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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	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 - Outcome of the European Parliament's first reading and Corrigendum procedure (Strasbourg, 24 April 2024 and 17 September 2024)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint Declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this legislative file at first reading.

This file was expected² to undergo the Corrigendum procedure³ in the European Parliament after adoption by the outgoing European Parliament of its position at first reading.

¹ OJ C 145, 30.6.2007, p.5.

² 10819/24 + COR 1.

³ Rule 251, EP Rules of Procedure.

II. VOTES

At its sitting of 24 April 2024, the European Parliament adopted amendment 99 (without legal linguistic revision) to the Commission proposal and a legislative resolution, constituting the European Parliament's position at first reading. It reflects what had been provisionally agreed between the Institutions.

After finalisation of the adopted text by the legal linguists, the European Parliament approved on 17 September 2024 a corrigendum to the position adopted at first reading.

With this corrigendum, the Council should be able to approve the position of the European Parliament as set out in the Annex⁴ hereto, thus bringing to a close the first reading for both Institutions.

The act would then be adopted in the wording which corresponds to the European Parliament's position.

⁴ The text of the corrigendum is set out in the Annex. It is presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in bold and italics. The symbol "■" indicates deleted text.

P9_TA(2024)0339

European Disability Card and European Parking Card for persons with disabilities

European Parliament legislative resolution of 24 April 2024 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))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0512),
 - having regard to Article 294(2), and Article 53(1) and Article 62, Article 91 and Article 21(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0328/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 December 2023¹,
 - having regard to the opinion of the Committee of the Regions of 31 January 2024²,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 16 February 2024 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Transport and Tourism and the Committee on Women's Rights and Gender Equality,
 - having regard to the letters from the Committee on Internal Market and Consumer Protection and the Committee on Petitions,
 - having regard to the report of the Committee on Employment and Social Affairs (A9-0003/2024),
1. Adopts its position at first reading hereinafter set out;

¹ OJ C, C/2024/1595, 5.3.2024, ELI: <http://data.europa.eu/eli/C/2024/1595/oj>.

² OJ C, C/2024/1981, 18.3.2024, ELI: <http://data.europa.eu/eli/C/2024/1981/oj>.

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 24 April 2024 with a view to the adoption of Directive (EU) 2024/... of the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 53(1) and Article 62, and Article 91 and Article 21(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁷,

Having regard to the opinion of the Committee of the Regions⁸,

Acting in accordance with the ordinary legislative procedure⁹,

⁷ OJ C, C/2024/1595, 5.3.2024, ELI: <http://data.europa.eu/eli/C/2024/1595/oj>.

⁸ OJ C, C/2024/1981, 18.3.2024, ELI: <http://data.europa.eu/eli/C/2024/1981/oj>.

⁹ Position of the European Parliament of 24 April 2024.

Whereas:

- (1) The ■ Union is founded on the values of human dignity, freedom, *equality* and respect of human rights and *is* committed to combating discrimination, including on the grounds of disability, as set out in the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU), the Charter of Fundamental Rights of the European Union (the ‘Charter’) *and the United Nations Convention on the Rights of Persons with Disabilities*¹⁰ (UNCRPD).
- (2) In Article 26 of the Charter, the Union recognises and respects 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.
- (3) Every Union citizen has the fundamental right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the TEU and the TFEU and by the measures adopted to give effect to them. *Article 18 of the UNCRPD also recognises the rights of persons with disabilities, inter alia, to liberty of movement and to the freedom to choose their residence on an equal basis with others.*

¹⁰ *OJ L 23, 27.1.2010, p. 37.*

- (4) According to the Court of Justice of the European Union, Union citizenship is destined to be the fundamental status of nationals of the Member States when exercising the right to move and reside within the territory of the Member States, enabling those who find themselves in the same situation to enjoy, within the scope *ratione materiae* of the TFEU, the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for.
- (5) The Union is a Party to the ■ UNCRPD ■ and is bound by its provisions, which are an integral part of the Union legal order to the extent of its competences. All the Member States are Parties to the UNCRPD and are bound by it to the extent of their competences. *Although the Union and all the Member States have signed and ratified the UNCRPD, there is a need to make progress on equality for persons with disabilities both at Union level and in all Member States.*

- (6) *The UNCRPD recognises that persons with disabilities include persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various environmental, administrative, technological and societal barriers can result in discriminatory treatment.* The purpose of the UNCRPD is *thus* to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities *without discrimination of any kind*, and to promote respect of their inherent dignity, *individual autonomy including the freedom to make one's own choices, and independence of persons*, thus ensuring their full and effective participation and inclusion in society on an equal basis with others. The UNCRPD also recognises the importance of *respect for difference and acceptance of persons with disabilities as part of human diversity and humanity* and the need to take appropriate measures to ensure *equality of opportunity and* accessibility to persons with disabilities. *The UNCRPD states that women and girls with disabilities are subject to multiple forms of discrimination, and provides for States Parties to take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms. It also recognises the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status.*

- (7) The European Pillar of Social Rights¹¹, jointly proclaimed by the European Parliament, the Council and the Commission at Gothenburg on 17 November 2017 (the ‘Pillar’), provides, in principle no 3, that everyone, regardless, inter alia, of disability, has the right to equal treatment and opportunities regarding **employment, social protection, education, and** access to goods and services available to the public **and that the equal opportunities of under-represented groups are to be fostered**. In addition, the Pillar recognises, in principle no 17, that persons with disabilities have the right to **income support that ensures living in dignity**, services that enable them to participate in society **and a work environment adapted to their needs**.
- (8) ***The Strategy for the Rights of Persons with Disabilities 2021-2030, adopted by the Commission communication of 3 March 2021, is intended to tackle the diverse challenges that persons with disabilities face and to progress in all areas of the UNCRPD, both at Union and national level.***
- (9) Directive (EU) 2019/882 of the European Parliament and the Council¹² aims to improve access to certain products and services by eliminating and preventing barriers arising from divergent accessibility requirements in the Member States, thus contributing to increasing the availability of accessible products and services in the internal market, including access to websites and mobile-device based service of certain public services, and to improve the accessibility of relevant information. ■ In addition, Directive (EU) 2016/2102 of the European Parliament and the Council¹³ aims to improve the accessibility of the websites and mobile applications of public sector bodies.

¹¹ OJ C 428, 13.12.2017, p. 10.

¹² 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).

¹³ 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).

- (10) *In addition, Union law also guarantees the right to non-discrimination in access to transport and other rights. Examples of such rights include the right of passengers with disabilities and reduced mobility to receive assistance, free of charge, while travelling by air, rail, waterborne means of transport, or bus and coach, established respectively by Regulations (EC) No 1107/2006¹⁴, (EU) 2021/782¹⁵, (EU) No 1177/2010¹⁶ and (EU) No 181/2011¹⁷ of the European Parliament and of the Council. Union law, in particular Directive 1999/62/EC of the European Parliament and of the Council¹⁸, also enables the Member States to provide for reduced tolls or user charges for roads, bridges or tunnels subject to road charging, as well as exemptions from the obligation to pay such tolls or user charges for any vehicle used or owned by persons with disabilities.*

¹⁴ *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).*

¹⁵ *Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (OJ L 172, 17.5.2021, p. 1).*

¹⁶ *Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).*

¹⁷ *Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).*

¹⁸ *Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of vehicles for the use of road infrastructures (OJ L 187, 20.7.1999, p. 42).*

- (11) Persons with disabilities may apply to competent authorities *or bodies* in the Member State in which they reside for the recognition of disability status as this is a matter within the competence of the Member States. Disability assessment *procedures differ* from Member State to Member State. Where the competent authorities *or bodies* recognise the disability status of an applicant, they can issue a disability certificate, disability card or other formal document recognising the applicant's disability status. *In Member States that do not have a definition of disability status, entitlements to specific services based on a disability can be used when services or benefits are granted to persons with disabilities.*

