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2023/0393 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**extending Directive [XXXX] to third country nationals legally residing in a Member  
State**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

The Commission adopted a proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities on 6 September 2023<sup>1</sup>.

That proposal establishes the framework, rules and common conditions for those cards for persons with disabilities when travelling to or visiting another Member State for a short period. It includes a common standardised model for a European Disability Card as proof of recognised disability status 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.

The mutual recognition of those two aforementioned cards in all Member States should make it easier for persons with disabilities (or those accompanying or assisting them), when travelling to or visiting another Member State to benefit from the special conditions and/or preferential treatment offered by private operators or public authorities when accessing services, activities and facilities, including when provided not for remuneration, in a variety of policy areas, such as culture, leisure, tourism, sports, public and private transport, and education, as well as to have access to parking conditions and facilities reserved for persons with disabilities, under equal terms and conditions to residents with recognised disabilities, thus empowering persons with disabilities to exercise their free movement rights across the EU fully and effectively.

Taking into consideration the multiple, interlinked objectives of this initiative, the use of different legal bases, i.e. Articles 53(1) and 62, Article 91 and Article 21(2) of the Treaty on the Functioning of the European Union (TFEU), was considered the most adequate and appropriate for the proposal referred to above.

However, such legal basis ensuring the widest possible coverage of services, activities and facilities, including when provided not for remuneration, in a variety of policy domains, only covers Union citizens and their family members (whichever their nationality) when exercising their right to free movement in accordance with Union rules.

Therefore, when adopting the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities, and in view of guaranteeing equal treatment of third country nationals with EU citizens, the Commission expressed its intention to put forward a separate legal act extending the scope of that proposal to third country nationals legally residing in the territory of a Member State who do not fall within the scope of that Directive, whose disability status has been recognised by that Member State, and who are entitled to move or travel to other Member States in accordance with Union law<sup>2</sup>.

This new proposal follows up on that intention and has the objective of ensuring that the same framework as laid down in the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities applies to those third country nationals with a disability, who are not already covered by it, when travelling or moving to another Member State for a short period. Thus, it will ensure that it applies to those third country nationals who are legally residing in the territory of a Member State, whose

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<sup>1</sup> COM(2023) 512 final

<sup>2</sup> See Explanatory Memorandum, p. 5.

disability status has been recognised by that Member State, and who are entitled to move or travel to other Member States in accordance with Union law.

- **Consistency with existing policy provisions in the policy area**

Extending the scope of the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities to third country nationals who are legally residing in the territory of a Member State and who are entitled to move or travel to other Member States in accordance with Union law, and who have a disability or to persons who are accompanying or assisting them, will ensure that they are treated in the same way as EU citizens (and their family members). Thus, it will help simplify the burden for Member States while respecting their national equal treatment and non-discrimination obligations vis-à-vis third-country nationals with disabilities legally residing in their territory. At the same time, the mutual recognition of their disability status across Member States, will facilitate the exercise of their rights to move or travel within the EU in accordance with Union law and ensure a more effective and inclusive participation and inclusion in society of persons with disabilities who are third-country nationals on an equal basis with others.

Consequently, when travelling or moving to another Member State for a short period, they will have (1) the same rights, covered by the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities, with respect to the eligibility and issuance of the European Disability Card and the European Parking Card for persons with disabilities in the Member State in which they legally reside and are granted (2) equal access on equal terms and conditions to parking conditions and facilities, as well as (3) any special conditions or preferential treatment offered by private operators or public authorities with respect to services, activities and facilities, including where not provided for remuneration.

In accordance with Article 21(1) of the Convention implementing the Schengen Agreement, third-country nationals legally residing in a Member State may move within the territories of the other Member States, under the conditions set out in that Convention.

- **Consistency with other Union policies**

This initiative aims to make it easier for persons with disabilities, who are third country nationals legally residing in the territory of a Member State, whose disability status has been recognised by that Member State, and who are entitled to move or travel to other Member States in accordance with Union law, when travelling or moving to another Member State for a short period (or those accompanying or assisting them), to be able to have access on equal terms and conditions to parking conditions and facilities for persons with disabilities and benefit from available special conditions and/or preferential treatment when accessing services, activities and facilities, including when provided not for remuneration, under equal conditions to residents with disabilities, and/or those accompanying or assisting them, thus **facilitating the exercise of their rights to move or travel** within the EU, in accordance with Union law.

