

**Amended proposal for a Council Decision on the European Year of People with Disabilities
2003 ⁽¹⁾**

(2002/C 75 E/16)

(Text with EEA relevance)

COM(2001) 721 final — 2001/0116(CNS)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 28 November 2001)

⁽¹⁾ OJ C 240 E, 28.8.2001, p. 160.

INITIAL PROPOSAL

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Whereas:

- (1) The promotion of a high level of employment and social protection, and raising the standard of living and quality of life among Member States are aims of the Community.
- (2) The Community Charter of the Fundamental Social Rights of Workers recognises the need to take appropriate action for the social and economic integration of people with disabilities.

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Unchanged

- (3) The resolution of the Council and the Ministers for Education meeting within the Council of 31 May 1990 ⁽¹⁾ concerning integration of children and young people with disabilities into ordinary systems of education states that 'the Member States have agreed to intensify, where necessary, their efforts to integrate or encourage integration of pupils and students with disabilities, in all appropriate cases, into the ordinary education system'.

⁽¹⁾ OJ C 162, 3.7.1990, p. 2.

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- (3) The Resolution of the Council and of representatives of the Governments of Member States meeting within the Council of 20 December 1996 on equality of opportunity for people with disabilities ⁽¹⁾, and the Resolution of the Council of 17 June 1999 on equal employment opportunities for people with disabilities ⁽²⁾, reaffirm the basic human rights of people with disabilities to equal access to social and economic opportunities.
- (4) The Conclusions of the Lisbon European Council of 23 and 24 March 2000 call upon Member States to take greater account of social exclusion in their employment, education and training, health and housing policies and to define priority actions for specific target groups, such as people with disabilities.
- (5) The European Social Agenda adopted at the Nice European Council Meeting of 7, 8, 9 December 2000 states that the European Union will develop, in particular during the European Year of People with Disabilities (2003), all action intended to bring about the fuller integration of people with disabilities in all areas of life.
- (6) This decision respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union as general principles of Community law. In particular, this decision seeks to ensure full respect for the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of the non-discrimination principle (Article 26 and Article 21 of the Charter of Fundamental Rights of the European Union ⁽³⁾).
- (7) The European Parliament, the Economic and Social Committee and the Committee of the Regions have all urged the Community to strengthen its contribution to efforts in Member States to promote equal opportunities for people with disabilities.

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- (4) The Resolution of the Council and of representatives of the Governments of Member States meeting within the Council of 20 December 1996 on equality of opportunity for people with disabilities ⁽¹⁾, and the Resolution of the Council of 17 June 1999 on equal employment opportunities for people with disabilities ⁽²⁾, reaffirm the basic human rights of people with disabilities to equal access to social and economic opportunities.
- (5) The Conclusions of the Lisbon European Council of 23 and 24 March 2000 call upon Member States to take greater account of social exclusion in their employment, education and training, health and housing policies and to define priority actions for specific target groups, such as people with disabilities.
- (6) The European Social Agenda adopted at the Nice European Council Meeting of 7, 8, 9 December 2000 states that the European Union will develop, in particular during the European Year of People with Disabilities (2003), all action intended to bring about the fuller integration of people with disabilities in all areas of life.
- (7) 2003 will mark the tenth anniversary of the adoption by the United Nations General Assembly of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, which have enabled considerable progress to be made on approaching disability from a human rights perspective.
- (8) This decision respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union as general principles of Community law. In particular, this decision seeks to ensure full respect for the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of the non-discrimination principle (Article 26 and Article 21 of the Charter of Fundamental Rights of the European Union ⁽³⁾).
- (9) The European Parliament, the Economic and Social Committee and the Committee of the Regions have all urged the Community to strengthen its contribution to efforts in Member States to promote equal opportunities for people with disabilities with a view to integrating them into society.

⁽¹⁾ OJ C 12, 13.1.1997.

⁽²⁾ OJ C 186, 2.7.1999, p. 3.

⁽³⁾ OJ C 364, 18.12.2000, p. 1.

⁽¹⁾ OJ C 12, 13.1.1997.

⁽²⁾ OJ C 186, 2.7.1999, p. 3.

⁽³⁾ OJ C 364, 18.12.2000, p. 1.