- (12) *The UNCRPD recognises that discrimination and social exclusion experienced by persons with disabilities result from the environmental, systemic and attitudinal barriers in society, rather than from the impairment itself.* Due to the lack of *mutual* recognition of disability status between Member States, persons with disabilities *often* face specific *and significant* difficulties *and barriers* when exercising their fundamental rights of *equal treatment, non-discrimination and* free movement. *This is particularly the case for short stays or visits to another Member State within the meaning of Article 6 of Directive 2004/38/EC of the European Parliament and of the Council¹⁹, which provides that Union citizens and their family members have the right to reside in another Member State for a period of up to three months without being subject to any conditions or any formalities other than the requirement to hold a valid identity card or passport. For periods longer than three months, Article 7 of that Directive requires additional conditions to be met and, in that case, Article 8 of that Directive provides that the host Member State is able to require Union citizens to register with the relevant authorities.*

¹⁹ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

- (13) Persons with disabilities moving for longer periods to other Member States for employment, study or other purposes, except where otherwise provided by law or agreed among Member States, can have their disability ■ assessed and formally recognised by the competent authorities *or bodies* in the other Member State and can receive a disability certificate, disability card, or other formal document recognising their disability status *or a decision on the entitlement to specific services based on a disability* in accordance with applicable rules of that Member State.
- (14) *To promote the free movement of persons with disabilities participating in a Union mobility programme, continued equal access to special conditions or preferential treatment or to parking conditions and facilities should be ensured through the use of the European Disability Card and the European Parking Card for persons with disabilities for the duration of that programme. Union mobility programmes encompass programmes established by the Union to support mobility of persons for a fixed period to another Member State for educational, training, professional, civic or cultural purposes, such as the European Solidarity Corps Programme or Erasmus+, established, respectively, by Regulations (EU) 2021/888²⁰ and (EU) 2021/817²¹ of the European Parliament and of the Council.*

²⁰ Regulation (EU) 2021/888 of the European Parliament and of the Council of 20 May 2021 establishing the European Solidarity Corps Programme and repealing Regulations (EU) 2018/1475 and (EU) No 375/2014 (OJ L 202, 8.6.2021, p. 32).

²¹ Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L 189, 28.5.2021, p. 1).

- (15) However, persons with a recognised disability status *or an entitlement to specific services based on a disability, when* travelling to, or visiting for a short period of time, a Member State other than the Member State in which they reside, *regularly* encounter significant difficulties *and barriers* where their disability status *or entitlement to specific services based on a disability* is not recognised in the Member State to which they travel or which they visit and where they do not hold a disability certificate, disability card or other formal document recognising their disability status *or entitlement to specific services based on a disability* in the host Member State, in order to benefit from special conditions or preferential treatment offered there. *Persons with non-visible disabilities, in particular, often face specific difficulties when asked to prove their disability while travelling to or visiting another Member State.*
- (16) Persons with disabilities travelling to or visiting another Member State are put at a *significant* disadvantage when exercising their free movement rights as compared to persons *without disabilities as well as persons* with disabilities holding a disability certificate, disability card or other formal document recognising their disability status *or entitlement to specific services based on a disability* in the Member State to which they travel or which they visit.

- (17) Furthermore, not knowing whether or to what extent their disability status *or entitlement to specific services based on a disability* and formal documents recognising that status or entitlement ■ will be recognised when travelling to or visiting another Member State creates *significant* uncertainty for persons with disabilities. *The limited availability of online information regarding their specific rights and available advantages exacerbates that problem.* Ultimately, persons with disabilities can be deterred from exercising their rights of free movement *and full and effective participation and inclusion in society.*
- (18) *Union citizens have expressed concern about the lack of mutual recognition of disability across the Union in a number of petitions delivered to the European Parliament and have requested the introduction of a Union-wide disability card.*

- (19) Alongside *various visible and invisible* physical, *social* and other barriers to accessing public and private spaces *and services and the lack of reasonable accommodation*, high cost is a key factor that discourages many persons with disabilities from travel. Persons with disabilities have specific needs that *result in additional expenses related to their disability* and that can require *making use of* persons accompanying or assisting them including those recognised as personal assistants in accordance with national law or practice, *or of sign language interpreters or assistance animals*, making their travel costs higher than that of persons without disabilities. The lack of recognition of disability status *or entitlement to specific services based on a disability* in other Member States might limit their access to special conditions or preferential treatment or to parking conditions and facilities reserved for persons with disabilities, such as free access or reduced tariffs, *priority seating on public transport or reserved parking spaces*, and has an impact on their travel costs, lives, *social and economic integration and personal autonomy*. *Furthermore, the widespread lack of knowledge of psychosocial, cognitive, physical or sensorial accessibility policies can result in discriminatory behaviour towards persons with disabilities.*

- (20) Preferential treatment, such as personal assistance, priority access or *the possibility to bypass queues*, whether or not offered for remuneration, *is often* important for the purpose of enabling persons with disabilities to access various services, activities and facilities and to *fully benefit from* them. However, due to the lack of *mutual* recognition, in the Member State to which they travel or which they visit, of their disability status *or entitlement to specific services based on a disability* and of formal documents recognising this ■ issued in other Member States, persons with disabilities might not be able to benefit from the special conditions or preferential treatment offered by public authorities or private operators in that Member State to holders of a disability certificate, a disability card or other formal documents recognising their disability status *or entitlement to specific services based on a disability* issued in that Member State.

- (21) ***While voluntary in nature and limited in scope***, the Pilot Project on the EU Disability Card, launched in 2016 and carried out in eight Member States, demonstrated ***that facilitating the mutual recognition of disability status or entitlement to specific services based on a disability between Member States provided*** advantages for persons with disabilities in accessing special conditions or preferential treatment as regards services in the areas of culture, leisure, sport and, in some cases, transport, and in supporting their cross-border movement in the Union for a short period, ***and showed that the EU Disability Card's objectives continue to be relevant to the current needs of persons with disabilities***. In addition, that Pilot Project included other examples of services, activities and facilities which offer special conditions or preferential treatment to persons with disabilities.
- (22) On the basis of their disability status ***or entitlement to specific services based on a disability***, persons with disabilities can apply to competent authorities ***or bodies*** in the Member State in which they reside for the issuance of a parking card for persons with disabilities which recognises the right to certain parking conditions and facilities reserved for persons with disabilities. Each Member State has in place an application procedure, at local, regional or national level, to obtain a parking card for persons with disabilities, or persons accompanying or assisting them including personal assistants, and criteria which are to be fulfilled in order to be eligible.

- (23) Council Recommendation 98/376/EC²² provides a European model of a parking card for persons with disabilities, which facilitates the recognition of such parking cards across Member States. However, *given its non-binding nature, the implementation of that Recommendation* and the inclusion of specific national additions or deviations from the recommended model have led to a variety of different *parking* cards for persons with disabilities. Such a variety hinders the cross-border recognition of those parking cards across Member States, hampering the access of persons with disabilities to *specific* parking conditions provided and facilities reserved for holders of a parking card for persons with disabilities in other Member States. Moreover, that Recommendation has not been updated to reflect ongoing technological and digitalisation developments. Member States *have also experienced* problems with fraud and forgery with regard to parking cards for persons with disabilities as the format is usually quite simple and easily forged and, in practice, different in each Member State, which makes it difficult to verify. *In light of this Directive, which provides for legally binding rules that are more detailed in this field, Recommendation 98/376/EC no longer achieves its objectives. Member States should, however, be able to allow parking cards for persons with disabilities issued before the date of application of the measures transposing this Directive in accordance with that Recommendation to have the same effect as the European Parking Card for persons with disabilities in their territory.*

²² Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities (OJ L 167, 12.6.1998, p. 25).

