

Disability assessment, mutual recognition and the EU Disability Card ¹

Progress and opportunities

ABSTRACT

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Committee on Petitions, examines the progress made on mutual recognition of disability status in the EU and the challenges this presents. There are different definitions and practices of disability assessment among the Member States and in different policy fields. Citizens' petitions raise concerns about the lack of mutual recognition and call for improvements. Harmonising assessment is difficult but common entry points are possible. The EU Disability Card provides an administrative model for mutual recognition.

Key findings

The study:

- identifies the **barriers to free movement** that persons with disabilities experience, due to lack of mutual recognition, and notably as expressed in petitions;
- describes the **main types of disability assessment** methods in the EU Member States, the criteria applied, recent policy reforms, and their compliance with the CRPD;
- determines how **common European principles** of CRPD-compliant disability assessment can be promoted with Member States;
- examines how the principle of **mutual recognition** could be applied to determinations of disability status, between Member States and across the EU, and the barriers to this;
- analyses the pilot implementation of a **European Disability Card** and the potential for its expansion, to facilitate the portability of disability rights and benefits across borders.

The mutual recognition of disability status between EU Member States is an important goal. The Charter of Fundamental Rights conveys **social rights** to everyone who moves legally within the EU but MS retain competence over **national rules** of entitlement to social protection benefits. Nevertheless, there are well-established EU mechanisms for the **portability of some social security benefits**, including some disability benefits, and there is EU competence to support and complement the MS in the field of **social protection**. To

¹ Full study in English: [https://www.europarl.europa.eu/RegData/etudes/STUD/2022/739397/IPOL_STU\(2022\)739397_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/739397/IPOL_STU(2022)739397_EN.pdf)



this end, the Parliament and the Council may adopt **directives** for the implementation of minimum requirements, as well as measures to encourage co-operation.

There is much variation in disability assessment in the Member States. The study reviews examples of assessments of **work capacity** (used to determine eligibility for 'invalidity' pensions) and assessments of **needs for support** (for entitlement to 'long-term care'). **Categorical determinations** of disability status are administratively efficient but less sensitive to individual needs. A general disability status, based on validated scales, is more easily transposed to a disability register or card recognition system than an assessment of a specific life situation. This suggests a **hybrid** approach – involving **mutual recognition of some core components** of disability assessment but backed by commitments to **shared principles** of disability assessment that are rights-based, needs-led, and sensitive to life changes.

People who move between Member States would be greatly assisted by a **passport mechanism**, like the European Disability Card, backed by a verifiable digital record of mutually recognisable assessment information. However, they also have the **right to a comprehensive and holistic assessment of needs in their new environment** if they become resident. **There are many examples of assessment reforms in the Member States**, supported by technical assistance from the EU and international organisations, such as the **World Bank and the OECD**. Ten case studies evidence the **trend** from medically based determinations of disability status towards a more contextual disability approach. They also point to convergence on the adaptation of internationally standardised frameworks and tools, like the **WHO Disability Assessment Schedule based on the International Classification of Functioning (ICF)**.

These case studies highlight points of good practice. There is a need for more holistic assessments, with more attention to environmental factors and a need to consider efficiency gains from reform, as well as the validity of the methods used. A more harmonised approach to assessment could help to streamline disability recognition systems, while ensuring greater transparency and greater access to social rights across the EU. **Greater harmonisation of assessment principles and tools** could address the inconsistencies perceived by citizens and reduce administrative burden for national authorities.

The concept of mutual recognition is already familiar to the Member States. Many, but not all, MS maintain a **national disability register or card scheme**, that accredits a person's general disability status administratively. There are also examples of mutual recognition between MS, notably the **European Parking Card**, which has operated successfully for two decades.

The UN CRPD Committee recommended introduction of a 'European Mobility Card' in 2015 to assist travellers with disabilities in their right to personal mobility throughout the EU. This idea, originally proposed by civil society, was **piloted in eight Member States** and positively evaluated in 2021. The concept was tested in a voluntary recognition scheme, involving mainly **private providers of culture, leisure, sport and transport services**. **By end of 2023, the Commission will issue a proposal to create a European Disability Card, to be recognised in all MS. The policy scope of the EU Disability Card could be extended.** The existing Card scheme provides a proven mechanism for identity recognition, particularly if enhanced by an appropriate digital security protocol. The **extension to wider policy functions**, such as entitlement to public support in cash or kind would require a high level of legitimacy. There is a tension between the divergent assessment criteria used to establish disability status in the MS, and the convergent mechanism of an EU Disability Card to establish mutual recognition between them.

The study recommends that the EU and Member States support a common core standard of shared principles for rights-based disability assessment and the creation and implementation of the **European Disability Card**.

Recommendations to the PETI Committee

- review the **petitions** received concerning barriers to the mobility of persons with disabilities arising from problems of disability assessment and recognition and report on its findings and opinions to **other relevant Committees and to the Parliament** for their consideration, by reaffirming its commitment to promote and protect the rights assured to persons with disabilities under the **CRPD**
- when responding to relevant petitions, encourage national authorities to adopt **internationally validated tools of assessment** and to collaborate with relevant authorities in other MS to **mutually recognise assessments** conducted using such tools
- promote adoption of the **European Disability Card** in all Member States, to the widest extent possible as means of recognition for access to benefits and services, both public and private.

Recommendations to the Commission

- renew the Flagship commitment in the EU disability Strategy to launch a **European Disability Card** before the end of **2023**
- frame its work on disability assessment and recognition in context of an **interactive, social and rights-based model of disability, consistent with the CRPD**
- develop and endorse a **statement of general principles** for rights-based disability assessment, in close consultation with organisations of persons with disabilities and promote this to the MS
- draw on the findings of EU-funded technical assistance projects and evaluations to assist the MS in establishing and sharing **good practice** in disability assessment
- facilitate agreements among the Member States on mutual recognition of a **common core evidence standard for selected disability assessment components**, based on internationally validated assessment tools, and protocols for data sharing
- enhance the functionality of the existing Card format to include facility for a **secure but mutually recognisable digital record, or parallel register**
- collaborate with the MS in creating an **online resource**, detailing information on how to obtain the Card, the benefits it provides, and contact details for support in each country.

Recommendations to the Member States

- reaffirm their commitment to the rights assured to persons with disabilities under the **CRPD**, in a **joint statement of general principles on disability assessment**
- accelerate and deepen their efforts to **reform** national disability assessment systems in line with CRPD recommendations, international best practice and mutual lesson learning, and in consultation with representatives of organisations of persons with disabilities
- adopt and promote the implementation of a **European Disability Card** to the fullest extent possible, collaborating **with public and private stakeholders** to ensure that it ensures access to a wide and increasing range of relevant disability **benefits and entitlements**
- participate in developing shared agreements on a **common core or equivalence framework for disability assessment**, based on internationally validated tools, that could be **mutually recognised as evidence** in national disability assessments, or as a shared baseline of eligibility for a European Disability Card, and appropriate protocols for data sharing.

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