



European Economic and Social Committee

SOC/363
**People with disabilities:
employment and accessibility**

Brussels, 17 March 2010

OPINION

of the

European Economic and Social Committee

on

**People with disabilities: employment and accessibility by stages
for people with disabilities in the EU. Post-2010 Lisbon Strategy**
(exploratory opinion)

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Rapporteur: **Mr Cabra de Luna**
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In a letter dated 23 July 2009, and in accordance with Article 262 of the Treaty establishing the European Community, Mr Diego López Garrido, State Secretary for the European Union of the Ministry for Foreign Affairs and Cooperation, asked the European Economic and Social Committee, on behalf of the future Spanish Presidency, to draw up an exploratory opinion on

People with disabilities: employment and accessibility by stages for people with disabilities in the EU. Post-2010 Lisbon Strategy.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 23 February 2010.

At its 461st plenary session, held on 17 and 18 March (meeting of 17 March), the European Economic and Social Committee adopted the following opinion by 152 votes to none with three abstentions.

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1. Conclusions and recommendations

EU 2020 strategy

- 1.1 The European Economic and Social Committee (EESC)¹ calls for a specific section on disability to be included when the EU 2020 strategy, the Employment Guidelines and the Social Agenda are adopted, to ensure that this aspect is mainstreamed and better coordinated across all Community policies.
- 1.2 The EESC recalls that including criteria to strengthen disability policies in the future post-Lisbon Strategy would produce an economic spin-off for society as a whole, as well as progress in social inclusion and non-discrimination.
- 1.3 The EESC believes that a European Disability Pact needs to be adopted, laying the foundations for a new European policy on disability, in keeping with the Commission's future strategy for people with disabilities under the Treaty of Lisbon and the Convention on the Rights of Persons with Disabilities (UNCRPD) and its protocol. The European Union and the Member States should conclude the Convention as soon as possible.
- 1.4 The EESC calls for policies that foster innovation, are based on statistical data and give visibility to people with disabilities in all relevant European and national statistics.

Employment and people with disabilities

- 1.5 The EESC supports a market that is inclusive for all, and points out that employment policies for people with disabilities must focus on the entire life process relating to employment ("lifestreaming"), and in particular on education, recruitment, staying in employment, and re-employment. Policies aimed at young people with disabilities, together with policies for those disabled as a result of accident or illness, must be a priority in the future EU 2020 strategy and the Commission's new strategy for people with disabilities.
- 1.6 The EESC calls on the Commission to present a report within a year on the implementation of the provisions of Directive 2000/78/EC concerning disability and employment.
- 1.7 The EESC recalls that recruitment in the ordinary work environment entails the deployment of sufficient social services and of incentives and motivation, while recognising the role of companies that employ a majority of people with disabilities and, more widely, of social economy undertakings and SMEs, which also require the support of sufficient social services and incentives, stressing the importance of the social partners in this area.
- 1.8 The EESC calls for awareness-raising policies to combat persistent stereotypes regarding workers with disabilities, and highlights the role of the media in ensuring acceptance of diversity.

Accessibility

- 1.9 The EESC affirms that accessibility is good for society as a whole, not only for people with disabilities, and brings businesses more customers.
- 1.10 Regarding accessibility, the EESC recommends progressive implementation by means of common short-, medium- and long-term objectives (including clear and final deadlines for new products, services and infrastructures and also for those already in existence).
- 1.11 The Committee supports the establishment of a European Capital of Universal Accessibility.
- 1.12 The EESC warns that there is a pressing need for eAccessibility legislation to be presented; restates its commitment to the principle of "design for all" and the development of accessibility standards; calls for an intensive action plan on this question to be presented before 2011; and backs the development of a "European disability card" that would facilitate mutual recognition of rights and cross-border travel for people with disabilities.

Gender and disability

- 1.13 Gender needs to be mainstreamed into the design, implementation, follow-up and evaluation of disability policies, in order to counter the invisibility and multiple discrimination affecting women and girls with disabilities.

Social dialogue and disability

- 1.14 The EESC recognises the importance of the social partners in ensuring that people with disabilities work on an equal conditions with others, with just and favourable conditions of work conditions.
- 1.15 The social partners should include the disability dimension in all intersectoral, sectoral and company-level actions and negotiations, especially regarding employment, accessibility and social protection issues.

