

Disability Benefits and Entitlements in European Countries: Mutual Recognition and Exportability of Benefits

A synthesis of evidence provided by ANED country reports and additional sources

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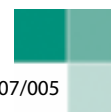
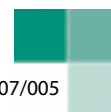


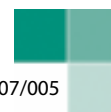
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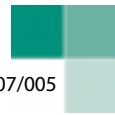
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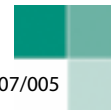
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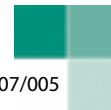
Introduction

All Member States of the European Union provide a variety of benefits to people with disabilities. These benefits aim to promote the economic and social integration of people with disabilities and/or to compensate for the disadvantages linked to impairment. On occasions the benefits are part of the national social security scheme, and are only available to individuals who are insured under the relevant scheme. However, many benefits are purely redistributive and do not require a prior employment history or a record of paying insurance premiums. The nature of such benefits also varies greatly. Some benefits are paid in cash and serve as general income replacements. However other cash benefits are targeted, and are intended to be used for specific purposes, such as the purchase of personal care or disability-related equipment. Many other benefits are in kind, and take the form, for example, of a number of hours personal care or the loan of disability-related appliances, some of which are limited to particular contexts (such as the home, workplace or place of education). Lastly, there are benefits that involve free or reduced rate access to various services, such as public transport, museums, and other services provided by the public or private sector. Eligibility for comparable benefits varies between the Member States, as does the means by which disability status is assessed and evidenced.

Member States generally have a free hand in deciding which benefits to make available to disabled people, and how to determine who is eligible for such benefits. Whilst EU law has established rules relating to the exportability of (some disability-related) social security benefits from one Member State to another,² the majority of national disability-related benefits, which do not amount to social security benefits, have not been subject to such requirements. As a result, Member States have been free to limit the entitlement to such benefits to residents, and to remove the benefit when an individual moves to another Member State. On the other hand, EU law has also meant that EU / EEA citizens who are lawfully resident in another Member State, and in particular workers and their families and those with permanent residence rights, are entitled to claim disability-related benefits on the same terms as nationals. Both of the aforementioned EU law requirements relate to eligibility in terms of place of residence or nationality. EU law has not, however, impacted on the Member States' freedom to determine eligibility in terms of degree or nature of disability; nor has EU law impacted on the level or nature of benefits which must be provided, and there is no "minimum" level of protection which EU Member States must provide to disabled people. This has led to the aforementioned variety amongst Member States.

In order to gain an overview of this complex situation, this report aims, in the first place, to provide a thematic overview of a significant sample of disability-related benefits provided by the EU and EEA Member States. The report will present an overview of the main benefits which are made available at national level.

² The relevant rules also cover EEA States and Switzerland.



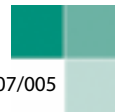
The overview, which will address both the kinds of benefits which are made available and eligibility criteria and assessment, supplements the factual inventory based on the reports of ANED country experts on this topic.

Second, the report aims to examine the extent to which Member States allow for, on the one hand, the export of national disability-related benefits to other EU / EEA Member States, and, on the other, the extent to which disabled EU / EEA citizens can access national benefits when visiting or residing in another Member State. The latter may involve the mutual recognition of a disability status that has been granted by another Member State. This is particularly likely to be the case when disabled individuals who are only visiting another Member State are allowed to access a disability-related benefit. Such an approach is reflected in the EU parking card for people with disabilities, based on Recommendation 98/376/EC.³ However, it is worth noting that most benefits are only available to residents who meet nationally-defined criteria for eligibility.

In light of the importance of EU law in regulating both access to benefits by EU / EEA citizens whilst (residing) in another Member State, and the exportability of disability-related social security benefits from the Member State of origin, the report will commence by analyzing relevant EU law in this area (section 2). In doing so, the report will identify the limits to the entitlement to claim disability-related benefits whilst in another Member State, and the limits to the requirement to allow disability-related benefits to be exported, and note the (potential) barrier to free movement these limitations impose on disabled EU citizens. However, since the focus of this report is not, as such, EU law relating to the coordination of social security schemes, and given that this is a highly complex area, a number of issues will not be considered. In particular, the report will not consider the coordination of invalidity pension schemes, i.e. rules relating to the determination of the invalidity pension in the case where a worker, who has been insured under the social security schemes of two or more Member States, becomes disabled and unable to work. Moreover, the report will not consider the special situation of frontier workers (i.e. individuals who work in one Member State but who live in another neighbouring Member State) and their families. However, one should be aware that EU law does address the important areas of coordination of invalidity pension schemes and the rights of frontier workers, and EU regulation in these areas makes an important contribution to protecting the rights of disabled people who find themselves in one of these two situations.⁴

³ Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities. [1998] O.J. L.167/25 as amended by Council Recommendation of 3 March 2008 adapting Recommendation 98/376/EC on a parking card for people with disabilities, by reason of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic, [2008] O.J. L.63/43.

⁴ For a more detailed overview of EU rules relating to the coordination of social security benefits see: *European Journal of Social Security*, Special Issue on 50 Years of European Social Security Coordination,



Having considered the relevant EU law framework, the report will then proceed to give a summary overview of the main types of disability-related benefits, which are provided in Member States. This overview will address thematic areas and cover a wide range of benefits (section 3).

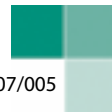
The report will then address instruments and models for mobility of disability-related benefits (section 4). Mobility between regions in a single country, and within the EU, will both be considered. The aim will be to identify examples of good practice that enhance mobility, with a view to considering how certain kinds of mechanism might be extended or replicated more widely. The report will highlight examples of mechanisms and instruments that facilitate mutual recognition, exportability and freedom of movement for disabled people.

Lastly (section 5) the report will provide summary conclusions and recommendations for actions by the institutions of the European Union (particularly the Commission) and the Member States to promote and encourage greater freedom of movement for disabled persons through mutual recognition of entitlement to disability-related benefits and through the exportability of benefits.

It is worth noting though that it is not the purpose of this report to provide a comparative analysis of the quality or generosity of disability benefits and entitlements in the European countries, and detailed reporting on these topics is provided in the ANED country reports on Social Protection and Social Inclusion.⁵ The report also does not seek to reflect on the models or conceptions of disability that underlie the various benefits. Instead, the main focus here is on variation in the mechanisms of eligibility and access to such benefits.

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⁵ See: <http://www.disability-europe.net/en/themes/Social%20inclusion/Social%20Inclusion%20reports%20overviewEN.jsp>



1 Relevant EU Law⁶

The Treaty on the Functioning of the European Union (TFEU) guarantees to all citizens of the European Union (i.e. all nationals of a Member State of the European Union) the right of free movement throughout the Union. Article 21(1) TFEU provides:

Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect.

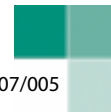
Originally this right was limited to workers and their immediate families. However, over the years, the right has been expanded to cover practically all EU citizens, as reflected in Article 21 TFEU above. The right consists not only of the right to live and work in other Member States, but also the right to study or retire and the right to travel to other Member States. These rights are not only guaranteed by the Treaty, but also in numerous other pieces of EU legislation, which oblige Member States to allow nationals of other Member States to visit and live in their country. The right of free movement is therefore very broad and quite fundamental within the European Union legal order.⁷

Access to disability-related benefits is relevant to the right to free movement in two respects. First, there is the question of whether disabled individuals who move or travel to another Member State will be entitled to access disability-related benefits in the host State. Whilst access to some of these benefits may simply help an individual to travel or move to another Member State, e.g. reduced fees for travelling on public transport, access to other benefits, such as a disability-related cash benefit, may be a precondition for moving to another Member State. Second, there is the question whether a disabled individual who is entitled to a benefit in his or her home Member State can take that benefit to another Member State, on either a temporary basis (e.g. to take a personal assistant on a holiday or business trip), or permanently (e.g. to continue claiming a disability pension after relocating to another Member State).

⁶ Parts of this section are based on: Lisa Waddington and Anne Pieter van der Mei, Free Movement of Disabled People in the European Union: An examination of relevant Community provisions and a discussion of barriers to free movement, European Disability Forum, Doc. EDF-99/11, 30.11.99. It is worth noting that a number of social security treaties have also been agreed upon within the auspices of the Council of Europe, including a European Interim Agreement on Social Security Schemes Relating to Old Age, Invalidity and Survivors, and the European Convention on Social Security. However, these conventions are not considered further here. See:

http://www.coe.int/t/dg3/sisp/LegalInstruments/Default_en.asp

⁷ Indeed, the right to free movement was one of the four fundamental freedoms guaranteed by the original Treaty of the European Economic Community.



The non-exportability of income replacement benefits, care allowances, or expensive specialised equipment, may effectively prevent a disabled person from moving to another Member State, at least if they are not entitled to claim equivalent benefits in their 'new' host Member State. In essence, without recognition and provision of support and access to benefits, some people with disabilities will be unable to exercise the right of free movement within the EU, and this fundamental right under EU law will be effectively meaningless.

1.1 EU Law and the Right to Access Disability-related Benefits in a Host Member State: The Principle of Non-Discrimination on the Grounds of Nationality

This section seeks to set out the rules relating to the entitlement of disabled people who visit or move to another Member State, to claim a national disability-related benefit. In order to understand the EU rules governing the free movement of persons, and the related entitlements, it is necessary to make a distinction between:

- EU citizens who (wish to) live in another Member State (residents), and
- EU citizens who merely (wish to) visit or travel to other States (non-residents or travellers).

Among the residents a further distinction has to be made between:

- employed and self-employed persons who move to another Member State to work, and their families, and;
- EU citizens who live in another Member State for other (non-economic) reasons, e.g. for study or retirement.

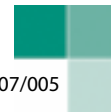
The situation of individuals falling into these various categories, in terms of accessing national disability-related benefits, is considered further below.

1.1.1 Economic Residents: Workers and their Families

Article 45 of the Treaty on the Functioning of the European Union (TFEU) gives all EU citizens the right to look for, to accept and to take up employment in another Member State under the same conditions as the nationals of the State concerned.⁸

In order to make it easier for people to take up employment in another Member State, Article 45 TFEU confers upon EU citizens a whole set of related rights, including the right to live in the State of employment, and, importantly, from the perspective of this report, the right to be treated in the same way as nationals.

⁸ This report will not discuss the rights of self-employed people who wish to move to another Member State. Their rights are guaranteed by Article 49 TFEU. The basic assumption is that the legal status of the employed and the self-employed is similar. See e.g. Case C-334/94 *Commission v France* [1996] ECR I-1307.



These rights are acquired as soon as an EU citizen acquires the status of a worker in the host Member State. According to the cases decided by the Court of Justice the status of worker can be acquired by EU citizens who are pursuing economic activities under the direction of an employer established in another Member State and who, in return for their activities, receive remuneration.⁹ In some instances, because of the limited hours which are worked, or because of the low income earned, it may be more difficult for a disabled person to acquire the privileged status of worker.¹⁰

The right to equal treatment for workers is secured in Article 45(2) of the Treaty and worked out in further detail in Regulation No. 1612/68¹¹ on freedom of movement for workers, and Regulation No. 883/2004¹² on social security (see below for further information on the latter regulation).

Under Regulation No. 1612/68 equality of treatment is not only granted as regards work-related matters (e.g. pay, laws on dismissal, conditions of work, trade union rights, etc.), but also as regards training, public housing, taxation, access to 'social advantages', as well as to all rights or benefits that are essential to the worker's 'well-being' and which can be regarded as related to the right to freedom of movement.¹³

Equal access to 'social advantages', which is provided for in Article 7(2) of Regulation No. 1612/68, is particularly important in terms of access to disability-related benefits. The Court of Justice, which has the task of interpreting EU law, has interpreted the concept of 'social advantages' to cover all rights or benefits which are granted to workers 'primarily because of their objective status as workers or by virtue of the mere fact of their residence on the national territory' and which may encourage the free movement of workers within the Union.¹⁴ In applying this definition, the Court has defined numerous social security(-like) benefits (including benefits for people with disabilities¹⁵), student financial aid¹⁶ and benefits to cover funeral expenses¹⁷ as social advantages. As a result, virtually all socio-economic benefits are covered by the right to equal treatment. This means that where nationals are entitled to receive these benefits, EU citizens who are workers are also entitled to receive them if they meet the eligibility criteria.

⁹ Case 66/85 *Lawrie-Blum* [1986] ECR 2121.

¹⁰ For a further examination of this issue see Charlotte O'Brien, *Social Blind Spots and Monocular Policy Making: The ECJ's Migrant Worker Model*, *Common Market Law Review* 46, (2009), 1107-1141.

¹¹ Regulation No. 1612/68 on freedom of movement for workers within the Community, O.J. Sp.Ed. [1968] L.257/2.

¹² Regulation No. 883/2004 on the coordination of social security schemes, [2004] O.J. L.166/1.

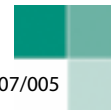
¹³ Case C-334/94 *Commission v France* [1996] ECR I-1307.

¹⁴ Case 207/78 *Even* [1979] ECR 2019 and Case C-249/83 *Hoeckx* [1985] ECR 973.

¹⁵ See e.g. Case 76/72 *Michel S.* [1973] ECR 457 and Case C-326/90 *Commission v Belgium* [1992] ECR I-5517.

¹⁶ See e.g. Case 39/86 *Lair* [1988] ECR 3161.

¹⁷ Case C-237/94 *O'Flynn* [1996] ECR I-2617.



Only certain rights that are linked to the possession of the nationality of the host State, such as the right to vote and stand as a candidate in national elections, benefits linked to the performance of military service¹⁸ and access to certain posts in the civil service, are excluded.¹⁹

The right to equal treatment is based on a prohibition of discrimination on the grounds of nationality. This prohibition covers both direct and indirect discrimination based on nationality. The former concerns cases in which workers are denied rights or benefits on the sole ground that they lack the nationality of the host State. In principle, such discrimination is prohibited. Indirect discrimination occurs when criteria other than nationality are applied, but which in practice lead to the same discriminatory result. Typical examples of criteria which may constitute an indirect discrimination on the ground of nationality are language and residence requirements. Such criteria, which mainly work to the detriment of nationals of other Member States, can be justified when, and in as far as, they are necessary for some 'legitimate public interest'.²⁰

It is worth noting that workers are entitled to be joined by their immediate family when they move to a new Member State.²¹ In order to promote the integration of the worker's family into the host State, Article 11 entitles family members to work in that State and Article 12 confers upon the children of EU workers the right to attend school or other educational institutions under the same conditions as the nationals of the State. In addition, the dependent family members can rely on Article 7(2) in order to claim equality of treatment as regards all 'social advantages'.²² For example, a member of a worker's family who is disabled is entitled to claim all the relevant disability benefits in exactly the same way as a national who has a disability under EU law.

1.1.2 Non-Economic Residents: Students, Retired People, People with a Private Income

The second category of beneficiaries of the free movement of persons consists of 'non-economic residents'. This category contains students, pensioners and the residual category of all 'other' EU citizens whose right to reside is governed by Directive 2004/38.²³ The non-economic right of residence is not granted in order to promote access to employment in other Member States. Students are given the right of free movement so that they can study in other Member States.

¹⁸ See e.g. Case C-315/94 *De Vos* [1996] I-1417.

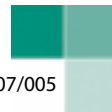
¹⁹ See e.g. Case 149/79 *Commission v Belgium* [1980] ECR 3881 and Case C-4/91 *Bleis* [1991] ECR I-562.

²⁰ Case C-111/91 *Commission v Luxembourg* [1993] ECR I-817 and Case C-237/94 *O'Flynn* [1996] ECR I-2617 at 18.

²¹ See Article 10 of Regulation 1612/68.

²² Case 316/85 *Lebon* [1987] ECR 2811.

²³ Directive 2004/38/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, [2004] O.J. L.158/77.



The right of pensioners and the 'other' EU citizens is not dependent on them carrying out any activity; these individuals have the right to live in another Member State because they are citizens of the European Union (Articles 20 and 21 TFEU).

Article 24(1) of Directive 2004/38 provides that EU citizens who are resident in another Member State are entitled to equal treatment with nationals. The Article provides:

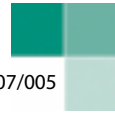
Subject to such specific provisions as are expressly provided for in the Treaty and secondary law, all Union citizens residing on the basis of this Directive in the territory of the host Member State shall enjoy equal treatment with the nationals of that Member State within the scope of the Treaty.

In principle, this right to equal treatment also extends to the right to claim social assistance benefits, including disability-specific benefits. However, the discussions concerning the realization of a right of free movement and residence for *all* EU nationals have, from the beginning, been dominated by the fear that nationals from 'poorer' (typically perceived as Southern or Eastern) Member States would move to 'more generous' (perceived as Northern or Western) States for the sole purpose of claiming higher social security benefits. In spite of the above mentioned Article 24(1), this fear of 'social tourism' is reflected in Directive 2004/38. As a result, individuals falling into the category of 'non-economic residents' have a number of conditions attached to their residency, which do not apply to workers and their families.

For the first five years of their residence, 'non-economic residents' are required 'not to become a burden on the social assistance system of the host Member State ... and have comprehensive sickness insurance cover in the host Member State'.²⁴ Therefore, such individuals can only live in the host Member State if they are able to provide for themselves and their families, and if each family member is completely covered by health insurance. The claiming of a disability-related benefit, which leads to an individual becoming a 'burden on the social assistance system' of the host State, gives that State the right to revoke the permission to reside on its territory.

However, it is clear that lawfully resident EU citizens are sometimes still entitled to claim such a benefit, even during their first five years of residence in another Member State. Non-economic residents can claim equality of treatment in the host State under Articles 18 and 21 TFEU. Article 18 TFEU prohibits all discrimination on grounds of nationality in fields covered by the Treaty, i.e. those areas which are 'within the scope' of the Treaty, whilst Article 21 TFEU gives EU citizens the right to move and reside freely within the territory of the Member States.

²⁴ Article 7(1)(b), Directive 2004/38.



In the case of *Martínez Sala* (1998),²⁵ the European Court of Justice indicated that all rights and benefits covered by Regulation No. 1612/68 and Regulation No. 1408/71 (see below) fell within the scope of Community law and that all EC nationals lawfully residing in the territory of another Member State could rely on Article 18 TFEU (formerly Article 12 EC and, before that, Article 6 EC) in order to claim such rights and benefits.

However, the scope of the right to equal treatment of non-economic residents does not completely coincide with the equivalent right of workers. For non-economic residents, the right is not as strongly protected as the right to equal treatment of workers. Indeed, several Member States have taken the position that, during the initial five years of residence, a complete equal treatment right is not owed to non-economically active residents, and that this is only acquired with a right to permanent residence.²⁶ This approach has been confirmed to some degree in *Förster*,²⁷ in which the European Court of Justice found that a five year residence requirement for access to a student maintenance grant in the Netherlands was justified, appropriate and not excessive.²⁸ The residence requirement was regarded as a legitimate means of ensuring that recipients were sufficiently integrated into Dutch society.

Moreover, as noted above, students, pensioners and the 'other' EU citizens who wish to claim equal treatment as regards, for example, social assistance benefits may become a burden on the host State and this entitles the host State to end legal residence, and therefore entitlement to the benefits. Nevertheless, claiming a disability-related benefit does not automatically lead to loss of residence.²⁹ Directive 2004/38, in Article 14(3), states in this respect:

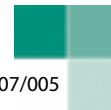
²⁵ Case C-85/96 *Martínez Sala* [1998] ECR I-02691 at para. 57-61.

²⁶ See Charlotte O'Brien, *Social Blind Spots and Monocular Policy Making: The ECJ's Migrant Worker Model*, *Common Market Law Review* 46 (2009), 1107 at 1110.

²⁷ Case C-158/07 *Jacqueline Förster v. Hoofddirectie van de Informatie Beheer Groep*, [2008] ECR I-0000.

²⁸ See also Case C-209/03 *Bidar*, [2005] ECR I-2119 (three years residence requirement in the United Kingdom for entitlement to a student maintenance grant was regarded as acceptable). For criticism of this judgment see A.P. van der Mei, *Union Citizenship and the Legality of Durational Residence requirements for Entitlement to Student Financial Aid*, 16 *Maastricht Journal of European and Comparative Law* 4, (2009), 477-505.

²⁹ Case C-456/02 *Trojani* [2004] ECR I-0753, para. 45, in which the Court held: "it remains open to the host Member State to take the view that a national of another Member State who has recourse to social assistance no longer fulfils the conditions of his right of residence. In such a case the host Member State may, within the limits imposed by Community law, take a measure to remove him. However, recourse to the social assistance system by a citizen of the Union may not automatically entail such a measure." This is also confirmed in Directive 2004/38, Preamble Recital 16, which states: "... an expulsion measure should not be the automatic consequence of recourse to the social assistance system."



An expulsion shall not be the automatic consequence of a Union citizen's or his or her family member's recourse to social assistance system of the host Member State.³⁰

Moreover, once an individual has resided lawfully on the territory of a Member State for five years, they can acquire an unlimited right of residence under Directive 2004/38, which brings with it a right to claim social assistance if necessary. Such a claim will not jeopardise the right to reside.

1.1.3 Regulation No. 883/2004 on Social Security

With regard to EU citizens who are resident in another Member State, Regulation No. 883/2004 on social security is also of relevance. This Regulation is discussed in more detail below in the context of the exportability of benefits. However, the Regulation will also be considered here to the extent that it allows EU citizens who are resident in another Member State to claim social security benefits in the host Member State. The Regulation is important in this context as, unlike its predecessor, Regulation No. 1408/71,³¹ it is not confined (in principle) to (self-)employed persons, but covers all EU nationals. A number of specific benefits or situations governed by Regulation No. 883/2004 are considered below.

1.1.3.1 Cash benefits in the case of long-term sickness

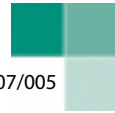
Articles 17-35 of Regulation No. 883/2004 apply to both medical care ('benefits in kind') and 'cash benefits' which aim to compensate workers for loss of earnings caused by illness. Such sickness benefits not only include benefits paid by the State (statutory benefits) but also wages that the employer is obliged to pay whilst a worker is sick.³² EU citizens living in the State where they are employed or insured can, in the case of illness, rely on Articles 4 (equality of treatment or non-discrimination) and 6 (aggregation of periods) in order to claim sickness benefits under the same conditions as the nationals of the host State.

It is also worth noting that, whilst cash benefits in case of long-term illness can be both granted to residents in the host Member State and exported to other Member States, benefits relating to medical care, which are provided in kind, such as the provision of a number of hours care or help per week, cannot be exported under Regulation No. 883/2004. However, such benefits can be claimed by all residents who fall under the relevant insurance scheme.

³⁰ See also recital para. 16. of the Directive.

³¹ Regulation No. 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (as amended), [1971] O.J. L.149/2 (Sp. Ed., Series I Chapter 1971 (II) P.0416.

³² Case 45/90 *Paletta* [1992] ECR I-3423.



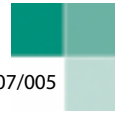
1.1.3.2 Disability-specific benefits that are ‘special non-contributory benefits’

Under Regulation No. 883/2004, certain ‘special non-contributory benefits’, which provide ‘solely specific protection for the disabled’, can only be claimed in the country of residence. Whilst this means that individuals cannot export such benefits to other Member States (see below), it also implies that disabled people who move to a new Member State will be entitled to claim such benefits.

For example, if a Member State provides a benefit for young disabled adults who acquired a disability whilst children, then a disabled person who was born and grew up in another Member State but who moves to the new Member State after the age of 18, should also be able to claim such a benefit. This follows from Article 5 (b) of the Regulation which provides that where, under the legislation of the host Member State, legal effects are attributed to the occurrence of certain facts or events (e.g. the acquisition of a disability in childhood), the Member State shall take account of like facts or events occurring in any Member States, as though they had taken place in its own territory. This ‘assimilation of facts’ provision goes further than the principle of non-discrimination on the grounds of nationality – under the latter rule residence requirements are regarded as potentially indirectly discriminatory but they are open to justification. The requirement to regard facts and events that occurred in other Member States in the same way as facts and events that occurred in the host Member State imposes an absolute obligation on Member States. This bars a residence requirement with regard to the time when the facts or events occurred which led to entitlement to a particular benefit.³³

However, one may also need to take into account requirements under Directive No. 2004/38 in determining whether an individual will be entitled to claim a special non-contributory benefit. As noted above, (section 2.A.2) Article 7(1)(b) of the Directive requires that “non-economic residents” should not “become a burden on the social assistance system of the host Member State” during their first five years of residence. The question arises whether the claiming of a special non-contributory benefit will lead to an individual becoming such a burden, with the potential consequence that the claimant loses the right of residence. For the purposes of Regulation 882/2204 the Court of Justice has held that special non-contributory benefits do not amount to social assistance. However, the Court has not held that this is also true for the purposes of Directive 2004/38. If the Court were to regard claimants of such benefits as becoming a burden on the “social assistance” system of host Member States, this could entitle Member States to revoke the residence status of non-economic residents who claim such benefits during the first five years of residence.

³³ See Frans Pennings, Inclusion and Exclusion of Persons and Benefits in the New Co-ordination Regulation, in Michael Dougan and Eleanor Spaventa (eds.), *Social Welfare and EU Law, Essays in European Law*, Hart Publishing, 2005, 241-260.



On the other hand, one could argue that Regulation 883/2004 should be regarded as a *lex specialis* and Directive 2004/38 as a *lex generalis* for migration purposes, meaning that the Regulation should take “priority”, and claiming special non-contributory benefits should not expose an individual to the risk of having their residence status removed.³⁴

1.1.3.3 Disability benefits that provide a ‘passport’ or ‘gateway’ to other benefits

The acquisition of an officially-recognised disability status is often necessary in order for an individual to claim disability-related (social security) benefits. Indeed, the two administrative processes (recognition of status and granting of benefit) may be one and the same. However, in many Member States this officially recognised disability status not only gives access to a cash benefit but also serves as a ‘passport’ or ‘gateway’, allowing an individual to claim sundry other benefits (in kind), such as reduced rates when travelling by public transport or access to a parking card for disabled persons.

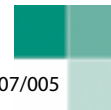
Regulation No. 883/2004 includes a provision that may be of relevance for those individuals who have had their disability status officially recognised in their Member State of origin, and who receive a social security benefit from that State which they have exported to their State of residence, with regard to claiming related sundry benefits granted in their State of residence.³⁵ Article 5 (a) on equal treatment of benefits, income, facts or events provides:

where, under the legislation of the competent Member State [i.e. in this case, the Member State that grants the sundry benefits, LW], the receipt of social security benefits and other income has certain legal effects, the relevant provisions of that legislation shall also apply to the receipt of equivalent benefits acquired under the legislation or another Member State or to income acquired in another Member State

This may be relevant where an individual has an officially-recognised disability status from their original Member State, which gives them access to an (exportable) social security benefit from that State, and has chosen to exercise their right of free movement and to move to another Member State.

³⁴ I am grateful to Dr. Anne Pieter van der Mei for pointing this dilemma out to me.

³⁵ However, it is worth recalling that Regulation 883/2004 does not cover disability-related benefits as such. Instead, in most cases, such benefits will only be exportable under the Regulation if they are classified as sickness benefits. In that sense, official recognition of sickness, rather than disability, may be the trigger for entitlement. However, the examination of examples of individual benefits in section 3 of this report suggests that in some cases the concepts of sickness and disability have been merged in terms of requirements to be met for receipt of certain benefits.



One could speculate whether, under Article 5 (a) of Regulation No. 883/2004, the Member State of residence may be obliged to recognise the official disability status granted by the other Member State, and allow the individual access to related benefits in the same way as nationals who have had their disability officially recognised and have been granted a social security benefit.

However, one should recognise that there are a number of problems with this interpretation. The Regulation does not provide for the harmonisation of eligibility criteria for benefits, meaning that an individual may be entitled to acquire an officially recognised disability status in one Member State and not another. Moreover, the sundry benefits available to individuals with administrative disability status also vary widely. Lastly, a requirement relating to equal treatment of benefits, income, facts, or events, does not necessarily require a Member State to officially recognise disability-status granted by another Member State, especially when the requirements relating to such recognition differ (substantially) from those in existence in the Member State of residence.

Nevertheless, and in light of these potential barriers to recognition, it would be helpful to identify which disability benefits serve as a 'passport' to other benefits in each Member State, and the eligibility criteria,³⁶ such as degree of impairment/disability, for the original 'passport' benefit. This would enhance comparability, and help national officials to decide if a disability status recognised by another Member State is comparable to the nationally recognised disability status, which serves as a 'passport' allowing access to other benefits. This may serve to promote clarity and help to establish if disabled individuals can rely on their disability status granted by another Member State in order to claim benefits provided in their Member State of residence.

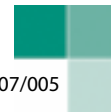
1.1.4 Non-Residents or Travellers: Tourists, Patients and Business People

The third category of beneficiaries of the free movement of persons consists of 'non-residents' or EU travellers. This category contains EU citizens who merely visit other States and who do not establish residence in those States. The original EEC Treaty of 1957 merely granted this right to travel to self-employed persons who wanted to provide services in other States. However, in the case of *Luisi and Carbone* (1983)³⁷ the European Court of Justice ruled that Article 49 (now Article 56 TFEU) also covers a right to move to other Member States in order to receive services and the Court explicitly added that tourists, patients, business travellers and students can be regarded as recipients of services.

³⁶ This was also the subject of an EU funded study by Mabbett *et al* on administrative definitions of disability in social policies, See D. Mabbett *et al*, *Definitions of Disability in Europe: A Comparative Analysis*, (Employment and Social Affairs DG, 2003), available at:

<http://www.bbk.ac.uk/polsoc/research/projects/definitions-disability-europe> (accessed 15 June 2010).

³⁷Joined Cases 286/82 and 36/83 *Luisi and Carbone* [1984] ECR 377.



In practice, this judgment implied that all EC nationals could travel to other States, since virtually every EC national could claim to be a 'recipient of tourist services' (e.g. hotel accommodation or a meal in a restaurant). Later court cases showed that all EU citizens have the right to travel and visit other States.³⁸

Under Articles 56 and 57 TFEU, EU citizens enjoy the right to provide and receive services under the same conditions as nationals of the State they visit. The concept of services only covers those services that are (mainly) provided out of private funds; (social) services provided by the State, and which are mainly funded out of the public purse, fall outside the scope of two mentioned Articles (e.g. medical care and rehabilitation or training provided by the State).³⁹ In order to claim such benefits EU citizens can rely on Article 18 TFEU which, as follows from the *Martínez Sala* case, applies to virtually all benefits. This is not to say that the legal status of travellers is as strongly protected as the status of residents. Eligibility for many social benefits can be made conditional upon residence in the host State's territory. Residence requirements mainly work to the detriment of non-nationals, and may thus constitute indirect discrimination on grounds of nationality. Nevertheless, such requirements can still be justified under EU law where they are based on objective considerations independent of the nationality of the persons concerned, and are proportionate to the legitimate aim of the national provisions. This is evidenced by the recent case of *Gottwald* (2009)⁴⁰ discussed below.

The case concerned Mr. Gottwald, a German national who was visiting Austria whilst on holiday. He was severely disabled, and claimed that he was entitled to benefit from a free annual toll disc for travel on the Austrian motorway network, which was made available to Austrian residents who were disabled. He based his claim on what is now Article 18 TFEU. The Austrian court made a preliminary reference to the European Court of Justice to help it decide the case. The Court affirmed that EC law (now Article 18 TFEU) confers the right on Member State nationals, such as Mr. Gottwald, who exercise their right to free movement within the EU in order to take a holiday in another Member State, not to suffer discrimination on the basis of their nationality.⁴¹ This is because EU law prohibits not only 'overt discrimination by reason of nationality', but also 'covert discrimination which, by the application of other distinguishing criteria, lead to the same result'.⁴² Such a covert (or indirect) distinction would, in particular, be one based on residency requirements, which would be 'liable to operate mainly to the detriment of nationals of other Member States, since non-residents are in the majority of cases foreigners'.⁴³

³⁸ See e.g. Case C-68/89 *Commission v the Netherlands* [1991] ECR I-2637 and Case C-274/96 *Bickel and Franz* [1998] ECR I-7637.

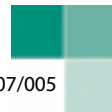
³⁹ Case 263/86 *Humbel* [1988] ECR 5365 and Case C-109/92 *Wirth* [1993] ECR I-6447.

⁴⁰ Case C-103/08 *Gottwald*, judgment of 1 October 2009.

⁴¹ Para. 26.

⁴² Para. 27.

⁴³ Para. 28.



Applying these criteria, the Court found that the requirement that led to only those disabled people resident in Austria qualifying for the free toll disc, was likely to disadvantage nationals from other Member States, and therefore could only be justified if it was 'based on objective considerations independent of the nationality of the persons concerned and [was] proportionate to the legitimate aim of the national provisions'.⁴⁴

The Court then went on to consider if such justifications existed in this case. The Austrian Government argued that the measure was intended to promote the mobility and social integration of disabled persons who, because of their disability, could not use public transport and who, as a consequence, depended on a private vehicle. The measure was intended to benefit people who used the road network frequently, and the requirement that recipients were resident in Austria was intended to ensure that recipients had a certain degree of integration in Austrian society.⁴⁵ The Court accepted this reasoning, and stated that:

both the promotion of mobility and integration of disabled persons and the wish to ensure that there is a connection between the society of the Member State concerned and the recipient of a benefit ... can indeed constitute objective considerations of public interest which are capable of justifying the fact that the conditions of grant of the benefit may affect the freedom of movement of the citizens of the Union.⁴⁶

The Court did not explicitly refer to either the cost or administrative burden that would flow from an extension of the scheme to disabled nationals from other Member States, although this was perhaps implicit in its finding that there existed objective considerations in the public interest for not making the benefit more widely available.

Turning to the second condition of proportionality, the Court recalled that a measure is proportionate when, while appropriate to secure the objective pursued, it also does not go beyond what is necessary to secure that objective.⁴⁷ The Court noted that, with regard to benefits not provided for by EC law, such as the toll disc in this case, Member States enjoy a wide margin of appreciation in deciding which criteria are to be used to assess the degree of connection to, or integration in, society.⁴⁸

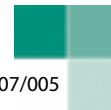
⁴⁴ Para. 30.

⁴⁵ Para. 31.

⁴⁶ Para. 32.

⁴⁷ Para. 33.

⁴⁸ Para. 34.



In this case the Court noted that the measure at issue was intended to facilitate regular journeys in Austria by disabled people with a view to their integration in Austrian society, and the requirement that recipients be resident in Austria was a suitable criterion to establish a connection between the recipients and Austrian society.⁴⁹ No minimum period of residence was necessary in order to qualify for the free toll pass.⁵⁰ The Court also took into account the fact that the residence requirement was interpreted very broadly, so that disabled people who lived outside Austria, but who could demonstrate a sufficiently close connection to Austrian society, also qualified for the free toll disc. In practice, disabled non-residents who regularly traveled in Austria for business or personal reasons, also qualified for the disc.⁵¹ In light of this, the Court found the residence requirement, as broadly interpreted, to be proportionate.

In conclusion, the Court found that a national rule, which limited entitlement to the free toll disc for the motorway to disabled people who lived in the Member State or who regularly traveled to the Member State, did not breach EC law (Art. 12 EC, now Article 18 TFEU). Since Mr. Gottwald was only an occasional visitor to Austria for holiday purposes, it seems he was not entitled to the disc, although it was left to the national court to decide on this.

1.1.5 Summary

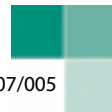
Disabled EU citizens who are workers, or family members of workers, are entitled to claim all disability-related benefits in a host Member State on the same terms as nationals under Article 45 TFEU and Regulations No. 1612/68 and No. 883/2004.

Disabled EU citizens who reside in another Member State, but who are not economically active there, are also entitled to claim all disability-related benefits in their host Member State on the same terms as nationals once they have lawfully resided in that Member State for a period of five years or more. This is provided for under Directive 2004/38. Such citizens are also entitled, on the basis of Articles 18 and 21 TFEU, to claim disability-related benefits during their first five years of lawful residence in the host Member State. However, if this leads to them becoming a burden on the social assistance system of the host Member State, then the State has the right to revoke their residence permit, which also implies a withdrawal of the right to claim the relevant benefit. On the other hand, it can be argued that such citizens are entitled to receive benefits which have been classified as special non-contributory benefits under Regulation 882/2004 during their first five years of residence, without this jeopardising their residence status, although this is not completely clear under current legislation and case law.

⁴⁹ Para. 36.

⁵⁰ Para. 37.

⁵¹ Paras. 38 and 39.



Some Member States limit access to specific benefits for people with temporary residence status, and this has been accepted as legitimate by the Court of Justice on occasions.

Lastly, disabled EU citizens visiting another Member State also have the right, under Articles 18 and 21 TFEU, to claim disability-related benefits on the same terms as nationals. However, a Member State can legitimately decline to grant such benefits to non-residents for reasons that are objective, pursue a legitimate aim, and proportionate. In practice, this gives Member States an apparently wide scope for limiting access to such benefits to residents.

1.2 EU Law and the Right to Export Disability-related Benefits: Free Movement and Social Security

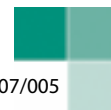
This section will consider under what conditions a recipient of a disability-related benefit can export that benefit to another Member State. This is potentially very important as, as noted above, the right of residence is only granted to non-economic residents on the condition that they do not ‘become a burden on the social assistance system of the host Member State’. Entitlement to a disability-related cash benefit from another Member State can enable a disabled individual to meet this criterion, and thereby exercise the right of free movement.

It has always been clear that it is up to the Member States to organise, administer and finance their own social security schemes.⁵² Neither the establishment of a common social security system nor a harmonisation of national social security systems have ever been seriously considered by the Member States. However, it has always been recognised that the existence of various national social security systems could encourage or deter people from moving from one State to another. The move might lead to a loss of social security rights acquired in the Member State of origin and individuals might not be eligible for benefits in the new State on the ground that they have not worked, been insured or been in residence for long enough. For this reason, EU law has been adopted to coordinate the application of social security schemes with regard to individuals who exercise the right of free movement. The relevant provisions are considered below.

1.2.1 Regulation Nos. 883/2004 and 987/2009 and their Predecessors Regulation Nos. 1408/71 and 574/72: Objectives and Basic Principles

In order to address the problems identified above, EU rules have been adopted to prevent individuals from being discouraged from exercising free movement rights because of a possible loss of social security rights.

⁵² Case C-18/95 *Terhoeve* [1999] ECR I-345 and Case C-70/95 *Sodemare* [1996] ECR I-3422.



For many years the main legal rules were laid down in Regulations No. 1408/71 and No. 574/72.⁵³ The former Regulation set out the rights that migrants enjoy, whilst the latter Regulation contained the administrative rules for implementing these rights. As of 1 May 2010 these Regulations were repealed and replaced by Regulations Nos. 883/2004 and 987/2009.⁵⁴ However, the main principles found in Regulation No. 1408/71 continue to be reflected in the new Regulation No. 883/2004, and case law decided under Regulation No. 1408/71 will continue to be relevant in order to understand the new Regulation.

It must be stressed at the outset that these Regulations aim to coordinate Member State action with regard to *social security schemes* only, and provide, for example, for the exportability of such benefits; they do not address *social assistance benefits*, meaning that disability-related benefits which amount to social assistance benefits fall outside the scope of the regulations and cannot, for example, be exported under EU law. The Court has defined a social security benefit as a benefit granted without any individual and discretionary assessment of personal needs, to recipients on the basis of a legally defined position, concerning one of the risks listed in the Regulation.⁵⁵⁵⁶ However, as case law of the Court of Justice reveals, on occasions it is difficult to establish if a particular benefit is a social security benefit (exportable) or a social assistance benefit (not exportable). Moreover, a third category of benefits also exists, namely 'special non-contributory cash benefits'. These also fall within the scope of the Regulation, although they are not exportable (see below).

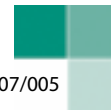
A consequence of requiring that social security related benefits are exportable under EU law, whilst social assistance and 'special non-contributory cash benefits' are not exportable, is that more benefits are likely to be exportable from those Member States where the welfare system relies heavily on the insurance principle, than is the case for Member States where the welfare systems relies heavily on social assistance benefits and means-tested benefits.

⁵³ [1972] OJ L 74.

⁵⁴ Regulation No. 987/2009 laying down the procedure for implementing Regulation (EC) No. 883/2004 on the coordination of social security schemes, [2009] O.J. L.284/1.

⁵⁵ Case C-406/04 *Gérald De Cuyper v. Office national de l'emploi* [2006] ECR I-6947. See also Vicki Paskalia, Co-ordination of Social Security in the European Union: An Overview of Recent Case Law, *Common Market Law Review* 46 (2009), 1177 at 1186. This definition of social assistance benefits may imply that an increased personalisation of benefits – in terms of the benefits being tailored to meet the needs of a specific individual – may lead to those benefits not being regarded as exportable under EU law.

⁵⁶ However, one can question whether this implicit distinction, made in the *De Cuyper* judgment, between social security benefits and social assistance benefits is still correct. Today, social assistance benefits are also based on a legally defined position and are not, for example, based on (principles) of charity. I am grateful to Dr. Anne-Pieter van der Mei for pointing this out to me.



For example, whilst the German and Austrian welfare systems rely almost exclusively on the insurance principle, this is not the case in the British system.⁵⁷ This may imply that a comparable benefit – in terms of the purpose which it serves – may be exportable from one Member State, such as Germany, but not from another, such as the United Kingdom, and this difference is not related to the purpose of the benefit as such, but to differences in the funding principle that underlie welfare provision in the two Member States. In this respect, there may be (unintended) consequences, in terms of exportability, resulting from different financing principles (general taxation or compulsory insurance) of benefits and, as illustrated in the discussions of case law of the Court of Justice elsewhere in this section, in particular benefits relating to care and personal assistance.

Regulation No. 883/2004 and its predecessor are based on four basic principles:

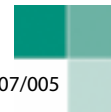
1. Persons covered by the Regulation residing in one of the Member States 'shall enjoy the same benefits and be subject to the same obligations under the legislation of any Member State as nationals thereof' (Article 4 of Regulation No. 883/2004). Equality of treatment is the starting point of the Regulation; nationality should not play a role as regards the social security status of migrants.

2. In principle a migrant can only be compulsorily affiliated to the social security system of one Member State. In the absence of any rules, a migrant could be disadvantaged by moving to another Member State because s/he could find her/himself not affiliated to any social security scheme or, alternatively, contributing to two or more social security schemes, e.g. in the State of origin and the new State, (and entitled to claim in both States).

Articles 11-15 of Regulation No. 883/2004 contain rules for determining the applicable national legislation. The starting point is that beneficiaries are insured in the State of employment.

3. The principle of aggregation. This implies that the national authorities providing the social security benefits, and whose legislation makes the right to claim social security benefits conditional upon the completion of periods of insurance, employment or residence in the host state, have to take such periods completed in another Member State into account. Such periods of insurance, employment or residence must be treated as if they were completed under the legislation of the new Member State where the worker now lives.

⁵⁷ For more information see D. Stone, *The Disabled State*, (Macmillan, 1984) and M. Priestley, 'Disability', in F. Castles, S. Leibfried, J. Lewis, H. Obinger and C. Pierson (eds), *Oxford Handbook of the Welfare State*, (Oxford University Press, 2010), 406-419



4. The principle of ‘exportability’ of benefits. The payment of benefits to which a worker is entitled cannot be made conditional upon residence in the state responsible for paying the benefit, e.g. if a French man who has worked all his life in France is entitled to a retirement pension from the French authorities, he may continue to claim that pension from the French authorities when he moves to Spain.

This co-ordination system, embodied in the above four principles, ‘de-territorialises’ the national social security systems in order to ensure that migrants are entitled to benefits on the basis of their own insurance and contribution record, irrespective of where they choose to live in the European Union. As is already clear, the areas covered by the Regulations are complex, and a detailed examination of EU rules in this area is beyond the scope of this report. For that reason, this part of the report focuses on the question of the exportability of disability-related social security benefits, meaning the possibility for an individual to move to another Member State and retain the right to the benefit in question.

With regard to exportability, Article 7 of Regulation No. 883/2004 provides:

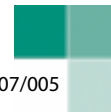
Unless otherwise provided for in this Regulation, cash benefits payable under the legislation of one or more Member States or under this Regulation shall not be subject to any reduction, amendment, suspension, withdrawal or confiscation on account of the fact that the beneficiary or the members of his family reside in a Member State other than that in which the institutions responsible for providing benefits is situated.

It is worth noting immediately that this ‘exportability’ rule only applies to cash benefits.

Regulation No. 883/2004 applies to nationals who are, or have been, subject to the social security legislation of one or more Member States, as well as their families and survivors.⁵⁸ This covers workers, but also many ‘non-economic’ residents (e.g. retired people, and non-residents, such as people travelling to another Member State to look for work). In essence, the key question is whether an individual is insured under the social security scheme of one or more Member States, or is otherwise subject to the social security legislation of one or more Member States, and, if so, whether the benefit they are seeking to claim is regarded as a social security benefit for the purposes of Regulation No. 883/2004. It is worth noting that the Court of Justice has already held that individuals who are insured, but who have never been economically active, and cannot become active in the future because of disability, were covered by Regulation No. 1408/71.⁵⁹ This will continue to be the case under the new Regulation.