Since the third-country nationals referred to, due to legal basis constraints, could not already be included/covered by the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities, the current initiative will also ensure that the same rights and benefits as EU citizens and their family members (whichever their nationality) as covered by that proposal can be granted to them on the same terms and conditions, to the extent that the third-country nationals are entitled to move or travel to other Member States in accordance with Union law, when travelling or moving to another Member State for a short period.

The proposal will also support the Action plan on Integration and Inclusion 2021-2027<sup>3</sup>, which recognises that migrants with disabilities can face multiple forms of discrimination in their daily lives at school, in the neighbourhood and at work and stresses the importance of looking at their specific needs.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

Article 79(2), point (b) TFEU provides for the necessary legal base to issue the European Disability Card and the European Parking Card for persons with disabilities to third country nationals legally residing in the territory of a Member State, whose disability status has been recognised by that Member State, and who are entitled to move or travel to other Member States in accordance with Union law.

According to Protocol 21 annexed to the Treaties, Ireland may notify the Council, within three months after a proposal or initiative has been presented, or at any time after its adoption, that they wish to take part in the adoption and application of any such proposed measure. According to Protocol 22 annexed to the Treaties, Denmark is not taking part in the adoption of measures based on this Article.

- **Subsidiarity (for non-exclusive competence)**

This proposal fully respects the principle of subsidiarity. It extends the scope of the already adopted proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities to third country nationals, who are not already covered by it, but who are legally residing in the territory of a Member State and who are entitled to move or travel to other Member States in accordance with Union law. As with the proposal referred to, which is complemented by the present initiative, the problems identified have a cross-border dimension that cannot be solved by the Member States on their own, but can rather, by reason of the scale and effects of the action, be better achieved at EU level. Action at EU level is therefore necessary.

- **Proportionality**

Regarding the principle of proportionality, the form and content of the proposal does not exceed or go beyond what is necessary and proportionate to achieve its various, interlinked objectives.

- **Choice of the instrument**

In line with the identified legal basis, notably Article 79(2), point (b) TFEU, and the fact that it extends the scope of the already adopted proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities, a Directive is regarded as the suitable, proportionate, and effective instrument to achieve the objective(s) of the current initiative.

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<sup>3</sup> SWD(2020) 290 final.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Stakeholder consultations**

When preparing the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities, in line with the Better Regulation Guidelines, a broad range of international, EU and national stakeholders were consulted, namely (i) those with an interest in the matter (e.g., national public authorities, service providers, NGOs); (ii) potential beneficiaries of the European Disability Card or the European Parking Card for persons with disabilities (e.g., persons with disabilities, personal assistants); and (iii) experts (e.g., researchers, consultancies and advisors, international organisations).

The stakeholder consultation included: (a) a public consultation, (b) strategic and (c) targeted interviews, (d) targeted online surveys, (e) three online workshops, (f) six focus groups with service providers from selected Member States and (g) six case studies. Stakeholders could also send comments on the Commission's (h) call for evidence.

To the extent possible, the current proposal takes into account the information and data gathered in that context<sup>4</sup>.

- **Impact assessment**

The Commission did not carry out an additional impact assessment for this proposal. This is because the Impact Assessment accompanying the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities assessed the situation of all persons with disabilities in the EU travelling for short periods to other Member States, including third-country nationals. Hence, the analysis and results of the impact assessment accompanying the proposal referred to apply and are relevant to this proposal too.

The environmental impact of the combined policy options at the basis of the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities itself was considered likely to be insignificant in magnitude, while it would entail limited positive digital impacts. The preferred policy options were also not expected to have any significant impact on competitiveness and SMEs and expected administrative costs for businesses would be marginal. These assessments apply to the current initiative too.

- **Fundamental rights**

The proposal is expected to have positive social impacts and strong positive impacts on ensuring fundamental rights within the EU (notably the integration of persons with disabilities and facilitating the possibilities of third country nationals with disabilities to travel or move to other Member States in accordance with Union law).

