

**COMMISSION NON PAPER**  
**ON THE SETTING-UP AT EU LEVEL OF THE FRAMEWORK REQUIRED BY**  
**ART. 33.2 OF THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES**

## **1. INTRODUCTION**

This non-paper follows a first information note circulated to COHOM on 12 January 2012 and preliminarily discussed with member states' representatives in COHOM on 25 January 2012. It was further revised to take into account the discussion at the COHOM meetings of 16 May and 19 July 2012 and bilateral discussions with Member States to clarify issues sent by COREU.

The non-paper provides clarification on the Framework and gives details on the role and respective tasks of its different components as well as on its *modus operandi*. It also describes how the issues of independence and involvement of civil society are addressed to comply with the requirements of the UNCRPD. These issues were raised during the above mentioned COHOM meetings and in the COREUS received after the meeting.

Paragraph 13 of the Code of Conduct between the Council, the Member States and the Commission setting out internal arrangements for the implementation by and representation of the European Union relating to the United Nations Convention on the Rights of Persons with Disabilities<sup>1</sup> (hereinafter 'the Convention'<sup>2</sup>) provides that the "Commission will "propose in due course an appropriate framework for one or several independent mechanisms in accordance with Article 33.2 of the Convention and on the involvement of civil society, in accordance with Article 33.3 of the Convention, taking into account all relevant Union institutions, bodies, offices or agencies<sup>3</sup>."

A range of EU institutions and bodies currently exercise the tasks of promotion, protection and monitoring of the rights defined by the Convention. Article 33.2 of the Convention envisages that the relevant activities can be carried out in a framework, which may consist of several bodies.

The Commission has carefully analysed the requirements in Article 33.2 **in terms of tasks to be performed, independence in executing those tasks** as well as the requirements of article 33.3 of the Convention, and article 4.3 of the Convention in terms of the involvement of persons with disabilities and their representative organisations. As a result of this analysis, the Commission has identified five separate existing EU institutions and bodies that together would form "the EU framework". These bodies are independent of each other and have the freedom to define their activities related to the UNCRPD within their current mandates and resources.

The members of the framework are:

- the European Parliament's Petitions Committee,
- the European Ombudsman,
- the European Commission,
- the EU Agency for Fundamental Rights (FRA),

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1 2010/C 340/08, OJ C 340, 15.12.2010, p. 11.

2 All references to legal provisions are meant to refer to the Convention, unless intended otherwise.

3 Hereafter, the term "institution" will be used for simplicity, except where reference is made to the specific Treaty provisions.

- the European Disability Forum (EDF)

In the preparatory process that has led to this proposal, persons with disabilities and their representative organisations have been consulted through the EDF, as provided for in Article 4(3) of the Convention. Note has been taken of the Proposal of the CRPD Working Group of the European National Human Rights Institutions (NHRI).

As the identified entities already exist, and will continue to perform existing tasks as described below, there does not appear to be a need for any new legal instrument in order to set up the framework. Nevertheless, the Commission is willing to seek a formal endorsement of the proposed arrangement by the Council through a simplified procedure. For this purpose, the Commission presented to COHOM for agreement a short note *July (CFSP/EAS/1072/12)* based on the non paper and outlining the main elements of the EU framework.

## **2. WHAT THE EU FRAMEWORK NEEDS TO DO**

The UN Convention entered into force for the EU on 22 January 2011. According to Article 44.2 of the Convention, the obligations of the EU as a regional integration organisation are equivalent to those of a State Party, to the extent of EU competences. These competences are defined in Annex ii of Council Decision 2010/48<sup>4</sup>.

Article 33.2 of the Convention requires State Parties to "maintain, strengthen, designate or establish" a framework, including at least one independent mechanism. The other elements or members of the Framework are not required to be independent. The role of the framework is to promote, protect and monitor the implementation of the Convention. Article 33.3 of the Convention provides that civil society (in particular persons with disabilities and their organisations) must be involved and fully participate in the monitoring.

Article 33.2 provides that the framework must be put in place in accordance with *the legal and administrative systems* of each State Party.

Given the specificity of the EU legal order, based on conferral of powers, the EU's sui generis status as a Regional Integration Organisation party to the Convention, and its limited competence under the Convention, the EU framework has a more limited scope compared to the frameworks of the Member States. The EU's implementation of Article 33 of the Convention needs to be seen in this context.

