



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.05.2000
COM(2000) 284 final

**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE
EUROPEAN PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND
THE COMMITTEE OF THE REGIONS**

Towards a Barrier Free Europe for People with Disabilities

TABLE OF CONTENTS

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Towards a Barrier Free Europe for People with Disabilities.....	1
1. EXECUTIVE SUMMARY	3
2. INTRODUCTION – DISABILITY AS A COMMUNITY CONCERN.....	4
2.1. A renewed Approach to Disability.....	4
2.2. Some Major Steps Forward	5
2.3. A New Impetus	6
3. PART I: A ROADMAP TOWARD GREATER COMMUNITY ADDED VALUE7	
3.1. Toward Greater Mobility as an Aspect of Citizenship.....	7
3.2. Toward More Accessibility - The Need to Fill Intersectoral Policy Gaps. ...	10
3.3. Harnessing the Information Society for the Benefit of All - The Europe Initiative and Disability.....	11
3.4. Enabling technologies - Toward a More Developed Common Market for Assistive Technology.....	13
3.5. Protecting the Rights and Interests of Consumers with Disabilities in the Marketplace	14
4. PART II : POLICY TOOLS FOR THE ACHIEVEMENT OF GREATER COMMUNITY ADDED VALUE.....	15
4.1. Interpreting the numbers and understanding the needs	15
4.2. Designing inclusive EU programmes.....	16
4.3. Leading by example	17
4.4. Consulting people with disabilities	19
4.5. Strengthening the co-ordination among Commission's services.....	19
5. PART III : LOOKING BEYOND – RAISING AWARENESS, STRENGTHENING CO-OPERATION AND BUILDING MOMENTUM.....	20

1. EXECUTIVE SUMMARY

People with disabilities are recognised to be one of the most disadvantaged sections of our society and continue to face considerable barriers in accessing all aspects of social life.

The approach to disability endorsed by the European Union acknowledges that environmental barriers are a greater impediment to participation in society than functional limitations. Barrier removal through legislation, provision of accommodations, universal design and other means, has been identified as the key to equal opportunities for people with disabilities

While responsibility for these issues remains mainly with the Member States, the present scope of Community competence provides for substantial means and added value to achieve better equal opportunities for people with disabilities.

The inclusion of a general non-discrimination article covering inter alia disability in the Treaty of Amsterdam provides the basis for a crucial leap forward to promote equal rights for people with disabilities at EU level. Based on Article 13 of the EC Treaty, the European Commission has adopted on 26 November 1999 a comprehensive anti-discrimination package. From a disability perspective, the relevant part of this package consists of a proposal for a directive in the field of employment and occupation prohibiting discrimination on all grounds of discrimination listed in Article 13 and an action programme consisting of a wide array of complementary measures in this respect.

To complement the above mentioned initiatives as well as to meet the commitment made by the Intergovernmental Conference to take into account the needs of people with disabilities when drawing up measures under article 95 of the Treaty, this Communication seeks to review some key EU policies which can contribute to the improvement of access for people with disabilities.

While disability related activities exist in most Community fields, the focus of this Communication rests upon those EU policies that are of particular importance in the drive towards a 'barrier free society' for disabled Europeans. This Communication therefore places a particular emphasis upon the achievement of a greater synergy between related issues in the fields of employment, education and vocational training, transport, the internal market, information society, new technologies and consumer policy.

Mobility plays a crucial role in ensuring participation in economic and social activity and the lack of it is an inhibiting factor against the participation rights of people with disabilities to the detriment of all. The Commission has already recognised the significance of this issue for some time and is suggesting new ways through which the needs of people with disabilities might be better addressed. At the same time, this Communication also underlines that advances on mobility issues have to be made coherently on all connected fronts in order to get the best results out of the process. It also asserts that positive developments in improving access for people with disabilities have positive implications for other areas such as quality of working life, the protection of the consumer and the competitiveness of European Industry. Accordingly, the Commission is drawing the links between the relevant inter-sectoral policies and is looking forward how more synergy can be obtained.

Recent EU developments in the field of new technologies, including the eEurope initiative, will also play a crucial role in enabling people with disabilities to overcome functional limitations and thus enhancing their prospects for participation. This Communication

underlines the fragmented and underdeveloped state of the EU market in this field and identifies some actions to be undertaken to develop a truly common market and to bring supply more closely into alignment with demand.

A strong knowledge base, including reliable statistical data on the prevalence of disability and on its implications to participate fully in all aspects of society, adequate co-ordination and consultation mechanisms are seen as essential tools for the implementation of this Communication. Moreover, the Commission will also continue to foster the development of best practice within its own organisation.

Along with environmental barriers, negative attitudes towards disability must be challenged if we are to succeed in achieving equality of opportunity for disabled Europeans. With this aim in mind, the Commission will propose to the Council that the year 2003 be declared as the European Year of Disabled Citizens in order to promote society's awareness of disability issues and to provide a catalyst for the introduction of new policies in this regard at all levels of governance. The objective of such a proposal, therefore, is to strengthen the concept of citizenship for people with disabilities.

2. INTRODUCTION – DISABILITY AS A COMMUNITY CONCERN

2.1. A renewed Approach to Disability

At any point in time, the number of people in the European Union directly affected by some form of disability is estimated at around 10% of the total population; a percentage currently amounting to approximately 37 million people. People with disabilities do not constitute an homogeneous group and there is a broad range of disabilities and issues. Disabilities may be apparent or hidden, severe or mild, singular or multiple, chronic or intermittent. Types of disabilities include mobility/agility, mental/cognitive, hearing, speaking, and visual impairments.

