



## EUROPEAN UNION OF THE DEAF

A European Non-Governmental Organisation in official liaison with  
European Parliament, European Commission and the Council of Europe

### **EUD Position on the European Commission's Proposal for a Directive establishing the European Disability Card**

The European Union of the Deaf (EUD) is a not-for-profit organisation representing the interest and the human rights of deaf people and fostering the status of national sign languages within the EU. Our membership is constituted of National Associations of the Deaf of all 27 EU Member States as well as Iceland, Norway, UK and Switzerland. EUD is the official spokesperson of the European deaf community before the European Union, the Council of Europe and the United Nations.

The European Commission (the Commission hereafter) published the proposal for a Directive establishing the European Disability Card (EDC hereafter) on 6th September 2023. EUD welcomes the Commission's proposal and, after many years of campaigning for an EDC, recognises it as a significant step towards fulfilling deaf people's right to the freedom of movement in the EU. EUD calls on the EU institutions to work quickly to improve the proposal and adopt it in the briefest delays.

In April 2023, EUD published its [Policy Recommendations on the European Disability Card](#), representing the perspective of deaf people as to how this crucial tool could improve the inclusion and the lives of deaf people in the EU and achieve their right to the freedom of movement. These policy recommendations are the result of a consultation with our member organisations.

EUD has now done a first analysis of the proposal for a Directive for an EDC from the perspective of deaf people. The purpose of this analysis, and corresponding proposed amendments, is to outline how the Card would positively benefit deaf people in the EU as well as how the current version of the Directive falls short of ensuring their right to freedom of movement. EUD will be disseminating this position to Members of the European Parliament (MEPs), the Council of the European Union, the National Associations of the Deaf, and other relevant stakeholders.

In essence, the EDC will provide assurance of mutual recognition of disability for persons with disabilities for all services, facilities and activities for stays of no more than 3 months in other EU Member States, in line with the Directive 2004/38/EC.<sup>1</sup> Consequently, a significant barrier to the freedom of movement for persons with disabilities is not provided for – social protection which underpins the permanent moving

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<sup>1</sup> Directive 2004/83/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32004L0038R%2801%29> (retrieved on 4<sup>th</sup> October 2023).

of deaf people to another EU Member State to work or study. The EDC excludes anything related to social security, social assistance and other residence-based social benefits, as this is regulated under Regulation 883/2004<sup>2</sup> on the coordination of social security systems. In this way, the EDC will ensure the accessibility of deaf people when exercising their freedom of movement for a duration of maximum 3 months. When the stay in an EU Member State is longer than 3 months, the accessibility requirements will be taken over by the Regulation 883/2004 coordinating the social security benefits.

Below, you will find our main recommendations for a more robust EU Disability Card as well as the reference to the page of the Policy Recommendations for further information and explanation. In addition, in blue text, you will find the relevant provision of the Proposal for a Directive to be amended or added. Ultimately, this briefing comes with suggestions for amendments to the European Commission’s Proposal for a Directive.

**Recommendation 1:** For the EU Disability Card to be a genuine tool to facilitate the freedom of movement of persons with disabilities, **the scope of the Directive must be expanded to include all areas of society that are not covered by social security, including to transport, education in the framework of EU Mobility Programmes, facilitate employment in the transition phase to access the national disability benefit system when moving abroad, and health, whereby the Card facilitates the provision of accessibility and reasonable accommodation measures, rather than merely “nice to have” benefits.** Furthermore, the proposal does not include a definition for “reasonable accommodation” despite this concept causing confusion amongst EU Member States and service providers. Therefore, we suggest the addition of its definition as it is stated in the UN CRPD Article 2.<sup>3</sup> – *Amending Recital 11, 23 and 29 (to include education and health) and Article 2 and 3 of the proposal for a Directive.* (Page 14)

Proposition of a Directive	Proposed amendments
<p>Recital 11:</p> <p>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, may have their disability status assessed and formally recognised by the competent authorities in the other Member State and may receive a disability certificate, a disability card or any other formal document recognising their disability status in accordance with applicable rules of that Member State.</p>	<p>Recital 11:</p> <p>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, may have their disability status assessed and formally recognised by the competent authorities in the other Member State and may receive a disability certificate, <b>a disability card or any other formal document</b> recognising their disability status in</p>

<sup>2</sup> Regulation 883/2004 on the coordination of social security systems, URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A02004R0883-20140101> (retrieved on 20th September 2023).

