



Committee on the Internal Market and Consumer Protection
The Chair

05.12.2023

Mr Dragoş PÎSLARU Dragoş
Chair
Committee on Employment and Social Affairs
BRUSSELS

Subject: Opinion in the form of a letter 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))

Dear Mr Chair,

Under the procedure referred to above, the Committee on the Internal Market and Consumer Protection has been asked to submit an opinion to your committee. At its meeting of 25 October 2023, the committee decided to send the opinion in the form of a letter.

The Committee on the Internal Market and Consumer Protection considered the matter at its meeting of 4 December 2023 and adopted its opinion in the form of a letter at that meeting¹. It decided to call on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its legislative report.

Yours sincerely,

Anna CAVAZZINI
Chairwoman

¹ The following were present for the final vote: Andrus Ansip (Vice-Chair), Maria Grapini (Vice-Chair), Maria-Manuel Leitão-Marques (Vice-Chair), Pablo Arias Echeverría, Laura Ballarín Cereza, Biljana Borzan, Markus Buchheit, Maria da Graça Carvalho, Dita Charanzová, Deirdre Clune, Malte Gallée, Sandro Gozi, Eugen Jurzyca, Włodzimierz Karpiński, Morten Løkkegaard, Antonius Manders, Karen Melchior, Anne-Sophie Pelletier, Miroslav Radačovský, René Repasi, Andreas Schwab, Róza Thun und Hohenstein, Kim Van Sparrentak, Tom Vandenkendelaere, Marion Walsmann, Marco Zullo, Estrella Durá Ferrandis (pursuant to Rule 209(7)), Ska Keller (pursuant to Rule 209(7)).

SUGGESTIONS

The Committee on Internal Market and Consumer Protection calls on the Committee on Employment and Social Affairs, as the Committee responsible, to take into account the following suggestions:

1. The IMCO Committee warmly welcomes the Commission proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities as a long awaited initiative to respond to the concerns of citizens with disabilities and their calls to fully enjoy freedom of movement and access to services in the EU. The importance of accessibility issues to the Committee was highlighted by its recent own-initiative report on the AccessibleEU Centre.² In that report, the IMCO Committee recalled that accessibility is an essential precondition for persons with disabilities to fully enjoy human rights and fundamental freedoms. It is one of the general principles of the Convention on the Rights of Persons with Disabilities, which is legally binding on the EU and its Member States.

2. The IMCO Committee also recalls the rooting of the proposal in the values and principles of the internal market. The proposal complements Directive 2006/123 on services in the internal market³. Thus, the legal bases of the proposal are Articles 53(1) and Article 62 TFEU (concerning services normally provided for remuneration in the internal market), as the proposal will grant cardholders the right to benefit from appropriate, specialized and preferential conditions/treatment when accessing services on an equal basis with persons with a disability in the visited Member State.

3. Furthermore, the proposal complements the European Accessibility Act (Directive 2019/882)⁴ and the Web accessibility Directive (Directive (EU) 2016/2102),⁵ both of which aim to eliminate and prevent barriers arising from divergent accessibility requirements in the Member States. The importance of the European Accessibility Act as background to the proposal is explained by recital 8. These pieces of legislation are important achievements of the IMCO Committee from the previous legislature, and the Committee would like to underline their on-going relevance to the debate about accessibility, and to highlight that these fundamental internal market achievements have paved the way for the adoption of the Disability Card proposal.

4. As regards the internal market principles on which the European Disability Card and the European Parking Card are built, the IMCO Committee recalls the Commission's position, as set out in recital 22 to the proposal, that mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities should facilitate and fully guarantee the exercise by persons with disabilities, when travelling to or visiting another Member State, of their rights to receive and benefit from special conditions and/or preferential treatment offered by private operators or public authorities to access services, including passenger transport services, activities and facilities, including when provided not for remuneration, as well as easy access to parking conditions and facilities reserved for persons with disabilities, without discrimination on grounds of nationality or place of residence, on equal terms and

² 2022/2013(INI).

³ OJ L 376, 27.12.2006, p 36.

⁴ Directive (EU) 2019/882 on the accessibility requirements for products and services, OJ L 150, 7.6.2019, p 70.

⁵ Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies.

conditions as those provided for on the basis of national certificates, disability cards or other formal documents recognising their disability status issued by the competent authorities in the host country.

5. The IMCO Committee also underlines the importance of finding the best means for disseminating information amongst people with disabilities, so that visitors from one Member State are able to easily find information regarding the rights and obligations they have in the visited Member State. The IMCO Committee welcomes the Accessible EU initiative and believes that it could include useful information regarding the European Disability Card and the European Parking Card for persons with disabilities.