People with disabilities are recognised to be one of the most disadvantaged sections of our society and continue to face considerable barriers in accessing all aspects of social life. Systemic barriers which are often the major cause of exclusion of people with disabilities include, inter alia, lack of affordable transportation, limited education and training opportunities, lack of supports and numerous disincentives in the social and economic field. Women with disabilities are stronger affected in their opportunities for participation.

The new disability policy framework, as advocated at international level and in particular by the United Nations Resolution entitled the 'Standard Rules for the Equalisation of Opportunities for Persons with Disabilities' 1993, acknowledges that an individual's ability to function in society and to be employed depends as much on the openness of society to accommodate people with their differences as on the specific functional limitations that identify a person as "disabled". Environmental barriers are a greater impediment to participation in society than functional limitations and barrier removal through legislation, universal design, provision of accommodations and other means, has been identified as the key to equalisation of opportunities for people with disabilities

In pursuance of the Standard Rules, the Commission adopted its Communication "Equality of Opportunity for People with Disabilities - A New Community Disability Strategy"¹. The latter

¹ COM(1996) 406 final.

has been politically endorsed by the Council and the Member States in a Resolution in December 1996².

Whilst main responsibility in this field lies with the Member States, the Resolution emphasised that the European Community could make a significant contribution in fostering co-operation between Member States and in encouraging the exchange and development of best practice in the Community and within the policies and activities of the Community institutions and organs themselves.

In its Resolution on the Commission's Communication, the European Parliament also welcomed the new approach adopted by the Commission and requested it to take active measures within its mainstreaming approach to enable people with disabilities to participate in all relevant Community programmes.

2.2. Some Major Steps Forward

Building these Resolutions, the Commission has been intensively working with the Parliament, Member States and non governmental organisations to advance co-operation on disability issues. Several Community initiatives have been taken to promote equal opportunities for people with disabilities. The following is a non exhaustive list of some main achievements to date.

Since the adoption of the European employment strategy in 1997, disability issues are firmly embedded in the annual Council Guidelines. National Action Plans for Employment include some noticeable effort towards improving the job prospects and the skills of people with disabilities as one of the target groups that can benefit most from preventative action and employability measures. To underpin these important policy developments, the Commission is supporting ongoing discussions and research with the Member States, the social partners and non- governmental organisations on the new trends, ideas and innovative policies and practices that are emerging in the field. A Commissions Services document "Raising employment levels of people with disabilities - the common challenge"³, has also been issued in 1998 which seeks to identify some common recommendations and to suggest areas where further work could be done. Drawing on the latter, on 17 June 1999, the Council adopted a Resolution⁴ put forward by the German Presidency on equal employment opportunities for people. The Commission intends to pay a particular attention to employability measures for people with disabilities in the Joint Employment Report 2000.

A recent Communication from the Commission Strategies for Jobs in the Information Society (COM (2000)48) adopted on February 4th 2000 – which supports both the European Employment Strategy and the eEurope initiative – specifically addresses the promotion of the employability of people with disabilities by recommending the Information Society Industries to ensure from 2000 that standards for user-friendly equipment are applied.

During the programming period 1994-1999 of the European Social Fund, which is the main instrument through which EU financial support is provided for people with disabilities, Member States have earmarked significant funding to promote employment opportunities for people with disabilities. A wide range of actions including work experience wage subsidies, work experience schemes, temporary sheltered employment and other intermediate labour

² OJ C 12, 13.1.1997

³ SEC(1998) 1550

⁴ OJ C 186, 2.7.1999

market steps, self employment and development of co-operatives for the mentally and severely physically disabled are being supported. During the new programming period (2000-2006), in line with the Employment guidelines, Member States are invited to undertake a variety of initiatives which are of particular relevance to people with disabilities people, in particular in the fields related to employability and equal opportunities for all.

Support has also been made available through the EMPLOYMENT Community Initiative to help people who have specific difficulties in finding or keeping a job or career. One of the four strands of this Initiative, HORIZON, provides support specifically for people with disabilities; disabilities ranging from physical to mental health impairments or cerebral palsy. A total of 1700 projects have received or are still receiving ESF funding under HORIZON, the aim of which is to develop new ways of tackling the problems which people face in today's ever changing labour market and to bring about positive changes in training and employment policies and practices.

Responding on the invitation of the Commission, the Social Partners have produced at EU level a Compendium of best practice on the employment of people with disabilities which has been forwarded to the Vienna European Council in December 1998. Moreover, on 19 May 1999, they adopted a Joint Declaration highlighting the need for promoting the employment of people with disabilities as a positive factor for the undertaking.

In 1998 the European institutions also adopted a Code of Good Practice which provides a clear statement of the European Institutions' policy in relation to the employment of people with disabilities as well as a guideline for Directorates General and Services in this respect.

The Technology Initiative for Disabled and Elderly people (TIDE) (1991-1994) was a community technology promotion and application initiative with both a Pilot and a Bridge phase. Between 1991 and 1994, a total European Commission contribution of 52 MECU was allocated to the initiative.

A considerable number of projects targeting the needs of people with disabilities have also been supported through various EU mainstream programmes or initiatives such as Socrates, Leonardo da Vinci, Health Promotion, Daphne, Prince, Phare and Tacis etc.