<sup>3</sup> UN CRPD, Article 2 - <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html#:~:text=%E2%80%9CDiscrimination%20on%20the%20basis%20of,freedoms%20in%20the%20political%2C%20economic>

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	accordance with applicable rules of that Member State.
<p>Recital 23:</p> <p>Beside parking conditions and facilities, the services, activities and facilities covered by this Directive concern a wide variety of ever-changing activities, including activities provided not for remuneration, by public authorities or private operators, either on a mandatory (on the basis of national/local rules or legal obligations) but often also 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, education.</p>	<p>Recital 23:</p> <p>Beside parking conditions and facilities, the services, activities and facilities covered by this Directive concern <b><i>the provision of accessibility and reasonable accommodation measures for</i></b> a wide variety of ever-changing activities, including activities provided not for remuneration, by public authorities or private operators, either on a mandatory (on the basis of national/local rules or legal obligations) but often also 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, education, <b><i>employment, and healthcare.</i></b></p>
<p>Recital 29:</p> <p>In order to guarantee that workers with disabilities can effectively exercise their rights to free movement fully and also enjoy services, activities and facilities offered by Member States, including when provided not for remuneration, the European Disability Card and the European Parking Card for persons with disabilities should also be available to workers who travel to or visit another Member State for work-related purposes.</p>	<p>Recital 29:</p> <p>In order to guarantee that workers with disabilities can effectively exercise their rights to free movement fully and also enjoy services, activities and facilities offered by Member States, including when provided not for remuneration, the European Disability Card and the European Parking Card for persons with disabilities should also be available to workers who travel to or visit another Member State for work-related purposes, <b><i>in addition to study-related purposes when the duration of the stay does not exceed three months as foreseen in the Directive 2004/38/EC.</i></b></p>
Article 2.1	Article 2.1

<p>1. This Directive shall apply to parking conditions and facilities and to all situations where special conditions or preferential treatment are offered by private operators or public authorities to persons with disabilities as regards access to the following services, activities and facilities:</p> <ul style="list-style-type: none"> <li>- services within the meaning of Article 57 TFEU,</li> <li>- passenger transport services,</li> <li>- other activities and facilities, , including where not provided for remuneration.</li> </ul>	<p>1. This Directive shall apply to parking conditions and facilities and to all situations where special conditions or preferential treatment are offered by private operators or public authorities to persons with disabilities as regards access to the following services, activities and facilities:</p> <ul style="list-style-type: none"> <li>- services within the meaning of Article 57 TFEU,</li> <li>- <i>Education, youth exchanges and socio-educational exchanges within the meaning of Article 165 TFEU,</i></li> <li>- passenger transport services,</li> <li>- other activities and facilities, including where not provided for remuneration.</li> </ul>
<p>Article 3 - <b>Definitions</b></p>	<p>Adding a new definition:</p> <p><i>(g) “Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”.</i></p>

**Recommendation 2:** It is essential that the EU Disability Card Directive **must place an obligation on Member States to ensure the mutual recognition of disability status in all EU Member States.** This will mean that persons with disabilities travelling to, staying in, or moving to another EU Member State than their country of origin, will have accessibility within the required services. *Existing in Recital 22 and Article 6.2 – no need for amendment.* (Page 15)

**Recommendation 3:** EUD recommends that when a person is applying for the Card, **they have a choice of what to include about their disability on the Card, e.g. disability type, in the most suitable manner, technically speaking,** including the option to not state anything. For instance, this could take the form of a **QR code which could link to information about the sort of accessibility and reasonable accommodation measures required for that type of disability.** For example, for deaf people, it could state that sign language interpretation is required to facilitate communication. This point is based on numerous situations experienced by deaf people that, after presentation of the

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European Disability Card, the service offered was not relevant to their disability in that it did not specifically address the communication challenge faced by the person (e.g. At an airport, after showing the card, a deaf person was presented with a wheelchair). For deaf people, this is an essential aspect to be included on the Card, as having their disability stated on the Card, will first and foremost facilitate the communication of their condition and, therefore, the services they require i.e., a national sign language interpreter. *Amending Article 6.1 and Annex I.* (Page 16)