- (24) In order to facilitate access by persons with disabilities to special conditions or preferential treatment related to services *including passenger transport services*, activities and facilities *also* where not provided for remuneration in Member States other than that where they reside, remaining barriers and difficulties in travelling to or visiting another Member State due to the lack of *mutual* recognition of their disability status *or entitlement to specific services based on a disability* and of formal documents recognising that status or entitlement ■ issued in other Member States and parking rights should be removed.
- (25) Therefore, with a view to facilitating the exercise by persons with disabilities ■ of the rights to access special conditions or preferential treatment offered by public authorities or private operators *when travelling to or visiting another Member State for a short stay* without discrimination on grounds of nationality on the same basis as persons with disabilities in that Member State, and with a view to facilitating the use of *all means of* transport and benefiting from parking conditions and facilities reserved for persons with disabilities on the same basis as in that Member State, it is necessary to establish the framework of common rules and conditions, including a common standardised model, for a European Disability Card, as proof of recognised disability status *or of an entitlement to specific services based on a disability*, and for a European Parking Card for persons with disabilities, as proof of their recognised right to parking conditions and facilities reserved for persons with disabilities. *Moreover, Member States should be able to decide to apply this Directive to persons with a recognised disability status or an entitlement to specific services based on a disability for periods longer than a short stay.*

- (26) The mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities should facilitate and guarantee persons with a recognised disability status *or an entitlement to specific services based on a disability* in a Member State access to special conditions or preferential treatment offered by public authorities or private operators in a variety of services, activities and facilities, including where not provided for remuneration, as well as access to parking conditions and facilities reserved for persons with disabilities *and, where applicable, persons accompanying or assisting them including personal assistants*, on equal terms and conditions as those provided for on the basis of national disability certificates, disability cards or other formal documents recognising disability status, *where such formal documents exist*, and parking cards for persons with disabilities issued by the competent authorities *or bodies* in the host Member State.
- (27) Beside parking conditions and facilities, the services, activities and facilities covered by this Directive concern a wide variety of ever-changing activities, including activities not offered for remuneration, by public authorities or private operators, either on a mandatory basis on the basis of national or local rules or legal obligations, or on a voluntary basis in particular by private operators, in a variety of policy domains, such as culture, leisure, tourism, sports, public and private transport, and *training*.

- (28) Examples of special conditions or preferential treatment include free access, reduced tariffs, reduced tolls or user charges for roads, bridges or tunnels subject to road charging, priority access, *access to restricted traffic and pedestrian zones, priority seating on public transport*, designated *and accessible* seats on *public transport*, parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals *such as guide dogs or assistance dogs for persons with disabilities including persons with visual impairments*, assistance on the beach to enter the water, support such as access to braille, audio guides or sign language interpretation, provisions of aids or assistance, loan of a wheelchair, loan of a floating wheelchair, obtaining tourist information in accessible formats, and using a mobility scooter on roads or a wheelchair in bike lanes without a fine. *Examples of* parking conditions and facilities include *free or* extended parking or reserved parking spaces, *as well as access to areas where traffic is restricted to specific vehicles in accordance with national law, such as low-emission zones*. With respect to passenger transport services *by air, rail, waterborne means of transport, or bus and coach*, in addition to the special conditions or preferential treatment offered to persons with disabilities, *assistance animals such as guide dogs or assistance dogs for persons with disabilities including persons with visual impairments*, personal assistants, *sign language interpreters* or other persons accompanying or assisting persons with disabilities or reduced mobility travel free of charge or *at a reduced price and are* seated, where practicable, next to the person with disabilities whom they are accompanying or assisting. *Persons accompanying or assisting persons with disabilities are designated by the persons with disabilities themselves or by their legal guardians and can change on an ad hoc basis depending on the requirements of the persons with disabilities.*

- (29) *Personal assistants accompany or assist persons with disabilities or carry out activities of day-to-day life, if need be in the framework of a contractual relationship, in accordance with national law or practice, with the objective of encouraging personal autonomy, facilitating community life and promoting independent living of persons with disabilities. Personal assistants, regardless of their nationality, should be able to accompany or assist persons with disabilities using the European Disability Card or the European Parking Card for persons with disabilities while travelling to or visiting a Member State other than that of which they are a resident, provided that they enjoy a right to move across the Union under applicable Union and national law.*
- (30) *In accordance with relevant Union law, where applicable, Member States should ensure that the operators of cross-border passenger transport services provide, pursuant to Regulations (EU) No 181/2011 and (EU) No 1177/2010, or make available upon request, pursuant to Regulation (EU) 2021/782, clear information to travellers holding a European Disability Card at the time of their purchase of a travel ticket with regard to the special conditions or preferential treatment that apply for the different parts of the operations throughout the journey, in order to avoid travellers holding the European Disability Card finding themselves without a valid travel document when entering another Member State on the same transport service.*

- (31) The issuance, *renewal and withdrawal* of the European Disability Card and the European Parking Card for persons with disabilities in a Member State is to be determined by this Directive together with that Member State's applicable *rules*, procedures and competences for the assessment and recognition of disability status *or entitlement to specific services based on a disability* and parking rights for persons with disabilities. *Where Member States issue the European Disability Card directly, they should seek the consent of the person concerned. The issuance and renewal of the European Disability Card should be free of charge, while the reissuance of that card, in the event of loss or damage, may be subject to a fee. The issuance and renewal of the European Parking Card for persons with disabilities may be either free of charge or subject to a fee. The possible fees charged for the reissuance of the European Disability Card in the event of loss or damage or for the issuance and renewal of the European Parking Card for persons with disabilities should neither exceed the administrative costs concerned nor be set at a level so as to prevent or discourage persons with disabilities from acquiring or reacquiring those cards.*

- (32) In addition to the physical version *of the European Disability Card*, Member States should provide for a digital version of the card *and should be able to provide for a digital version of the European Parking Card for persons with disabilities, after technical specifications have been set by means of implementing acts. Such specifications* should build on the experience of past and ongoing work at Union level on digitalisation of certificates and documents, such as the EU Digital COVID Certificate set up under Regulation (EU) 2021/953 of the European Parliament and of the Council²³, and should enable the use of the European Disability Card and the European Parking Card *for persons with disabilities by means of a digital identity wallet at Union level*. Persons with disabilities should be *informed about those possibilities and be free to decide* to use either the *physical or the digital version of the European Disability Card or both*. *In Member States where the physical version of the European Parking Card for persons with disabilities is complemented by a digital version, persons with disabilities should be able to request the physical version of the card and, if they so wish, both the digital and the physical version of the card.*

²³ Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 1).

- (33) The issuance of the European Disability Card and the European Parking Card for persons with disabilities entails the processing of personal data, including, in particular, the data concerning the card holder's disability status, which constitutes data concerning health as referred to in Article 4, point (15), of Regulation (EU) 2016/679 of the European Parliament and of the Council²⁴ and is a special category of personal data within the meaning of Article 9 of that Regulation. Any personal data processing in the context of this Directive is to comply with applicable data protection law, in particular Regulation (EU) 2016/679. When transposing this Directive, the Member States are to ensure that the national legislation includes appropriate safeguards applicable to the processing of personal data, in particular special categories of personal data. The Member States should also ensure the security, integrity, authenticity and confidentiality of the personal data collected and stored for the purpose of this Directive.
- (34) The Member State responsible for issuing the European Disability Card or the European Parking Card for persons with disabilities should be that where the person habitually resides *in accordance with Union law and receives the assessment of a disability status or an entitlement to specific services based on a disability* ■ . Holders of a European Disability Card or a European Parking Card for persons with disabilities should be able to use such a card during their stay in any other Member State.

²⁴ 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).