### **4. BUDGETARY IMPLICATIONS**

The proposal will not have any additional budgetary implications for the EU budget. As stated in the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities, the only operational costs relate to the organisation of committee and expert group meetings, as well as support for the checks of national transposition measures, i.e. operational appropriation of EUR 0.62 million under existing budget line, as well as administrative expenditure of around EUR 0.342 million per year. This

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<sup>4</sup> See for further information the Impact Assessment Report, SWD (2023) 289.

expenditure will entail an internal redeployment of funds with no increase in the amount. The amounts referred to will not increase by the current proposal.

## **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

This proposal does not contain any provisions with respect to implementation plans and monitoring, evaluation and reporting arrangements.

However, if/when this proposal and the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities to persons with disabilities are approved, Member States will have to notify to the Commission, [within six months after its entry into force,] the body (or bodies) designated to issue, renew and withdraw the European Disability Card and the European Parking Card for persons with disabilities, as well as the conditions for issuing such cards or declaring the cards invalid.

Member States will also have to communicate to the Commission all the information necessary for the Commission to draw up its regular report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the application of the Directive. Following the adoption of this proposal, such information should equally concern persons with disabilities who are third country nationals legally residing in the territory of a Member State and who are entitled to move or travel to other Member States in accordance with Union law.

- **Explanatory documents (for directives)**

The proposal does not require any explanatory documents for its transposition into national law.

- **Detailed explanation of the specific provisions of the proposal**

Article 1 sets out the aim of the proposal.

Article 2 provides that the proposal does not change or grant new rights in terms of mobility to third-country nationals.

Article 3 contains the definition of ‘third-country national’ for the purpose of this proposal.

Articles 4 and 5 provide for the transposition and entry into force, while Article 6 relates to the addressees.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**extending Directive [XXXX] to third country nationals legally residing in a Member State**

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 79(2), point b 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 Committee<sup>5</sup>,

Having regard to the opinion of the Committee of the Regions<sup>6</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In order to facilitate the exercise of rights by persons with disabilities when travelling to or visiting another Member State for a short period, Directive .... [proposal for a Directive]<sup>7</sup> established the framework, rules and common conditions, including a common standardised model, for a European Disability Card as proof of recognised disability status for accessing special conditions or preferential treatment offered by private operators or public authorities in a wide variety of services, activities and facilities, including when not provided for remuneration, 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<sup>8</sup>.
- (2) To help Member States respect and fulfil their national equal treatment and non-discrimination obligations vis-à-vis persons with disabilities who are third-country nationals legally residing in their territory and not falling within the scope of the Directive [XXXX], and guarantee the recognition of their disability status across Member States, thus facilitating the exercise of their rights to move or travel to other Member States in accordance with Union law and ensuring a more effective participation and inclusion in society of persons with disabilities who are third-country nationals on an equal basis with Union citizens, it is necessary to extend the rules, rights and obligations laid down in Directive../.... to persons with disabilities who are third country nationals legally residing in the territory of a Member State, whose disability status has been recognised by that Member State, and who are entitled to move or travel to other Member States in accordance with Union law.

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<sup>5</sup> OJ C , , p. .

<sup>6</sup> OJ C , , p. .

<sup>7</sup> COM(2023) 512 final

<sup>8</sup> COM(2023) 512 final

- (3) Therefore, Member States shall take the necessary measures to ensure that the rules governing the eligibility, issuance, renewal or withdrawal, mutual recognition and data protection of the European Disability Card and the European Parking Card for persons with disabilities as proof respectively of a disability status or of a right to parking conditions and facilities reserved for persons with disabilities, as well as the rights for beneficiaries, including access on equal terms and conditions to any special conditions or preferential treatment with respect to services, activities or facilities, including when provided not for remuneration, or parking conditions and facilities offered to or reserved for persons with disabilities or person(s) accompanying or assisting them including their personal assistant(s), set out in Directive ./..., equally apply to third country nationals legally residing in the Union and who are entitled to move or travel to other Member States in accordance with Union law.
- (4) In accordance with Chapter 4 of the Convention implementing the Schengen Agreement<sup>9</sup>, third-country nationals legally residing in a Member State may move or travel freely within the territories of other Member States under the conditions set out in that Convention. Thus, under the Schengen acquis, third-country nationals legally residing in the territories of Member States may move or travel freely within the territories of all other Member States during a period of 90 days in any 180-day period in accordance with the conditions set out in Article 21 of that Convention.
- (5) This Directive should not affect the applicable Union rules governing mobility across the Union of third country nationals legally residing in a Member State, and who are entitled to move or travel to other Member States in accordance with Union law, but should rather facilitates the exercise of their right to move or travel when they already have such a right to mobility.
- (6) In accordance with Articles 1 and 2 and Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, **Ireland** is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

[or]

In accordance with Articles 1 and 2 and Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, **Ireland** has notified [, by letter of ...] its wish to take part in the adoption and application of this Directive.