Co-operation with and among the Member States has been particularly reinforced through the creation of a High-Level Group of Senior Officials from the Member States. The latter has proven to be a valuable tool for framing and clarifying common goals, for identifying examples of best practice and for exchanging information and experience on disability policy between the Member States.

Building on the achievements of the Third Community Action programme on behalf people with disabilities - Helios II - (1993-1996), the Commission has also been strengthening its relations with NGOs in the disability field and giving its support to the European Disability Forum, with which the Commission enjoys close and regular contact.

2.3. A New Impetus

Although much progress has been made, the Commission is aware that more work needs to be done to achieve the goal of full participation and equal access for people with disabilities.

The inclusion of a general non-discrimination article covering inter alia disability in the Treaty of Amsterdam provides the basis for a crucial leap forward in this area. Based on Article 13 of the EC Treaty, the European Commission has adopted on 26 November 1999 a

comprehensive anti-discrimination package⁵. From a disability perspective, the relevant part of this package consists of a proposal for a directive in the field of employment and occupation prohibiting discrimination on all grounds of discrimination listed in Article 13 and an action programme consisting of a wide array of complementary measures in this respect. Discrimination faced by people with disabilities on the labour market will be further addressed by the new Community Initiative EQUAL (2000-2006), the aim of which is transnational co-operation to promote new means of combating all forms of discrimination and inequalities in connection with the labour market.

However, the adoption of instruments for combating discrimination constitutes only one part of a broader strategy for promoting equal access for people with disabilities. Accordingly, in addition to the new Article 13, the Intergovernmental Conference at Amsterdam sought to offer an even stronger guarantee to people with disabilities by including the Declaration n° 22 in the Final Act, stating that the Community institutions must take account of the needs of persons with a disability when adopting measures to approximate Member States' legislation. In adopting this declaration, the Conference underlined the need at EU level for the adoption of more inclusive standards which would translate general concepts of non discrimination and equal access into the processes involved in completion of the internal market.

To complement the anti-discrimination initiatives as well as to meet the commitment made by the Intergovernmental Conference, the Commission has decided to reinforce its rights based approach to disability by outlining some strategic approaches and key actions to promote a greater inclusiveness of European Union policy. The focus of this Communication therefore rests primarily upon EU policies that are considered critical for successful removal of 'access barriers' to people with disabilities. As such, it places a particular emphasis upon the achievement of a greater synergy between related issues in the fields of employment, education and vocational training, transport, the internal market, information society, new technologies and consumer policy.

This Communication therefore acknowledges that the main responsibility for disability policy remains with the Member States as the present scope of Community competence requires action in only a limited number of fields in this respect. That being said, this Communication clearly demonstrate that the present scope of Community competence nevertheless provides for substantial means to contribute to equality of opportunities for people with disabilities.

Finally, the purpose of this Communication is not simply to set up a collection of specific objectives or measures but also to serve as a policy tool to recast the whole Commission's approach to disability along the principles of non-discrimination and inclusiveness.

3. PART I: A ROADMAP TOWARD GREATER COMMUNITY ADDED VALUE

3.1. Toward Greater Mobility as an Aspect of Citizenship.

In our modern society, it is impossible to be integrated to any useful extent in social life or in economy if one cannot move freely, whether for the purpose of work or leisure. Mobility should not be regarded simply as a convenience or even as a social and economic necessity. It should be regarded as a right to which everyone should be entitled, subject to reasonable economic and technical constraints.

⁵ COM(1999) 564 final

This is all the more true for people with mobility handicaps for whom the ability to participate at all in social, commercial, economic, cultural and political life depends on the solution of mobility problems in a way which does not apply to other people . However, it is also widely accepted that making transport easier to use for people with disabilities would contribute to meeting broader policy objectives like improving public transport, reducing congestion, lessening social exclusion and keeping people mobile and integrated in the community as far as possible.

The European Union has recognised the significance of this issue for some time. In 1993, the Commission adopted a Community Action Programme for Accessible Transport⁶ whose aim was to increase the usability of transport for persons with reduced mobility. It involved a series of Community measures to be taken in relation to technical standards applicable to means of transport and transport infrastructure, facilitating co-operation on information programmes, and co-ordinating research programmes.

More recently, the Commission has adopted a proposal for a Directive, relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat (buses and coaches)⁷, which inter alia lays down that vehicles used for urban services must be accessible to people with limited mobility, including those using wheelchairs. The draft directive establishes technical prescriptions for accessible vehicles to be used for urban passenger transport, acknowledging the requirement to extend accessibility to interurban transport vehicles.

Within several EU research programmes, particular attention has also been paid to the needs of people with reduced mobility. Research included inter alia projects on the problems of low floor buses, the development of urban transport systems integrating people with reduced mobility and research on passenger interfaces and rail accessibility.

Building on these achievements, the Commission envisages to strengthen the EU contribution to improving mobility for people with disabilities along the following lines .