The EU framework's mandate covers areas of EU competence, and it is a complement to the national frameworks and independent mechanisms which bear the main responsibility for the promotion, protection and monitoring of the UNCRPD in the Member States. In matters of EU competence, both the national frameworks and the EU framework play a role and they are complementary.

The EU framework covers two different mandates:

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<sup>4</sup> Council Decision 2010/48/EC concerning the conclusion by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, OJ L 23, 27.1.2010, p. 35.

- **first**, the tasks must be carried out in those areas where the Member States have transferred competences to the EU (mainly EU legislation and policy<sup>5</sup>). This will be the main area of the framework's actions.
- **second**, the tasks must be carried out with respect to the "internal" implementation of the Convention by EU institutions, that is to say vis-à-vis the Union's Public Administration, for example in relation to their employees as well as in their interaction with citizens (i.e. disabled employees, accessibility to EU buildings and information etc.)<sup>6</sup>.

### 3. HOW WILL THE EU FRAMEWORK PERFORM ITS TASKS

The participants in the EU framework will contribute to the tasks of promotion, protection and monitoring of the Convention within the remit of their existing competences.

In a first preparatory meeting held on 16 December 2011, the envisaged framework participants discussed their cooperation in the framework. By sharing information and by acting within a coordinated work plan with independent components defined within their own mandates, each of them will be able to maximise the effectiveness of its own relevant activities and to co-ordinate them with the other participants.

The proposed arrangement would thus ensure a simple, efficient and practical framework which, while respecting the separation of competences between the EU and the Member States, provides a complement to the frameworks and Independent Mechanisms established at Member State level, maximises the synergies between the work of existing bodies and institutions, and avoids imposing an undue administrative and financial burden<sup>7</sup>. It allows for the members to work with freedom and independence while sharing a common goal. All members of the framework will contribute to the transparency of its functioning, will be alert to risks of potential conflicts of interest, and will clarify in such cases the capacity in which they act. Any rules of procedure for the framework will be agreed among its members by consensus, if needed at all.

#### 3.1 Promotion

While the promotion at Member State level is mainly for the national frameworks, the **promotion** of the Convention at EU level is a task for all the participants in the framework to the extent of their competence<sup>8</sup>.

**The Commission** through a wide range of policy services promotes the Convention by encouraging mutual learning and exchange of good practices through events and stakeholders engagement, issuing reports<sup>9</sup>, organising training and disseminating information<sup>10</sup>. The

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5 As illustrated in the EU declaration of competences annexed to Council Decision 2010/48 for conclusion of the Convention.

6 Inter-institutional work to implement the Convention is ongoing at the technical level within the Preparatory Committee for Social Affairs (CPAS) which reports to the College of Heads of Administration. The group is studying the possibility by EU institutions of adopting a common approach consistent with the UN CRPD in matters related to staff administration (recruitment, careers, social affairs and medical issues).

7 As stated in the European Disability Strategy 2010-2020, Communication from the Commission to the European Parliament, The Council, the European Economic and Social Committee and the Committee of the Regions, "A renewed commitment to a barrier-free Europe", COM(2010) 636 final.

8 The EP can also promote the Convention in its institutional setting, and by presenting reports and adopting resolutions, and asking questions to the Commission

9 The Commission, in cooperation with its Disability High Level Group, prepares an annual report on the implementation of the Convention in the Member States and the EU. In studies and reports on disability matters the Commission systematically refers to and uses the Convention as a benchmark.

Commission also provides financial support to civil society organisations, in particular disabled persons' organisations (DPOs) that promote and raise awareness of the Convention. These promotion activities come in addition to the action that the Commission performs as EU focal point for the implementation of the Convention in EU law and policy-making<sup>11</sup>, in particular by the mainstreaming of the Convention in the Commission's legislative proposals, policy mainstreaming, and other activities that are part of the policy-making cycle, like the use of impact assessments.<sup>12</sup>

The **European Ombudsman** can receive complaints, as well as undertake *ex officio* investigations and produce reports (Article 228 TFEU) on maladministration in the activities of the EU institutions, bodies, offices and agencies, including the Commission and the FRA. These responsibilities include carrying out promotional activities under the Convention, like issuing an annual activity report with a dedicated section on disability and disseminating information via the Network of European Ombudsmen.

