



2023/0311(COD)

31.10.2023

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DRAFT 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

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 Articles 53(1) and 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 Economic and Social Committee of xx.xx. 2023¹ and the opinion of the Committee of the Regions of xx.xx. 2023,²
 - 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 report of the Committee on Employment and Social Affairs (A9 0000/2023),
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.

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.

Amendment 1

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) and the Charter of Fundamental Rights of the European Union (the ‘Charter’).

Or. en

Amendment 2

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)³, 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 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)³, 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. ***The Union and all Member States should further ratify the Optional Protocol of the UNCRPD.***

³ 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.

³ 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 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 and societal barriers that 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.

Or. en

Amendment 4

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The UNCRPD further recognises that women and girls with disabilities are subject to multiple discrimination, and

that State Parties should take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

Or. en

Amendment 5

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 2017⁴ 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).

⁴ 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 2017⁴ 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).

⁴ Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C 428, 13.12.2017, p. 10.

Or. en

Amendment 6

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.

Or. en

Amendment 7

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

deleted

Or. en

Amendment 8

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, ***understood as at least the period outlined in Article 6 of Directive 2004/38/EC or longer where in line with national law and practice***, a Member States 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.

Or. en

Amendment 9

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.

Or. en

Amendment 10

Proposal for a directive Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) Citizens of the Union have expressed concerns in a number of petitions delivered to the European Parliament and transmitted to the Commission relating to the introduction of an EU wide recognised EU Disability Card, Parking Card and the mutual recognition of the degree of disability by 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***

Or. en

Amendment 11

Proposal for a directive Recital 14

Text proposed by the Commission

Amendment

(14) Furthermore, not knowing whether

(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.

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. Ultimately, persons with disabilities may be deterred from exercising their rights of free movement.

Or. en

Amendment 12

Proposal for a directive

Recital 15

Text proposed by the Commission

(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 travel¹², 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 disabilities¹³. 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**.

¹² 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

Amendment

(15) Alongside **various** 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 travel¹², 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 disabilities¹³. 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 **personal autonomy**.

¹² 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.

¹³ McKercher and Darcy (2018), Re-conceptualizing barriers to travel by people with disabilities, *Tourism Management Perspectives*, 59-66. [More for Explanatory Memorandum?]

Disabilities: Constraints and Influences in the Decision-Making Process.

¹³ McKercher and Darcy (2018), Re-conceptualizing barriers to travel by people with disabilities, *Tourism Management Perspectives*, 59-66. [More for Explanatory Memorandum?]

Or. en

Amendment 13

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 **are 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 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.

Or. en

Amendment 14

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 period¹⁴. In addition, it included other examples of services, activities and facilities which offer special conditions or preferential treatment to persons with disabilities.

¹⁴ 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 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 period¹⁴. In addition, it included other examples of services, activities and facilities which offer special conditions or preferential treatment to persons with disabilities.

¹⁴ 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>.

Or. en

Amendment 15

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.

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.

Or. en

Amendment 16

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.

Or. en

Amendment 17

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

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 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.

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.

Or. en

Amendment 18

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. ***Persons accompanying or assisting persons with disabilities are***

designated by the persons with disabilities themselves and can change on an ad hoc basis depending on their needs.

Or. en

Amendment 19

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 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.***

Or. en

Amendment 20

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

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 Wallets¹⁶. Persons with disabilities should be **given the option** to use either the digital or physical **one**, or both.

¹⁶ COM(2021) 281final

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 Wallets¹⁶. Persons with disabilities should be **free to decide** to use either the digital or physical **cards**, or both.

¹⁶ COM(2021) 281final

Or. en

Amendment 21

Proposal for a directive Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) In order to strengthen the utility and impact of the European Parking Card for persons with disabilities, the Commission should establish a publicly available Union database, 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.

Or. en

Amendment 22

Proposal for a directive Recital 29

Text proposed by the Commission

Amendment

(29) In order to guarantee that workers with disabilities can effectively exercise their rights to free movement fully and also

(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.

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 also **applies to** workers who travel to or visit another Member State for work-related purposes **including frontier and cross-border workers with disabilities.**

Or. en

Amendment 23

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 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 Council²⁰.

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 Council²⁰.

Exceptionally such social security benefits, social protection and social assistance shall be covered in certain time-limited instances, either when moving to another Member State for work or study or while participating in the Union mobility programmes such as ERASMUS+, to allow for the temporary continued recognition of the disability status while the persons with disabilities are undergoing the reassessment process to have their disability status recognised

by another Member State.

²⁰ 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.

²⁰ 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.

Or. en

Amendment 24

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 accessible formats, for persons with

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-friendly manner and accessible formats, for

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

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

Or. en

Amendment 25

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 *and accessible* format, adapt the format to technical developments, prevent forgery and fraud and ensure interoperability.

Or. en

Amendment 26

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,

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 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.

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 further have a right to redress, including adequate compensation, in case of infringements of their rights arising from this Directive. Member States should ensure these provisions comply with the principle of reasonable accommodation for persons with disabilities in their design and implementation.*

Or. en

Amendment 27

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 and occupational integration and participation in the life of the community and to promote the application of Article 26 of the Charter.