6. The Disability Card will serve as a basis for raising greater awareness of diversity and promoting the acceptance of people with disabilities in society, while also strengthening the right to free movement of persons with disabilities within the European Union. The Disability Card will also be particularly helpful for people with invisible disabilities, who are often faced with additional attitudinal barriers.

7. This instrument will guarantee non-discrimination when moving across EU countries and creating certainty and removing administrative barriers for both persons with disabilities and private and public operators of services, facilities and activities. In order to strengthen the proposal on the Parking Card and to make some concrete improvements for persons with disabilities, a new database should be set up to inform persons with disabilities of the different parking rights and rules concerning disabled parking spaces in the different Member States and its regions, cities, and municipalities.

8. Persons with disabilities still face significant barriers to free movement when moving permanently to another Member State to work or study. Therefore, an exemption to Article 2(2) would be recommended in order to allow a temporary recognition of one's disability status for the transition phase when moving abroad for work or studies, and while one is undergoing the reassessment procedure to have one's disability recognised by the new Member State. This exemption should also apply to participants in EU Mobility Programmes, such as ERASMUS+.

9. Considers that to guarantee the free movement of workers with disabilities and to promote the inclusion of persons with disabilities in the workforce, the European Disability Card should also be available to those persons with disabilities that travel to other Member States for work-related purposes.

10. In line with the Commission's proposal, mutual recognition is the key mechanism by which the aims of the proposal are to be achieved, so that no extra actions are required from the cardholder. The IMCO Committee stands fully behind this means of enhancing the rights of persons with disabilities, promoting their independence and their full participation in society. This is a simple way of achieving those aims and fully in line with the approach adopted in internal market legislation.

11. At the same time, the IMCO Committee welcomes the Commission's position that the granting of such rights to persons with disabilities should build on, and not undermine, protection already afforded at national level, in order to strengthen the exercise of the free movement rights of persons with disabilities. Thus, the IMCO Committee welcomes the position taken by the Commission that, as stated in Article 2 and recital 30, the proposal 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). The proposal is a minimum harmonisation initiative, in that it does not prevent Member States from granting additional recognition for persons with disabilities. The IMCO Committee welcomes this approach. However, it emphasises that the minimum harmonisation approach should not be used as a justification to avoid more ambitious provisions and, furthermore, encourages Member States to cooperate closely in this sector in order to achieve a high level of integration and protection for all European citizens living with disabilities.

12. The IMCO Committee welcomes the mixed approach taken by the Commission to the format of the Disability Card and the European Parking Card. It welcomes the digital-friendly aspect, which is fully in line with the modern approach taken in other internal market legislation, such as the Web accessibility Directive. However, as in other fields, it is important to ensure that the Disability Card and the European Parking Card are fully and easily available and understandable to all users, including those who are not familiar with digital technologies and to whom such technologies pose challenges, in order to allow for immediate understanding not only for persons with disabilities, but also for persons who give assistance to them or who are asked to assist them. The Disability Card should make clear at least what type of assistance the person needs and, at best, what the disability of the person is. Therefore, the Card should have clear information, including pictograms, showing the kind of assistance needed.

13. Thus, the IMCO Committee welcomes the explicit position taken by the Commission that a physical card, with digital elements capable of being read with electronic means, should also be available, and, as stated in Articles 6(5) and 7(6) and recital 26, that the user should always be given the choice between a physical or a digital card, or both. It is important to stress, however, that while braille is included in the European Disability Card, it is missing from the European Parking Card. The physical European Parking Card should be fully accessible, including the addition of braille on the card itself. The European Parking Card should be displayed in braille using the Marburg code dimensions, which will facilitate the identification of the card by the users.

14. The IMCO Committee stresses the importance of ensuring the effectiveness of the European Disability Card and the European Parking Card through a proper communication campaign and the involvement of local and regional authorities, including police services.

15. While guaranteeing the Member State's prerogatives to award national disability cards to persons with disabilities, the IMCO Committee encourages the Commission to consider the future merging of national and European disability cards.

16. At the same time, the IMCO Committee acknowledges the broad delegation of power to the Commission to amend the standardised format of the Card, and believes that changes in this sense should not lead to misinterpretation by users and by authorities responsible for issuing the Card, which would undermine the achievement of the aims of the Directive.

17. The IMCO Committee suggests the inclusion of a non-exhaustive list of specific performance indicators to the reporting and review clause, specifically, the addition of impact and result indicators, including the impact on the transport sector, public authorities, institutions and public budgets and on the distributional impact across Member States, to the purely output-oriented ones — such as the number of Member States having transposed the Directive, number

of European Disability Cards, and number of European Parking Cards issued by Member States. The information on quantitative costs and benefits of the Directive would be also useful. These additions aim to provide a better evaluation of the Directive's transposition and application, contributing to a more robust and informed decision-making process.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The Chair, in her capacity as rapporteur, declares under her exclusive responsibility that she did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.