



C/2024/1595

5.3.2024

**Opinion of the European Economic and Social Committee on 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) 512 final — 2023/0311 (COD))

(C/2024/1595)

Rapporteur-general: **Ioannis VARDAKASTANIS**

Referral	Council, 28.9.2023 European Parliament, 19.10.2023
Legal basis	Articles 91 and 304 of the Treaty on the Functioning of the European Union
Section responsible	Employment, Social Affairs and Citizenship
Adopted at plenary	14.12.2023
Plenary session No	583
Outcome of vote (for/against/abstentions)	203/0/1

## 1. Conclusions and recommendations

1.1. The European Economic and Social Committee (EESC) welcomes the Commission proposal for a European Disability Card and a European Parking Card as a first step towards freedom of movement for persons with disabilities in the EU, as the EESC recommended in its opinion of 27 April 2023 on the European Disability Card <sup>(1)</sup>.

1.2. The EESC also welcomes the separate Commission proposal extending the Directive to third country nationals legally residing in a Member State <sup>(2)</sup>. This is necessary to ensure that those who need the European Disability Card and the European Parking Card have access to them.

1.3. The EESC recommends that the scope of the proposal be extended to allow Disability Cards to be used to obtain **access to benefits linked to public social policies and/or national social security systems on a temporary basis** when a person with a disability has moved to a Member State to study or to work, at least throughout the process of getting the disability re-assessed and certified. This is necessary because when a person moves from one Member State to another they lose their rights to any disability related benefits when they cross the border. In the meantime, having disability reassessed in the new Member State can take over a year, and in this transition period the person is left without any recognition or support (Article 2(2)).

1.4. The EESC also asks that the law state clearly that the Disability Card should be **free of charge and voluntary**. There should be no direct issuing of the Card unless the person has asked for it or the European Disability Card is embedded, for example, in the national disability card resulting from the national disability assessment. It also has to be free of charge to prevent the cost from being an additional barrier to applying for the Card.

1.5. Furthermore, there should never be a requirement **to show the Disability Card as proof of disability for services that are granted under other EU legislation**, such as the right to assistance at airports under Regulation (EC) No 1107/2006 of the European Parliament and of the Council <sup>(3)</sup> concerning the rights of disabled persons and persons with reduced mobility when travelling by air. Making it mandatory to present a Card to exercise those rights could be stigmatising, and, moreover, also exclude people who are not Disability Card holders from assistance they need at airports.

<sup>(1)</sup> OJ C 228, 29.6.2023, p. 71.

<sup>(2)</sup> COM(2023) 698 final.

<sup>(3)</sup> Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1).

1.6. The EESC recommends that the **European Parking Card be accompanied by a separate database available in all EU languages** to provide information about existing applicable parking rules, conditions and spaces as defined at local, regional, or national level. Member States shall also support and encourage national authorities to upload and update the relevant information for users (Article 7).

1.7. Additionally, the European Parking Card must have the **words 'European Parking Card' displayed in braille** using the Marburg code dimensions, as is already the case for the European Disability Card. This will facilitate distinction and recognition of the Cards for blind and visually-impaired users (Annex II).

1.8. The EESC suggests that the European Disability Card legislation include an **EU, fully accessible website, with an easy-to-read version, available in all EU languages including sign languages, providing practical information for every country**. It must include information about the conditions and rules, practices, and procedures for issuing, renewing or withdrawing a European Disability Card and a European Parking Card for persons with disabilities, along with information about the services covered in Article 2(1) and Article 9.

1.9. The EESC requests that the text must also require the EU to coordinate an **EU-wide and national awareness-raising campaigns in all EU languages** for the general public, potential card users and service providers (Article 9).

1.10. The EESC recommends that the Commission ensure that **appropriate funding is made available** to the Member States to cover the cost of the administrative procedures, the physical issuing of the Card, the provision of information, the awareness-raising campaign, and other related costs, in order to facilitate transposition and implementation. This should be taken into account by the Commission when drawing up the next multiannual financial framework (MFF) (Article 9).

1.11. The EESC underlines the importance of complementing the launch of the European Disability Card with both European and national measures to improve **the general accessibility of built environments, transport, services and goods** in accordance with Directives (EU) 2019/882<sup>(4)</sup> and (EU) 2016/2102<sup>(5)</sup> of the European Parliament and of the Council, regulations on transport accessibility<sup>(6)</sup> and related accessibility standards.