- Improving Service Level : To complement the bus and coaches draft directive, the Commission will draw up guidelines on better provision for people with disabilities in public transport vehicles and in all transport-related facilities.
- Access to Rail Travel : The Commission will seek to implement some recommendations drawn from the COST 335 project on Passenger's accessibility of heavy rail systems, in particular in the drafting of Technical Specifications for Interoperability under Community legislation of the interoperability of the Trans-European railway networks.
- Air Travel : Although serious efforts are made by airports and air carriers, particularly encouraged by ACI and IATA, to conform to Standards and Recommended Practices of the International Civil Aviation Organisation as well as those of the European Civil Aviation Conference, unavailability of accommodations and frequent instances where boarding has been denied continue to cause some problems for people with disabilities using travel services across Europe. The Commission will consider the action needed as part of the policy it intends to

⁶ COM(1993) 433 final

⁷ COM(1997) 276 final

develop on air passenger rights, including promoting good practice in co-operation with the sector and the users.

- Maritime transport: In June, 1991 the International Maritime Organisation (IMO) adopted the "Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons' needs". The Commission is implementing this Recommendation as well as the results of the Handiami Project (an investigation into the problems of disabled passengers in access and emergency situations when using marine transport and the employment of disabled people in the maritime industry). For example, the Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services⁸ contains a specific requirement that "Companies are to ensure that on board their ro-ro ferries and high-speed passenger craft general information about the services and assistance available to elderly and disabled persons on board is made known to the passengers and is made available in formats suitable for people with impaired sight.
- Inclusive Trans-European Networks: According to the Community guidelines for the development of the Trans-European transport network (TEN)⁹ one of the aim of the network is to ensure sustainable mobility of people and goods within an area without internal frontiers under best possible social and safety conditions and to offer users high-quality infrastructure on acceptable economic terms. Whilst this objective applies also to people with disabilities, there are no particular conditions imposing full access for people with disabilities. The decision to build transport infrastructure projects, including the selection of the technical standards, is primarily the responsibility of the Member States. The revision of the guidelines for TEN-Transport offers the possibility to draw their attention to the need to improve access to the network for people with reduced mobility, in view of promoting further quality standards of this network Member States.
- Mainstreaming in further research: Accessibility issues will be taken into account under the 5th Framework Research programme, in particular with regard to the key action on research into transport infrastructures and their interfaces with transport means and systems, sustainable mobility and intermodality and systems and services for the citizen.
- Fostering good practice_With UITP (International Public Transport Association) and the POLIS network of local and regional authorities, the Commission has set up the European Local Transport Information Service (ELTIS). This is a computerised database of good practice in local and regional transport. It includes case studies of accessible transport for people with reduced mobility, and the opportunity for operators and authorities to submit their own case studies. The Commission will continue to support the exchange of know-how and good practice and state-of-art technologies throughout Europe and further integrate the needs of mobility impaired people in its relevant mainstream projects .

⁸ OJ L 138, 1.6.1999

⁹ Decision 1692/96/EC of 23 July 1996 (OJ L 228, 9.9.1996.)

- Encouraging reciprocal recognition Since the adoption of the Council Recommendation of June 1998 on parking card for people with disabilities¹⁰, there is already reciprocal recognition between Member states of parking concessions for people with disabilities. The Commission will consider the possibility of extending this approach to other similar areas.

3.2. Toward More Accessibility - The Need to Fill Intersectoral Policy Gaps.

Making means of transport and travel information more accessible will not be enough in the absence of a comprehensive review of the whole transport chain. Accessible buses or trains are not of great use if people with mobility impairments cannot reach the bus stop or the station or if they cannot use an automated ticket dispenser. Bridging such gaps would require the development of a framework to address accessibility issues between transport systems, buildings, and other public areas. Such framework clearly involves closer co-operation among several policies and levels of governance.

This is also true at EU level where a number of policies such as industry, information society, social cohesion and regional development, environment, transport, social policy and health and safety at work affect accessibility issues. Some aspects of the mobility chain are already partly dealt by EU legislation such as the framework directive 89/391/EEC¹¹ which foresees that the employer should adapt the work to the disabled worker. In an other field, the European Parliament and Council Directive 95/16/EC of 29 June 1995¹² sets out specific points for access to new lifts by disabled persons and the Commission recommendation of 8 June 1995¹³ sets out different measures for improving safety and accessibility for existing lifts.

It is the view of the Commission that the European Union should promote accessibility in a co-ordinated way among several policy fields. By so doing, it would contribute towards an improvement in the quality of working life, the protection of the consumer and the competitiveness of European Industry. Indeed, policies to promote employment for people with disabilities will not be effective unless they are backed by effective action to reduce and where possible eliminate accessibility problems.

Moreover, a good and safe working environment is important for the individual in order to maintain health and working capacity as well as an important competitive factor for the enterprise. At the same time, accessibility is good business for the whole commercial sector of facilities provided for the public ; this is particularly true in the tourist sector where hotels, holidays centres and sites of interest which are accessible to people with disabilities and elderly are the only option for a considerable and increasing number of clients. Furthermore, as with transport issues, accessibility and ease of use are powerful preventative measures against fatigue and accidents.

Finally, the harmonisation of building standards aiming at accessibility as well as safety has a valuable contribution to make to the promotion of a European market in a wide range of goods and services.

