



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.11.2007
COM(2007) 738 final

**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE
EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Situation of disabled people in the European Union: the European Action Plan 2008-
2009**

{SEC(2007)1548}

TABLE OF CONTENTS

1.	Introduction	3
2.	The situation of disabled people	3
2.1.	Facts and figures	3
2.2.	The growing economic dimension	3
3.	The achievements of the EU Disability Action Plan for 2006-2007	4
3.1.	The Community and Member States acting together.....	4
3.2.	Actions at EU level	4
3.3.	Developments at national level	7
4.	Priorities for 2008-2009	7
4.1.	Actions for inclusive participation through accessibility.....	7
4.2.	Actions towards full enjoyment of fundamental rights.....	9
5.	Conclusions	11

ANNEXES

1. INTRODUCTION

The objective of the Commission's disability strategy since 2003¹ has been to make equal opportunities for disabled people a reality. By jointly signing the United Nations Convention on the Rights of Persons with Disabilities² (UN Convention) in 2007, the European Community and its Member States have confirmed their view that disability is a broad human rights issue³ and a matter of law.

The EU Disability Action Plan (DAP) 2003-2010 provides the means to implement this strategy by mainstreaming disability issues within all relevant EU policies. Moreover, Member States are implementing the 2003 Council conclusions inviting them to proactively mainstream disability issues within relevant policy areas⁴.

The DAP is developed in two-year phases with policy priorities that respond to the equality gaps disabled people face. The purpose of the present Communication is to:

- a) analyse developments in the situation of disabled people;
- b) report on achievements of the second phase of the DAP 2006–2007;
- c) define priorities for 2008-2009 to meet the strategic objectives of the DAP.

2. THE SITUATION OF DISABLED PEOPLE

2.1. Facts and figures

Analysis of the most recent data⁵ (Annex 1) confirms the strong correlation between disability and ageing. It also shows that disabled people continue to be disproportionately excluded from the labour market and that the situation of women with disabilities is worse than that of disabled men (Annex 2). Moreover, people with learning or intellectual disabilities are even less likely to be in work than those with physical disabilities.

2.2. The growing economic dimension

The exclusion of people with disabilities from the labour market is a serious concern, from the perspective of equal opportunities. There is also an economic dimension to this problem: faced with a shrinking workforce resulting from demographic change, the 2006 Spring European Council⁶ highlighted the need to make the most of the untapped potential of many people excluded from the labour market and identified disabled people as one of the key priority groups.

¹ COM/2003/650.

² <http://www.un.org/esa/socdev/enable/>.

³ Civil, political, economic, social and environmental rights.

⁴ Council Conclusions on the follow-up to the European Year of People with Disabilities 15512/03.

⁵ "Men and women with disabilities in the EU", Applica, CESEP and Alphametrics, 2007.

⁶ Conclusion 34.

This, together with the correlation between ageing and disability, creates a strong demand for accessibility⁷. The economic significance of the market for accessible products is increasing and has become a driver for innovation, especially in the US and Japan in areas such as ICT. US legislation mandating accessibility requirements in public contracts facilitates the accommodation of disabled federal employees. Accessibility can make the difference between a disabled person being active in the labour market and being dependent on social welfare.

The social services sector is also growing, creating new jobs to meet the increasing demands of an ageing population. In 2004, the sector providing services to people with disabilities employed more than 8 million people, registering an annual turnover of about €68 000m for the EU27⁸, and the figures are expected to increase⁹.

3. THE ACHIEVEMENTS OF THE EU DISABILITY ACTION PLAN FOR 2006-2007

3.1. The Community and Member States acting together

The common European approach to disability has had a major impact on the content of the UN Convention, which recognises disability as an evolving concept, thus reflecting the European social model of disability. Furthermore, the main elements of the EU approach, which combines non-discrimination, equal opportunities and active inclusion, are at the core of the UN Convention.

The Member States and Commission agreed at an informal ministerial meeting on disability issues in June 2007 to work, together with civil society, on a coherent and coordinated approach for the implementation of the UN Convention. They agreed that the EU Disability High Level Group should identify common challenges and solutions to meet them and report on progress to future ministerial disability meetings.