1.12. Finally, the EESC stresses the importance of the EU institutions **working closely with persons with disabilities, as well as with EU, national, regional and local organisations representing persons with disabilities (DPOs)** when developing, executing and, later, assessing the European Disability Card. DPOs must be involved meaningfully, which means giving them the necessary resources and information in accessible formats to allow genuine participation (Article 11 and Article 12).

## 2. General comments

2.1. Firstly, it must be noted that **the European Disability Card and the European Parking Card will not solve all the problems of free movement for persons with disabilities**. Essentially, the Disability Card will guarantee mutual recognition of disability for persons with disabilities in relation to all services, facilities and activities for short stays in other EU Member States. A significant barrier to free movement for persons with disabilities is not included: the lack of social protection hampering a permanent move to another Member State. The Commission proposal is therefore a first step in the right direction, but does not fully achieve the goal of removing the barriers to freedom of movement for persons with disabilities.

2.2. The EESC nevertheless welcomes the Commission proposal and the fact that is based on the **principle of mutual recognition** of disability status between Member States to facilitate freedom of movement for persons with disabilities in the EU. The principle ensures that persons with disabilities visiting a Member State will have access to the same advantages as national card holders.

2.3. The principle will also ensure that **persons with invisible disabilities will be able to travel and move more freely around the EU** without having to explain the specifics of their disabilities or being questioned about their claim for special conditions or preferential treatments.

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<sup>(4)</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

<sup>(5)</sup> Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).

<sup>(6)</sup> OJ L 204, 26.7.2006, p. 1; OJ L 46, 17.2.2004, p. 1; OJ L 334, 17.12.2010, p. 1; OJ L 163, 25.6.2009, p. 1; OJ L 172, 17.5.2021, p. 1; OJ L 356, 12.12.2014, p. 110; OJ L 55, 28.2.2011, p. 1.

2.4. It is equally encouraging to note that the proposal takes the form of a Directive, which is **binding legislation** and will ensure transposition into national law.

2.5. **Broad scope** is ensured by including any service available to national disability card holders instead of a limited list of services, as was the case in the Commission's pilot project. This scope should be extended in the ensuing interinstitutional negotiations, and at least maintained (see point 1.3).

2.6. The EESC furthermore welcomes the fact that the **Disability Card and the Parking Card will remain separate Cards**, even though they are addressed by the same proposal.

2.7. Furthermore, the European Disability Card must respect a person's privacy and must not show any detailed information about the type of disability or 'level' of disability. It must be **fully in line with the General Data Protection Regulation<sup>(7)</sup> (GDPR) and protect the personal information of the user**, as the use of this document to access services and benefits safeguards the person from being obliged to show or provide information about personal data, in particular the disability assessment and personal health information.

2.8. The European Disability Card can also **complement national Disability Cards**, or fully replace them, as the Member States wish.

2.9. The European Disability Card will **strengthen collaboration between different national authorities and government agencies to raise awareness of disability issues**. In addition, it will make it easier to provide services to persons with disabilities from Member States that do not have a national disability card as the Card can also be used at national level as proof of disability.

### 3. Specific comments

3.1. The EESC is aware that the Commission proposal on the Disability Card in its current form could potentially create **cases of 'reverse discrimination' due to the lack of harmonisation of disability assessment and criteria for distributing the Disability Card**. For example, the situation could arise where two persons with the same disability from two different Member States are treated differently when they are visiting a third Member State. One might have received the Disability Card and the other not, according to the national assessment and distribution criteria. However, this is not a problem with the proposal itself but with the principle of mutual recognition of disability status, which has its limits.

3.2. This limitation does not currently mean that Member States' disability assessment models will have to be the same, but it will compel Member States to improve current systems on the basis primarily of a medical approach, to be more in line with the UN Convention on the Rights of Persons with Disabilities (UNCRPD). The proposal has also **raised awareness of the potential benefits of an EU-level approach to the disability assessment procedures to facilitate recognition of the need for better freedom of movement**.

3.3. The same is also true of the portability of social security benefits. While they are explicitly excluded by the European Commission from its proposal, the EESC recommends being slightly more flexible in the specific cases of moving for work or studies. In the long run, this issue will have to be tackled more concretely, because the **lack of portability of disability-related benefits is still one of the major barriers to freedom of movement** and it will not be tackled by the Disability Card or the Parking Card. This is a point which must be addressed in the revision of Regulation (EC) No 883/2004 of the European Parliament and of the Council<sup>(8)</sup> on the coordination of social security systems or in a separate legislative proposal.

Brussels, 14 December 2023.

*The President*  
*of the European Economic and Social Committee*  
Oliver RÖPKE

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<sup>(7)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>(8)</sup> Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).