⁵⁸ As well as stateless persons and refugees residing in a Member State. Article 2(1).

⁵⁹ Case C-154/05 *J.J. Kersbergen-Lap and D.Dams-Schipper v. Raad van Bestuur van het Uitvoeringsinstituut*



According to Article 3 of Regulation No. 883/2004 the principles outlined above, including the principle of the ‘exportability’ of benefits, apply to sickness and maternity benefits, invalidity benefits, old age benefits, survivors’ benefits, benefits in respect of accidents at work and occupational diseases, death grants, unemployment benefits and family benefits. Article 3(5) of the Regulation excludes ‘social and medical assistance’ from the scope of application.

1.2.2 Benefits in Case of Long-Term Sickness / Care benefits

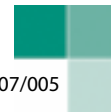
In determining whether benefits of this nature are exportable, a distinction has to be made between cash benefits and benefits in kind, such as the provision of a number of hours physical care or assistance. However, it is not always easy to distinguish between these two kinds of benefits, especially since a number of Member States provide cash benefits that are to be used to purchase personal assistance or care. These particular kinds of benefits are explored in more detail below.

Individuals who live in a State other than the one in which they are insured can rely on Article 21 of Regulation No. 883/2004 in order to claim cash benefits in the case of sickness. Unlike medical care (a benefit in kind), contributory cash benefits are not granted in accordance with the legislation of the State of residence, but on the basis of the legislation of the State of insurance. Basically, this means that cash benefits in case of long term sickness are exportable. Consider the situation of a Portuguese woman who lives in Portugal, but works in Spain, who becomes ill and cannot work for a number of months. She is entitled to receive cash benefits to compensate her for her lost earnings. These benefits are paid at the rate determined by Spanish law (the State where the worker is employed), even though she actually receives the benefits in Portugal (the State where the worker lives).

In contrast, benefits in kind, such as the provision of care, are not in principle covered by the Regulation, and are therefore not exportable. This implies that it is important to determine whether a given benefit is to be classed as a cash benefit or as a benefit in kind. The distinction is not always easy to make, as evidenced by the *Molenaar* case (1998).⁶⁰ The case concerned the German Care Insurance Law (*Pflegeversicherungsgesetz*) which was introduced to cover the costs of persons who, in their daily routine, require assistance from other persons. The benefit is designed to provide the assistance or care needed by the individual. The benefits provided under the law could be provided, at the choice of the recipient, either in the form of care / assistance dispensed by authorised bodies or in the form of a monthly allowance (the so-called *Pflegegeld*) which enabled recipients to choose the form of aid they considered most appropriate to their condition.

Werknemersverzekering [2006] ECR I-6249.

⁶⁰ Case C-160/96 *Molenaar* [1998] ECR I-1545.



One of the questions the Court had to answer was whether this *Pflegegeld* was to be regarded as a cash benefit or a benefit in kind.

If the benefit was to be regarded as a cash benefit, the German authorities would be required also to pay the benefit to individuals who were insured in Germany but resided in another Member State. If, however, the benefit was to be regarded as a benefit in kind it would not be exportable, and the German authorities would only be obliged to pay the benefit to people who were both insured in Germany and living in Germany.

The German government argued that the care allowance was aimed at allowing recipients to cover the cost of medical expenses and that it was a 'surrogate' or substitute for benefits in kind. The Court of Justice, however, did not agree. According to the Court, the care allowance took the form of 'financial aid which enabled the standard of living of persons requiring care to be improved as a whole, so as to compensate for the additional expense brought about by their condition'. The *Pflegegeld* was thus to be regarded as an exportable cash benefit.

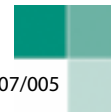
One of the most controversial issues as regards cash benefits concerns the medical examination of beneficiaries who (temporarily) live outside the State providing the insurance, and which is obliged to pay the benefit. According to Article 87 of Regulation No. 987/2009, in principle the insurance institution of the State of (temporary) residence is responsible for determining the incapacity to work of the individual claimant. The results of the examination are to be sent to the insurance institution in the (home) Member State, which has the right to have the person concerned re-examined by a doctor of that institution's choice. If the individual's insurance institution does not make use of this right, it is bound by the findings of the institution of the place where the persons concerned resides as regards the commencement and the duration of the incapacity to work. The insurance institution, however, is not bound by the findings of an institution in another Member State if it can prove that an abuse has occurred.⁶¹ The person concerned can only be required to return to the State providing the insurance to undergo an examination there, if 'he or she is able to make the journey without prejudice to his health and the cost of travel and accommodation is paid'.⁶²

1.2.3 Minimum Subsistence Benefits for People with a Disability and Benefits Providing "Solely Specific Protection" for Disabled People – Not Exportable

As noted above, Regulation No. 883/2004 only applies to social security benefits covering certain listed risks; it does not apply to social assistance benefits.

⁶¹ Case C-206/94 *Paletta II* [1996] ECR I-2357.

⁶² Article 87(2) Regulation No. 987/2009. See also Case 22/86 *Rindone* [1987] ECR 1339.



Covered social security benefits can, therefore, in principle be 'exported' and be claimed by an individual who has moved to another Member State. Social assistance benefits, meanwhile, cannot be exported under EU law; they can only be claimed by people living in the Member State providing the benefits.

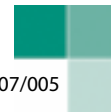
In theory, social security benefits are based on contributions made by an individual to the social security scheme (usually whilst in employment),⁶³ whilst social assistance benefits are not dependent on the claimant having made any contributions in the past, but are designed to provide a minimum income for those people who have no other source of income.

However, as noted above, in practice the distinction between social security and assistance benefits is not always easy to make. In many Member States benefit schemes have been developed to provide specific categories of persons, such as people with a disability or elderly people, with a minimum means of subsistence. Such benefits are often financed out of the public budget, not dependent on the previous payment of social contributions, subject to the applicant having only a limited income (a means test) and are similar to social assistance benefits. However, these benefits are also insurance-like (i.e. social security like) because they are only available to specific categories of persons, administered by the social security body, and general social assistance benefits are usually paid in addition to these specific benefits. The question whether such 'mixed' benefits are to be regarded as social security benefits within the scope of the Regulation or not is not always easy to answer. However, the answer is of the utmost importance for the question whether such benefits can be exported or not.

Consider the case of *Newton* (1991).⁶⁴ This case concerned a British man who worked as a self-employed person in France. He was involved in a car accident as a result of which he became paralysed. He returned to the United Kingdom where he applied for and was awarded a so-called mobility allowance. This was a minimum income benefit granted to persons who could not walk (very far) because they had a disability. The national law required that the claimants of this benefit were 'ordinarily present' on the territory of the United Kingdom, i.e. that the claimant be living in the United Kingdom. Therefore, when Mr Newton decided to move back to France, the British authorities withdrew the mobility allowance. In order to be able to export his allowance Mr Newton had to establish that the mobility allowance was covered by the Regulation No. 1408/71. Mr Newton had never worked in the United Kingdom and had never been subject to the social security system of the United Kingdom. He had therefore never paid any contributions to the British social security system.

⁶³ In some cases individuals' can be credited with contributions even though they have not made any financial contribution, e.g. giving credits to parents who are caring for children at home, or credits related to number of years lawful residence in a Member State.

⁶⁴ Case C-356/89 *Newton* [1991] ECR I-3017.



Before the Court it was argued that Mr Newton could not export his allowance because this would make it possible for other persons who had never worked and lived in a Member State to nevertheless claim certain 'mixed' benefits from that State. The European Court of Justice accepted this argument. The Court found that benefits could not be regarded as being covered by Regulation No. 1408/71, i.e. the mobility allowance was a social assistance benefit and not a social security benefit and could not be 'exported'.⁶⁵

In many other cases, however, the Court accepted that 'mixed' benefits (for people with a disability and elderly people) fell within the scope of Regulation No. 1408/71, i.e. that such benefits were social security and could be exported. The Member States, which have always strongly resisted the exportability of 'mixed' benefits, responded to this case-law of the Court by amending Regulation No. 1408/71 in 1992. This amendment provided that mixed benefits, or 'special non-contributory benefits' as they were called (including those granted as specific protection for people with a disability), fell within the scope of the Regulation, but could only be enjoyed in the State of residence and were not exportable.⁶⁶ The Court subsequently elaborated on the meaning of the term 'special non-contributory benefits', describing them as partly connected to social security, in that they benefit as of right persons who fulfil the conditions necessary for the grant of the social security benefits to which they are linked, and partly connected to social assistance, in that they are not dependent on periods of work or contributions, and that they are intended to relieve a clear need.⁶⁷

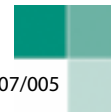
In *Snares* (1997)⁶⁸ the European Court of Justice was asked to determine whether the exclusion of the exportability of mixed benefits, or 'special non-contributory benefits', was valid. Mr Snares was a British national who had been working and subject to the British social security systems for more than 25 years. In April 1993 he had a serious accident and became disabled. Mr Snares applied for and was awarded a Disability Living Allowance. This allowance was not based on prior contributions, not subject to a means test, and granted to, amongst others, persons with limited walking ability. On 1 November 1993 Mr Snares informed the British authorities that he wished to move to Tenerife (Spain) so that his family members who lived there could care of him. The British authorities informed Mr Snares that he would not receive the Disability Living Allowance once he had moved to Spain because British law only allowed the benefit to be granted to persons who were 'ordinarily resident' in the United Kingdom. Mr Snares appealed against this decision and the case eventually came before the Court of Justice.

⁶⁵ In contrast, as noted below, the European Court of Justice has found that the "care component" of this same benefit is exportable.

⁶⁶ As provided for in the amended Article 10a of Regulation No. 1408/71.

⁶⁷ See Case C-160/02 *Friedrich Skalka v. Sozialversicherungsanstalt der gewerblichen Wirtschaft*, [2004] ECR I-5613. para. 22.

⁶⁸ Case C-20/96 *Snares* [1997] ECR I-6057.



The question was whether the Community legislator was empowered to restrict the exportability of mixed benefits or not. The Court concluded that Article 10a, which limited the exportability of ‘mixed’ or ‘special non-contributory’ benefits listed in an annex (Annex IIa) to the Regulation, was valid. More generally, the Court held that benefits closely linked to the social environment (such as ‘mixed’ benefits) may be made subject to a condition of residence in the State providing those benefits.

However, the Court has also heard challenges to the classification of benefits as ‘special non-contributory’ under Regulation No. 1408/71 and, in some circumstances, has rejected the classification of benefits as such, thereby rendering the benefits in question exportable.⁶⁹ Many of the challenges concerned care benefits. In cases such as *Jauch* (2001)⁷⁰ and *Molenaar* (1998) the Court found that the care benefits in question were to be classified as sickness benefits. The latter benefits are typical social security benefits, and fall within the scope of the exportable social security benefits covered by Regulation No. 883/2004 (and previously Regulation No. 1408/71). This view has more recently been confirmed in *Hosse* (2006).⁷¹ This case concerned Mr. Hosse, who was a German frontier worker who worked in Austria and resided in Germany. He was insured under the Austrian social security scheme and applied for a special care allowance in Austria on behalf of his disabled child. His application was refused on the grounds that this was a residence-based benefit, and that it was a non-exportable ‘special non-contributory benefit’ which was listed in the relevant annex to Regulation No. 1408/71. The aim of the Austrian care allowance was to compensate, in the form of a flat-rate contribution, for the additional costs resulting from the recipients’ need for care, in particular the cost of the assistance, the amount of which depended on the degree of reliance on care corresponding to the time spent on care in terms of hours per month. The Court held that the allowance was not a ‘special’ benefit within the meaning of the Regulation. The Court emphasized that benefits granted objectively on the basis of a legally defined position, intended to improve the state of health and life of persons reliant on care, and having the essential purpose of supplementing sickness benefits, must be regarded as ‘sickness benefits’ within the meaning of the Regulation. Therefore, even though the benefit was listed as a ‘special non-contributory benefit’ in the annex to the Regulation, it was found to be an ordinary (exportable) sickness benefit.⁷²

In a subsequent case *Commission v. European Parliament and Council* (2007),⁷³ benefits aimed at the care of disabled children were also found to be sickness benefits, even though the benefits in question were listed in the annex to Regulation as ‘special non-contributory benefits’.

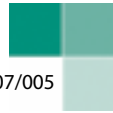
⁶⁹ In addition to the cases mentioned below, see also Case 43/99 *Leclere* [2001] ECR I-4265

⁷⁰ Case 215/99 *Jauch* [2001] ECR I-1901.

⁷¹ Case C-286/03 *Silvia Hosse v. Land Salzburg* [2006] ECR I-1771.

⁷² Paskalia, op. cit., at 1190.

⁷³ *Commission v. European Parliament and Council* [2007] ECR I-8695.



In this case the Commission sought annulment of parts of the relevant annex with regard to some care benefits granted under Finnish, Swedish and United Kingdom legislation with regard to the care of disabled children.⁷⁴ The Court found that, whilst all the benefits were ‘non-contributory’, none of them were ‘special’ in nature. The Court repeated that a benefit can only be deemed special if its purpose is solely that of specific protection for the disabled person, and closely linked to the social environment experienced by those persons in the Member State concerned. The Court found that these benefits did not have that sole purpose. Whilst the benefits did promote the independence of the persons receiving them and protected disabled people in their national social context, they were also intended to ensure the necessary care and supervision of the disabled children.⁷⁵

It is also necessary to pay attention to the purpose of the benefit when considering benefits paid to adults who need care. It seems that invalidity benefits granted to disabled young people (and adults) are not sickness benefits, but are typical ‘special non-contributory benefits’ within the meaning of the Regulation. In *Kersbergen-Lap* and *Dans-Schipper* (2006) the Court found that a Dutch benefit granted to young people who were totally or partially unable to work before they reached the age at which they could join the labour market, were ‘special non-contributory benefits’, and could not be exported. This benefit was not classified as a care benefit but as an incapacity benefit. The benefit guaranteed a minimum income to disabled young people, and was by its nature social assistance justified on economic and social grounds. The benefit was closely linked to the socio-economic situation in the Netherlands, as it was based on the minimum wage and the standard of living in the Netherlands.⁷⁶ The Court therefore found the benefit to be both ‘special’ and ‘non-contributory’ within the meaning of the Regulation.⁷⁷

One commentator has summarised the situation with regard to determining whether a disability-related benefit is a ‘special non-contributory benefit’ or not as follows:

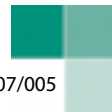
It can be concluded that when the purpose of a benefit granted to an adult person is to *replace* an income, which the person concerned cannot acquire through the labour market due to incapacity, the benefit must be seen as a ‘special’ benefit. In such a case, the purpose is primarily ‘social-economic’, related to the standard of living in a certain Member State and the need to have an income.

⁷⁴ The benefits in question were the Finnish ‘child care allowance’; the Swedish disability allowance and care allowance for disabled children; and the United Kingdom disability living allowance, attendance allowance, and carer’s allowance.

⁷⁵ Vicki Paskalia, op. cit., 1177 at 1191, and paras. 53-56 of the judgment.

⁷⁶ Paras. 30-33.

⁷⁷ Paskalia, op.cit, at 1192-1193.



On the contrary, if the benefit aims at the *reimbursement* of costs occurring because of the need of the person concerned for help and care, it must be seen as a sickness benefit. In other words, the purpose must be primarily medical. By the term 'medical' is not only meant reimbursement of costs or improvement of the state of health, but also improvement of quality of life.⁷⁸

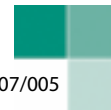
Regulation No. 883/2004 has introduced some further clarity designed to help identify which benefits are 'mixed' or 'special non-contributory cash benefits', and therefore only payable in the State of residence. In order for any benefit to be a 'special contributory cash benefit' it must meet three conditions, as outlined in Article 70 of the Regulation.

- the benefit must be intended to provide either:
 - supplementary, substitute or ancillary cover against the risks covered by the Regulation (e.g. sickness, invalidity, accidents at work and occupation disease), and guarantee the person concerned a minimum subsistence income;
 - or
 - 'solely specific protection for the disabled, closely linked to the said person's social environment in the Member State concerned';
- the benefit must be financed exclusively from compulsory taxation and the provision and calculation of the benefit must not be dependent on any contribution made by the beneficiary;
- the benefit must be listed in an annex (Annex X)⁷⁹ to Regulation No. 883/2004.

The case law of the Court of Justice decided under Regulation No. 1408/71 with regard to 'special non-contributory benefits' also continues to remain relevant to determine the status of any benefit under the new Regulation.

⁷⁸ Paskalia, op. cit., at 1194.

⁷⁹ The Annex contains a long list of special non-contributory cash benefits, with some Member States having as little as one benefit listed, and other having up to eight benefits listed. The average number seems to be between two and three benefits per Member State. Some of these benefits are clearly disability specific, such as the Estonian Disabled adult allowance; the Irish Disability Allowance; the Spanish Cash benefits to assist the elderly and invalids unable to work (sic); and the British Disability Living Allowance mobility component. For most Member States, at least one disability specific benefit is listed in the Annex, thereby rendering it non-exportable. It is worth noting again, that this annex only applies to cash benefits. In principle, benefits in kind are already non-exportable.



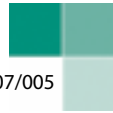
Since benefits falling under Article 70 cannot, in principle, be exported to another Member State,⁸⁰⁸¹ this means that an (insured) person loses the right to claim such a benefit if they move to another Member State. As noted above, such benefits include 'solely specific protection for the disabled', where the other conditions mentioned in Article 70 are also met. The non-exportability of mixed benefits or 'special non-contributory benefits' may mean that recipients of such benefits, such as Mr Snares or the claimants in the *Kersbergen-Lap* and *Dans-Schipper* cases, cannot go and live in other Member State because they will be unable to meet the financial means requirement enshrined in Directive 2004/38 for the 'non-economically active', i.e. they will not have enough money to support themselves. The Court of Justice has recognized this, but said that this was only the result of the differences between the national social security systems.

1.2.4 Summary

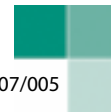
Regulation No. 883/2004 sets out the framework regarding the exportability of (disability-related) benefits. The Regulation seeks to coordinate Member State action with regard to social security schemes, but does not address social assistance benefits, meaning that Member States are free to exclude the exportability of such benefits. Under the Regulation social security benefits that relate to sickness and maternity, invalidity, old age, accidents at work and occupational disease, unemployment, and survivors' benefits, death grants and family benefits, are exportable. However, the Regulation only covers cash benefits, meaning that benefits in kind which address these risks or situations are not, in principle, exportable. In addition to social security benefits and social assistance benefits, a third category of benefits, "mixed" or "special non-contributory cash benefits" exists. Whilst these benefits fall within the scope of the Regulation, they are not exportable. However, it is sometimes difficult to distinguish between social security benefits which address sickness (exportable) and special non-contributory cash benefits related to the provision of care and, on occasions, the Court of Justice has classified care-related benefits as sickness benefits, and therefore exportable.

⁸⁰ Articles 70(3) and 70(4) of the Regulation.

⁸¹ Although see the case of Case C-287/95 *Hendrix v. Raad van Bestuur van het Uitvoeringsinstituut Werknemersverzekeringen* [2007] ECR I-6909 in which a disabled frontier worker was found to be entitled to retain his entitlement to a 'special non-contributory benefit' listed in Annex II a of the Regulation, which had a residence requirement attached to it, even after he had moved to a neighbouring Member State. This decision was based on Article 39 EC (now Article 45 TFEU). In this specific case it was noted that any residency requirement must 'not entail an infringement of the [claimant's free movement rights] which goes beyond what is required to achieve the legitimate objective pursued by the national legislation'. The fact that the claimant was a frontier worker who maintained close economic and social links to his country of origin, the Netherlands, was regarded as relevant.



It is worth briefly noting that the above classification, and its relevance for the exportability of specific benefits, seems to be out of tune with regard to developments relating to independent living. The Regulation does not expressly recognise the existence of benefits provided to support the independent living of people with disabilities, even though many Member States provide benefits with this purpose in mind. In short it seems that an independent living-related benefit, such as personal assistance, needs to be regarded as a sickness benefit for it to be exportable under EU law. In all other cases, there is no obligation under EU law to allow for the exportability of such benefits.



1.3 Thematic Overview of National Disability Benefits

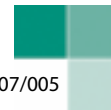
1.3.1 Introduction and Methodology

This section of the report gives a thematic overview of disability-related benefits provided in EU and EEA Member States. The report does not seek to identify every single disability-related benefit in the Member States, but rather to identify the main kinds of benefits that are available in the region, and to describe some of the individual benefits which are identified (based on a selection of examples identified by the ANED country experts). The report reveals the wide range of disabled-related benefits that exist throughout the EU and EEA.

The thematic overview and analysis below divides the benefits into nine categories: social protection and income; transport; support for independent living; employment; education and training; housing; health care; information and communication; and access to leisure and cultural services. The benefits are also classified according to type and recipient.

In addition to providing a thematic overview of the kinds of benefits that are available, the report addresses eligibility criteria and proof of disability status. The report therefore notes which “impairment groups” are targeted by the benefits: visual; hearing; physical; intellectual; or psycho-social; and whether the benefit is limited to people with a certain level of impairment. The question of how eligibility for a particular benefit is assessed is also considered: through a disabled person’s “card”, “register” or “certificate”; receipt of another disability-related benefit; a medical assessment; an assessment of need; no official proof needed; and other proof. The goal here is to understand the existing and possible mechanisms for recognition of disability status and associated entitlement. This includes considering how instruments or processes can allow disability status which is granted by one authority to be recognised by another. Such “mutual recognition” could ultimately be interesting from the point of view of allowing for greater recognition of disability status across EU/EEA national boundaries.

Information on the benefits, in line with the various classifications identified above, was collected through a questionnaire that was sent to all ANED country reporters in February 2010. Country experts submitted information on a sample of individual benefits, and also provided a 2-5 page overall summary, that focused, in particular, on issues relating to mobility. The examples were submitted in February-May 2010 and reviewed by ANED staff and the report author, who requested additional information from the country reporters if necessary. As a result of this process, information on 363 individual disability-related benefits was received from ANED country reporters in 23 countries. The number of benefits identified per country varied from 9 (Finland) to 26 (Denmark).



No information was received from ANED country reporters in six countries by the set deadline⁸² and, as a result, benefits from these countries are not included in the thematic review below.

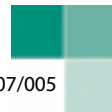
The overview begins by focusing on the thematic area where most benefits were identified (Social Protection), and proceeds to address the thematic areas in line with the total number of benefits identified, concluding with the thematic area where least benefits were identified (Leisure and Culture). For each thematic area the analysis first provides an overview of the kinds of benefits available, and second reflects on eligibility criteria and required proof of disability status. Within each of these sub-headings, the analysis is further sub-divided on a thematic basis.

Lastly, it is evident from the examples given below, and from other ANED reviews of Social Protection and Social Inclusion policies, that medicalized and functional assessments of the degree of individual impairment remain widespread (and that, in many countries, limitations on eligibility for disability pensions focus on the introduction or tightening of medical assessments). This is a matter of some concern and, as this report illustrates, there are alternatives that adopt a more social model approach, in which the level of benefit or eligibility are determined by assessment of the real additional costs of living with disabling barriers.

1.3.2 Classification of Impairment Level

EU and EEA Member States use various methods to measure or classify the level of impairment an individual has. A method which is frequently used relates to percentage level of impairment. Following a medical assessment, individuals are classified as having a certain degree or percentage of impairment. In countries that adopt this approach, such as France, Germany, Greece, Iceland, Slovenia and Spain, individuals must frequently be classified as having a specific percentage of impairment to qualify for benefits. Individuals with higher percentages of impairments can qualify for additional and higher value benefits. In some countries, the percentage classification is used to reflect the reduced earning capacity an individual has as a result of the impairment. The percentage therefore does not reflect impairment level, but reduced working or earning capacity resulting from impairment. Countries adopting this approach, at least with regard to some benefits, include Bulgaria, the Netherlands, Norway, Slovenia and Slovakia. Indeed, it is possible for both approaches to apply, as in Slovenia where specific rights depend on the kind of status more than on the level of impairment or disability. So, for disability pension the percentage of remaining working abilities is measured but for those deemed unable to maintain an independent life (Social Care of Mentally and Physically Disabled Persons Act) the amount of assistance allowance depends on the level of disability. The classification of children with special needs is then set by different standards again.

⁸² Belgium, Cyprus, Italy, Luxembourg, Portugal, Romania (see annex for additional information received).



An alternative means of classifying the impairment level which an individual has is to classify people as having a mild, moderate or severe disability, or to use some other categories of impairment. Again, individuals who are classified as having a severe impairment or disability, or are placed in a higher category, are entitled to greater levels of benefits. Such an approach is found in the Czech Republic and Latvia.

Lastly, some countries, such as Ireland and the United Kingdom, do not make use of a generic categorisation system.

1.4 Social Protection and Income

1.4.1 Overview of the Kinds of Benefits Available

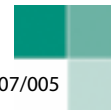
This section considers general financial benefits, either in the form of cash payments or tax deductions, for persons with disabilities. Benefits related to personal assistance and care are addressed below under support for independent living (section 3.D.).

A distinction can be made between payments or benefits which are dependent on the individual in question being insured under the national social security scheme (such as disability or invalidity pensions and sickness benefits) and benefits which are designed to ensure a minimum level of income for people with disabilities, including in cases where the individuals have no prior history of employment / making social security contributions, and are therefore not entitled to receive a contribution-based disability pension. This distinction is reflected in the benefits reported on by the ANED country reporters, with many countries providing both disability or invalidity pensions and disability allowances. It is assumed that the former are social security based benefits, whilst the latter are social assistance related benefits. This has implications, in terms of the level of the benefits, eligibility for the benefits, and, as highlighted in the previous chapter, exportability of the benefits.

Other benefits relating to social protection and income concern extra allowances for households containing a child with a disability, industrial compensation payments, impairment specific benefits that target blind people, and tax deductions or exemptions for disabled people. Examples of such benefits are also considered below.

1.4.1.1 Disability Pensions

Many countries provide disability or invalidity pensions to individuals who are insured under their national social security schemes. Such pensions are provided for example in Austria, Bulgaria, the Czech Republic, Denmark, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Norway, Poland, Slovenia and Slovakia. Illustrative examples of such benefits are provided below.



A variety of disability pensions are provided in Denmark. The basic disability pension is awarded to provide people with an income they can use to maintain themselves. The income is awarded by the local municipality and amounts to €26,231 per year for a single person and €22,296 per year for a married person (2010 rate). In addition a special disability pension exists for civil servants who are no longer able to work as a result of a disability or health condition, and disability pensions can be provided based on agreements between employers and pension companies. Collective bargaining agreement can also provide for disability pensions, to which both employers and employees contribute.

The Irish invalidity pension amounts to €201.50 per week for those under 65 years of age, and €230.30 for those aged 65 and above. Supplements are paid if the recipient has a child or adult dependents.

The Maltese disability pension is non-contributory and means tested, meaning that it resembles more the disability allowances mentioned below, rather than the other disability pensions addressed in the current section. The pension amounts to two-thirds of the national minimum wage.

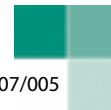
The Polish disability pension amounts to a minimum of €177 gross per month for people who are completely unable to work, and €136 for people with a capacity to work which is reduced by 75% (2010 rate).

In Slovakia full disability pension is paid to people who have a reduced earning / working capacity of at least 71% and amounts to circa €305 per month. Partial disability pension is paid to people with a reduced earning / working capacity of 41-70%, and amounts to circa €176 per month.

In Sweden a disabled individual can receive an activity compensation benefit or a sickness compensation benefit. Where the individual has an employment history, the level of the benefit is linked to previous income. The benefits also consist of a guarantee benefit, which applies where the individual does not have a work history or where the income related compensation is low.

In Slovenia invalidity pension is given to persons who were insured by the Institute for Pension and Invalidity Insurance (employed, self-employed, farmers, etc.) at the time of an injury or illness that led to disability. The definition of invalidity is described in the Pension and Invalidity Insurance Act (Art. 60) and classified according to three official categories.

In Spain two non-contributory retirement (disability) pensions exist. The first is a (disability) retirement pension which is only available to people who were eligible for the benefit before 1994. No new claims can be made.



The benefit is subject to certain requirements, including a means test, and amounts to €146.86 per month. The second is an invalidity pension that is also subject to a means test.

In the United Kingdom a disabled individual who is unable to work can benefit from Employment and Support Allowance (this replaced Incapacity Benefit and generic Income Support benefits as of October 2008).

1.4.1.2 Disability Allowances

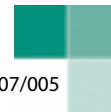
Disability allowances are generally not related to membership of a national social security scheme, but are designed to ensure a minimum level of income for disabled people who are not otherwise entitled to disability pensions and do not have another source of (adequate) income. Recipients must generally reside in the country granting the benefit. Such allowances are provided for example in Bulgaria, Estonia, France, Greece, Hungary, Iceland, Ireland, Latvia, the Netherlands, Poland and Slovenia. Illustrative examples of such benefits are provided below.

In Estonia disabled adults can receive an allowance to compensate for additional costs related to disability. The value of the allowance varies between 65% of the social benefit rate for people with a moderate disability, to 210% of the social benefit rate for people with a profound disability, for people of working age. A comparable benefit exists for disabled people of pensionable age, but the benefit is of a slightly lower value. These are non-contributory schemes.

In France the disabled adult allowance is a non-contributory benefit designed to guarantee disabled people a minimum level of income. The benefit is means tested. The allowance amounts to a maximum of €711.95 per month (2010 rate), and can be complemented by other disability-related benefits, including “complementary resources”. The latter is a non-contributory benefit that is added to the disabled adult allowance in order to compensate for the long-term absence of a salary for persons who are unable to secure employment. Recipients of both the disabled adult allowance and complementary resources receive a maximum of €860.94 per month.

In Hungary a flat-rate disability benefit, amounting to either 65% or 80% of the minimum old-age pension, is granted to disabled people who live independently. A second kind of disability allowance is paid to adults who, before they turned 25 years of age, became fully unable to work or who acquired an impairment level of 80% or more, and who do not qualify for a disability or accident-related pension. The benefit amounts to €116.45 per month.

Disability allowance is paid in Ireland to individuals who have a disability or health condition that substantially restricts their ability to undertake paid employment.



The allowance is means tested, with a maximum weekly rate of €196. Supplements can be paid if the recipient has dependents.

In the Netherlands individuals who are disabled and unable to work on the day that they turn 17 can receive a monthly benefit (*Wajong* benefit). The *Wajong* benefit can also be provided at a lesser rate for those young people who are partially unable to work, in proportion to their wage earning capacity. The benefit amounts to a maximum of 75% of the minimum wage.

Two benefits exist in Poland. A permanent allowance is paid to disabled adults who are totally unable to work due to age or disability. The benefit is means tested. The benefit is paid at a monthly minimum rate of €7.50 with the maximum amount payable being €111. The benefit is not taxed. Second, adults who are totally unable to work as a result of an impairment that occurred before they reached the age of 18 (or 25 in the case of full-time students) qualify for a social pension paid by the Social Insurance Institution. The amount of the social pension is equivalent to 84% of the disability pension (€148 gross per month (2010 rate)).

In Slovenia disability allowance is defined as a kind of ‘compensation’ for disability (regardless of the social conditions or family) and amounts to 35% of average net salary. From July 2010 this is €287.52 per month. If a beneficiary needs assistance from another person in performing basic life functions, he or she is entitled to assistance allowance. The amount depends on whether person needs assistance in performing all or most life functions. Accordingly, it amounts to 20% or 10% of average net salary in Slovenia (since July 2009 €164.29 or €82.15 per month).

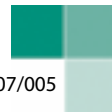
1.4.1.3 Sickness Benefits

In a number of countries employees who are temporarily unable to work as a result of a health condition can receive sickness benefits. These benefits cease when the individual either returns to work, or after a set period. If an individual is still unable to work (full-time) at this point, he or she may qualify for another long-term disability-related benefit.

1.4.1.4 Benefits where the Disability is Related to Employment

In some countries a benefit is paid to individuals who incur a disability as a result of an employment-related injury or illness. These benefits are generally more generous than other disability-related cash benefits or pensions. Examples of such benefits can be found in Austria, France and Latvia, and these are noted below.

In Austria compensation (accident benefit) is provided to individuals who have a permanent disability caused by an employment-related accident.



In France a benefit (employment injury and occupational disease pension or lump sum) is paid to individuals who are injured whilst working or who become ill as a result of a disease that is officially recognised as related to working conditions. The benefit can take one of two forms, depending on the level of the disability. Where the disability is of at least 10% and results in permanent incapacity, the benefit is paid in the form of a monthly or quarterly pension. Where the disability is less than 10% and results in permanent incapacity, it is paid on the basis of an annual lump-sum.

In Latvia individuals can receive compensation for a work-related accident or occupational disease. The benefit consists of monetary payments relating to sickness benefit, compensation for loss of ability to work, and compensation for additional expenses, and benefits in the form of medical treatment, care, rehabilitation, retraining and vocational rehabilitation.

1.4.1.5 Benefits related to Disabled Children

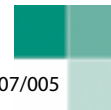
Benefits, in addition to the standard child allowance, are provided to families or households raising children with disabilities in a number of countries. In the case of Hungary, the benefit can extend beyond childhood. The following examples illustrate the kinds of benefits that are available, and their monetary value.

In Austria a child allowance is paid to all parents. A supplement, of €138.30 per month, is paid where a child has a severe disability.

Similarly, in Bulgaria families with a disabled child receive an allowance of €115 per month. This is made up of a sum equivalent to double the normal child allowance (€35) and a rehabilitation / integration allowance (€80).

In Estonia a disabled child's allowance is paid monthly to cover additional expenses related to the disability of a child. Where a rehabilitation plan exists, the allowance covers the related activities. The value of the allowance is 270% of the social benefit rate for a child with a moderate disability, and 315% of the social benefit rate for a child with a severe or profound disability. A disabled child's parents allowance also exists in Estonia. This is paid monthly to a parent or foster parent of a disabled child, or to a disabled (single) parent or guardian who is raising a child. The allowance amounts to 75% of the social benefit rate.

In Finland a disability allowance for persons under the age of 16 exists. The benefit is paid to disabled children if they have a long-term illness or injury that creates a need for rehabilitation that lasts at least 6 months, or which imposes a particular strain and requires a greater commitment, in terms of care, than is the case for a non-disabled child of the same age.



The allowance is paid at three rates (€85.59, €199.71 and €387.26 per month), according to the diagnosis and the amount of strain and commitment required from the family.

In Hungary an increased family allowance exists for families or households which contain a child or adult who is chronically ill or seriously disabled. The allowance amounts to € 81.41 per month for qualifying children and €70.93 for qualifying persons over 18. The allowance is increased to €90.49 where the child is being raised by a single parent.

In Latvia a supplement to the state family allowance is granted where the household contains a disabled child.

In Slovenia child allowance is given to parents whose child is defined as being in need of “special care and protection” if they live at home. In 2010 the monthly amount of care allowance was €100.57; for a child with a severe intellectual disability or severe physical disability the monthly amount was €201.21. The right is defined on the basis of medical assessment. The right to child allowance is given to one of the parents; but the child has to be a citizen have a permanent residency. The child is entitled to this right until the age of 18, or to 26 years of age in education.

In addition, as noted below (section 3.D.) many countries provide benefits to compensate for the cost of providing care to a disabled child.

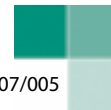
1.4.1.6 Benefits for People who are Blind / Visually Impaired

In a number of countries a benefit specifically directed at blind people, or people with visual impairments, exists. Examples of such benefits are give below.

In Germany blind persons receive a cash benefit of €588 per month (€295 in the case of children). The amount is reduced if the individual receives long-term care benefit or lives in an institution.

Blind pension is paid to adults who are blind or visually impaired in Ireland. The maximum amount payable is €196 per week, although higher rates can be paid if the recipient has dependents. This benefit is means tested.

In Malta a Pension for the Visually Impaired is paid at a rate equivalent to the general disability pension, or two-thirds of the national minimum wage. This benefit is also means tested.



1.4.1.7 Tax Deductions / Credits

A number of countries provide disabled people with extra tax deductions or credits. Illustrative examples of such benefits, including some information on their monetary value, are given below.

Disabled people can benefit from various tax reductions in Austria. First, depending on their degree of disability, they can receive a flat-rate deduction. This varies from €75 (25-34% degree disability) to €726 (95% or more degree of disability). In addition, expenses for therapeutic aids that are not incurred on a regular basis, e.g. home adaptations, purchase of a wheelchair or hearing aid, are deductible. Lastly additional flat-rate reductions apply if the tax payer has a mobility impairment and needs an adapted private vehicle (€153 per month), or requires a special medically prescribed diet (€51 or 70 per month).

In Greece disabled individuals who have been classified as 80 % or more disabled do not have to pay tax on incomes, benefits and disability pensions. Individuals with lesser degrees of disability (at least 67%) have a sum of €2400 reduced from their taxable income.

In Hungary disabled individuals receive a tax reduction of 5% of the legal minimum wage per month. This currently amounts to €12.49 per month.

In Latvia, disabled people have the right to an additional annual non-taxable income.

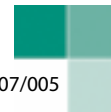
In the Netherlands a tax credit is provided to people with disabilities or chronic illnesses. This amounts to either €150 or €350 for persons older than 65, and either €300 or €500 for persons under 65.

In Norway individuals can qualify for tax reductions due to illness, age or disability, related to extra costs or limited earning / working capacity.

Lastly, in Spain disabled people benefit from a tax free deduction of €3,264 from their annual income. This amount increases to €7,242 for individuals who require a personal assistant or have a disability degree of 65% or higher.

1.4.2 Overview of Eligibility Criteria and Required Proof of Disability Status

Eligibility for the kinds of benefits described above is determined by a complex set of criteria relating to employment history and insurance status, income level, (years of) residence, impairment level and age. In general, individuals qualify for a disability pension when they are insured under the national social security scheme.



The latter is usually determined by employment history and contributions to the social security scheme, but is sometimes determined by years of legal residence in the country in question. Disability allowances, which are usually means tested, are paid when individuals do not earn an (sufficient) income from employment or receive a disability pension. Generally such benefits are only paid to residents of the country granting the benefit.

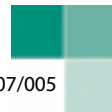
1.4.2.1 Disability Pensions

In general entitlement to a disability or invalidity pension is linked to insurance status under the national social security scheme. Individuals are insured if they have a history of employment and therefore have made contributions to the relevant social security scheme. However, in some cases individuals can be “credited” with contributions or membership of the national social security scheme based on years of residence in a country or whilst receiving certain other cash benefits, even if they have not actually made any financial contributions to the scheme themselves.

In addition, entitlement to a disability pension is sometimes dependent on the individual in question having made a minimum number of contributions to the relevant social security scheme. Examples of such requirements exist in Ireland (a minimum of 5 years of contributions, and at least 48 contributions completed in the tax year before the claim is made), Latvia (at least three years of insurance) and Norway (insured for at least the three years prior to claiming the benefit). Requirements relating to work history and number of contributions can vary according to age. One example of such a requirement can be found in Greece, where eligibility is dependent on a minimum of 300 working days for those aged 21, rising to 4,200 working days for those aged 54. In general 1 500 working days are required, with 600 of those in the 5 years preceding the onset of the disability.

As noted above, in Sweden a disabled individual may receive an activity compensation or a sickness compensation benefit. Where the individual has an employment history, the level of the benefit is linked to previous income. This element of the benefit is therefore based on social security contributions. However, where the individual does not have an employment history or where the income related compensation is low, he or she may (also) receive a guarantee benefit. Entitlement to this part of the benefit is linked to legal residence in Sweden. The level of the guarantee benefit is reduced according to the amount of time an individual has lived outside Sweden (although special rules apply to refugees and others in need of protection).

The right to a Danish disability pension provided by the municipality is also not based on employment history, but on the number of years of legal residence in Denmark. The other Danish pensions are linked to an employment history, and having made contributions to the relevant (occupational) pension fund.



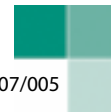
The United Kingdom Employment and Support Allowance consists of both contributory and non-contributory components. The latter is subject to a residence requirement.

As noted above, the Maltese and Spanish disability pensions are non-contributory and subject to means testing. In Malta only individuals with a medical condition which is listed in the Social Security Act can qualify for the pension, meaning that not all people with a physical impairment are eligible. The Spanish non-contributory invalidity pension is payable to people on a very low income who have a disability degree of at least 65% and who have been resident in Spain for at least five years, including the two years prior to submitting the claim. In Bulgaria individuals who do not have an employment history can also qualify for the social disability pension.

Individuals must sometimes have a specific degree or level of impairment in order to qualify for a disability pension, e.g. at least 50% reduced ability to work in Bulgaria; working ability below one third in Denmark; 50% or above impairment level in Greece; incapable for work for at least the 12 previous months in Ireland; 50% reduced working / earning capacity in Norway; 41% decreased working / earning capacity in Slovakia; limited capability for work because of a health condition or disability in the United Kingdom.

Often the level of the pension is higher for those with higher degrees or levels of impairments, e.g. Czech Republic (pension paid at three different levels in accordance with the disability grade which is related to the loss of working capacity); Greece (people with a 50% impairment level receive half a full disability pension; people with a 67% impairment level receive 75% of a full pension (although a full pension is awarded to people with this degree of impairment for certain conditions, such as paraplegia and blindness) and people with a 100% impairment level receive a full pension. In all cases, the recipients must also meet conditions related to number of working days prior to making a claim); Latvia (pension paid at three different levels, related to the level of the State Social Security Benefit (the lowest level is equivalent to this benefit, the highest level of 1.6 times the value of this benefit)); Poland; Slovakia (pension paid at two different levels, with a full pension being paid to people with a 71-100% reduced earning / working capacity and a partial pension being paid to people with a 41-70% reduced earning / working capacity).

Eligibility is often determined through a medical assessment carried out by medical practitioners on behalf of the social security body or through an assessment of working ability. Individuals can often be reassessed periodically. Individuals who qualify for the Danish disability pension automatically qualify for the other employment related (occupational) disability pensions, if they are members of the relevant insurance schemes. In Greece individuals require a certification of disability from the Health Commission of the relevant social security body to qualify. In Hungary individuals must be registered as disabled with the National Health Insurance Fund.



In Lithuania, Poland and Spain individuals who have a disabled person's card, registration or certificate qualify for a disability pension, if they are insured under the social security scheme or meet the requirements for the Spanish non-contributory invalidity pension.

Since these pensions are often designed to compensate for employment-related income, they are usually only available to adults of working age. The Swedish Activity compensation benefit is paid to individuals aged 19 to 29, with the Sickness compensation benefit being paid from the age of 30 to 64. However, the Greek and Maltese disability pensions do not have a maximum age limit. In Hungary individuals who have received a disability pension for seven years, qualify for a pension for life.

1.4.2.2 Disability Allowances

These benefits are generally non-contributory and often subject to both a means test and the requirement that the recipient be totally unable to earn an income, or have a severely reduced earning capacity / level of impairment. Recipients must generally reside in the country granting the benefit.

Individuals are required either to be totally unable to earn an income, or have a severely reduced earning capacity / level of impairment in Bulgaria (at least 90% reduced ability to work); France (80% permanent disability or a disability rate of at least 50% if the individual is recognised as being unable to secure employment for the disabled adult allowance, with even stricter requirements related to the complementary resources); Hungary (permanent severe disability for eligibility for the Disability benefit); Greece (67% level of impairment); Ireland (substantially restricted in undertaking employment).

Eligibility for the Latvian state social security benefit is not restricted by level of impairment. Individuals must have at least a moderate level of impairment to qualify for the Polish permanent allowance. Severity of disability also determines eligibility for the Estonian disability allowances.

Hungary, the Netherlands and Poland offer special benefits to adults who became disabled at a young age, before they were able to build up a history of employment, and therefore qualify for disability related pensions. In the case of Hungary, the disability must have occurred before the age of 25, in the Netherlands before the age of 17, and in Poland the relevant ages are 18, or 25 for those in full-time education. The Netherlands imposes an additional requirement that the recipient must be resident in the Netherlands on his or her seventeenth birthday.⁸³

⁸³ See also footnote 33 above, which implies that such a requirement may no longer be permissible in light of Article 5(b) of Regulation No.883/2004.



Hungarian recipients must have a minimum of 80% impairment level, whilst Polish recipients must be totally unable to work. The Dutch benefit is paid in proportion to the assessed wage earning capacity of the individual.

Generally the benefits identified by ANED country experts are available to people with all kinds of impairments, with a few exceptions. For example, the Bulgarian assistance allowance is confined to people with a visual, physical or intellectual impairment, whilst the Dutch *Wajong* benefit is not payable to people with a psycho-social impairment.