3.2. Actions at EU level

The 2006-2007 DAP focused on four areas to promote independent living: encouraging (economic) activity, quality support and care services, accessibility of mainstream goods and services, and increasing the EU's analytical capacity¹⁰.

- **Encouraging activity**

Low participation of disabled people in the labour force can be due to both discriminatory and non-discriminatory obstacles. This calls for a combination of instruments to fight discrimination, provide active support and remove accessibility barriers.

The Employment Equality Directive¹¹ has been transposed into national laws in all Member States and a report on its implementation will be ready by early 2008. A European Court of Justice ruling on the concept of disability¹² has emphasised the differences between sickness

⁷ http://ec.europa.eu/employment_social/social_situation/studies_en.htm.

⁸ According to the European Association of Service Providers to Disabled Persons.

⁹ OECD, 4/4/2007, health paper 26, <http://www.oecd.org/dataoecd/13/8/38343783.pdf>.

¹⁰ COM 2005/604 of 28.11.2005.

¹¹ Directive 2000/78/EC of 27/11/2000.

¹² Case C-13/05 Chacon-Navas versus Eurest CSA.

and disability in the application of the Directive. A ruling is pending on discrimination by association against the carers of disabled people¹³.

The Commission is finalising a new state aid block exemption regulation¹⁴ which will simplify the rules on employment and training aids for disabled people and exempt certain aid schemes from prior notification to the Commission.

Cohesion Policy plays an important role in supporting the employment and social inclusion of disabled persons, as well as accessibility, through the operational programmes prepared and implemented by Member States, regions and the wider partnership in cooperation with the Commission, and funded by the European Regional Development Fund (ERDF) and European Social Fund (ESF). The General Regulation for the 2007-2013 period provides that 'accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation¹⁵.

- **Access to quality care and support services**

The Disability High Level Group (D-HLG)¹⁶ has issued a position paper on the mainstreaming of disability under the streamlined Open Method of Coordination (OMC) on social inclusion, social protection and long-term care. It addresses good practices and makes recommendations for a coherent approach through strengthened mainstreaming at national level. The specific risks of discrimination faced by disabled people in a situation of great dependency or with complex needs are currently the subject of a study¹⁷.

The D-HLG has agreed a practical framework at EU level for the quality of Social Services of General Interest (SSGI)¹⁸ for disabled people, based on human rights and total quality management. The framework provides an understanding of what quality of these services means and defines common features and corresponding criteria. It stresses their diversity and particularities, and the need for quality indicators. The European Social Protection Committee will examine this initiative, which will be taken into account for the forthcoming European Strategy on quality of SSGI.

Community Based Services (CBS) provide better opportunities for independent living than institutionalisation¹⁹. The results of a study²⁰ on the costs of CBS (care, health and support), due at the end of 2007, will feed into the dialogue with the Council of Europe²¹ on the de-institutionalisation of children with disabilities.

- **Accessibility of goods and services**

¹³ Case C-303/06 Coleman versus Attridge Law.
¹⁴ http://ec.europa.eu/comm/competition/state_aid/reform/reform.cfm.

¹⁵ Council Regulation 1083/2006/EC, Article 16.
¹⁶ http://ec.europa.eu/employment_social/index/hlg_esf_nsrf_en.pdf

¹⁷ Call for Tender VT/2006/014, final report 2008.

¹⁸ Further information on SSGI
http://ec.europa.eu/employment_social/social_protection/questionnaire_en.htm.

¹⁹ Study Included in Society, http://ec.europa.eu/employment_social/index/socinc_en.pdf.

²⁰ Call for Tender VT/ 2006/021, final report 2007.

²¹ Disability Committee (CDPRR).

The 2006 Regulation on the rights of disabled people and people with reduced mobility when travelling by air²² is the first European legislation to put disabled persons on an equal footing with non-disabled persons. It imposes obligations on the airport authorities to provide free-of-charge assistance and accommodation and to ensure accessibility. Similar obligations for the international rail sector have been adopted.

