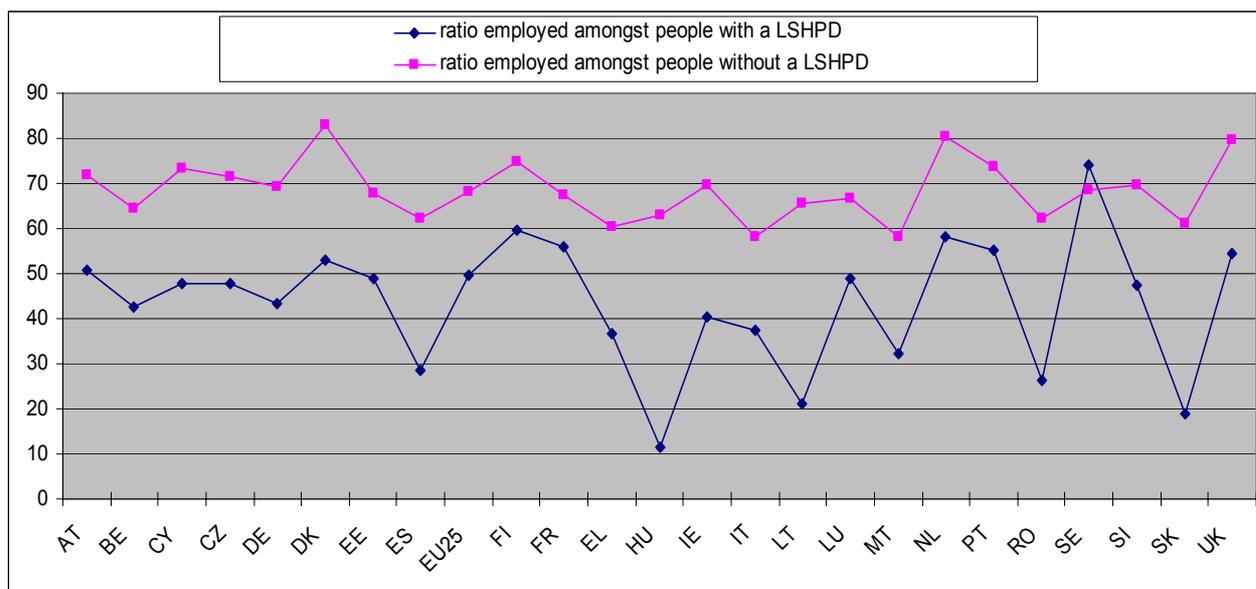


Table 1: Employment ratio among disabled and non-disabled people¹⁶

The inactivity rate of disabled people is twice that of non-disabled people, indicating both low levels of reintegration following LSHPD, and comparatively low educational and vocational training levels. Reasons for this high inactivity vary between countries. Benefit traps and risks of losing benefits on starting work are major disincentives. Another possible reason may be the reluctance of employers to recruit disabled workers for fear of having to make expensive workplace adjustments.

Nonetheless, 43.7% of respondents believe they could work with adequate assistance. While these figures vary between Member States, and also according to the type of work, only 15.9% of disabled people who need assistance to be able to work actually receive it. Demographic forecasts for Europe suggest that the working-age population as a proportion of total population is falling. It is now more important than ever to make full use of the available working population, including disabled people.

Finally, statistics in all Member States show a correlation between the prevalence of LSHPD, and the level of education¹⁷

¹⁶ The graphs for “disabled” and “non-disabled” persons are similar if in a country the ratio is going up for the non-disabled, then in general it will also rise for the disabled.