**The EU Agency for Fundamental Rights (FRA)** can raise awareness of the Convention in accordance with Regulation 168/2007<sup>13</sup> (see especially Article 3, and Article 4.1 and 4.2.) and the Multi-annual Framework (MAF). In particular it can address disability as part of the thematic area of anti-discrimination, but also through other thematic areas following a cross-cutting approach.<sup>14</sup> Relevant activities are the presentation of the FRA annual report on fundamental rights issues covered by the areas of the Agency's activity, the publication of thematic reports, the organisation of training and educational activities, stakeholders' engagement and networking, notably through the Fundamental Rights Platform<sup>15</sup>, as well as communication and events. The Agency can also raise the awareness of the general public about their fundamental rights, and about possibilities and different mechanisms for enforcing them in general, without, however, dealing itself with individual complaints.

**The European Disability Forum (EDF)** independently promotes the Convention through awareness-raising campaigns and media activities, reports, the organisation of hearings and events, trainings, networking activities and the dissemination of relevant information to its European and national member organisations in order to reinforce their technical knowledge and advocacy capacity, as well as stakeholders' engagement. Other strategic promotional

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<sup>10</sup> The Commission organises trainings on the UNCPRD for legal practitioners and policy makers, arranges information sessions on the UNCPRD for staff, organises an annual Work Forum to promote mutual learning on the implementation of the Convention among all concerned actors at EU level, in the Member States and from civil society and DPOs. Stakeholders' engagement and mutual learning are also promoted through the annual conference that celebrates European Day of Persons with Disabilities on the 3rd December.

<sup>11</sup> This is done by the focal point inter alia via the Commission's Inter Service Group on Disability.

<sup>12</sup> See Commission's Staff Working Paper *Operational Guidance on taking account of Fundamental Rights in Commission Impacts Assessments*, SEC(2011) 567final. The document expressly refers to the importance to take account of the UNCPRD (see e.g. p. 5, pp. 8-9, p. 14).

<sup>13</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights.

<sup>14</sup> Council Decision (2008/203/EC) implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Union Agency for Fundamental Rights for 2007-2012, Article 4.1 (a) to (h), Regulation 168/2007.

<sup>15</sup> The Fundamental Rights Platform (FRP) is a cooperation network established to facilitate the exchange of information and pooling of knowledge with non-governmental organisations and with institutions of civil society active in the field of fundamental rights at national, European or international level. It is composed of non-governmental organisations dealing with human rights, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and nonconfessional organisations, universities and other qualified experts of European and international bodies and organisations.

activities are the scrutiny of compliance of EU legislation and policies and giving technical advice to public authorities on the application of the Convention.

## 3.2 Protection

### 3.2.1 Compliance of the Member States with the Convention when implementing EU law

The **protection of individuals** against breaches of the Convention by the Member States when implementing EU law is **primarily a matter for the national frameworks and courts**. The EU framework's role in the protection of individuals' rights is complementary to the national frameworks.

The **European Parliament's Petitions Committee** (PETI) contributes to the protection against Member States breaches of the Convention when implementing EU law as it can hear all petitions from any EU citizen on matters that come within the Union's field of activity and directly affect them (Art. 227 TFEU). Petitioners are heard by the Committee to explain their concerns. The objective of the Committee is to either provide a full explanation or obtain a non-judicial remedy. It also liaises with other competent parliamentary committees (e.g. EMPL, LIBE, FEMM) and the Disability Intergroup when specific issues, which come into the sphere of competence of specialized committees, are raised. The Committee is independent from the Member States and the Commission when carrying out this task.

The **Commission** can deal with citizens' complaints (in virtue of Art. 20 para 2.d TFEU), monitor Member States' compliance with the Convention when implementing EU law and start infringement proceedings in case of non-compliance within areas of EU competence (Art. 258 TFEU). In performing this task the Commission is independent from the Member States as defined in the Treaties.