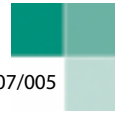
Many of these benefits are subject to means testing or require that the individual is unable to work and does not receive another disability-related pension. Examples of such benefits include the French disabled adult allowance, Hungarian disability allowance, Greek disability welfare benefits, Irish disability allowance, Polish permanent allowance, and the Danish social assistance.

Eligibility is determined on the basis of a medical assessment (often in combination with an assessment of means) in Hungary (disability benefit), Ireland, and Latvia. In Estonia eligibility is determined by the Social Insurance Board, on the basis of the applicants' self-assessment and an assessment by a doctor chosen by the applicant, with a final assessment being made by an expert from the Social Insurance Board who advises the Board. In France eligibility is decided on by a multidisciplinary assessment team of the local commission on the rights and autonomy of disabled persons (CDAPH). In Greece recipients need to have a certification of disability issued by the Health Commission. In Poland recipients need to have an inability to work certificate issued by the Social Insurance Institution or a disability degree certificate issued by the County Disability Assessment. An assessment of need is used to determine eligibility for the disability benefits related to early onset disability in Hungary and the Netherlands.

These benefits are often only payable whilst the recipient is of working age, with the individuals receiving another kind of benefit once they reach retirement age.

1.4.2.3 Sickness Benefits

Since these type of benefits are generally to be distinguished from 'disability' benefits, they are not reviewed in this paper. However, it is worth noting that recipients must be in employment, but be unable to work as a result of an illness or injury, and have made (sufficient) contributions to the national social security scheme.



1.4.2.4 Benefits where the Disability is Related to Employment

These benefits are only available to individuals who are insured under the relevant social security scheme. Conditions vary considerably. For example, in Austria an individual must have at least a 20% degree of disability for more than three months in order to qualify for the accident benefit. In France the individual must have a permanent incapacity, but can receive benefits even when that incapacity is less than 10%. No minimum level of impairment applies for the Latvian benefit.

Eligibility for these benefits is determined by a medical assessment. In France the assessment is based on a guide to specific employment injuries and occupational diseases, and takes into account the health condition, impairment, age and vocational aptitude of the claimant.

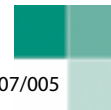
1.4.2.5 Benefits related to Disabled Children

Families raising disabled children may be entitled to receive benefits, although note the example of Finland, where the disabled child, rather than the parents, is the official recipient of the benefit.

The benefits identified by ANED country experts are generally payable with regard to children with all kinds of impairments. However, the child must sometimes have a certain minimum level of impairment before the extra allowance is paid. For example, in Austria the child must have a disability of at least 50% and in Finland the child must have a long-term illness or injury that creates a need for care and rehabilitation that lasts at least 6 months, and which imposes particular strain and requires a greater commitment, in terms of care, than would be the case for a non-disabled child of the same age.

The Hungarian allowance can be claimed by parents, adoptive and foster parents and spouses living with the parent of a disabled child, and by disabled adults. The child must be chronically ill or seriously disabled for the parents to qualify for the benefit. An individual over the age of 18 can qualify if, before they turned 18, they had at least a 67% reduced working capacity or have at least a 50% impaired health, and the condition has lasted, or is expected to last, for at least one year.

In Estonia the amount of the disabled child allowance is dependent on the severity of the child's disability. The Estonian parent's allowance can be paid to disabled single parents, one of two disabled spouses, disabled step-parents, and disabled guardians or foster parents, where they are raising a child alone. Eligibility for the relevant benefits involves a self-assessment.



The Social Insurance Board decides on the severity of the disability on the basis of a self-assessment by the disabled child or his/her family, the opinion of a doctor nominated by the family, and a report prepared by an expert. The Board decides on eligibility for the benefit on the basis of the expert report. In Hungary families and individuals are eligible based on their receipt of another disability-related benefit.

The benefit is limited to families raising children of certain ages (with the exception of the Hungarian benefit, which can be paid to adults over the age of 18, when their disability arose in childhood). The benefit can be paid for children up to the age of 26 in Austria, if the child is unable to care for themselves on a long-term basis. Elsewhere, examples of the maximum age limit are 16 (Estonian disabled child allowance, Finland), and 18 (Bulgaria and Latvia). In some cases, on reaching adulthood a recipient may be entitled automatically to receive another disability-related benefit.

1.4.2.6 Benefits for People who are Blind / Visually Impaired

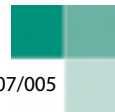
These benefits do not seem, generally, to be restricted to individuals who have made (sufficient) contributions to the relevant social security scheme, i.e. they are non-contributory.

The benefits are confined to people who are blind or have a sufficient degree of visual impairment. In the case of Germany, this means that the recipient must have a visual acuity of under 2% or equivalent (note that the administrative definition of 'blind' varies to some extent in different Member States, even when it is based on quantifiable measurement of visual acuity). In Ireland, the recipients' visual impairment must be such that he or she cannot perform any work for which eyesight is essential, or cannot continue in the previous ordinary occupation as a result of poor eyesight.

Individuals who have been officially recognised as blind in Germany and Ireland can qualify for the benefits. In all other cases in those countries, and in Malta, eligibility is determined via a medical assessment.

No age limitation applies with regard to the benefit in Germany, although children qualify for a lower rate than adults. In Ireland, recipients must be at least 18 and in Malta, 14. However, it is worth noting that this is 2 years earlier than entitlement to the ordinary disability pension commences in Malta.

A means test forms part of the eligibility criteria in Ireland and Malta, and recipients must be on fairly low incomes in order to qualify.



In Slovenia, people who are blind and partially sighted can receive assistance allowance if: they already have a disability pension; are employed or self-employed; became blind while in paid employment or while they were in pension; are insured by a second person (a relative). There are three different payment rates, €412.54, €288.78 and €144,39. The highest rate is intended for people who need continuous long-term care from relatives and professional nursing staff (24 hours per day).

1.4.2.7 Tax Deductions / Credits

These benefits are sometimes only available to tax payers with a disability. However, in Norway, for example, such a benefit can also be claimed if the tax payer has a dependent disabled child.

The Greek benefit is only available to people with a visual or physical impairment. However, elsewhere these kinds of benefits are available to people with all kinds of impairments.

Individuals must have a minimum of 25% degree disability to benefit from tax reductions in Austria, with people with higher degrees of disability, or who incurred specific extra costs, receiving higher deductions. Beneficiaries must have in excess of 80% impairment to benefit in Greece, and at least 65% impairment to qualify for the higher rate of benefit in Spain.

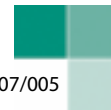
Eligibility for the benefit is determined by possession of a disabled person's card or registration in Austria, Latvia and Spain, a certificate of disability in Greece and Spain,⁸⁴ and registration with the Tax and Financial Control in Hungary. Entitlement to another disability-related benefit triggers eligibility in the Netherlands and Norway.

1.5 Transport

1.5.1 Overview of the Kinds of Benefits Available

A large number of examples of benefits related to transport were collected by the ANED country reporters. The benefits most commonly described relate to the cost of running a private vehicle (e.g. subsidies to cover part of the purchase price of the vehicle, and exemptions from vehicle tax) and fare reductions or exemptions when traveling on public transport. Other benefits include mobility related cash benefits, special parking cards giving access to a variety of parking related benefits, and the provision of alternative means of transport.

⁸⁴ In Spain there exists both a disabled person's card and a certificate of disability.



1.5.1.1 Owning and Running a Private Vehicle

Benefits provided under this heading can be roughly divided into subsidies to cover part of the cost of the purchase of the vehicle and exemptions from standard vehicle taxes. As with the preceding sections, the following examples are indicative of the variety of benefits available in different countries.

1.5.1.1.1 Subsidies to cover part of the cost of purchasing, modifying and/or maintaining a private vehicle

Examples of such benefits were identified in Austria, the Czech Republic, Denmark, France, Hungary, Iceland, Ireland, Latvia, Lithuania, Slovenia, Slovakia, Spain and the United Kingdom. Illustrative examples of some of these benefits are given below.

In Denmark disabled individuals can receive support with the purchase of a car. The support takes the form of an interest-free loan, with the municipality paying half of the loan. Disability-specific equipment is fully reimbursed.

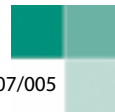
In Hungary a subsidy is available to cover the cost of adapting a vehicle for use by a disabled driver or passenger. The full cost of the modification is covered, up to about €107, and is payable no more than once every seven years.

In Ireland, a disabled person or a family member who is responsible for the transport of a disabled person can claim a VAT refund following the purchase of a car. Moreover, relief on the excise duty paid on fuel may also be claimed, up to a maximum of 600 gallons per year.

In Latvia the State Medical Expertise Commission on Health and Working Capacities decides if a vehicle requires adaptation. Moreover, cars that are specially adapted to carry people who use wheelchairs are exempt from tax. This also applies to vehicles that have been specially modified and for which a subsidy to cover the cost of adapting the vehicle has been granted.

In Slovakia disabled individuals can receive a direct payment to assist with the purchase of a personal vehicle. The payment can be up to €6,638.79 (standard car) or €8,298.48 (automatic car), and can be provided every seven years. Such individuals can also use the Slovakian motorway network free of charge, and are exempt from paying the annual fee charged to other road users.

In the United Kingdom disabled people can benefit from the Motability Scheme that assists them to obtain a car, a powered wheelchair or scooter. Recipients receive a discount when renting an adapted vehicle.



VAT reductions are available in Spain with regard to the purchase, adaptation or maintenance of a car by a disabled person.

1.5.1.1.2 Exemptions from Vehicle Taxes

Examples of such benefits were identified in Denmark, Germany, Greece, Iceland, Ireland, Latvia, and Malta. Illustrative examples of some of these benefits are given below.

In Denmark disabled individuals who have benefited from municipal support to assist them in purchasing a car are also exempt from paying motor vehicle tax.

In Germany people who are severely disabled, and their family members, are also exempt from paying motor vehicle tax, where the tax relates to a vehicle which is used by the severely disabled person, or on his or her behalf.

In Ireland disabled people, or a family member who is responsible for transporting a disabled person, are exempt from Vehicle Registration Tax.

In Malta disabled car owners are entitled to a free road license for their car.

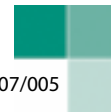
In the United Kingdom people receiving certain levels of disability benefits may receive a free road tax disc for their vehicle.

1.5.1.2 Fare reductions or exemptions when traveling on public transport

These benefits can either provide completely free access to public transport or reduced fares on public transport. The form of public transport targeted can vary. However, many national rail networks seem to offer benefits. In some cases the benefit is only extended to the disabled traveler, but frequently a companion or personal assistant can also travel for free or at the reduced rate. Sometimes the benefit also covers carriage of guide dogs. Examples of such benefits were identified in Austria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Latvia, Lithuania, the Netherlands, Spain, Slovakia and the United Kingdom. Illustrative examples of some such benefits are given below.

In Austria disabled people can purchase a card that gives them access to reduced fares when traveling on the Austrian federal railway. This card is also available to non-disabled people, but at a much higher cost.

In the Czech Republic disabled people have access to free municipal public transport, and discounted travel on public buses and on the rail network. The benefit also extends to an assistant traveling with the person with a disability.



In Denmark disabled people can benefit from reduced price travel on the state railways with the DSB 65-ticket. This benefit is not disability-specific, and is available to all pensioners. In addition, a disabled person, including someone who is in work, can benefit from a scheme which allows personal assistants to travel for free under the DSB companion scheme. Eligibility for these two benefits is assessed in different ways.

In Estonia disabled people can qualify for free travel on domestic regular public transport services, including the rail network, and road and waterway travel. The scheme covers disabled children, persons over the age of 16 who have a profound disability, and guide dogs that accompany blind persons.

In France the following benefits are available to disabled people who wish to travel by train. Disabled veterans can qualify for reduced price tickets for themselves (50-75% reduction depending on the level of disability) and reduced price tickets, or free travel, for their personal assistant (depending on the level and nature of disability). Other disabled people (not veterans) can access first class train carriages with a second class ticket, and qualify for free or reduced price travel for their personal assistant if they have a disability card which identifies them as needing assistance, depending on their level of disability.

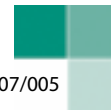
In Germany disabled people can benefit from free or reduced price travel on local public transport networks. If an assistant is needed, this person can travel for free.

In Greece disabled people can qualify for a Disability Transport Card, which entitles them to use local public transport at no cost, and purchase tickets for travel by coach or train throughout the country at half-price.

In Lithuania disabled people can qualify for reduced price tickets for long-distance bus travel, local bus and tram travel, rail travel, and scheduled air and ferry travel. The level of the reduction is dependent on the degree of disability of the individual, and the benefit sometimes extends to a travel companion as well.

In the Netherlands disabled people can qualify for a Public Transport Companion Pass, which allows the individual to travel with a companion of their own choice at no extra cost. The disabled traveler must purchase a ticket, but does not have to pay the small surcharge, which is usually levied, if they purchase the ticket from a ticket desk, as opposed to from a ticket machine.

In Spain a disabled person can qualify for a reduced price train ticket, as can their assistant and guide dog. The value of the discount varies and is determined by the age of the individual, degree of impairment and nature of the impairment. Disabled people can also benefit from a transport card which entitles them to an average of 20% reduction when using public transport. The exact amount of the benefit depends on the type of transport used and the city in which the transport is provided.



In Slovakia a disabled person can benefit from half-price rail travel, and their assistant or guide dog can travel for free.

In the United Kingdom disabled people can qualify for a Disabled Persons' Railcard, which allows them, and their adult companion, to benefit from a 33% discount on the price of rail travel.

1.5.1.3 Mobility Cash Benefit

In some countries people with reduced or impaired mobility are entitled to a cash benefit related to mobility, in addition to other disability-related (cash) benefits they may be receiving. Examples of such benefits were identified in Austria, Denmark, Greece, Ireland, Latvia, Spain and the United Kingdom. Illustrative examples of some such benefits are given below.

In Austria disabled individuals who are unable to use public transport can receive a mobility benefit.

In Ireland a Mobility Allowance is paid to disabled people who are unable to walk or use public transport, and could benefit from an occasional change in surroundings. The Allowance amounts to €208,50 per month, with a lower rate of €104,25 being paid to persons who are also benefiting from the Disabled Drivers and Disabled Passengers Scheme.

In Latvia an allowance is paid to compensate for the transport expenses of disabled persons who have difficulties in moving.

In Spain a Mobility and Transport Subsidy, of €39.16 per month, is payable to some disabled people.

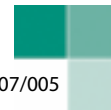
In the United Kingdom, disabled people can receive a mobility allowance as part of their Disability Living Allowance or War Pension.

A different kind of mobility benefit is provided in Denmark. Disabled people are entitled to more generous tax deductions than are non-disabled people, regarding their transport costs between home and work.

1.5.1.4 Parking Card for People with Disabilities and Reserved Parking

In 1998 the European Community adopted a Recommendation on a Parking Card for People with Disabilities.⁸⁵

⁸⁵ Council Recommendation of 4 June 1998 on a parking card for people with disabilities 98/376/EC, OJ L 12.6.1998 167/25 as amended (in light of the expansion of the EU) by Council recommendation of 3 March



Under this Recommendation, which has been widely accepted and implemented by Member States, disabled individuals may apply for a parking card for people with disabilities in their own Member State which gives them *inter alia* access to reserved, discounted or free parking spaces for disabled people. The parking card has a standard “European format” and is recognised throughout the EU. However Member States retain complete discretion to determine the benefits granted to holders of the card (e.g. reserved and free parking, or only reserved parking which must still be paid for) and to determine the eligibility criteria for the parking card (and the criteria do differ amongst the Member States). This section briefly notes examples of some of the benefits associated with possession of a parking card for people in disabilities in various EU Member States, with a later section looking at eligibility criteria.⁸⁶

In Austria holders of the parking card may use special parking spaces reserved for disabled people, do not need to pay for short term parking and can park there for an unlimited time.

In Hungary, holders can park in pedestrian zones and other closed areas, and there is no fee for parking.

In Lithuania holders can park in places designated for disabled people and in areas where parking is not usually allowed.

In Malta holders may also park in designated parking places.

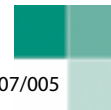
In the Netherlands holders may park in places where parking is usually forbidden (providing this does not hinder other traffic) and the usual time limits do not apply when parking. Benefits in terms of parking fees are determined by individual municipalities, with some municipalities allowing free or reduced rate parking.

In Norway the “parking passport” allows the holder to park in designated parking places, park for free and / or for longer than is generally allowed, and in residential areas where restrictions apply.

In Slovakia holders may park in places where parking is usually not allowed, e.g. in areas reserved for deliveries, and some car parks provide free or reduced rate parking.

2008 adapting Recommendation 98/376/EC on a parking card for people with disabilities, OJ L 7.3.2008 63/43. See more generally: Wim Peters, De Europese gehandicaptenparkeerkaart in Nederland, België, Duitsland, Italië en Schotland, 10 *Verkeersrecht* 2009, 302-307.

⁸⁶ See also: *Parking card for people with disabilities in the European Union: conditions in the Member States*, European Commission, 2008, available via: <http://ec.europa.eu/social/main.jsp?catId=432&langId=en> (accessed 15 June 2010).



In Spain holders can park in designated parking spaces. Disabled individuals can also benefit from a reserved parking space near to their house in Spain.

1.5.1.5 Provision of Alternatives to Public Transport / Specialised Transport

In some countries alternative forms of transport are offered to disabled people. The following examples are illustrative of the kind of benefits provided.

In Iceland the Disabled Transport Service of Reykjavik has a fleet of specially equipped shuttle buses for use by people with visual or physical impairments. Journeys have to be booked at least one day in advance, and individuals are limited to 60 one-way trips per month, with a maximum of 18 trips for private or social purposes. Priority is given to journeys relating to medical or rehabilitation needs, education, or work. The cost of the journey is half the fee charged on the general public transport system. People with visual impairments can also benefit from discounted taxi fares in the cities of Reykjavik and Akureyri. Fares are generally similar to the rate charged for a comparable journey on the public transport network, with limits imposed in terms of distance and quantity.

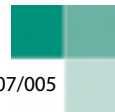
In Netherlands, individuals who find it difficult to use the public transport system can qualify for a Valys pass, which enables them to make use of special taxis adapted for use by wheelchair users. Holders of the pass are charged 18 cents per kilometer traveled, up to a maximum of 750 kilometers per year. Travel over this distance is charged at a higher rate (€1.13 per kilometer). However, individuals who are unable to travel on public transport at all can qualify for up to 2250 kilometers travel at this rate. Beneficiaries can travel with one companion at no extra charge. Additional companions pay the same rate as the disabled traveler. Valys pass journeys are, on the whole, intended to be inter-regional, or to connect with the national rail or bus system. Other arrangements are made by municipalities for travel at the local level.

In Spain people with reduced mobility who are on low incomes can qualify for a free taxi service. This service is provided at the municipal level, which also determines the number of free trips which may be made.

In Sweden disabled people who cannot use the public transport system unaided qualify for special transport at a reduced cost. The level of the benefit is decided on by the local municipality.

1.5.1.6 Subsidised Driving Lessons

In Iceland the Social Insurance Administration provides grants to people with physical impairments to assist with the cost of driving tuition, where they need additional lessons. The grant covers up to 70% of the costs of up to 10 additional lessons.



1.5.2 Overview of Eligibility Criteria and Required Proof of Disability Status

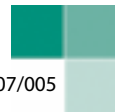
Transport-related benefits, such as those illustrated above, seem to be an area where possession of a national disabled person's card, registration or other documentation proving disability status frequently triggers entitlement to the benefit in question. In addition, eligibility for many of these benefits is dependent on the recipient having a documented functional disability that is mobility-related, such as a physical inability to walk (very far) or to use public transport. In some cases, this means that people with certain kinds of impairments (typically hearing and psycho-social impairments) are excluded from qualification for the benefits, even though there may be considerable barriers to their independent use of certain kinds of transport. The following examples illustrate the kinds of eligibility criteria applicable to specific kinds of transport-related benefits.

1.5.2.1 Owning and Running a Private Vehicle

In some cases these benefits are only available where the disabled person is the driver of the vehicle, or is the registered owner (e.g. Austria, Denmark, Latvia). However, some benefits also extend to family members, and members of the disabled person's household, where these individuals provide transport for the disabled person (e.g. Czech Republic, Germany, Ireland, and others). In the United Kingdom, a disabled person is only entitled to a free road tax disc if they (or their nominated driver) own the vehicle in question and it is used exclusively to meet their needs.

Sometimes benefits of this nature are only extended to people with mobility-related impairments who are unable to access other forms of transport (and sometimes their family members who provide transport). This is the case, for example, with the Austrian reimbursement of the tax charged on new vehicles (available to people with a physical impairment that leads to a permanent and severe mobility impairment); the Czech contribution for the purchase, maintenance or modification of a vehicle (available to people with a visual, physical or intellectual impairment, who have mobility limitations or orientation limitations, or their family members); the Slovakian direct payment for the purchase of a personal car (available to people who have a physical, intellectual or psycho-social impairment leading to at least 50% functional impairment); and a number of other benefits provided in a variety of countries.

Interestingly, whilst people with the sufficient degree of physical impairment seem to be always entitled to such benefits, where they exist, there is no clear pattern with regard to eligibility for people from other impairment groups. Such benefits appear to be only available to people with all impairments, including hearing and psycho-social impairments, in a minority of cases.



In such cases minimum levels of impairment apply, e.g. minimum 50% disability rating for the (partial) tax waiver for vehicle ownership in Iceland; an impairment which impedes the use of public transport for the Irish Motorised Transport Grant, and where a car is necessary to obtain or retain employment, or where the individual lives in a very isolated area; Disability level I or II for access to the reduced car and motorcycle duty in Latvia.

Eligibility for these benefits is frequently triggered by possession of a disabled person's card or registration, certificate of disability, or special identification card (e.g. Austria, Czech Republic, Germany, Greece, Hungary, Iceland, Latvia, Lithuania, Malta, and Spain). A second means of assessing eligibility relates to whether the claimant is in receipt of another disability-related benefit (United Kingdom Motability Scheme and free road tax disc). These two assessment methods (disabled person's card etc. or receipt of another disability-related benefit) therefore make use of a passport or gateway status, to determine eligibility for the vehicle-related benefit.

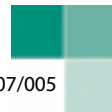
In contrast, eligibility can also be determined by a benefit-specific medical assessment (e.g. Ireland and Slovakia), an assessment of need (e.g. Latvian provision of specialist car equipment), or an assessment at the point of service (e.g. Danish support for buying a car). These means of assessment are therefore all directly linked to the benefit being claimed.

In some cases the benefit is restricted to adults with a disability. Examples of such limitations can be found in Denmark, Hungary, Iceland, Ireland (Motorised Transport Grant), Latvia, Malta and Spain (VAT refund on purchase of car). Occasionally a maximum age limit of around 65-70 years is (also) imposed, for example in Greece, or Slovakia (direct payment for purchasing a car).

Where countries offer two or more benefits related to ownership of a private car, eligibility for one key benefit (e.g. a subsidy towards the purchase of the a car) may trigger eligibility for related benefits (e.g. exemption from paying motor vehicle tax or free use of the motorway network). Examples of this approach can be found in Denmark and Slovakia.

1.5.2.2 Fare reductions or exemptions when traveling on public transport

Eligibility for concessions whilst traveling by public transport is limited, and not all disabled people can benefit. As with the benefits related to car ownership considered above, on occasions only people with certain kinds of impairments qualify. Individuals with (a sufficient degree of) physical, visual or intellectual impairment always seem to be eligible. However, some benefits are unavailable to people with psycho-social impairments (e.g. Austria, Finland and the Czech Republic), and hearing impairments (e.g. Czech Republic, or the companion scheme in Denmark).



In order to qualify for these benefits individuals must often have been previously assessed as having a certain degree of disability or impairment. For example, individuals must have at least a 70% degree of disability to qualify for the Austrian rail reduced fare card; at least a 67% degree of impairment to qualify for the Greek disabled transport card; a disability degree of at least 65% to qualify for reductions on travel by public transport in Spain; or at least 50% functional impairment to qualify for reduced price travel on the Slovakian railways.

In some countries, the level of benefit received is also dependent on the degree of disability. For example, in Lithuania people with no more than a 30-40% capacity for work qualify for half-price travel, whilst people with 0-25% work capacity qualify for an 80% discount. In Germany people who are recognised as severely disabled and have highly restricted mobility, are blind or are classified as “helpless” qualify for free access to public transport, whilst other severely disabled people who have restricted mobility must pay a charge of €60 per year if they wish to acquire the benefit. In France a complicated system, relating to level of disability, cause of the impairment, and civilian or veteran status determines the level of fare reduction and entitlement to travel with an assistant for free on the rail network. In some cases recognized, or registered, blind people automatically qualify for higher levels of benefits (e.g. France, Germany, Ireland, Poland).

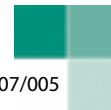
Age limits are sometimes imposed on schemes, with (younger) children often, and older people occasionally, not qualifying.

Eligibility for these kinds of public transport benefits is almost always determined on the basis of possession of a disabled person’s card, registration or certificate, or the fact that they are already receiving some other disability-related benefit (i.e. prior registration or proof of benefit, granted by one authority, is sufficient to act as a proof of entitlement for concessions granted by another authority). Transport concessions and entitlements, therefore, provide a range of examples with potential for greater mutual recognition.

1.5.2.3 Mobility Cash Benefit

Cash benefits can be provided to compensate for the additional costs of transport and mobility incurred by many disabled people. Entitlement to a mobility cash benefit is sometimes limited to people with physical impairments as, for example, in Austria, Greece, Ireland, Latvia and Lithuania. In contrast, for example, the Spanish, Danish and United Kingdom benefits are available to people with all kinds of impairments.

Recipients of the benefits must sometimes have an impairment that is deemed to severely restrict their mobility, or which is of a significant degree.



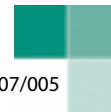
For example, recipients in Austria and Lithuania must have a ‘severe’ mobility impairment, while in Greece they must have at least an 80% impairment level. In order to qualify for the Irish Mobility Allowance, a disabled person must be unable to walk, even with the use of artificial limbs or other aids, or walking would pose a serious risk to their health. The inability to walk must be likely to continue for at least a year, but the individual must not be forbidden from moving by a doctor. In addition, the individual must be able to benefit from a change in surroundings, and satisfy a means-test. Similar (but not identical) requirements relate to eligibility for the mobility component of the United Kingdom Disability Living Allowance. A complicated set of criteria determine eligibility for the Spanish Mobility and Transport Subsidy, relating to lack of employment, low income, age and impairment. With regard to the latter, recipients must have a disability level of at least 33%, have severe difficulties using public transport, be able to leave their home and, when living in a residential institution, leave that institution at least ten weekends per year. In Denmark, recipients must incur special transport expenses.

The means of assessing eligibility, as well as the criteria, vary between countries. For example, eligibility for mobility cash benefits is determined by a medical assessment in Austria and Ireland and an assessment of need in Latvia. Possession of a disabled person’s card or registration, or certificate of disability, triggers entitlement in Greece, Lithuania and Spain. The tax department assesses eligibility in Denmark, and no official proof of disability status is needed.

1.5.2.4 Parking Card for People with Disabilities and Reserved Parking

As noted earlier, under the ‘European’ scheme for parking concessions the Member States retain complete discretion to determine the eligibility criteria (i.e. this is a common or mutually-recognized scheme without the need for precise equivalence in national criteria for eligibility).

Whilst individuals with a (sufficient level of) physical impairment may qualify for a parking card in all countries covered, this is not necessarily the case for people with other types of impairment. For example, eligibility is restricted to people with physical impairments in the Netherlands and Spain, although individuals with a visual, hearing or physical impairment can qualify for a reserved parking space near to their place of residence in Spain. In Austria only people with a visual or physical impairment can qualify. People with psycho-social impairments can find it more difficult to qualify for a “parking passport” in Norway, as eligibility is limited to people with “mobility difficulties”, and people with a visual or hearing impairment cannot qualify in Slovakia. In most countries considered, people with any type of impairment may be at least considered for eligibility.



In some cases, eligibility for a parking card is limited to those with a mobility impairment (i.e. it is not so much a matter of physical impairment as the functional limitation of mobility that is important). In Austria recipients must have a severe and permanent mobility impairment. In the Netherlands the card is only available to people who cannot walk unassisted for more than 100 metres. In Norway recipients must have “mobility difficulties”. In other countries entitlement does not seem to be explicitly dependent on a recipient having specific mobility impairments, although beneficiaries must have a minimum of 50% functional impairment in Slovakia and a disability degree of at least 33% in Spain.

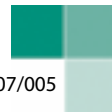
As with previous examples, eligibility may be determined in different ways, for example, through a medical assessment carried out by an authorized medical doctor at the regional authority, e.g. in Austria. A medical assessment also determines eligibility in the Netherlands. An assessment of need is carried by a medical doctor to determine eligibility in Malta and in Norway (where the municipal authority is also involved). Eligibility for the parking card in other countries is dependent on possession of a disabled person’s card or registration (e.g. Lithuania, Slovakia and Spain) or receipt of another benefit (e.g. in Hungary).

A disabled person who is either the driver or passenger can qualify for a parking card. Age limits apply in Hungary (16 years), Lithuania (18 years), Malta (2 years) and Spain (3 years). No age limits apply were identified with regard to the other Member States considered.

1.5.2.5 Provision of Alternatives to Public Transport / Specialised Transport

Many of these benefits are intended for people who find it difficult, or impossible, to use standard public transport. Local substitute schemes (like discounted taxi fares in Reykjavik, Iceland, or free taxi services in Spanish municipalities) may be limited only to people with physical and/or visual impairments, whilst other benefits can be potentially open to people with all kinds of impairments.

Eligibility is determined by an assessment of need for the Icelandic discounted taxi-fare scheme and for the Swedish special transport, by receipt of another disability-related benefit in the Netherlands (receipt of a benefit under the Act on Social Support or possession of a parking card for people with disabilities or public transport companion pass), and by possession of a disabled person’s card or registration in Spain. Eligibility for the Disability Transport Service in Reykjavik is decided on by the local municipality’s social service office with the input of a social worker. The receipt of a pension or medical evaluation is not required, although the recipient should find it difficult to use the general public transport network.



1.5.2.6 Subsidised Driving Lessons

Individuals need to have a physical impairment in order to qualify for subsidized driving lessons in Iceland. Eligibility is determined following an assessment which is conducted at a rehabilitation centre.

1.6 Support for Independent Living⁸⁷

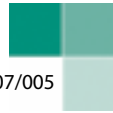
1.6.1 Overview of the Kinds of Benefits Available

The benefits most commonly identified under this heading relate to the provision of personal assistance or care. Such benefits are frequently paid in cash, allowing the disabled individual or his / her family to purchase the assistance or care needed themselves (e.g. via direct payments, personal allowances or individual budgets). However, it is also quite common for such benefits to take the form of practical assistance or a benefit in kind. As noted in chapter two, benefits in kind are not exportable under EU law, while 'sickness' benefits which are provided in cash can be exportable. The exportability of a number of the benefits identified in the next section have already been considered by the European Court of Justice, with the Court finding some benefits to be benefits in kind (not exportable) and some to be cash based sickness benefits (exportable).

Other benefits identified under this heading relate to the provision of assistive devices and technical equipment, and other cash benefits which are designed to compensate for costs related to independent living.

Benefits under this heading can be classified under three different headings. First, some of the benefits involve a flat-rate cash payment that is to be used to purchase "care" or other forms of support for independent living. Second, individuals can be provided with a personalized budget, based on a specific assessment of their needs, to be used to purchase personal assistance, care and other forms of support. Lastly, benefits related to care, personal assistance and independent living can be provided in kind, such as through the provision of a number of hours of care or personal assistance, or through specific assistive devices or equipment. Within each of these categories, there can be various sub-categories. The overview of examples of benefits below is based on this classification.

⁸⁷ For comprehensive information on support provided for independent living see the 2009 ANED Report on Independent Living and related country reports.



1.6.1.1 Flat-Rate Cash Benefits

1.6.1.1.1 Flat-Rate Payment for Care / Personal Assistance

Illustrative examples of benefits providing flat-rate payments for care / personal assistance are given below.

In Austria a long-term care benefit is provided to disabled people. The recipient must have a permanent need for care (at least six months) for at least 50 hours per month. The care benefit is provided at seven different levels, according to the amount of care need. Level 1 equates to 50-75 hours of care per month and amounts to €154.20 per month, whilst Level 7 equates to more than 180 hours of care, in cases of virtual immobility, and amounts to €1,655.80. The funding is designed to cover care needed in relation to physical support (e.g. personal hygiene and dressing) and care needed with regard to attendance (e.g. housekeeping and shopping). The long-term care benefit does not aim to cover all the care needs of the recipient, but simply amounts to a flat-rate benefit.

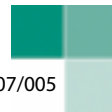
In the Czech Republic a contribution to cover the cost of care is provided to disabled individuals or their families. The contribution for care is provided at four different levels, again in accordance with the individual's general need for care.

A Dutch benefit provides for compensation of the living costs of children with disabilities who are living at home. The benefit is paid to families of children who need intensive care, and amounts to €211.45 per quarter. The benefit is designed to compensate for the extra costs associated with having a child in need of intensive care and is in addition to regular child support benefit.

In Hungary a nursing fee can be paid to an assistant or the family or household of a disabled adult who needs permanent care. The level of the nursing allowance is related to the level of the lowest amount of the old age pension (€103), ranging from 80% to 130% of the pension depending on the age of the individual in need of nursing, and whether they are severely disabled or chronically ill.

Two care-related cash benefits are available in Latvia. First, a benefit is paid to disabled adults who require special care. Second a disabled child allowance is paid to the carers of a child who requires special care because of serious physical and functional impairments.

In France, individuals can benefit from a supplement for an autonomous life. This is a fixed cash allowance (€104,77 per month) which is provided to individuals who are entitled to the Disabled Adult Allowance and who have a disability rate of over 80%, or receive a housing allowance, or are in social or family housing.



In Norway a supplementary benefit can be paid to a disabled person or his / her household. The benefit is provided to people who need special support or care that is provided on a private basis, such as by family or neighbours. In addition, an extended supplementary benefit exists for families of disabled children who have significant care needs. The benefit is designed to allow the family to raise their disabled child at home.

In Poland three nursing related cash benefits are provided. The nursing allowance is paid to disabled individuals who are unable to lead an independent life and is designed to partially cover expenses related to care and support (it amounts to €38 per month). A nursing benefit is paid to a parent who gives up work in order to care to a child (including children over the age of 16) with a disability. The benefit is not means-tested, and amounts to €130 per month. Lastly, a nursing supplement is paid to recipients of old-age benefits or disability pensions, who are either completely unable to work or live independently, or who have reached the age of 75. The supplement amounts to €45 per month.

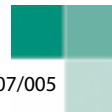
In Spain a personal assistance subsidy is provided to severely disabled people who need the assistance of another person on a daily basis and whose income is below a set threshold. The allowance amounts to €58,45 per month.

In the United Kingdom the 'care component' of the Disability Living Allowance is provided to disabled children and adults who have personal care needs. The care component is designed to cover needs relating to washing, dressing, eating, personal hygiene, communicating, cooking etc. The care component is paid at three different levels.

1.6.1.1.2 Flat-Rate Payment for Independent Living across a range of areas

A number of countries provide cash benefits or tax reductions to disabled people to enable them to purchase a wide variety of supports, in addition to care, which facilitate independent living. Such benefits are provided, for example, in Bulgaria, the Czech Republic, France, Norway, Poland, Slovakia. The following examples are illustrative of the kind of benefits provided.

The Bulgarian Monthly Integration Allowance can be used to purchase transport for people with mobility problems; medication; special diets; communication; access to information, including accessible information; or training. The allowance is provided under the Law on Integration of Disabled People. The amount of the allowance is dependent on the type and severity of the impairment, and ranges between €4,75 and €16 per month. The benefit is administered by the local departments for Social Assistance of the Ministry of Labour and Social Policy.



In the Czech Republic blind people who own a guide dog can receive a cash benefit as a contribution to the cost of feeding the dog.

In Norway disabled people and their families can receive a basic benefit that is designed to compensate for extra costs due to disability or chronic illness. A wide range of costs can be compensation, including transport, the operation (but not purchase) of technical aids, special diets, and extra expenses for clothing. Compensation is offered at six different rates, based on the estimated extra expenses.

In Sweden disabled individuals benefit from a tax-free allowance for permanent and considerable expenses related to assistance needed to carry out day-to-day activities, work and studying. The benefit is administered by the Social Insurance Authority.

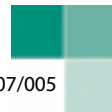
1.6.1.1.3 Flat Rate Payments related to Technical Aids and Assistive Equipment

A number of Member States subsidise the purchase of technical aids or assistive equipment for people with a disability. Examples of such benefits were identified in Finland, Iceland, Lithuania, Malta, Slovakia and Spain. Illustrative examples of such benefits are given below.

In Iceland the Icelandic Health Insurance supports the purchase of assistive devices and equipment by individuals. Such devices are meant to minimize the impact of an impairment, and to assist a disabled individual to negotiate the physical or social environment, to maintain ability, and to receive support. The value of the subsidies provided varies, depending on the device in question. The device or equipment must be selected from a pre-approved list provided by Icelandic Health Insurance.

In Malta the Assistive Apparatus Fund provides disabled people with financial assistance to enable them to purchase any assistive equipment or apparatus which would give them more independence and a better quality of life. The maximum grant is circa €1800, although, in exceptional circumstances, it can be double this amount. Malta also provides a refund on the VAT paid on computers, wheelchair batteries and assistive equipment which is purchased by a disabled person.

In Spain a disabled person can receive assistance with the purchase of a teleassistance system, which involves a personal alert system designed to promote personal autonomy and provide support and care. The recipient must also make a contribution to the cost of the system. The benefit is provided by the Autonomous Communities, which each set different levels of benefit.



1.6.1.2 Personalised Budgets

1.6.1.2.1 Personalised Budget for Care/ Personal Assistance

Illustrative examples of benefits providing personalised budgets for care / personal assistance are given below.

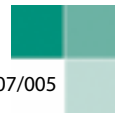
In the Austrian city of Vienna, disabled individuals can benefit from a cash benefit in addition to the long-term care benefit (see previous section). The benefit is designed to enable people with severe physical impairments to use personal assistant services. Personal assistance can be used for household support, personal hygiene, mobility, communication and leisure. The level of payment depends on the actual level of personal assistance needed, and the level at which long-term care benefit is received.

In Bulgaria residents of Sofia can benefit from Assistance for Independent Living. Individuals who have a 90% work-related disability can receive up to 300 hours of personal assistance a month. They recruit their assistants themselves, and the municipality pays the assistants on the basis of the number of hours work which they carry out.

In Denmark disabled individuals can receive personal assistance for up to 24 hours a day, for 7 days a week under the user controlled personal assistance scheme. The disabled individual or an association or private company may employ the assistants.

In France a compensation allowance can be provided to allow for personal assistance. The benefit complements the Disabled Adult Allowance (*AAH*) for persons whose level of disability is 80% or over, and who need assistance in carrying out daily activities (e.g. bathing, dressing, walking etc.). The benefit is also automatically granted to blind people. The value of the benefit ranges from €411,64 to €823,28 per month. As of January 2006 the benefit was replaced by the Disability Compensation Benefit; however, pre-2006 recipients of the compensation allowance could opt to continue to receive it instead of the new allowance.

In the Netherlands a disabled person can apply for a personal care budget. The budget is offered to individuals who need long-term care and who opt not to receive that care in the form of service provision (at home or in a residential setting). The cash benefit is to be used to pay care workers who the disabled individual employs directly. The personal budget is fairly flexible, and can be used to employ either fully-qualified carers, family members or students, or a mixture thereof. The budget can also be used for assistance in school, transport, work or leisure activities. The recipient is responsible for the hiring of staff, organizing the work rosters and complying with the administrative rules.



In Slovakia a direct payment is made to severely disabled individuals to allow them to purchase personal assistance. The goal of the benefit is to allow the recipient to live independently.

In Sweden an attendance allowance can be paid to a disabled person who employs person(s) providing personal assistance, or who has a contract with an assistance provider. The allowance is provided to disabled people who are not living in an institution and who need daily assistance with basic activities, e.g. washing, dressing, eating, communication and mobility.

The United Kingdom Independent Living Fund is a national fund that provides cash benefits to disabled people to enable them to purchase self-managed personal assistance or care services.

1.6.1.2.2 Personalised Budget for Independent Living across a range of areas

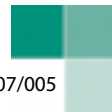
Illustrative examples of benefits providing personalised budgets for independent living across a range of areas are given below.

In Germany disabled people can receive a personal budget, which is a fixed monthly payment. The recipient can then use this benefit to buy all the services which they need (e.g. personal care and assistance, transport, assistive devices).

In Poland various disability-related costs, such as the costs of home adaptation; specialized equipment; vehicle adaptation; rehabilitation and daily living appliances; training materials; rehabilitation holidays; treatment in health resorts; personal assistance; guide dogs; nursing care; sign-language interpretation; organized holidays for disabled children and young people; and transport to rehabilitation services, are tax deductible. The benefit can be claimed by either a disabled person or a family member who provides for a disabled person. Generally the expenses must be documented.

1.6.1.2.3 Personalised Budgets related to Technical Aids and Assistive Equipment

Individuals can be provided with personalized budgets to allow them to purchase technical aids and assistive equipment. Examples of personalized budgets or benefits that can be used to purchase technical aids and assistive equipment are identified above, with regard to Germany and Poland.



1.6.1.3 Benefits in Kind

1.6.1.3.1 Benefits in Kind for Care / Personal Assistance

One can expect that, in all countries, local social services will provide some kind of care or personal assistance in the form of a benefit in kind, where such needs are not being met through personalized care budgets or care-related cash benefits. Benefits of this nature were identified, for example, in Austria, Bulgaria, the Czech Republic, Ireland, Hungary, Norway, Poland, Spain and Denmark. The level and amount of personal care or support that is provided varies greatly. Illustrative examples of such benefits are given below.

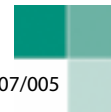
In Bulgaria, some municipalities and non-governmental organisations have projects that enable them to provide personal assistants to disabled people. The disabled clients are selected on the basis of their daily needs, and can receive up to 4 hours of personal assistance a day. Also in Bulgaria a family member or another person can apply to become an assistant to a disabled person, in return for the minimum salary. This scheme targets unemployed people, who then become personal assistants to disabled people.

In the Czech Republic, under the Law on Social Services, disabled people and their families can receive various kinds of support from the local authority. This includes personal assistance, respite care, guidance and reading services, sign-language interpretation, access to day care centres, therapeutic services, and supported and sheltered accommodation.

A particular kind of benefits exists in Denmark, where disabled people can benefit from up to 15 hours of companionship or escort per month. This scheme aims to provide social contact, rather than to meet the care needs of an individual.

In Ireland the Personal Assistance Service exists. Personal assistants are provided to enable disabled individuals to live independently in the community. The assistant can provide personal care, domestic support, or support in accessing employment or education, in accordance with the needs of the disabled individual. Personal Assistance Services are funded by the Health Service Executive, but are generally administered by voluntary or community organizations.

In Norway local municipalities provide disabled people with personal assistants. The disabled individual does not employ the assistant, but is expected to direct his or her work. Where this is not possible, parents or family members can take on this role. Also in Norway, disabled people can be provided with practical assistance for everyday life activities by their local municipality.



1.6.1.3.2 Benefits in Kind for Independent Living across a range of areas

One example of such a benefit, is the Dutch Law on Social Support, that provides for a range of practical assistance to facilitate participation in the local community. Benefits under the Act include personal assistance, transport, and transport related equipment such as a wheelchair. Benefits take the form of practical assistance / benefits in kind. Generally, recipients have to pay an income-related contribution. The benefit is provided by the local municipality.

One notable benefit also exists in Austria, where people with mobility impairments can receive a “Eurokey”, which can be used to gain access to accessible toilets and some lifts in public places. The key can also be used in Germany, Switzerland and Italy. The scheme is administered by the Austrian Working Group on Rehabilitation.

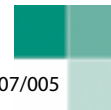
1.6.1.3.3 Benefits in Kind related to Technical Aids and Assistive Equipment

Benefits in kind, in terms of the provision of technical aids and assistive equipment, can facilitate the independent living of people with disabilities. Examples of benefits of this nature were identified in Bulgaria, Denmark, Greece, Latvia and Sweden. Illustrative examples of benefits of are this nature are identified below.

In Bulgaria a disabled person can receive medical appliances and technical aids in accordance with his or her needs. A panel of medical doctors prescribes the aids, based on a list of 14 possible items. The recipient can then obtain the aid from a supplier of choice, who receives payment for the aid.