Participation and civil dialogue

- 1.16 The EESC expresses its complete support for the principle of "Nothing about disabled people, without disabled people" and for this principle to be applied within the EU 2020 strategy and programmes for people with disabilities that receive public funding.
- 1.17 The EU and the Member States must promote the development of civil society and guarantee its funding, ensuring that it is independent and capable of playing a part in preparing policies and/or delivering social services.

2. Introduction

- 2.1 The EESC welcomes the request from the Spanish Presidency to draw up the opinion on *People with disabilities: employment and accessibility by stages for people with disabilities. Post-2010 Lisbon Strategy*.
- 2.2 In its opinions, the EESC has built up a permanent, cross-cutting body of knowledge, starting with its first own-initiative opinion specifically on the *Integration of disabled people in society* adopted in July 2002², which has helped support equal treatment and non-discrimination for people with disabilities (PWD) and their families³.
- 2.3 People with disabilities⁴ represent more than 16% of the population (at least 80 million)⁵, and this percentage is rising with an ageing population.
- 2.4 The EESC recognises that the progress made in both legislation⁶ and the implementation of European policies⁷ which, together with the 2002 Madrid Declaration⁸, has helped to make the EU more inclusive of PWD. However, there is room for improvement, since the progress

made has been of a sectoral nature, is fragmented and has suffered from a lack of a unified, structured Community strategy: as confirmed in the Mid-term Evaluation of the European Action Plan 2003-2010⁹ published in June 2009, the European Commission's own services dealing with European policies for PWD also need to be strengthened.

- 2.5 The EESC points to the recent Eurobarometer results¹⁰, displaying a strong increase in perceived discrimination on the grounds of disability (8% in the last year, i.e. 53% in 2009 compared to 45% in 2008), with more than 33% of PWD feeling they had been discriminated against in 2009.
- 2.6 The EESC recognises that progress on disability policies owes much to the campaigning work and pressure of the European disability movement and its representative bodies, gathered together in the European Disability Forum (EDF), as well as to the support of the social partners.
- 2.7 The EESC would remind the Council presidency trio of the importance of taking account of the present opinion in carrying out their presidencies.

3. **A new Community disability policy in the future EU 2020 strategy**

- 3.1 The EESC agrees with the Commission that *"new policies must demonstrably contribute to social cohesion, tackling unemployment and fostering social inclusion ... [t]his requires rethinking education systems and labour markets, enhancing mobility and boosting Europe's dynamism to unleash our innovative and creative potential"*¹¹.
- 3.2 The EESC believes that in the context of the EU 2020 strategy, there is a need to adopt a **European Disability Pact**, as has already been done regarding gender and youth¹².
- 3.3 The Pact must be a common agreement, endorsed by the Council of Ministers, between Member State governments, the Commission and the European Disability Forum, with the involvement of the EP, Economic and Social Committee and, where appropriate, the social partners and representatives of organised civil society. The Pact should be managed by a European Disability Committee, chaired by a representative of the Member States and with an executive secretariat provided by the Commission. The Pact would cover the need for common objectives for the Member States, performance scoreboards and an obligatory report to the Spring European Council¹³. In this way, a variant of the OMC would be applied to disability.
- 3.4 The Pact should cover equal access in education, equal treatment and access in employment, legislation on minimum income and social protection, freedom of movement, independent living¹⁴ and personal autonomy, equal access to goods and services for PWD, agreement on an accessibility programme for the new technologies, transport and built environment, health

and care for all forms of dependency, and tax policies that promote inclusion of PWD and cover the extra costs incurred in most of their every-day activities¹⁵.