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- (8) The general framework for equal treatment in employment and occupation provided for by Council Directive 2000/78/EC ⁽¹⁾ and the Community programme to support and supplement legislative measures at Community and Member State level set up by Council Decision EC ⁽²⁾, aim at changing practices and attitudes by mobilising the players involved and fostering the exchange of information and good practice.
- (9) Since exclusion from the labour-market of people with disabilities is inextricably linked to problems of and a lack of information about disability, it is necessary to increase society's understanding of the rights, needs and potential of disabled persons, and a joint effort by all the different partners is required to develop and promote a flow of information
- (10) Raising awareness relies primarily on effective action at Member State level. Action should be supplemented by concerted efforts at Community level and the European Year could act as a catalyst in raising awareness and in building momentum.

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- (10) On 12 May 2000 the Commission adopted a communication entitled 'Towards a Barrier-Free Europe for People with Disabilities' in which it undertook to develop and support an integrated overall strategy for dealing with the social, architectural and design-related obstacles which needlessly prevent disabled people from participating in economic and social activity. The Parliament adopted a similar resolution unanimously.
- (11) The general framework for equal treatment in employment and occupation provided for by Council Directive 2000/78/EC ⁽¹⁾ and the Community programme to support and supplement legislative measures at Community and Member State level set up by Council Decision 750/2000/EC ⁽²⁾, aim at changing practices and attitudes by mobilising the players involved and fostering the exchange of information and good practice.
- (12) Since exclusion from the labour-market of people with disabilities is inextricably linked to problems of structure and attitude, prejudice and a lack of information about disability, it is necessary to increase society's understanding of the rights, needs and potential of disabled persons, and a joint effort by all the different partners is required to develop and promote a flow of information and exchange of good practice. Such raising of awareness must focus to a greater extent on the social aspects of disability.
- (13) Raising awareness relies primarily on effective action at Member State level. Action should be supplemented by concerted efforts at Community level and the European Year could act as a catalyst in raising awareness and in building momentum.
- (14) Collaboration, dialogue and prior concertation with disabled persons must always be at the centre of any strategy or policy concerning disability.
- (15) The Year's activities must embrace the many different kinds of disability, including physical, sensory, mental and psychological.

⁽¹⁾ OJ L 303, 2.12.2000, p. 16.

⁽²⁾ OJ L 303, 2.12.2000, p. 23.

⁽¹⁾ OJ L 303, 2.12.2000, p. 16.

⁽²⁾ OJ L 303, 2.12.2000, p. 23.

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- (11) Consistency and complementarity with other Community action is needed, in particular with action to combat discrimination and social exclusion, and to promote human rights, education, training and gender equality.
- (12) The Agreement on the European Economic Area (EEA Agreement) provides for greater co-operation in the social field between the European Community and its Member States, on the one hand, and the countries of the European Free Trade Association participating in the European Economic Area (EFTA/EEA), on the other. Provision should be made to open this programme to participation by the candidate countries of Central and Eastern Europe, in accordance with the conditions established in the Europe Agreements, in their additional protocols and in the decisions of the respective Association Councils, to Cyprus and Malta, funded by additional appropriations in accordance with the procedures to be agreed with those countries, as well as to Turkey, funded by additional appropriations in accordance with the procedures to be agreed with that country.
- (13) In accordance with the principles of subsidiarity and proportionality as defined in Article 5 of the Treaty, the objectives of the proposed action aimed at generating at Community level awareness of the rights of people with disabilities cannot be adequately achieved by the Member States because, *inter alia*, of the Community-wide dimension of the issue, the need for multilateral partnerships, the transnational exchange of information and the Community-wide dissemination of good practice. This Decision does not go beyond what is necessary to achieve those objectives.
- (14) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽¹⁾, measures for the implementation of this Decision should be adopted by use of the advisory procedure provided for in Article 3 of that Decision,

