

Maastricht University *Leading in Learning!*

An Overview of the Means of Recognising Disability Status within the EU and EFTA Member States

Prof Lisa Waddington, European Disability Forum Chair in European Disability Law



Maastricht University *Leading in Learning!*

Mutual Recognition and Mobility of Disability Status and Benefits

Kind of Benefits

- social protection and income
- transport
- support for independent living
- employment
- education and training
- housing
- health care
- information and communication
- access to leisure and culture

Faculty of Law

Maastricht University *Leading in Learning!*

Ways of Classifying Impairment Level

- Percentage level of impairment, e.g. France, Germany, Greece, Iceland, and Spain.
- Percentage of reduced earning capacity resulting from an impairment, e.g. Bulgaria, the Netherlands, Norway and Slovakia.
- Classification of impairment level, e.g. mild, moderate or severe impairment, e.g. the Czech Republic and Latvia.
- No general categorisation system, e.g. United Kingdom and Ireland.

Faculty of Law

Ways of Determining Eligibility for a Disability-Related Benefit

- Eligibility based on an individualised and benefit-specific evaluation
- In some cases eligibility is determined on the basis of:
 - a medical assessment; or
 - an assessment of need, which may include a medical assessment.

Ways of Determining Eligibility for a Disability-Related Benefit (2)

- Eligibility based on receipt of another disability-related benefit, such as a disability pension, or possession of a disabled person's card, certificate or registration.
- Some benefits are only available to people with specific kinds of impairments.
- Sometimes individuals must meet additional non-disability related criteria in order to receive a benefit.

Overall Picture

- Great diversity in terms of:
 - The kinds of benefits that are provided.
 - The value of benefits.
 - The way in which impairment or disability is measured or classified.
 - The impairment or disability level needed to qualify for a particular benefit.
 - The evaluation or assessment methods.
 - The eligibility criteria which are not related to disability.
- All of these factors make achieving mutual recognition of disability status within the EU and EFTA a challenge.

Examples of European Mutual Recognition Schemes and Recommendations

European Parking Card for Disabled Persons

- 1998 European Community Recommendation.
- People with disabilities can apply for a special parking card in their own Member State, and this gives them access to certain parking-related benefits. The parking card has a standard European format, and is recognised in all Member States.

Examples of European Mutual Recognition Schemes and Recommendations (2)

- Member States retain complete discretion to determine the benefits granted to holders of the card and to determine who is eligible to receive a card – but provide the same benefits to individuals who have cards issued in other Member States.
- This leads to differences in who can qualify for the card, the way in which eligibility is assessed, and the related benefits.

Examples of European Mutual Recognition Schemes and Recommendations (3)

European Youth Card

- A very successful mutual recognition scheme established within the framework of the Council of Europe.

Council of Europe European Card for substantially handicapped persons

- (1977) – a mutual recognition scheme which never really got started.

Examples of European Mutual Recognition Schemes and Recommendations (4)

Lack of Information regarding comparability of disability status

A barrier to mutual recognition of disability status acquired in another Member State.

Recommendation: EU could establish an inventory of national disability benefits and eligibility criteria, to facilitate mutual recognition.

Examples of European Mutual Recognition Schemes and Recommendations (5)

Barriers experienced when taking up residence in another Member State

(1) Gap in time between when people lose entitlement to disability-related benefits in their original Member State and gain, in practice, a comparable benefit in their new Member State.

This gap is caused by the need to assess an individual for eligibility in the new Member State.

Examples of European Mutual Recognition Schemes and Recommendations (6)

(2) Uncertainty about entitlement to benefits in new Member State.

Recommendation: Individuals should be allowed to apply for benefits in the new Member State prior to taking up residence there. If eligible, those benefits should be made available immediately on arrival.
