Council of the European Union

Brussels, 8 September 2023
(OR. en)

12755/23
ADD 5

Interinstitutional File:
2023/0311(COD)

SOC 587
ANTIDISCRIM 161
FREMP 235
TRANS 341
SPORT 25
CULT 93
CODEC 1551
IA 214

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	7 September 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2023) 291 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT Accompanying the document Proposal for a Directive the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities

Delegations will find attached document SWD(2023) 291 final.

Encl.: SWD(2023) 291 final

EUROPEAN
COMMISSION

Brussels, 6.9.2023
SWD(2023) 291 final

COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT

Accompanying the document

Proposal for a Directive the European Parliament and of the Council

establishing the European Disability Card and the European Parking Card for persons with disabilities

{COM(2023) 512 final} - {SEC(2023) 305 final} - {SWD(2023) 289 final} -
{SWD(2023) 290 final}

A. Need for EU action

What is the problem being addressed?

People in the EU are increasingly mobile and all have the right to move freely in the EU and to access services in all Member States. Nevertheless, in practice, persons with disabilities still face hurdles that may deter or discourage them from moving freely, especially because their disability cards or certificates issued at national level are not always recognised when they try to access services under the same preferential conditions as those available to persons with disabilities in the visited country during short trips to other Member States. This has practical implications for persons with disabilities who wish to travel to other Member States.

In the absence of any regulatory obligations, the acceptance of national disability cards and certificates of non-residents is voluntary and therefore limited across the EU. Moreover, there is insufficient awareness and knowledge about different national disability cards/certificates. As a result, **when persons with disabilities travel to or visit other Member States, their access to preferential conditions, including those related to services for and not for remuneration, is hampered.** This may lead to indirect discrimination on the basis of nationality in some cases, or at least to uncertainty as to whether an individual will be able to use their disability card/certificate when accessing services. Persons with disabilities and their families can face costs to access and use services that would be free for their counterparts in the destination country and miss out on preferential conditions such as monetary support, exemptions from paying for particular services and other types of support. As a consequence, persons with disabilities may be discouraged from travelling to other Member States.

Public authorities receive information requests regarding recognition of disability cards or certificates issued by another Member State, adding to their administrative burden. They also face legal uncertainty, as they do not have the means to confirm the validity of these cards/certificates.

Furthermore, service providers have difficulties in recognising the diverse range of national disability cards and certificates that are necessary for granting preferential conditions. The tourism sector also faces economic losses due to missed opportunities for travel by persons with disabilities.

When travelling by car in the EU, persons with disabilities face difficulties in using their EU Parking Card. For many persons with disabilities, private car transport is the best or only way of getting around independently. The availability of parking facilities reserved for persons with disabilities is therefore key. The EU Parking Card for persons with disabilities, created by the Council Recommendation 98/376/EC, was designed to facilitate this. However, its effectiveness is undermined by national differences in the format used for the card, a lack of information on the conditions granted to cardholders across the Member States, and cases of fraud and forgery of the card. It is therefore often unclear to cardholders how they can use their card, where they can drive and park, and how they can adhere to traffic rules outside their place of residence. The non-recognition of the EU Parking Card results in practical disadvantages for persons with a disability, such as not being able to park near the entrance of premises or financial fines. It may limit their use of services, leading to unequal treatment compared to the persons with disabilities with a parking card issued by the visited country, and ultimately discourage these individuals from travelling.

If no action is taken, persons with disabilities are likely to continue to face uncertainty as to whether their national disability card or certificate will be accepted when travelling in the EU.

The impact of the EU Disability Card pilot is expected to be modest because of its voluntary nature and the limited number of Member States and sectors participating. On the other hand, the positive role of the EU Parking Card in promoting the free movement and parking rights of persons with disabilities will continue. However, problems with its recognition by Member States are expected to increase due to technical and digital developments, which increase the divergence of the models.

The ageing of the population is expected to increase the problem as there is a higher prevalence of disability in people aged 65+ (currently 48.6% of people in that age group). In addition, travelling patterns of the general population are expected to rise, as was the trend until 2019 before the Covid pandemic. For persons with disabilities, four scenarios are made based on assumptions about how the gap between this group of people and the general population will develop as regards travel propensity[1]. The basic scenario assumes that the gap remains constant. The increasing gap scenario assumes that the participation in tourism of persons with disabilities does not grow in parallel with that of the general population. Two more optimistic scenarios assume either a minimal decrease or closure of the travel gap. However**,** in the case of no action **the most likely scenario is that the estimated gap between the travel participation of persons with disabilities and the general population will remain unchanged** if the uncertainty regarding the recognition of disability cards/certificates remains.