¹⁰ OJ L 167, 12.6.1998

¹¹ OJ L 183, 29.6.1989

¹² OJ L 213, 7.9.1995

¹³ OJ L 134, 20.6.1995

- In consultation with the industry and users, the Commission will identify those areas where it would be appropriate to implement EU mandatory accessibility standards for the built environment.
- Many new transport and infrastructure projects are being planned or constructed in Europe with the support of EU funding. This is the case in particular as far as Trans-European networks and the Structural Funds are concerned. The lifetime of transport equipment and infrastructure can be extremely long and it is vital to consider accessibility requirements from the outset. The Commission will seek that projects considered for EU funding incorporate accessibility requirements, to approved standards or recognised best practice, into the design and construction.
- The Commission will seek to use its market strength to encourage the commercial construction sector to comply with the best practice in the field of accessibility standards and encourage every public authority in Europe to do so.
- The Commission - based on its own evaluation and the reports which Member States are required to submit - will assess the implementation of the disability requirement contained within the framework directive 89/391/EEC in addition to its degree of compliance within the workplace as well as the enforcement effort deployed in its application.
- The Commission will build a database with guidance on best practice and on methods improving disability management in the workplace. This will be achieved by means of up-to-date electronic information enabling access by enterprises and their intermediates at the European Health and Safety Agency.
- The Commission will explore appropriate ways to promote at EU level measures seeking that architects, construction engineers and others involved in the design and construction of the physical environment have access to adequate information on disability policy and measures to achieve accessibility.
- Within the 5th framework programme, new ways to promote universal design in accessibility will be explored, for example, promoting housing that is easily adaptable across the lifecycle and to meet differing accessibility needs.

3.3. Harnessing the Information Society for the Benefit of All - The Europe Initiative and Disability

Issues relating to accessibility are also of utmost importance in the context of the information society. Developments in technology - particularly information and communication technology - can offer tremendous opportunities. However, people with disabilities can also face additional barriers.

In this context, the European Union has already developed several initiatives to ensure that the information society benefits everyone, including people with disabilities. This is aptly demonstrated by the Commission's Communication on "The Social and Labour Market Dimension of the Information Society People First¹⁴ - The Next Steps" aimed to identify specific actions designed to maximise the contribution of the Information Society in promoting employment and inclusion.

¹⁴ COM(1997)390

Other relevant initiatives have included the Directive 98/10/EC on open network provision to voice telephony and on universal service for telecommunications in a competitive environment¹⁵ which requests the Member States, where appropriate, to take suitable measures in order to guarantee access to and affordability of all fixed public telephone services for disabled users and users with special social needs. More recently, on 9 March 1999 the Council and the European Parliament also adopted the Radio Equipment & Telecommunications Terminal Equipment (R&TTE) Directive¹⁶ which inter alia gives the Commission the powers to decide that apparatus within certain equipment classes or apparatus of particular types must be so constructed that it supports certain features in order to facilitate its use by users with a disability.

In the frame of the European Information Society Standardisation policy, the Commission has also assigned a standardisation mandate to the European standardisation organisations, CEN, CENELEC and ETSI, inviting them to identify the specific needs for standardisation in support of a better integration of elderly and disabled people in the Information Society (see <http://www.cenorm.be/iss/Workshop/Design-for-All/Default.htm>).

Under the Fifth RTD Framework Programme¹⁷, research notably addresses person/system interfaces and adaptive and assistive systems to overcome problems caused by environmental barriers confronting those with physical and/or intellectual impairments, as well as intelligent systems and services to support independent living and participation in the information society. The European Commission's Joint Research Centre also actively participates in research related to a number of emerging technologies; such as the implementation of voice-to-text systems for the deaf, man-machine interfaces at the workplace, and internet access for people with disabilities.

On 8 December 1999 the European Commission launched an initiative entitled "eEurope - An Information Society for All", which proposes ambitious targets to bring the benefits of the Information Society within reach of all Europeans. The initiative focuses on ten priority areas, one of them specifically addressing the needs of people with disabilities. The targets set up by the Communication for improving access to the information society for people with disabilities include the following :

- A review of the relevant legislation and standards programmes dealing with the Information Society will be undertaken, with a view to ensuring their conformity with accessibility principles and accelerating standardisation processes.
- The Commission will prepare a Communication on how public procurement instruments can positively take account of the needs of people with disabilities in the public procurement of information and communication technology products and services.
- The European Institutions and the Member States should endorse the existing Web Accessibility Initiative (WAI) guidelines, making the design and content of all public Web sites accessible to people with disabilities (<http://www.w3.org/tr/wai-webcontent>). Public-private partnerships should be encouraged to ensure widespread web accessibility.

¹⁵ 98/10/EC OJ L 101, 01.04.1998

¹⁶ 99/05/EC OJ L 091, 07.04.1999

¹⁷ Decision No 182/1999/EC of the European Parliament and of the Council of 22 December 1998, OJ L 026 du 01.02.1999

- The Commission will set up a European network to optimise the interaction among national centres of excellence (either physical or virtual) and encourage the development of curricula in design for all for designers and engineers.

3.4. Enabling technologies - Toward a More Developed Common Market for Assistive Technology

Fostering the design for all principle will result in technologies, goods and services that accommodate the needs of a broader range of users, including many of those with disabilities. However, designing for the broader average will not always accommodate the needs of those with severe disabilities or very specific requirements. Ensuring access to technologies for such users can be best achieved by other means - designing special products and services or, in many cases, adapting or interfacing existing products and services to meet particular requirements. This technology, which is based on special products and services for older people and people with disabilities, is often called assistive technology (AT).

The markets for such services and products are significant at present - but are set to grow enormously, given demographic developments. It is estimated that in 1990 disabled and elderly consumers directly purchased mainstream goods and services worth 326 billion ECU. With reference to the market for specialised products and services, it is estimated that in Europe this market is worth 10 billion Euro at present and is growing at a rate of 10 to 20% per annum.