- 3.5 The Pact must take a cross-cutting approach to the needs of women and girls with disabilities, young people with disabilities, ageing and disability, persons who need a high level of support to retain their personal independence, and PWD living in the countryside. The same applies to the promotion of research, development and innovation relating to people with disabilities.
- 3.6 The Pact must present an agreement to be implemented in the framework of the Lisbon Treaty, the Charter of Fundamental Rights and the UNCRPD, resting on three pillars:
 - 3.6.1 *(i) A historic moment of Community policy review - Putting people with disabilities and their families at the centre of Community policies*
 - 3.6.1.1 The EESC calls for the coordination and limited effect of the current Lisbon Strategy and the Renewed Social Agenda¹⁶ to be improved in the adoption of the EU 2020 strategy and the Social Agenda, which must consequently include a specific section on PWD and their families, and must cover *inter alia* employment, education, social inclusion and protection and accessibility, ensuring that disability is reflected in the strategy's three key priorities¹⁷.
 - 3.6.1.2 The EESC recalls that including disability policies among EU competences¹⁸ in the EU 2020 strategy would produce an economic spin-off for society as a whole, as well as progress in social inclusion and non-discrimination, as clearly demonstrated in recent cost-benefit analyses¹⁹.
 - 3.6.1.3 The European Disability Pact must be in keeping with the Commission's future strategy for PWD²⁰, which is to replace the current 2003-2010 Action Plan for People with Disabilities.
 - 3.6.1.4 The European Employment Strategy (EES), the Open Method of Coordination (OMC) in social inclusion, social protection, pensions, education, youth and other areas must continue to include and must improve, in their guidelines and common objectives for the Member States, disability so that it is reflected in their national plans, increasing their capacity for analysis and setting out the results in regular reports.
 - 3.6.1.5 European policies should support the eradication of all extreme breaches of the fundamental rights, especially regarding the placement of PWD in large closed institutions, segregated education, deprivation of legal capacity and violence towards PWD, taking account of the additional disadvantage suffered by women and girls with disabilities, together with people requiring a high level of support²¹.
 - 3.6.1.6 We need policies that foster innovation and are based on statistical evidence. The Pact should seek to make PWD more visible in all relevant statistical tools²². It must have harmonised,

up-to-date and reliable statistical sources, indicators and tools. This could be done, for example, by creating a permanent disability module within the European Labour Force Survey, together with a module on the social participation of PWD, and including questions on disability in the relevant general modules.

3.6.1.7 The EESC calls for the *EU Guidelines: Human Rights and International Humanitarian Law*, to be adopted by the EU Council, to include a guideline on the rights of PWD, based on the UNCRPD.

3.6.2 (ii) *Giving disability a proper European legal framework*

3.6.2.1 The EESC considers that the entry into force of the Lisbon Treaty establishes new legal bases. It also highlights the value of Articles 10²³, 11²⁴ and 19²⁵, together with Articles 21²⁶ and 26²⁷ of the Charter of Fundamental Rights, which have treaty status.

3.6.2.2 The UNCRPD creates new obligations for the EU. The EESC therefore urges:

3.6.2.2.1 that the EU finalise its accession to the UNCRPD and its protocol, pursuant to the Council Decision²⁸. It recalls the Convention's legal status as an international treaty, and calls on the Member States to undertake to ratify the UNCRPD rapidly²⁹;

3.6.2.2.2 that all Community legislation affecting the internal market, transport, taxation, competition, health, consumption, digital and electronic media, employment, education and non-discrimination³⁰ be analysed on the basis of the UNCRPD;

3.6.2.2.3 that a coordination mechanism³¹ within the Commission, involving the relevant Commissioners, be created, together with an independent body, as required by the UNCRPD³².

3.6.2.3 The EESC welcomes the presentation of this proposal for a Directive for non-discrimination beyond employment³³, but warns that it is not sufficiently in line with the UNCRPD. The directive, still under discussion at the Council, needs to ensure that the concept of discrimination gives preferential treatment of PWD in specific circumstances, its scope in terms of social protection, health and education, indicating that segregated education is discriminatory; accessibility for PWD must be applied across the board; reasonable adjustments must be applicable in all spheres and public incentives should be available for their implementation; accessibility must also extend to all goods and services offered to the public and, lastly; where implementation is concerned, greater specificity must be given to the EU's commitments in this area, to be applied with immediate effect to new buildings and with realistic engagements regarding existing buildings.

3.6.3 (iii) Adequate funding for the European Disability Pact

- 3.6.3.1 The Committee recalls that the provisions of the General Regulation on the Structural Funds regarding non-discrimination and accessibility for PWD as criteria for selecting and implementing projects that are co-financed by the EU³⁴ must be maintained and strengthened in the future Cohesion Policy which should also ensure action for and by PWD as a whole in all the Member States, with adequate financial facilities. These principles should be extended to the European budget and other European programmes concerning research, competitiveness, training, employment, social affairs and development cooperation, including, *inter alia*, the new programmes from 2014 onward.
- 3.6.3.2 The EESC acknowledges that the involvement of civil society in the direct management of the ESF (in training and employment) and the ERDF has produced very encouraging results, and calls for this model to be introduced into Structural Funds operational programmes from 2013 onwards.
- 3.6.3.3 The EESC considers that continuing to provide financial support, through the PROGRESS programme supporting European organisations of PWD, including the EDF, as well as bodies working for social integration, strengthens democracy in the EU and a structured civil society.