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- (16) Consistency and complementarity with other Community action is needed, in particular with action to combat discrimination and social exclusion, and to promote human rights, education, training and gender equality.
- (17) Information from the Community Institutions must be available on request in an accessible form of presentation (large print, braille, tapes, etc.).
- (18) The joint declaration of 20 July 2000 provides for an opinion from the budgetary authority on whether the new proposals with a budgetary impact are compatible with the financial framework without any watering down of existing policy.
- (19) The Agreement on the European Economic Area (EEA Agreement) provides for greater co-operation in the social field between the European Community and its Member States, on the one hand, and the countries of the European Free Trade Association participating in the European Economic Area (EFTA/EEA), on the other. Provision should be made to open this programme to participation by the candidate countries of Central and Eastern Europe, in accordance with the conditions established in the Europe Agreements, in their additional protocols and in the decisions of the respective Association Councils, to Cyprus and Malta, funded by additional appropriations in accordance with the procedures to be agreed with those countries, as well as to Turkey, funded by additional appropriations in accordance with the procedures to be agreed with that country.
- (20) In accordance with the principles of subsidiarity and proportionality as defined in Article 5 of the Treaty, the objectives of the proposed action aimed at generating at Community-level awareness of the rights of people with disabilities cannot be adequately achieved by the Member States because, *inter alia*, of the Community-wide dimension of the issue, the need for multilateral partnerships, the transnational exchange of information and the Community-wide dissemination of good practice. This Decision does not go beyond what is necessary to achieve those objectives.
- (21) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽¹⁾, measures for the implementation of this Decision should be adopted by use of the advisory procedure provided for in Article 3 of that Decision,

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

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HAS DECIDED AS FOLLOWS:

*Article 1***Establishment of the European Year of People with Disabilities**

The year 2003 shall be designated as the 'European Year of People with Disabilities'.

*Article 2***Objectives**

The objectives of the European Year of People with Disabilities shall be:

- (a) to raise awareness of the rights of people with disabilities to protection against discrimination and to full and equal enjoyment of their rights as laid down, *inter alia*, in the provisions of the Charter of Fundamental Rights of the European Union;
- (b) to encourage reflection on and discussion of the measures needed to promote equal opportunities for people with disabilities in Europe;
- (c) to promote the exchange of experience of good practice and effective strategies devised at local, national and European level;
- (d) to reinforce the co-operation between all parties concerned, namely government at all levels, the private sector, communities, voluntary sector groups, and their families,
- (e) to highlight the positive contribution that people with disabilities make to society as a whole, in particular by putting a value on diversity and by creating a positive and accommodating environment;
- (f) to make people aware of the heterogeneity of people with disabilities and the different forms of discrimination to which they are exposed;

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Unchanged

- (a) to raise awareness of the rights of people with disabilities to protection against discrimination and to full and equal enjoyment of their fundamental human rights as laid down, *inter alia*, in the provisions of the Charter of Fundamental Rights of the European Union;

Unchanged

- (d) to reinforce the co-operation between all parties concerned, namely government at all levels, the private sector, communities, voluntary sector groups, non-government organisations, charities, the social partners, the education sector, and all types of organisations of or for people with disabilities and their families, with society in general; where appropriate backed up by research;

Unchanged

- (g) to stress the importance of the family's role at all stages of disabled people's lives, with particular emphasis on the problems that arise when the parents of children with a disability get older;

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*Article 3***Content of measures**

1. The measures designed to meet the objectives set out in Article 2 the development of or the provision of support to:

- (a) meetings and events;
- (b) information and promotional campaigns involving the production of tools and aids accessible to people with disabilities throughout the Community;
- (c) co-operation with broadcasting and media organisations;
- (d) surveys and studies on a Community-wide scale;

2. Details of the measures referred to in paragraph 1 are set out in the Annex.

*Article 4***Implementation at Community level**

The Commission shall ensure the implementation of the Community actions covered by this Decision in conformity with the Annex.

It shall conduct a regular exchange of views with representatives of people with disabilities at Community level on the design, implementation and follow-up of the European Year of the People with Disabilities. To that end, the Commission shall make the relevant information available to these representatives. The Commission shall inform the Committee established under Article 6(1) of their opinion.

(h) to draw particular attention to the situation of people with severe or multiple disabilities and to the need to combat abuse and acts of violence against disabled people, particularly those in institutions, more effectively;

(i) to pay particular attention to increasing awareness of the right of disabled children and young people to equality in education so as to promote and support their full integration into society, and to promote cooperation between European professionals in education for disabled children and young people with a view to improving the integration of pupils and students with special needs into mainstream or specialised establishments and national and European exchange programmes.