- (7) In accordance with Articles 1 and 2 of Protocol No 22 on the position of **Denmark**, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
- (8) Since the objective of this Directive, namely to facilitate the possibilities to move, or travel to other Member States, for persons with disabilities (or those accompanying or

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<sup>9</sup> Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19, ELI: <http://data.europa.eu/eli/convention/2000/922/oj>).



assisting them), who are third-country nationals legally residing in the territory of a Member State and who are entitled to move or travel to other Member States in accordance with Union law, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action establishing a framework with rules and common 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 of the Treaty on European Union. 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 that objective,

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1*

Member States shall ensure that the rules laid down in [Directive (EU) XXXXX] apply to third country nationals not falling within the scope of that Directive whose disability status and/or rights to parking conditions and facilities reserved for persons with disabilities have been recognised by the Member State of their residence, as well as to persons accompanying or assisting them, including personal assistant(s) within the meaning Article 3 point (d) of that Directive.

#### *Article 2*

This Directive shall not affect the applicable Union rules governing mobility across the Union, of third country nationals legally residing in the territory of a Member State.

#### *Article 3*

For the purposes of this Directive “third country national” means any person who is neither a Union citizen within the meaning of Article 20(1) TFEU nor a family member of a Union citizen exercising his or her right of free movement within the meaning of Articles 2(2) and 3(2) of Directive 2004/38/EC, and who is legally residing in the territory of a Member State and is entitled to move or travel to other Member States in accordance with Union law.

#### *Article 4*

1. Member States shall adopt and publish, by dd/mm/yy [*Publications Office, please insert the date of transposition of the Directive adopted in procedure 2023/0311 (COD)*] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions

They shall apply those provisions from dd/mm/yy [*Publications Office, please insert the date of application of the Directive adopted in procedure 2023/0311 (COD)*].

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 5*

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

*Article 6*

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## **LEGISLATIVE FINANCIAL STATEMENT**

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## 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

### 1.1. Title of the proposal/initiative

Proposal for a Directive of the European Parliament and of the Council extending Directive [XXXX] to third country nationals legally residing in a Member State

### 1.2. Policy area(s) concerned

Rights of persons with disabilities

Access to services, passenger transport services, activities and facilities of persons with disabilities

Free movement of persons with disabilities

### 1.3. The proposal/initiative relates to:

☐ a new action

☐ a new action following a pilot project/preparatory action<sup>10</sup>

☒ the extension of an existing action

☐ a merger or redirection of one or more actions towards another/a new action

### 1.4. Objective(s)

#### 1.4.1. General objective(s)

This proposal has the objective of ensuring that the same framework as laid down in the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities applies to those third country nationals with a disability, who are not already covered by it, when travelling to or visiting another Member State for a short period. It applies to those third country national who are legally residing in the territory of a Member State, whose disability status has been recognised by that Member State, and who are entitled to move or travel to other Member States in accordance with Union law.

#### 1.4.2. Specific objective(s)

Specific objective 1: The proposal aims to provide holders of the European Disability Card who are third-country nationals with access on equal terms and conditions in the Member State visited or of travel to any special preferential conditions or preferential treatment with respect to services, activities and facilities offered to persons with disabilities.

Specific objective 2: The proposal aims to provide holders of the European Parking Card for persons with disabilities who are third country nationals with access on equal terms and conditions in the Member State visited or of travel to any parking conditions and facilities offered to or reserved for persons with disabilities.