4. The EU and employment for people with disabilities

- 4.1 The employment of PWD must be an integral part of the EES. The employment situation of workers in Europe is complicated, but that of disabled workers is even more difficult, and so a market that is inclusive of all must be strengthened.
- 4.2 The EESC is concerned by the state of unemployment among PWD, since even before the crisis, 78% of people with serious disabilities did not have access to the jobs market, with a rate of inactivity that was double that of the rest of the population, and with an employment rate that was stuck at a level 20% below the average for people without disabilities³⁵.
- 4.3 The crisis (which has driven unemployment up to 10%³⁶) is making the situation of people with disabilities on the labour market more difficult in two ways: entry into the market will be more difficult³⁷ and, secondly, governments will tend to adjust their public deficits by cutting all types of assistance and pensions. The EESC warns that PWD must not be the main victims of the crisis, and opposes any cuts in assistance to them³⁸.
- 4.4 There is a danger that the crisis might increase the risk of poverty among PWD and their families. On the other hand, the crisis could provide an opportunity for more inclusive business activity, with incentives, and boost business productivity, thereby improving the economy as a whole.

- 4.5 The Committee maintains that fostering the employment of PWD must be one of the main aims of the EES, and calls for the Employment Guidelines to include an objective incorporating Conclusion 34 of the European Council of Spring 2006³⁹ *"A key objective is to increase labour market participation, especially of ... persons with disabilities ... To achieve these objectives, work should be conducted in close cooperation with social partners"*. A list of measures to be applied by the Member States through their National Plans should be drawn up.
- 4.6 The social partners play a crucial role in enabling PWD to enter the labour market by means of collective bargaining and to fit into companies⁴⁰. They also help to implement diversity policies and negotiate diversity plans in agreement with employers, who must be offered incentives to move in this direction: corporate social responsibility policies can be used to this end. The EESC consequently welcomes the successful conclusion by the European social partners of the negotiations for a new autonomous agreement on inclusive labour markets⁴¹.
- 4.7 The EESC calls for a report on the implementation of the disability and employment provisions of Directive 2000/78 to be presented within a year⁴².
- 4.8 The EESC reaffirms that PWD are as qualified as any other person to have a full working life, and that their skills should not be underestimated. PWD are entitled to work just like anyone else.
- 4.9 The EESC draws attention to the fact that, according to Eurofound research, the growing incidence of mental health problems is turning this form of disability into the main cause of early departure from the labour market, accounting for some 40%⁴³ of early retirements in some countries. A change is needed in the way the general public and the authorities think about the plight of such workers.
- 4.10 The EESC recalls that in order to recognise these skills, there must be arrangements for certifying the knowledge acquired either by (unregulated) experience or through formal education. The EESC therefore urges the introduction of a "qualifications passport"⁴⁴ that would give occupational mobility to PWD within the EU.
- 4.11 Employment policies for PWD must cover the entire life process relating to employment ("lifestreaming"⁴⁵), addressing housing, basic education, training, household indebtedness⁴⁶, financial difficulties, health, an unfavourable environment and the economy, together with recruitment, staying in employment, and re-employment.
- 4.12 Freedom of movement (a Community principle) has not been fully achieved for PWD, and impacts on their movements to other EU countries to work, also affecting study, retirement and all other activities.