Proposition of a Directive	Proposed amendments
<p>Article 6:</p> <p>Each Member State shall introduce the European Disability Card following the common standardised format set out in Annex I. Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Disability Card, as soon as the requirements concerning the digital features referred to in Annex I, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European Disability Card in Annex I.</p>	<p>Article 6:</p> <p>Each Member State shall introduce the European Disability Card following the common standardised format set out in Annex I. <b><i>Member States shall provide the option to persons with disabilities, when applying for the card to the relevant authorities, to display their disabilities on the Card.</i></b> Member States shall introduce digital features in physical cards using electronic means addressing fraud-prevention as part of the European Disability Card, as soon as the requirements concerning the digital features referred to in Annex I, are laid down by the Commission in the technical specifications referred to in Article 8. The digital storage medium shall not contain more personal data than the data provided for the European Disability Card in Annex I.</p>

**Recommendation 4:** EUD recommends that the Directive includes a provision for **an online information platform to be created to accompany the Card**. This platform should include information about the different types of services available in each Member States and what different accessibility measures are available with use of the Card according to each disability type. For deaf persons, for instance, this would mean accessible information about which service providers provide national sign language interpreting services or closed captioning in each EU Member States. (Page 17) *Existing in Recital 31 but no mention to online. Amending Article 15.1, 15.2., and 15.3.*

Proposition of a Directive	Proposed amendments
Recital 31:	Recital 31:

<p>In order to raise awareness and facilitate access to special conditions or preferential treatment, while travelling to or visiting another Member State, all relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and/or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available 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. Private operators or public authorities granting special conditions or preferential treatment to persons with disabilities should make such information publicly available 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.</p>	<p>In order to raise awareness and facilitate access to special conditions or preferential treatment, while travelling to or visiting another Member State, all relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and/or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available 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. Private operators or public authorities granting special conditions or preferential treatment to persons with disabilities should make such information publicly available in a clear, comprehensive, user-friendly manner and accessible formats, for persons with disabilities <b><i>on an accessible online information platform</i></b> respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882).</p>
<p>Article 15:</p> <p>1. Member States shall ensure that private operators or public authorities make information on any special conditions or preferential treatment pursuant to Article 5 publicly available in accessible formats.</p> <p>2. Member States shall encourage private operators or public authorities to voluntarily provide special conditions or</p>	<p>Article 15:</p> <p>1. Member States shall ensure that private operators or public authorities make information on any special conditions or preferential treatment pursuant to Article 5 publicly available in accessible formats <b><i>on an accessible online information platform</i></b>.</p> <p>2. Member States shall encourage private operators or public authorities to voluntarily provide special conditions or</p>



<p>preferential treatment for persons with disabilities.</p> <p>3. The information referred to in paragraph 1 of this article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.</p>	<p>preferential treatment for persons with disabilities <i>and develop common European guidelines for public authorities and private operators pursuant to Article 5 to adequately ensure the provision of accessibility requirements for services established in Annex I to Directive (EU) 2019/882.</i></p> <p>3. The information referred to in paragraph 1 of this article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, <i>in the national sign language(s)</i>, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.</p>
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**Recommendation 5:** EUD recommends that the Directive have a provision foreseeing **the obligation for EU Member States to develop and run training programmes within the sectors within the scope of the Card** to facilitate information sharing and awareness-raising on the types of accessibility and reasonable accommodation measures required for each group of persons with disabilities. For instance, for deaf people, this would include the provision of accredited and professional national sign language interpretation to ensure the accessibility of information and communication. *Amending Article 9.1 and 9.2 of the Proposal for a Directive.* (Page 18)

Proposition of a Directive	Proposed amendments
<p>Article 9:</p> <p>1. Member States shall make the conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible formats, including in digital</p>	<p>Article 9:</p> <p>1. Member States shall make the conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible formats, including in digital</p>

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<p>formats, and upon request in assistive formats requested by persons with disabilities.</p> <p>2. Member States shall take appropriate measures to raise awareness among the public and inform persons with disabilities, including in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.</p>	<p>formats, and upon request in assistive formats, <i>in addition to official language including in the national sign language(s)</i> requested by persons with disabilities.</p> <p>2. Member States shall take appropriate measures to raise awareness among the public, <i>including to public authorities and private operators having the potential to offer preferential treatment pursuant to Article 5</i>, and inform persons with disabilities, including in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.</p>
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**Recommendation 6:** The Directive should be accompanied with the obligation for common European guidelines to be developed for service providers on how to ensure accessibility and reasonable accommodation for each disability type. Accessibility must be approached on a case-by-case basis and there is no one-size-fits-all option. For example, for deaf people, their requirements differ considerably to many other disabilities as the barriers they face relate to the accessibility of information and communication. *Amending Article 15.1, 15.2 and 15.3 of the proposal for a Directive.* (Page 19)