### 3.2.2 Compliance of the EU institutions with the Convention

The monitoring of alleged breaches of the Convention in the form of maladministration in the activities of the EU institutions is primarily the task of the **European Ombudsman**. He has the freedom to hear and investigate complaints raising issues of law and good administration as well as undertake *ex officio* investigations and produce reports (Article 228 TFEU). The **European Ombudsman** can investigate and report on possible maladministration by the Commission in the administrative phases of its complaints-handling and monitoring activity. The Ombudsman is independent from all the other EU institutions as well as from any Government, institution, body or office.

The **European Parliament's Petitions Committee** plays a broad protection role as regards compliance with the Convention by the EU institutions in their policy-making and legislative actions, including when the EU institutions act in their public administration functions (in staff cases). It hears petitions concerning EU legislation and policies and can table oral questions to the Council and the Commission for debate in the plenary, or issue reports and/or resolutions. The Committee is independent from the EU institutions when carrying out this task.

**EDF** regularly receives information and complaints from persons with disabilities about their individual experiences, and brings these to the attention of the responsible administrations as well as the general public. EDF can write third party interventions to a number of national and European Courts.

### 3.3 Monitoring

#### 3.3.1 Monitoring EU implementation of the Convention through EU law and policies

**EDF** independently performs systematic **monitoring of the implementation of the Convention by the EU through law and policies**, including by examining new legislative proposals, and receives complaints relating to their implementation. It can therefore assess progress, stagnation or retrogression in the enjoyment of rights over a certain period of time. As part of the framework, EDF would be involved in the EU reporting process to the UN Committee, while at the same time being able to independently submit a **shadow report**, as it is already planning to do.

The **European Ombudsman** complements the monitoring of the institutions' implementation of the Convention, as he can open own initiative inquiries and issue reports on instances of maladministration in the EU institutions and bodies, offices and agencies<sup>16</sup>. This is done independently from the EU institutions. The European Ombudsman can also act as a channel of communication with national and regional ombudsmen in the Member States, through the European Network of Ombudsmen.

The implementation of the Convention by the EU through its law and policies is also to some extent monitored in ex ante impact assessments, prepared by Commission departments, that are examined in an independent manner by the Impact Assessment Board (IAB)<sup>17</sup>. The IAB is a **central quality control** and support body operating independently from the Commission's policy making departments including from the Directorate General for Justice which ensures the coordinating function within the focal point at EU level.

This modus operandi is reflected in the various Impact Assessment guidelines issued by the Commission's Secretariat General. Furthermore, the Operational Guidance on taking account of fundamental rights in Commission Impact Assessments<sup>18</sup> requires the verification of compliance with the UN Convention. Progress in this area could also be reported on in the Annual Report on the application of the Charter of Fundamental Rights. The work of the IAB is transparent and all impact assessments as well as all IAB opinions are published once the Commission has adopted the relevant proposal.

#### 3.3.2 Monitoring Member States' compliance with the Convention when implementing EU law

As a complement to the national frameworks, **the Commission**, as defined in the Treaties, independently monitors how Member States implement and apply EU legislation falling under the scope of the Convention. This is done regularly, for instance in Commission reports on the application of directives and regulations. The Commission also addresses related matters in communications and staff working papers. Ultimately, the Commission can start

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16 As an example of a broader approach to the monitoring of maladministration, the European Ombudsman opened on 06-03-2012 an own-initiative inquiry (OI/5/2012/BEH-MHZ) concerning the implementation by Frontex of its fundamental rights obligations.

17 The Impact Assessment Board was created at the end of 2006. It works under the authority of the Commission President and is chaired by the Deputy Secretary General responsible for Better Regulation. Its members are high-level officials from the Commission departments most directly linked with the three pillars of the impact assessment - economic, social and environmental impacts. The members have been appointed in a personal capacity and on the basis of their expert knowledge. For more information see [http://ec.europa.eu/governance/impact/iab/iab\\_en.htm](http://ec.europa.eu/governance/impact/iab/iab_en.htm)

18 SEC(2011) 517 final

infringement proceedings to ensure that EU legislation which puts the Convention into effect is correctly implemented.

### *3.3.3 Provision of data and development of indicators*

The **EU Agency for Fundamental Rights** (FRA) has the role to independently collect and analyse objective, reliable and comparable data on a variety of fundamental rights issues in the European Union within the limits of its mandate<sup>19</sup>. Providing such data in an independent manner will be its main task in the framework.