- 4.13 One of the most prominent barriers to free movement is the impossibility of exporting rights, such as that to personal assistance, which could become a reality with practical measures to coordinate social security systems and Europe-wide awareness-raising and training campaigns⁴⁷.
- 4.14 The EESC points out that "active inclusion" must tie in with the labour market and provide an adequate level of income and access to high-quality social services, reflected in improved living conditions, for those not in employment too⁴⁸.
- 4.15 The EESC recalls that recruitment in the ordinary work environment entails employment services, vocational reskilling facilities, and social and health services, as well as maintaining/managing incomes and providing incentives⁴⁹.
- 4.16 The EESC urges that social benefits and tax systems be adjusted so that entering the labour market does not entail a loss of purchasing power for PWD and so that they provide motivation to work in fairly-paid, quality jobs; it also urges that financial incentives be introduced to encourage recruitment by companies, and backs supported employment on the ordinary market, self-employment by PWD, and encouragement for their entrepreneurship by means, *inter alia*, of micro-finance⁵⁰, as well as for NGOs providing support services for workers with disabilities and their families.
- 4.17 Measures must be introduced to keep those who acquire a disability as a result of accident or illness in their jobs or to find new placements for them, so that they do not have to leave the labour market prematurely. It calls for work places and their surroundings to be adjusted (reasonable accommodation) for PWD, for vocational training and retraining programmes for PWD to be assured to provide for their career development⁵¹. In those countries where quota arrangements are in place, it must be ensured that recruitment targets are met, using appropriate support mechanisms. The social dimension of public procurement can also boost the employment of PWD.
- 4.18 The EESC is firmly convinced of the advantages of funding employment rather than unemployment benefit, and of the value of encouraging PWD to want to obtain employment, employers to recruit them, and self-employment among PWD.
- 4.19 The EESC believes in policies, including early education, aiming to help young people with disabilities move from training to their first job, and in policies that apply in cases of acquired disability, ensuring maintenance of employment or new job placements. These groups must be a priority in the future post EU 2020 strategy, and be included in the review of the Commission's strategy for PWD. In this regard, the EESC would recall its opinion SOC/349 in favour of a strategy to be developed not only FOR youth but also WITH youth⁵².
- 4.20 The EESC recognises the role of businesses that employ a majority of PWD and others that are more active in this field as well as, more broadly, social economy enterprises such as

cooperatives, mutual societies, associations and foundations that foster social inclusion and the participation of PWD in the labour market with the same labour rights, granting them special arrangements to be decided by the Member States.

- 4.21 The EESC emphasises support for SMEs so that they can take an inclusive view of work and implement their key role in ensuring the effectiveness of measures for PWD at work.
- 4.22 The European and Member State institutions and bodies must be aware of the situation and be exemplary in including workers with disabilities in their workforces, by means of a practical action plan to improve on the current rates of employment, which are very low⁵³.
- 4.23 The EESC highlights the importance of the flexicurity concept for PWD, i.e. enhanced flexibility and adjustability of in-company human resources, backed by better-quality working conditions and security in employment. Strategies must ensure a balance between working and private life, life-long training, and steps for moving between the various possible social resources and situations and employment, as part of on-going life for PWD.
- 4.24 The EESC supports the drive for the creation of new green and social job sectors, and the promotion of accessibility and design for all, which offer job opportunities to PWD.
- 4.25 The EESC advocates help for those disabled workers who require it, together with the necessary services to enable the members of the families of PWD to continue working⁵⁴.
- 4.26 Awareness policies counter stereotypes⁵⁵ about workers with disabilities (, and must target the social partners, middle and senior management and workers, health professionals and public administrations⁵⁶.
- 4.27 The relevant instruments of promotion must be easy to use for companies and workers and must be effectively promoted and used by public bodies.
- 4.28 The role of the media should be highlighted as a key factor for awareness and dissemination in fostering the principles of tolerance, social inclusion and acceptance of diversity in European society.
- 4.29 The EESC supports the development of innovative initiatives, such as the "qualifications passport" and "lifestreaming"⁵⁷ mentioned above, and would point to further examples:
 - 4.29.1 The job coaching service as a model for providing continuous support and mentoring in the ordinary work environment⁵⁸;
 - 4.29.2 The creation of a prior accreditation of learning system⁵⁹ reflecting progressive learning;
 - 4.29.3 Support throughout working life in businesses and public administrations;

- 4.29.4 Use of new technologies with support systems such as video tutorial systems⁶⁰ and in general provision of support technologies and ensuring that general workplace technologies are accessible;
- 4.29.5 Development of a Disability Management Model⁶¹ under the aegis of general company diversity policies.