- (35) *The European Disability Card and the European Parking Card for persons* with disabilities are intended to *facilitate all persons with disabilities to* effectively exercise their rights to free movement fully and also enjoy *equal access to special conditions or preferential treatment or to parking conditions and facilities with respect to* services, activities and facilities offered by Member States, including where not offered for remuneration. *This is particularly the case* for persons with disabilities ■ who travel to or visit another Member State for *work or training-related* purposes.
- (36) The envisaged framework for mutual recognition of the European Disability Card and the European Parking Card for persons with disabilities does not affect the competences of a Member State to assess and recognise the disability status *or entitlement to specific services based on a disability or* to offer special conditions or preferential treatment such as free access to or reduced tariffs for certain services for persons with disabilities, *including those making use of assistance animals*, or persons accompanying or assisting persons with disabilities including personal assistants. It neither *imposes an obligation on public authorities or private operators to introduce special conditions or preferential treatment for persons with disabilities, nor creates a centralised Union list of special conditions or preferential treatment for European Disability Card holders across Member States. Public authorities and private operators can offer certain special conditions or preferential treatment only to a specific group of persons with disabilities, depending on the needs of that specific group.*

- (37) *A European Disability Card can be required as proof of disability status in order to access on equal terms and conditions any special conditions or preferential treatment with respect to services, activities or facilities, including where not offered for remuneration, offered to or reserved for persons with disabilities or persons accompanying or assisting them, including their personal assistants, under the scope of this Directive. However, a European Disability Card should not be required as proof of disability in order to access or exercise any rights provided for in other Union or national law, including those offering specific benefits, special conditions or preferential treatment not falling under the scope of this Directive. Where a disability certificate, disability card or other formal document for persons with disabilities is required in accordance with Union law, the European Disability Card should not be required as proof of disability unless a Member State decides to merge their national disability certificate, disability card or other formal document for persons with disabilities with the European Disability Card.*

- (38) *This Directive does not apply to social security benefits under Regulations (EC) No 883/2004²⁵ and (EC) No 987/2009²⁶ of the European Parliament and of the Council, special contributory or non-contributory cash benefits or benefits in kind in the area of social security, social protection or employment, or social assistance covered by Article 24(2) of Directive 2004/38/EC. As the aim of this Directive is to facilitate equal access to special conditions or preferential treatment for persons with disabilities when travelling to or visiting another Member State for a short stay, this Directive also does not apply to remunerated or non-remunerated services that are provided for the long-term inclusion, habilitation or rehabilitation of persons with disabilities, or to special conditions or preferential treatment for access to services offered to persons with disabilities in consideration of their individual needs and upon the fulfilment of additional criteria, on the basis of an individual assessment or a decision on the entitlement to specific services based on a disability, which differ from the services provided to persons with disabilities that do not fulfil such additional criteria. However, the implementation of this Directive should not be used to exclude special conditions or preferential treatment already offered to persons with disabilities from the scope of this Directive by making them subject to the fulfilment of additional criteria.*

²⁵ 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).

²⁶ Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).

- (39) In order to raise awareness and facilitate access *by persons with disabilities* to special conditions or preferential treatment while travelling to or visiting another Member State, all relevant information with respect to the conditions, rules, practice and procedures applicable to obtain the European Disability Card or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available *by Member States* in a clear, comprehensive, user-friendly manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882, *including sign language, braille, assistive formats and audio/audio features. Member States should aim to ensure that such information does not exceed the level of complexity of level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.*
- (40) *The Commission should set up a dedicated Union webpage. That Union webpage should contain a link to the national website of each Member State. The Union webpage should be available in all official Union languages, in international sign language and in the national sign languages of Member States as well as in accessible and easy-to-read formats, in accordance with the relevant accessibility requirements for services as set out in Annex I to Directive (EU) 2019/882. The information on that webpage should be easily understandable, without exceeding the level of complexity of level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.*

- (41) *Due to misunderstandings, communication barriers or a lack of awareness, persons with disabilities, particularly those with invisible disabilities, do not always receive the most appropriate support and accommodation for their disability, including when travelling by public transport or dealing with national authorities, or during emergencies. In order to incentivise service providers and facilitate the access of persons with disabilities to special conditions or preferential treatment, Member States should raise awareness about the existence and use of the European Disability Card and the European Parking Card for persons with disabilities among public authorities and private operators and should encourage them to offer persons with disabilities special conditions or preferential treatment on a voluntary basis. In particular, Member States can encourage public authorities and private operators through, for example, the provision of information on possible special conditions or preferential treatment to be offered as well as the provision of disability-awareness training so as to ensure the relevance, effectiveness and inclusivity of any special conditions or preferential treatment offered. Member States should seek to develop, implement and evaluate any such measures in consultation with persons with disabilities and their representative organisations.*

- (42) *Public authorities that offer special conditions or preferential treatment or parking conditions and facilities to persons with disabilities should make such information publicly available in a clear, comprehensive, user-friendly manner and accessible formats, including through the public authorities' official websites where available, or by other suitable means, in accordance with the relevant accessibility requirements for services as set out in Annex I to Directive (EU) 2019/882 including sign language, braille, assistive formats and audio/audio features. Private operators that offer special conditions or preferential treatment or parking conditions and facilities to persons with disabilities should also be encouraged to make such information publicly available in a clear, comprehensive, user-friendly manner and accessible formats.*
- (43) Member States, *with the support of the Commission*, should take ■ the necessary steps to *prevent* any risk of forgery or fraud *in relation to* the European Disability Card or the European Parking Card for persons with disabilities and should actively combat the fraudulent *issuance, fraudulent* use and forgery of those cards. *Members States should exchange information on such cases to ensure mutual trust between Member States as the mutual recognition of disability status is the cornerstone of the European Disability Card. Member States should ensure that any measures taken to prevent the risk of forgery or fraud should respect the rights of persons with disabilities and should not lead to their stigmatisation. Member States should consult persons with disabilities and their representative organisations in the design and implementation of those measures.*

- (44) In order to ensure the proper application of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Directive by setting the digital *features for the physical* versions of the European Disability Card and the European Parking Card for persons with disabilities **■** in order *to prevent and combat fraud*, and by modifying the *data fields* of the standardised format *for those cards as set out in this Directive where such modifications are necessary in order to* adapt the format to technical developments, to prevent forgery and fraud, *to address abuse or misuse* or to ensure interoperability.
- (45) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission with regard to *setting the accessible digital version of the European Disability Card, and the accessible digital version of* the European Parking Card for persons with disabilities *for Member States that decide to complement its physical version with a digital one, as well as with regard to establishing common technical specifications for the* security and digital features, as well as interoperability matters, *of the physical version of the cards*. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁷.

²⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (46) *In accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council²⁸, the Commission is to consult the European Data Protection Supervisor when preparing delegated acts or implementing acts that impact on the protection of individuals' rights and freedoms with regard to the processing of personal data. The Commission can also consult the European Data Protection Board where such acts are of particular importance for the protection of rights and freedoms of individuals with regard to the processing of personal data.*
- (47) Member States should ensure that adequate and effective means exist to ensure compliance with and the enforcement of this Directive and should establish appropriate remedies, including checks on compliance and administrative *or* judicial procedures, to guarantee that persons with disabilities, persons accompanying or assisting them including personal assistants, as well as public bodies, *such as equality bodies*, private associations, organisations, *in particular representative organisations of persons with disabilities*, or other legal entities which have a legitimate interest *in ensuring that this Directive is complied with*, are able to take action on behalf *or in support* of a person with disabilities, *with his or her approval, in accordance with national law and practice. Member States should ensure that those means take into account Article 13 of the UNCRPD and the principle of reasonable accommodation defined in Article 2 of the UNCRPD.*

²⁸ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

- (48) Member States should take appropriate measures ■ in the event of a failure to comply with the obligations laid down in this Directive and ■ the rights which are within its scope. *Appropriate measures should be effective, proportionate and dissuasive and* could include administrative and financial sanctions, such as *warnings*, fines or the payment of *adequate* compensation, as well as other types of penalties.
- (49) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter *and the UNCRPD*. In particular, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social, *economic* and occupational integration and participation in the life of the community and to promote the application of Article 26 of the Charter.
- (50) Since the objectives of this Directive, namely to *strengthen the exercise of the free movement rights of persons with disabilities, and* enhance the possibilities for persons with disabilities to travel to or visit another Member *State, and thereby fight against discrimination against them*, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action establishing a framework of common rules and conditions, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DIRECTIVE:

Chapter I

General provisions

Article 1

Subject matter

This Directive lays down:

- (a) the rules governing the issuance of the European Disability Card ■ to persons with disabilities as proof *of a* disability status or *proof of entitlement to specific services based on a disability, with the aim of promoting freedom of movement* for persons with disabilities *and* facilitating short stays of persons with disabilities in a Member State other than that of which they are a resident, by granting them *equal* access to any special conditions or preferential treatment with respect to services, activities or facilities, including where not provided for remuneration, ■ offered to or reserved for persons with disabilities *in that Member State, including those making use of assistance animals, and, where applicable, persons* accompanying or assisting persons with disabilities, including their personal *assistants*;

- (b) *the rules governing the issuance of the European Parking Card for persons with disabilities as proof of the right to parking conditions and facilities reserved for persons with disabilities, with the aim of promoting freedom of movement for persons with disabilities and facilitating short stays of persons with disabilities in a Member State other than that in which they are a resident, by granting them equal access to any parking conditions and facilities offered to or reserved for persons with disabilities in that Member State and, where applicable, persons accompanying or assisting persons with disabilities, including their personal assistants;*
- (c) common templates for the European Disability Card and the European Parking Card for persons with disabilities.

Article 2

Scope


1. This Directive shall apply to parking conditions and facilities and to all situations where special conditions or preferential treatment are offered by public authorities or private operators to persons with disabilities as regards access to the following services, activities and facilities, *in the context of a short stay*:
 - (a) services within the meaning of Article 57 TFEU;
 - (b) passenger transport services;
 - (c) other activities and facilities, **■** including where not provided for remuneration.

2. *Member States shall apply this Directive for periods longer than a short stay to holders of the European Disability Card or the European Parking Card for persons with disabilities who participate in a Union mobility programme, for the duration of that programme.*

Member States may also decide to apply this Directive for periods longer than a short stay to holders of the European Disability Card or European Parking Card for persons with disabilities visiting or staying in their territory.

3. This Directive does not apply to:

- (a) benefits in the area of social security under Regulations (EC) No 883/2004 and (EC) No 987/2009;
- (b) special contributory or non-contributory cash benefits or benefits in kind in the area of social security, social protection or employment;
- (c) social assistance covered by Article 24(2) of Directive 2004/38/EC;
- (d) *remunerated or non-remunerated services that are provided for the long-term inclusion, habilitation or rehabilitation of persons with disabilities;*
- (e) *special conditions or preferential treatment for access to services offered to persons with disabilities in consideration of their individual needs and upon the fulfilment of additional criteria, on the basis of an individual assessment or of a decision on entitlement to specific services.*

4. This Directive does not affect Member States' competence to determine the conditions for assessing and recognising disability status *or the entitlement to specific services based on a disability*, or for granting the right to parking conditions and facilities reserved for persons with disabilities. It does not affect Member States' competence to issue,  at national, regional or local level, a disability certificate, disability card or other formal document for persons with disabilities, *including a decision on the entitlement to specific services based on a disability*.
5. This Directive does not *affect* Member States' competence to grant, or to require to be granted, specific benefits or special conditions or preferential treatment, such as free access or reduced tariffs for persons with disabilities, *including those making use of assistance animals*, and for a person or persons accompanying or assisting persons with disabilities, including their personal assistant or assistants.

6. This Directive shall be without prejudice to the rights that persons with disabilities or a person or persons accompanying or assisting them, including their personal assistant or assistants, *or assistance animals* may derive from other provisions of Union law or national law implementing Union law, including rights offering specific benefits, special conditions or preferential treatment. ***A European Disability Card shall not be required as proof of disability in order to access or exercise the rights referred to in this paragraph for which a disability certificate, disability card or other formal document for persons with disabilities may be required in accordance with Union law, unless the relevant Member State decides to merge the national disability certificate, disability card or other formal document for persons with disabilities with the European Disability Card.***

Article 3

Definitions

For the purpose of this Directive, the following definitions shall apply:

- (1) ‘Union citizen’ means a person having the nationality of a Member State;
- (2) ‘family member’ means a *family* member ***as defined in Article 2, point (2), of Directive 2004/38/EC or within the meaning of Article 3(2) of that Directive***, irrespective of *their* nationality, of a Union citizen exercising his or her right to free movement ■ ;

- (3) 'persons with disabilities' means persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- (4) 'personal assistant' means a person who is accompanying or assisting a person with disabilities and who is recognised as such in accordance with national law or practice;
- (5) 'special conditions or preferential treatment' means **any** specific conditions, including those related to financial conditions, or **any** differentiated treatment related to assistance and support ■ offered to persons with disabilities or, where applicable, to persons accompanying or assisting them including personal assistants, or to assistance animals, irrespective **of** whether they are offered on a voluntary basis or imposed on the basis of a legal obligation;
- (6) 'parking conditions and facilities' means a parking space reserved for persons with disabilities **or, where applicable, persons accompanying or assisting them including personal assistants, either exclusively or** in general, as well as **any** associated parking benefits or preferential conditions offered to persons with disabilities, ■ irrespective of whether they are offered on a voluntary basis or imposed on the basis of a legal obligation;

- (7) *‘short stay’ means a visit or stay in another Member State of up to three months;*
- (8) *‘assistance animal’ means an animal that provides assistance or performs tasks for the benefit of a person with disabilities in accordance with national law and practice.*

Article 4
Beneficiaries

This Directive shall apply to:

- (a) Union citizens and family members whose disability status *or entitlement to specific services based on a disability* is recognised by the competent authorities *or bodies* in their Member State of residence, *including* by means of a disability certificate, *disability* card or other formal document issued in accordance with national competences, practice and procedures, *who may be accompanied or assisted by one or, where necessary, more than one other persons*, including a personal assistant or personal assistants, *or by assistance animals, which may be indicated by the letter ‘A’ on their European Disability Card;*

- (b) Union citizens and family members whose rights to parking conditions and facilities reserved for persons with disabilities are recognised ***by the competent authorities or bodies*** in their Member State of residence, ***including*** by way of a parking card for persons with disabilities or other document issued in accordance with national competences, practice and procedures, ***who may be accompanied or assisted by one or, where necessary more than one other persons***, including a personal assistant or personal assistants.

With regard to point (a) of the first paragraph, the letter "A" may also be added on the European Disability Card for persons with disabilities with an increased need for support, in accordance with national law and practice.

Article 5

Equal access of persons with disabilities to special conditions or preferential treatment █

1. Member States shall take the necessary measures to ensure that holders of a European Disability Card, while travelling to or visiting a Member State other than that of which they are a resident, shall be granted access on equal terms and conditions as those provided to persons with disabilities who are holders of a disability certificate, disability card or other formal document recognising their disability status ***or entitlement to specific services based on a disability*** in that Member State, ***where such formal documents exist***, to any special conditions or preferential treatment offered with respect to the services, activities and facilities referred to in Article 2(1).
- █

2. Unless specified otherwise in this Directive or in other Union law, Member States shall take the necessary measures to ensure that *where the special conditions or preferential treatment referred to in paragraph 1 include favourable conditions for a person or persons accompanying or assisting persons with disabilities, including a personal assistant or personal assistants, or specific conditions for assistance animals, those favourable or specific conditions are offered on equal terms and conditions to a person or persons accompanying or assisting holders of a European Disability Card, including a personal assistant or personal assistants, or to assistance animals.*