In Denmark municipalities provide disability-specific aids, such as wheelchairs; consumer goods, such as a dish-washer; and housing modification, where these facilitate everyday life for disabled individuals. Disability-specific aids are supplied at no cost, or on loan, but the individual must pay for half of the cost of consumer goods. Costs of housing modification necessitated by the impairment are also fully covered by the municipality.

In Sweden assistive devices can be provided to people with disabilities. These are defined as devices needed by people with disabilities to prevent future loss of function or ability, improve or maintain function or ability or compensate for impaired or lost function and ability. Such devices can be provided to assist with every day life, care and treatment, education and work.



1.6.1.4 Overview of Eligibility Criteria and Required Proof of Disability Status

As noted above, benefits under this heading can be classified under three different headings: namely flat-rate cash payments to be used to purchase “care” or other forms of support for independent living; personalized budgets, based on a specific assessment of need, to be used to purchase personal assistance, care and other forms of support; and lastly, benefits related to care, personal assistance and independent living provided in kind. Whilst these three main categories were divided into a number of sub-categories in the overview above, for the purpose of the assessment of eligibility criteria only the three main categories will be used.

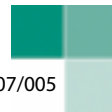
A wide range of factors determine eligibility for these benefits. Individuals must often have a fairly high degree of impairment, which renders them in need of personal assistance or care from others, and in need of specific assistive equipment or devices. Sometimes this requirement is linked to the need for the recipient to have a specific kind of impairment. Eligibility is frequently determined via a medical assessment or an assessment of need, although possession of a disabled person’s card, registration or other disability-related benefit sometimes triggers automatic entitlement.

1.6.1.4.1 Flat-rate Cash Benefits for Independent Living

The general picture with regard to these benefits seems to be that they are available to individuals with all kinds of impairments, but the impairment must leave individuals with a high level of need for care / personal assistance. This might be measured in terms of the number hours care needed per month. For example, an individual must need at least 50 hours care per month to qualify for the Austrian long-term care benefit. The emphasis on physical care under some benefits may make it more difficult for people with intellectual disabilities, psycho-social disabilities and hearing impairments to qualify for the benefits in practice. This was noted with regard to the Austrian long-term care benefit. The Latvian benefit for disabled adults who require special care is an example of a care-related benefit that is only available to people with physical or intellectual impairments.

The relevant benefits are sometimes paid at different fixed levels, with individuals being assessed according to the amount of care needed or level of disability in accordance with those levels (e.g. Austrian long-term care benefit; Czech contribution for care; UK Disability Living Allowance).

Given the flat-rate nature of some payments, there may be no obligation to provide proof of how the money has been used (e.g. Austrian long-term care benefit; Dutch compensation for cost of children with disabilities living at home).



Eligibility for the benefits is frequently determined through a medical assessment or a functional assessment of need, or a combination of the two. The medical assessment is carried out by doctors, and sometimes other medical specialists (e.g. occupational therapists), on behalf of the national social security institution. In addition social workers or medical practitioners may assess levels of care needed or levels of dependency. Recipients of the Polish nursing allowance, nursing benefit and nursing supplement must also have a disabled person's card or registration / disability certificate. Individuals need to have a disabled person's card or registration and a dependent certificate in order to benefit from the Spanish personal assistance scheme.

The benefits are usually provided by the social security office, and frequently require the recipient to be insured under the relevant national scheme.

Some benefits are restricted to people of certain ages. Some benefits target children and their families; some target people of working age; and some target people aged over 65. However, where benefits are restricted to people of certain ages, there is sometimes a package of benefits covering all age ranges.

Cash benefits for independent living across a range of areas may also be available to people with all kinds of impairments, although the Bulgarian Monthly Integration Allowance is an example of such a benefit which is only available to people with a visual, hearing or physical impairment.

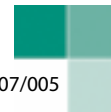
In some cases a minimum level of impairment is needed (e.g. minimum 50% functional impairment for the Slovakian compensation for increased costs).

Again, eligibility can be determined either by a medical assessment or an assessment of need.

In order to qualify for the Norwegian compensation for extra expenses an individual must undergo a medical assessment, and have a final evaluation by the social security administration. Recipients must also submit documentary proof that extra costs have been incurred.

In Poland a disabled person or their family member must have both a disabled person's card or registration and be in receipt of a disability pension, training pension or social pension, in order to benefit from the tax deductions.

With regard to benefits related to technical aids and assistive equipment, it is not unusual for these to be limited to people with specific kinds of impairments. Medical appliances and technical aids are only supplied to people with visual, hearing and physical impairments with regard to the Icelandic grant to purchase assistive devices. People with psycho-social impairments cannot receive reimbursements for the cost of home renovations or specialist equipment in Finland.



Again, eligibility for the benefit is often determined on the basis of a medical assessment or an assessment of need. However, in some cases, entitlement is based on possession of a disabled person's card or certificate (e.g. Spain) or a special disabled person's identification card (e.g. Malta). On the whole though, a prominent role seems to be given to medical assessments in determining eligibility for such benefits. A minimum degree of impairment is required in Slovakia (minimum 50% functional impairment) and Greece (67% impairment or above).

Eligibility for these benefits is also sometimes linked to insurance under the relevant national social security or health insurance scheme.

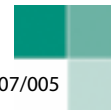
1.6.1.4.2 Personalised Budget for Independent Living

As with the flat-rate benefits related to care, the general picture seems to be that these benefits are available to individuals with all kinds of impairments, but the impairment must leave individuals with a high level of need for care / personal assistance. This can be defined in terms of a specific (high) percentage of disability (e.g. disability level of at least 80% for the French compensation allowance for assistance; minimum 50% functional impairment for the Slovakian direct payment for personal assistance; disability degree above 75% for the Spanish personal assistant subsidy). Benefits can also be paid in accordance with the individualized assessment of need (UK Independent Living Fund). However, note that the Viennese support for independent living is an example of a benefit which is only available to people who have physical impairments.

As with flat-rate cash payments for care, the emphasis on physical care under some benefits may make it more difficult for people with intellectual disabilities, psycho-social disabilities and hearing impairments to qualify for the benefits in practice.

Where the benefit is intended to cover the cost of personal assistance, it is sometimes necessary to submit proof that expenses have actually been incurred, before payments (to the disabled individual or salary to the personal assistant) will be made (e.g. Bulgarian (city of Sofia) assistance for independent living). This seems to be a requirement which is less likely to be attached to the flat-rate cash benefits related to care.

As with the flat-rate cash benefits, eligibility is usually determined through a medical assessment or a functional assessment of need, or a combination of the two. The medical assessment is carried out by doctors, and sometimes other medical specialists (e.g. occupational therapists), on behalf of the national social security institution.



In addition social workers or medical practitioners may assess levels of care needed or levels of dependency. However, eligibility for some benefits is determined on the basis of entitlement to another disability-related benefit (e.g. Viennese addition to the long-term care benefit for cash assistance; French supplement for an autonomous life; UK Independent Living Fund). Recipients of the Spanish personal assistant subsidy requires an individual to have a disabled person's card or certificate and have a disability degree above 75%.

Eligibility for the German personal budget is based on an assessment of need. A budget conference of all funding agencies and the applicant decides on the application, and on the specific needs and range of the budget. Once a decision to award a personal budget is made, a "target agreement" is signed by the applicant and the funding agency. This specifies the purposes for which the personal budget can be used, and the level of payment.

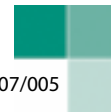
Eligibility for the French disability compensation benefit requires a permanent or long-term difficulty in performing at least one basic activity, or a serious difficulty with performing at least two basic activities. The basic activities relate to daily living and 19 basic activities are listed. These are divided into four main domains: personal hygiene; mobility; communication; supervision and orientation. The assessment is carried out by a multidisciplinary team of the Local Office for Disabled Persons (*MDPH*), and the decision whether to grant the benefit or not is made by the local Commission for Disabled Persons' Rights and Autonomy (*CDAPH*). The recipient must submit proof of expenses in order to receive the benefit. This benefit is non-contributory, and funded through general taxation.

The benefits are often provided by the social security office, and frequently require the recipient to be insured under the relevant national scheme. The Swedish attendance allowance is paid by the local municipality where the allowance covers 1-19 hours per week, and by the Social Insurance Authority where the allowance covers 20 or more hours per week.

As with the flat-rate cash benefits, some benefits are restricted to people of certain ages. Some benefits target children and their families; some target people of working age; and some target people aged over 65. However, where benefits are restricted to people of certain ages, there is sometimes a package of benefits covering all age ranges.

1.6.1.4.3 Benefits in Kind for Independent Living

These benefits are sometimes restricted to people with certain kinds of impairments.



For example, only people with physical impairments can benefit from the personal assistance scheme in the Austrian province of Tyrol and the Spanish personal assistance scheme; people with hearing impairments cannot benefit from the two Bulgarian schemes; and people with intellectual or psycho-social impairments cannot benefit from the Irish Personal Assistance Service.

As with the flat-rate cash payments and personalised budgets, the benefits are sometimes restricted to people with more severe levels of impairments. The Bulgarian scheme, whereby unemployed individuals can apply to become personal assistants, only covers disabled people with a minimum 90% reduced ability to work; the Czech Law on Social Services classifies (and covers) people in accordance with four levels of dependency. Other benefits, such as the Irish Personal Assistance Service are restricted to individuals with significant physical disabilities. The Hungarian home help benefit is provided to people who, because of a health condition or old age, are unable to care for themselves in all respects, disabled or autistic persons who need supervision, people with psycho-social impairments, and people with addiction problems. For some other schemes, access is not restricted by level of impairment, although recipients must *de facto* have a need for personal assistance or care.

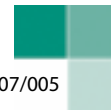
As with the other two broad categories of benefits, eligibility seems to be usually determined on the basis of medical assessment or an assessment of need. Sometimes social workers are involved in the assessment of need.

Additional requirements relate to the Polish care services. A single person can benefit from the social assistance scheme if, because of their age, illness or another reason, they require help from another person. A person living in a family setting can also receive personal assistance, but only if the help their family can provide is insufficient. The benefit is provided free of charge only to those individuals whose income is below a set limit.

Some benefits are restricted to first-time claimants under the age of 65. However, if an individual is entitled to a benefit before this age, they often retain that entitlement after the age of 65.

With regard to practical assistance for independent living across a range of areas, individuals with all kinds of impairments can receive support under the Dutch Law on Social Support. Eligibility is based on an assessment of need, and is carried out by an independent agency called the Centre for the Assessment of Need for Care.

Eligibility for the “Eurokey” in Austria is limited to people with severe mobility impairments. Such individuals, who also have a disabled person’s card or registration, can receive the benefit.



In the case of technical aids and assistive equipment, these benefits are frequently only available to people with specific kinds of impairments. Medical appliances and technical aids are only supplied to people with visual, hearing and physical impairments in Bulgaria. Similar limitations exist with regard to the Latvian provision of technical aids. Moreover the nature of some technical aids, e.g. wheelchairs, orthopaedic equipment or hearing aids, renders them only useful to people with specific impairments, and eligibility for the relevant benefit is consequently also limited.

Eligibility for the benefit is often determined on the basis of a medical assessment or an assessment of need.

Eligibility for these benefits is sometimes linked to insurance under the relevant national social security or health insurance scheme.

1.7 Employment⁸⁸

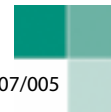
1.7.1 Overview of the Kinds of Benefits Available

The majority of examples identified under this heading involve cash payments made to employers. These benefits have a number of different purposes: to compensate for the reduced productivity of a disabled worker; to act as an incentive to encourage the employer to take on a disabled worker; or to cover the cost of adaptations / accommodations needed to employ a disabled worker. In addition cash benefits are often provided to disabled people who are in employment, to either compensate for work-related expenses or to provide an additional source of income. Furthermore, some practical assistance is available to both employers and disabled workers. Another benefit relates to the employment quota system.

It should be noted that some benefits can be paid / provided to either the employer or the disabled person. In some cases disabled people can receive the benefit directly when they are self-employed; otherwise, the employer receives the benefit. Where this is the case, the benefit has been classified as a benefit provided to the employer in this paper, although the possibility for a self-employed disabled person to receive the benefit is also noted. In other cases, specific rules determine whether the disabled employee or the employer, or both, can received the benefit. Such benefits are addressed in a specific sub-section below.

Lastly, employment-related benefits that have the same aims may take different forms.

⁸⁸ For more detailed information about disability-related employment benefits see the 2009 ANED synthesis report on national employment policies and the 2009 ANED country reports on employment.



For example, a benefit relating to the provision of a personal assistant for a disabled person may take the form of the actual provision of a personal assistant for a number of hours (practical assistance) or a cash benefit to be used to employ a personal assistant (cash benefit). In this section of the paper the nature of the benefit, i.e. cash benefit or practical assistance, has been used to classify the benefits. However, where a cash benefit is granted for a specific purpose, that is noted.

1.7.1.1 Grants / Subsidies provided to Employers of Persons with Disabilities

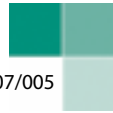
A large number of countries provide grants, subsidies or financial incentives to employers who employ disabled people.

1.7.1.1.1 Wage Subsidy / Reduction in Social Security Contributions

A number of countries provide employers with a cash benefit to be used to supplement the wages of a disabled employee. The general idea behind this benefit seems to be that it will help to compensate for the reduced productivity of the disabled worker, meaning that the employer does not incur extra costs, above those associated with employing a non-disabled person. Examples of benefits of this kind were identified in Austria, Denmark, Ireland, Lithuania, the Netherlands, Norway, Poland and Sweden. Some illustrative examples of such benefits are given below.

In Denmark municipalities provide employers with a wage support (ice breaker scheme), of up to 50% of the wage (with a maximum of €1477 per month), for the first 6-9 months during which a disabled person is employed. Two other Danish schemes also provide wage support to employers who employ people with a particularly reduced working capacity. The job with wage support for disability pensioners involves employers receiving wage support when they employ a person who has one third of the productivity of a non-disabled worker. Under the flexjob scheme, wage support is provided when an employer employs a disabled person who has one half to one third of the productivity of a non-disabled worker. All these schemes are national, but are administered by the local municipality.

In Ireland the Wage Subsidy Scheme provides financial support to employers who employ disabled people whose productivity level is below 80% compared to non-disabled workers, and who work for at least 20 hours a week. The subsidy or grant becomes more generous according to the number of disabled workers who are employed. Where a higher number of disabled people are in employment, the subsidy also covers supervisory, management and other work related costs, the employment of an Employment Assistance Officer to support disabled employees, and higher levels of wage subsidy. Benefits increase when 3 or more disabled employees are employed, and are the most generous where 30 or more such employees are engaged. The subsidy is administered by FÁS – Training and Employment Authority.



In Norway the Employment and Welfare Administration provides employers with compensation for the wages of a disabled employee, up to a maximum of 75% of the wages and social costs in the first year, and a maximum of 66% in the subsequent years.

In Poland employers can be provided with a monthly subsidy to finance the disabled employee's wages by the State Fund for Rehabilitation of Disabled Persons (SFRDP). The subsidy is up to 75% of the payroll costs for commercial employers, and up to 90% in the case of others, such as non-governmental organisations. Employers with 25 or more employees must meet a 6% quota of disabled employees in order to benefit for this scheme. The level of the subsidy varies depending on the degree of impairment, and employers employing people with certain kinds of impairments (psycho-social, intellectual, epilepsy and blindness) can benefit from more generous subsidies.

1.7.1.1.2 Financial Incentive paid to Employer

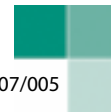
A number of countries provide cash benefits to employers who employ people with disabilities. The purpose of these benefits seems to be to encourage employers to take on disabled workers, and the money does not have to be used to cover identifiable costs, such as wages or disability-related accommodations. Examples of benefits of this kind were identified in Austria (Province of Tyrol), Bulgaria, Lithuania, Slovakia and Spain. Some illustrative examples of such benefits are given below.

In the Austrian province of Tyrol a vocational rehabilitation measure provides for a cash benefit to companies, including public sector employers, that employ a person with a disability. In addition the Federal Office for Social Affairs provides private employers with a cash incentive to employ unemployed persons with disabilities. The incentive takes the form a cash benefit, which covers wages and social security payments.

In Lithuania subsidies are provided to employers to stimulate job creation for disabled people. The subsidy is provided to employers who create new jobs or adapt existing workplaces to accommodate an unemployed disabled person, and when employing such persons under an open-ended contract. The subsidy is provided by the Territorial Department of Disability and Work Capacity.

In Spain financial incentives are provided to encourage employers to recruit disabled people. Sometimes a slightly higher financial benefit is provided where the new employee is a disabled woman or older disabled person (over 45). The benefit is provided by regional governments.

With the exception of the Tyrolean benefit, all these benefits are part of national schemes.



1.7.1.1.3 Grants to adapt the Workplace / Provide Accommodations paid to Employer

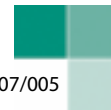
A number of countries provide grants or subsidies to employers to cover part of the cost of adapting the workplace or providing other (reasonable) accommodations to a disabled employee. Examples of benefits of this kind were identified in Bulgaria, France, Hungary, Ireland, the Netherlands and Slovakia. Illustrative examples of such benefits are given below.

In Hungary an employer can receive aid to cover the additional costs, other than wages, of employing a disabled worker. The costs must be additional to those that would have been incurred if the employer had employed a non-disabled person, and must have been incurred during the period in which the disabled worker is employed. Eligible costs relate to adaptations of the premises; employing staff for the sole purpose of assisting disabled workers; and adapting or acquiring equipment or software for the use by disabled workers, including adapted or assistive technologies. The aid is provided by Foundations which operate the Supported Employment Programme.

Two relevant benefits are available in Ireland. The Employee Retention Grant Scheme is designed to assist employers to retain an employee who acquires an illness or impairment that impacts on their ability to carry out their job. The scheme provides grants to retrain the employee, so that he or she can take up another position within the company, or to identify appropriate accommodations, such as adaptations to the workplace or specialized equipment which is needed. The grant allows for the development of an individualized “Retention Strategy” for a newly disabled employee. A comparable benefit was not identified in other countries. Second, the Workplace Equipment Adaptation Grant provides funding to adapt the workplace or equipment for a person with a disability who is in employment or about to take up employment. The grant can cover, for example, minor adaptations to buildings, but also the purchase of specialized equipment. A person with a disability or an employer may apply for the grant. The grant is available to private sector employers and self-employed disabled people. Both of these grants are provided by FÁS Training and Employment Authority.

In Slovakia a grant is provided to allow an employer who employs a disabled person, or a self-employed disabled person, to appoint a personal assistant. The task of the personal assistant is to support the disabled worker to carry out employment-related tasks. The subsidy is provided by the Office of Labour, Social Affairs and Family.

All of these grants or subsidies are subject to (varying) maximum amounts.



1.7.1.2 Practical Assistance provided to Employers of Persons with Disabilities

Member States can provide practical assistance to employers. Examples of benefits of this kind were identified in Denmark and the Netherlands. These examples are noted below.

In Denmark employers can benefit from a mentoring scheme, under which a mentor can help a (new) employee with a disability to obtain the necessary job-related skills. The support includes education of the mentor. Whilst there is no formal limitation on the amount of time that the mentor can support the disabled employee for, the intention seems to be that the mentor is only provided for a limited period of time (some weeks or months). The mentoring scheme is national, but the actual mentor is provided by the municipality.

In the Netherlands employers can benefit from adaptations to the workplace in order to render it accessible for a disabled employee (see below under *Benefits available to both Persons with Disabilities and their Employers*).

1.7.1.2.1 Grants / Subsidies provided to Persons with Disabilities

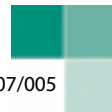
- Income Supplement / Training Grant

In a number of countries, disabled people who are in employment and who have a reduced working capacity, are entitled to receive a social security payment in addition to any salary earned. Examples of benefits of this kind were identified in the Netherlands, Poland, Norway and Slovakia. Illustrative examples of such benefits are given below.

In the Netherlands a benefit is paid under the Act on the Reintegration of Employees with a Labour Disability (*WIA*). Insured employees receive a cash benefit where a disability or chronic illness has reduced their wage earning capacity by more than a third.

In Poland a cash benefit is paid by the Social Insurance Institution to disabled people who are receiving retraining. The benefit is paid to a disabled person who is already entitled to receive a disability pension and who participates in a retraining programme. The benefit can be paid for a maximum of 36 months.

In Norway disabled individuals can benefit from a work assessment benefit. This is a short-term benefit paid to people receiving vocational training, waiting for, or already involved in, labour market measures, waiting for permanent incapacity benefit, or in the process of setting up an activity plan for return to work, and related employment measures.



With the exception of the Dutch social security payment mentioned above (*WIA*), all these training related benefits are only available for a limited duration.

- Grant to cover additional employment-related costs due to disability

One example of such a benefit can be found in Estonia, where the Social Insurance Board can provide a cash benefit to a disabled worker who has additional employment-related costs due to disability. The Employment Allowance is intended to cover part of the additional expenses that have actually been incurred.

Documentation must be submitted to the Social Insurance Board to prove that the expenses have actually been incurred. The Allowance is subject to a maximum amount, and can be paid up to ten times over three calendar years.

- Grant to start own business

Examples of such benefits can be found in Bulgaria, the Netherlands and Slovakia.

In Bulgaria, a disabled person may receive a grant to start their own business on the basis of a specific proposal. This is a national scheme, which is managed by the Agency for Disabled People.

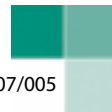
In Slovakia an allowance can also be paid by the Social Insurance Agency to a disabled person who establishes their own business.

A credit facility is also available to disabled people who wish to start their own business in the Netherlands (see below under *Benefits available to both Persons with Disabilities and their Employers*).

1.7.1.3 Practical Assistance provided to Persons with Disabilities

A number of Member States provide practical assistance to persons with disabilities in employment, and examples of such benefits were identified in Austria, Denmark, Germany, the Netherlands and Malta. Illustrative examples of such benefits are given below.

In Austria people who have a physical impairment and need a high level of support can benefit from a scheme providing Personal Assistance at the Workplace. Personal assistants can provide support in a variety of ways, including assisting the disabled individual to travel to and from work or whilst on business trips; supporting the disabled individual to carry out manual activities, e.g. filing or photocopying; assistance with personal hygiene and other forms of assistance, e.g. at lunch.



In the Netherlands a disabled employee can receive work-related specialised equipment or compensation for the costs thereof, where the equipment is portable, and can be used in other jobs as well (see below under *Benefits available to both Persons with Disabilities and their Employers*).

In Malta the Bridging the Gap scheme provides unemployed disabled people with the possibility to gain work experience. The Maltese Employment Training Corporation enters into agreements with employers, who then provide disabled people with the opportunity to learn work-related skills. The employers can decide to employ the disabled individual if their work performance proves to be satisfactory.

Lastly, a particular benefit is provided to severely disabled employees in Germany. Such workers can benefit from up to 5 additional holiday days per year.

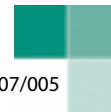
1.7.1.3.1 Benefits provided to both Persons with Disabilities and their Employers

In some Member States benefits exist which can be claimed by either the person with a disability or his or her employer, depending on the nature of the benefit. Illustrative examples of such benefits are given below.

In the Netherlands either a disabled employee or the employer can benefit from adaptations or specialized equipment needed by a disabled employee in order to undertake paid employment. The employee will receive the specialized equipment or compensation for the costs thereof, where the equipment is portable, and can be used in other jobs as well. If the adaptation is not portable, e.g. physical adaptation of the work place, or if the benefit consists of a wage subsidy / compensation, the employer is the recipient. Individuals with a disability can also benefit from credit facilities if they are starting their own business. These benefits are all paid under the Act on the Reintegration of Labour Disabled People (*WIA*).

In the United Kingdom the Access to Work scheme provides benefits to both disabled people and their employers. The scheme is part of the public employment service, and provides financial assistance to adapt the work place, purchase special equipment in the work place, and fund employment-related personal assistance and the extra travel costs incurred by disabled workers. Assistance can also be provided to a disabled person who attends a job interview and for disabled people who are self-employed. In some cases, up to 100% of costs may be covered. The support is provided on the basis of an agreement made between an Access to Work advisor and the disabled person and employer.

A very different kind of benefit is available to disabled individuals and their employers in Norway. The Employment and Welfare Administration can provide an “accommodation guarantee” to a disabled person and his / her employer.



The guarantee is not a benefit as such, but possession of a guarantee makes it much easier to access a number of work-related benefits targeted at disabled people. These benefits relate to funding and support for workplace accommodations. Possession of the guarantee provides reassurance, to the disabled individual and the employer, that the necessary accommodation related benefits will be provided, and that the decision-making procedure, once an application is made, will be quicker and easier.

Employment under a Quota Scheme

Some countries have established a quota scheme, whereby employers are obliged to ensure that a certain percentage of their workforce is made up of people who have been officially recognised as disabled. In some countries, employers are obliged to pay a fee or levy if they fail to meet their quota target. The quota percentage varies from country to country, as does compliance. The quota can apply to the public or private sector, or both. Illustrative examples of quota schemes are given below.

In France employers whose workforce consists of at least 20 employees, are obliged to ensure that 6% of their workforce is made up of disabled people, and to make necessary reasonable accommodations. If they fail to meet this target, they must pay a fee to the Management Fund for the Professional Integration of Disabled Persons (AGEFIPH).

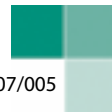
In Greece the relevant quota percentage is 5-8%. People who are the parents of disabled children, or who are spouses or siblings of disabled people, can also be employed under the quota scheme, as long as their relative has a disability classified as at least "67%".

1.7.1.4 Overview of Eligibility Criteria and Required Proof of Disability Status

These benefits are targeted at people with disabilities who otherwise find it difficult to secure employment, and their employers. A minimum degree of impairment is frequently required. Given that the benefits concern employment, they are usually restricted to individuals of working age (minimum age 15-18; maximum age 62-64).

1.7.1.4.1 Benefits provided to Employers of Persons with Disabilities

These benefits can be available to employers employing people with all kinds of impairments. On some occasions the benefit is not restricted by level of impairment; however, in some countries a disabled employee must have a minimum degree of impairment (e.g. 33% or higher degree of impairment in Spain; at least 41% reduced earning capacity in Slovakia; at least 50% degree of disability for people over 24 years of age in Austria for the Benefit for vocational integration and for Wage benefit) before a benefit can be granted.



Eligibility of the employer for the benefit is based on an assessment of the disabled employee or employees. This assessment takes place in a wide variety of ways.

Possession of a disabled person's card or registration triggers eligibility, for example, in Spain and Austria (Benefit for vocational integration and Wage benefit), Lithuania (support for employment and partial reimbursement of wages and social security contributions), Poland (monthly subsidy to finance disabled employee's remuneration). In Austria disabled individuals must be classified as an "advantaged person with a disability in the field of employment" by the Federal Office for Social Affairs, for their employer to receive a wage benefit.

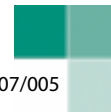
An assessment of need is the basis for determining eligibility for wage subsidies in Norway, and benefits under the Dutch Act for Reintegration of Labour Disabled People (*WIA*). In Norway, a work capacity assessment must first be carried out, and alternative employment measures should be considered before the benefit is granted. In the Netherlands the benefit must enable the disabled person to engage in paid employment.

A medical assessment determines eligibility for the allowance to maintain persons with disabilities in employment, and the allowance for practical assistance, in Slovakia. In the case of the allowance to maintain persons with disabilities in employment, the individual must have at least a 41% reduced earning capacity, and the allowance is based on the level of impairment, with employers receiving the highest allowances for workers with a reduced working capacity of at least 70%. Eligibility for the Slovakian allowance for practical assistance at work is not restricted with regard to the level of impairment of the disabled individual. The vocational rehabilitation measure provided to employers by the Austrian province of Tyrol is also based on a medical assessment. The disabled worker must have at least a 50% work capacity in comparison with average workers.

Eligibility of an employer for the Danish job support for disability pensioners, is triggered when the disabled worker is already entitled to a disability pension.

No official proof of disability status is needed with regard to a number of benefits, and eligibility is decided on at the point of service. This is the case for the Irish Employee Retention Grant Scheme (employee must have an illness or impairment which impacts on the ability to do the job), and the Irish Workplace Equipment Adaptation Grant and Wage Subsidy Scheme, and the Danish flex job and ice breaker scheme.

With regard to the Bulgarian benefits, the Agency for Disabled People decides which employers are entitled to receive the various benefits. In Sweden (wage subsidy scheme) the Public Employment Service assesses and negotiates the extent of the employee's reduced working capacity with the employer, and this leads to an agreement on the percentage of the worker's salary that will be granted.



The Danish mentoring scheme can be used to support people with all kinds of impairments. Eligibility is decided on by the municipality which provides the benefit, and no official proof of disability is needed.

1.7.1.4.2 Benefits provided to Persons with Disabilities

These benefits seem to be usually administered by the Social Security / Social Insurance Agency, although, for some benefits (e.g. payments paid whilst undergoing training), an individual does not seem to need to be insured under the relevant social security system. The benefits can be available to people with all kinds of impairments.

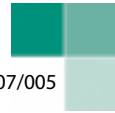
Eligibility is determined by a medical assessment in Bulgaria. However, once the assessment has been made, and an individual is recognised as disabled, they are entitled to a range of disability-related benefits, and further individualised assessments are not needed for the individual to claim additional related benefits. A medical assessment is also used to determine eligibility for the *WIA* social security benefit in the Netherlands (minimum 35% reduced earning capacity), and for both the training and job preparation grant and allowance for self-employment in Slovakia (minimum 41% reduced earning capacity). In Estonia, entitlement to an Employment Allowance to cover additional work related costs due to disability is based on an assessment of need and submission of proof of expenses. Similarly, a disabled person's card or registration or an inability to work certificate triggers entitlement to a training allowance in Poland. In Norway eligibility is determined by an assessment of need, which normally involves both a self-assessment and a medical assessment.

The benefits relating to practical assistance may be available to people with all kinds of impairments. One exception to this is the personal assistance scheme in Austria, which is only available to people with physical impairments and a high need of support. Eligibility for this scheme is determined by whether the individual in question is already receiving a long-term care related benefit.

Eligibility for the Danish personal assistance scheme is decided on by the municipality, and no official proof of disability status is needed.

Eligibility for the Latvian vocational rehabilitation services is determined by an assessment of need, which is carried out by the State Medical Commission on Health and Working Capacities. Similarly, an assessment of need is carried out in Malta to determine eligibility for participation in Bridging the Gap scheme. The assessment is carried out by a medical doctor on behalf of the Employment Training Corporation.

Lastly, individuals who have been officially recognised as severely disabled (*schwerbehindert*), and have the related disabled person's card or registration, qualify for the increased number of vacation days in Germany.



With regard to the quota systems, eligibility criteria vary across Europe. In the case of the examples given above, individuals must be entitled to at least one of a variety of disability-related benefits in order to qualify for employment under the quota scheme in France. In Greece qualified disabled individuals must have at least a 50% disability, and have received a certificate of disability from the Health Commission of the social security body (*IKA*).

1.7.1.4.3 Benefits provided to both Persons with Disabilities and their Employers

Both the Dutch benefit (specialist equipment etc. under the *WIA*) and the Norwegian accommodation guarantee are granted to people with all kinds of impairments on the basis of an assessment of need. The assessment is carried out by the social security office in the Netherlands (*UWV*), and the Employment and Welfare Administration in Norway. Similarly an assessment of need, carried out by Access to Work advisors, is used to determine eligibility to benefits under the programme in the United Kingdom. Beneficiaries must have an impairment which affects the job to be done, and which is likely to last for at least 12 months. All these benefits are granted to people of working age only.

1.8 Education and Training

1.8.1 Overview of the Kinds of Benefits Available

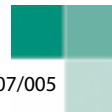
A wide variety of benefits were identified under this heading. The examples most commonly identified were financial support or grants to help disabled people or their parents offset the cost of receiving an education. These grants targeted (young) adults studying at university or receiving vocational training in particular. Second, many benefits were identified which were designed to meet the specific needs of disabled individuals (particularly children) when receiving an education, such as the provision of specialized equipment or additional teaching support.

1.8.1.1 Financial benefits related to Education: grants / reduced fees

These benefits can be divided into financial support, such as grants or reduced registration fees, targeted at disabled adults receiving higher education, and financial support provided to parents of disabled children, which is designed to help offset some of the costs associated with the education of their children.

1.8.1.1.1 Higher Education

Examples of cash benefits available to disabled students in further education, university education and / or vocational training were identified in Austria, Denmark, Estonia, Iceland, Lithuania, Malta, Poland, and the United Kingdom.



In general, the purpose of these grants seems to be to help the student to offset the extra costs associated with studying with a disability, e.g. specialist equipment or materials, personal assistance, extra travel costs. In addition, (public) universities in some countries, such as Iceland, reduce the registration fee for students with a disability.

1.8.1.1.2 Education of Children

Examples of cash benefits paid to parents to help offset the costs associated with the education (and sometimes care) of their disabled child were identified in France, Poland and Spain. In Estonia, a payment can be made to disabled people in the last years of secondary school (as well as disabled people in higher education). In Iceland parents who have a disability (as opposed to parents of disabled children) can benefit from reduced pre-school registration fees for their children in some municipalities.

1.8.1.1.3 Provision of Assistance / Support within an Educational Institution

A wide range of benefits are made available to assist or support disabled people to receive an education. Unlike the financial benefits relating to studying, which were identified above, some of these benefits are intended only to support children with disabilities. However, some benefits of this nature were also provided to adults with disabilities following further or higher education.

- Practical Assistance in Higher Education

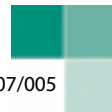
Examples of such benefits were identified in Finland and Ireland.

In Finland the authorities must carry out an individual assessment of the educational needs of a disabled person who wishes to follow upper-secondary vocational education, draw up a personal study plan, and provide the individual with all the support necessary to enable them to study.

In Ireland, the Fund for Students with Disabilities can fund a range of supports needed by individual students, such as personal assistance, sign language interpretation and notetakers, and assistive technologies. The funding is provided to the college that the student attends, and the college is then responsible for providing the necessary support.

Benefits available to both children and adults who are in education were also identified in Denmark, Lithuania and the Netherlands (see below).

- Practical Assistance in Schools



Examples of such benefits were identified in Denmark, Ireland, Lithuania and the Netherlands. These examples are noted below.

In Ireland the Department of Education and Science provides an Educational grant to school students with physical or communication disabilities in order to enable the purchase of equipment related to education. Equipment such as computers, Braille readers and tape recorders can be purchased. The equipment remains the property of the school.

In Denmark specialist equipment is made available to the disabled person in order to enable them to receive an education. This applies to both school level and further / higher education. Unlike in Ireland, the educational institution itself is responsible for providing the support.

In Lithuania schools can be adapted to the needs of pupils with disabilities in accordance with nationally established standards, and students and pupils with special needs can be supplied with assistive devices to facilitate their learning. These can be used in educational institutions and at home.

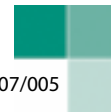
In the Netherlands children with disabilities, who have received an assessment of need, can either be enrolled in a special school, or the mainstream school which they attend receives an additional grant to enable them to purchase extra support to educate the child in a mainstream setting. Schools can also apply for a special grant to the local municipality to enable them to make physical adaptations to the school to render it (more) accessible. Lastly, disabled children and students can request the Dutch social security office to supply them with specialist equipment or support needed to study, such as transport facilities, but also an (adapted) laptop computer.

- School Transport

An example of such a benefit is found in Ireland, where children enrolled in special schools or in special classes in state primary schools can benefit from a school transport scheme. The scheme is funded by the Department of Education and Science. The benefit is discontinued if the child moves into mainstream education. Where the school transport service is not available in a particular locality, a grant is provided to assist with the cost of private transport.

A further example of such a benefit exists in Lithuania, where educational institutions are responsible for providing free transportation for disabled persons, under the age of 21, who are unable to walk independently or travel to the educational institution on their own.

- Priority admission to university



An example of such a benefit is found in Germany, where disabled applicants are granted priority access to university places in accordance with their specific needs. This is a national scheme and covers all universities.

1.8.2 Overview of Eligibility Criteria and Required Proof of Disability Status

In most cases these benefits seem to be available to children and adult students with all kinds of impairments. The benefits are usually subject to age limits. A wide variety of means of assessment are used to determine eligibility.

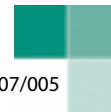
1.8.2.1 Financial benefits related to Education: grants / reduced fees

Most of the examples of benefits identified by ANED country experts are available to people with all kinds of impairments. However, an example of a benefit which is confined to people with intellectual or psycho-social disabilities was identified in Spain. The benefits were often restricted to people with a certain level of impairment, ranging from 45% (Lithuania), 50% (Austria), 50-80% (France) to 75% (Iceland). In some other countries no specific level of impairment is required. Eligibility is often restricted to a particular age group (e.g. maximum age of 20, 21 or even 24 for benefits linked to the education of children), with the benefits sometimes being available for longer periods for people with particularly severe disabilities (e.g. Poland). Benefits linked to further and higher education are often only available from the age of 15, 16 or 18.

Eligibility for the benefits is assessed in a number of ways. Eligibility is triggered by receipt of another disability-related benefit or possession of a disabled person's card or registration in, for example, Austria, Iceland (two benefits), Lithuania (both benefits), Poland and Spain. Eligibility is decided at the point of service in Denmark (the state educational support agency) and Iceland (one benefit). Eligibility is decided on the basis of an assessment of need, sometimes including consideration of the actual costs incurred, in Estonia and Malta. In the United Kingdom, eligibility is decided on the basis of a medical assessment, and a subsequent assessment of need. Lastly, in France eligibility is assessed on the basis of the severity of the impairment and the functional capacity to carry out daily living activities. The assessment is made by a multi-disciplinary team.

1.8.2.1.1 Provision of Assistance / Support within an Educational Institution

Many benefits of this nature are available to people with all kinds of impairments. However, one example of a benefit confined to people with specific impairments is the Irish Equipment Grants for Students with Disabilities, which is confined to people with visual, hearing or physical disabilities, and, as noted above, only individuals who are unable to walk or travel independently to school can benefit from free transportation.



The benefits are often limited to either people of school-age (for the benefits related to the education of children) or to people who are above school leaving age (for the benefits related to further education). However, no age limits apply to the Danish scheme, one Lithuanian scheme (provision of specialist equipment), and one Irish scheme (Equipment Grants for Students with Disabilities).

Eligibility for the benefits is assessed in a number of ways. In Denmark the educational institution decides on eligibility at the point of service. Eligibility is based on an assessment of need in Lithuania (free transportation; specialist equipment). The assessment is carried out by the Special Education Commission of the school and /or the Education Psychology Service. The assessment involves education, psychological, medical and social aspects. In Ireland applicants to the Fund for Students with Disabilities must provide documentary evidence supporting their claim, and establishing the nature of their impairment and need. Parents who want their children to receive free school transportation or an equipment grant must apply through the Special Educational Needs Organiser of the school to the Department of Education and Science. The assessment is based on the nature and extent of the student's impairment. Information required may include a psychological assessment, or reports from an occupational therapist, physiotherapist or other professionals. In Finland eligibility is based on a medical assessment.

What is striking about these benefits is that, at least for the examples identified, they are all granted on the basis of a (detailed) medical assessment / assessment of need. A previously recognised disability status, as evidenced through a disabled person's card or registration or receipt of another disability-related benefit, rarely seems enough to trigger entitlement.

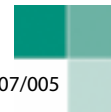
1.8.2.1.2 Priority admission to university

The German scheme covers people with visual, hearing and physical impairments and it is not restricted by level of impairment. Eligibility is determined on the basis of a medical assessment.

1.9 Housing

1.9.1 Overview of the Kinds of Benefits Available

The benefits most commonly identified under this heading concern grants or subsidies to offset some of the costs of adapting housing in order to make it disability accessible, and financial support to offset some of the costs associated with housing (purchase or renting housing). A number of other benefits, including priority in accessing social housing, access to specialized housing designed for disabled people, and reductions in property taxes were also identified



1.9.1.1 Adaptations to housing to make it disability accessible⁸⁹

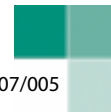
Grants to cover part of the costs of adapting housing so that it is accessible for the disabled resident were identified as being available in Bulgaria, the Czech Republic, France, Hungary, Ireland, Lithuania, Malta, Poland, Slovakia and Sweden. On occasions, the benefit takes the form of an actual adaptation / provision of specialized equipment, rather than a cash benefit paid to the disabled individual (e.g. Austria (province of Tyrol), the Netherlands). In some cases the benefits are means tested (e.g. Ireland), maximum amounts for reimbursement are often set (e.g. Bulgaria, Hungary Ireland, Slovakia) and only parts of the costs can be covered (e.g. Poland, Ireland). The beneficiaries are usually the disabled person and their household. However, in Malta a benefit allows for the adaptation of publicly owned housing (including housing authority accommodation), and allows for, for example, the installation of a lift where a tenant with a mobility impairment resides in the property. This could imply that all residents benefit indirectly. On occasions, conditions are attached to the grant. For example, in Slovakia the recipient is obliged to pay back part of the grant if they sell or rent their accommodation within 7 years of receiving the benefit. In the Netherlands, the local municipality can increase the rent after it has made disability-related adaptations. The benefit is often provided by local municipalities, although national authorities are sometimes involved.

In Germany the law entitles disabled tenants to modify accommodation they rent, and obliges landlords to agree to such modifications where they are essential in order to improve the quality of life of the disabled tenant. This applies where the disabled person would not be able to leave the accommodation, or would be obliged to move into an institution, if the modification were not made. However, a private landlord is not obliged to pay for the modifications, the interests of the landlord and other tenants must also be considered, and the disabled tenant must remove the modifications when he or she moves out of the premises.

1.9.1.2 Grants to cover the cost of housing / rent

Cash benefits are sometimes paid to disabled people and members of their household to offset the cost of rent. For example, in the Czech Republic rent subsidies are paid to a disabled person / members of their households when they rent a flat which is accessible for people with severe mobility impairments. In other countries, such as Denmark, Germany and Spain, rent subsidies are paid to a wider group of people, but people with severe (mobility) impairments receive more generous subsidies. In the Netherlands people under the age of 23 are not entitled to a rent subsidy, the exception being young people with a disability.

⁸⁹ See the 2009 ANED synthesis report and country reports in independent living for more information on this kind of benefit.



In Norway disabled people are not specifically targeted by the rent subsidy programme, but many disabled people benefit in practice, since they are on a low income.

Some Member States offer benefits that extend beyond rent subsidies and support disabled people who wish to purchase, or already own, property. For example, Malta offers grants to cover the cost of loan repayments to disabled people (and other groups) who wish to purchase their first property. In Greece an interest free mortgage is offered to disabled people by the Workers' Housing Organisation. This organisation also provides housing directly to disabled people. In Lithuania a general housing subsidy, to cover housing-related costs, can be paid to disabled people. In Spain financial benefits are provided for a variety of purposes, including purchasing property or rendering accommodation accessible. A variety of authorities provide the benefits identified above: territorial or municipal authorities, national authorities, and housing authorities. The benefits are sometimes means-tested.

1.9.1.3 Priority in access to social housing

A number of Member States provide priority access to public housing for people with disabilities and their households. For example, in Finland priority is given, amongst others, to people in urgent need of housing. In the Netherlands disabled people have priority when it comes to allocating accessible housing. In Denmark a number of apartments are reserved for people with disabilities, including a number of specially adapted apartments, whilst in Latvia people with severe functional disabilities have the right to rent social housing. These benefits are provided at the municipal level.

1.9.1.4 Specially adapted residential arrangements / group homes / sheltered accommodation

Some Member States provide accommodation of this nature for people with disabilities who are unable to live in ordinary housing. Examples of the provision of such accommodation were identified in Austria (Province of Tyrol), Latvia, Norway and Sweden. These benefits are provided by regional or local municipalities.

1.9.1.5 Reduction in property tax

Examples of such benefits were identified in the Iceland and the United Kingdom.

In Iceland the benefit is available if the house owner or his / her legal spouse receives a full disability pension. The benefit is provided by local municipalities, and is not available in all parts of Iceland.



In the United Kingdom, a number of requirements must be met before the benefit can be claimed. The purpose of the reduction is to ensure that disabled people do not pay more property tax (Council Tax) because they need to live in a larger property as a result of their disability. The property in question must be the main residence, have additional facilities to meet the need of a disabled person (e.g. an extra bathroom or extra space for essential mobility). The additional features must be “essential or of major importance”. This benefit is also provided by the local municipality, but is part of a national scheme.

1.9.2 Overview of Eligibility Criteria and Required Proof of Disability Status

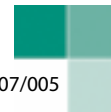
Eligibility criteria for these benefits differ widely, and it is difficult to identify common trends.