5. **Accessibility for people with disabilities**

- 5.1 The EESC recalls the EU Council Resolution of 17 March 2008 "*accessibility represents no less than a cornerstone of an inclusive society based on non-discrimination*"⁶², with a fundamental role for the social partners in this process, as accessibility is a pre-requisite for employment.
- 5.2 The EESC reaffirms its exploratory opinion⁶³ on *Equal opportunities for people with disabilities* which points to the same rights but different needs and different forms of accessibility to goods and services⁶⁴.
- 5.3 The EESC recommends progressive implementation by means of common short-, medium- and long-term objectives (with clear and final deadlines for new and existing goods, services and infrastructures)⁶⁵, that would be binding upon the Member States, harnessing, among other methods, the potential of public procurement.
- 5.4 The EESC recognises that accessibility is crucial if immediately applicable political and civil rights are to be exercised, and this must be reflected in specific accessibility plans, accompanied by standards and penalties which are binding upon all public authorities and with the possibility for disabled citizens to invoke mechanisms to uphold their rights. There should be no more EP elections without a guarantee of accessibility to polling stations and without access to a significant presence of PWD among candidates: the appropriate measures must be taken at national level.
- 5.5 The EESC hails the efforts of the EU Member States and the Commission to ensure accessibility, the objective of which must be to ensure universal accessibility (public buildings⁶⁶, buildings of public interest⁶⁷; private companies, goods and services, tourism, e-commerce, information, transport, technology and communications).
- 5.6 The EESC affirms that accessibility is good for society as a whole (ageing, pregnant women, reduced mobility, etc.). Accessible businesses will attract more customers (15% of consumers). New products generate more markets and are a source of sustainable economic growth.

- 5.7 The EESC further emphasises that a commitment to accessibility is a commitment to the fundamental rights of European citizenship, as it stated in its opinion on *eAccessibility*⁶⁸.
- 5.8 The EESC would remind the European institutions, and especially the Commission, that the number of their buildings and electronic information technology systems (e.g. web pages, the Commission's section on public consultations) that are accessible remains low. An accessibility plan which displays a real commitment to PWD must therefore be drawn up⁶⁹.
- 5.9 The EESC calls for state aid⁷⁰ for private companies and services in order to attain the goal of reasonable accommodation as stipulated in Directive 2000/78⁷¹. The principle of forward-looking accessibility must be implemented in private services.
- 5.10 The development of accessibility standards to support legislation in public purchasing should continue, taking the successful American legislation as an example. The EESC recalls the importance of dialogue between institutions, industry and civil society in defining such standards⁷².
- 5.11 The EESC supports the declaration of a European Capital of Universal Accessibility, based on a system for granting flags, granting European cities and regions recognition for their efforts concerning accessibility to places, goods and services and fostering the sustainable development of local authorities⁷³.
- 5.12 The EESC expects that further regulations on travel by sea, urban and interurban bus, and taxi, to take adequate account of the differing needs of PWD, adjusting means of transport and their setting, modelled on the present Regulations for air and rail travel⁷⁴.
- 5.13 The EESC welcomed the Communication from the Commission on *eAccessibility*⁷⁵, and called on the EU to incorporate the actions proposed in the *eAccessibility* communication in the European strategic framework on the information society. There is a pressing need for *eAccessibility* legislation to be presented in fields such as the accessibility of websites, inclusive communication, teleservices, mobile telephones, digital technology and ATMs, for example. These objectives appeared as far back as 2003 in the Crete Ministerial Declaration⁷⁶ and the Riga Declaration. There are now reasonable grounds to doubt that they will be attained within the deadlines set. Consequently, the EESC calls for an intensive action plan to reach these objectives before 2011.
- 5.14 The EESC restates its commitment to the principle of "design for all", and believes that it is crucial for this concept to be built into the curricula of both vocational training and university courses, so that all professionals apply this principle.

5.15 The EESC backs the development of a "European disability card" ensuring the mutual recognition of the rights PWD embarking on cross-border travel, including the same level of access to transport, culture and leisure, following the example of the European Parking Card.

6. **Gender and disability**

6.1 The EESC points out that women account for 60% of PWD in Europe, and they are not treated equally, as they continue to be discriminated against in recognition of rights and access to goods and services (health, education and prevention of gender violence, amongst others).

6.2 The employment levels of women with disabilities have remained unchanged for a decade, with a high percentage of non-employment and unemployment, lower pay and additional problems in entering the labour market.