What is this initiative expected to achieve?

The general objective of the European Disability Card initiative is to facilitate free movement and equal access to preferential conditions to services provided for persons with disabilities, no matter where they travel in the EU. Specifically, it aims to facilitate mutual recognition of disability cards for the purposes of accessing services when persons with disabilities travel to or visit other Member States. It also aims to facilitate the use of the EU Parking Card and ensure legal certainty surrounding that card.

When accessing services covered by its scope, whether with or without remuneration, holders of the European Disability Card would benefit from the same preferential conditions provided to persons with disabilities in the Member State they are visiting. In addition, the initiative intends to improve the functioning of the EU Parking Card for persons with disabilities, improving its mutual recognition, awareness and preventing its forgery and fraudulent use.

What is the added value of action at EU level?

The problems identified have a cross-border aspect that cannot be solved by Member States on their own. The need for EU action is directly linked to cross-border travel and related challenges faced by persons with disabilities travelling within the EU. It is necessary to ensure a coordinated approach between Member States to enable persons with disabilities who hold a

[1] The scenarios are based on the information collected on past trends in travel propensity of the population aged 15-64 (Eurostat database, TOUR_DEM_TOTOT. Available at: link) and survey data on persons with disabilities in the same age group (Economic Impact and Travel Patterns of Accessible Tourism in Europe - Full Report, 08/03/2015.DG GROW European Commission. Available at: link).

disability card or certificate to enjoy the same preferential conditions no matter where in the EU they travel to. Should the EU not intervene, current differences in national disability cards/certificates would increase, and the different treatment of persons with disabilities across the Member States would continue or increase, undermining their free movement rights.

B. Policy options

What legislative and non-legislative policy options have been considered? Is there a preferred choice? Why?

The assessment considered policy options aimed at facilitating mutual recognition of disability status in the EU in relation to access to services when visiting another Member State (A), and facilitating use and legal certainty in the use of the EU Parking Card for persons with disabilities (B), which, taken together, address the identified challenges. Several options such as voluntary arrangements, or selection of services were discarded.

The preferred option is a combination of policy **option A2** (mandatory European Disability Card model in all Member States for travel for travelling and/or visiting purposes - covering all service sectors) with **option B2** (mandatory EU Parking Card model).

Option A2 is most effective at facilitating the mutual recognition of disability cards in relation to access to services when visiting another Member State, as it mandates the creation of the European Disability Card, to be used precisely for that purpose and that can be easily recognised across the Member States. The Card would eliminate uncertainty both for service providers having to check the disability status of customers and for persons with disabilities travelling to and/or visiting other Member States.

Option B2 is most effective at facilitating the recognition of the EU Parking Card. As a binding legislative instrument, it makes mandatory the minimum requirements of the EU common parking card model and its security format and features. The more homogeneous format of national parking cards would reduce uncertainty linked to their recognition for persons with disabilities travelling by car in the EU. This would allow cardholders to travel by car, without the risk of their parking card not being recognised abroad. It would also lead to cost savings for those concerned, due to using public parking slots reserved for persons with disabilities.

In terms of choice of the legal instrument, a **Directive** is regarded as a suitable, proportionate and effective instrument to deliver the objectives of the initiative and is in line with the identified legal bases.

Who supports which option?

The European Parliament in its 2022 Resolution strongly believes that the European Disability Card should be based on a binding EU legislative act covering a range of different areas beyond culture, leisure and sport.

Persons with disabilities and their organisations mainly support extending the initiative beyond the areas covered by the pilot EU Disability Card. In the public consultation, a majority of respondents (from a total of 3 361) stated that the main sectors that should be

included in the European Disability Card are public transport (1 821), cultural activities (1 566) and parking (1 534).

There is consensus among Member States that the problem exists, that EU action is needed, and that a binding initiative is an appropriate means to tackle it. There is also consensus among users and Member States that the European Disability Card and the EU Parking Card should be kept as separate cards and that both physical and digital cards should be available to cardholders.

There is also a strong support among the stakeholders for a legislative instrument.

C. Impacts of the preferred option

What are the benefits of the preferred option?

The analysis suggests that the implementation of the preferred option would have several benefits for persons with disabilities, service providers and national authorities.