However, the economies of scale which the internal market should foster do not operate smoothly in this area. The AT industry is very fragmented - particularly when it comes to specialised products and services. These are often produced by small- and medium-sized enterprises which address the needs of consumers with particular disabilities, which may have a very small portfolio of products at a regional (or even local) level, and which often have limited resources. Fragmentation in the AT industry also arises from the national regulations which tend to vary from Member State to Member State. This fragmentation leads to solutions which are often incompatible, to duplication of effort, and to a consequent inefficient utilisation of funding and financial resources.

Promoting a healthy AT industry and a well developed market at EU level will improve the availability of cost-effective products and services for the end user. In addition, proper development of the market has significant potential to reduce the increasing cost of care. It is also important to address these issues because this market is in danger of being lost to foreign competition, in particular, to competition from the USA where several laws mandating access - such as the 1990 Americans with Disabilities Act and Section 508 of the 1986 Rehabilitation Act - are boosting the development of the AT industry. On the one hand, promotional activities to enhance initiatives by small- and medium-sized enterprises working this area is already included in the activities of the Fifth Framework Programme; on the other hand, Article 13 of the Amsterdam Treaty will eventually have a trickle-down effect on national legislations in European member states.

- Some assistive devices for people with disabilities are already covered by the Council Directive concerning medical devices¹⁸ whose purpose is to stimulate an open European market and a transparent market offer. The CEN Technical Committee TC 293 (Standardisation of Technical Aids for Persons with Disabilities)

¹⁸ 93/42 EEC, OJ L 169, 12.07.1993

has prepared a first set of standards for products groups such as wheelchairs. Other standards are in the preparatory or development stage. In order to improve the competitiveness of the AT market and provide better availability of the products, the Commission will consider the feasibility of implementing usability standards in this field.

- The Commission has requested CEN/CENELEC/ETSI to determine, in close co-operation with organisations representing the needs of elderly and disabled persons and relevant consumers', requirements for standardisation to ensure accessibility for disabled and elderly people within the information society. The Mandate emphasises the need to further develop the design for all approach while developing new services and products as well as the assistive technology approach when required.
- Information collection and dissemination is a prerequisite for availability of information, advice, and guidance to end users and to market development. Building on the experience of the Handynet and other database or information-gathering projects, the Commission will seek to improve co-operation and exchange between existing and potential future national assistive technology information offices taking into consideration the possibilities offered by the increasing use of the internet.
- The availability and affordability of appropriate assistive devices is critical to equality of opportunities for many people with a disability. Member States are responsible for the provision of aids and appliances. The arrangements for delivery and the eligibility for assistance of people with a disabilities may vary between and within States. However, removal of physical, social, and policy barriers to foster the free movement of people, cross-border acceptance of services, and barrier-free sales of products is a target that the EU will continue to strive for.
- The Commission is in favour of reducing or eliminating taxes and tariffs on aids and appliances for people with disabilities where this does not conflict with other tax and customs policy objectives. It is worth recalling that Member States may already apply a reduced rate of VAT to medical equipment, aids and appliances for people with disabilities¹⁹. In the customs field, a Council Regulation²⁰ provides that articles for the use of people with disabilities should be imported free of import duties under certain conditions.

3.5. Protecting the Rights and Interests of Consumers with Disabilities in the Marketplace

As stated in the previous chapter, with the emergence of the single market and the disappearance of the fragmented national markets, there is a unique opportunity to design products at an affordable price for a segment of the market that was previously difficult to reach.

In the past, many companies, particularly those whose products are marketed across the full spectrum of the population, tended to consider disabled customers as a niche market at best, and an unwanted intrusion at worst. However, companies are increasingly taking the view that, when properly managed, programmes which address the needs of people with disabilities can open up new market opportunities and be profit generators rather than cost enhancers.

¹⁹ 77/388/EEC: 6th VAT Directive of 17 May 1977, OJ L145, 13.06.1977.

²⁰ 918/83/EEC, OJ L105, 23.04.1983

This positive trend is also been reflected in the development of the European consumer policy which aims to cover all kinds of consumers including consumers with disabilities. The approach adopted so far has involved the consideration of projects for financial support and the inclusion of representative organisations in consultation procedures wherever appropriate. Examples of this type of action include the development of criteria on Special User Needs that could be included in the protocols used for comparative testing of consumer products and the application of the principle of "Design for all"; although the latter has to date concentrated primarily on preparation for the introduction of the EURO. This work has been carried out through the integration of representatives of people with particular impairments at all stages of the decision making process as consumer representatives.

In the context of consumer protection, mention should also be made of the Directive 95/46/EC²¹ which ensures inter alia a qualified protection of personal data revealing disabilities.

These positive developments could be further strengthened along the following lines.