¹⁷ Disability at birth or during childhood/teenage might limit the possibilities for studying. It is also possible that people with a low level of education have non qualified jobs in dangerous environment. It is not yet possible to state whether one of these effects is more important than the other or whether they cumulate

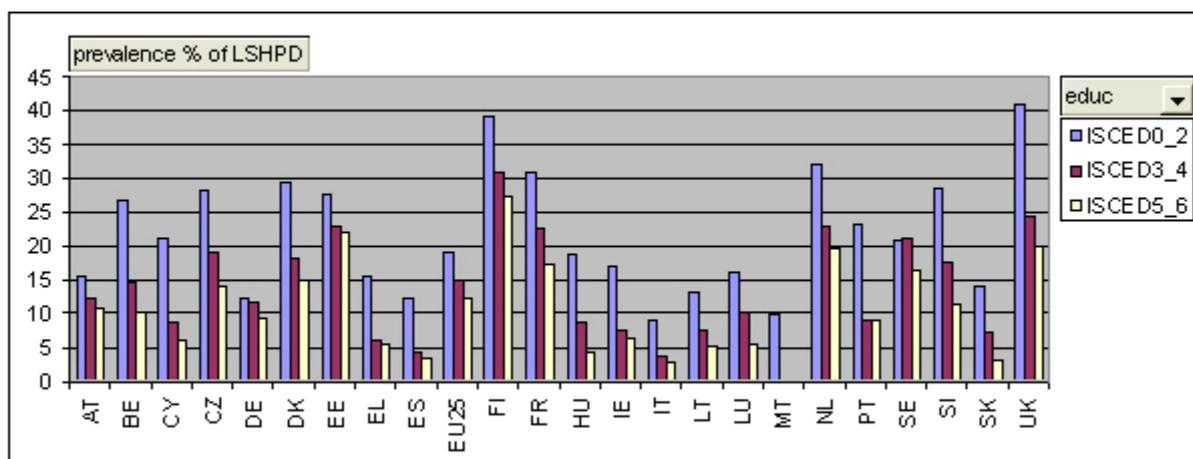


Table 2: Distribution of disability according to educational level¹⁸

Source: Labour Force Survey (LFS 2002 ad hoc module on disability)

2.2. Promoting employment

The first phase of the DAP focused on disabled people's access to the labour market and to employability-related measures such as lifelong learning, information technology and access to the built environment. As a result, some progress has been achieved through actions at European level.

EU anti-discrimination legislation provides the legal framework for equal treatment in employment and occupation¹⁹. The Employment Equality Directive prohibits direct and indirect discrimination as well as harassment and instructions to discriminate on a number of grounds including disability²⁰. In addition, specific provisions exist to promote equal treatment for disabled people. Private and public employers and others to whom the Directive applies, such as training providers, must provide reasonable accommodation for people with disabilities. They must take appropriate measures to enable disabled people to have access to, participate in or advance in employment, or to undergo training. Effective implementation of this Directive is therefore the key to promoting employment for disabled people. This Directive introduces new legal concepts, so its implementation is challenging²¹.

Almost all the European Employment Strategy²² concern the labour market situation of people with disabilities. In 2004, the Commission submitted a discussion paper²³ to the Employment Committee analysing disability mainstreaming in the EES.

The Commission Regulation on State Aid employment²⁴ enable Member States to create incentives for employers and sheltered workshops to recruit and retain disabled workers.

¹⁸ The lower the level of education, the higher the prevalence of people having a longstanding health problem or disability. ISCED0_2 includes all persons with up to lower secondary education, ISCED3_4 represents persons with (upper) secondary education and ISCED5_6 includes persons with post-secondary non-tertiary education or tertiary education.

¹⁹ Directive 2000/78 of 27 November 2000

²⁰ pp 5-11 in Equality and non-discrimination Annual report 2005

²¹ pp 5-11 in the Equality and non-discrimination Annual report 2005

²² Council Decision on Guidelines for the employment policies of the Member States of 12/07/2005

²³ Disability mainstreaming in the European employment strategy
http://europa.eu.int/comm/dgs/employment_social/index_en.htm

Through the EU social dialogue, the Commission encourages social partners, in particular at cross-industry level, to implement the recommendations made in their declarations on the employment of people with disabilities.²⁵ The 2004 report on social partners' actions mentions several initiatives related to disabled people²⁶.