In this context, **the FRA** shall also proceed, in cooperation with the Commission, to develop indicators and benchmarks to support the monitoring process, in the light of policy needs and based on the existing benchmarks.

The Commission services also collect data, statistics, and develop benchmarks and indicators, presented in reports and studies. In particular the focal point at the Commission and the High-Level Group on Disability jointly publish an annual report on progress in implementing the Convention at member state and EU level. The report addresses both governance issues and specific thematic areas.

**EDF** contributes to the review of the implementation of national legislation with the support of its members, and it supports its members when required for the preparation of their shadow reports and their proposals for issues to be dealt with in the hearings of the UN Committee on the rights of persons with disabilities.

## **4. Independence**

Article 33.2 of the Convention states that the framework should include at least one independent mechanism taking into account the Paris Principles. The requirement of an independent mechanism is intended to "harnesses government accountability by requiring the presence of independent entities in the framework".<sup>20</sup> Article 33.2 also recognises that the legal and administrative systems of each State Party are important when determining how to implement Article 33.2.

The interpretation of the Paris Principles in relation to regional integration organisations, and specifically in relation to the Convention, is uncharted territory. The Principles were conceived with a view to the Human Rights Institutions operating in the Member States, and address responsibilities, composition and working methods for those Institutions.

The particular purpose of the Paris Principles needs to be taken into account in the context of a regional integration organisation when implementing the requirements of art. 33.2. In preparing its proposal, the Commission has considered the Paris Principles in the light of the specificity of the EU legal order and administrative system, its limited competence with

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19 See Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights – in particular Articles 3, 4(1) and 4(2) – and the Council Decision (2008/203/EC) implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Union Agency for Fundamental Rights for 2007-2012 – in particular the thematic area relating to non-discrimination on the ground of disability and the disability issues falling within other thematic area.

20 Para 44 of OHCHR's thematic study on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities, A/HRC/13/29, 22 December 2009 (hereinafter the 'OHCHR Thematic study').

regard to matters covered by the Convention and the complementary nature of the EU framework in relation to the national frameworks.

The proposed EU framework includes independent elements that ensure enough independence for the concerned bodies when executing their tasks in a combined fashion.

The independence of the **European Ombudsman** in monitoring possible instances of maladministration in the EU institutions is guaranteed by the TFEU<sup>21</sup>. According to art. 228 para 3 TFEU "the Ombudsman shall be completely independent in the performance of his duties. In the performance of those duties he shall neither seek nor take instructions from any Government, institution, body, office or entity. The Ombudsman may not, during his term of office, engage in any other occupation, whether gainful or not."

The **FRA** independently collects, analyses and disseminates objective, reliable and comparable information and data<sup>22</sup>.

**EDF** will independently play a role in the tasks of promotion, protection and monitoring of the Convention. EDF scrutinises existing EU legislation as well as legislative proposals for compliance with the Convention, provides advice to public bodies and other actors on the interpretation of the Convention provisions, and organises public campaigns to promote the awareness of rights protected under the Convention. It regularly receives information from individuals with disabilities about their experiences on the ground, which enable it to assess the progress, stagnation or retrogression in the enjoyment of Convention rights by persons with disabilities.

In accordance with the EU's founding treaties, the **Commission** is independent when monitoring Member States' compliance with EU law, one of the reasons for which its inclusion in the framework is essential.

Furthermore, an important element of independence in the monitoring of the implementation of the Convention by the EU is provided by the ex-ante impact assessments examined by the Impact Assessment Board (IAB) that operates separately from the Commission's function as a focal point, and independently of the Commission's policy making services, including the Directorate General for Justice.

While not formally a part of the EU framework in order to respect its judicial independence, the **Court of Justice of the European Union (ECJ)** contributes, when exercising its functions defined by the Treaties, to the promotion, protection and monitoring of the Convention, thus complementing the role of the EU Framework. Therefore, the role played by the ECJ within the EU legal order provides a strong independent safeguard of the rights and obligations under the Convention.

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21 In accordance with the Fact Sheet No.19 of the OHCHR on National Institutions for the Promotion and Protection of Human Rights, one of categories that fall under this concept and comply with Paris Principles is ombudsmen. While the institution of ombudsman is not exactly the same in any two countries, all follow similar procedures in the performance of their duties and they are usually independent in the manner intended under the Paris principles.