<sup>10</sup> As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

### 1.4.3. *Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

Increased number of legally residing third country national persons with disabilities benefitting from special conditions and/or preferential treatment offered to persons with disabilities with respect to services, activities and facilities when visiting or travelling to other Member States;

Increased number of legally residing third country national persons with disabilities benefitting from any parking conditions and facilities offered to or reserved for persons with disabilities when visiting or travelling to other Member States;

Increased number of legally residing third country national persons with disabilities travelling to or visiting other Member States

### 1.4.4. *Indicators of performance*

*Specify the indicators for monitoring progress and achievements.*

Number of Member States having transposed the Directive to date

Number of European Disability Cards issued by Member States to legally residing third-country nationals

Number of European Parking Cards for persons with disabilities issued by Member States to legally residing third-country nationals

## 1.5. **Grounds for the proposal/initiative**

### 1.5.1. *Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative*

The main requirement to be met in the short term is reaching an agreement on the legislative proposal establishing the European Disability Card and the European Parking Card for persons with disabilities by the co-legislators, in the course of 2024, followed by agreement on the present proposal.

### 1.5.2. *Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention, which is additional to the value that would have been otherwise created by Member States alone.*

EU action is needed and justified to facilitate the possibilities of third-country nationals with disabilities to travel or move to other Member States to access special conditions and/or preferential treatment for services, activities and facilities as well as parking conditions and facilities across all Member States on an equal basis with residents of the country they are visiting, and, by doing so, to improve the functioning of the single market for services, activities and facilities at EU level.

The problem identified has a cross-border dimension that cannot be solved by the Member States on their own. Since the introduction of the EU parking card in 1998,

the Member States have included national specific additions or deviations from the EU model parking card, which has led to a variety of cards across Member States. In addition, Member States have experienced problems with fraud and forgery of the cards. Moreover, the Council Recommendation has not been updated to reflect ongoing technological and digitalisation developments.

While the EU Disability Card pilot project worked among the 8 participating Member States, it lacked a broader EU-wide dimension, creating significant uncertainty and unequal treatment of persons with disabilities travelling and visiting different Member States. As the pilot project card and its model are voluntary, the same problems of divergence as with the parking card would likely develop over time.

The necessity of EU action is directly linked to the cross-border nature of travel and related challenges faced by persons with disabilities travelling in the EU, thus the need to ensure an adequate coordinated approach among Member States in facilitating access to preferential conditions offered by services on an equal basis to residents in their country. As such, should the EU not intervene, current differences in national disability cards would increase, thus the different treatment of persons with disabilities across the Member States and inherent uncertainty (including legal uncertainty) would remain.

EU action adds value by introducing a mutually recognised instrument (the European Disability Card), facilitating the possibilities for persons with disabilities who are third-country nationals to visit or move to other Member States and their equal treatment when accessing services, activities and facilities compared to residents with disabilities across Member States. The evaluation study on the pilot EU Disability Card showed that in the eight Member States participating in the project, the EU action has enabled mutual recognition of disability status that would not have been achieved by Member States acting alone. In this light, the intervention of the European Commission contributed to the implementation of the European Disability Strategy 2010-2020.

### 1.5.3. *Lessons learned from similar experiences in the past*

The European Disability Card builds on two instruments already in place: the EU parking card and the EU Disability Card pilot. The **EU parking card for people with disabilities** was created by Council recommendation 98/376/EC and amended in 2008. It provides for a standardised model of EU parking card with a view of ensuring its mutual recognition across the Member States, hence facilitating the free movement of persons with disabilities by car. Despite its positive role, users are facing difficulties in the use of the EU parking card. From 2018 to 2022, around 260 enquiries about the EU parking card were submitted on the SOLVIT platform. Such complaints mainly regarded uncertainties as to the rights granted by the card to persons with disabilities when travelling to other Member States (around 30% of cases), mutual recognition of national parking cards, issued based on the EU model (around 25% of cases), as well as the justification for fines received even when showing the EU parking card (around 12% of cases).

The **EU Disability Card** pilot project, tested following the EU Citizenship Report 2013, was carried out in eight Member States (Belgium, Cyprus, Estonia, Finland, Italy, Malta, Romania and Slovenia) in 2016-2018 and remained in place after the end of the project. The pilot provides a common format for a card for voluntary mutual recognition among the participating Member States of the disability status, as

established in accordance with national eligibility criteria or rules, for access to benefits and services in the areas of culture, leisure, sport and, in some countries, transport. In case of no action the recognition of their national disability cards and certificates will remain voluntary and limited when it comes to preferential conditions when accessing services, activities and facilities.