- In the framework of its Consumer Policy action plan for the new Millennium, the Commission should pay particular attention to ensure that the specific needs of people with disabilities are duly taken into account, in particular when as regards access to justice, financial services and product safety.
- Under the framework standardisation mandate in the field of consumer safety, the Commission has issued a Mandate to the European Standard Bodies to develop a guidance document for standards writers how to address the issue of safety and usability for people with special needs.
- Addressing the needs of disabled consumers will be included among the policy objectives that will be made explicit in the new regulatory framework for Electronic Communications infrastructure and associated services.²²

4. PART II : POLICY TOOLS FOR THE ACHIEVEMENT OF GREATER COMMUNITY ADDED VALUE

Imperfect knowledge of the true extent of disability, ignorance or prejudice about its structural characteristics and a limited knowledge of the various initiatives which can be taken to improve access have been identified by the Commission and is one of the major obstacles to overcome in order to make inclusive policies. The problem is also compounded by the fact that people with disabilities form a very diverse group, with very different life circumstances, types and severity of disability, and face a range of different barriers. A strong knowledge base, adequate co-ordination and consultation mechanisms are seen as essential tools for the implementation of any measure.

²¹ OJ L 281, 23.11.1995.

²² Towards a new framework for Electronic Communications infrastructure and associated services: The 1999 Communications Review: COM (1999) 539 final.

4.1. Interpreting the numbers and understanding the needs

Reliable statistical and demographic data and information about people with disabilities are essential to help the Commission and all policy makers to plan and design measures that will enable all individuals, including those with functional limitations, to perform independently and efficiently at home, in the workplace, and in social life at large.

In 1992/1993 Eurostat published a comprehensive document providing a first series of statistics on the characteristics and of the socio-economic situation of the population of disabled persons. Since 1994 the European Community Household Panel (ECHP), a multi-purpose survey, set up within the European Statistical System (ESS) as a monitoring tool to provide longitudinal information on a number of social issues, provided a first series of data on disability, comparable at Community level.

The Commission will endeavour to further improve the collection of useful statistical information on the needs of people with disabilities along the following lines :

- Data will be collected in respect to health status, social protection, health and safety at work, employment and education. Moreover, according to the Commission regulation (EC) No 1924/1999 of 8 September 1999²³, an ad hoc module in the European labour force survey concerning disabled people's employment will be completed in 2002.
- Co-operation among Member States will be promoted to develop a framework for ensuring that a consistent core of definitions and data collection methods are used across the Member states and to improve comparability of statistical data on disability across the Community. Where needed, ways will be explored for filling the data gaps.
- The programme on health monitoring aims at developing a framework of comparable health indicators and data in the EU. These indicators will enable a better understanding of the different types and degrees of disability with regard to everyday activities, social life and working abilities.
- The Fifth RTD Framework Programme (1998 to 2002) will contribute significantly to improve the knowledge base on disabilities, in particular through its programme "Quality life and management of living resources", through its key action "The Ageing Population" and through the action line "Research relating to people with disabilities". They aim to enhance the quality of life and independence of people with disabilities, notably through improving their social and physical environment (e.g. technology for rehabilitation and assistance) and the effective and efficient delivery of the health and social care services available to them.

4.2. Designing inclusive EU programmes

At EU level , the Commission looks forward to design programmes open and accessible for all EU citizens and which, as a matter of principle, incorporate the individual and particular needs of people with disabilities in the very core of their design. At the same time, it recognises that the specific needs that result from disabilities cannot always be accommodated in each and every mainstream programme. Where this is the case, the Commission's overall

²³ OJ L 238, 09.09.1999

approach is to provide complementary measures, designed to mesh with the generic programme, to ensure that no one is denied the opportunity to participate just because of disability.

- The Commission will seek to ensure the participation of people with disabilities in mainstream programmes. To this end, it will provide where needed specific measures in order to meet the particular needs of people with disabilities so as to ensure true equality of opportunity. The costs of specific measures needed to allow such participation will also be taken into account, as far as budgetary constraints allow, in calculating the amount of Community financial support to be granted.

4.3. Leading by example

In order to further its commitment to creating a barrier free service which is accessible to all as well as to strengthen the credibility to its recommendations to other actors , the Commission will continue to foster the development of best practice within its own organisation.

a) Employment

People with disabilities are significantly under-represented in the workplace; an arena that includes the European public service. The Commission, together with the other EU institutions, has adopted in 1998 a Code of Good Practice on the employment of people with disabilities. The following points of the code are of particular note: adaptation of the examination/recruitment procedures to the needs of disabled candidates, access to specific training when needed for disabled officials, staff retention measures involving technical support, reorganisation of work and flexible or part-time working, entitlement to reasonable accommodation of the working environment.

The Commission considers of utmost importance to further implement the Code and to support the participation of people with disabilities within the Commissions services . This would also help to demonstrate the valuable contribution of people with disabilities to the workforce and improve sensitiveness on the issue among other staff.

- Within the framework of its internal reform, the Commission will take the necessary measures to facilitate the access of people with disabilities to work in the European Public Service. The issues which need to be addressed include: the organisation of competitions, career development, administrative assistance and the provision of appropriately equipped offices and buildings. Posts which can be most easily occupied by those with a disability will also be identified
- The Commission will encourage staff to attend disability awareness training, which includes information on disability discrimination issues as well as presentations by people with a variety of disabilities when appropriate.

b) Accessibility of Commissions' premises

Within the framework of the above mentioned Code of good practice, the Commission has already committed itself to develop strategies for ensuring that accessibility issues are considered as part of any upgrade of existing premises and

selection of new premises. Furthermore, all refurbishment, building upgrades and newly occupied buildings should, at a minimum, comply with existing national standards.

