



The voice of blind and partially sighted people in Europe

Analysis of the Proposed Directive for a European Disability Card and a European Parking Card for persons with disabilities

EBU position paper | 19/10/2023

On 6 September, the day that the European Commission presented its **proposal to establish a European Disability Card and a Parking Card for persons with disabilities**, the European Blind Union (EBU) issued a provisional [statement](#). After a more in-depth analysis of the proposed directive, here are the comments and recommendations that we would like to make to the EU lawmakers.

The proposal aims to promote the effective exercise by people with disabilities of their free movement rights by facilitating the mutual recognition of disability status for card holders within the EU, and this responds to the **longstanding call** of the European disability movement to expand to all EU countries the current pilot project for recognition of disability in 8 countries, and to ensure equal treatment for people with disabilities who exercise their EU free movement rights.

We therefore very much **welcome and support the Commission's initiative as a whole** (although we would have preferred a regulation for more legal certainty) and ask the European Parliament and the Council to **swiftly adopt** this proposal, preferably before the end of the current legislature.

Strong elements of the proposal

Strong elements of the proposal that should be preserved in the upcoming negotiations, besides the general aim described above, include the following:

- A **single act** to cover **both the European Disability Card and Parking Card**. The two cards are nevertheless treated as **two separate documents**, each with their own purposes and eligibility criteria.

- **Mutual recognition** of the cards is in the respect of **national competence** for disability assessment and granting of the cards. This also applies to the Parking Card for persons with disabilities, even if—contrary to the European Disability Card—it replaces national cards as a single document.
- Regarding the material scope of the European Disability Card, there isn't a restrictive list of services, but **full equal treatment** in all special conditions or preferential treatment in services, activities and facilities, from both public or private entities in the host Member State, in the **respect of national differences**.
- For both cards, the applicant is given the **choice of format**, physical and/or digital. Both will have to be fully **accessible** and respect of **privacy** by excluding detailed information about the type or level of disability.
- Measures are foreseen to avoid **forgery and fraud**, which is important to secure effective mutual recognition.

Recommended improvements

The proposal however is not perfect, and to meet more closely the expectations of blind and partially sighted people in Europe, we would like to recommend the following improvements:

Aspects that require clarification

- To avoid stigmatisation, it should remain fully **voluntary** to be a disability or parking card holder, and it should never be an obligation to show the European Disability Card as proof of disability for services already granted without such card under other EU legislation.
- Accessibility of the physical cards requires **Braille** marking.
- The cards should be delivered **free of charge**, unless the competent Member State delivers national disability cards for a fee, in which case the fee should be of equal amount.

Important logistical aspect missing

There should be provision in the text for an **EU level centralised register** for the two cards. This would serve to inform the public, in all EU languages and through accessible information, about the available advantages in each Member State, thereby allowing persons with disabilities to plan ahead when travelling within the EU.

A central register would also foster cooperation or concertation between competent national authorities, where needed.

Personal scope too narrow

The personal scope of the directive should be broadened, to also cover:

- **Third country nationals** with disabilities who are not related to an EU citizen as family members, and who are legally resident in an EU country with recognised disability status there, when lawfully moving within the EU under EU law – In its explanatory memorandum, the Commission contemplates it, without commitment. We think that it should be included in the text of the proposal, as a matter of fundamental rights beyond EU citizenship.
- Persons with disabilities who **move to another Member State permanently or for longer stays** than just "travelling" – In the annex to this paper, we expand on this last but important point, explaining why the proposal, as it stands, misses the opportunity to address an indirect barrier to the free movement of persons with disabilities in the EU.

The European Blind Union (EBU) – EU Transparency Register Nr. 42378755934-87 – is one of the six regional bodies of the World Blind Union, and it promotes the interests of blind and partially sighted people in Europe. Our 41 national member organisations in Europe include 25 European Union member states (all the EU except Latvia and Malta).

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Annex

Why we ask for the extension of the scope of the proposed directive establishing the European Disability Card and the European Parking Card for persons with disabilities, so that it will also transitionally cover persons with disabilities (PWDs) who move to another Member State for longer stays:

Recitals (3) and (4) of the proposed directive recall that "every citizen of the Union has the fundamental right to move and reside freely within the territory of the Member States".