22 This fundamental requirement of independence is set in the COUNCIL REGULATION (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, and applies in particular to the composition of the Management and Scientific Boards and the role of the Director. See in particular whereas (20) that mentions the Paris Principles when referring to the composition of the management Board.



The Convention is an integral part of the EU legal order, with all its consequences. EU law offers a complete system of legal remedies and procedures<sup>23</sup> designed to ensure, among others: (a) judicial review of the legality of acts of the institutions, their compliance with the EU Charter of Fundamental Rights and with the general principles of law, which include fundamental rights; (b) the compliance by the Member States with the Convention when implementing EU law, both directly in actions against infringements of EU law, and indirectly by way of interpretation of EU law in the context of preliminary ruling procedures; (c) specific remedies in staff cases.

## **5. CIVIL SOCIETY'S INVOLVEMENT IN THE FRAMEWORK**

The Convention requires **involvement of persons with disabilities** in the protection, promotion, monitoring and implementation of the Convention (Article 4.3 and Article 33.3).

At EU level, persons with disabilities and their representative organisations<sup>24</sup> play an important role in promoting, protecting and monitoring the implementation of the Convention. They regularly collect data, prepare position papers and reports, receive complaints from individuals and bring these to the attention of the responsible administration.

The Commission financially supports a number of European level NGOs<sup>25</sup> in carrying out these tasks and to facilitate their role in the implementation of the Convention including in matters related to article 33. In particular funds are provided to strengthen the organisations' advocacy capacity and their EU-wide network.

Participation of representatives of persons with disabilities in the framework will be ensured by EDF as the above mentioned EU-level NGOs are members of EDF.

## **6. THE FRAMEWORK IN PRACTICE**

The participants of the framework will carry out their respective tasks in the context of their activities, operating continuously over the course of the year. This allows for mainstreaming of disability issues in their work and undertaking specific actions for promoting, protecting and monitoring the Convention. During the year, contacts between participants will take place on the basis of need.

The participants of the framework will meet at least once a year for a progress meeting, where actions and results are presented. The possibility of holding additional meetings will be duly considered in function of needs and upon request by any of the framework participants. In the framework meetings, the participants will consult with the other members on relevant matters, exchange information as well as coordinate on future initiatives.

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23 As held in the Court's judgment of 25 July 2002 in the case C-50/00 Unión de Pequeños Agricultores v Council (see para. 38-39), complemented by the new art. 263 (4) TFEU which provides that "Any natural or legal person may, under the conditions laid down in the first and second paragraphs, institute proceedings against an act addressed to that person or which is of direct and individual concern to them, and against a regulatory act which is of direct concern to them and does not entail implementing measures".

24 Such as the EU umbrella organisation EDF as well as other relevant EU-level disabled persons organisations and civil society organisations, like human rights organisations, service providers, trade unions and employer organisations.

25 In the 2007-2013 programming period, funding in this area is mainly provided through the Community Programme for Employment and Social Solidarity – Progress.

The Commission has shown its readiness to perform the function of secretariat of the framework (calling and organizing the meetings, preparing minutes and the like). This is for pragmatic and not for institutional reasons. The decision on the secretariat will be taken by common agreement among the members taking account of the readiness of the member organisations to perform the role and their available resources.. It is moreover suggested that the agenda will be set by consensus of the participants. All participants have the right to be present during the whole of the meeting, to have access to the meeting documents, and to express their views on the matters discussed. Decisions will be taken by consensus among all the participants, therefore there would be no need for voting procedures at this stage. Participants will agree on working methods (including any rules of procedure if considered necessary) and priorities, identifying activities of their work programmes.

In order to promote exchange of information and coordination between the EU framework and the national frameworks in the Member States, the members of the EU framework will be invited to participate in the annual Work Forum on the implementation of the Convention organised by the Commission<sup>26</sup>.

Clear communication towards the public is essential to make sure that the functioning of the framework and the tasks of the different components are well understood. In order to give the framework visibility, a fully accessible webpage will be created on the Europa website and it will contain links to the websites of all participants. This will also allow for transparency and the possibility to monitor the performance of the tasks under art. 33.2.

The members of the framework will make sure that in their regular reporting activities the work related to the promotion, protection and monitoring of the implementation of the Convention is clearly identifiable.