Unchanged

1. The measures designed to meet the objectives set out in Article 2 may entail the development of or the provision of support to:

Unchanged

(c) co-operation with broadcasting and media organisations of all kinds;

Unchanged

(e) creation of partnerships between all interested parties at local, national and European level.

Unchanged

It shall conduct a regular exchange of views with representatives of individuals, groups and organisations of people with disabilities at Community level on the design, implementation and follow-up of the European Year of the People with Disabilities. To that end, the Commission shall make the relevant information available to these representatives. The Commission shall inform the Committee established under Article 6(1) of their opinion.

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Article 5

Unchanged

Cooperation and implementation at national level

1. Each Member State shall be responsible for the co-ordination and implementation at national level of the measures provided for in this Decision, including the selection of projects under Part B of the Annex.

To this end, each Member State, shall establish or designate a national co-ordinating body or an equivalent administrative body to organise its participation in the European Year of People with Disabilities. This body shall ensure that that it is representative of a range of organisations representing people with disabilities and other relevant stakeholders.

To this end, each Member State, having consulted the local and regional authorities where necessary, shall establish or designate a national co-ordinating body or an equivalent administrative body to organise its participation in the European Year of People with Disabilities. This body shall ensure that all types of disability are covered and, by means of extensive consultation, that it is representative of a range of organisations representing people with disabilities and other relevant stakeholders.

2. In accordance with the procedure referred to in Article 6(2), the Commission shall determine global grants which shall be allocated to the Member States to support actions at national, regional and local level. Global grants shall be awarded only to public-law bodies or bodies which have a public-service mission guaranteed by the Member States.

Unchanged

3. The procedure for the use of global grants shall be subject to an agreement between the Commission and the Member State concerned.

The procedure shall detail in particular, in compliance with the Financial Regulation applicable to the general budget of the European Communities:

- (a) the measures to be implemented;
- (b) the criteria for choosing beneficiaries;
- (c) the conditions and rates of assistance;
- (d) the arrangements for monitoring, evaluating and ensuring the financial control of the global grant.

*Article 6***Committee**

1. The Commission shall be assisted by a committee, composed of representatives of the Member States and chaired by the representative of the Commission.

2. Where reference is made to this paragraph, the advisory procedure laid down in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof.

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*Article 7***Financial arrangements**

1. Measures which are Community-wide in nature, as described in Part A of the annex, may be subsidised up to 80 % or give rise to procurement contracts financed from the general budget of the European Communities.

2. Measures which are local, regional, national, or transnational in nature, as described in Part B of the annex, may be co-financed from the general budget of the European Communities up to a maximum of 50 % of the total cost.

*Article 8***Application and selection procedure**

1. Decisions on the financing and co-financing of measures under Article 7(1) shall be adopted by the Commission in accordance with the procedure referred to in Article 6(2). The Commission shall ensure a balanced distribution among the different fields of activity involved.

2. Requests for financial assistance for measures under Article 7(2) shall be submitted to the Member States. On basis of the opinion expressed by the national co-ordinating bodies, Member States shall select beneficiaries and allocate financial assistance to the applicants selected in accordance with the procedures to be established under Article 5(3).

*Article 9***Consistency**

The Commission, in co-operation with the Member States, shall ensure consistency between the measures provided for in this Decision and other Community action and initiatives.

It shall also ensure the between the European Year of People with Disabilities and other existing Community, national and regional initiatives and resources, where these can contribute to fulfilling the objectives of the European Year of People with Disabilities.

Consistency, coordination and coherence

Unchanged

The Commission shall also ensure that appropriate efforts are undertaken to enable people with disabilities to participate in Community programmes and initiatives on an equal footing.

It shall also ensure the greatest possible coherence between the European Year of People with Disabilities and other existing Community, national and regional initiatives and resources, where these can contribute to fulfilling the objectives of the European Year of People with Disabilities.

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Article 10

Unchanged

Participation by the EFTA/EEA countries, the associated countries of Central and Eastern Europe, Cyprus, Malta and Turkey

The European Year of People with Disabilities shall be open to participation by the EFTA/EEA countries in accordance with the conditions established in the EEA Agreement.

The candidate countries of Central and Eastern Europe shall participate in accordance with the conditions established in the Europe Agreements, in their additional protocols and in the decisions of the respective Association Councils.

The participation of Cyprus, Malta and Turkey shall be funded by additional appropriations in accordance with procedures to be agreed with those countries.