- The Commission will seek to ensure that offices and facilities are accessible to its employees and to citizens who visit Commissions services. It will ensure that a list of accessible meeting venues, including details of nearby toilets and facilities such as assistive devices etc., is regularly publicised within the Commission and that when organising venues for meetings the needs of people with disabilities are considered.

c) Information and Communication

Europeans with disabilities have the same right and need for information as other citizens and the lack of availability of public information in alternative formats prevents them from gaining access to the information they need.

The Commission is increasingly using the Internet as a means of providing large numbers of people with access to information and other services in a timely and cost effective way. Availability of information and services in electronic form via the World Wide Web has the potential to provide equal access for people with a disability and to provide access more broadly, more cheaply and more quickly than is otherwise possible using other formats. However, the presence of a document on the World Wide Web does not guarantee by itself accessibility. Language as well as the physical location of documents can limit access to information and create barriers to full participation of people with disabilities.

For communication to be inclusive and therefore effective, the differing needs of persons with disabilities must be considered. Persons with disabilities may have added difficulty in accessing information in standard format. Alternative formats are necessary to communicate information to persons with sensory or cognitive disabilities.

In addition to the commitment mentioned under point 3.3, the Commission intends to undertake the following actions :

- The Office for Official Publications of the European Communities will promote the development and implementation of standards and best practices to make information more accessible to citizens with disabilities. It will also support the sharing of materials in alternate formats across Europe through the EU - Publishers Forum.
- The Commission will amend its guidelines on access to Commission documents to ensure that publications and information about the policies, programs and services are accessible to people with disabilities in alternate formats where appropriate and feasible.

d) Mainstreaming in the European Schools

Several Recommendations and Resolutions have already been adopted by the Council and the Ministers of Education meeting within the Council aiming at

improving the integration of children with disabilities into mainstream schools²⁴. These initiatives have also been implemented within the European Schools which are official education institutes falling under the jurisdiction of the Governments of the Member states. In particular, the Board of Governors of the European Schools decided in 1995 the setting up of the Learning Support Committee with a view of widening and redefining the framework for integration of pupils with disabilities in all teaching levels of the European Schools.

- The Commission will continue to support the efforts made by the European Schools to give appropriate support to pupils with disabilities with a view to integrate them into its mainstream classes and in particular to better assist students with specific learning disabilities.

4.4. Consulting people with disabilities

Life experience provides people with disabilities with the skills and understanding to quickly identify the policies and practices which affect or prevent them from accessing services and facilities and to devise possible solutions to address those barriers. In particular, the Commission acknowledges that most of the ideas formulated in this Communication have been drawn by the Commission from its ongoing dialogue with people with disabilities, experts and associations in the disability field.

- In implementing its initiatives, the Commission will seek to build consultation processes with the disability community and its representative NGOs. Depending upon the issue, these process will vary to suit specific circumstances (ex: participation in advisory/consultative bodies, setting-up of references groups or working parties, drawing up of consultations papers or conducting public forums, internet...).
- To strengthen the disability community capacity to contribute to policy and program development, the Commission will promote partnerships among disability organisations, other NGOs, social partners; support events and mechanisms which encourage greater engagement and consultation; and encourage the flow of information and knowledge through networks and research by non-governmental organisations.

4.5. Strengthening the co-ordination among Commission's services

The main mechanism to date for the co-ordination of disability policy across relevant areas of Commission responsibility has been the Interservice group on Disability. All relevant Directorates General already participate actively in the group and it has proven to be an effective tool to raise awareness of disability issues and to encourage more intersectoral co-operation in this field.

- The disability Interservice group will therefore continue to meet regularly in order to exchange information on the state of play in respect of relevant actions in each policy field and to consider the development of any additional action so

²⁴ See in particular the Resolution of the Council and the Ministers for Education meeting with the Council of 31 May 1990 concerning integration of children and young people with disabilities into ordinary systems of education (OJ C 162, 03.07.1990).

as to optimise both the existing resources and the inter-service complementarity.

- The Interservice group will work to develop audit tools and information related to disability issues at the intention of Commissions' services.
- The Commission's services will seek to produce targeted guidance for people with disabilities seeking assistance for information on EU programmes and initiatives relevant to people with disabilities.

5. PART III : LOOKING BEYOND – RAISING AWARENESS, STRENGTHENING CO-OPERATION AND BUILDING MOMENTUM

The directions outlined above, as well as the ongoing work with Member States and non governmental organisations, will contribute to achieve progress in removing barriers and enhancing the opportunities for people with disabilities to participate fully in all aspects of society.

The present Communication focuses mainly on the issue of accessibility as a way to increase the awareness of policy makers, industry and society as a whole about what is possible and what is demanded. It emphasises that accessibility also serves a wider purpose in that it connects accessibility with full citizenship in modern societies.

However, making this a reality will require the involvement, the support and the co-operation of all stakeholders - governments at all levels, the private sector, communities, voluntary sector groups, people with disabilities and their families. While governments at all levels can help by providing leadership, expertise and resources, everyone must get involved if we are to succeed in removing attitudinal barriers and opening up opportunities to all Europeans.

With this aim in mind, the Commission will propose to the Council the year 2003 to be declared as the European Year of Disabled Citizens in order to raise awareness, to stimulate participation, to build momentum for new policies, at all levels, and to strengthen the concept of European citizenship for people with disabilities.

The Commission will also encourage the Candidate countries to closely follow this development of the Community policy on behalf people with disabilities.

Finally, progress in the implementation of this Communication will be assessed in a Report to the Council and the European parliament which will constitute one of the Commissions' contribution to that European Year.