The Commission will also facilitate the involvement of the members of the framework in the process of preparing the EU report to the UN Committee, encouraging them to contribute within the limit of their mandates, in particular by providing data and information resulting from their relevant activities.

A review of the framework and/or its working methods can be initiated whenever judged necessary. A first review is planned to be carried out on the basis of the opinion given by the UN Committee on the Rights of Persons with Disabilities about the first EU Report to the UN to be delivered in 2013, or after the first two years of operation of the framework.

*Last update: 31 August 2012*

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<sup>26</sup> Organised since 2010, the Work Forum brings together the relevant actors involved in the implementation of the Convention at EU and members state level such as representatives of the mechanisms of art. 33, DPOs, civil society organisations, service providers, academic experts and other relevant international bodies and institutions.

## The EU framework – Summary overview of actors and tasks

	PROMOTION	PROTECTION		MONITORING	
		vis à vis the Member States	Vis à vis EU Public administration and institutions	vis à vis the Member States	Vis à vis EU Public administration and institutions
<b>Commission</b>	<ul style="list-style-type: none"> <li>• Awareness-raising and communication</li> <li>• Fundamental rights impact assessments</li> <li>• Training &amp; human rights education</li> <li>• Disability mainstreaming</li> <li>• Stakeholders' engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic protection</li> <li>• Quasi-judicial protection</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic protection</li> <li>• Quasi-judicial protection</li> <li>• Training</li> </ul>	<ul style="list-style-type: none"> <li>• Data collection &amp; analysis</li> <li>• Assessment of EU law compliance</li> <li>• Scrutiny of draft EU laws</li> <li>• Enquiries of violations</li> <li>• Measure progress</li> </ul>	<ul style="list-style-type: none"> <li>• Data collection &amp; analysis</li> <li>• Assessment of EU law compliance</li> <li>• Scrutiny of draft EU laws</li> <li>• Measure progress</li> </ul>
<b>FRA</b>	<ul style="list-style-type: none"> <li>• Awareness-raising and communication</li> <li>• Stakeholders' engagement and networking</li> </ul>			<ul style="list-style-type: none"> <li>• Data collection &amp; analysis</li> </ul>	Data collection & analysis
<b>European Ombudsman</b>	<ul style="list-style-type: none"> <li>• Scrutiny of EU institutions' compliance with good administration principles and fundamental rights</li> <li>• European Network of Ombudsmen</li> <li>• Annual activity report (section on disability)</li> </ul>		<ul style="list-style-type: none"> <li>• Strategic protection</li> <li>• Quasi-judicial protection</li> <li>• Investigation and examination of individual and group complaints in the context of maladministration</li> </ul>		<ul style="list-style-type: none"> <li>• Collects and keeps records of complains</li> <li>• Enquiries of violations</li> <li>• Own initiative inquiries</li> <li>• Measure progress</li> </ul>
<b>European Parliament - PETI</b>	<ul style="list-style-type: none"> <li>• Scrutiny of draft EU laws (EP)</li> <li>• Public hearings</li> <li>• Reports and reviewing of reports from other institutions</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic protection</li> <li>• Quasi-judicial protection</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic protection</li> <li>• Quasi-judicial protection</li> </ul>	<ul style="list-style-type: none"> <li>• Scrutiny of draft EU laws (EP)</li> <li>• Collects and keeps records of complains</li> <li>• Enquiries of violations</li> </ul>	<ul style="list-style-type: none"> <li>• Scrutiny of draft EU laws (EP)</li> <li>• Collects and keeps records of complains</li> <li>• Enquiries of violations</li> </ul>
<b>EDF</b>	<ul style="list-style-type: none"> <li>• Awareness-raising and communication</li> <li>• Scrutiny of compliance of EU legislation and policies</li> <li>• Technical advice to public authorities on the application of the Convention</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic protection</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic protection</li> <li>• Third party interventions</li> </ul>	<ul style="list-style-type: none"> <li>• Data collection &amp; analysis</li> <li>• Assessment of EU law compliance</li> <li>• Collects and keeps records of complains</li> <li>• Enquiries of violations</li> <li>• Measure progress</li> <li>• Shadow report to UN</li> </ul>	<ul style="list-style-type: none"> <li>• Shadow report to UN</li> </ul>