I

Article 6

Equal access of persons with disabilities to parking conditions and facilities


- 1. Member States shall take the necessary measures to ensure that holders of a European Parking Card for persons with disabilities, while travelling to or visiting a Member State other than that of which they are a resident, shall be granted access to parking conditions and facilities reserved for persons with disabilities on equal terms and conditions as those provided for in that Member State to holders of parking cards for persons with disabilities issued in that Member State.***
- 2. Unless specified otherwise in this Directive or in other Union law, Member States shall take the necessary measures to ensure that, where the parking conditions and facilities referred to in paragraph 1 include favourable conditions for a person or persons accompanying or assisting persons with disabilities, including a personal assistant or personal assistants, those favourable conditions are offered on equal terms and conditions to a person or persons accompanying or assisting holders of a European Parking Card for persons with disabilities, including a personal assistant or personal assistants.***

Chapter II

European Disability Card and European Parking Card for persons with disabilities

Article 7

Format, mutual recognition, issue and validity of the European Disability Card

1. Each Member State shall introduce the ***physical version of the*** European Disability Card following the common standardised ***and accessible*** format set out in Annex I. Member States shall include  in the physical version of the card ***a QR code and any other digital features that use electronic means to prevent and combat fraud as laid down in the delegated acts referred to in paragraph 7, point (a), within a reasonable time after their adoption and not later than ... [42 months from the date of entry into force of this Directive].***
2. European Disability Cards issued by Member States shall be mutually recognised in all Member States.


3. Competent authorities *or bodies* in the Member States shall issue, renew or withdraw the European Disability Card in accordance with their national rules, procedures and practice. Without prejudice to Regulation (EU) 2016/679, Member States shall ensure the security, integrity, authenticity and confidentiality of the personal data collected and stored for the purpose of this Directive. The competent authority *or body* responsible for issuing the European Disability Card shall be considered to be a controller as defined in Article 4, point (7), of Regulation (EU) 2016/679 and shall have responsibility for the processing of personal data. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of non-compliance with obligations with regard to personal data.
4. The European Disability Card shall be issued or renewed by the Member State of residence directly or upon application by the person with disabilities *or by an authorised person, under national law. Persons with disabilities shall be informed about the possibility to apply for the European Disability Card where it is not issued directly.* It shall be issued or renewed *free of charge to the beneficiary, within the same period as applicable to* issuing disability certificates, disability cards or other formal documents *or to procedure* recognising the disability status *or entitlement to specific services based on a disability. Member States may decide to charge a fee for the costs relating to the reissuance of the European Disability Card in the event of loss or damage. Where such a fee is charged, Member States shall ensure that the fee does not exceed the administrative costs concerned or prevent or discourage persons with disabilities from requesting the reissuance of the European Disability Card.*

5. The European Disability Card shall be issued as a physical version and shall be complemented by *an accessible* digital version *within a reasonable time after the Commission has laid down the technical specifications* referred to in *Article 9(2)*. Persons with disabilities shall be given the option to *request the physical version of card*, the digital version *or both*. *The digital version shall not contain more personal data than those provided for the physical version as set out in Annex I. The personal data contained in that digital version shall be encrypted and technical precautions shall be taken to ensure that the storage medium is read only by authorised users.*
6. The validity of the European Disability Card *shall be determined by the issuing* Member State. *Member States* shall *ensure that the European Disability Card has the longest possible validity taking into account, where applicable, the duration of validity* of the disability certificate, disability card or other formal document *or the duration of procedure* recognising the disability status *or entitlement to specific services issued* by the competent authority *or body* of the Member State *of residence of a person with disabilities*.

7. *By ... [12 months from the date of entry into force of this Directive], the Commission shall adopt delegated acts in accordance with Article 14 to supplement this Directive by:*
- (a) setting the QR code and, if appropriate, other state-of-the-art digital features that use electronic means for the physical version of the European Disability Card, to prevent and combat fraud; and*
 - (b) establishing digital features that ensure the security of the physical version of the European Disability Card, including the appropriate security measures for personal data in accordance with Regulation (EU) 2016/679, as well as interoperability matters, such as common Union applications for reading data contained in digital features in the physical version of the card that use electronic means to prevent and combat fraud.*
8. *The Commission is empowered to adopt delegated acts in accordance with Article 14 to amend this Directive by modifying the data fields of the standardised format for the European Disability Card set out in Annex I where such modifications are necessary to adapt the format to technical developments, █ to prevent forgery and fraud, to address abuse or misuse or to ensure interoperability. In those delegated acts, Member States shall be given sufficient time to implement such modifications.*

Article 8

Format, mutual recognition, issue and validity of the European Parking Card for persons with disabilities

1. Each Member State shall introduce the ***physical version of the*** European Parking Card for persons with disabilities following the common standardised ***and accessible*** format set out in Annex II. Member States shall include  in the physical version of the card ***a QR code and any other digital features that use electronic means to prevent and combat fraud as laid down in the delegated acts referred to in paragraph 7, point (a), within a reasonable time after their adoption and not later than ... [42 months from the date of entry into force of this Directive].***
2. European Parking Cards for persons with disabilities issued by Member States shall be mutually recognised in all Member States.

3. Competent authorities *or bodies* in the Member States shall issue, renew or withdraw the European Parking Card for persons with disabilities in accordance with their national rules, procedures and practice. Without prejudice to Regulation (EU) 2016/679, Member States shall ensure the security, integrity, authenticity and confidentiality of the personal data collected and stored for the purpose of this Directive. The competent authority *or body* responsible for issuing the European Parking Card for persons with disabilities shall be considered to be a controller as defined in Article 4, point (7), of Regulation (EU) 2016/679 and shall have responsibility for the processing of personal data. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of non-compliance with obligations with regard to personal data.
4. The European Parking Card for persons with disabilities shall be issued or renewed by the Member State of residence upon application by the person with disabilities *or by an authorised person, under national law*. It shall be issued or renewed within a reasonable period from the date of the application which shall not exceed **90 days, unless required assessments are ongoing. Member States may issue and renew the** European Parking Card for persons with disabilities *free of charge or charge a fee for the costs relating to its issuance and renewal. Where such a fee is charged, Member States shall ensure that the fee does not exceed the administrative costs concerned or prevent or discourage persons with disabilities from requesting the European Parking Card for persons with disabilities.*

5. Member States shall take the necessary measures to ensure that the European Parking Card for persons with disabilities replaces all existing ■ parking cards for persons with disabilities issued in accordance with Recommendation 98/376/EC at national, regional or local level *upon the beneficiary's request for its issuance, and in any case by ... [five years from the date of entry into force of this Directive]. Until that date, Member States may allow parking cards for persons with disabilities issued before ... [42 months from the date of entry into force of this Directive] in accordance with Recommendation 98/376/EC to have the same effect in their territory as the European Parking Card for persons with disabilities.*
6. The European Parking Card for persons with disabilities shall be issued or renewed as a physical version. *Member States may decide to complement the physical version of the card by a digital version after the Commission has laid down the technical specifications referred to in Article 9(2). In Member States where the physical version of the card is complemented by a digital version, persons with disabilities may request the card in the physical version, and if they so wish, in both the physical and the digital versions. The digital version shall not contain more personal data than those provided for the physical version as set out in Annex II. The personal data contained in that digital version shall be encrypted and technical precautions shall be taken to ensure that the storage medium is read only by authorised users.*

7. *By ... [12 months from the date of entry into force of this Directive], the Commission shall adopt delegated acts in accordance with Article 14 to supplement this Directive by:*
- (a) setting the QR code and, if appropriate, other state-of-the-art digital features that use electronic means for the physical version of the European Parking Card for persons with disabilities, to prevent and combat fraud; and*
 - (b) establishing common technical specifications that ensure the security of the physical version of the European Parking Card for persons with disabilities, including the appropriate security measures for personal data in accordance with Regulation (EU) 2016/679, as well as interoperability matters, such as common Union applications for reading data contained in digital features in the physical version of the card that use electronic means to prevent and combat fraud.*
8. *The Commission is empowered to adopt delegated acts in accordance with Article 14 to amend this Directive by modifying the data fields of the standardised format for the European Parking Card for persons with disabilities set out in Annex II where such modifications are necessary to adapt the format to technical developments, to prevent forgery and fraud, to address abuse or misuse or to ensure interoperability. In those delegated acts, Member States shall be given sufficient time to implement such modifications.*