1.9.2.1 Adaptations to housing to make it disability accessible

Some of these benefits are confined to people with physical impairments (e.g. Austrian province of Tyrol, the Czech Republic, Lithuania, Malta for one benefit, Poland). Other impairment groups are sometimes also covered, e.g. visual impairment (Bulgaria). For some benefits no limitations, in terms of kind of impairment, apply. With regard to the examples given above, this is the case in Germany, Hungary, Ireland, Malta for one benefit, the Netherlands, Slovakia, Sweden. Sometimes no restriction is imposed in terms of level of impairment, but on occasions the individual has to have a specific (high) percentage of impairment, or be regarded as severely disabled to qualify. Eligibility for these benefits can take place on the basis of a medical assessment or an assessment of need carried out by a medical practitioner or an employee of the relevant public authority. Examples of benefits where eligibility is determined on the basis of possession of a disabled person’s card or registration are found in Hungary and Poland.

1.9.2.2 Grants to cover the cost of housing / rent

These benefits are often available to people with all kinds of impairments. However, examples of relevant benefits which are confined to people with (severe) physical disability exist in the Czech Republic and Spain. In these countries, as well as Lithuania and Greece, the beneficiary must have a specific degree of impairment (level or degree varies). With regard to the other benefits identified by ANED country reporters, no specific level of impairment is required.



Unlike benefits related to housing adaptations, eligibility for these benefits often seems to be based on possession of a disabled person's card or registration (e.g. Germany, Greece (certificate of the Health Commission of the social security body (*IKA*), Lithuania, Spain) or entitlement to another disability-related benefit (e.g. Denmark, the Netherlands). In Norway eligibility is assessed by the national housing bank, and includes a means-test, whilst in Malta the housing authority makes its own assessment as to whether to grant a subsidy or not. In the Czech Republic a medical assessment is a part of the process to determine eligibility.

1.9.2.3 Priority in access to social housing

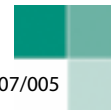
Many of these benefits are available to people with all kinds of impairments, although the Latvian scheme is confined to people with a physical impairment. Eligibility is decided on in different ways: at the point of service with no official proof of disability needed (e.g. Denmark); a medical assessment carried out by the municipality (e.g. Finland); entitlement to a disabled person's card or registration (e.g. Latvia); and an assessment of need carried out by the municipality (e.g. the Netherlands). For some of these benefits a means-test also applies.

1.9.2.4 Specially adapted residential arrangements / group homes / sheltered accommodation

Many of these benefits are available to people with all kinds of impairments, although the Swedish scheme is confined to people with intellectual or psycho-social impairments. Eligibility can be determined on the basis of a medical assessment made by a medical practitioner officially authorized by the regional authority (e.g. Tyrol); assessment of need made by the local authority (e.g. Norway and Sweden); and on the basis of a disabled person's card or registration (e.g. Latvia).

1.9.2.5 Reduction in property tax

The Icelandic and British benefits are both available to people with all kinds of impairments. In Iceland the house owner of his / her spouse must receive a full disability pension (equivalent to 75% disability). In the United Kingdom eligibility is based on an assessment of need. Official disability status (proved by receipt of another disability-related benefit) may be relevant, but evidence of need can also be provided by an individual's general medical practitioner. In addition, as noted above, the housing itself must also meet certain criteria in terms of being adapted to meet the needs of a disabled person, before the benefit can be claimed.



1.10 Health Care

1.10.1 Overview of the Kinds of Benefits Available

The benefits most commonly reported under this heading include first, rehabilitation services, second, the reimbursement of the costs of medicine and rehabilitation aids, and third, benefits in the form of free or reduced cost medical treatment, and/or medical insurance. Most of the benefits take the form of cash benefits, compensating the disabled person for the costs incurred. However, the provision of rehabilitation is a form of practical assistance, generally provided directly to the disabled person.

1.10.1.1 Rehabilitation Services

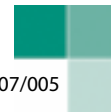
A number of countries provide rehabilitation services at no cost to disabled individuals. The rehabilitation can take a number of forms. For example, medical rehabilitation is provided in Finland, both social and medical rehabilitation are provided in Lithuania, whilst in Germany rehabilitation through sporting activity is provided. Other examples of rehabilitation benefits were identified in Estonia and Ireland.

1.10.1.2 Cost of Medication and Assistive Devices

Examples of benefits providing compensation to cover part or all of the cost of medication were identified in Denmark, Greece, Hungary, Iceland, Latvia, Lithuania and Spain. In addition, in the Czech Republic and Poland, subsidies are provided to cover part of the cost of rehabilitation aids or orthopedic and assistive devices. These benefits can take the form of cash payments to the disabled person, and aim to cover part, but not all, of the cost of the medicine or aid. However in Spain, where the benefit is confined to people who receive a disability pension, medication is provided at no cost.

1.10.1.3 Cost of Medical Treatment / Health Insurance

In some countries disabled people can benefit from health insurance at a reduced rate. This is the case in Slovakia. In Ireland, disabled people can qualify for benefits under the Treatment Benefit Scheme (which provides for certain forms of medical and surgical and appliances, and free dental and eyesight examinations), even if they have not made the required number of employment related social insurance contributions in the previous year. In other countries, disabled people qualify for reduced fees for medical treatment (Iceland), free health care generally (Greece) or free forms of specific kinds of treatment (home visit by a family doctor in Latvia).



1.10.2 Overview of Eligibility Criteria and Required Proof of Disability Status

Access to health-related benefits can be determined either on the basis of a medical examination related to the benefit in question, or on the basis of eligibility for another disability-related benefit, which automatically triggers access to the health-related benefit as well. The latter could be a disability-related pension or social security payment, or possession of a disabled person's card or official registration as a disabled person.

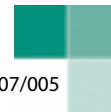
1.10.2.1 Rehabilitation Services

In some cases eligibility for rehabilitation services is decided on the basis of pre-existing eligibility for another disability-related allowance or benefit (e.g. Disability Allowance at the middle or highest rate or Pensioners' Care Allowance in Finland; a disabled person's card or registration in Latvia and Lithuania). In other instances, the individual is subject to a specific assessment to determine whether they are eligible for, or could benefit from, rehabilitation, e.g. Estonia (Social Insurance Board), Ireland (Health Service Executive) and Germany (medical doctor). Sometimes, beneficiaries must have a severe disability or substantial restriction in capacity, but in Germany, Estonia and Latvia no minimum degree of disability or impairment is required. The benefits seem to be potentially available to people with all kinds of impairments, including intellectual and psycho-social impairments.

1.10.2.2 Cost of Medication and Assistive Devices

In the context of cash benefits to cover part or all of the cost of medication and assistive devices, benefits are available, in principle, to people with all kinds of impairments, although sometimes a specific degree of impairment is required (e.g. maximum 30-40% work capacity in Lithuania; disability level of minimum 33% in Spain; in Iceland the beneficiary must receive a full disability pension, based on 75% disability level).

Eligibility for the benefits is decided on in a number of ways. In the Czech Republic, Greece, Hungary, Latvia and Poland a medical practitioner decides on eligibility, sometimes acting on behalf of the health insurance company. In Denmark eligibility is determined by the pharmacy that delivers the service, using the related national ICT system. Lastly, in Lithuania, Spain and Iceland an individual is regarded as eligible for the benefit in question if they have a disabled persons' card or registration. It is only in the latter case that eligibility exists on the basis of a separately determined disability status. However, as noted above, eligibility in these three countries is based on having a specific "percentage" degree of disability, which does not seem to be the case in the case of comparable benefits provided in the other Member States considered.



1.10.2.3 Cost of Medical Treatment / Health Insurance

As in the case of the other benefits considered under this section, eligibility for reduced cost, or free, medical treatment or health insurance is sometimes decided on the basis of a medical assessment or examination (e.g. Greece and Slovakia), and sometimes on the basis of eligibility for another disability-related benefit or (e.g. Ireland or Iceland) or possession of a disabled person's card or registration (e.g. Latvia). In the case of eligibility based on possession of another disability-related benefit, individuals must sometimes have a certain (significant) level of impairment, and this is also the case for recipients of the reduced health insurance rate in Slovakia (reduced working capacity of at least 40%). The provision of free health care in Greece is not subject to a minimum level of impairment. A medical assessment determines eligibility for this benefit, which is not disability specific, and is available to anyone who has health insurance in Greece. All the benefits seem to be potentially available to people with all kinds of impairments, including intellectual and psycho-social impairments.

1.11 Information and Communication

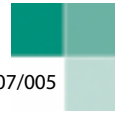
1.11.1 Overview of the Kinds of Benefits Available

The most commonly reported benefit under this heading relates to the provision of sign-language interpretation. On occasions the number of hours of sign-language interpretation is limited, and it seems to be quite common for sign-language interpretation only to be provided in certain contexts, e.g. where necessary to participate in employment, when contacting the public authorities or when receiving medical treatment. Nevertheless, some countries also provide sign-language interpretation in social settings.

In addition, some countries provide benefits to assist in the removal of communication barriers, without confining this to sign-language interpretation. Other benefits reported under this heading relate to reduced fees for telecommunication services and free access to the postal service.

1.11.1.1 Sign language interpretation

Examples of the provision of practical assistance through sign-language interpretation were identified in Austria, Denmark, Lithuania, the Netherlands, Norway and Sweden. The number of hours provided varies, with 30 hours maximum per year being available for non-employment / training related purposes in the Netherlands (168 hours if the person is deaf-blind). Even when no formal limitation is imposed, a limited amount of interpretation hours may be available in total (e.g. the Austrian province of Tyrol will fund 1000 hours of interpretation in total in 2010). In some instances the purpose for which sign-language interpretation can be used is limited.



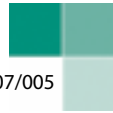
For example, in Lithuania the benefit is linked to employment. In the Netherlands, a deaf or deaf-blind person can benefit from interpretation for up to a maximum of 15% of their study or working hours (in addition to the 30 hours limit mentioned above). In Austria sign language interpretation, which is provided by the provinces, can only be used in certain situations, such as attending public meetings or when receiving health care, but not for general social occasions. So-called social interpretation, such as for family events, can be provided in Denmark, but only up to 7 hours maximum per year. Otherwise interpretation is provided without limitation regarding job interviews, health care, court appearances and other activities necessary for participating in society. Of the examples identified, it is only in Norway⁹⁰ and Sweden that no limitations seem to be placed on the use to which sign-language interpretation can be put, covering, amongst others “activities of daily life” (Norway) and “errands, meetings or hobbies”(Sweden).

Sign-language interpretation generally takes the form of practical assistance – i.e. the provision of an interpreter – however, in Lithuania the benefit amounts to a subsidy paid to the employer to cover part of the cost of sign-language interpretation provided to the employee. The benefit is sometimes provided at the provincial level, and sometimes nationally. Federal Offices or Departments covering either disability or employment sometimes fund the interpretation. In other countries, either the health insurance company or the social security scheme cover the costs.

1.11.1.2 Assistance to Remove Barriers to Communication

A number of countries do not confine assistance to sign-language interpretation, but provide for alternative communication methods (e.g. the Czech Republic); interpretation services generally (e.g. Finland); or elimination of communication barriers (e.g. Poland). At least in the case of Finland, these benefits seem to include sign-language interpretation. The Czech benefit consists of a discount on the costs of communication services for people with hearing impairments. In Finland people with “severe hearing, hearing and sight, and speech disabilities” can benefit from 180-360 hours of interpretation services per year, with the higher number of hours provided to people who are deaf-blind. In Poland, people with all kinds of impairments can benefit from specialized equipment that can be used to remove communication barriers. These benefits are provided by national authorities in the Czech Republic and Finland, and by regional organizations (County Disability Assessment Boards) which receive state funding in Poland.

⁹⁰ However, in Norway there is limited availability of sign language interpreters, and it is not always possible for an individual to receive interpretation because of this scarcity.



1.11.1.3 Reduced Cost Telecommunication / Postage Services

In some Member States disabled people can benefit from reduced costs for domestic telephone services (e.g. Austria, Spain) or reduced costs for landline Internet Service Provider connections (e.g. Iceland). In Germany, blind people benefit from free postage for letters in Braille, audiotapes, and any mass media or data storage sent to or from an institution for blind people or on their behalf. These benefits are provided by the telecommunication and postal companies.

1.11.1.4 Other Benefits

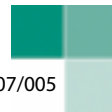
Examples of two additional kinds of benefits were identified. In Iceland disabled people can receive a grant to cover part of the costs of various expenses related to ICT equipment (as well as grants to cover certain education and work related expenses). The amount of the grant varies depending on the disabled person's situation, needs and the equipment in question. This is a regional scheme. In Latvia disabled people can receive information from the population register, such as information about themselves and their children relating to place of residence, marital status, family members, free of charge. Generally a fee is charged for the provision of such information, but this is waived in the case of disabled people.

1.11.2 Overview of Eligibility Criteria and Required Proof of Disability Status

Access to information and communication services involving sign language interpretation is limited to people who are deaf or deaf-blind. However, a number of benefits related to information and communication are extended to people with other kinds of impairments. In some cases eligibility is determined on the basis of possession of a disabled person's card or registration or entitlement to another disability-related benefit. However, examples of medical and needs assessments determining eligibility to benefits were also identified.

1.11.2.1 Sign language interpretation

Clearly this benefit is limited to people who are deaf, deaf-blind or are severely hearing impaired. In some cases the beneficiaries must already be recognised as disabled, e.g. have a disabled person's card or registration, as in the case of Austria and Lithuania (where the individual must also have a 45 % capacity for work or less). In other cases, eligibility is decided on the basis of an assessment of need by the health insurance company (e.g. the Netherlands), or the social security office, (e.g. the Netherlands, in the case of employment related interpretation and Norway), or the Interpretation Service of the Local Municipality, (e.g. Sweden).



1.11.2.2 Assistance to Remove Barriers to Communication

In the case of the Czech Republic and Poland entitlement is based on possession of a disabled person's card or registration. In the Czech Republic only people with a hearing impairment can benefit, whilst in Poland people with all kinds of impairments can receive support. In Finland eligibility is determined on the basis of a medical assessment. Recipients must have "severe hearing, hearing and sight [or] speech disabilities" in order to benefit from interpretation services.

1.11.2.3 Reduced Cost Telecommunication / Postage Services

Eligibility for the reduced cost telecommunication and internet services can be based on possession of a disabled person's card or registration, e.g. in Spain and Iceland, or entitlement to another disability-related benefit, e.g. in Austria. Only people with a visual, hearing or physical impairment, which amounts to at least 33%, can qualify for the benefit in Spain. In contrast, the comparable benefit in Austria can be claimed by people with all types of impairments, as long as they are in receipt of a disability-related benefit (which itself implies a certain degree of impairment) or, in the case of people with hearing impairments, have a disability identify card. Eligibility for the free mailing scheme in Germany is limited to blind people. Eligibility is decided at the point of service, and no official proof of disability status is required.

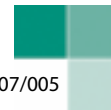
1.11.2.4 Other Benefits

In Iceland, eligibility for the grant to subsidise ICT equipment (and educational and work expenses) is based on an individual assessment made by the Regional Office. The disabled individual must provide numerous supporting documents that attest to the reason why the equipment is needed. In Latvia free access to information in the population register is provided to people who have a disabled person's card or registration.

1.12 Leisure and Culture

1.12.1 Overview of the Kinds of Benefits Available

The most commonly identified benefit under this heading involves discounted entrance fees for leisure facilities, sports facilities, cultural events, museums etc. Individuals must generally have a disabled person's card, or be able to prove that they are entitled to a disability-related pension or social assistance payment, in order to claim such benefits. These benefits can be provided by local municipalities or commercial companies, depending on the leisure service in question. In addition to discounted entrance fees to leisure facilities, a limited number of other leisure-related benefits were identified.



1.12.1.1 Discount on entrance fee or fee waiver for leisure facilities, sports facilities, cultural events, museums, theatres, cinemas etc.

As noted above, this was the most commonly identified benefit with regard to leisure and culture. Examples of benefits of this nature were identified in the Czech Republic, Iceland, Germany, Malta and the United Kingdom. On occasions the benefit consists of free or reduced rate entrance fees for the disabled person; however, in some cases the benefit also extends to allowing free entrance to a personal assistant who accompanies the disabled person. These benefits are sometimes offered by the municipal authorities that are responsible for running certain facilities (e.g. sports facilities or museums), and sometimes by commercial companies (in the case of, e.g. cinemas). Generally it seems that each municipality or company is free to decide whether to offer such benefits or not, and there is no legal duty to offer reduced or free entrance.

1.12.1.2 Discount on cost of holidays

In some countries reduced cost, or free, holidays are offered to disabled people. Examples of benefits of this nature were identified in Greece (social tourism, where 7 days holidays are provided in Greece, covering funded accommodation, traveling and subsistence), Finland (subsidized holiday and camping service), and Spain (reduced cost of travel and stay at a spa). In all these examples, both the disabled person and an assistant / companion can benefit. Whilst the holidays offered in Greece and Spain seem to be in mainstream facilities, the holiday and camping service in Finland takes place in a segregated setting. However, unlike the Greek and Spanish benefits, which are open to people with all types of impairments, the Finnish scheme only covers people with intellectual disabilities and autism.

These benefits are provided by the local municipality where the disabled person lives (Finland) or the regional government (Spain). In Greece a mixture of organisations, including the National Tourist Organisation and the Workers' Housing Organisations, fund the scheme.

1.12.1.3 Discount on fee relating to other leisure related activities

Examples of two kinds of benefits providing a discounted fee for other leisure related activities were identified. In Denmark disabled people can benefit from a reduced fee for leisure activities of an educational nature, such as liberal adult education courses. Most local municipalities in Denmark offer such benefits. In the United Kingdom, disabled people can benefit from a 50% reduction in the cost of a TV licence. Since only one TV licence is required per household, the household as a whole can enjoy this benefit.



Similarly, in Slovakia a person with a severe disability and people living in their household are exempt from paying the fee usually charged for receipt of Slovakian television and radio.

1.12.2 Overview of Eligibility Criteria and Required Proof of Disability Status

With regard to the benefits considered under this heading, eligibility is generally determined on the basis of a disabled person's card, registration document, certification, or proof of entitlement to another disability-related benefit. The nature of the benefit and the transient relationship between the benefit provider and disabled person does not make an individualized benefit-specific (medical) assessment feasible or affordable.

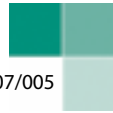
1.12.2.1 Discount on entrance fee or fee waiver for leisure facilities, sports facilities, cultural events, museums, theatres, cinemas etc.

Beneficiaries of such discounts or fee waivers can be required to prove their disability status through the presentation of a disabled person's card or registration (e.g. the Czech Republic, Germany, Iceland, Malta, Poland, Slovakia). In the United Kingdom eligibility is based on entitlement to another kind of disability-related benefit, and this can be proven in various ways (e.g. photocopy of letter, statement or benefit book confirming receipt of the disability-related allowance). On the other hand, on some occasions it seems eligibility for the benefit will be judged on the basis of "outward appearance" (e.g. if individual is using a wheelchair) at the leisure or cultural facility in question.

The level of disability or impairment needed to qualify for the "passport" benefits or disabled person's cards varies, but a fairly high degree of impairment is commonly required. The benefits seem to be potentially available to people with all kinds of disabilities.

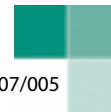
1.12.2.2 Discount on cost of holidays

Eligibility for free or reduced cost holidays is limited to people with more severe impairments in the case of the examples given above. Eligibility is determined on the basis of official certification of impairment (Greece); a disabled person's card or registration (Spain), or eligibility for special services targeted at people with intellectual disabilities (Finland). As noted above, the Greek and Spanish schemes are open to people with all types of impairments, whilst the Finnish scheme only covers people with intellectual disabilities and autism.



1.12.2.3 Discount on fee relating to other leisure related activities

The reduced fee for leisure activities of an educational nature is available to people who are in receipt of another disability-related benefit in Denmark, such as a disability pension. The benefit is potentially available to people with all kinds of impairments. The reduction in the cost of a TV license is only available to people who are officially registered as Severely Sight Impaired (blind) in the United Kingdom. Local Health Authorities / hospitals assess and administer such registrations. In Slovakia the beneficiary of the exemption from paying for television and radio services must have a card showing they have a severe disability. This is granted to people who have at least a 50% functional impairment, as established through a medical assessment carried out on behalf of the Office for Labour, Social Affairs and Family. Unlike in the United Kingdom, the benefit is available to people with all kinds of impairments, as long as it meets the 50% functional impairment threshold.



2 Instruments and Models for Mobility of Disability-Related Benefits

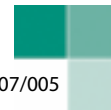
Having examined the kinds of disability-related benefits that are available in European countries, and the criteria used to determine eligibility for those benefits, this section will focus on instruments and models for mobility of disability-related benefits within Europe. The legal framework for such mobility, at least with regard to some benefits, has already been examined in section 2 of this paper, which addressed EU law and free movement of persons. To some extent, this section will *inter alia* consider whether those rules seem to be being complied with, and identify examples of possible non-compliance. However, it should be noted that the purpose of this paper is not to check compliance by Member States with EU rules regarding eligibility of EU citizens to disability-related benefits in the host State, or exportability of disability-related benefits to other EU Member States.

This part of the paper is based on the information provided on individual benefits by ANED experts, as well as summary reports that focused on the overall picture regarding mutual recognition and exportability. Summary reports that were submitted by the beginning of June 2010 were taken into account in the writing of this section of the paper.⁹¹

2.1 Accessing Disability-related Benefits in another Country

As noted in section 2, EU citizens who move to another Member State in order to take up employment should be entitled to receive disability-related benefits on the same terms as nationals of that Member State from the moment they take up lawful residence and employment, or at least after 3 months of lawful residence. This also applies to members of their family who move with them. The situation is more complex for non-economic residents. EU citizens who are non-economic residents, should not, in principle, become a burden on the “social assistance system of the Member State” during their first five years of residence. Nevertheless, such residents can claim equality of treatment in the host State under Articles 18 and 21 TFEU, and claiming social assistance benefits does not automatically lead to a revocation of residence rights. However, in cases such as *Förster* and *Bidar*, the Court of Justice has accepted that it is legitimate to require that non-economic residents who wish to receive a (student maintenance) benefit have been resident in the host Member State for up to 5 years. EU citizens who are merely visiting another Member State have the least rights of all, in terms of claiming disability-related benefits in another Member State.

⁹¹ No summary reports were received from the following countries by this deadline, and therefore the situation in these countries is not considered in this part of the paper: Belgium, Cyprus, Luxembourg, Portugal, Romania.



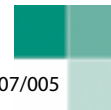
Whilst they can claim equal treatment to (disabled) nationals under Article 18 and 21 TFEU, Member States can legitimately decline to grant such benefits to non-residents for reasons that are objective, pursue a legitimate aim, and are proportionate. Moreover, many of the benefits considered in this paper, such as employment and housing-related benefits, and long-term cash benefits, are not of relevance to short-term visitors.

2.1.1 Rights of EU / EEA Citizens who are Resident in Another Member State

First, it is worth noting that the above mentioned distinction between EU citizens who are workers and their family members, and EU citizens who are non-economic residents in a host Member State, does not always seem to be reflected in the eligibility criteria for accessing disability-related benefits in the countries considered. In some countries, the general picture seems to be that once individuals have taken up residence in another Member State, they are entitled to access disability-related on the same terms as nationals who are also resident. This means that the process whereby legal residence is established is particularly important. In some cases individuals must register with local municipalities, immigration police and/or national authorities, and this will provide proof of residence, and the date at which residence commenced. A further implication of a residence-based requirement, is that the related benefits are generally not exportable.

One should of course bear in mind that eligibility for some benefits, e.g. a disability pension, is based on a history of social security contributions or credits in the country in question, and, as a result, new residents from another Member State will not qualify for such benefits in their host Member State.⁹² On the other hand, entitlement to other benefits, such as disability-related social assistance, is based on *inter alia* residency. Having said that, one could expect that EU citizens who are employment in the host Member State would not usually qualify for such benefits, given that these benefits are often means-tested, and their employment would generate sufficient income for them to maintain themselves. Moreover, their non-working family members may also not qualify, since they may fail any related means-test on the basis that they are supported by their working family member. Therefore, such benefits may be of interest primarily to non-economic residents, but, as noted, claiming such benefits within the first five years of residence can lead to a revocation of the right to reside in a Member State. In addition, an individual who required such financial support from the host State from their moment of arrival in the State, would not qualify for the right of residence. However, there are other benefits, such as the right to reduced price travel on the public transport network, the claiming of which would arguably not lead to the recipient becoming a burden on the social assistance system of the host Member State.

⁹² Although note that EU law sometimes allows for social security contributions made in another Member State to be taken into account when applying for some social security benefits in a host Member State.



Therefore, where residency is a requirement for such benefits, these benefits should be claimable by non-economic residents during their first five years of residence without this jeopardising their residency status.

Whilst some countries do not distinguish between EU citizens who are workers and their families, and EU citizens who are non-economic migrants, this is not always the case. A number of EU Member States do make such a distinction, allowing workers and their families, and individuals with a right to permanent residence (based on five years lawful residence) greater rights. In principle this seems to be compatible with EU law. However, in each case one needs to examine the limitations on the rights to claim disability-related benefits which are imposed on non-economic residents who have been resident for less than five years. An overly broad exclusion of non-economic residents from such benefits may not be compatible with EU law. Moreover, one also needs to reflect on whether a five year residence requirement is imposed on workers and their families, as well as non-economic residents. Such a requirement would exclude workers and their families from accessing “social advantages”, as provided for in Article 7(2) of Regulation No. 1612/68.

2.1.1.1 Examination of the Legal Situation in Specific Countries

Austria

Eligibility for benefits in Austria is often dependent on place of permanent residence, meaning that EU / EEA citizens who meet the set residence criteria can qualify for the relevant benefits. This applies both in the case of national benefits and with regard to provincial benefits.

Bulgaria

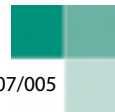
EU / EEA citizens who are resident in Bulgaria are entitled to claim disability-related benefits on the same terms as nationals. However, there is little evidence that disabled EU citizens are moving to Bulgaria, and exercising this right in practice.

The Czech Republic

Eligibility for most disability-related benefits is dependent on permanent residence status.

Denmark

Eligibility for disability-related benefits under social or health legislation is dependent on residence status in Denmark.



EU citizens who are in employment, their families, and those with permanent residence status (i.e. non-economic residents who have resided for least five years in Denmark) have the strongest entitlements to benefits. Non-economic residents who have resided for less than five years in Denmark risk losing their entitlement to residence if they claim such benefits.

Entitlement to the Danish disability pension is linked to residence in the country from the age of 18. If an individual only took up residence in Denmark after the age of 18, his or her entitlement to a disability pension is reduced proportionately. Entitlement to an occupational pension is related to employment history with a Danish employer. Benefits are linked to insurance and the amount of the benefit is fixed, and not dependent on the duration of employment or other factors.

Most social benefits and rights are linked to residence in a particular municipality. Individuals must apply for new benefits if they move to another municipality.

Estonia

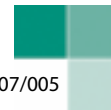
EU / EEA citizens who reside in Estonia and who have either a temporary or permanent residence status / permit are eligible for disability-related social benefits on the same terms as nationals.

Finland

Eligibility for disability-related benefits is not based on nationality, but is generally linked to residence status. Whilst, in principle permanent residence status is required in order for an individual to claim benefits, Finnish law explicitly provides for compliance with relevant EU law provisions. This means that, for example, EU / EEA citizens who are workers and their family members who do not yet have permanent residence status, should be entitled to claim benefits on the same terms as those who do have permanent residence in Finland.

France

EU / EEA citizens who are resident in France can claim non-contributory disability benefits, such as the disabled adult allowance, disability compensation benefit, compensation allowance for assistance by a third party, complementary resources, supplement for an autonomous life and education allowance for a disabled child, on the same terms as nationals. In addition, France has bilateral social security conventions with 63 countries, which provide for health care in the case of sickness and payment of invalidity pensions for individuals from a convention country who is residing in France.



Germany

EU / EEA citizens who are resident in Germany, and who have the status of worker or are family members of workers, can claim social benefits. Non-economic residents who are EU / EEA citizens can also claim social benefits or social assistance, but they risk losing their right to residence if this is done during the first five years of their residence. In order to qualify for benefits individuals must have a special pass, which is issued by the national social security office following a medical diagnosis.

Greece

Entitlement to most disability-related benefits is based on residence in Greece. EU / EEA citizens and third country nationals, who are residents or permanent residents of Greece, are entitled to claim disability-benefits in the same way as nationals. Residency is open to EU citizens who have resided for more than 3 months in Greece, are in employment in Greece (i.e. are insured), or attending an educational establishment, or have declared that they have sufficient funds to support themselves and not become a burden on the social welfare system. The right to residence is retained if someone has become unwillingly unemployed, and is registered with the Greek Manpower Organisation (*OAED*), or in cases of unemployment caused by temporary illness or accident.

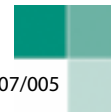
Hungary

A number of disability-related benefits are available to all EU / EEA citizens who are resident in Hungary. A temporary residence permit can be acquired after three months of residence in Hungary, and a permanent residence permit after five years of residence. The benefits in question are: disability benefit, disability allowance, benefit for the removal of physical barriers and family allowance.

Iceland

In Iceland, the vast majority of disability-related benefits depend upon the applicant being in possession of a disability card issued by the Icelandic Social Insurance Administration. This card requires three years of residency within Iceland prior to making an application for a disability evaluation. Alternatively, those who have legally resided in Iceland for 6 months are also eligible if they have a reduced work capacity caused by illness or accident which occurred whilst they were within the country. This mirrors the 6 month residency rule regarding eligibility for coverage under the Icelandic healthcare system.

The Icelandic Directorate of Immigration governs the right of foreigners to enter and reside within Iceland. One of the key principles upon which residency permits are assessed is the receipt of an adequate level of income.



According to Article 15 of the Act on Foreigners No. 96/2002: “Payments under the social security system, unemployment benefit or payment in the form of social assistance by the state or a local authority shall not be regarded as a secure means of support for the purpose of this article.” As such, the extension of a residency permit for foreigners who receive such benefits may be rejected under Icelandic law. It is not clear if residency applications are actually being rejected on this ground in practice.

It is not at all clear — but it appears unlikely— that disability-related benefits can be claimed by those in possession of a non-Icelandic EU/EEA disability card, even if they reside within the Iceland. Almost all of the eligibility requirements for the identified benefits/entitlements state that the applicant must receive a full (known as ‘75%’) disability pension and be in possession of a valid disability card issued by the Icelandic Social Insurance Administration. The restriction of these benefits and entitlements to those who are ‘fully disabled’ (75%) is also one noteworthy internal barrier to claiming benefits. Another internal barrier to claiming benefits is the lack of information, as well as misinformation, regarding these benefits and discounts.

Ireland

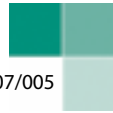
Social insurance contributions made in another EU Member State may be used to allow an individual to claim a disability-related social security benefit in Ireland.⁹³ Similarly, Ireland has bilateral social security agreements with a number of countries or regions, including Australia, Austria, Canada, Quebec, New Zealand, South Korea and the United Kingdom. As a result, social insurance contributions paid in these countries can be counted when applying for an Invalidity Pension in Ireland.

Generally applicants for other disability-related benefits must satisfy the habitual residence requirement. Habitual residence is not defined in Irish law, but applicants must prove a close link to Ireland. The factors taken into account when determining if a person is habitually resident in Ireland include: the length and continuity of residence in Ireland or in any other particular country; the length and purpose of any absence from Ireland; the nature and pattern of the person’s employment; the person’s main centre of interest and the future intentions of the person concerned as they appear from all the circumstances.⁹⁴ The determination of whether a person’s main centre of interest is in Ireland will take into account factors such as: whether he or she has a home in Ireland; where close family members live and whether he or she has a job or is a member of any clubs in Ireland. Financial accounts including bank accounts may also be examined.⁹⁵

⁹³ EU law addresses such coordination. However, this falls outside the scope of this paper.

⁹⁴ Criteria as set out in S.30 of the 2007 Social Welfare and Pensions Act, available at: <http://www.oireachtas.ie/documents/bills28/acts/2007/a807.pdf>

⁹⁵ Department of Social and Family Affairs, *Habitual Residence Condition – Guidelines for Deciding Officers on the determination of Habitual Residence*, available at:



Section 15 of the Social Welfare and Pensions (No.2) Act 2009 provides that a person who does not have a right to reside in Ireland will not be regarded as habitually resident in the State.⁹⁶ Disability-related social welfare entitlements subject to the habitual residence rule include the Blind Pension and Disability Allowance.

However, many disability-related benefits are available to those who move to Ireland, without the need to satisfy a formal residency requirement. For example, the school transport scheme for children with special needs is available to any child enrolled in State special schools or special classes in State primary schools. Similarly, in relation to equipment grants for students with disabilities, student beneficiaries of the grant are not required to satisfy a habitual residence test or any other similar test. Again, in relation to the Workplace Equipment Adaptation Grant, a disabled employee or the employer of a disabled worker may apply for this grant without any need for the employee to satisfy a residency test.

Italy

Some disability-related benefits can be claimed by EU / EEA citizens in possession of a residence permit in Italy. This applies to benefits such as a monthly allowance, attendance allowance, accompaniment allowance and invalidity allowance.

Latvia

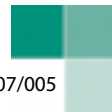
EU/ EEA citizens (and other non-citizens, aliens and stateless persons) who have the right of permanent residence in Latvia and who have received a personal identity number are entitled to receive state social allowances.⁹⁷ In addition, such persons also have the right to claim a childbirth allowance, childcare benefit, care of disabled child benefit, state family allowance, as well as a supplement to the state family allowance for a disabled child, if a personal identity number has been granted to the child or children in question. However, such individuals can only receive a state social security benefit in the event of becoming disabled if they have been living in Latvia for not less than 60 months, of which the last 12 months must be continuous. In contrast, persons who only have a temporary residence permit are not entitled to receive State social allowances.

Lengthy residence requirements, which apply to both workers and their families and non-economic residents, seem to breach EU law, as they exclude EU workers and their families with less than five years of residence from “social advantages”, as provided for in Article 7(2) of Regulation No. 1612/68.

<http://www.welfare.ie/EN/OperationalGuidelines/Pages/habres.aspx#hrlaw>

⁹⁶ Act available at: <http://www.attorneygeneral.ie/eAct/2009/a4309.pdf>

⁹⁷ The relevant Latvian law (Law on State Social Allowances) refers to “allowances” rather than “benefits”.



Moreover, in Latvia workers and their families are also excluded from contributory social security benefits during the first five years of residence, during which they must nevertheless contribute to the insurance scheme.

Malta

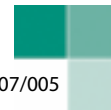
Some disability-related benefits, and specifically the disability pension and the pension for visually impaired persons (both non-contributory), can only be claimed by Maltese citizens. This would seem to breach EU law. However, a range of other benefits can be claimed by EU / EEA citizens who are resident in Malta on the same terms as nationals. These include the Special ID card (disabled person's card) which gives disabled people the opportunity to access goods and services at a reduced cost, or priority in accessing services; the Blue (parking) Badge; reductions in charges when importing a personal vehicle for their own use; and schemes to assist in the purchase and maintenance of assistive equipment. Other examples include employment and housing benefits, and benefits related to personal assistance.

The Netherlands

Most of the disability-related benefits provided in the Netherlands, be it in the fields of transport, housing, education or independent living, are connected with residency. These benefits are available to lawful residents, whatever their nationality or status. However, a number of Dutch disability-related benefits recognise additional criteria, other than residency. Cash benefits related to unemployment or disability which provide a substitute income are not available to EU citizens and their families, unless the worker has been employed in the Netherlands and the worker and his/her family are insured under the national social security scheme. Moreover, the *Wajong* benefit, which is paid to people who became disabled in childhood, is only available to people who resided in the Netherlands on the day of their 17th birthday. It was suggested in section 2.A.3.ii. above that such an age-related residency requirement for the *Wajong* benefit may be incompatible with Article 5(b) of Regulation No. 883/2004, which has recently come into force.

Norway

Norwegian social security benefits can be claimed by anyone who has been a member of the Norwegian social security system for at least three years. Everyone who has been a resident of Norway for at least 12 months, or who intends to reside in Norway for at least 12 months (verified by objective circumstances) can become a member of the social security system. Residents from other EU / EEA countries who wish to benefit from active labour market measures targeting disabled people can do so, at the discretion of the Employment and Welfare Administration.



Many disability-related benefits are granted on the basis of residence within a specific municipality, and lawful residents from other EU / EEA Member States are eligible for those benefits on the same terms as nationals.

Poland

EU / EEA citizens who have a long-term residence permit (eligibility based on 5 years of residence in Poland) can claim some disability-related benefits on the same terms as nationals. In addition to a (long-term) residence requirement, individuals must have generally had their disability status officially recognised by the Polish authorities. In practice, this means they must have been issued with a disability certificate by the relevant Polish institution. Social security benefits (a disability pension) can be claimed on the basis of employment (insurance) completed in accordance with the legislative requirements. Where an applicant has not accumulated sufficient periods of insurance in Poland, periods of insurance / contribution in other EU Member States can also be taken into consideration.

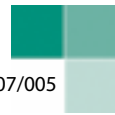
EU / EEA citizens who have not acquired a right to permanent residence and who are not in employment may only reside in Poland if they do not need to claim social insurance benefits in order to support themselves. They can, however, claim social assistance services, as provided for under the Act on Social Assistance.

Slovakia

The majority of disability-related benefits provided in Slovakia are available to EU / EEA citizens who are resident in the country. EU / EEA citizens who have the status of an insured person under Slovakian law qualify for social security benefits, e.g. disability pension, and EU / EEA citizens who are insured under the Slovakian health insurance legislation qualify for benefits such as a reduced insurance rate. EU citizens and citizens from EEA countries who have temporary or permanent residence can qualify for social assistance benefits to compensate for the social consequences of a severe disability. This benefit is also available to third country nationals where they come from a country that has signed a bilateral agreement with Slovakia. The same eligibility criteria apply to employment-related benefits.

Spain

Eligibility for many Spanish disability-related benefits is triggered by possession of a Spanish disability certificate, or disabled person's card or registration. Individuals who have a disability degree of at least 33% qualify for the certificate, with a higher rate of at least 65% disability also being recognised. Individuals may only apply for this certificate if they have been registered as resident in a Spanish city for at least 6 months or if they have Foreigner Identification Number. In addition, a 5 year residence requirement exists for entitlement to claim non-contributory benefits.



This residence requirement is clearly more difficult for non-Spanish EU / EEA citizens to comply with than Spanish citizens, and, as such, potentially amounts to indirect discrimination. As noted above, with regard to non-economic migrants, the Court of Justice has sometimes held that a residence requirement up of to 5 years is acceptable and compatible with EU law. However, even here one would need to examine the nature of the benefit at issue to determine if such a long period of residence was proportionate. Moreover, where this requirement also applies to workers and their families, this would seem to be a breach of EU law, as it excludes them from “social advantages”, as provided for in Article 7(2) of Regulation No. 1612/68.⁹⁸

Sweden

EU / EEA citizens who become resident in Sweden can claim disability-related benefits on the same terms as nationals.

The United Kingdom

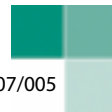
In the United Kingdom, some disability-related benefits are confined to residents (with a certain number of years of residence), or individuals who are already in receipt of a UK granted disability-related benefit. In line with the *Bidar* judgment of the European Court of Justice, the Disabled Student Allowance can only be claimed by individuals who have three years of ordinary residence in the United Kingdom. Proof of residency in the United Kingdom is not necessarily straightforward, and individuals do not simply register with their local municipality, as occurs in some other countries. Possibilities for establishing proof of residency vary with country of origin and circumstance, and are specified in UK Border Agency rules.⁹⁹

Eligibility for other benefits, such as the Disabled Persons’ Railcard, is restricted to individuals with United Kingdom-based documentation which establishes their disability status. This decision seems to be based on pragmatic reasons, as the issuing authority states it does not have the resources or expertise to validate documentation issued from outside the United Kingdom. Moreover, eligibility for reduced price access to cinemas, is only available to people who can prove that they are in receipt of a United Kingdom issued benefit, such as Disability Living Allowance. In such situations, a mutually recognised EU “disabled person’s card” could provide a solution.

On the other hand, benefits related to employment, such as the Access to Work scheme, should be available to anyone who is entitled to reside and work in the United Kingdom.

⁹⁸ See Eduardo Diaz Velázquez et al., *Las personas inmigrantes con discapacidad en España*, Ministerio de Trabajo e Inmigración, 2008, available at: http://extranjeros.mtin.es/es/ObservatorioPermanenteInmigracion/Publicaciones/archivos/Las_personas_inmigrantes_con_discapacidad_en_España.pdf

⁹⁹ See: <http://www.ukba.homeoffice.gov.uk/eucitizens/applyingundereuropeanlaw/>



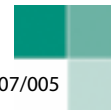
2.1.1.2 Summary

A distinction should be made between those countries which allow all EU / EEA citizens who are lawfully resident to claim disability-related benefits on the same terms as nationals, subject to the satisfaction of any requirements related to contributions to social security schemes where relevant; those countries which allow only permanent residents (i.e. those EU / EEA citizens with at least five years of lawful residence) to claim disability-related benefits; and those countries which allow all EU /EEA citizens who are lawfully resident to claim disability-related benefits on the same terms as nationals, but where it is expressly stated that claimants who are non-economic residents and who do not have a permanent right of residence, risk having their residence right revoked on the grounds that they are in receipt of social assistance.

Based on information provided by ANED country reporters, the former category seems to include Austria, Bulgaria, Estonia, France, Hungary, Ireland, Italy, Malta, the Netherlands, Norway, Slovakia and Sweden. The second category seems to include Finland, Latvia, Poland and Spain. The last category seems to include Denmark, Germany and Iceland. However, even where ANED country reporters have not expressly stated that non-economic residents with a temporary residence status risk revocation of their residence rights on claiming social assistance benefits (first category above), the host State retains this right, and such a consequence of claiming benefits cannot be excluded.

This review has revealed a number of barriers to the claiming of disability-related benefits in a host State. First, in some countries benefits can only be claimed if an individual is in possession of a disabled person's card or registration, or disability-related benefit, issued by the host State. This implies an extensive (medical) assessment to determine if an individual meets the required (percentage) level of impairment. On occasions, it also implies a minimum period of residence before an application for an assessment will be considered. Moreover, possession of a nationally issued disabled person's card or registration or benefit can be a requirement to access even very modest benefits, such as reduced price entry to the cinema. This situation was identified in Iceland, Spain and the United Kingdom. It is worth noting that, in some such circumstances, an "EU format" disabled person's card might facilitate mobility and mutual recognition, and allow authorities in other Member States to easily recognise the disability status of an individual.

Second, in Malta national citizenship is a requirement for accessing some disability-related benefits. Such a requirement directly "discriminates" against nationals from other EU / EEA Member States, and is a seemingly impenetrable barrier to mobility. Moreover, such a requirement seems to be a clear breach of EU law.



Lastly, as noted above, some countries only grant disability-related benefits to individuals who have acquired permanent residency status (i.e. EU / EEA citizens who have resided for at least five years in the host State). This is the situation in Latvia, Finland, Poland and Spain. In addition, in Iceland, individuals need three years of residence in order to be able to claim benefits. This would seem to be an overly broad exclusion in the case of non-economic residents, and, with regard to such citizens, may well be a breach of EU law. Moreover, it certainly amounts to a breach where EU citizens who are workers, and members of their families, are also excluded from claiming disability-related benefits during their first five years of residence.

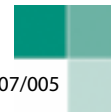
2.1.2 Rights of EU / EEA Citizens who are Visitors in Another Member State

It appears that the only nationally issued disability-related card which is recognised throughout the EU, and which confers benefits on visitors to other Member States, is the parking card for disabled persons. Member States recognize the entitlement of residents of other Member States who have been issued with a parking card in their own Member State to access the relevant benefits on the same terms as nationals. This scheme therefore provides for mutual recognition of the national officially established disability status and, without imposing any administrative burdens on host States, allows for disabled people to access benefits throughout the EU.

Other than the parking card, only a very limited number of disability-related benefits that are available to temporary visitors were identified. Examples include the possibility of disabled visitors to Poland to benefit from reduced admission fees to public museums. Only citizens of the EU /EEA and Switzerland, and their personal assistants, can receive this benefit, and they must be in possession of a nationally issued document which provides proof of entitlement to a comparable benefit in their country of residence.

In addition two Swedish disability-related benefits which are occasionally available to visitors to Sweden were identified. First, assistive devices can be provided to visitors, but only if there is an urgent need for such a device. Second, visitors can be provided with interpretation services, but again, only in exceptional situations, such as health emergencies or where they are the victim or accused of a crime. In Norway visitors to a specific municipality may qualify for disability-related benefits or service in an emergency situation, but the law is unclear on this point.

Some benefits related to reduced cost rail travel or travel by other means of public transport can be claimed when purchasing tickets or making journeys which cross into a neighbouring EU country. Examples include benefits related to the advantage card of Austrian Federal Railways, the French reduced train fares and the Irish free travel pass (which also covers some journeys into Northern Ireland).