*Article 11***Budget**

Actions aimed at preparing the launching of the European Year may be financed as from 1 January 2002.

*Article 12***International cooperation**

Within the framework of the European Year, the Commission with relevant international organisations.

Within the framework of the European Year, the Commission shall cooperate with relevant international organisations.

Article 13

Unchanged

Monitoring and evaluation

The Commission shall submit, by 31 December 2004 at the latest, a report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the measures provided for in this Decision.

The Commission shall submit, by 31 December 2004 at the latest, a report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the measures provided for in this Decision. The Commission shall ensure that the report is presented in formats accessible to people with disabilities.

Article 14

Unchanged

Entry into force

This Decision shall be published in the *Official Journal of the European Communities*. It shall take effect on the day of its publication.

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ANNEX

NATURE OF THE MEASURES REFERRED TO IN ARTICLE 3

A. Community-wide action

Unchanged

1. Meetings and events:

- (a) organisation of meetings at Community level;
- (b) organisation of events to raise awareness of the rights of people with disabilities, including the conferences to open and close the Year;

2. Information and promotional campaigns involving:

- (a) the development of a logo and of slogans for the European Year of People with Disabilities, for use in connection with any activity linked to the Year;
- (b) an information campaign on a Community-wide scale;
- (c) the production of tools and aids accessible to people with disabilities throughout the Community;
- (d) appropriate initiatives by European disability NGOs aimed at disseminating information on the Year tailored to the needs of people with specific disabilities and/or of people with disabilities facing multiple discrimination;
- (e) the organisation of European competitions highlighting achievements and experiences on the themes of the European Year of People with Disabilities.

The Commission shall ensure that organisations of people with disabilities are involved in the decisions on the messages and images developed during the information campaign

3. Other actions:

Unchanged

Cooperation with broadcasting and media organisations as partners for spreading the information about the Year, for using new tools allowing easier access to this information (such as voice subtitling for the hearing impaired and images description for the visually impaired), and to other programmes if possible and for improving communication about people with disabilities;

Surveys and studies on a Community-wide scale, including a series of questions intended to assess the impact of the European Year of People with Disabilities, to be included in a Eurobarometer survey and an evaluation report on the effectiveness and impact of the European Year.

Surveys and studies on a Community-wide scale, including a series of questions intended to assess the impact of the European Year of People with Disabilities, to be included in a Eurobarometer survey and an evaluation report on the effectiveness and impact of the European Year. This study must include an evaluation of the efforts made to integrate these people in the Community, in particular through programmes promoting independent living.

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4. This funding may be in the form of:

- the direct purchase of goods and services, in particular in the field of communication, via open and/or restricted calls for tenders;
- the direct purchase of consultancy services, via open and/or restricted calls for tenders;
- subsidies allocated to cover the expenses of special events at European level to highlight and raise awareness of the Year; such funding shall not exceed 80 %.

Unchanged

B. Nation level action

Action at local, regional, national or transnational level may qualify for financing from the Community budget up to a maximum of 50 % of the cost, depending on the nature and context of what is proposed. These may include:

1. Events connected with the objectives of the European Year of People with Disabilities, including an event to launch the Year
2. Information campaigns and measures to disseminate examples of good practice, other than those described in Part 1(A) of this Annex;
3. The organisation of awards or competitions;
4. Surveys and studies other than those mentioned in 1(A) above;

1. Events connected with the objectives of the European Year of People with Disabilities, including an event to launch the Year comprising the creation of partnerships with representatives of disabled people, individuals and groups working for disabled people at national, regional and local level and other stakeholders;

Unchanged

C. Action for which no financial aid from the Community budget is available

The Community will offer its moral support, including written authorisation to use the logo and other material associated with the European Year, for initiatives undertaken by public or private organisations, where those organisations can demonstrate to the satisfaction of the Commission that the initiatives involved are or will be in progress during the year 2003 and are likely to contribute significantly to achieving one or more of the objectives of the European Year.

In implementing the measures, the Commission may make use of technical and/or administrative assistance, for the mutual benefit of the Commission and the beneficiaries, in connection with the identification, preparatory, management, monitoring, audit and control measures for the programme or projects.

The Commission may also carry out studies, organise meetings of experts and engage in information and publication activities directly connected with the aims of this programme.