Chapter III

Common provisions

Article 9

Digital versions and common technical specifications

1. *The Commission shall adopt implementing acts to set the accessible digital versions of the European Disability Card and the European Parking Card for persons with disabilities, with the data fields set out in Annexes I and II respectively, and to ensure interoperability.*
2. *The Commission shall adopt implementing acts establishing common technical specifications regarding the storage medium of the digital version of the European Disability Card and the European Parking Card for persons with disabilities for matters such as verifying the validity of the European Disability Card and the European Parking Card for persons with disabilities and their serial or file number, for controlling their authenticity, for preventing forgery and fraud, for the reading of those cards between Member States, and for their use in a digital identity wallet at Union level.*

3. The implementing acts referred to in paragraphs 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article 15(2).
4. ***Before adopting the implementing acts pursuant to paragraph 1 or 2, the Commission shall consult persons with disabilities and their representative organisations as well as experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making²⁹.***

Article 10

Surveillance and compliance

■

1. Member States, ***with the support of the Commission***, shall take ***the*** necessary steps to ***prevent*** the risk of forgery and fraud and shall actively combat the fraudulent ***issuance***, fraudulent use and forgery of the European Disability Card and European Parking Card for persons with disabilities.

■

²⁹ OJ L 123, 12.5.2016, p. 1.

2. *In the event that a Member State encounters serious or systematic cases of abuse on its territory of the European Disability Card or European Parking Card for persons with disabilities issued by another Member State, that Member State shall inform* thereof the issuing Member State. The issuing Member State shall ensure appropriate follow-up in accordance with national law or practice. *Member States shall exchange information with regard to abuse of those cards.*
3. Member States shall carry out checks, *as appropriate*, on compliance with the obligations deriving from the European Disability Card or European Parking Card for persons with disabilities and with the corresponding rights of persons with disabilities holding those cards, *including in respect of assistance animals* and of persons accompanying or assisting persons with disabilities, including their personal assistants.

Article 11

Accessibility of information and awareness raising

1. *Member States shall make the conditions, rules, practice and procedures for issuing, renewing and withdrawing a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible formats, including in digital and easy-to-read formats, and upon request in the assistive formats requested by persons with disabilities.*

2. *Member States shall take appropriate measures to raise awareness among the public and inform persons with disabilities and their representative organisations, including in accessible ways, about the existence and conditions for obtaining, using or renewing the European Disability Card and the European Parking Card for persons with disabilities. The Commission shall undertake a Union awareness-raising campaign in cooperation with the Member States and shall continuously promote awareness raising and dissemination of information on the implementation of this Directive.*
3. *Member States shall take measures to raise awareness among public authorities and private operators about the existence and the use of the European Disability Card and the European Parking Card for persons with disabilities and encourage such authorities and operators to voluntarily offer special conditions or preferential treatment, and parking conditions and facilities to persons with disabilities in as wide a range of services, other activities and facilities as possible.*
4. *The information referred to in paragraphs 1 and 2 of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible manner, in accordance with the relevant accessibility requirements for services as set out in Annex I to Directive (EU) 2019/882, including through the official websites of public authorities, or by other suitable means.*

Article 12

Competent authorities or bodies, and contact points

1. *Member States shall designate one or more competent authorities or bodies responsible for the issuance, renewal and withdrawal of the European Disability Card and the European Parking Card for persons with disabilities.*
2. *Member States shall designate one or more national contact points in order to facilitate the dialogue between the Member States and the Commission on the proper transposition and implementation of this Directive. By ... [six months from the date of entry into force of this Directive], Member States shall inform the Commission of their national contact points.*

Article 13

Representative organisations of persons with disabilities

Member States shall ensure the active consultation and involvement of representative organisations of persons with disabilities in the development, implementation and evaluation of the European Disability Card and the European Parking Card for persons with disabilities.

Chapter IV

Delegated and implementing powers

Article 14

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 7(7) and (8) and Article 8(7) and (8) shall be conferred on the Commission for *a* period of **five years from ... [the date of entry into force of this Directive]**. ***The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***
3. The delegation of power referred to in Articles 7(7) and (8) and Article 8(7) and (8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult *persons with disabilities and their representative organisations as well as* experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 7(7) or (8) or Article 8(7) or (8) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 15

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Chapter V

Final provisions

Article 16

Enforcement and remedies

1. Member States shall ensure that adequate and effective means exist to ensure compliance with *and enforcement of* this Directive.
2. The means referred to in paragraph 1 shall include:
 - (a) *provisions whereby, in accordance with national law and practice, persons with disabilities, or representatives designated by them and acting on their behalf and with their or their legal guardian's approval, are able to appeal against a decision of the competent authorities or bodies regarding the issuance, renewal or withdrawal of a European Disability Card or a European Parking Card for persons with disabilities;*
 - (b) provisions whereby persons with disabilities may take action under national law before the courts or before the competent administrative bodies in the event of **non-compliance with the obligations or** rights provided for **in** this Directive and **█** in national provisions implementing this Directive;

(c) provisions whereby *one or more of the following bodies, as determined by national law*, may take action in accordance with national law and procedures before the courts or before the competent administrative bodies on behalf or in support of persons with disabilities *protecting their rights*, and with their approval, in any judicial or administrative proceedings provided for the enforcement of obligations under this Directive:

(i) *public bodies;*

(ii) *private associations, organisations or other legal entities which have a legitimate interest in ensuring that this Directive is complied with, such as representative organisations of persons with disabilities.*

Article 17

Non-compliance and penalties

1. Member States shall lay down the rules on *appropriate measures, such as* penalties, *in accordance with national law and practice*, applicable to *public authorities or bodies or private operators for non-compliance with* the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that those rules are implemented.

2. The *measures* provided for shall be effective, proportionate and dissuasive and be accompanied by effective remedial action.

Article 18

Access to information

1. Member States shall ensure that public authorities make *the* information on *the* special conditions or *preferential treatment or on parking conditions and facilities that they offer to persons with disabilities* pursuant to Articles 5 and 6 publicly available, *including through their websites where available, or by other suitable means*.

Each Member State shall establish a national website containing general information regarding the objective and the use of the European Disability Card and the European Parking Card for persons with disabilities, including, where appropriate, references to the competent authorities or bodies responsible for issuing, renewing and withdrawing those cards. That website shall also include general information available on special conditions or preferential treatment offered by public authorities for persons with disabilities and redirect users to visit specific websites of relevant public authorities for more specific information. That website may also contain such information from private operators at national level.

2. *Member States shall also encourage private operators to make information on the special conditions or preferential treatment and on parking conditions and facilities they offer pursuant to Articles 5 and 6 publicly available in accessible formats.*

3. The information referred to in *paragraphs 1 and 2* of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, through the public authorities' or private operators' official websites where available, or by other suitable means, in accordance with the relevant accessibility requirements for services as set out in Annex I to Directive (EU) 2019/882.
4. *In accordance with the relevant Union law, where applicable, operators of cross-border passenger transport services shall ensure that clear information is offered or available to passengers holding a European Disability Card on the special conditions or preferential treatment applicable in different parts of their journey.*

Article 19

Union webpage

- 1. By ... [48 months from the date of entry into force of this Directive], the Commission shall set up a dedicated Union webpage for the European Disability Card and European Parking Card for persons with disabilities. That Union webpage shall contain a link to the national websites referred to in the second subparagraph of Article 18(1).*
- 2. The Union webpage shall be available in all official Union languages, in international sign language and in the national sign languages of Member States as well as in accessible and easy-to-read formats, in accordance with the relevant accessibility requirements for services as set out in Annex I to Directive (EU) 2019/882. The information on the Union webpage shall be easily understandable, without exceeding the level of complexity of level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.*

Article 20
Reporting and assessment

1. By ... [78 months *from* the date of entry into force of this Directive], and every *four* years thereafter, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.
2. The report *referred to in paragraph 1* shall address, inter alia, in the light of social, economic, *technological and other relevant* developments the use of the European Disability Card and European Parking Card for persons with disabilities, *in particular the impact of any fees, the extent to which the implementation of this Directive has met its objectives and its interaction with other relevant Union legal acts* with a view to assessing the need to review this Directive.