An agreement between Nordic countries may allow for the disabled people living in border areas to use special transport targeted at disabled people to visit neighbouring countries close to their place of residence. However, it seems that the above-mentioned transport-related benefits only apply to journeys which originate in the country in which the benefit is issued, and do not apply to journeys made wholly outside the Member State of origin. One exception seems to be journeys made with the Austrian advantage card, which can also be purchased by individuals from other countries if they produce a document issued in their home country that is equivalent to the Austrian disability identity card. A 70% degree of disability or more is needed to claim this benefit.

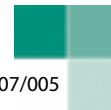
Two additional relevant benefits were identified which apply to individuals who travel between the German speaking countries and regions in Europe. The Eurokey, which gives access to accessible toilets and lifts, can be used, and is issued in, Austria, Germany, Italy and Switzerland.

In general therefore, with the exception of the parking card for disabled people, it seems that very few mechanisms allow for disabled visitors from other EU / EEA Member States to access disability-related benefits when visiting another country. This reveals the significant added value of (non-binding) EU initiatives in this field.

2.2 Exporting Disability-related Benefits to Another Country

EU law regulates the exportability of certain disability-related benefits within the EU / EEA. Certain social security benefits, including sickness benefits, invalidity benefits, benefits in respect of accidents at work and occupational diseases, and family benefits, can be exported to other EU / EEA Member States and Switzerland under Regulation No. 883/2004. As noted in Section 2.B.1., the Court of Justice has defined a social security benefit as a benefit granted without any individual and discretionary assessment of personal need, to recipients on the basis of a legally defined position, concerning one of the risks listed in the Regulation. Individuals who are entitled to such benefits should be able to export them to another EU / EEA Member State on a permanent basis under Regulation No. 883/2004. In contrast there is no requirement under EU law to allow for the exportability of social assistance benefits or any benefits in kind, and, in general, Member States impose residency requirements on recipients of such benefits. However, as noted in Section 2.B. above, it is not always easy to distinguish between social security (exportable) and social assistance (non-exportable) benefits, and cash benefits (a requirement for exportability) and benefits in kind (which cannot be exported).

EU law does not address the temporary exportability of disability-related benefits, i.e. the situation in which a recipient of a disability-related benefit leaves their country of residence on a temporary basis.



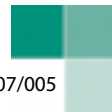
This can be a brief visit to another country, such as for a holiday or short business trip, a longer employment-related visit, such as where a worker is temporarily posted abroad, or a longer study-related visit, such as where an individual pursues a university study in another country. Nevertheless, short-term exportability of disability-related benefits, and in particular assistive devices and personal assistance, can greatly facilitate mobility of persons with disabilities.

2.2.1 Right to Export a Disability-Related Benefit on a Permanent Basis

Since allowing for the exportability of disability-related benefits can potentially impose a financial burden on a State, with individuals who no longer play an active part in the society of the State, including through the payment of direct and indirect taxation, remaining entitled to receive payments, States are reluctant to allow for the exportability of disability-related, and other, benefits. The general picture within the EU seems to be one of compliance with the obligation to allow for the permanent exportability of disability-related social security benefits under Regulation No. 883/2004, but not to allow for exportability for any other benefits not falling within the obligation found in Regulation.

Whilst the previous section, relating to entitlement to claim a disability-related benefit whilst in a host Member State, attempted to assess compliance with EU law, that will not be attempted in this section. As revealed in Section 2.B., it can be exceptionally difficult to determine whether a benefit should be regarded as exportable or not exportable under Regulation No. 883/2004, and, for that reason, such an examination lies beyond the possibilities open to the author in this paper. However, the following section does reveal the approach of various EU / EEA Member States to the permanent exportability of disability-related benefits, and identifies examples of benefits which can be exported.

Lastly, it should be noted that (lack of) exportability is not only an issue between countries in the EU / EEA. Where benefits are regulated on the municipal or provincial level, as occurs in countries such as Austria, Denmark, the Netherlands and Norway, then a move from one region to another, can imply a loss of the original benefit, and the need to apply for a new benefit in the new region. Given that the kinds of benefits that are available, and the relevant eligibility criteria, can differ from one region to another, this lack of “exportability” of benefits within a country can also impose limitations on the mobility of people with disabilities, and their families. Such issues are also noted below.



2.2.1.1 Examination of Legal Situation in Specific Countries

Austria

Generally residence (of the State or a particular Province) is a requirement for receipt of disability-related benefits. However, benefits falling under Regulation No. 883/2004 are exportable within the EU / EEA region. This applies to the invalidity pension and accident benefit. Both of these benefits are paid to (former) workers who have contributed to the Austrian social security scheme.

National benefits and entitlements can be taken from one Austrian province to another, but a person who moves to another province loses his or her entitlement to any benefits provided by the original province, and must re-apply in the new province. Not all provinces offer the same kinds of benefits.

Bulgaria

The disability pension can be exported. However, residency is, in general, a requirement for other disability-related benefits.

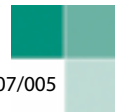
The Czech Republic

Most Czech disability-related benefits, such as benefits relating to housing, subsidised rent of specially adapted accommodation, a contribution for the use of barrier free accommodation, and contribution for the removal of barriers in accommodation, cannot be exported. However, the contribution for care can be exported, and the Czech authorities do not check on how this benefit is spent. This has led to concern in government circles that the benefit is being misused, and changes to the benefit are likely to be introduced as a result. The disability pension cannot be exported.

Most disability-related benefits are available to eligible persons with disabilities across the country. However, there are differences in terms of the availability of benefits and supports relating to education and residential social services in the 14 regions. As a result a service, such as a particular kind or level of support for pupils in mainstream schools or residential accommodation, may be available in one region, but not in another. This has the potential to act as a barrier to free movement within the country.

Denmark

The disability pension, civil servant disability pension and both labour market disability pensions can be exported outside the country. A number of other benefits can also be exported, but only on a short-term basis (see below).



The Danish Disability Organisations argue that the fact that disabled people cannot freely leave the country for a long time and retain their right to assistive devices and equipment, and other support, amounts to a serious restriction on their freedom of movement. The former Minister of Social Affairs has stated that she wishes to change this situation.

Most social benefits and rights are linked to residence in a particular municipality. Individuals must apply for new benefits if they move to another municipality and aids or assistive devices provided by one municipality cannot be “exported” to another.

Estonia

Only the benefits provided in the case of disabled children (disabled child allowance, disabled child’s parent’s allowance and education allowance) are exportable to other EU / EEA countries and Switzerland, as these are regarded as family benefit under EU law. All other benefits, which are, on the whole, non-contributory, cannot be exported.

A variety of services are provided by local authorities, and the availability of such benefits varies greatly across the country, depending on the financial situation of the local authority in question.

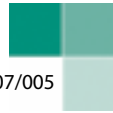
France

Contributory disability-related social security benefits, including invalidity pensions and pensions for employment injuries and occupational disease, are fully exportable within the EU / EEA. This also applies to the Disability Compensation Benefit and the education allowance for a disabled child, if the beneficiary family is living in a country which has a social security convention with France.

Germany

Most disability-related benefits are not exportable, and are linked to residence and/ or employment in Germany, and require the recipient to have a disability identity pass issued by the German authorities. The ANED country reporters were not able to identify any disability-related benefits that were exportable.

In terms of moving within Germany, one should note that benefits are provided through federal, regional and local schemes, and it is often difficult to obtain clear information regarding the benefits which are available in a specific area. There is no central service that provides information or advice on disability-related benefits and entitlements.



Greece

Greek citizens who live abroad may choose to continue to be insured under the optional social security programme for Greek nationals living abroad. This is possible even if the individuals in question are also insured under the social security scheme of the country in which they are living. If they opt for this possibility, individuals can build up credit for, and receive, a disability-pension under the Greek scheme, even if they are also receiving a comparable pension from the country in which they reside. Individuals who are working abroad for a Greek employer may also continue to be members of the Greek social security scheme, as long as the country in which they are working is not in the EU and has not signed a bilateral social security convention with Greece.

Most disability-related benefits are provided through national schemes, and changes of place of residence within Greece does not impact on entitlement to benefits.

Hungary

In general, the exportability of Hungarian disability-related benefits is not an issue that receives much attention. Benefits are generally fairly low, and there is a need to cut back the central budget, both of which have a negative influence of the exportability of benefits in practice and in law. Nevertheless, technically speaking, some benefits can be exported within the EU / EEA, although the disability pension is not such a benefit¹⁰⁰ (see below). No bilateral agreements exist regulating the import and export of disability-related benefits.

Hungarian tax-payers can continue to benefit from a tax allowance related to disability when they are outside of Hungary. However, they must retain their status as Hungarian tax payers.

Iceland

The basic disability pension or allowance can be exported to countries within the EEA or EFTA. No specific mention is made to exportability to EU Member States in the relevant documentation. In addition, a special agreement exists with the United States and Canada, which allows disability pensioners to export the benefit to those countries as well. However, the numerous other benefits and subsidies which are linked to the disability pension cease to be available on relocation outside of the country. The few recipients of direct payments or personal assistance would need to negotiate the exportability of these benefits on an individual basis if they wished to leave Iceland. However, in general, little attention is paid to issues of international mobility within the Icelandic disability-support system.

¹⁰⁰ At least with regard to permanent exportability.



As with some other countries, there are significant disparities between the benefits and entitlements in the various municipalities and regions, and relocation within the country can imply a loss (or gain) of benefits.

Ireland

Illness Benefit and Invalidity Pension can be exported to other EU Member States. In the case of Illness Benefit, continued payment is dependent on the ongoing provision of medical certification of illness. When recipients move abroad, they must make arrangements with the Department of Social and Family Affairs regarding certification.

Latvia

The only disability-related benefit that can be exported from Latvia is the disability pension. In contrast, the benefit providing compensation for an occupational accident or disease cannot be exported, even though it is an insurance-based benefit.

Lithuania

The state social insurance pension for incapacity for work can be exported from Lithuania to other EU/ EEA countries and countries with which Lithuania has bilateral agreements.

Malta

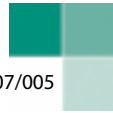
Most Maltese disability-related benefits, including the (non-contributory) disability pension, cannot be exported from Malta. A Maltese citizen risks losing the right to receive national benefits when he or she takes up residence in another country.

The Netherlands

Eligibility for most disability-related in the Netherlands is based on residency, which implies, as a corollary, that those benefits are not exportable. Examples of non-exportable benefits are the personal care budget provided through the National Care Act (*AWBZ*), and the benefit paid to individuals who experience the onset of disability in childhood (*Wajong* benefit).¹⁰¹

However, a limited number of benefits are exportable.

¹⁰¹ See also Case C-154/05 *J.J. Kersbergen-Lap and D.Dams-Schipper v. Raad van Bestuur van het Uitvoeringsinstituut Werknemersverzekering* [2006] ECR I-6249, in which the European Court of Justice confirmed the compatibility with EU law of the non-exportability of the *Wajong* benefit (discussed above).



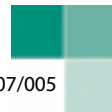
Cash benefits and compensation for costs relating to adaptations for employees and students with a disability (based on the Work and Income Act (*WIA*)) are fully exportable within the EU and to other countries with which the Netherlands has ratified a social security treaty. This benefit is provided through the social security system, and is only available to those individuals who are insured under the Dutch system.

It is worth noting that many regional and local benefits provided in the Netherlands are also connected to residency. As a consequence, individuals who are provided with a wheelchair, scooter or other assistive device, must return the device to their local municipality when they leave the area, and reapply in their new municipality.

Norway

A wide variety of rules regulate the mobility of Norwegian disability-related benefits. At the one end of the scale is incapacity benefit (permanent social-security based payment), which can be exported, whilst, at the other, is housing allowance, which cannot even be transferred to another property within the same neighbourhood. However, even in the case of incapacity benefit, there are some restrictions regarding exportability which relate to the number of years recipients have been members of the Norwegian national social security system. The Basic Benefit (compensation for increased costs) and the Supplementary benefit can be exported in some very limited circumstances, e.g. when the recipient is employed by a Norwegian employer (and is therefore regarded as being employed in Norway), and is contributing to the Norwegian social security scheme, or where the recipient is a pensioner. In general disability-related welfare benefits cannot be exported, although there may be a possibility to negotiate exceptions to this rule in individual cases, e.g. when an individual needs to move to another country for health reasons. Work assessment benefit, which is a temporary benefit, cannot be exported. In principle, this is also the case for wage subsidies paid to the employer. This is *inter alia* because the measure is expected to be followed up by the Employment and Welfare Administration, and this is not practicable where the benefit is being paid to an employer outside of Norway. However, an exception can be made if there are medical reasons for an individual's residing outside of Norway.

In general, many disability-related benefits are granted on the basis of residence within a specific municipality, and entitlement to those benefits is lost on relocation to another municipality. However, benefits related to the national social security scheme can be moved freely within Norway.



Poland

In line with EU law, some Polish disability-related benefits – namely a disability pension and family allowances (nursing allowance, nursing benefit, nursing supplement and supplement for the education and rehabilitation of a child with a disability) – can be exported within the EU / EEA or Switzerland. Eligibility for an (exportable) disability pension is based on sufficient periods of insurance in Poland. In contrast, the social pension is not exportable. The supplement for the education and rehabilitation of a child with disabilities can also be exported outside of Poland. Lastly, Polish tax-payers can continue to claim tax deductions for rehabilitation expenses and expenses to facilitate life when they are outside of Poland. However, they must retain their status as Polish tax payers.

Slovakia

The disability pension, which is provided through the social security system, can be exported to other EU / EEA Member States and to States which have a relevant bilateral agreement with Slovakia. This also applies to the allowance for self-employment for disabled persons. Cars which are purchased using a direct payment can also be used abroad, and this is not subject to limitations. Similarly, equipment purchased using a direct payment for equipment purchase can be used outside of Slovakia, and there is no obligation to repay part of the benefit if the equipment is taken abroad.

Spain

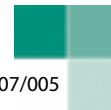
Most disability-related benefits provided by the Spanish authorities cannot be exported. An exception is the contributory invalidity pension (a social security benefit). However, in some cases, Spanish citizens who reside abroad may remain entitled to receive a benefit, where there is no equivalent level of protection in the country in which they are residing.¹⁰² This applies to the Personal Assistant Subsidy, the Mobility and Transport Subsidy and the Non-contributory Retirement Pension.

Children attending Spanish schools outside of Spain may benefit from financial aid for students with special needs due to disability or severe behavioural disorder.

Sweden

Activity compensation and sickness compensation are fully exportable within the EU / EEA region, Switzerland and Canada.

¹⁰² Royal Decree 383/1984.



If the recipient is a resident of a country other than Finland, Norway or Germany, a “life certificate” has to be presented to the Swedish social security authorities annually to retain entitlement to the allowance. This “certificate” provides proof that the recipient is still alive.

If a recipient of assistive devices and technical aids moves outside of Sweden, the issuing authority in Sweden must be informed. That authority may reach an agreement regarding the assistive device or technical aid with authorities in the new country of residence. The agreement would depend on the device in question, and whether the new country of residence is within the EU / EEA or whether Sweden has a bilateral agreement with the country. This benefit is therefore potentially exportable on a permanent basis.

United Kingdom

The Court of Justice has ruled on the exportability of a number of United Kingdom disability-related benefits. The Court has held that the care component of the Disability Living Allowance, Attendance Allowance and Carer’s Allowance should be regarded as sickness benefits, and therefore fell within the scope of Regulation No. 1408/71.¹⁰³ As a consequence, these benefits can be exported within the EU/ EEA and to Switzerland. There also exists a dedicated “Exportability Team” to deal with claims for benefits from (previous) United Kingdom residents who are moving to, have moved to, other EU / EEA countries and Switzerland.¹⁰⁴ In addition, bilateral agreements covering long-term Incapacity Benefit exist with a number of countries, including Barbados, Jamaica, Jersey and Guernsey, the Republics of the Former Yugoslavia, the Phillipines, Turkey and the United States. However, it is worth noting that Incapacity Benefit has recently been abolished, and replaced by Employment Support Allowance (ESA), and these bilateral agreements do not cover this new benefit. Nevertheless, to the extent that ESA is based on previous contributions to the social security scheme paid by the recipient, it can be exported within the EU / EEA.

2.2.1.2 Summary

The general picture seems to one of compliance with EU law, in terms of allowing for the exportability of social security benefits covered by Regulation No. 883/2004. However, it does not seem that EU / EEA Member States are more generous than they are required to be with regard to allowing permanent exportability of benefits. Moreover, it cannot be ruled out that some benefits, which fall within the category of those that should be exportable under the relevant EU regulation, are in fact not exportable under national law, and that a breach of EU law is therefore occurring. However, such an analysis lies beyond the scope of this paper.

¹⁰³ *Commission v. European Parliament and Council* [2007] ECR I-8695.

¹⁰⁴ http://www.direct.gov.uk/en/DI1/Directories/DG_174888



It is also worth noting that issues of exportability frequently arise within individual countries where local municipalities or regions are responsible for assessing individuals and providing benefits. Where innovative solutions have been identified at the national level to help reduce barriers to mobility in such situations, they can provide the basis for recommendations for possible action at EU level. These are considered further in section 5 below.

2.2.2 Right to Export a Disability-Related Benefit on a Temporary Basis

EU law does not set any requirements regarding the temporary exportability of disability-related benefits. Nevertheless, as is clear from the following overview, many countries allow recipients of disability-related benefits to leave the country on a temporary basis and still retain their entitlement to benefits, or even to export, on a temporary basis, the benefit, such as a cash payment, personal assistance or a piece of assistive equipment.

2.2.2.1 Examination of Legal Situation in Specific Countries

Austria

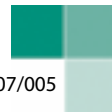
Some Austrian benefits can be exported to another EU/ EEA Member States for a period of two months or less, e.g. long-term care benefit. In certain limited circumstances, such as a period of study abroad, the benefit can be claimed for a longer period. Increased family allowance can also be claimed during temporary periods of absence from Austria. Lastly, personal assistants provided through the Personal Assistance at the Workplace scheme can travel abroad with the disabled recipient, where the journey is made for work-related purposes.

Bulgaria

In practice recipients of the monthly disability allowance may continue to receive this benefits whilst they are outside Bulgaria, as long as they have not officially changed their place of residence (i.e. they continue to reside formally in Bulgaria) or until they need to re-apply for the benefit.

The Czech Republic

Teaching assistance can be provided to assist Czech children or young people who are studying in another country.



Denmark

Assistive devices and cars purchased through disability-related schemes can be used outside Denmark on a temporary basis, for example whilst the recipient is on holiday. Personal assistance can also be “exported” on a temporary basis. In these instances 24 hour coverage is provided, so it is possible for a recipient to take a personal assistant on holiday with them.

Educational support and the disability supplement, can, to some extent, be used by Danes who study abroad. The disability supplement to state educational support, which is provided to students in further education who have a disability, is available to students who are studying outside of Denmark under the same terms and conditions as those who are studying in Denmark.

Finland

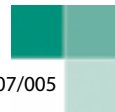
All benefits provided by the Finnish Social security scheme, including disability-related benefits, are exportable if the recipient is living in, or visiting, another country on a temporary basis, i.e. for less than one year. Finnish students studying abroad can, under certain circumstances, remain insured for a longer period whilst outside Finland. Recipients of benefits who are insured under the Finnish social security scheme, even though they reside abroad for more than a year, can also sometimes receive benefits for longer. This is likely to be the case for individuals who are employed by a Finnish employer, but are posted abroad.

France

A variety of disability-related benefits can be paid to French citizens who are temporarily absent from France. Non-contributory benefits including Disabled adult allowance, Disability compensation benefit, Compensation allowance for assistance by a third party, Complementary resources, Supplement for an autonomous life and Education allowance for a disabled child can continue to be paid to French citizens who are outside of the country for a not more than three months in any calendar year. Moreover, these benefits are also available to French citizens who spend more than three months outside of France, where the purpose of the absence is to pursue education, a language course or vocational training.

Greece

Greek citizens who are absent from Greece on a temporary basis, for example for studies or in order to receive medical treatment, retain their entitlement to disability-related benefits. In particular, medical supplies, medicine and assistive equipment, which is considered to be the property of the recipient after purchase, can be exported on a temporary basis.



The right to receive a de-institutionalisation benefit and disability welfare benefits (for up to 6 months) is also retained during temporary periods of absence from Greece.

Hungary

The disability pension can be claimed for up to 3 months whilst the recipient is outside of Hungary. Similarly, disability benefit and increased family allowance can be claimed during a temporary stay outside of Hungary.

Iceland

Icelandic citizens with a disability who qualify for a grant of up to €330 to offset the costs of educational training or study can also use this grant outside of Iceland.

Ireland

Disability Allowance can continue to be claimed during temporary absences from Ireland. Where the absence is for reasons of holiday, the maximum period that the recipient can be absent, without losing any entitlements, is three weeks. Longer absences are permitted where the journey is for reasons related to the receipt of medical treatment or education. In such cases, the Department of Social and Family Affairs must be furnished with proof of receipt of medical treatment or education abroad. The blind pension can also be paid during temporary periods of absence. Moreover, where a recipient of such a pension moves from the Republic of Ireland to Northern Ireland, they can continue to receive the pension for up to five years.

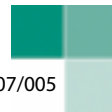
Support through the Fund for Students with Disabilities can be provided to students pursuing full-time undergraduate courses in publicly funded institutions within the EU. Support is also available for students who follow post-graduate courses in Northern Ireland.

Lithuania

The right to retain some benefits, such as specialist equipment, housing subsidy, entitlement to compensation for transport expenses related to the purchase or adaptation of a car, and entitlement to transport expenses, is retained during temporary stays outside of Lithuania.

The Netherlands

Individuals can continue to receive some benefits, such as the personal care budget, for up to three months whilst outside of the Netherlands. A tax credit under the Act on the Compensation for the Chronically Ill and Disabled can also be claimed, even if the beneficiary is temporarily absent from the Netherlands.



Norway

In practice recipients of disability-related benefits provided by municipalities, such as personal assistance, can take the benefit with them when temporarily absent from the municipality, including for periods of up to 6 months. In some cases, a new personal assistant can be employed in the country being visited. However, formal residence of the municipality must be retained, and the continued eligibility for the benefit during the absence must be negotiated with the issuing authority. The situation is similar with regard to other disability-related benefits, such as practical assistance.

The Norwegian interpretation service can be used during temporary stays abroad. Moreover, costs related to the interpreters' travel and accommodation are also reimbursed, but only if the recipient of the benefit is a child (under 18), or is traveling for employment or education (with travel being a compulsory part of the education). In other cases, the recipient must cover the travel and accommodation costs of the interpreter.

Tax reductions due to illness, disability or age can continue to be claimed, in spite of temporary periods of absence from Norway, as long as the recipient retains his or her status as a Norwegian tax payer.

Slovakia

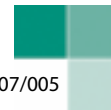
The right to receive direct payments relating to personal assistance or compensation for increased disability-related costs is retained for a maximum period of 2 months if the recipient leaves Slovakia.

Spain

The non-contributory retirement and invalidity pensions can be claimed whilst the recipient is temporarily outside of Spain. Individuals who spend more than 182 days in Spain a year can benefit from reductions in income tax related to disability. This implies beneficiaries can spend a significant amount of time outside Spain, and retain entitlement to this benefit.

Sweden

The Attendance allowance and the Disability allowance can continue to be claimed for a period of 12 months by individuals who move to another EU / EEA Member State. If the recipient relocates to a third country, the benefits can be claimed for 6 months. In both cases, this only applies where the attendance allowance amounts to 20 hours a week or more, and is therefore paid for by the Swedish social security agency. Where the benefit amounts to 1-19 hours attendance per week, it is paid for by the municipality, and is not exportable.



The interpretation service can be used during temporary stays outside of Sweden.

United Kingdom

The right to receive a Disability Living Allowance is retained for up to 26 weeks whilst the recipient is outside of the United Kingdom. This period can be extended where the purpose of the trip is to receive medical treatment. As noted above, the care component of the Disability Living Allowance is permanently exportable within the EU/EEA and Switzerland.

The non-contributory part of the Employment Support Allowance can be claimed for the first four weeks of a stay (holiday) outside the United Kingdom.

Recipients of benefits through the Access to Work scheme can take the benefit (e.g. portable assistive equipment or personal assistance) with them on a work-related trip outside of Great Britain, as long as they remain resident in Great Britain.

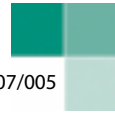
Recipients of the Disabled Student Allowance can continue to receive the benefit when they are studying abroad within the framework of their course at a United Kingdom university. The allowance cannot be claimed for studies which wholly take place outside of the United Kingdom.

2.2.2.2 Summary

Whilst there is no legal obligation under EU law to allow for the temporary exportability of disability-related benefits, many EU / EEA Member States do this. Such provisions can either involve the right to retain entitlement to a benefit whilst abroad for a limited period of time, e.g. a cash social assistance benefit can continue to be paid, or allow for the actual exportability of a benefit, e.g. of assistive equipment, or the payment of cash benefit to allow studies to be pursued abroad.

The amount of time during which a right to a benefit can be retained whilst the recipient is outside of the issuing State varies, with three weeks (Irish Disability Allowance) being the shortest period identified and 12 months (Finnish benefits and some Swedish benefits) being the longest period (with the exception of some study-related benefits, which can, in some cases, be claimed for the duration of the degree course).

The benefits that were least likely to be exportable related to employment and housing, where there was generally a requirement that the benefit relate to a job or accommodation located on the territory of the granting state.



3 Recommendations for Further Action to Enhance the Mutual Recognition and Exportability of Disability-Related Benefits

Based on the foregoing analysis and review, this section identifies a number of (potential) barriers to the free movement of persons with disabilities which relate to mutual recognition and exportability of disability-related benefits, and makes tentative recommendations for actions which could be taken to remove or reduce these barriers.

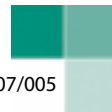
It is recognised that the different levels of protection in the various EU / EEA Member States, in terms of the disability-related benefits that are available, and the lack of a requirement that most disability-related benefits are exportable, potentially hampers the free movement of people with disabilities within the EU / EEA region. However, it is also recognised that legal regulation of such issues lies outside of the competences of the EU. The EU may adopt legal instruments to coordinate the social security systems of the Member States, but has no competence to harmonise such systems, or to harmonise the wide range of social assistance benefits or disability-related benefits. This limited legal competence is recognised, and all of the following recommendations take account of the scope the EU has to act in this field.

3.1 Lack of Information Regarding Comparability of Disability Status

As noted above in section 2, Regulation No. 883/2004 includes a provision that may allow an individual who has had their disability status officially recognised in their Member State of origin, and who receives a social security benefit from that State which they have exported to their State of residence, to claim related sundry benefits granted in their State of residence. Article 5 (a) on equal treatment of benefits, income, facts or events provides:

where, under the legislation of the competent Member State [i.e. in this case, the Member State that grants the sundry benefits, LW], the receipt of social security benefits and other income has certain legal effects, the relevant provisions of that legislation shall also apply to the receipt of equivalent benefits acquired under the legislation or another Member State or to income acquired in another Member State

This may be relevant where an individual has an officially-recognised disability status from their original Member State, which gives them access to an (exportable) social security benefit from that State, and has chosen to exercise their right of free movement and to move to another Member State.



One could speculate whether, under Article 5 (a) of Regulation No. 883/2004, the Member State of residence may be obliged to recognise the official disability status granted by the other Member State, and allow the individual access to related benefits in the same way as nationals who have had their disability officially recognised and have been granted a social security benefit.

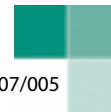
However, as noted in section 2 of this paper, there are a number of problems and challenges to interpreting Article 5 (a) of the Regulation in this way. In addition, this paper has only identified very few examples of such mutual recognition in practice:

- reduced admission fees to public museums in Poland. This benefit can be claimed by citizens of the EU / EEA and Switzerland, and their personal assistants, where they are in possession of a nationally issued document which provides proof of entitlement to a comparable benefit in their country of residence.

- the Austrian rail advantage card. This can also be purchased by individuals from other countries, if they produce a document issued in their home country that is equivalent to the Austrian disability identity card.

Moreover, it should be noted that there is no indication that either of these benefits have been extended to citizens of other EU / EEA countries on the basis of Article 5(a) of Regulation No. 883/2004. However, it should also be noted that this Regulation has only just come into force, and awareness of this provision, which was not found in its predecessor, may not be high.

Moreover, as noted in section 2 of this paper, one should recognise that Regulation No. 883/2004 does not provide for the harmonisation of eligibility criteria for benefits, meaning that an individual may be entitled to acquire an officially recognised administrative disability status in one Member State and not another. Moreover, the sundry benefits available to individuals with an administrative disability status also vary widely. In light of this, it would be helpful to identify which disability benefits serve as a 'passport' to other benefits in each Member State, and the eligibility criteria, such as degree of impairment/disability, for the original 'passport' benefit. This would enhance comparability, and help national officials to decide if a disability status recognised by another Member State is comparable to the nationally recognised disability status, which serves as a 'passport' allowing access to other benefits. In this respect, the EU could play an important role in establishing a central European inventory of recognised national disability benefits, that could be cross-checked by national administrations to recognise certain kinds of passport benefits as valid without further assessment.



3.1.1 Recommendations

It is proposed that, as a first stage, to establish the potential for the mutual recognition of administratively acquired disability status in Member States other than the State which has recognised the disability, the above mentioned information is collected at EU level. This may serve to promote clarity and help to establish when disabled individuals can rely on their disability status granted by another Member State in order to claim benefits provided in their Member State of residence or which they are visiting.

There are various ways in which this information could be presented. One possibility is to include it as an annex to Regulation No. 883/2004. Alternatively, the inventory could be modelled on the MISSOC,¹⁰⁵ with Member States being required to submit relevant information about all the disability-related benefits that are made available by public authorities. This information could be collected through an existing Open Method of Coordination.

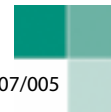
3.2 Barriers experienced when taking up residence in another Member State

People with disabilities who move from one Member State to another can experience a number of problems. First, the disability-related benefits that may be available in the host (new) Member State may be of much less value / provide much less support than the benefits in their Member State of origin. Whilst this is a very real problem, it lies outside of the scope of the EU, and therefore of this paper, and reflects the fact that Member States are free to set differing levels of benefits.

Second, not all disability-related benefits can be claimed by newly resident EU citizens, and especially those citizens who are non-economic residents. Moreover, where such individuals can claim these benefits within the first five years of residence, this may leave them facing the risk of having their right of residence revoked. Again, whilst this can present real problems, it is compatible with EU law, and therefore will not be addressed in this section.

However, there are at least two potential barriers to mobility experienced by people with disabilities who move from one Member State to another, which could be addressed through better coordination between the Member States within the framework of EU law, and these are considered below:

¹⁰⁵ See the MISSOC database at:
http://ec.europa.eu/employment_social/missoc/db/public/compareTables.do (accessed 15 June 2010).

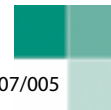


3.2.1 Hiatus in receipt of essential disability-related benefits

Where an individual moves from one Member State to another, they often lose their entitlement to receive certain disability-related benefits in their country of origin. In all likelihood, this will include essential benefits such as loan of assistive equipment, personal assistance, and certain cash benefits, as these are not exportable under EU law. Assistive equipment may need to be returned to the issuing authority, whilst the right to receive other benefits simply ceases. However, on taking up residence in the host Member State, the individual may acquire an entitlement to claim comparable benefits in that Member State. Where such benefits exist, this should certainly be the case for workers and their families, who are entitled to access “social advantages” on the same terms as nationals on taking up residence in another Member State. Non-economic residents may have lesser levels of entitlement, but even in these cases, some possibilities to claim disability-related benefits may exist. Therefore, in terms of entitlement to claim benefits, no hiatus should exist (at least for some individuals), and, at the moment an individual loses the right to receive a benefit from one Member State, he or she can acquire a right to receive a (comparable) benefit in another Member State.

In practice however, one can usually expect a hiatus, in that the authorities in the host Member State will only consider the application for the benefit once the individual is entitled to receive that benefit – i.e. once they have taken up residence in that Member State (and established themselves as a worker or family member of a worker). As noted in section 3, the determination of whether an individual is entitled to receive a particular benefit or not, is frequently complex and may involve medical and other assessments. Determinations can be lengthy and, during this period, individuals who have exercised the right to free movement can be left without essential benefits or support. In some cases this period in between the loss of the right to receive benefits in the Member State of origin and the receipt of benefits in the new Member State can last several months, and this can be an insurmountable hurdle, effectively preventing an individual from moving, even though, in theory, they are entitled to receive the relevant benefits at all points in time.

To some extent, this problem can be addressed by allowing for the temporary exportability of disability-related benefits from the Member State of origin. Where benefits can be exported for periods up to 6 or 12 months, this should allow sufficient time for a claim to be submitted and granted in another Member State. However, as noted above, only some Member States allow for the temporary exportability of benefits, not all benefits are covered, and the period during which the benefit can be exported can be as short as 3 weeks. Therefore, existing measures do not adequately address this issue, and the situation varies depending on the Member State of origin.



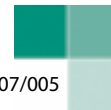
3.2.1.1 Recommendations:

Coordinated action amongst the Member States within the framework of EU law could help to address this problem, and ensure that a continuous right to claim benefits is matched by a continuous access to benefits in practice.

One option would be to extend the right to temporarily export all disability-related benefits in the case of individuals who are exercising the right of free movement. This extension would need to cover all benefits which are essential to (independent) living of disabled people, and would need to cover a sufficient period of time so as to allow the host Member State to assess the eligibility of an individual for a comparable benefit. However, it is noted that such a scheme would imply additional costs for Member States, as they would be required to extend the entitlement to receive disability-related benefits beyond that which in some cases currently exists. It would also mean that a Member State that is legally speaking under no obligation to provide a benefit, would nevertheless be expected to do so for a short period. For this reason, whilst this recommendation would help to address the problem, an alternative approach may be worth considering.

A second option would be allow individuals to apply for the relevant disability-related benefits in the host Member State prior to taking up residence in that State. The application should be considered on the basis of the facts that will exist once the individual takes up residence, e.g. considering their status of worker or family member of a worker, status as non-economic resident, expected place of residence, expected income level etc. This may well imply that the applicant will need to travel to the new Member State in order to be assessed for eligibility, and that the new Member State can require this of applicants. In those Member States where eligibility for benefits is frequently based on possession of a disabled person's card or registration, a decision regarding eligibility for this card or registration could (also) be the subject of the application.

It should be noted that the Norwegian authorities have recently established such a scheme to facilitate free movement of disabled people between different municipalities. As noted above, many Norwegian disability-related benefits are provided by the local municipality where an individual lives. If individuals move to another municipality, they lose their entitlement to their original benefits, and must reapply in the new municipality. Until recently, there was no right to have the application considered by the new municipality prior to actually relocating, meaning that individuals were uncertain as to the level of support they could expect to receive following a relocation. In order to address this problem, the general rule was recently adapted for people with severe support needs, who can now apply for benefits in a new municipality even before moving. This was done to reduce the barrier to freedom of movement for people with disabilities between municipalities within Norway.



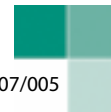
3.2.2 Uncertainty regarding entitlement to disability-related benefits in host Member State

As noted in section 3 above, it is not only the kinds of disability-related benefits that differ between Member States, but also the eligibility criteria for those benefits. Benefits serving similar purposes, such as the provision of personal assistance, or care or cash benefits to offset costs related to disability, can be granted according to very different eligibility criteria and using very different assessment methods. As a result, even where a benefit comparable to one already received in the Member State of origin exists in the host Member State, an individual may not be sure that they would qualify for that benefit. Where the benefit concerns essential support, such as personal assistance or accessible accommodation, uncertainty as to eligibility can act as a significant barrier to exercising the right of free movement.

3.2.2.1 Recommendations:

It was recommended above that one means of ensuring there is no hiatus in receipt or access to an essential disability-related benefit would be to allow individuals to apply for such benefits before they actually take up residence in the host Member State. Where their application is successful, this would enable the individual to receive the benefit immediately on taking up residence in the host Member State. Such an approach would also address the problem identified immediately above. A decision regarding eligibility would be taken prior to the actual relocation. If the decision is positive, and receipt of the benefit is a precondition for moving, the individual will have the certainty that is needed, and can exercise the right of free movement. If the decision is negative, this may lead the individual to decide to remain in the Member State of origin. However, limitations on free movement will not arise from an uncertainty as to entitlement, with individuals being left uncertain, and feeling unable to take “the risk” of moving to another Member State.

It should be noted that an interesting example, which contains elements of the approach identified above, once again can be found in Norway. The Norwegian Employment and Welfare Administration can provide an “accommodation guarantee” to a disabled person and his / her employer. The guarantee is not a benefit as such, but possession of a guarantee makes it much easier to access a number of work-related benefits targeted at disabled people. These benefits relate to funding and support for workplace accommodations. Possession of the guarantee provides reassurance, to the disabled individual and the employer, that the necessary accommodation-related benefits will be provided, and that the decision-making procedure, once an application is made, will be quicker and easier.



One could reflect on whether such a “benefits guarantee” could be issued to individuals who wish to move to another Member State, thereby helping to reassure them as to their entitlement to receive benefits in the prospective host Member State.

3.3 Barriers Experienced by Persons with a Disability who Visit Another Member State / Barriers experienced by the lack of a common EU-wide disabled person’s identity card

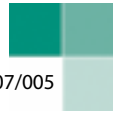
The kinds of disability-related benefits that visitors to another Member State might wish to access differ fundamentally from the kinds of benefits residents receive, or wish to receive. In essence, benefits of interest to visitors most commonly relate to leisure and culture (e.g. reduced price admission to museums) and transport (e.g. reduced price or free travel on public transport). Such benefits are usually accessible on production of a card or document that identifies the claimant as disabled. Most of the examples of such benefits considered in this report were not (formally) available to visitors from other Member States. In that sense, disabled people’s cards or documentations issued by other Member States are not recognised outside the issuing State. The only exception to this is the parking card for persons with disabilities, which has a common EU-wide format.

One reason why such benefits are not readily extended to disabled visitors is the difficulty organisations have in recognizing and understanding a card or document issued by another Member State. With 27 EU Member States, and additional EEA Member States and countries with bilateral agreements, understandably it is not feasible for individual leisure or transport countries to be able to recognize and decipher foreign disability identity documents. Moreover, where access to a particular benefit is limited to certain disabled people, such as people with (severe) mobility disabilities, or people with a certain degree of impairment, it may well be impossible to extract the relevant information from a foreign identity card, thereby determining if an individual has the “right” kind of disability to be eligible or not.

One means of avoiding this problem, as already demonstrated through the experience with the disabled person’s parking card, is for national authorities to issue a card, which has a common EU-wide format, and which identifies the individual as having a disability. Such a card would be easily recognised throughout the region.

It is interesting to note that the Council of Europe attempted to make some progress in this area in 1977. That year saw the adoption of a partial agreement on a European Card for Substantially Disabled Persons by the Committee of Ministers.¹⁰⁶ The appendix to the relevant resolution provides that:

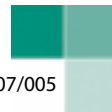
¹⁰⁶ Council of Europe, Resolution instituting a European Card for Substantially Handicapped Persons, adopted on 4 November 1977 at the 277th meeting of the Ministers’ Deputies, available at: <http://conventions.coe.int/treaty/EN/PartialAgr/Html/Handicap.htm>



1. A “European Card for substantially handicapped persons” (referred to below as “the card”) is hereby instituted, with the purpose of enabling any substantially handicapped national of any participating state to secure recognition of this status when travelling in the territory of other participating states and to benefit from the available facilities and rights of priority.
2. The Card will be issued at the request of the persons concerned by the bodies authorised to do so by the Government of each participating state; such application may be made by substantially handicapped persons who are nationals of the participating states and reside habitually on its territory and who, by reason of their handicap, are likely to encounter difficulties, particularly when travelling abroad.
- ...
4. The Government of each participating state recognises the validity in its territory of the Cards issued by the authorised bodies of the other participating states.
5. The Card will be prepared by the Secretariat of the Council of Europe in accordance with a uniform model so that the Cards will only differ according to the order of the languages used. Each of the states participating in the Partial Agreement shall be itself responsible for the printing and distribution of the card, at its own expenditure and in accordance with its own needs, in conformity with a uniform model prepared by the Secretariat in the official languages of the participating states.
6. The Secretariat will prepare and subsequently keep up to date an information brochure in the languages of the participating states, containing information on:
 - a. the facilities which each participating state makes available to bearers of the card;
 - b. the bodies empowered to issue the card;
 - c. how to obtain and use the card.

However, the agreement was never implemented in practice because there was insufficient support from the Member States of the Council of Europe, and only France, Germany and Italy adopted the relevant resolution. Nevertheless, the instrument is still “on the statute books”, and provides a potential framework for further action in this area.

An additional model for a (more successful) Europe-wide identity card results from a second partial agreement of the Committee of Ministers of the Council of Europe.



A 1991 Resolution resulted in the establishment of the “Youth Card”.¹⁰⁷ The card is available, for a fee, to young people and has a common format. It gives access to a number of discounts and concessions, mainly relating to retail, leisure and transport, in a variety of European countries. The scheme is administered by the European Youth Card Association,¹⁰⁸ which also uses the fees generated from issuing the card to support activities and projects aimed at stimulating young peoples’ mobility.

The issue of a European identity card for persons with disabilities has also recently attracted attention from the European Disability Forum, which has urged the EU institutions to guarantee the free movement of persons with disabilities through the adoption of a European mobility card in 2011.¹⁰⁹ Moreover, the Commission has announced that it will pay attention to this issue by studying the implications of a mutual recognition of disability cards and related entitlements in the new European Disability Strategy,¹¹⁰ and a session at the 2010 European Day of People with Disabilities (2-3 December) was devoted to the issue.

3.3.1 Recommendation

As the EU parking card for person’s with a disability has already revealed, a card which has a common EU-wide format is easily recognizable throughout the region, and can be used to give access to benefits throughout the EU / EEA. As mentioned above, EU Member States have complete discretion in determining both to whom the card is issued and what benefits accrue to holders of such a card. As a result, both eligibility criteria and related benefits differ throughout the region.

The Parking Card example could also serve as a model for the issuing of a more generic disabled person’s card. A physical European disabled person’s card might not be a permanent document, but could be issued to individuals who are leaving their Member State on a temporary basis (as in the case of the European Health Insurance Card). One could regard such a card as a kind of “tourist visa” with a short life span, that conveys similar rights for visitors as for residents to transport and leisure concessions.

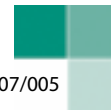
¹⁰⁷ Partial Agreement on the Youth Card to Promote and Facilitate Mobility for Young People in Europe, created by Resolution (91) 20, adopted by the Ministers’ Deputies on 13 September 1991 at their 461st meeting.

¹⁰⁸ See:

http://www.euro26.org/opencms/opencms/euro26_org/data/public/header/homepage/

¹⁰⁹ See Press release of the Belgian High National Council on Disability, Belgian Disability Forum and the European Disability Forum: The Disability Movement wants Freedom of Movement in Europe, 22 November 2010.

¹¹⁰ Commission Staff Working Document Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe, Initial plan to implement the European Disability Strategy 2010-2020, List of Actions 2010-2015, COM(2010) 636 final, SEC(2010) 1323 final, at 6.



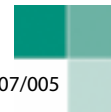
Alternatively, one could initially develop a card which would only be recognised for specific benefits, such as travelling by public transport, and which would take into account the need for specific kinds of information of providers of such transport.

It would certainly be important for the card to have a common format, and to convey information about the impairment: e.g. to give some indication of the degree of impairment; whether mobility is impaired; whether the holder is blind, as these factors can be important in determining eligibility for certain benefits. Moreover, as with the parking card for disabled person's, Member States should retain the right to determine who qualifies for a card, how eligibility is determined, and what benefits accrue to holders of cards. Moreover, public and private companies and institutions, such as museums, theatres and transport providers should also be able to decide whether to offer concessions or benefits to holders of cards or not. However, one should note the Court of Justice's judgment in Case C-388/01 *Commission v. Italy* (2001),¹¹¹ in which the Court held that granting advantageous rates for admission to public monuments including museums, to Italian nationals and residents aged over 60 or 65, but excluding other EU citizens in this age group from the benefits, amounted to discrimination on the grounds of nationality and breached Article 12 and 49 EC (now 18 and 56 TFEU). On the basis of this judgment, one can argue that authorities which grant concessions of this nature to individuals on the basis of disability are required to extend this benefit to all EU citizens, where they have the required degree of impairment or disability. An EU disabled person's card would facilitate the recognition of the relevant disability status in this context.

However, it should be noted that a European disabled person's card is not the only means of securing access to leisure and transport related benefits for visitors with a disability. An alternative, or additional, option would be for a voluntary code of practice to be established, whereby companies could sign-up to a scheme by which they guaranteed to welcome disabled visitors, provide appropriate assistance at point of service, and offer reduced price entry, etc. Participants in the scheme could have the possibility to receive or display a European charter mark, signifying their participation. One could envisage that multinational companies (such as global leisure chains like Warner cinemas) might agree to some sort of EU-wide voluntary code of practice, and, if no relevant EU wide disabled person's card is available, issue and recognise their own card.