In education and training, the completed mandate of the working group on active citizenship, equal opportunities and social cohesion aims to produce policy recommendations and concrete material targeted at disadvantaged groups. Recommendations will be fed into a Communication on efficiency and equity issues in education and training in 2006.

On the operational side, the Community Action Programme to Combat Discrimination support capacity building and raise awareness of disabled peoples' rights, for example in the new cycle of Commission policy conferences for the European Day of People with Disabilities. The European Social Fund (ESF) and other Community initiatives continuously support the integration of disabled people into the labour market.

2.3. Integrating disabled people in society

The EYPD provided an impetus for progress in improved living standards, public awareness of fundamental rights and needs of people with disabilities. The Commission has contributed to improved accessibility with a broad range of initiatives, including pilot projects and studies.

Several projects co-financed by the Commission focus on knowledge exchange between building professionals and development of training tools (European Agency for Special Needs Education).

The Communication on eAccessibility of September 2005²⁷ promotes a consistent approach to eAccessibility initiatives in the Member States on a voluntary basis and foster industry self-regulation. In two years time, follow-up on the e-Accessibility situation will be made. The Commission may then consider additional measures, including new legislation if deemed necessary.

An initiative to harmonise at EU level the accessibility requirements for public procurement in the ICT domain through a EU standard is ongoing. Progress has been achieved in the implementation and testing of the Web accessibility guidelines as well on the European Curriculum on Design for All.

²⁴ Commission Regulation (EC) No 2204/2002

²⁵ Declaration of social partners on employment of disabled people http://europa.eu.int/comm/employment_social/dsw/dspDetails.do?id=1123&d-1588-p=1&d-1588-s=&d-1588-o=null and UNI-Europa Commerce and EUROCommerce, Statement on promoting employment and integration of disabled people in the commerce and distribution sector http://europa.eu.int/comm/employment_social/dsw/dspDetails.do?id=1088&d-1588-p=1&d-1588-s=&d-1588-o=null

²⁶ CEEP, UNICE/UEAPME and ETUC 2004 "report on social partners actions in Member States to implement employment guidelines"

²⁷ COM(2005) 425 final of 13.9.2005

Furthermore, within the 6th Research Framework Programme's IST priority²⁸, several projects on eAccessibility are financed with a budget of 30 million Euros. A new call for proposals has been opened in 2005 with a budget of 29 million Euros.

Research into cost-effective alternatives to help disabled people live independently in the community or in the family instead of in closed institutions has been given a new impetus²⁹. De-institutionalisation works best when backed by adequate healthcare provision healthcare, and long-term care and support services in the community, to cope with the growing demand.

The European Year of Education through Sport 2004 explored active social inclusion.

Annex 1 gives an overview of EU actions. Annex 3 presents the situation in the Member States.

3. The EU Disability Action Plan (DAP)

Three operational objectives are central to the DAP: (1) full implementation of the Employment Equality Directive; (2) successful mainstreaming of disability issues in relevant Community policies; and (3) improving accessibility for all.

The DAP covers the period 2004-2010 in successive phases, each highlighting a number of inter-linked priorities. Phase 1 runs from 2004 to 2005, phase 2 from 2006 to 2007.

A preliminary analysis of the first phase shows that mainstreaming of disability aspects has succeeded in some areas, notably employment, ICT and education (eLearning). Greater impact and a more successful labour market integration of disabled people are achieved by combining the mainstreaming concept with disability-specific actions.

The Group of Commissioners on Fundamental Rights, Anti-discrimination and Equal Opportunities, with support from the Commission Inter-service Group on Disability, will give political impetus to the DAP. Cooperation with the Member States will be strengthened through thematic dialogue with the EU High Level Group on Disability (HLGD), the European Employment Committee, and the Social Protection Committee. Within its framework strategy on non-discrimination and equal opportunities for all³⁰ the Commission will support and closely monitor implementation of the Employment Equality Directive³¹.