Accessibility to Information and Communication Technology (ICT) has been fostered, in line with the e-Accessibility Communication²³. A standardisation mandate has been issued to develop European accessibility requirements for public procurement of products and services in the ICT domain, addressing the issue of conformity assessment. A study on Member State legislation on the accessibility of electronic communications has pointed to the need to strengthen European accessibility provisions²⁴. There has been considerable investment in the research and development of accessible ICT and assistive technologies²⁵.

A dialogue with the US authorities, with the support of users and the ICT industry, is focusing on standards and the benefits of global markets for accessibility. The Commission participates in the US Access Board Committee for the revision of the standards of section 508 of the US Rehabilitation Act. Information has also been exchanged on the use of accessibility standards for the built environment.

The Commission has supported several pilot projects and research on accessibility to the built environment. The results include a guide for public administration to consider accessibility in public tendering for buildings, training materials on accessibility for professionals, and the creation of a European network on accessible tourism²⁶.

- **Increasing the EU's analytical capacity**

More data on the situation of disabled people are still needed for better informed and targeted policy making. Eurostat has increased its efforts in the European Statistical System to further develop Community statistics relating to disabled people.

Annex 3 reports on Commission activities in developing disability statistics.

- **Other relevant developments**

The Progress Programme 2007-2013²⁷, adopted in 2006, provides support for the implementation of the disability strategy, among other things through co-financing²⁸ of the running costs of key European disability organisations.

Discrimination, including on grounds of disability, is also being highlighted in the EU and national initiatives under the 2007 European Year of Equal Opportunities for All.

Annex 4 provides details of the implementation of the DAP in 2006-2007.

²² Regulation 1107/2006 of 5.07.2006.

²³ COM(2005) 425 final of 13.09.2005.

²⁴ INCOM Inclusive Communication group report.

²⁵ Over €60m under the 6th EU Research Framework Programme.

²⁶ Annex 1 of COM/2005/604

²⁷ European Parliament and Council Decision No 1672/2006/EC establishing a Community Programme for Employment and Social Solidarity.

²⁸ Over €1.2 million in 2007.

3.3. Developments at national level

Most Member States identify disabled people among the most disadvantaged social groups. They have developed actions and programmes reflecting the EU priorities²⁹ to improve their employability in the open labour market. Positive measures are increasing, but are not yet sufficiently linked to broader employment strategies as reflected in the National Reform Programmes.

Member States also report progress on disability-related legislation, educational and rehabilitation programmes, targeted actions for the removal of accessibility barriers, support facilities for disabled people, including measures for the independent living through local community and home care, and redress mechanisms to ensure actual access for disabled people to their rights. Several Member States have established obligations to public bodies to promote equality of opportunity for disabled people.

Annex 5 reports on Member State actions.

4. PRIORITIES FOR 2008-2009

Analysis of developments in the situation of disabled people and consultations³⁰ with their representatives, Member States and other stakeholders have identified accessibility as a priority for active inclusion and access to rights.

Accessible goods, services and infrastructures are essential to sustain non-discriminatory and inclusive forms of participation in many aspects of everyday life in an ageing society, along with the elimination of barriers to education and to the labour market. Accessibility is also at the core of the UN Convention³¹ and enables the heterogeneous needs of men and women with disabilities to be addressed in an integrated manner.

Achieving accessibility requires the avoidance and removal of barriers that prevent disabled people from exercising their capabilities and participating fully and on equal terms. It requires combining the inclusive Design for All approach with specific assistive solutions across policy areas and instruments so as to address systemic forms of discrimination.

In a survey³² of EU public opinion, as part of the European Year of Equal Opportunities for All, 91% of respondents agreed that more should be spent on eliminating physical obstacles for disabled people, reflecting perhaps the needs of an ageing population. In this respect, implementation of Cohesion Policy is expected to support the business case of disability including accessibility.

4.1. Actions for inclusive participation through accessibility

- **Fostering accessibility of the labour market**

²⁹ National Reports on Strategies for Social Protection and Social Inclusion 2007 and Member State reports on employment in their National Reform Programmes 2006.

³⁰ D-HLG meetings of February and June 2007.

³¹ Article 3 on general principles and Article 9 on accessibility.