For persons with disabilities:

- Decreased uncertainty and increased participation in tourism (it is estimated that option A2 would reduce the travel gap by between **2.8 and 4.12 percentage points**).
- Direct monetary benefits for around 44% of persons with disabilities that have previously been denied preferential conditions when travelling to another Member State according to results of the public consultation. These are in the range of EUR 30-120 (if travelling alone) and EUR 80-250 (if travelling with a personal assistant) for trips of up to 4 days and up to EUR 100 to 400 per trip (per person) for trips of up to 2 months.
- Reduced risk of having to pay fines because the EU Parking Card is not recognised or of having to pay for parking spots. Savings can be quantified as generally below EUR 300 due to avoided parking fines across the EU. Savings of EUR 4 per day or EUR 3 per hour.

For service providers:

- Decreased uncertainty about the validity of national cards and reduction in costs for checking cards/certificates including the EU Parking Card, increased turnover[2] from paying those accompanying the persons with disabilities, and market benefit from more persons with disabilities travelling. The accessible tourism market is expected to grow by between EUR 2.1 and 3.1 billion for the preferred option for the European Disability Card. These figures relate to all their activities and spending when travelling. For the Parking Card, the preferred option has the potential to increase the added value of accessible tourism by between EUR 0.2 billion and 0.3 billion.

For the national authorities:

[2] In 2012, the DG GROW study on accessible tourism estimated that across the EU, persons with disabilities travel with more companions (on average 2.2) than the elderly population do (on average 1.6) These people will be additional clients for the services concerned.

- Increased size of the accessible tourism market, and reduction in enforcement costs for the EU Parking Card. Increased tax revenue from increased size of the accessible tourism market.

What are the costs of the preferred option?

The estimated costs and nature of the costs relating to the preferred option are as follows:

- For the European Disability Card, costs relate to:
    - offering preferential conditions for service providers, e.g., in the case of transport costs estimated at between EUR 116 and 161 million for the EU (accounting for 0.05-0.08% of non-air passenger transport), varying between the Member States;
    - producing the card, estimated at between EUR 1.02 and 4.54 per card; and
    - digital costs, administrative costs, national websites costs and awareness raising costs, estimated at between EUR 90 000 and EUR 535 000 per Member State.
- For the Parking Card, costs relate to:
    - producing the card, estimated at between EUR 1.02 and 4.54 per card;
    - costs of the website are included;
    - other costs included in the policy option are assumed to be zero because they can be integrated in existing systems.

How will enterprises and SMEs be affected?

No significant impacts on competitiveness and SMEs are expected. The increased participation of persons with disabilities in tourism will have a positive impact on tourism, which is a sector where SMEs are prevalent.

Will there be significant impacts on national budgets and administrations?

There will be also some costs for national authorities: total implementation costs will be roughly between EUR 95 000 and EUR 530 000 for the European Disability Card (per country). These would include the one-off cost of setting up the national website (roughly between EUR 7 500 and EUR 23 000) and awareness raising campaigns (costing roughly between EUR 20 000 and EUR 70 000). The total EU-27 one-off costs for public authorities to build an IT system for the digital European Disability Card are estimated at EUR 1.67 million, with regular maintenance costs estimated at around EUR 250 000 per year when issuing cards for all persons reporting 'severe' limitations (this is the group of persons with disabilities that is likely to get issued with European Disability Cards).

For the EU Parking Card, there will be some adjustment costs for updating the card model and costs for setting up a national database and national website (costs similar to those above).

The increased size of the accessible tourism market, especially in the case of option A2, will lead to increased tax revenue for national budgets.

Will there be other significant impacts?

Strong positive effects on fundamental rights are expected, namely freedom of movement (Article 45 of the EU Charter of Fundamental Rights (EUCFR)), integration of persons with disabilities (Article 26 EUCFR) and non-discrimination (Article 21 EUCFR). The initiative would ensure greater social inclusion and integration of persons with disabilities compared to the baseline.

What will be the net cost/benefit balance for the preferred option?

Taking the lower bound estimate of value added to accessible tourism of EUR 2.1 billion for the preferred option for the European Disability Card and deducting the related estimated costs results in a net benefit of EUR 1.56 billion for this option. Taking the lower bound estimate of value added of EUR 0.2 billion and deducting the related costs results in EUR 0.056 billion for the preferred option for the Parking Card. This adds up to a **total of EUR 1 616 billion**.

D. Follow-up

When will the policy be reviewed?

In line with the Better Regulation Guidelines, the Commission will evaluate the initiative 5 years after it enters into force, in cooperation with the Member States and after consulting the stakeholders concerned.