3.1 Priority areas for the second phase (2006-2007)

Next Phase two of the DAP will focus on active inclusion of people with disabilities, building on the citizens' concept of disability as reflected in the EU Charter of Fundamental Rights³²

²⁸ 6th Framework Programme for Research, technological development and demonstration activities (2002-2006), priority IST:Information Society Technologies, 14 projects were selected and are running

²⁹ Call for tender VT/2005/0344

³⁰ COM(2005) June 2005

³¹ Directive 2000/78/EC of 27/11/2000(OJ L 303 of 2/12/2000, p.16)

³² Article 26: "The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community"

and on the values inherent in the forthcoming UN Convention on the protection and promotion of the Rights and Dignity of Persons with Disabilities.

It is implicit in the citizens' concept that disabled people have the same individual choices and control in their everyday life as non-disabled people. This emphasises the need for an environment that enables disabled people to be more independent. Persons with disabilities and their individual needs are central to the delivery of care and support services.

Under the following four priorities, actions as described in annex 2 will promote **the independent living of people with disabilities**:

- *Encouraging activity*

A key theme of the revised Lisbon strategy on employment is to "attract and retain more people in employment, increase labour supply and modernise social protection systems". Raising employment and activity rates of disabled people will, therefore, remain a priority.

The Commission discussion paper on disability mainstreaming in the EES provides a valuable guide to integrating disabled people into the open labour market. The new integrated guidelines give scope for national target-setting, but the process must be focused and supported by statistical data. This paper identifies, among other problems, the low number of people who return to work after experiencing LSHPD, which inhibits independent living . Strategies for the adaptation and reintegration into working life of people who become disabled during their working life will be encouraged. Rehabilitation services, individualised personal assistance and making work pay will be promoted.

The ESF has supported and will continue to support the active inclusion of disabled people into society and the labour market. In the next programming round (2007 to 2013), one priority areas for action proposed by the Commission is "pathways to integration and re-entry into employment" for disadvantaged people, e.g. disabled people and people caring for dependent persons.

- *Promoting access to quality support and care services*

Promoting quality, affordable and accessible social services and support to disabled people through consolidated social protection and inclusion provisions will be at the core of EU mainstreaming actions. With the many societal changes which impact on household structures and place new demands on family units many questions arise about the best policies and actions to provide long-term care and assistance services, including to older disabled people.

In the White Paper on Services of General Interest³³, the Commission announced its intention to adopt a Communication in 2005 on health and social services of general interest; to identify the specific characteristics of health and social services of general interest and clarify the framework in which they operate. Quality aspects of disability-related social services will also be explored, including the need to promote coordinated delivery of services.

The Commission will also present a proposal to streamline the different Open Methods of Coordination (OMC) in social protection and social inclusion, and will develop policy cooperation on health and long-term care alongside existing work on social inclusion and

³³ COM (2004) 374 of 12 May 2004

pensions. It will enable relevant aspects of social protection policies such as access to integrated care and support systems to be covered.

The case for de-institutionalisation of disabled people placed in large residential institutions will be further supported. The promotion of a service level that strikes an appropriate balance between security, freedom and independence will be encouraged.

- ***Fostering accessibility of goods and services***

Work on services, transport and increased accessibility of ICT, including access to the new generation of assistive systems, will add to current actions on accessibility of public buildings. Accessible transport systems are an important element in the independent living concept: accessible public transport and an accessible public environment complement and mutually reinforce developments in each field. They will be promoted in and between urban areas.