*1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments*

The proposal is compatible with the European Pillar of Social Rights, the Strategy for the Rights of Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities. It is compatible with the Multiannual Financial Framework 2021-2027.

*1.5.5. Assessment of the different available financing options, including scope for redeployment*

The proposal will not have any additional budgetary implications for the EU budget. As stated in the proposal for a Directive establishing the European Disability Card and the European Parking Card for persons with disabilities, the only operational costs relate to the organisation of committee and expert group meetings, as well as support for the checks of national transposition measures, i.e. operational appropriation of EUR 0.62 million under existing budget line, as well as administrative expenditure of around EUR 0.342 million per year. This expenditure will entail an internal redeployment of funds with no increase in the amount. The amounts referred to will not increase by the current proposal.



**1.6. Duration and financial impact of the proposal/initiative**

☐ **limited duration**

- ☐ in effect from [DD/MM]YYYY to [DD/MM]YYYY
- ☐ Financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

☒ **unlimited duration**

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

**1.7. Method(s) of budget implementation planned<sup>11</sup>**

☐ **Direct management** by the Commission

- ☐ by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

- ☐ third countries or the bodies they have designated;
- ☐ international organisations and their agencies (to be specified);
- ☐ the EIB and the European Investment Fund;
- ☐ bodies referred to in Articles 70 and 71 of the Financial Regulation;
- ☐ public law bodies;
- ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;
- ☐ bodies or persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

**Comments**

The proposal will not have any additional budgetary implications for the EU budget.

<sup>11</sup> Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: <https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx>

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

Within [three years after the date of application] of the Directive establishing the European Disability Card and the European Parking Card for persons with Disabilities, and every five years thereafter, the Commission will submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on its application. The current proposal does not envisage additional monitoring and reporting rules.

### **2.2. Management and control system(s)**

#### **2.2.1. *Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed***

N/A

#### **2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them***

The controls are part of DG EMPL internal control system. These new activities will be covered by the same approach to identify risks and mitigate them.

#### **2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)***

The controls are part of DG EMPL internal control system. These new activities will generate non-significant additional costs of control at DG level.

### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.*

The Commission shall ensure that, when actions financed are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties. The Commission is authorised to carry out checks and verifications in situ under this Decision, in compliance Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities financial interests against fraud and other irregularities. If need be, investigations shall be carried out by the European Anti-Fraud Office and shall be governed by Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF).

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. <sup>12</sup>	from EFTA countries <sup>13</sup>	from candidate countries and potential candidates <sup>14</sup>	from other third countries	other assigned revenue
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO

- New budget lines requested

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries and potential candidates	from other third countries	other assigned revenue
	[XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

<sup>12</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>13</sup> EFTA: European Free Trade Association.

<sup>14</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

### 3.2. Estimated financial impact of the proposal on appropriations

#### 3.2.1. Summary of estimated impact on operational appropriations

- ☒ The proposal/initiative does not require the use of additional operational appropriations (cf. COM(2023) 512 and related legislative financial statement)
- ☐ The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

Heading of multiannual financial framework	Number	
--	--------	--

DG: <.....>			Year N <sup>15</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
• Operational appropriations										
Budget line <sup>16</sup>	Commitments	(1a)								
	Payments	(2a)								
Budget line	Commitments	(1b)								
	Payments	(2b)								
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>17</sup>										
Budget line		(3)								
<b>TOTAL appropriations for DG &lt;.....&gt;</b>	Commitments	=1a+1b +3								
	Payments	=2a+2b								

<sup>15</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

<sup>16</sup> According to the official budget nomenclature.