Proposition of a Directive	Proposed amendments
<p>Article 15:</p> <p>1. Member States shall ensure that private operators or public authorities make information on any special conditions or preferential treatment pursuant to Article 5 publicly available in accessible formats.</p> <p>2. Member States shall encourage private operators or public authorities to voluntarily provide special conditions or preferential treatment for persons with</p>	<p>Article 15:</p> <p>1. Member States shall ensure that private operators or public authorities make information on any special conditions or preferential treatment pursuant to Article 5 publicly available in accessible formats <i>on an accessible online information platform.</i></p> <p>2. Member States shall encourage private operators or public authorities to voluntarily provide special conditions or</p>

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<p>disabilities.</p> <p>3. The information referred to in paragraph 1 of this article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.</p>	<p>preferential treatment for persons with disabilities <i>and develop common European guidelines for public authorities and private operators pursuant to Article 5 to adequately ensure the provision of accessibility requirements for services established in Annex I to Directive (EU) 2019/882.</i></p> <p>3. The information referred to in paragraph 1 of this article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, <i>in the national sign language(s)</i>, including through the private operators or public authorities' official website where available, or by other suitable means, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882.</p>
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**Recommendation 7:** Each EU Member States' public authority implementing the Card should provide a) clear and easily accessible information on how to apply for the Card, and b) all this information must be available in the Member State's national sign language(s). *Amending Recital 31, Article 9.1 and 9.2 of the proposal for a Directive.* (Page 20)

Proposition of a Directive	Proposed amendments
<p>Recital 31:</p> <p>In order to raise awareness and facilitate access to special conditions or preferential treatment, while travelling to or visiting another Member State, all relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and/or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available in a clear, comprehensive, user-friendly</p>	<p>Recital 31:</p> <p>In order to raise awareness and facilitate access to special conditions or preferential treatment, while travelling to or visiting another Member State, all relevant information with respect to the conditions, rules, practices, and procedures applicable to obtain the European Disability Card and/or the European Parking Card for persons with disabilities and its subsequent use should be made publicly available in a clear, comprehensive, user-friendly</p>

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<p>manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882. Private operators or public authorities granting special conditions or preferential treatment to persons with disabilities should make such information publicly available 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.</p>	<p>manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882, <b>including making all information available in the national sign language(s)</b>. Private operators or public authorities granting special conditions or preferential treatment to persons with disabilities should make such information publicly available in a clear, comprehensive, user-friendly manner and accessible formats, for persons with disabilities <b>on an accessible online information platform</b> respecting the relevant accessibility requirements for services established in Annex I to Directive (EU) 2019/882).</p>
<p>Article 9 :</p> <p>1. Member States shall make the conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible formats, including in digital formats, and upon request in assistive formats requested by persons with disabilities.</p> <p>2. Member States shall take appropriate measures to raise awareness among the public and inform persons with disabilities, including in accessible ways, about the existence and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.</p>	<p>Article 9:</p> <p>1. Member States shall make the conditions and rules, practices, and procedures to issue, renew or withdraw a European Disability Card and a European Parking Card for persons with disabilities publicly available in accessible formats, including in digital formats, and upon request in assistive formats <b>and official language including in the national sign language(s)</b> requested by persons with disabilities.</p> <p>2. Member States shall take appropriate measures to raise awareness among the public, <b>including to public authorities and private operators having the potential to offer preferential treatment pursuant to Article 5</b>, and inform persons with disabilities, including in accessible ways, about the existence</p>

	and conditions to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.
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**Recommendation 8:** In terms of governance, **EUD recommends that there is an EU Disability Card Monitoring Body established at EU level** to ensure the proper and full implementation of the Card in all Member States. *Already included in Recital 36 and Article 13.2(a). No need for amendments.* (Page 20)

#### Documentation:

- [European Commission Proposal for a European Disability Card](#)
- [EUD Analysis and Policy Recommendations on the European Disability Card](#)

For more information on the EUD position on the European Disability Card, please contact the EUD Policy Manager, Mr Alexandre Bloxs, at [alexandre.bloxs@eud.eu](mailto:alexandre.bloxs@eud.eu).

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