Bilateral agreements are another instrument of potential recognition, either between Member States or, for example, between neighbouring national rail companies. This paper has revealed limited examples of the latter. In this respect, there would perhaps be scope for the European Commission to promote a kind of template instrument for such bilateral agreements.

¹¹¹ Case C-388/01 *Commission v. Italy* [2001] ECR-I 721.



Lastly, the Council of Europe Partial Agreement on a European Card for Substantially Handicapped Persons is now somewhat out of date, and uses language that seems anachronistic in the 21st century, following the adoption of the United Nations Convention on the Rights of Persons with Disabilities. However, as demonstrated by the positive experience of the European Youth Card, this form of agreement is an appropriate way of establishing a Europe-wide form of identity card that gives access to benefits throughout the region. Further action, at either the level of the Council of Europe, could help to facilitate the adoption of such a card, whilst giving Member States the maximum amount of freedom to determine their participation, as well as the eligibility criteria for such a card, and the benefits accruing to holders. As demonstrated by the Youth Card, private parties can use the card as a means of determining eligibility for benefits that they offer. Whilst the climate may not have been right for the adoption of such an initiative in the 1970s, the new climate, shaped by important developments within Europe and the United Nations, may be more friendly, and it seems wise to reflect on “relaunching” such an initiative.

3.4 Barriers to Posting Workers with a Disability in Another Member State

EU law does not address the temporary exportability of disability-related benefits. This includes the situation in which an individual who benefits from a disability-related measure, such as use of assistive equipment or personal assistance, is temporarily posted abroad in another EU Member State in order to carry out work there. Whilst the Posted Workers’ Directive¹¹² requires that the Member State where the worker is posted ensures certain minimum working terms and conditions, in terms of e.g. minimum wage; hours worked; health and safety protection; and non-discrimination, are respected, this does not extend to ensuring that disabled workers are entitled to receive national disability-related benefits on the same terms as nationals during temporary postings. Where the Member State of origin does not allow for the temporary exportability of employment-related disability benefits in such circumstances, this can effectively prevent disabled individuals from being posted to another Member State in order to work on a temporary basis.

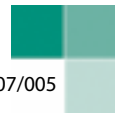
3.4.1 Recommendation

In such circumstances, which fall within the scope of the Posted Workers’ Directive, the Member State where the worker has his or her main place of employment, should allow for the temporary exportability of disability-related benefits that are needed to enable the worker to work in the State to which he or she is posted.

¹¹² Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, [1997] O.J. L18/1.



The Commission should explore the possibility of reaching voluntary agreements amongst the Member State in this regard. If this does not seem possible, the Commission should explore the scope for proposing legislation on this matter.



Annex 1: the annotated database of examples

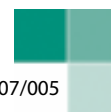
Sarah Woodin and Mark Priestley (University of Leeds)

The following commentary provides a summary overview of the examples of disability-related benefits and entitlements, submitted by ANED country teams in response to the structured information request. The examples and factual annotations provide supplementary information to the desk research, critical analysis and recommendations, contained in the detailed synthesis report, and should be read in that context

1.1 Overview of the database

Each country team was requested to submit a range of examples (suggested number between 10 and 20) with the aim of collecting between 300 and 500 examples for thematic analysis. A structured web-based survey form was used to collect the examples, supported by a briefing and guidance note. A total of 432 examples were submitted from 27 countries. Not all of these examples were collected before the deadline to be considered in the rapporteur's synthesis report but are indicated in the annex to that report where possible.

Country submissions		
Answer Options	Response Percent	Response Count
Austria	5.1%	22
Belgium	0.0%	0
Bulgaria	3.5%	15
Cyprus	4.9%	21
Czech Republic	3.0%	13
Denmark	6.0%	26
Estonia	2.3%	10
Finland	2.1%	9
France	2.8%	12
Germany	2.5%	11
Greece	3.0%	13
Hungary	3.0%	13
Iceland	4.9%	21
Ireland	4.4%	19
Italy	6.7%	29
Latvia	4.6%	20
Lithuania	5.6%	24
Luxembourg	0.0%	0



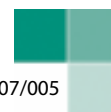
Malta	3.2%	14
Netherlands	3.7%	16
Norway	3.0%	13
Poland	3.9%	17
Portugal	4.2%	18
Romania	0.2%	1
Slovakia	4.2%	18
Slovenia	3.2%	14
Spain	4.6%	20
Sweden	2.5%	11
United Kingdom	2.8%	12
total		432

1.2 Scope of the examples

Country teams were invited to submit their examples across a range of different thematic areas. Although it is often difficult to classify individual entitlements or benefits into a single category, the following table illustrates the broad spread of the examples that were considered. The largest category of benefits was that of social protection and income maintenance.

General topic area		
Answer Options	Response Percent	Response Count
Social protection and income	24.1%	104
Housing	8.6%	37
Support for independent living	13.0%	56
Education and training	10.2%	44
Employment	13.0%	56
Health care	6.5%	28
Transport	16.4%	71
Information and communication	5.1%	22
Leisure and culture	3.2%	14
answered question		432
skipped question		0

Similarly, the examples covered a range of different types of benefit or entitlement. The largest category was for benefits paid in cash (almost half).



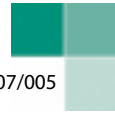
Type of benefit		
Answer Options	Response Percent	Response Count
Cash benefit	49.8%	215
Practical assistance	15.5%	67
Specialist equipment	7.9%	34
Reduced cost of public goods/services	23.4%	101
Priority for service at normal cost	3.5%	15
Other (please specify)		62
answered question		432
skipped question		0

Most of the benefits considered were those operating at a national level, although in some countries examples of local or regional schemes were included.

Geographical scope of the benefit		
Answer Options	Response Percent	Response Count
National scheme	90.0%	387
Regional scheme	3.7%	16
Local/Municipal scheme	4.9%	21
Specific company scheme	1.4%	6
answered question		430
skipped question		2

The large majority of examples were benefits and entitlements paid or provided directly to the disabled person, but other recipient benefits were also considered.

Recipient of the benefit		
Answer Options	Response Percent	Response Count
The disabled person	84.2%	362
An assistant/companion	7.0%	30
The family/household	18.1%	78
The employer	9.1%	39
The school or college	3.5%	15
Other (please specify)		23
answered question		430
skipped question		2



1.3 Eligibility criteria in the examples

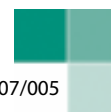
In terms of impairment categories, the examples covered a wide range of people entitled to receive them and most were available to people with different types of impairments. It is relevant to note that a greater number of the examples were eligible for people with physical or visual impairments than for those with intellectual or psycho-social impairments labels.

Impairment groups eligible for the benefit		
Answer Options	Response Percent	Response Count
Visual	84.2%	362
Hearing	79.8%	343
Physical	94.4%	406
Intellectual	78.6%	338
Mental Health	73.3%	315
answered question		430
skipped question		2

Approximately half of all the examples had a minimum age of entitlement or eligibility, while only a third had a maximum age limit.

Minimum age		
Answer Options	Response Percent	Response Count
No	51.2%	220
Yes (please specify)	48.8%	210
answered question		430
skipped question		2

Maximum age		
Answer Options	Response Percent	Response Count
No	67.2%	289
Yes (please specify)	32.8%	141
answered question		430
skipped question		2



However, more than half of all the examples were restricted to people with a particular 'level' or 'degree' of severity of impairment or disability. The actual measurement varied greatly (as discussed in the synthesis report).

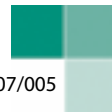
Eligibility by level of impairment		
Answer Options	Response Percent	Response Count
Not restricted by level of impairment	40.5%	174
Restricted to a certain level of impairment (please specify)	59.5%	256
	<i>answered question</i>	430
	<i>skipped question</i>	2

The kind of 'proof' of disability status required to obtain different benefits and entitlements varied considerably, between countries and between types of benefit (and this was not always easy to classify). However, the two most common forms of validation or recognition were a medical assessment or evidence via a disability 'card' or 'register'.

Main proof of disability status required to access the benefit		
Answer Options	Response Percent	Response Count
A disabled person's 'card' or 'register'	24.9%	107
Receiving another type of disability benefit	7.9%	34
A medical assessment	26.5%	114
An assessment of need	16.0%	69
No official proof is needed (it is decided at the point of service)	7.7%	33
Other (please specify)	17.0%	73
	<i>answered question</i>	430
	<i>skipped question</i>	2

1.4 Portability and mobility

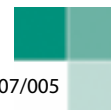
In terms of import and exportability, the examples illustrated considerable diversity in the potential for mobility from one country to another. For example, only one third of the examples could be considered as exportable (and most of them only on a temporary basis).



Exportability of the benefit		
Answer Options	Response Percent	Response Count
No	67.2%	289
Yes, but only when travelling on a temporary basis	19.3%	83
Yes, even if they became a resident in the other country	13.5%	58
Please explain the limitations (e.g. who can claim, for how long, etc.)		153
answered question		430
skipped question		2

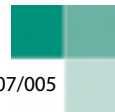
By contrast, many more of the examples were considered available to visitors (but in most cases it was a requirement that they became a resident of the country).

Availability of the benefit to visitors		
Answer Options	Response Percent	Response Count
No	14.7%	63
Yes, but only if they became a resident here	72.6%	312
Yes, even if they were travelling here temporarily	12.8%	55
Please explain the limitations (e.g. who can claim, for how long, etc.)		247
answered question		430
skipped question		2

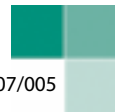


Annex: Austria - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Accident benefit (Versehrtenrente nach Arbeitsunfall)	http://www.auva.at/portal27/portal/auvportal/channel_content/cmsWindow?p_tabid=4&p_menuid=1897&action=2
Addition to the long-term care benefit for personal assistance (Pflegegeldergänzungsleistung)	http://behinderung.fsw.at/unterstuetzung_im_alltag/pflegegeldergaenzungsleistung.html
Advantage card special (Vorteilscard spezial)	http://www.oebb.at/pv/de/Servicebox/VORTEILScard/VORTEILScard_Spezial/Infos_zur_VORTEILScard_Spezial.jsp
Benefit for vocational integration (Integrationsbeihilfe)	http://www.bundessozialamt.gv.at/basb/UnternehmerInnen/Foerderungen_und_Vorteile
Benefit for vocational training (Ausbildungsbeihilfe)	http://www.bundessozialamt.gv.at/basb/Finanzielle_Unterstuetzung/Foerderungen_fuer_DienstnehmerInnen
Euro-Key	http://www.oear.or.at/service/euro-key
Exemption of the basic telephone charge (Befreiung von der Fernsprechgrundgebühr)	http://www.bundessozialamt.gv.at/basb/Finanzielle_Unterstuetzung/Gebuehrenbefreiungen
Flat rate tax deductions due to extraordinary burdens (pauschale Freibeträge wegen außerordentlicher Belastung)	http://www.help.gv.at/Content.Node/119/Sseite.1190000.html
Increased family allowance (erhöhte Familienbeihilfe)	In English: http://www.help.gv.at/Content.Node/143/Sseite.1430400.html#assistance
Invalidity pension (Invaliditätspension)	http://www.pensionsversicherung.at/portal27/portal/pvportal/channel_content/cmsWindow?p_tabid=4&p_menuid=5320&action=2
Long-term care benefit (Pflegegeld)	http://www.help.gv.at/Content.Node/36/Seite.360510.html
Parking card for people with disabilities (Parkausweis gem. § 29b StVO)	http://www.eu-info.de/leben-wohnen-eu/5861/8257/eu-parkausweis-behinderte/
Personal assistance at the workplace (Persönliche Assistenz am Arbeitsplatz)	http://www.dabei-austria.at/index.php/seite/112
Reimbursement of extra tax for buying a new vehicle	http://www.bmf.gv.at/Steuern/Brgerinformatio/AutoundSteuern/Normverbrauchsabg

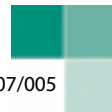


(Rückerstattung der Normverbrauchsabgabe)	abeNOVA/ start.htm
Sign language interpretation (Gebärdendolmetsch)	http://www.gehoerlos-tirol.at/dolmetschzentrale/index.html
Wage benefit (Entgeltbeihilfe)	http://www.bundessozialamt.gv.at/basb/UnternehmerInnen/Integrations-und Entgeltbeihilfe
Educational rehabilitation measures (Pädagogische Rehabilitationsmaßnahmen)	http://www.tirol.gv.at/themen/gesellschaft-und-soziales/soziales/rehabilitation/
Social rehabilitation measures (Soziale Rehabilitationsmaßnahmen)	http://www.tirol.gv.at/themen/gesellschaft-und-soziales/soziales/rehabilitation/
Adaptive equipment for accessible homes (Errichtung und Ausstattung von behindertengerechtem Wohnraum)	http://www.tirol.gv.at/themen/gesellschaft-und-soziales/soziales/rehabilitation/
Vocational rehabilitation measures (Berufliche Rehabilitationsmaßnahmen)	http://www.tirol.gv.at/themen/gesellschaft-und-soziales/soziales/rehabilitation/
Mobility benefit (Mobilitätszuschuss)	http://www.tirol.gv.at/themen/gesellschaft-und-soziales/soziales/rehabilitation/
Personal assistance (Persönliche Assistenz)	http://www.selbstbestimmt-leben.net/index.php?content=Assistenz



Annex: Bulgaria - benefits and entitlements submitted to the database

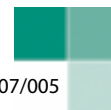
Name of benefit or entitlement	Web link
Disability Pension	www.mlsp.government.bg
Assistance Allowance (top-up to the pension)	www.mlsp.government.bg
Monthly Integration Allowance	www.mlsp.government.bg
Assistance Allowance	www.mlsp.government.bg
Housing Adaptations	www.mlsp.government.bg
Medical Appliances and Technical Aids	www.mlsp.government.bg
Personal Assistance	www.asp.government.bg
Social Assistant	www.asp.government.bg
Education of Students with SEN	
- in class	www.minedu.government.bg
- individual programme	www.minedu.government.bg
Special Education Facilities	www.minedu.government.bg
Family Allowance for Disabled Child	www.mlsp.government.bg
Assistant for Independent Living	www.sofia.bg
Adaptation of Work place for Disabled People	http://ahu.mlsp.government.bg
Employment of Disabled People	www.az.government.bg
Starting a Business by Disabled People	http://ahu.mlsp.government.bg
Employment in Special Enterprises	http://ahu.mlsp.government.bg



Annex: Cyprus - benefits and entitlements submitted to the database

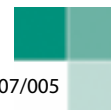
Name of benefit or entitlement	Web link
Value Added Tax Act of 2010 (N.95(I)/2000) and modified acts up to 2010	http://www.mof.gov.cy/mof/VAT/VAT.nsf/All/AE82A88C88DD928FC225723C002FED23?OpenDocument
Public Assistance Allowance	http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/8ADFCE3C40B256B0C2256E5F002E83A8?OpenDocument
Social Assistance for Improving Housing Conditions Scheme	http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/dmlfaq_gr/dmlfaq_gr?opendocument#10
Care benefit for paraplegic persons regardless their income and age	http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/79E1E1E34FC45951C22575B40039BAF1?OpenDocument
Care benefit for quadriplegic persons regardless their income	http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/109A416E63FD46A7C22575B40039AE2D?OpenDocument
Financial assistance for technical equipment and other assistive means Scheme	http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/35535E2ECA9F73F2C22575B6001E6CF8?OpenDocument
Services for elderly and disabled persons - Care at home	www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/936D7075B1297873C2256E6E0030605E?OpenDocument
Assistive equipment for children with special needs	http://www.moec.gov.cy/eidiki/index.html
Free transportation to schools for children with special needs	http://www.moec.gov.cy/eidiki/index.html
Vocational Training Scheme for People with Disabilities in expertise not offered by the Vocational Rehabilitation Centre for Disabled People	http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/136988418CDCBCB2C22575B6001E5430?OpenDocument
Hiring People with Disabilities in the Greater Public Sector (Special Arrangements) Act (N. 146(I)/2009).	http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/3BC50E0B1F56ACD2C22576B2003389F9?OpenDocument

Employment Support Scheme for People with Disabilities	http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/8B9E0A0FDF28FAE0C22575B6001E253E?OpenDocument
Self-Employment Scheme for People with Disabilities	http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/265DE4A71AC2EF3FC22575B6001E2F62?OpenDocument
Health Care Card	http://www.moh.gov.cy/moh/moh.nsf/medcard_gr/medcard_gr?OpenDocument#
Medication for Human Use (Quality Control, Provision and Prices) Acts 2001-2006 (Number 2) of 2006	http://www.kysoa.org.cy/kysoa/userfiles/file/nomothesis/odigies/pdf/anthropinis%20xrisis%202004.pdf
Free public transportation	http://www.mlsi.gov.cy/mlsi/sid/sid.nsf/eb4c5443b8bf7cf4c2256db3002798bb/F4A12ABDE4F998B4C22576B900345CAB/\$file/%CE%A9%CF%86%CE%B5%CE%BB%CE%AE%CE%BC%CE%B1%CF%84%CE%B1%20%CE%9A%CE%BF%CE%B9%CE%BD%CF%89%CE%BD%CE%B9%CE%BA%CE%AE%CF%82%20%CE%9A%CE%AC%CF%81%CF%84%CE%B1%CF%82.doc
Regulation 61. The Roads and Buildings Act on the use of buildings by disabled persons	http://www.mcw.gov.cy/mcw/dbpd/disable_daccess.nsf/All/3BC82DF3DA86360BC22572A6004A620D?OpenDocument http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/30487A8AC4F5BDCBC22575AD002CDFE3?OpenDocument
Financial Assistance for Wheelchairs Benefit for People with Severe Mobility Impairment	http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/6BCB48A9EFA0D886C22575B40039A434?OpenDocument
Severe mobility impairment scheme	http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/B48A5BF45754A93DC22575B400398D93?OpenDocument
Special Telephone Connection Packages	http://www.cytawebshop.cyta.com.cy/OrderAndBilling/ProductsAndServices/ProductG1.aspx?id=1&SearchG1=1.1.1.3
Holidays for Disabled People Scheme	http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/3304A272C723B29EC2257737003CD85D?OpenDocument

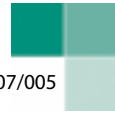


Annex: Czech Republic - benefits and entitlements submitted to the database

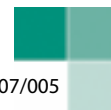
Name of benefit or entitlement	Web link
1. Subsidised rent of flats for special purpose; 2. Contribution to use of free barrier flat and garage; 3. Contribution for removal of barriers in a flat (entrance, ramps, lift etc.)	http://www.mpsv.cz/cs/8#dsp , (Dávky sociální péče pro osoby se zdravotním postižením), http://www.zakonynawebu.cz/cgi-bin/khm.cgi?typ=1&page=khc:SB91182A (Vyhláška č.182/1991 Sb. Ministerstva práce a sociálních věcí České republiky, kterou se provádí zákon o sociálním zabezpečení a zákon České národní rady o působnosti orgánů České republiky v sociálním zabezpečení)
Disability pension - grades I, II, III	http://www.mpsv.cz/cs/619 (invalidní důchod), http://www.mpsv.cz/cs/8032 (disability assessment), http://portal.gov.cz/wps/portal/s.155/701/ps.1243/M/s.155/708?POSTUP_ID=614&PRVEK_ID=361 (Kinds of Disability Benefits)
Social services - personal assistance, respite care, carrying service, guidance and reading services, translation to sign language, early care, consultancy, day care centers, therapeutic and activating services, supported and sheltered living	http://www.mpsv.cz/cs/7334 (Zákon o sociálních službách)
Contribution for care (to cover costs of social services)	http://www.mpsv.cz/cs/4768 (Příspěvek na péči), http://portal.gov.cz/wps/portal/s.155/701/ps.1243/M/s.155/708?uzel=523&POSTUP_ID=86&PRVEK_ID=1065 (Příspěvek na péči),
Contribution for aids which are not covered by health insurance	http://www.zakonynawebu.cz/cgi-bin/khm.cgi?typ=1&page=khc:SB91182A (Vyhláška č.182/1991 Sb. Ministerstva práce a sociálních věcí České republiky, kterou se provádí zákon o sociálním zabezpečení a zákon České národní rady o působnosti orgánů České republiky v sociálním zabezpečení)
Contribution for feeding a guide dog for a blind person	http://www.zakonynawebu.cz/cgi-bin/khm.cgi?typ=1&page=khc:SB91182A (Vyhláška č.182/1991 Sb. Ministerstva práce a sociálních věcí České republiky, kterou se provádí zákon o sociálním zabezpečení a zákon České národní rady o působnosti orgánů České republiky v sociálním zabezpečení)



Teacher assistance, individual educational plan, special educational support	http://www.msmt.cz/socialni-programy/vzdelavani-zakuse-specialnimi-vzdelavacimi-potrebami , http://portal.gov.cz/wps/portal/ s.155/701/ ps.1243/M/ s.155/708?uzel=535&POSTUP_ID=540 (Speciální vzdělávání, integrace)
Discount tax for employees who employ persons with severe disabilities; contribution for establishing, modification and maintenance of: a work place, sheltered workshop, supported employment, work rehabilitation; protection of a person according the Labor Code; tax discount for employees with severe disabilities	http://pracovnipravo.com/zakon-o-zamestnanosti (Zákon o zaměstnanosti) ; http://www.zakonik-prace.com/ (Zákoník práce) ; http://portal.gov.cz/wps/portal/ s.155/701/ ps.1243/M/ s.155/708?uzel=629&POSTUP_ID=621&PRVEK_ID=762 (Příspěvek na vytvoření chráněného pracovního místa)
<ol style="list-style-type: none"> 1. Contribution for compensation and rehabilitation aids; 2. Institutional or spa rehabilitation care 	http://portal.gov.cz/wps/portal/ s.155/701/.cmd/ad/.c/313/.ce/10821/.p/8411/ s.155/701?PC_8411_number1=123/2000&PC_8411_l=123/2000&PC_8411_ps=10 (Zákon Ministerstva zdravotnictví č.123/2000 Sb. o zdravotnických prostředcích); http://portal.gov.cz/wps/portal/ s.155/703/.cmd/ad/.c/311/.ce/10823/.p/8413/ s.155/703?PC_8413_l=48/1997&PC_8413_ps=10 (zákon č. 48/1997 Sb. Zákon o veřejném zdravotním pojištění)
<ol style="list-style-type: none"> 1. Free public municipal transport, discount on cost of public bus and train transport; 2. Contribution for individual transport; 3. Car label allowing free parking 	http://www.zakonynawebu.cz/cgi-bin/khm.cgi?typ=1&page=khc:SB91182A (Vyhláška č.182/1991 Sb. Ministerstva práce a sociálních věcí České republiky, kterou se provádí zákon o sociálním zabezpečení a zákon České národní rady o působnosti orgánů České republiky v sociálním zabezpečení); http://www.mdcr.cz/cs/Legislativa/Legislativa/Legislativa_CR_silnicni/Pozemni_komunikace/
Contribution for purchasing, maintenance or special modification of a vehicle, Contribution for using a vehicle	http://www.zakonynawebu.cz/cgi-bin/khm.cgi?typ=1&page=khc:SB91182A (Vyhláška č.182/1991 Sb. Ministerstva práce a sociálních věcí České republiky, kterou se provádí zákon o sociálním zabezpečení a zákon České národní rady o působnosti orgánů České republiky v sociálním zabezpečení); http://www.mdcr.cz/cs/Legislativa/Legislativa/Legislativa_CR_silnicni/Pozemni_komunikace/

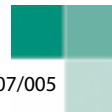


<ol style="list-style-type: none"> 1. Use of alternative communication methods; 2. Discount on communication costs for those with hearing impairment 	<p>http://portal.gov.cz/wps/portal/_s.155/701/.cmd/ad/.c/313/ce/10821/.p/8411?PC_8411_l=155/1998&PC_8411_pi=0&PC_8411_ps=10& (Zákon o znakové řeči);</p> <p>http://www.mvcr.cz/clanek/vyhlasaka-c-64-2008-sb-o-forme-uverejnovani-informaci-souvisejicich-s-vykonem-verejne-spravy-prostrednictvim-webovych-stranek-pro-osoby-se-zdravotnim-postizenim-vyhlasaka-o-pristupnosti-10.aspx ; Slevy na služby: http://www.t-mobile.cz/web/cz/residential/peceapodpora/prispevek-od-statu ; http://www.cz.o2.com/osobni/3148-tarify/48054-sluzby_pro_postizene_FAQ.html ; http://www.vodafone.cz/osobni/tarify_ceny/zvyhodneny_tarif/index.htm</p>
Discount on entry fees to exhibitions, museums and other cultural events (not obligatory, depends on the provider)	Available on websites of individual exhibitions, museums, providers

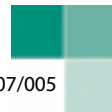


Annex: Germany - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Cash benefit for blind people [Blindengeld]	http://www.lvr.de/Soziales/Weitere+Leistungen/GHBG/blinde+menschen.htm https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=2&gld_nr=2&ugl_nr=2170&bes_id=4675&menu=1&sg=0&aufgehoben=N&keyword=blinde#det0 (18.02.2010)
Personal budget [Perönliches Budget]	http://www.bmas.de/portal/34616/property=pdf/a126_2009_Disability_Report.pdf (p. 9, 17.02.2010) http://www.bmas.de/portal/9266/persoenliches_budget.html (11.03.2010) http://www.budget.bmas.de/cln_164/MarktplatzPB/DE/StdS/Home/stds_node.html (22.02.2010)
Rehabilitative sports [Rehabilitationssport]	http://www.einfach-teilhabe.de/cln_093/DE/StdS/Gesundh_Pflege/Rehabilitation/Sport/sport_node.html http://www.dbs-npc.de/DesktopDefault.aspx?tabid=39 (23.02.2010)
Preferential allowance of disabled applicants in the national procedure of applying for a place at a university [Besondere Berücksichtigung von behinderten Bewerbern bei der zentralen Studienplatzvergabe]	http://www2.zvs.de/index.php?id=hilfe1010 (02.03.2010) http://www.studentenwerke.de/main/default.asp?id=06301 (23.02.2010)
Additional holidays [Zusatzurlaub]	http://www.einfach-teilhabe.de/cln_155/DE/StdS/Ausb_Arbeit/Schwerbehinderung/Zusatzurlaub/zusatzurlaub_inhalt.html (03.03.2010)
Reduced cost of public transport for people with severe disabilities [Freifahrt für schwerbehinderte Menschen im öffentlichen]	http://www.bmas.de/portal/3132/property=pdf/a712_ratgeber_fuer_behinderte_mens_390.pdf (S. 132ff., 03.03.2010)

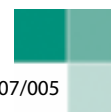


Personennahverkehr]	
Motor vehicle tax exemption [Befreiung von der Kfz-Steuer]	http://www.einfach-teilhabe.de/cIn_093/DE/StdS/Mobilitaet/Finanzielles/Finanzierung_%20Steuer_von_Kfz/Finanzierung_%20Steuer_von_Kfz_node.html (17.02.2010)
Allowance in determining the income limit for housing benefit	http://www.einfach-teilhabe.de/cIn_093/DE/StdS/Bauen_Wohnen/Barrierefrei_Wohnen/Wohngeld/wohngeld_node.html (04.03.2010)
Free mailing of documents for blind people [Blindensendung]	http://www.deutschepost.de/dpag?tab=1&skin=hi&check=yess&lang=de_DE&xmlFile=link1015115_1007838 (04.03.2010)
Reduced cost of admission to (cultural) events [Vergünstigter Eintritt zu (kulturellen) Veranstaltungen]	http://www.einfach-teilhabe.de/cIn_093/DE/StdS/Mobilitaet/Kunst_Kultur/Kino_Theater/kino_node.html (17.02.2010)



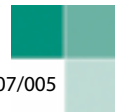
Annex: Denmark - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Social protection and financial benefits	
Disability pension	https://www.borger.dk/EMNER/PENSION-OG-EFTERLOEN/TYPER-AF-PENSION/FOLKEPENSION-FOERTIDSPENSION-MM/FOERTIDSPENSION/Sider/foertidspension-ny-ordning.aspx
Labour market pension based on labour market agreements	https://www.borger.dk/Emner/pension-og-efterloen/typer-af-pension/Sider/arbejdsmarkedspensioner.aspx?Kommuneld=710
Labour market pension – firm pension	https://www.borger.dk/Emner/pension-og-efterloen/typer-af-pension/Sider/arbejdsmarkedspensioner.aspx?Kommuneld=710#RichHtmlField2Bookmark0
Civil servant pension	https://www.tjenestemandspension.dk/
Social assistance	https://www.borger.dk/Emner/arbejde-dagepenge-orlov/dagpenge-og-kontanthjaelp/Sider/kontanthjaelp.aspx?Kommuneld=710
Sick pay (not on database)	https://www.borger.dk/Emner/arbejde-dagepenge-orlov/dagpenge-og-kontanthjaelp/Sider/sygedagpenge.aspx?Kommuneld=575
Exemption for car tax	http://w0.dk/~chlor/www.retsinformation.dk/lov/l15858.html
Larger tax reductions for travel expenses	https://www.borger.dk/Emner/bolig-og-flytning/boligstoette/Sider/boligsikring-til-foertidspensionister.aspx § 9D
Housing	
Housing benefit for disability pensioners	https://www.borger.dk/Emner/bolig-og-flytning/boligstoette/Sider/boligydelse-til-pensionister.aspx
Housing benefit for more square meters	https://www.borger.dk/Emner/bolig-og-flytning/boligstoette/Sider/boligsikring-til-foertidspensionister.aspx
Right to assignment : public housing	https://www.retsinformation.dk/Forms/R0710.aspx?id=104993

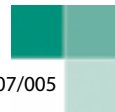


Support for independent living	
Additional expenses (not on database)	https://www.borger.dk/Emner/handicap/hjaelp-i-hverdagen/Sider/daekning-af-merudgifter-for-voksne.aspx
Aids	https://www.borger.dk/EMNER/HANDICAP/HJAELP-I-HVERDAGEN/Sider/hjaelpemidler.aspx
Housing adjustments (not on database)	http://www.ism.dk/Lovstof/Regler-og-afgoerelser/Sider/Start.aspx?ParagraphID=164
Personal and practical assistance(not on database)	https://www.borger.dk/Emner/aeldre/aeldre-og-hjaelp/hjemmehjaelp-og-aeldrepleje/Sider/hjemmehjaelp.aspx
User-controlled personal assistance	http://www.servicestyrelsen.dk/wm149211
Companion scheme	https://www.borger.dk/Emner/handicap/hjaelp-i-hverdagen/Sider/ledsageordning.aspx
Contact persons for mentally ill people (not on database)	http://www.psykiatribrugere.dk/SKP.html
Education and training	
Double state education support for disabled students	http://www.su.dk/SaerligStoette/handicaptillaeg/Sider/default.aspx
Rehabilitation benefit (not on database)	https://www.borger.dk/Emner/arbejde-dagpenge-orlov/fleksjob-skaanejob-revalidering/Sider/revalidering.aspx
Aids	http://tilgaengelighed.emu.dk/tilgaengelighed/hjaelpemidler/aadogbevilling.html
Special educational assistance (not on database)	http://www.spsu.dk/
Employment	
Flex job (with	http://www.ams.dk/Ams/Vejviser-for-borgere/Fleksjob.aspx

special unemployment benefit)	
Job with wage support for disability pensioners	https://www.borger.dk/Emner/arbejde-dagepenge-orlov/fleksjob-skaanejob-revalidering/Sider/skaanejob.aspx?Kommuneld=153#RichHtmlField2Bookmark0
Icebreaker scheme	http://www.clh.dk/job/doc1.html
Rehabilitation benefit (not on database)	https://www.borger.dk/Emner/arbejde-dagpenge-orlov/fleksjob-skaanejob-revalidering/Sider/revalidering.aspx
Personal assistance	http://www.ams.dk/Reformer-og-indsatser/Indsatser/Handicap/Brugen-af-de-handicap-kompenserende-ordn/Personlig-assistance.aspx?sc_lang=da
Mentor scheme	http://www.ams.dk/Reformer-og-indsatser/Indsatser/Integration/Mentorordningen.aspx
Health care	
Physiotherapy (not on database)	https://www.borger.dk/Emner/sundhed-og-sygdom/behandling-og-forebyggelse/Sider/hjaelp-efter-sygehusophold.aspx#RichHtmlField2Bookmark2
Medicine Subsidies	https://www.sundhed.dk/Artikel.aspx?id=29545.1
Transport	
Cheaper tickets for disability pensioners (not on database)	http://www.dsb.dk/Om-billetter-og-kort/Indland/Billetter/Fasterabatter/65-billet/
DSB 65-ticket	http://www.dsb.dk/Om-billetter-og-kort/Indland/Billetter/Fasterabatter/65-billet/
DSB companion scheme	http://www.dsb.dk/Kundeservice/Handicapservice/Ledsagerordning/
Support for buying a car	http://www.invalidebiler.dk/lovstof/bekendt.htm
Information and communication	
Sign language interpretation in different circumstances	https://www.borger.dk/Emner/handicap/hjaelp-i-hverdagen/Sider/tolkning-til-personer-med-hoerehandicap.aspx
Leisure and	

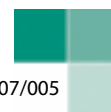


culture	
Reduced payment for leisure education	https://www.retsinformation.dk/Forms/R0710.aspx?id=24314#K2



Annex: Estonia - benefits and entitlements submitted to the database

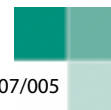
Name of benefit or entitlement	Web link
Disabled child allowance	https://www.riigiteataja.ee/ert/act.jsp?id=13234087
Disability allowance for a person of working age	https://www.riigiteataja.ee/ert/act.jsp?id=13234087
Disability allowance for a person of retirement age	https://www.riigiteataja.ee/ert/act.jsp?id=13234087
Disabled parent's allowance	https://www.riigiteataja.ee/ert/act.jsp?id=13234087
Education allowance	https://www.riigiteataja.ee/ert/act.jsp?id=13234087
Work allowance	https://www.riigiteataja.ee/ert/act.jsp?id=13234087
Rehabilitation allowance	https://www.riigiteataja.ee/ert/act.jsp?id=13234087
In-service training allowance	https://www.riigiteataja.ee/ert/act.jsp?id=13234087
Parking card	http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X50012K5&keel=en&pg=1&ptyyp=RT&tyyp=X&query=liiklus
Free transport	http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X30060K5&keel=en&pg=1&ptyyp=RT&tyyp=X&query=%FChistranspor



Annex: Greece - benefits and entitlements submitted to the database

*Please note that web addresses which link to the library of www.disabled.gr include official legislation

Name of benefit or entitlement	Web link
Disability Pension (social security)	www.mof-glk.gr , www.ika.gr , www.oga.gr , www.oaee.gr
De-institutionalization Benefit (for Paraplegia-Tetraplegia)	www.mof-glk.gr , www.ika.gr , www.oga.gr , www.oaee.gr
Welfare Benefits	http://www.disabled.gr/lib/?p=13176
Interest-free Housing loan, housing provision	www.oee.gr
Revenue Tax relief	http://www.disabled.gr/lib/?p=13317
Motor tax relief	http://www.disabled.gr/lib/?p=13307
Mobility Cash Benefit	http://www.disabled.gr/lib/?p=17590
Technical aids (main social security bodies)	www.opad.gr , www.ika.gr , www.oga.gr , www.oaee.gr
Hospital treatment	www.mof-glk.gr , www.ika.gr , www.oga.gr , www.oaee.gr
Medical supplies and medicines	www.opad.gr , www.ika.gr , www.oga.gr , www.oaee.gr
DisabilityTransport Card	http://www.disabled.gr/lib/?p=13236
Social Tourism	www.gnto.gr , www.oee.gr
Job placement (quota schemes)	www.oaed.gr



Annex: Spain - benefits and entitlements submitted to the database

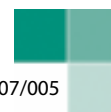
Name of benefit or entitlement	Web link
SOCIAL PROTECTION AND FINANCIAL BENEFITS	
Pensión no contributiva de Invalidez (Non-contributory Invalidity pension)	http://noticias.juridicas.com/base_datos/Admin/o3113-2009-pre.html Orden PRE/3113/2009 , de 13 de noviembre, por la que se dictan normas de aplicación y desarrollo del Real Decreto 357/1991, de 15 de marzo, por el que se desarrolla, en materia de pensiones no contributivas, la Ley 26/1990, de 20 de diciembre, por la que se establecen en la Seguridad Social prestaciones no contributivas, sobre rentas o ingresos computables y su imputación. [Order PRE/3113/2009 on non-contributory invalidity pension]
Pensión no contributiva de Jubilación (Non-contributory Retirement Pension)	http://noticias.juridicas.com/base_datos/Admin/o3113-2009-pre.html Orden PRE/3113/2009 , de 13 de noviembre, por la que se dictan normas de aplicación y desarrollo del Real Decreto 357/1991, de 15 de marzo, por el que se desarrolla, en materia de pensiones no contributivas, la Ley 26/1990, de 20 de diciembre, por la que se establecen en la Seguridad Social prestaciones no contributivas, sobre rentas o ingresos computables y su imputación. [Order PRE/3113/2009 on non-contributory retirement pension]
Name of benefit or entitlement	Web link
Subsidio de Movilidad y Compensación por Gastos de Transporte (SMGT) (Mobility and Transport Subsidy)	http://sid.usal.es/idocs/F3/LYN1198/3-1198.pdf Real Decreto 383/1984 , de 1 de febrero, por el que se establece y regula el sistema especial de prestaciones sociales y económicas previsto en la Ley 13/1982, de Integración Social de las personas con discapacidad (Royal Decree that establishes some financial and other benefits for disabled people, such as the mobility and transport subsidy)
Subsidio por Ayuda de Tercera Persona (SATP) (Personal Assistant Subsidy)	http://sid.usal.es/idocs/F3/LYN1198/3-1198.pdf Real Decreto 383/1984 , de 1 de febrero, por el que se establece y regula el sistema especial de prestaciones sociales y económicas previsto en la Ley 13/1982, de Integración Social de las personas con discapacidad.(Royal Decree that establishes some financial and other benefits

	for disabled people, such as the personal assistant subsidy)
Impuesto sobre la Renta de las Personas Físicas (Income Tax)	http://noticias.juridicas.com/base_datos/Fiscal/l35-2006.html Ley 35/2006 , de 28 de noviembre, del Impuesto sobre la Renta de las Personas Físicas y de modificación parcial de las leyes de los Impuestos sobre Sociedades, sobre la Renta de no Residentes y sobre el Patrimonio (Law on Income tax reductions for disabled people)
Name of benefit or entitlement	Web link
Reducción Impuesto sobre el Valor Añadido por compra de vehículo para personas con movilidad reducida (VAT reduction for buying a car)	http://noticias.juridicas.com/base_datos/Fiscal/l37-1992.html Ley 37/1992 , de 28 de diciembre, del Impuesto sobre el Valor Añadido. (Law on VAT. It establishes reduced VAT for buying a car for physically disabled people)
HOUSING	
Plan Estatal de Vivienda y Rehabilitación 2009-2012 (State Plan on Housing and Rehabilitation 2009-2012)	http://noticias.juridicas.com/base_datos/Admin/rd2066-2008.html Real Decreto 2066/2008 , de 12 de diciembre, por el que se regula el Plan Estatal de Vivienda y Rehabilitación 2009-2012. (Royal Decree on Housing and rehabilitation that establishes financial benefits for disabled people)
SUPPORT FOR INDEPENDENT LIVING	
Teleasistencia (Tele- assistance)	http://noticias.juridicas.com/base_datos/Admin/l39-2006.html Ley 39/2006 , de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las personas en situación de dependencia. [<i>Law No. 39/2006 on the Promotion of Personal Autonomy and Assistance to persons in situations of dependence of 14 December 2006, that establishes, among other measures, tele-assistance</i>]
Asistente personal (Personal Assistance)	http://noticias.juridicas.com/base_datos/Admin/rd73-2009.html Real Decreto 73/2009 , de 30 de enero, sobre las prestaciones económicas de la Ley 39/2006, de 14 de diciembre, de promoción de la autonomía personal y

	atención a las personas en situación de dependencia para el ejercicio 2009 (Royal Decree that establishes financial benefits and additional measures, such as personal assistance)
EDUCATION AND TRAINING	
Ayudas directas para el alumnado que presenta necesidades educativas especiales asociadas a discapacidad o trastorno grave de conducta (Financial aids for students with special needs due to disability or severe behavior disorder)	http://www.boe.es/boe/dias/2009/06/05/pdfs/BOE-A-2009-9369.pdf Resolución de <u>1 de junio de 2009</u> , de la Secretaría de Estado de Educación y Formación Profesional, por la que se convocan ayudas para alumnado con necesidad específica de apoyo educativo para el curso académico 2009-2010. (It establishes financial aids for students with special needs due to disability or severe behavior disorder)
EMPLOYMENT	
Incentivos por la contratación de trabajadores con discapacidad (Financial benefits for hiring disabled employees)	http://sid.usal.es/idocs/F3/LYN10301/3-10301.pdf Ley <u>43/2006</u> , de 29 de diciembre, for improving growth and employment. It sets bonuses or financial benefits for contracting disabled people, women with disabilities, people over age 45 with disabilities, people with severe disabilities, as well as bonuses for recruiting people with disabilities for Sheltered Workshops.
HEALTH CARE	
Asistencia Sanitaria y Prestación Farmacéutica (ASPF) (Pharmacy and Medical Care)	http://sid.usal.es/idocs/F3/LYN1198/3-1198.pdf Real Decreto <u>383/1984</u> , de 1 de febrero, por el que se establece y regula el sistema especial de prestaciones sociales y económicas previsto en la Ley 13/1982, de Integración Social de las personas con discapacidad. (Royal Decree that establishes special social and financial benefits for disabled people, such as free pharmacy and medical care)
TRANSPORT	
Bonotaxi (Free taxi)	http://noticias.juridicas.com/base_datos/CCAA/cl-l3-1998.html Ley <u>3/1998</u> , de 24 de junio, de accesibilidad y supresión de barreras (Castilla y León) ADDITIONAL:

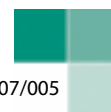
	<p>Ordenanza de Accesibilidad Integral para el Municipio de Salamanca (Aprobada en Sesión Plenaria de 9 de noviembre de 1995)</p> <p>Local Act from the Municipality of Salamanca, on free transportation –taxi- for physically disabled people)</p>
<p>Tarjeta europea de estacionamiento (European Reserved Parking Card)</p>	<p>http://noticias.juridicas.com/base_datos/Admin/rd320-1994.html</p> <p>Ley 19/2001, de 19 de diciembre, de reforma del texto articulado de la Ley sobre Tráfico, Circulación de Vehículos a Motor y Seguridad Vial, aprobado por Real Decreto Legislativo 339/1990, de 2 de marzo.</p> <p>Law that regulates the existence of a European Reserved Parking Card for physically disabled individuals.</p>
<p>Reserva de aparcamiento (Reserved parking place)</p>	<p>http://noticias.juridicas.com/base_datos/Admin/rd320-1994.html</p> <p>Ley 19/2001, de 19 de diciembre, de reforma del texto articulado de la Ley sobre Tráfico, Circulación de Vehículos a Motor y Seguridad Vial, aprobado por Real Decreto Legislativo 339/1990, de 2 de marzo.</p> <p>Law that regulates the existence of reserved parking places for physically disabled individuals.</p>
<p>IVA reducido en la adquisición, adaptación o mantenimiento de vehículos para personas con discapacidad (VAT reduced to buy, adapt or maintain vehicles for disabled persons)</p>	<p>http://www.boe.es/boe/dias/2006/04/25/pdfs/A15750-15751.pdf</p> <p><i>LEY 6/2006, de 24 de abril, de modificación de la Ley 37/1992, de 28 de diciembre, del Impuesto sobre el Valor Añadido (IVA), para la clarificación del concepto de vehículo destinado al transporte de personas con minusvalía.</i></p> <p><i>(Law on financial benefits for physically disabled people, consisting of reduced VAT to buy, adapt or maintain vehicle)</i></p>
<p>Tarjeta dorada RENFE (Train Gold Card)</p>	<p>http://www.renfe.es/productos/on_tdorada.html</p> <p>A disabled person (degree of disability equal or higher than 65%) can apply for the Gold Card that gives 25 or 40% reduced cost on train travel on national railways to them and a companion. This card cost 5€ each year.</p>
<p>Tarjeta especial de transporte (Special transport card)</p>	<p>http://www.madrid.org/cs/Satellite?c=CM_Tramite_FA&cid=1142531342459&definicion=Autorizacion+Licencia+Permiso+Carne&language=es&pagename=ComunidadMadrid%2FEstructura&pid=1109265444835&tipoServicio=CM_Tramite_FA</p> <p>Comunidad de Madrid</p>