³² Discrimination in the European Union
http://ec.europa.eu/employment_social/eyeq/uploaded_files/documents/Eurobarometer_report_en_2007.pdf

A comprehensive approach is necessary to increase the employment rate of people with disabilities through a combination of flexible employment schemes, supported employment, active inclusion, and positive measures complementing the existing European legislation on non-discrimination. To this end, the Commission will analyse models of good practices for the reasonable accommodation of disabled people in the work place.

In line with its Communication on flexicurity³³, the Commission will explore the opportunities for disabled persons under the general framework of enhanced labour market flexibility combined with security to increase and maintain their employment. Typical flexicurity pathways include flexible and reliable contractual arrangements, part-time and temporary work, active labour market policies, comprehensive lifelong learning strategies, and modern social protection systems providing adequate income support during periods of unemployment. Job retention schemes preventing early exit from the employment market and orientations for the reform of financial compensation providing income replacement (disability benefits) will also be addressed. This will be tackled through expert exchanges and the identification of good practices on the basis of a thematic peer review and contributions from the D-HLG together with the European Employment Committee (EMCO).

Supported employment provides personal assistance and workplace adaptations taking into consideration the needs of disabled people in open employment, but has not yet reached its full potential. Greater attention should be given to the requirements of enterprises in order to match labour market needs. The Commission will encourage the providers of employment services to coordinate with employers in designing vocational training and rehabilitation services. The Commission will work with the European network of the Heads of Public Employment Services³⁴ to improve employment services accessible to disabled people. It will issue a discussion paper with corresponding models of good practices reflecting the guidelines of the European Employment Strategy and suggestions for helping young disabled people for the transition from education to the labour market³⁵. This paper will be presented to the D-HLG as well as to EMCO with the view to further reinforcing the mainstreaming of disability in the National Reform Programmes and encouraging national targets³⁶. The Commission will also continue to facilitate supported employment under the simplified Commission state aid rules and to promote an active inclusion policy for disadvantaged people, including disabled persons, which complements the link to the labour market with adequate income support and access to quality social services³⁷.

- **Boosting accessibility of goods, services and infrastructures**

Greater access to mainstream goods, services, and infrastructures empowers disabled people to act as consumers. A European accessibility market requires clear rules for the sectors concerned. Actors involved in design, development and manufacturing in the various sectors need adequate competences in accessibility. Instruments to deliver accessibility should be tailored to the individual development cycles of these sectors.

³³ COM(2007) 359 of 27 June 2007.

³⁴ Created in 2007: http://ec.europa.eu/employment_social/employment_strategy/pub_empl_services_en.htm.

³⁵ http://ec.europa.eu/employment_social/news/2007/sep/com498_en.pdf.

³⁶ Notably on the basis of guideline 19 of the European Employment Strategy.

³⁷ COM(2006) 44 final of 8.2.2006.

The Commission is developing legislative frameworks on accessibility in the areas of transport and ICT. Building on recent European legislation concerning air transport³⁸ and in the Regulation on international rail sector on the rights of disabled people and people with reduced mobility, the Commission plans to propose legislation in the areas of maritime transport and bus and coach transport.

As regards ICT, the Commission plans to reinforce accessibility provisions in the revision of the electronic communication package³⁹, including in areas such as emergency services and textual communications. Following the commitment made in its 2005 e-accessibility Communication, the Commission has assessed progress and has made new proposals in its Communication on e-Inclusion⁴⁰. In particular, the Commission will work in 2008 towards a horizontal legislative approach for an accessible information society, to guarantee equal rights and an effective internal market. Deployment and research activities on accessible ICT have been allocated a budget of over €100 million⁴¹.

Enhancing competition among industries in these fields will further develop the European accessibility market, leading to a better position in the global market. Compatible and competitive solutions are fostered by the development and use of accessibility standards, for example in public procurement, that address users' functional requirements as well as interoperability issues, allowing for innovative solutions.

Accessibility of the built environment contributes to the sustainability of the construction market. To facilitate accessible public environments for all, the Commission will prepare a mandate to the European standardisation organisations for the development of accessibility requirements to be used notably in public procurement.

- **Consolidating the Commission's analytical capacity to support accessibility**

More reliable and comparable data on disability and the participation of disabled people is needed to measure progress in the inclusion of disabled people and to comply with the UN Convention's monitoring requirements⁴². The new Disability and Social Integration module, described in Annex 3, can be used as a free standing module.