In transport services, the rights of disabled persons and of persons with reduced mobility cannot be limited to accessibility of means of transport as they also encompass non-discrimination and seamless assistance. The European Commission is taking concrete steps to foster these rights by adopting policy documents and legislative proposals. In its White Paper "European transport policy for 2010: time to decide"³⁴ the Commission envisage the establishment of passengers' rights in all modes of transport. The Commission Communication on strengthening passenger rights within the European Union of 16 February 2005³⁵ identifies a range of fields for action, among which first priority is given to non-discrimination and assistance to persons with reduced mobility in all modes of transport. The 2004 Commission proposal for a Regulation on international rail passengers' rights and obligations³⁶ provides for non-discrimination of persons with reduced mobility travelling by rail as well as assistance before and during the journey. The Commission proposal for a Regulation on the rights of persons with reduced mobility travelling by air³⁷ guarantees mandatory assistance to such passengers at airports and in aircraft, together with quality standards for assistance by airports. The Commission is currently analysing how to extend such passenger rights to maritime traffic and international coach services. To this end, in July 2005 the Commission launched a public consultation on the rights of passengers in international bus and coach transport and intends to launch a consultation on the rights of maritime passengers. The effectiveness of the measures adopted in favour of persons with reduced mobility would be best assured by the competent national enforcement bodies.

The potential of new technologies to create an inclusive Europe is significant. Accessible mainstream ICT technology, interoperable with assistive technologies supported by European standards, consumer demand and other aspects of development open up new markets. By encouraging through public procurement the development of products designed for the widest possible consumer segment, new markets can be opened up and penetrated. This already happens in the USA and is starting in Japan. Promoting an inclusive knowledge society is therefore a key objective of the i2010 initiative. It announces "stimulation measures to make ICT systems easier to use for a wider range of people" and the "Issue of policy guidance on e-accessibility". It addresses technologies for independent living and refers to the eAccessibility Communication which foster three approaches not yet widely used in Europe: public

³⁴ COM 2001) 370 final

³⁵ COM (2005) 46 final

³⁶ COM (2004) 143 final

³⁷ COM (2005) 47 final

procurement, certification, better use of existing legislation while strengthening and continuing activities that are already underway.

- ***Increasing the EU's analytical capacity***

Reliable and comparable data are essential to an understanding of the evolving situation of disabled people and of how developments here interact with other policy areas. Studies analysing data obtained from previous Eurostat surveys and the Labour Force Survey ad-hoc module on 'Employment of disabled persons' as well as data from Member States' administrative registers will be launched.

Through the European Statistical System (ESS) and within the Community Statistical Programme 2002-2007, consistent statistics on integrating disabled persons into society will be developed. Eurostat is working on a specific "module on the social integration of disabled persons" in the framework of the European Health Interview Survey.

The Sixth Framework Programme for Research, technological development and demonstration activities (2002-2006, FP6), and the forthcoming Seventh Research Framework Programme (2007-2013) will continue to fund research in the area of disability. During FP6, disability policy support research topics have been defined along the priorities set at policy level.

In line with the new EU framework strategy on non-discrimination and equal opportunities for all, multiple discrimination concerning disabled people will be addressed.

4. Conclusion

This Communication illustrates the broad consensus in the EU on the need to tackle disability issues. Emphasis is placed on dignity, fundamental rights, protection against discrimination, fairness and social cohesion.

Disability actions are chiefly the responsibility of Member States and are most effectively dealt with at national level. Increased mainstreaming of disability under the EU Action Plan, with operational support from the European Social Fund, contributes to equal opportunities in the enlarged Europe. Positive dialogue between the Commission and Member States as well as with disabled people and main stakeholders allows progress in establishing an enabling environment to support active inclusion into society and the economy. As a result, it is now widely acknowledged that mainstreaming is key to advancing disability issues. In this respect, the revised Lisbon strategy entails a much greater emphasis on mainstreaming of disability at Member States level.

The new actions envisaged for the second phase of the DAP will encourage activity and promote access to social services while fostering accessible goods and services. Moreover, reliable and comparable statistical data on disability and information on multiple discrimination will be gathered. The Commission will monitor implementation of the proposed actions through a continuous dialogue with all the stakeholders concerned. Mid-term evaluation of the Action Plan will take place in 2008 as planned.