	A disabled person (degree of disability equal to or higher than 65%) can apply for a Special Transport Card
INFORMATION AND COMMUNICATION	
Abono social de Telefónica (Telefonica social bonus)	http://www.telefonicaonline.com/on/io/es/pie/accion_social/as2_abonosocial.html Reduced phone bill for disabled people.
LEISURE AND CULTURE	
Turismo y Termalismo para personas con discapacidad (Tourism and spas for disabled persons)	http://www.imserso.es/Presentacion/groups/imserso/documentos/binario/res18mar2009turpcd.pdf Resolución de <u>18 de marzo de 2009</u> , del Instituto de Mayores y Servicios Sociales, por la que se convoca la concesión de subvenciones, para las actuaciones de turismo y termalismo para personas con discapacidad durante el año. (Tourism and spas for disabled persons)



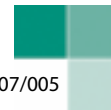
Annex: Finland - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Disability Allowance for persons under 16 years of age	http://www.kela.fi/in/internet/english.nsf/NET/230708152741HS
Finnish Railway Services for disabled people	http://www.vr.fi/eng/palvelut/palvelut_junissa/vammaispalvelut/index.shtml
Medical rehabilitation for persons with severe disabilities	http://www.kela.fi/in/internet/english.nsf/NET/110806095456AK
Holiday and camping services for people with learning disabilities	http://kotisivukone.fi/files/uvps.kotisivukone.com/leirie_site_2010.pdf
Work activities for people with learning disabilities	http://verneri.net/yleis/sosiaaliturva/aikuiset/tyoe/tyot_oiminta.html
Vocational special education and training	http://www.oph.fi/koulutus_ja_tutkinnot/ammattikoulutus/ammattilliset_perustutkinnot/ammattillinen_erityisopetus
Home renovations	http://www.stm.fi/en/social_and_health_services/disability_services
Interpretation services	http://verneri.net/yleis/sosiaaliturva/toistuvat_sisaelloet/kommunikaatio/tulkkipalvelut.html
Social rental housing and acquisition	http://www.ara.fi/default.asp?node=1495&lan=en#a6



Annex: France - benefits and entitlements submitted to the database

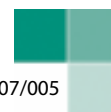
Name of benefit or entitlement	Web link
Disabled adult allowance	http://vosdroits.service-public.fr/F2464.xhtml
Compensation allowance for assistance by a third party	http://vosdroits.service-public.fr/F2475.xhtml
Complementary resources	http://vosdroits.service-public.fr/particuliers/F12911.xhtml
Supplement for an autonomous life	http://vosdroits.service-public.fr/particuliers/F12903.xhtml
Disability Compensation Benefit	http://vosdroits.service-public.fr/particuliers/N14201.xhtml
Education allowance for a disabled child	http://vosdroits.service-public.fr/F2707.xhtml
Compulsory employment (quota)	http://www.travail-solidarite.gouv.fr/informations-pratiques,89/fiches-pratiques,91/travailleurs-handicapes,126/l-obligation-d-emploi-en-faveur,1141.html
Employment injury-occupational disease annuity	http://vosdroits.service-public.fr/N20295.xhtml
Invalidity pension	http://vosdroits.service-public.fr/F672.xhtml
Daily indemnity	http://vosdroits.service-public.fr/F175.xhtml
Invalidity card	http://vosdroits.service-public.fr/particuliers/F2446.xhtml
Train reduction	http://www.voyages-sncf.com/guide/voyageurs_handicapes/preparation-voyage/prix/
Temporary Daily Allowance	http://vosdroits.service-



	public.fr/F175.xhtml
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Annex: Hungary - benefits and entitlements submitted to the database

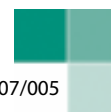
Name of benefit or entitlement	Web link
Disability pension	http://www.onyf.hu/?module=news&action=list&fname=onyf_left_menu_ugyintezes_rokkantsagi
Disability Benefit	http://www.allamkincstar.gov.hu/cikk/815
Vehicle transformation support	http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99500164.kor
Tax allowance	http://www.allamkincstar.gov.hu/en/cikk/38
Benefit to remove barriers	https://www.magyarorszag.hu/allampolgar/ugyek/egeszseg/hatranyos/akadalyramigeny20080711.html/ugyleirasjogi
Increased family allowance	http://www.szmm.gov.hu/main.php?folderID=848&articleID=4070&ctag=articlelist&iid=1
Sign language service	http://net.jogtar.hu/jr/gen/getdoc.cgi?docid=A0900125.TV
Public medical service	http://www.oep.hu/pls/portal/docs/PAGE/LAKOSSAG/OEPHULAK_EBELLAT/ELLATASMO/KOZGYOGYELLATAS.PDF
Home help	http://www.szmm.gov.hu/main.php?folderID=16492&articleID=32951&ctag=articlelist&iid=1
Parking card	http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0300218.KOR
Disability allowance	http://www.onyf.hu/?module=news&action=list&fname=onyf_left_menu_ugyintezes_rokkantsagi
Supported employment	http://www.fogyatekos.hu/main/news-474.html
Nursing fee	http://www.kezenfogva.hu/Adatbazis/ellatasok/5.html



Annex: Ireland - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Illness Benefit	http://www.welfare.ie/EN/Schemes/IllnessDisabilityAndCaring/Illness/IllnessBenefit/Pages/ib.aspx
Invalidity Pension	http://www.welfare.ie/EN/Schemes/Pension/Pages/ip.aspx
Disability Allowance	http://www.welfare.ie/EN/Schemes/IllnessDisabilityAndCaring/PeoplewithDisabilities/DisabilityAllowance/Pages/da.aspx
Blind Pension	http://www.welfare.ie/EN/Schemes/Pension/Pages/bp.aspx
Free Travel Pass	http://www.welfare.ie/EN/Schemes/FreeTravel/Pages/FreeTravel.aspx
Tax Relief for Vehicles Purchased for Use by People with Disabilities Scheme	http://www.revenue.ie/en/tax/vrt/leaflets/drivers-passengers-with-disabilities-tax-relief-scheme.html#section3
Housing Adaptation Grant for People with a Disability	http://www.environ.ie/en/DevelopmentandHousing/Housing/SpecialNeeds/PeoplewithaDisability/
Mobility Aids Grant Scheme	http://www.environ.ie/en/DevelopmentandHousing/Housing/SpecialNeeds/PeoplewithaDisability/
Workplace Equipment Adaptation Grant	http://www.fas.ie/en/Allowances+and+Grants/Workplace+Equipment+Adaptation+Grant+(WEAG).htm
Wage Subsidy Scheme	http://www.fas.ie/en/Allowances+and+Grants/Wage+Subsidy+Scheme.htm
Employee Retention Grant Scheme	http://www.fas.ie/en/Allowances+and+Grants/Employee+Retention+Grant+Scheme.htm
Equipment Grants for Students with Disabilities	http://www.citizensinformation.ie/categories/education/primary-and-post-primary-education/educational-supports/equipment_grant_special_needs
Fund for Students with Disabilities	http://www.studentfinance.ie/mp7575/fund-for-students-with-disabilities/index.html

Motorised Transport Grant	http://www.hse.ie/eng/services/Find_a_Service/entitlements/Disability_Services/Motorised_Transport_Grant.html
Personal Assistance Service	http://www.hse.ie/eng/staff/FactFile/HSE_Approach/Primary_Community_and_Continuing_Care/Persons_with_Disabilities/
School Transport for children with special needs	http://www.education.ie/home/home.jsp?maincat=&pcategory=17216&ecategory=42741&sectionpage=2251&language=EN&link=link001&page=1&doc=38944#5
Treatment Benefit Scheme	http://www.welfare.ie/EN/Schemes/DentalOpticalAndHearingBenefits/Pages/Dental.aspx
Assessment of need for people with disabilities	http://www.dohc.ie/public/information/health_services_for_people_with_disabilities/assessment_of_need_for_people_with_disabilities.html?lang=en
Mobility Allowance	http://www.hse.ie/eng/services/Find_a_Service/entitlements/Disability_Services/Mobility_Allowance.html

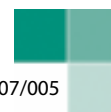


Annex: Iceland - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Full Disability Pension	www.tr.is
Disability allowance	www.tr.is
Prescription Drug Subsidies	www.tr.is www.sjukra.is
Grant for the purchase of a vehicle	www.tr.is
Grant for additional driving instruction	www.tr.is
Disability Transport Services of Reykjavík	www.bus.is
Reduced homeowner's tax	Example from The City of Hafnarfjörður: http://www.hafnarfjordur.is/hafnarfjordur/thjonustuver/gjaldskrar_baejarins/nidurfelling_fasteignaskatts_elli_og_ororkulifeyristhega/
Reduced fares for public transit	www.bus.is
Travel service for legally blind people	www.blind.is
Tax waiver for vehicle ownership	http://us.is
Grant for operating a private motor vehicle	www.tr.is
Reduced fees for municipal pre-school registration	Example from the City of Reykjavík: http://www.reykjavik.is/Portaldata/1/Resources/leiskolas_vid/Innritunarreglur_leisk.pdf
Grant to subsidise the purchase of assistive/mobility devices	www.sjukra.is
Grant to subsidise educational expenses, work and IT equipment	http://www.reglugerd.is/interpro/dkm/WebGuard.nsf/key/2/550-1994
Discount on landline ISP connections	Non-advertised benefit (no link available)
Sigríður Jónsdóttir Educational Fund	www.obj.is
Permission for reduced university registration	http://www.hi.is/is/skolinn/skraningargjold

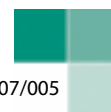


fees	
Reduced fees for medical services	www.sjukra.is
Reduced fees for dental healthcare services	www.sjukra.is
Discounted fees for municipal swimming pools	http://www.reykjavik.is/desktopdefault.aspx/tabid-3697/6079_view-1520/
Reduced admission for theatres and cinemas	Example from theatre chain Sambíoin: http://www.sambioin.is/lisalib/getfile.aspx?itemid=205

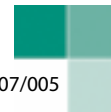


Annex: Italy - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Monthly benefit (allowance)	http://www.inps.it/newportal/default.aspx?slD=;0;5614;&lastMenu=5630&iMenu=1&itemDir=6143
Accompaniment allowance	http://www.inps.it/newportal/default.aspx?slD=;0;5614;&lastMenu=5630&iMenu=1&itemDir=6143
Attendance allowance	http://www.inps.it/newportal/default.aspx?slD=;0;5614;&lastMenu=5630&iMenu=1&itemDir=6143
Invalidity allowance	http://www.inps.it/newportal/default.aspx?slD=;0;5614;&lastMenu=5630&iMenu=1&itemDir=6143
Contributions for the removal of architectural barriers	http://www.handylex.org/schede/contri13.shtml?d=5501,5502&cf=5006
Bonus for Electricity	http://www.bonusenergia.anci.it/?q=Bonus-Elettrico
Personal Assistance	http://www.vitaindipendente.net/index.php
Social Health Voucher	http://www.famiglia.regione.lombardia.it/cs/Satellite?c=Page&childpagename=DG_Famiglia/DGLayout&cid=1213276895238&p=1213276895238&pagename=DG_FAMWrapper
Personal life plans	http://www.sardegna sociale.it/index.php?xsl=348&s=11&v=9&c=3423&nc=1
Exemption from school and university fees	http://www.superabile.it/web/it/CANALI_TEMATICI/Scuola_e_Formazione/Iscrizioni/index.html
School transport	http://www.handylex.org/schede/trasp_ortoscolastico.shtml
School support	http://www.istruzione.it/web/istruzione/disabilita
Specialized support	http://www.istruzione.it/web/istruzione/disabilita
The following links provide information on benefits additional to those listed in the database	
Technical equipment and teaching aids	http://www.istruzione.it/web/istruzione/disabilita
Paid work permits	http://www.inps.it/newportal/default.aspx?itemdir=5941

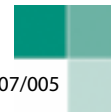


Benefits for targeted employment	http://www.lavoro.gov.it/Lavoro/Europa_lavoro/SezioneCittadini/PariOpportunita/DiversamenteAbili/collocamentoobbligatorio.htm
Vocational training	http://www.superabile.it/web/it/CANALI_TEMATICI/Lavoro/Formazione_professionale/info865566165.html
Early retirement	http://www.superabile.it/web/it/INAIL_per_saperne_di_piu/Compatibilita_con_le_prestazioni_economiche_INAIL/info1490288962.html
Ticket exemption	http://www.salute.gov.it/esenzioniTicket/paginaInternaEsenzioniTicket.jsp?id=1019&lingua=italiano
Free medical rehabilitation	http://www.salute.gov.it
Deduction of medical expenses	http://www1.agenziaentrate.it/documentazione/guide/agev_disab/capitolo_3.htm
Free delivery of AT	http://www.ausl.rn.it/doceboCms/wiki/1294_5472/show/italian/0/Ausili-ortesi-protesi-Erogazione
Facilities on the purchase of a car	http://www.agenziaentrate.it/wps/wcm/connect/Nsilib/Nsi/Documentazione/Guide+Fiscali
Reserved Parking	http://www.handylex.org/cgi-bin/hl3/cat.pl?v=b&d=7700&c=7003
Blue Card for rail	http://www.trenitalia.com/cms/v/index.jsp?vgnextoid=05386fc8c685a110VgnVCM10000080a3e90aRCRD
Facilities on technical aids and computer	http://www.agenziaentrate.gov.it/wps/wcm/connect/8baa9600426dc23398ab9bc065cef0e8/GUIDA+disabili_giugno_2010_per_internet.pdf?MOD=AJPERES&CACHEID=8baa9600426dc23398ab9bc065cef0e8
Incentives for the telephone and internet	http://www.agcom.it/Home.aspx
Facility for admission to cultural sites	http://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/MenuPrincipale/LuoghiDellaCultura/index.html

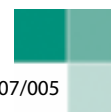


Annex: Lithuania - benefits and entitlements submitted to the database

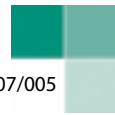
Name of benefit or entitlement	Web link
50 percent of the State social insurance basic pension (every month) for satisfying the special needs of disabled people	http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=4552&p_query=&p_tr2=&p_org=85&p_fix=y
Social allowance payment each semester for students, who are studying in public high schools	http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=4552&p_query=&p_tr2=&p_org=85&p_fix=y
Financial support for students, who are studying in high-schools at their own expenses	http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=4552&p_query=&p_tr2=&p_org=85&p_fix=y
Support for Employment	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=279173&p_query=&p_tr2
Partial Reimbursement of Wages and State Social Insurance Contributions	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=235368
Subsidy for the Creation of Workplaces,	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=235368



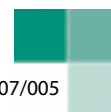
Adaptation of Workplaces to Disabled Employees and Acquisition or Adaptation of Their Work Equipment	
Subsidy for the Reimbursement of Additional Administrative and Transport Expenses	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=235368
Subsidy for the Reimbursement of Expenses on an Assistant (Sign Language Interpreter)	
Compensation for medicine and medical needs	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=222560&p_query=&p_tr2=
Compensation of medical rehabilitation and sanatorium treatment expenses for compulsory health insured	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=222560&p_query=&p_tr2=
Right to buy transport tickets at a discount (80%)	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=343553&p_query=&p_tr2=
Right to buy	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=343553&p_q



transport tickets at a discount (50%)	uery=&p_tr2=
Entitlement to transport expenses	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=343553&p_query=&p_tr2=
Entitlement to transport expenses for purchase of car and adaptation of car	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=343553&p_query=&p_tr2=
Disabled person's parking card	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=357790&p_query=&p_tr2=
Provision of Educational Assistive Technology and Training Appliances	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=93743 ; http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=69873
Adaptation of an Educational Institution for Persons with Special Needs	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=93743 ; http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=69873
Transportation to Educational Institution	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=93743 ; http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=69873
Subsidy for the Training of Employees who are Attributed to Target Groups	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=235368
Support for dwelling reconstruction	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=196628&p_query=&p_tr2=
Housing subsidy to cover a part of credit	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=196628&p_query=&p_tr2=

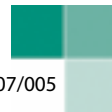


Maintenance of expensive active-type wheelchair	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=289658&p_query=&p_tr2=
Compensation for a new inter-connection system	http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=289658&p_query=&p_tr2=
State social insurance pensions for incapacity for work	http://skelbimas.lt/istatymai/valstybiniu_socialinio_draudimo_pensiju_i_statymas.htm



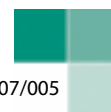
Annex: Latvia - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Disability Pension	http://www.lm.gov.lv/text/134
State Social Security Benefit	http://www.lm.gov.lv/text/163
Supplement to the Family State Benefit for Disabled Child under 18 years of age	http://www.lm.gov.lv/text/100
Disabled Child Rearing Allowance	http://www.lm.gov.lv/text/84
Benefit to a Disabled Person Requiring Special Care	http://www.lm.gov.lv/text/101
Allowance for Compensation of Transport Expenses for Disabled Persons who have Difficulties in Movement	http://www.lm.gov.lv/text/103
Harm Compensation Related to Accidents at Work or Occupational Disease	http://www.lm.gov.lv/text/102
Rights to receive technical aids (for home, educational settings or work place)	http://www.lm.gov.lv/text/289
Right to free/reduced cost of medicines	http://www.vm.gov.lv/index.php?id=607&to p=117
Free cost of public transport	http://www.likumi.lv/doc.php?id=195934
Support for car equipment	http://www.likumi.lv/doc.php?id=202674&fr om=off
Rights to social rehabilitation services	http://www.lm.gov.lv/text/1319
Priority allocation of social housing	http://www.lm.gov.lv/text/918
Personal Income Tax reductions	http://www.vid.gov.lv/default.aspx?tabid=8 &id=4476&hl=1
Rights to Vocational Rehabilitation services	http://www.lm.gov.lv/text/214
Free cost of visit from family doctor	http://www.vm.gov.lv/index.php?id=249&to p=117
Rights to Group houses (apartments), halfway houses or service apartment services	http://www.ttc.lv/export/sites/default/docs/LRTA/Likumi/Social_Services_and_Social_Assistance_Law.doc
Reduced Car and Motorcycle Tax	http://www.lm.gov.lv/text/918
Reduced Automobile and Motorcycle Duty	http://www.ttc.lv/export/sites/default/docs/LRTA/MK_Noteikumi/Cab_Reg_No_228_-_Automobile_and_Motorcycle_Duty.doc
Free cost of receiving information from population register	http://www.likumi.lv/doc.php?id=167910



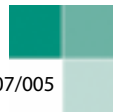
Annex: Malta - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Blue Badge	http://www.knpd.org
Special ID Card	http://www.knpd.org
CONTINUING EDUCATION, TRAINING & RESEARCH PROGRAMME	http://www.knpd.org
Assistive Apparatus Fund	http://www.knpd.org
Assistive Apparatus Tax Refund	http://www.knpd.org
Bridging the Gap	http://www.etc.gov.mt/site/page.aspx?pageid=2240
Car Registration Fee Exemption	http://www.knpd.org
Free Road License	http://www.knpd.org
Assistance to Persons with Disability	http://www.housingauthority.com.mt/services.htm#scheme
Grants on Loan Repayments	http://www.housingauthority.com.mt/services.htm#scheme
Installation of Lifts in Government-Owned Blocks Entrances	http://www.housingauthority.com.mt/services.htm#scheme
Interest Subsidy	http://www.housingauthority.com.mt/services.htm#scheme
Disability Pension	http://docs.justice.gov.mt/lom/legislation/english/leg/vol_7/chapt318.pdf
Pension for Visually Impaired Persons	http://docs.justice.gov.mt/lom/legislation/english/leg/vol_7/chapt318.pdf

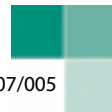


Annex: Netherlands - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Reintegration of Labour Disabled People - adaptation or support to search for and do paid work or to study based on the WIA Act (Integratie Arbeidsgehandicapten)	http://www.uwv.nl/wia/index.aspx
Adaptation School Buildings (Huisvesting scholen)	http://www.vng.nl
Adaptation of Housing (Woningaanpassing)	http://www.minvws.nl/dossiers/wmo/voorburgers/vraag-en-antwoord/default.asp
Parking Card (Gehandicaptenparkeerkaart)	http://www.anwb.nl/verkeer/buitenland/europese-gehandicaptenparkeerkaart/Gebruik-van-gehandicaptenparkeerkaart-in-Nederland.html
Rent Credit (Huurtoeslag)	http://www.toeslagen.nl
Translator for Deaf or Hearing Impaired person (Doventolk)	http://www.cvz.nl
Compensation for Chronically ill and Disabled People (Tegemoetkoming chronisch zieken en gehandicapten (Wtcg))	http://www.minvws.nl/dossiers/wet-tegemoetkoming-chronisch-zieken-en-gehandicapten-wtcg/dit-staat-in-de-wtcg/de-algemene-tegemoetkoming/hogte/default.asp
Compensation Cost of Living for Children with Disabilities Living at Home (Tegemoetkoming onderhoudskosten thuiswonende gehandicapte kinderen TOG)	http://www.svb.nl/int/nl/tog/index.jsp
Student Budget (Leerlinggebonden Financiering)	http://www.50tien-oudersenrugzak.nl/oudersenrugzak/
Priority in Relocation (Voorrang bij woningtoewijzing)	http://www.aedesnet.nl
Social Support (Maatschappelijke ondersteuning)	http://www.minvws.nl/dossiers/wmo/voorburgers/vraag-en-antwoord/default.asp
Personal Care Budget (Persoonsgebonden	http://www.minvws.nl/dossiers/persoonsge

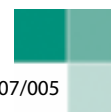


Budget PGB)	bonden_budget_pgb/default.asp
Disability Provision for onset of disability (Arbeidsongeschiktheidsvoorziening jonggehandicapten (Wajong))	http://www.uwv.nl/wajong/
Interregional Adapted Transport Pass (Valys pas)	http://www.valys.nl/overvalys.aspx
Public Transport Companion Pass (OV-begeleiderskaart)	http://www.ns.nl/cs/Satellite/travellers/en-service/travelling-fuctional-disability?packedargs=language%3Den



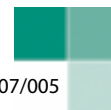
Annex: Norway - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Incapacity (disability) benefit	http://www.nav.no/Arbeid/Jobb+og+helse/Uf%C3%B8reytelser/Uf%C3%B8repensjon
Work assessment benefit	http://www.nav.no/Arbeid/Jobb+og+helse/Arbeidsavklaringspenger
Basic benefit	http://www.nav.no/Helse/Grunn-+og+hjelpest%C3%B8nad/Grunnst%C3%B8nad
Extended supplementary benefit	http://www.nav.no/Helse/Grunn-+og+hjelpest%C3%B8nad/Forh%C3%B8yet+hjelpest%C3%B8nad
Tax reduction	http://www.skatteetaten.no/no/Bibliotek/Publikasjoner/Rettledninger/Rettledninger-2010/Rettledning-til-postene-2009/#post_3_2_10
Housing allowance	http://www.husbanken.no/Venstremeny/en_housing_allowances.aspx
Everyday life practical support	http://www.helsetilsynet.no/templates/ArticleWithLinks_8734.aspx
Housing for people with difficulties on the housing market	http://www.husbanken.no/Venstremeny/Vanskeligstilte%20paa%20boligmarkedet/Hvorfor%20bolig%20til%20vanskeligstilte.aspx
Parking for people with mobility difficulties	http://www.vegvesen.no/Trafikkinformasjon/Lover+og+regler/Forflytningshemmende
Wage subsidises, not time limited	http://www.lovdatabasen.no/cgi-wift/ldles?doc=/sf/sf/sf-20070503-0495.html
Accommodation guarantee (work place)	http://www.nav.no/805375336.cms
Personal assistance	http://www.helsetilsynet.no/templates/ArticleWithLinks_8735.aspx
Interpretation for people with hearing difficulties	http://www.nav.no/Helse/Hjelpemidler/Tolketjenesten



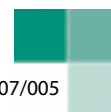
Annex: Poland - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Inability to work pensions	www.zus.pl/default.asp?p=4&id=400
Training pension	www.zus.pl/default.asp?p=4&id=400
Nursing supplement	www.zus.pl/default.asp?p=4&id=1527
Social pension	www.zus.pl/default.asp?p=4&id=406
Nursing allowance	www.mpips.gov.pl/index.php?gid=304
Nursing benefit	www.mpips.gov.pl/index.php?gid=1477
Education and rehabilitation of child with disabilities supplement	www.mpips.gov.pl/index.php?gid=299
Permanent allowance	www.mpips.gov.pl/index.php?gid=1311
Care services and specialist care services	www.mpips.gov.pl
Tax-deduction for rehabilitation expenses and expenses facilitating life activities	www.niepelnosprawni.gov.pl/uprawnienia-osob-niepelnosprawny/podatki/
Supply of orthopaedic and assistive devices (medical)	www.nfz.gov.pl/new/index.php?katnr=8&dzialnr=2&artnr=4025
Elimination of architectural barriers from the resources of the State Fund for Rehabilitation of Disabled Persons	www.niepelnosprawni.gov.pl/rehabilitacja/likwidacja-barrier
Elimination of communication barriers from the resources of the State Fund for Rehabilitation of Disabled Persons	www.niepelnosprawni.gov.pl/rehabilitacja/likwidacja-barrier
Monthly subsidy to finance a disabled employee' remuneration from the resources of the State Fund for Rehabilitation of Disabled Persons	www.niepelnosprawni.gov.pl/zatrudnienie-osob-niepelnosprawny/pracodawcy-zatrudniajacy-osoby-n/
Special scholarship for persons with disabilities	www.niepelnosprawni.gov.pl/uprawnienia-osob-niepelnosprawny/studenci/
Reduced cost of travel on national railways and public coach transport	www.niepelnosprawni.gov.pl/uprawnienia-osob-niepelnosprawny/komunikacja--podroz/
Reduced admission fee to public museums	www.niepelnosprawni.gov.pl/uprawnienia-osob-niepelnosprawny/kultura-i-sztuka/



Annex: Portugal - benefits and entitlements submitted to the database

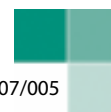
Name of benefit or entitlement	Web link
System for Attribution of Support Products	www.inr.pt
Accessibility to information by people with visual impairment to goods	www.inr.pt
Priority Queuing	www.dgaep.gov.pt
Credit Regime for People with Disabilities	www.ihru.pt
Social Insertion Income	www.seg-social.pt
Parking Card for people with disabilities	www.imtt.pt
Home Support	www.seg-social.pt
National System for Early Childhood Intervention	www.inr.pt
Qualification Program for People with Disabilities	www.iefp.pt
Adaptation of Workplaces and Elimination of Architectural Barriers	www.iefp.pt
Supported Employment	www.iefp.pt
Door 65 – Youth	www.portaldahabitacao.pt/pt/porta65j/
Special education allowance	www.min-edu.pt
Benefit for Children and Youth	www.seg-social.pt
Tariff 2 x 1	www.cp.pt
National Network for Integrated Continuous Care	www.rncci.min-saude.pt
Employment injuries	www.act.gov.pt
Invalidity Pension (relative or absolute)	www.seg-social.pt



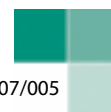
Annex: Romania - benefits and entitlements submitted to the database

Color code: The cells marked in blue indicate that financial benefits or entitlements are available for visitors from abroad or for persons with disabilities travelling from a municipality to another.

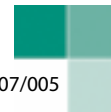
Name of benefit or entitlement	Web link
SOCIAL PROTECTION AND FINANCIAL BENEFITS	
Disability indemnity (monthly) Not means-tested, for: <ul style="list-style-type: none"> - Persons with severe and „accentuated” disability - Family or legal representative of the child with severe disability (Law 448/2006)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc (this is the official link of the Law 448/2006) and http://www.xisoft.net/legislatie.php?link=legea_448_2006.htm (this link contains the latest modifications of the Law 448/2006)
Complementary personal budget (monthly) Not means tested, for persons with severe, accentuated and medium disability; (Law 448/2006)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc (this is the official link of the Law 448/2006) and http://www.xisoft.net/legislatie.php?link=legea_448_2006.htm (this link contains the latest modifications of the Law 448/2006)
CHILD ALLOWANCE, MATERNITY LEAVE AND LEAVE FOR RAISING THE CHILD	
Increased child State allowance Law 448/2006, Ordinance 148/2005 and Law 61/1993)	http://www.cdep.ro/pls/legis/legis_pck.frame (Ord.148/2005) http://www.cdep.ro/pls/legis/legis_pck.frame (Law 61/1993)
Longer maternity leave for mothers with disability (Law 448/2006)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc
Longer leave for raising a child with disability (Law 448/2006)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc
Increased indemnity for raising the child with disability (Law 448/2006)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc



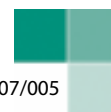
The right to reduced working time (4 hours/day) for the parent raising a child with disability, at his demand (Law 448/2006)	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
Increased number of medical leaves, for parents raising a child with disability (if requested) (Law 448/2006)	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
HOUSING (Law 448/2006)	
Exemption from the payment of the annual tax for building and land	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
Priority in leasing flats belonging to the State Administration, at inferior floors (public flats)	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
One additional room available for persons with disabilities, living in rented public flats/houses	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
Exemption from the rent payment , for persons with disabilities living in public flats/houses	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
Increased placement allowance , for children with disabilities living in residential centers	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
Exemption from the payment of the hotel tax	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
SUPPORT FOR INDEPENDENT LIVING (Law 448/2006)	
The right to have a (paid) personal assistant	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
The right to choose between personal assistant and an <i>assistant indemnity</i> , in case of persons with visual impairments.	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
The right to choose between personal	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc



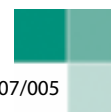
assistant and a <i>monthly indemnity</i> , for all other persons with disabilities (children or adults)	rviciu/Lege%20nr.%20448%20din%202006.doc
The right to have a qualified personal assistant , for those persons with severe or accentuated disabilities who do not own a living space and have no revenues	http://www.anph.ro/admin/doc/upload/se rviciu/Lege%20nr.%20448%20din%202006.doc
EDUCATION AND TRAINING (Law 448/2006)	
Free meals and accommodation for pupils with disabilities using boarding schools	http://www.anph.ro/admin/doc/upload/se rviciu/Lege%20nr.%20448%20din%202006.doc
50% tax reductions for meals and accommodation , for students with disabilities using faculties residences and canteens	http://www.anph.ro/admin/doc/upload/se rviciu/Lege%20nr.%20448%20din%202006.doc
Free places in summer camps , once per year, for all children with disabilities	http://www.anph.ro/admin/doc/upload/se rviciu/Lege%20nr.%20448%20din%202006.doc
Entitlements of pupils and students with disabilities: <ul style="list-style-type: none"> - Support teacher, if needed; - Accessibility re. infrastructure of the school; - Accessibility of textbooks, information - Assistive devices, if needed 	http://www.anph.ro/admin/doc/upload/se rviciu/Lege%20nr.%20448%20din%202006.doc
EMPLOYMENT (Law 448/2006)	
Deduction of the income tax, corresponding to salary or pension Available for persons with severe and accentuated disability (Law 448/2006 and Law 360/2009)	http://www.xisoft.net/legislatie.php?link=legea_448_2006.htm (this link contains the latest modifications of the Law 448/2006) http://www.dreptonline.ro/legislatie/lege_modificare_scutire_impozit_protectie_drepturi_persoane_handicap_360_2009.php
Tax exemption for the release of the authorization for providing economic activities , by persons with disabilities	http://www.anph.ro/admin/doc/upload/se rviciu/Lege%20nr.%20448%20din%202006.doc
Tax exemptions for sheltered workshops	http://www.anph.ro/admin/doc/upload/se rviciu/Lege%20nr.%20448%20din%202006.doc



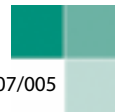
(authorization tax, income taxes for the re-invested income)	rviciu/Lege%20nr.%20448%20din%202006.doc
<p>Entitlements for persons with disabilities seeking employment or working</p> <ul style="list-style-type: none"> - Counseling for employment - Vocational training - Workplace adaptation - Reduced working time, if requested; - Longer trial period - Longer firing notice <p>(Art.83 from Law 448/2006)</p>	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc
<p>Entitlements for employers</p> <ul style="list-style-type: none"> - Tax deductions (from the profit) for costs with workplace adaptations; - Tax deductions (from the profit) for costs related with the transportation of persons with disabilities - Tax deductions (from the profit) from the costs related to the transportation of raw materials at the disabled person's home, if this employee works at home <p>(Art 84, Law 448/2006)</p>	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc
SUBSIDISED LOANS	
<p>Subsidized interests for loans taken by persons with disabilities, for buying one car, respectively for buying a house/flat, under a certain limit.</p> <p>(Art 27, law 448/2006)</p>	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc
HEALTH CARE	
<p>Free medical care and free medicines, for both ambulatory treatment and hospitalization, according to the annual Framework Contract of the National Health Insurance</p> <p>(Art.10. Law 448/2006 and Framework Contract of National Health Insurance for 2010)</p>	<p>http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc</p> <p>http://www.cnas.ro/download/491/NORME%202010.pdf</p>
<p>Free medical devices for ambulatory care, according to a reference list updated on</p>	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc



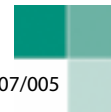
annual basis (Art.10. Law 448/2006 and Framework Contract of National Health Insurance for 2010)	http://www.cnas.ro/download/491/NORME%202010.pdf
Free meals and accommodation for the persons accompanying the persons with severe and accentuated disabilities in hospitals or residential rehabilitation units (children and adults) (Art 10, Law 448/2006)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc
One free ticket for spa treatment per year , in line with the personalized plan of rehabilitation. (Art 10, Law 448/2006)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc
TRANSPORTATION	
Exemption from annual tax for all transportation means (cars, motorcycles) adapted for disabled persons and owned by disabled persons (Art.23 and 24, Law 448/2006, Gov.Decision 680/2007 and Gov.Decision 884/2009)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc http://infoanph.ro/legislatie/acte-normative/hotarari-de-guvern/hg-884/
Exemption from road tax (Art.23 and 24, Law 448/2006, Gov.Decision 680/2007 and Gov.Decision 884/2009)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc http://infoanph.ro/legislatie/acte-normative/hotarari-de-guvern/hg-884/
Free urban transportation, for persons with severe and accentuated disabilities (bus, tramway, trolleybus, subway), as well as for personal assistants when traveling with disabled persons (Art.23 and 24, Law 448/2006, Gov.Decision 680/2007 and Gov.Decision 884/2009)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc http://infoanph.ro/legislatie/acte-normative/hotarari-de-guvern/hg-884/
Free tickets for inter-city transportation (train, boat, bus) for persons with severe and accentuated disabilities (limited no. of tickets per year, according ot disability) (Art.23 and 24, Law 448/2006, Gov.Decision 680/2007 and Gov.Decision 884/2009)	http://www.anph.ro/admin/doc/upload/serVICIU/Lege%20nr.%20448%20din%202006.doc http://infoanph.ro/legislatie/acte-normative/hotarari-de-guvern/hg-884/



<p>Free inter-city transportation for persons with kidney conditions, needing dialysis in other cities than residence (Art.23 and 24, Law 448/2006, Gov.Decision 680/2007 and Gov.Decision 884/2009)</p>	<p>http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc http://infoanph.ro/legislatie/actenormative/hotarari-de-guvern/hg-884/</p>
<p>Free parking card (the “Blue Badge”)</p>	<p>http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc http://infoanph.ro/legislatie/actenormative/hotarari-de-guvern/hg-884/</p>
<p>INFORMATION AND COMMUNICATION (Chapter 4, Law 448/2006)</p>	
<p>For-free interprets (sign language) should be made available by local authorities, for the relationship with persons with sensorial disabilities</p>	<p>http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc</p>
<p>LEISURE AND CULTURE (Art.21, Law 448/2006)</p>	
<p>Free tickets for cultural and sport events, for children with disabilities and the persons accompanying them</p>	<p>http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc</p>
<p>Free tickets for cultural and sport events, for adults with severe and accentuated disability, and for the persons accompanying them</p>	<p>http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc</p>
<p>Tickets reductions for persons with light and medium disability</p>	<p>http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc</p>
<p>Exemption from the tax for fishing, for persons with severe and accentuated disability</p>	<p>http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc</p>
<p>ADDITIONAL ACCESSIBILITY ENTITLEMENTS (Chapter 4, Law 448/2006)</p>	
<p>All libraries are supposed to organise sections with accessible books and</p>	<p>http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc</p>

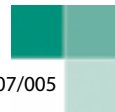


information means for persons with disabilities	06.doc
Information in public places should be accessible for persons with disabilities	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc
Free access of guide dogs accompanying persons with severe disability , in public places, buildings and in transportation means.	http://www.anph.ro/admin/doc/upload/serviciu/Lege%20nr.%20448%20din%202006.doc

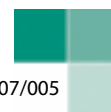


Annex: Sweden - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Sickness compensation	http://www.forsakringskassan.se/irj/go/km/docs/fk_publishing/Dokument/Publikationer/Faktablad/Andra%20spr%C3%A5k/Engelska/sjukersattning_eng.pdf
Activity compensation	http://www.forsakringskassan.se/irj/go/km/docs/fk_publishing/Dokument/Publikationer/Faktablad/Andra%20spr%C3%A5k/Engelska/aktivitetsersattning_eng.pdf
Disability allowance	http://www.forsakringskassan.se/irj/go/km/docs/fk_publishing/Dokument/Publikationer/Faktablad/Andra%20spr%C3%A5k/Engelska/Handikappers%C3%A4ttning_eng.pdf
Attendance allowance	http://www.forsakringskassan.se/irj/go/km/docs/fk_publishing/Dokument/Publikationer/Faktablad/Andra%20spr%C3%A5k/Engelska/assistansersattning_eng.pdf
Grant for Housing Adaptation	http://62.95.69.15/cgi-bin/thw?%24{HTML}=sfst_lst&%24{OOHTML}=sfst_dok&%24{SNHTML}=sfst_err&%24{BASE}=SFST&%24{TRIPSHOW}=format%3DTHW&BET=1992%3A1574%24 (Housing Adaptation Assistance Act 1992:1574, in Swedish)
Wage subsidy	http://www.arbetsformedlingen.se/admin/Documents/faktablad/lonbid.pdf (in Swedish)
Special transport service	http://62.95.69.15/cgi-bin/thw?%24{HTML}=sfst_lst&%24{OOHTML}=sfst_dok&%24{SNHTML}=sfst_err&%24{BASE}=SFST&%24{TRIPSHOW}=format%3DTHW&BET=1997%3A736%24 (Special Transports Services Act, 1997:736, in Swedish)
Residential arrangements with special service or some other specially adapted residential arrangements	http://www.ltv.se/upload/Filarkiv/Egna_filer/Funktionshindrad/LSS/LSS_engelska.pdf (a summary of Act 1993:387 in English)



Assistive devices, technical aid	http://www.hi.se/Global/Dokument/english/swedich-chapter-in-provisionassistivetechology-nsh-2007.pdf (Summary in English on the provision of assistive devices in Sweden)
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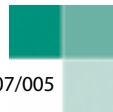


Annex: Slovenia - benefits and entitlements submitted to the database

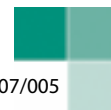
Name of benefit or entitlement	Web link
Disability allowance	http://www.mddsz.gov.si/si/delovna_podrocja/sociala/nado_mestilo_za_invalidnost/
Assistance allowance	http://www.mddsz.gov.si/si/delovna_podrocja/sociala/nado_mestilo_za_invalidnost/
Assistance at home	http://e-uprava.gov.si/e-uprava/dogodkiPrebivalci.euprava?zdid=686&sid=415
Family helper	http://www.mddsz.gov.si/si/delovna_podrocja/sociala/druzinski_pomocnik/
Renewed rehabilitation	http://www.zzzs.si/zzzs/internet/zzzs.nsf/o/30A107F044465393C1256E8C002E56B1
Benefits at Slovenian Railways services	http://www.slo-zeleznice.si/sl/potniki/dobro-je-vedeti/zakonski-popusti
Personal income tax reduction	http://www.uradni-list.si/1/objava.jsp?urlid=201028&stevilka=1235
Exemption from paying road tax	http://e-uprava.gov.si/e-uprava/dogodkiPrebivalci.euprava?zdid=447&sid=829
Exemption of cost for national radio and TV subscription	http://www.rtv slo.si/strani/najbolj-pogosta-vprasanja-in-odgovori-faq/222#30
Exemption of payment of contribution for pension and invalidity insurance	http://www.svzi.gov.si/index.php?dep_id=4
Reward for exceeding employment quota	http://www.svzi.gov.si/index.php?dep_id=4
Positive discrimination measure in allocation of a non-profit rent apartment	http://zakonodaja.gov.si/rpsi/r02/predpis_PRAV5102.html
The right to sign language interpretation	http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1713.html
Personal assistant for physically disabled child in kindergarten and school	http://www.uradni-list.si/1/objava.jsp?urlid=20073&stevilka=101

Annex: Slovakia - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Disability pension	http://jaspi.justice.gov.sk/jaspiw1/html_zak/jaspiw_maxi_zak_fr0.htm ; Act No. 461/2003 Coll., §§70-73
Direct payment for personal assistance	http://jaspi.justice.gov.sk/jaspiw1/html_zak/jaspiw_maxi_zak_fr0.htm ; Act No. 447/2008 Coll., § 22
Direct payment for purchasing devices	http://jaspi.justice.gov.sk/jaspiw1/html_zak/jaspiw_maxi_zak_fr0.htm ; Act No. 447/2008 Coll., §§24-28
Direct payment for purchase of personal car	http://jaspi.justice.gov.sk/jaspiw1/html_zak/jaspiw_maxi_zak_fr0.htm ; Act No. 447/2008 Coll., §34
Direct payment for flat adaptation, direct payment for house adaptation and direct payment for garage adaptation	http://jaspi.justice.gov.sk/jaspiw1/html_zak/jaspiw_maxi_zak_fr0.htm ; Act No. 447/2008 Coll., §37
Direct payment for increased costs	http://jaspi.justice.gov.sk/jaspiw1/html_zak/jaspiw_maxi_zak_fr0.htm ; Act No. 447/2008 Coll., §38
Allowance to maintain disabled person in job	http://www.employment.gov.sk/index.php?SMC=1&id=1153 , Act №5/2004 Coll. on employment services, § 56a
Job preparation of disabled person	http://www.employment.gov.sk/index.php?SMC=1&id=1153 , Act №5/2004 Coll. on employment services, §55a
Allowance for personal assistance at work	http://www.employment.gov.sk/index.php?SMC=1&id=1153 , Act №5/2004 Coll. on employment services, §59
Allowance for establishing sheltered workshop or sheltered work place	http://www.employment.gov.sk/index.php?SMC=1&id=1153 , Act №5/2004 Coll. on employment services, § 56
Training and job preparation benefit for disabled person	http://www.employment.gov.sk/index.php?SMC=1&id=1153 , Act №5/2004 Coll. on employment services, § 48b
Allowance for self-employment for disabled person	http://www.employment.gov.sk/index.php?SMC=1&id=1153 , Act №5/2004 Coll. on employment services, § 57
Reduced travel costs for national rail transport	http://www.telecom.gov.sk/index/index.php?ids=13691
Free use of highway	http://jaspi.justice.gov.sk/jaspiw1/html_zak/jaspiw_maxi_zak_fr0.htm



Free of charge payment for public services provided by Slovak TV a Slovak radio	http://jaspi.justice.gov.sk/jaspiw1/html_zak/jaspiw_maxi_zak_fr0.htm
Reduced health insurance rate	http://jaspi.justice.gov.sk/jaspiw1/html_zak/jaspiw_maxi_zak_fr0.htm
Parking card for person with disabilities	http://www.employment.gov.sk/index.php?SMC=1&id=15430
Card of person with severe disability	http://www.employment.gov.sk/index.php?SMC=1&id=15430



Annex: United Kingdom - benefits and entitlements submitted to the database

Name of benefit or entitlement	Web link
Disability Living Allowance	http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/DG_10011731
Employment and Support Allowance (ESA)	http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/esa/DG_172186
Disabled Students Allowance	http://www.direct.gov.uk/en/DisabledPeople/EducationAndTraining/HigherEducation/DG_10034898
Independent Living Fund (ILF)	http://www.ilf.org.uk/about the ilf/index.html
Access to Work	http://www.direct.gov.uk/en/DisabledPeople/EmploymentSupport/WorkSchemesAndProgrammes/DG_4000347
Council Tax reduction	http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/Taxreliefandreductions/DG_10026451
Disabled Persons Railcard	http://www.disabledpersons-railcard.co.uk/
Vehicle tax for disabled people	http://www.direct.gov.uk/en/DisabledPeople/MotoringAndTransport/Yourvehicledlicence/DG_10028003
Motability Car Scheme	http://www.motabilitycarscheme.co.uk/main.cfm?Type=CS
Cinema Exhibitors Association Card	http://www.ceacard.co.uk/
TV license discount	http://www.tvlicensing.co.uk/check-if-you-need-one/for-your-home/blindseverely-sight-impaired-aud5/