Or. en

Amendment 28

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 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

(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 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,

Or. en

Amendment 29

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

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 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

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);

persons with disabilities or person(s) accompanying or assisting them including their personal assistant(s);

Or. en

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point aa (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 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 parking conditions and facilities offered to or reserved for persons with disabilities or person(s) accompanying or assisting them including their personal assistant(s);

Or. en

Amendment 31

Proposal for a directive

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Paragraph 2 shall exceptionally not apply in the following time-limited situations in order to ensure equal treatment and equal opportunities

between national and other Union citizens with disabilities:

a) where European Disability Card holders move to another Member State to engage in an employment contract or enrol in an educational institution until such time as their disability status is re-assessed and formally recognised by the competent authorities in the other Member State or

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

Or. en

Amendment 32

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), may derive from other provisions of Union law or national law implementing Union law, including those granting specific benefits, special conditions, or preferential treatment. ***In this regard, a European Disability Card shall never be required as proof of disability in order to access or exercise any such rights.***

Or. en

Amendment 33

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 the(ir) nationality***, accompanying or assisting persons with disabilities, who is recognised in accordance with the national legislation or practices as such;

Or. en

Amendment 34

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, 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 ***of*** whether provided on a voluntary basis or imposed by legal obligations;

Or. en

Amendment 35

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, ***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.

Or. en

Amendment 36

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

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 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

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 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) ***or situations referred to in Article 2(2a)***.

Or. en

Amendment 37

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 **and accessible** 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.

Or. en

Amendment 38

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 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.

Amendment

4. The European Disability Card shall 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. It shall be issued and renewed **free of charge for the beneficiary and within a reasonable period from the date of the application which shall not exceed either 60 days or 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*.

Or. en

Amendment 39

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 approval, may appeal a decision by the competent authorities regarding the issuance, renewal or withdrawal of a European Disability Card.

Or. en

Amendment 40

Proposal for a directive Article 6 – paragraph 7

Text proposed by the Commission

Amendment

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.

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 **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.

Or. en

Amendment 41

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 **and accessible** 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.

Or. en

Amendment 42

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 60 days.

Or. en

Amendment 43

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 approval, may appeal a decision by the competent authorities regarding the issuance, renewal or withdrawal of a European Parking Card.

Or. en

Amendment 44

Proposal for a directive Article 7 – paragraph 7

Text proposed by the Commission

Amendment

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.

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 **and accessible** 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.

Or. en

Amendment 45

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

Text proposed by the Commission

Amendment

7a. The Commission shall establish a publicly available Union database that contains relevant information related to the applicable parking conditions and facilities as defined at local, regional, or national level in each Member State. The database shall be available in all EU languages and in accessible formats. Member States shall ensure public authorities upload this information to the database and update it where necessary.

Or. en

Amendment 46

Proposal for a directive Article 9 – title

Text proposed by the Commission

Amendment

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

Surveillance ***and*** compliance

Or. en

Amendment 47

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

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

deleted

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

Or. en

Amendment 48

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

Or. en

Amendment 49

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

Text proposed by the Commission

Amendment

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 in any way to their stigmatisation.

Or. en

Amendment 50

Proposal for a directive Article 9 – paragraph 4

Text proposed by the Commission

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.

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 **should** the conditions under which they were issued no longer **be** fulfilled.

Or. en

Amendment 51

Proposal for a directive Article 9 – paragraph 7

Text proposed by the Commission

3. ***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

Or. en

Amendment 52

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 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, national sign languages and easy to read format, and upon request in assistive formats requested by persons with disabilities.

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. The Commission shall undertake a European awareness raising campaign in cooperation with the Member States.

3. 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. The Commission shall collate this information from Member States on a single dedicated Union website.

4. The information referred to in paragraph 1 and 2 of 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.

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 of the Directive.

Or. en

Amendment 53

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.*

Or. en

Amendment 54

Proposal for a directive Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Commission shall be assisted by a committee *and shall meaningfully involve representative organisations of persons with disabilities.* That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Or. en

Amendment 55

Proposal for a directive Article 13 – title

Text proposed by the Commission

Enforcement

Amendment

Enforcement **and remedies**

Or. en

Amendment 56

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 **the enforcement of** this Directive.

Or. en

Amendment 57

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.

Or. en

Amendment 58

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 to redress, including adequate compensation, in case of infringements of their rights arising from this Directive.

Or. en

Amendment 59

Proposal for a directive Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure these provisions comply with the principle of reasonable accommodation for persons with disabilities in their design and implementation.

Or. en

Amendment 60

Proposal for a directive Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The penalties provided for must be

2. The penalties provided for must be

effective, proportionate and dissuasive and be accompanied by effective remedial action.

effective, proportionate and dissuasive and be accompanied by effective remedial action *either in the form of fines or the payment of adequate compensation.*

Or. en

Amendment 61

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 a clear, comprehensive, user-friendly and easily accessible way and in* accessible formats.

Member States shall establish a single dedicated website collating the special conditions or preferential treatment offered by their public authorities. 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 language(s) of the Member States and English as well as any other relevant language(s) as determined by the Member State.

Or. en

Amendment 62

Proposal for a directive Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall encourage

Amendment

2. Member States shall *support and*

private operators or public authorities to voluntarily provide special conditions or preferential treatment for persons with disabilities.

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*.

Or. en

Amendment 63

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 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 *without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages*.

Or. en

Amendment 64

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,

Amendment

1. By dd/mm/yy [*two* years after the date of application of this Directive], and every *four* years thereafter, the Commission shall submit to the European

the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

Or. en

Amendment 65

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, in the light of social, economic **and other relevant** 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.

Or. en

Amendment 66

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**.

Or. en

Amendment 67

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] 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

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.

Or. en

Amendment 68

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].

Or. en

Amendment 69

Proposal for a directive Annex II – paragraph 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;

Or. en

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: 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 report:

Entity and/or person
European Disability Forum
European Commission