In its explanatory memorandum, about the legal basis of its proposal, the European Commission refers to Article 21(2) TFEU, which provides for the possibility for the European Union to act and adopt provisions to facilitate the right of EU citizens to move and reside freely within the territory of the Member States.

Yet, the proposed directive only aims to facilitate "short stays of persons with disabilities in a Member State other than that of which they are a resident" (article 1) by giving them equal access to any special conditions or preferential treatment for PWDs in the host Member State, essentially in access to services and other activities and facilities.

Persons with disabilities who move to another Member State for a longer period, i.e., move their residence, are sadly left out of the scope of the proposed directive.

The Free Movement Directive 2004/38/EC, Article 24, says that "all Union citizens residing on the basis of this Directive in the territory of the host Member State shall enjoy equal treatment with the nationals of that Member State within the scope of the Treaty." This includes social security, where the host Member State is competent for social security under the Social Security Coordination Regulations (EC) 883/2004 and 987/2009. In fact, Article 4 of Regulation 883/2004 confirms: "Unless otherwise provided for by this Regulation, persons to whom this Regulation applies [including EU citizens and family members] shall enjoy the same benefits and be subject to the same obligations under the legislation of any Member State as the nationals thereof."

Article 24 of the Free Movement Directive also says that "the host Member State shall not be obliged to confer entitlement to social assistance during the first three months of residence or, where appropriate, the longer period provided for in Article 14(4)(b)" [i.e., when one has moved to another Member State to search for employment]. This makes it clear that equal treatment in social assistance is to be ensured for people—including PWDs—who have moved to another Member State and meet the conditions to be considered legally resident there (other than as job-seekers having not worked in the country before).

However, in practice, persons with disabilities who move their residence to another Member State face a major hurdle, which constitutes an indirect barrier to their freedom of movement: before they can claim equal treatment in access to social benefits for persons with disabilities in the host Member State, they need to have their disability status re-assessed there, and this process can take a long time, often many months and sometimes more than year, during which they have stopped earning benefits in the country of provenance.

EBU does not contest that it should remain a national competence to assess and formally recognise the disability status of its residents (Recital (11) and Article 2.3 of the proposed directive). However, we argue that having to re-assess one's disability status from scratch when moving one's residence to another Member State constitutes an indirect barrier to the free movement of PWDs and their family members, and certainly can affect their motivation to move to another Member State; and that the EU should at least facilitate the transition by avoiding a period of limbo.

What we ask for exactly:

1. We ask that the European Disability Card and Parking Card for PWDs open equal treatment for special conditions or preferential treatment in the host country also to holders who have moved to another EU Member State for longer stays, while their disability status is being re-assessed there and they wait to receive a new card.
2. Further, we ask that the European Disability Card cover access to State-funded social security and social benefits in

the host Member State while the disability status is being re-assessed there, unless the Member State that issued the card maintains its benefits during that period. The issuing Member State should maintain the validity of the card and its associated benefits if the contemplated duration of the stay in the host Member State is less than a year. A concertation mechanism between competent bodies should be established for this—which would be another interest of an EU-level centralised register, see our position paper.

Related considerations

In our view, it would be a missed opportunity and a failure to meet the expectations of mobile citizens with disabilities, to introduce an EU-wide European Disability Card mutually recognised by Member States that would not address this transition issue.

The Commission argues that the transition issue should rather be addressed in another legislative instrument. Respectfully, we disagree, for the following reasons:

- The most relevant other instrument is the Regulation (EC) 883/2004 on the coordination of social security systems, but the revision of this regulation is ongoing and already far advanced, and nothing is being done about the issue in that context.
- The proposal for a European Disability Card also, very much, follows a logic of coordination and ensuring fundamental principles (free movement, equal treatment) within the respect of national competence, and appears very directly relevant.

We believe it is really a matter of political will. And it is not a good sign that the Commission, in its explanatory memorandum, indicates its "intention to put forward a separate legal act extending the scope of this proposal to third country nationals legally staying or residing in the territory of a Member State and that are entitled to travel to other Member States in accordance with Union law" (that is welcome in itself), but does not say anything about persons with disabilities—including EU citizens and family members—that are not simply travelling to other Member States, but moving their residence within the EU.