



EUROPEAN UNION OF THE DEAF

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

Analysis – Provisional Agreement on the EU Directive establishing an EU Disability Card

Below, we provide an outline of the relevant legal provisions in the text, for deaf people. We also highlight where a provision is falling short of supporting the right of deaf people to freedom of movement in the EU:

Scope of the Card:

- Recital 23 – *“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, training.**”*

Inclusion of sign language interpretation as one of the listed examples of ‘special conditions or preferential treatment’ provided to Card holders:

- Recital 24 – *“Examples of special conditions or preferential treatment include, free access, reduced tariffs, reduced fees or user charges for toll roads/bridges/tunnels, priority access, access to restricted traffic and pedestrian zones, priority seating on public transport, designated and accessible seats in 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, **sign language interpretation**), provisions of aids or assistance, loan of a wheelchair, loan of a floating wheelchair, obtaining tourist information in accessible formats, using a mobility scooter on roads or a wheelchair in bike lanes without a fine, etc.”*

Accessibility of Information about the Card should be provided in the national sign language regarding conditions, rules, practices and procedures:

- Recital 31 – *“In order to raise awareness and facilitate access to special conditions or preferential treatment for persons with disabilities, 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*

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*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.”*

Public services granting special conditions or preferential treatment should make all information about this available in the national sign language:

- Recital 31c – *“Public authorities granting special conditions, 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 website where available, or by other suitable means, in accordance with 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. Private operators granting special conditions, 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.”*

Member States can decide to prolong the supports available with the Card for periods longer than a “short stay”:

- Article 2 ‘Scope’, paragraph 2 – *“Member States shall apply the provisions of this Directive for periods longer than a short stay for card holders participating in an EU mobility programme, for the duration of that programme. Member States may also decide to apply the provisions of this Directive for periods longer than a short stay for card holders visiting or staying in their territory.”*

Disappointingly, the format of the Card will not include the option to display your disability nor access symbols to show the types of reasonable accommodation required as we advocated for. But it will include a QR code – however, it is unclear whether this will link to information about your disability and required reasonable accommodation:

- Article 6 ‘Format, mutual recognition, issue and validity of the European Disability Card’ – *“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 introduce in physical cards **a QR code and any other digital features using electronic means addressing fraud prevention** laid down in the delegated acts referred to in the first subparagraph of paragraph 7 of this Article, within a reasonable time after their adoption and not later than X [date of application of this Directive].”*

Unfortunately, it is not explicitly stated that awareness-raising measures at national level should ensure all information is available in the national sign language, however it does say in “accessible ways” which could be argued to include in the national sign language as Annex 1 of Directive (EU) 2019/882 includes one mention of ensuring accessibility in sign language:

- Article 9a ‘Accessibility of information and awareness-raising’

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- Paragraph 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 to obtain, use, or renew the European Disability Card and the European Parking Card for persons with disabilities.”
- Paragraph 3 – “The information referred to in paragraph 1 and 2 of this Article shall be made available free of charge in a clear, comprehensive, user-friendly and easily accessible way, in accordance with the relevant accessibility requirements for services set in Annex I of Directive (EU) 2019/882, including through the official websites of public authorities, or by other suitable means.”
- *Annex 1 includes one specific mention of accessibility in sign languages. However, mostly the types of accessibility are vague such as “other sensory channels”, “speech to text”, “SMS”, “one mode of operation that doesn’t require hearing”.

The EU Webpage for the Card should provide all information in International Sign and its national sign languages:

- Article 15a – ‘Union webpage for the European Disability Card and European Parking Card for persons with disabilities’, Paragraph 2 – “The Union webpage shall be available in all official Union languages, **international sign language and 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 set in Annex I to Directive (EU) 2019/882. The information referred to in this Article shall be easily understandable, without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe’s Common European Framework of Reference for Languages.”

Unfortunately, the timeline for when the Card will be in use at Member State level is longer than expected and will only be fully operational in 4 years:

- Article 16 – Reporting and Review”
 - “By dd/mm/yy [three years from the date of application 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.”
 - Paragraph 2b – “By XXX [1 year after the date of application], the Commission shall carry out an assessment on any remaining gaps relating to the free movement of persons with disabilities.”