That report shall also include an analysis of specific situations of disadvantage resulting from intersectional discrimination, which is understood as discrimination based on a combination of disability and any other grounds protected under Council Directive 79/7/EEC³⁰, 2000/43/EC³¹, 2000/78/EC³² or 2004/113/EC³³, with a particular focus on women and girls with disabilities.

3. *By ... [54 months from the date of entry into force of this Directive], the Commission shall carry out an assessment on any remaining gaps relating to the free movement of persons with disabilities. The Commission shall take due account of the outcome of that assessment when deciding whether further action at Union level is required to address any such gaps.*
4. Member States shall communicate to the Commission, at its request and in due time, **■** the information necessary for the Commission to draw up the report referred to in paragraph 1.

³⁰ Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ L 6, 10.1.1979, p. 24).

³¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

³² Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

³³ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).

5. The *report referred to in paragraph 1* shall take into account the viewpoints of persons with disabilities, ■ of relevant non-governmental organisations *in particular* organisations representing persons with disabilities, and *of economic stakeholders*.

■

Article 21

Transposition

1. By ... [**30** months from the date of entry into force of this Directive], Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those measures.

They shall apply those measures from ... [**42** months from the date of entry into force of this Directive].

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 22

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 23

Addressees

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament

For the Council

The President

The President

ANNEX I

FORMAT FOR THE EUROPEAN DISABILITY CARD

FRONT SIDE text: 'European Disability Card' in English *and in one or more official languages of the issuing Member State*.



The front side of the European Disability Card template is a blue rectangular card. In the top left corner, there is a circular emblem containing the letters 'BE' and a ring of twelve white stars. To the right of this emblem, the text 'European Disability Card' is written in white, with '[official language]' below it. In the top right corner, there is a small circular emblem containing the letters 'A' and a ring of twelve white stars. Below the main text, there is a large white rectangular area on the left. To the right of this area, there are six horizontal white bars, each containing a label in blue text: '[official language]/Name', '[official language]/Surname', '[official language]/Date of birth', '[official language]/Card serial number', '[official language]/Date of issuance', and '[official language]/Expiry date'.

REVERSE SIDE: Information to be decided by the issuing Member State in one or more official languages of that Member State.



1. The size of the card shall be in accordance with *the ID-1 format laid down by ISO/IEC 7810*.

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2. The card shall have:
 - a picture of the card holder,
 - the surname and forename of the card holder,
 - the date of birth of the card holder,
 - the serial *or file* number of the card.
3. The colour of the card shall be dark blue and light blue, in accordance with the picture in this Annex and shall use the following references:
 - dark blue: CMYK 100, 90, 10, 0,
RGB 0, 68, 148,
 - light blue: CMYK 94, 63, 7, 1,
RGB 0, 110, 183.

4. The card shall indicate its *dates of issuance and* expiry.
5. The card shall contain a country code surrounded by the circle of 12 stars symbolising the Union.
6. The font used shall be Arial Regular *or, where not possible, another sans-serif font.*
There shall be sufficient contrast between the foreground and background colours.
7. The words ‘European Disability Card’ in English and one or more official languages of the issuing Member State shall be displayed using Arial Regular font, and in braille using the Marburg code dimensions.
8. The optional letter ‘A’ (in type and in braille) may be added where the card entitles the person with disabilities to be accompanied by one or more personal assistants *or other accompanying or assisting persons recognised pursuant to national law or practice, or by assistance animals.* *The letter ‘A’ may also be added for persons with disabilities with an increased need for support, in accordance with national law or practice.*
9. A *QR-Code, and other possible digital* features that use electronic means to prevent fraud, shall be added following the adoption of the *delegated acts* referred to in Article 7(7), *point (a).*

The digital features in the physical version of the card may contain more personal data than those provided for in the physical version as set out in this Annex. However, access to such data shall be limited to public authorities of the issuing Member States and only to authorised users. The processing of such personal data shall comply with Regulation (EU) 2016/679.

10. *Entries shall be shown in English and in one or more official languages of the issuing Member State. If a Member State wishes to show entries in a language other than Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish or Swedish, it shall do so without prejudice to the other provisions of this Annex. Where a Member State makes entries in Bulgarian or Greek, it shall draw up a version of the card using Latin characters.*

ANNEX II

FORMAT FOR THE EUROPEAN PARKING CARD FOR PERSONS WITH DISABILITIES

FRONT SIDE

	EUROPEAN PARKING CARD FOR PERSONS WITH DISABILITIES [OFFICIAL LANGUAGE]
[official language]/Date of issuance:	 
[official language]/Expiry date:	
[official language]/Card serial number:	
[official language]/ Issuing authority/organisation:	
[official language]/Vehicle plate number (optional):	

REVERSE SIDE

<div>[official language]/Surname:</div> <div>[official language]/Forename:</div> <div>[official language]/Date of birth:</div>	<p>This card entitles the holder to local parking conditions and facilities reserved for persons with disabilities available in the Member State concerned.</p> <p>[official language]</p> <p>When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes.</p> <p>[official language]</p>
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1. The size of the card shall be:
 - height: 106 mm,
 - width: 148 mm.
2. The colour of the card shall be dark blue and yellow, in accordance with the pictures in this Annex and shall use the following references:
 - dark blue: CMYK 100, 90, 10, 0,
RGB 0, 68, 148,
 - yellow: CMYK 94, 63, 7, 1,
RGB 255, 237, 0.

3. The card shall be divided vertically into two parts on both the front and reverse side.

(a) The left-hand part of the front side shall contain:

- the wheel-chair-user symbol in dark blue on a yellow background,
- *the dates of issuance and* expiry of the card,
- the serial number of the card,
- the name ■ of the issuing authority or organisation,
- *if* the card is associated *with* a vehicle and the Member State so requires, its number plate; *for Member States that do not require the number plate to be indicated, the card shall not contain the relevant data field.*

(b) The right-hand part of the front side shall contain:

- the words ‘European Parking Card for persons with disabilities’ in *English and one or more official languages* of the issuing Member State in capital letters, *and in braille using the Marburg code dimensions,*

- as background, the distinguishing code of the issuing Member State surrounded by the circle of 12 stars symbolising the Union,
- a *QR code, and other possible digital features that use electronic means to prevent fraud, to be added following adoption of the delegated acts referred to in Article 8(7), point (a).*

The digital features in physical version of the card may contain more personal data than the data provided for in the physical version as set out in this Annex.

However, access to such data shall be limited to public authorities of the issuing Member States and only to authorised users. The processing of such personal data shall comply with Regulation (EU) 2016/679.

- (c) The left-hand part of the reverse side shall contain:
- the surname and forename of the card holder,
 - the date of birth of the card holder.

■

(d) The right-hand part of the reverse side shall contain *in English and in one or more official languages of the issuing Member State*:

- the statement ‘This card entitles the holder to local parking conditions and facilities reserved for persons with disabilities available in the Member State concerned’,
- the statement ‘When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes’.

4. ■ Entries shall be shown in *English and in one or more official* languages of the issuing Member State. If a Member State wishes to show the entries in a language other than Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish or Swedish, it shall do so without prejudice to the other provisions of this Annex. Where a Member State makes entries in Bulgarian or Greek, it shall draw up a version of the card using ■ Latin characters.

■