<sup>17</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

		+3								
--	--	----	--	--	--	--	--	--	--	--

• TOTAL operational appropriations	Commitments	(4)								
	Payments	(5)								
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)								
<b>TOTAL appropriations under HEADING &lt;....&gt; of the multiannual financial framework</b>	Commitments	=4+ 6								
	Payments	=5+ 6								

**If more than one operational heading is affected by the proposal / initiative, repeat the section above:**

• TOTAL operational appropriations (all operational headings)	Commitments	(4)								
	Payments	(5)								
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)								
<b>TOTAL appropriations under HEADINGS 1 to 6 of the multiannual financial framework (Reference amount)</b>	Commitments	=4+ 6								
	Payments	=5+ 6								

<b>Heading of multiannual financial framework</b>	<b>7</b>	‘Administrative expenditure’
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This section should be filled in using the 'budget data of an administrative nature' to be firstly introduced in the [Annex to the Legislative Financial Statement](#) (Annex 5 to the Commission decision on the internal rules for the implementation of the Commission section of the general budget of the European Union), which is uploaded to DECIDE for interservice consultation purposes.

EUR million (to three decimal places)

		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
DG: <.....>									
• Human resources									
• Other administrative expenditure									
<b>TOTAL DG &lt;.....&gt;</b>	Appropriations								

<b>TOTAL appropriations under HEADING 7 of the multiannual financial framework</b>	(Total commitments = Total payments)								
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EUR million (to three decimal places)

		Year N <sup>18</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
<b>TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework</b>	Commitments								
	Payments								

<sup>18</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

### 3.2.2. Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs  ↓			Year N		Year N+1		Year N+2		Year N+3		Enter as many years as necessary to show the duration of the impact (see point 1.6)						TOTAL	
	OUTPUTS																	
	Type <sup>19</sup>	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1 <sup>20</sup> ...																		
- Output																		
- Output																		
- Output																		
Subtotal for specific objective No 1																		
SPECIFIC OBJECTIVE No 2 ...																		
- Output																		
Subtotal for specific objective No 2																		
TOTALS																		

<sup>19</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>20</sup> As described in point 1.4.2. 'Specific objective(s)...'

### 3.2.3. Summary of estimated impact on administrative appropriations

- ☒ X The proposal/initiative does not require the use of appropriations of an administrative nature
- ☐ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year N <sup>21</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			<b>TOTAL</b>
--	-------------------------	-------------	-------------	-------------	--	--	--	--------------

<b>HEADING 7 of the multiannual financial framework</b>								
Human resources								
Other administrative expenditure								
<b>Subtotal HEADING 7 of the multiannual financial framework</b>								

<b>Outside HEADING 7<sup>22</sup> of the multiannual financial framework</b>								
Human resources								
Other expenditure of an administrative nature								
<b>Subtotal outside HEADING 7 of the multiannual financial framework</b>								

<b>TOTAL</b>								
--------------	--	--	--	--	--	--	--	--

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

<sup>21</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

<sup>22</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.



### 3.2.3.1. Estimated requirements of human resources

- ☒ X The proposal/initiative does not require the use of human resources.
- ☐ The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
• Establishment plan posts (officials and temporary staff)							
20 01 02 01 (Headquarters and Commission’s Representation Offices)							
20 01 02 03 (Delegations)							
01 01 01 01 (Indirect research)							
01 01 01 11 (Direct research)							
Other budget lines (specify)							
• External staff (in Full Time Equivalent unit: FTE) <sup>23</sup>							
20 02 01 (AC, END, INT from the ‘global envelope’)							
20 02 03 (AC, AL, END, INT and JPD in the delegations)							
XX 01 xx yy zz <sup>24</sup>	- at Headquarters						
	- in Delegations						
01 01 01 02 (AC, END, INT - Indirect research)							
01 01 01 12 (AC, END, INT - Direct research)							
Other budget lines (specify)							
TOTAL							

**XX** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	
External staff	

<sup>23</sup> AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

<sup>24</sup> Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

### 3.2.4. *Compatibility with the current multiannual financial framework*

The proposal/initiative:

- ☒ can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).
- ☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.
- ☐ requires a revision of the MFF.

### 3.2.5. *Third-party contributions*

The proposal/initiative:

- ☒ does not provide for co-financing by third parties
- ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year N <sup>25</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

<sup>25</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

### 3.3. Estimated impact on revenue

- ☒ The proposal/initiative has no financial impact on revenue.
- ☐ The proposal/initiative has the following financial impact:
  - ☐ on own resources
  - ☐ on other revenue
  - please indicate, if the revenue is assigned to expenditure lines ☐

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>26</sup>						
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article .....								

For assigned revenue, specify the budget expenditure line(s) affected.

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Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

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<sup>26</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.