A European academic network of disability experts will be created to provide scientific background and support through fact-finding and the gathering of evidence and recommendations relevant to the DAP.

4.2. Actions towards full enjoyment of fundamental rights

- **Facilitating the implementation of the UN Convention**

Building on the successful adoption of a Council Decision in March 2007 on the signature of the UN Convention, EU disability ministers and the Commission agreed in Berlin in June on

³⁸ Regulation (EC) 1107/2006 of 5 July 2006, JO L204 of 26.07.2006.

³⁹ http://ec.europa.eu/information_society/policy/ecommm/tomorrow/roadmap/index_en.htm.

⁴⁰ COM (2007)694 European i2010 initiative on e-Inclusion "To be part of the information society"

⁴¹ 7th Framework Programme, ICT/ageing, and accessible/inclusive ICT: http://cordis.europa.eu/fp7/ict/programme/challenge7_en.html;

Competitive and Innovation Programme, ICT for accessibility, ageing and social integration: http://ec.europa.eu/information_society/activities/ict_psp/library/ref_docs/docs/cip_ictpsp_wp.pdf.

⁴² Article 31.

the need for quick ratification by the Member States. The Commission will propose a Council Decision in early 2008 to allow the European Community to conclude the UN Convention. In preparation, the Commission is screening Community legislation to establish the scope of Community competences and to assess the need to amend secondary European legislation or adjust relevant policies. This review will also consider the impact on the European institutions themselves. The D-HLG will report regularly on progress in implementing the UN Convention.

Given the strong convergence between the European approach to disability and the UN Convention, the DAP will contribute to its practical implementation at European level, while complementing national actions. In particular, actions in the areas of employment, social services, independent living, accessibility, and development aid will contribute to the implementation of the UN Convention. The Commission will pay attention to those provisions calling for combining the mainstreaming of gender issues with specific gender-sensitive measures. In the area of accessibility, the Commission is involved in the UN Global initiative for inclusive ICT, which aims to facilitate the implementation of the accessibility provisions.

The Commission will continue to work with European NGOs in line with the UN Convention's obligation⁴³ to consult and involve representative organisations of disabled people and will invite the EU members of the UN Convention Committee⁴⁴ to join the D-HLG.

Effective implementation of the UN Convention also requires action by regional and local authorities. The Commission will support this process through the development of training modules to raise awareness and facilitate the interpretation of laws in the light of the UN Convention.

The new European Survey Module on Disability and Social Integration (ESDIM) for measuring disability, including participation and environmental factors, will contribute to monitoring progress in achieving the UN Convention's objectives.

- **Complementing the Community legislative framework of protection against discrimination**

The Commission plans to make in 2008 a proposal for a Directive⁴⁵ to complement the current EU framework under Article 13 of the EC Treaty on prevention of and protection against discrimination beyond the labour market, including on the grounds of disability. Such an initiative addressing individual rights will also contribute to ensuring an accessible environment. An impact assessment is under way, building on information gathered through a study of existing legal provisions⁴⁶. Various consultations, including a public online questionnaire and consultations with NGOs and business, have taken place as part of the impact assessment.

⁴³ Article 4.3.

⁴⁴ Article 34.

⁴⁵ http://ec.europa.eu/atwork/programmes/docs/clwp2008_en.pdf

⁴⁶ http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/stud/mapstrand1_en.pdf.

5. CONCLUSIONS

This Communication reflects the European commitment to ensure that disabled people are able to enjoy their rights. It addresses disabled people as citizens and active socioeconomic actors contributing to the construction of a sustainable and cohesive Europe offering equal opportunities for all. All the actions in this Communication aim to meet the individual and diverse needs of disabled people.

Progress in the key policy areas identified requires maximising synergies and complementarities with the activities of Member States. The ministerial commitment to tackle common challenges and solutions when implementing the UN Convention paves the way for national consistent and comparable targets that reflect the objectives of the UN Convention and the progress of the Commission and Member States towards achieving those objectives.

Cooperation between the Commission and Member States is therefore crucial, together with disabled people and other relevant stakeholders. The new annual meetings of European disability ministers will strengthen the European disability strategy.