



2023/0311(COD)

29.11.2023

COMPROMISE AMENDMENTS

1 - 12

Draft opinion
Rosa Estaràs Ferragut
(PE756.357v01-00)

Establishing the European Disability Card and the European Parking Card for persons with disabilities

Proposal for a directive
(COM(2023)0512 – C9-0328/2023 – 2023/0311(COD))

Amendment 1

Rosa Estaràs Ferragut, Abir Al-Sahlani, Susana Solís Pérez, Irène Tolleret, Sylvie Brunet, Karen Melchior

Compromise amendment replacing Amendment(s): 44, 46, 47

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

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

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

(2c) Whereas the resolution of 4 October 2023 entitled ‘Harmonising the rights of autistic persons’^{2a}, highlights the importance of the proposal on the EU disability card,

1a

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

2a

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

Or. en

Amendment 2

Rosa Estaràs Ferragut, Monika Vana

Compromise amendment replacing Amendment(s): 48, 5

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 3

Rosa Estaràs Ferragut, Monika Vana, Abir Al-Sahlani, Sylvie Brunet, Karen Melchior, Irène Tolleret, Susana Solís Pérez

Compromise amendment replacing Amendment(s): 2, 4, 63, 66, 113

Proposal for a directive

Recital 3 b (new)

Text proposed by the Commission

Amendment

(3 b) The equality and non-discrimination mandate contained in Article 5 of the CRPD is relevant, as the European Disability Card is meant to accelerate the equality of persons with disabilities through their mutual recognition within the EU. There is a need to approach mobility and free movement in a gender sensitive way so that this legislation contributes to recognising the rights of women and girls with disabilities, mothers and caregivers of persons with disabilities and adopting an intersectional approach in protecting them from discrimination. It is imperative to recognize that women and girls with disabilities are affected by discrimination

in many areas of life including social isolation, lack of access to community services, low-quality housing, institutionalisation and inadequate healthcare which hampers them from contributing and engaging actively in society. Women with disabilities are 10 times more likely to experience physical or sexual assault than women without disabilities and therefore information on the access to specialized support services should be made available for those women with disabilities having suffered any form of gender based violence. Overall, the situation for women and girls with disabilities is worse than those of men and boys with disabilities, with this being accentuated for example in rural areas where access to services and opportunities in general is much more limited. Any person with a factual disability, according to the meaning stated in Article 1 of the CRPD, when they reside or move in an EU Member State other than their own, should have their disability status recognised.

Or. en

Amendment 4

Rosa Estaràs Ferragut, Monika Vana, Maria-Manuel Leitão-Marques, Radka Maxová, Sandra Pereira, Abir Al-Sahlani, Susana Solís Pérez, Sylvie Brunet, Karen Melchior, Irène Tolleret

Compromise amendment replacing Amendment(s): 1, 62, 55, 53, 56, 57, 50, 54, 86, 77, 10

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

Amendment

(6) The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect of their inherent dignity, thus ensuring their full and effective participation and inclusion in society on an equal basis with others. ***In its***

UNCRPD also recognises the importance of the need to take appropriate measures to ensure accessibility to persons with disabilities.

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

(6 a) It is necessary to acknowledge that women and girls with disabilities face increased risk of violence and abuse, including sexual abuse, and have heightened vulnerability on account of their sex, age and disability,

(6 b) Figures clearly show that caregivers of disabled people are in their vast majority women and that therefore a gender sensitive approach has to be

applied also when considering the caregivers side.

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

Or. en

Amendment 5

Rosa Estaràs Ferragut, Maria-Manuel Leitão-Marques, Radka Maxová, Abir Al-Sahlani, Susana Solís Pérez, Sylvie Brunet, Karen Melchior, Irène Tolleret, Monika Vana

Compromise amendment replacing Amendment(s): 52, 51, 67, 85

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

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

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

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

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

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

Or. en

Amendment 6
Sandra Pereira

Compromise amendment replacing Amendment(s): 104, 78

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 7
Sandra Pereira

Compromise amendment replacing Amendment(s): 13, 91

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

Text proposed by the Commission

Amendment

(3a) Information and counselling services for women and girls with disabilities.
(3b) specialised information service, assistance and support to women and girls with disabilities who are victims of violence.

Or. en

Amendment 8
Rosa Estaràs Ferragut, Sandra Pereira

Compromise amendment replacing Amendment(s): 116, 124, 137

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall take all necessary measures to recognise all persons with disabilities who are holders of a European Disability Card to ensure mutual recognition of the card as means of protection against discrimination on

the grounds of disability, with the consequent right of access throughout the EU to the remedies and mechanisms provided against breaches of rights and lack of effective equal treatment; in particular Member States shall ensure that the European Disability Card is equally accessible to people with disabilities regardless of their sex, gender, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Or. en

Amendment 9

Maria-Manuel Leitão-Marques, Radka Maxová

Compromise amendment replacing Amendment(s): 132, 130, 143, 144

Proposal for a directive

Article 6 – paragraph 5

Text proposed by the Commission

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

Amendment

5. The European Disability Card shall be issued as a physical card and shall be complemented by a digital format upon adoption of the delegated acts referred to in paragraph 7. Persons with disabilities shall be given the option to use either the digital or physical card, or both. ***The process to request and acquire a European Disability Card issued by Member States shall be designed in a simplified way. For the persons with disabilities applying for the card, an option could be for example to list on the back of the card their specific requirements. In that way there should not be any physical nor digital barrier for granting their equal access to the free of charge issuance or renewal of the card. It is important to guarantee its full accessibility and usability by all people with disabilities, especially by women and girls with disabilities who are particularly***

at risk of being digitally excluded.

Or. en

Amendment 10

Monika Vana, Abir Al-Sahlani, Susana Solís Pérez, Sylvie Brunet, Irène Tolleret, Radka Maxová

Compromise amendment replacing Amendment(s): 150, 151, 152

Proposal for a directive

Article 9 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 11

Abir Al-Sahlani, Susana Solís Pérez, Sylvie Brunet, Karen Melchior, Irène Tolleret

Compromise amendment replacing Amendment(s): 170, 172

Proposal for a directive

Article 16 – paragraph 2

Text proposed by the Commission

2. The report shall address, inter alia,

Amendment

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.

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

Or. en

Amendment 12

Abir Al-Sahlani, Susana Solís Pérez, Karen Melchior, Irène Tolleret, Radka Maxová, Sylvie Brunet

Compromise amendment replacing Amendment(s): 171, 156

Proposal for a directive Article 16 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Member States shall communicate to the Commission, at its request and in due time, all the information necessary for the Commission to draw up such a report. *This information shall include, inter alia, a clear gender perspective on the implementation of the Disability Card.*

Member States shall collect gender-disaggregated data in order to identify the forms of multiple discrimination that are faced by women and girls with disabilities when accessing special conditions or preferential treatment with respect to services, activities or facilities, or parking conditions and facilities offered to or reserved for persons with disabilities or person(s) accompanying or assisting them including their personal assistant(s), in compliance with the obligations deriving from the European Disability Card or European Parking Card for persons with disabilities, This data should be used for the gender impact assessment of the Directive and guarantee its gender-mainstreamed revision in the future.

Or. en