6.3 Gender needs to be mainstreamed into the design, implementation, follow-up and evaluation of disability policies. Specific measures and actions need to be geared to guaranteeing access to employment, and to foster the recruitment of women.

7. **Social dialogue and disability**

7.1 The EESC calls on the social partners to ensure that PWD work on an equal basis with others, with just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, and that they are able to exercise their labour and trade union rights; in particular, it encourages PWD to participate in professional and trade union organisations and urges that subcontracted work be carried out under the same labour conditions⁷⁷ (Article 27 of the UNCRPD).

7.2 Social dialogue is crucial in defending the rights, equal opportunities and non-discrimination of PWD in employment, social security, safety at work, and other contexts, and in labour relations in general. It is essential to implementing positive employment and accessibility measures, as well as in training, promoting and assisting workers with disabilities.

7.3 The social partners must take the disability dimension on board in all intersectoral, sectoral and company-level actions and negotiations, particularly regarding employment, accessibility and social protection issues, in cooperation with organised civil society and PWD.

7.4 The social partners must be involved in the follow-up and application of the UNCRPD concerning labour relations and social protection.

8. Participation and civil dialogue

- 8.1 The EESC expresses its complete support for the principle of "Nothing about disabled people, without disabled people"⁷⁸ and believes in empowerment and self-advocacy policies.
- 8.2 The EESC considers that civil dialogue with PWD and their families is the best framework for improving EU governance: introducing binding mechanisms and protocols and creating ad hoc participatory and consultative bodies within the EU.
- 8.3 Organisations representing PWD should be involved in the regular reports evaluating employment and accessibility policies⁷⁹, the implementation of the UNCRPD and Commission programmes and financial instruments, in order to ensure that the civil society point of view is included, by means, for example, of alternative reports⁸⁰.
- 8.4 The EU and the Member States must promote and ensure funding to develop civil society, to safeguard its independence and ability to take part in framing policies and/or delivering social services.

Brussels, 17 March 2010.

The President
of the
European Economic and Social Committee

Mario Sepi

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N.B. Appendices overleaf.

APPENDIX I – Statistics

Most recent data on the number of persons with disabilities in the EU

| Self-perceived limitations in daily activities (activity restriction for at least the past 6 months) by sex, age and activity status (%) | | | | |
|--|----------------------|-------------------------|-----------------------|------|
| Date of extraction: Thu, 21 Jan 10 09:57:54 | | | | |
| Last update: Tue Oct 27 09:38:54 MET 2009 | | | | |
| sex | m Males | | | |
| wstatus | pop Total population | | | |
| time | 2007a00 | | | |
| age | total Total | | | |
| < td> | Severely hampered | Hampered To some extent | not_hamp Not hampered | |
| geo | | | | |
| <i>eu</i> European Union (EC6-1972, EC9-1980, EC10-1985, EC12-1994, EU15-2004, EU25-2006, EU27) | 6.9 | 14.3 | | 78.8 |
| <i>be</i> Belgium | 6.4 | 13.4 | | 80.2 |
| <i>bg</i> Bulgaria | 2.4 | 2.1 | | 95.5 |
| <i>cz</i> Czech Republic | 4.8 | 14.5 | | 80.7 |
| <i>dk</i> Denmark | : | 13.6 | | 86.4 |
| <i>de</i> Germany (including ex-GDR from 1991) | 7.1 | 20.2 | | 72.6 |
| <i>ee</i> Estonia | 7.7 | 24.2 | | 68.0 |
| <i>ie</i> Ireland | 5.5 | 12.7 | | 81.8 |
| <i>gr</i> Greece | 6.1 | 9.9 | | 84.0 |
| <i>es</i> Spain | 7.8 | 12.2 | | 79.9 |
| <i>fr</i> France | 5.9 | 14.3 | | 79.8 |
| <i>it</i> Italy | 6.4 | 15.7 | | 77.8 |
| <i>cy</i> Cyprus | 7.6 | 10.8 | | 81.6 |
| <i>lv</i> Latvia | 7.2 | 20.6 | | 72.3 |
| <i>lt</i> Lithuania | 7.4 | 15.2 | | 77.4 |
| <i>lu</i> Luxembourg (Grand-Duché) | 6.8 | 14.1 | | 79.1 |
| <i>hu</i> Hungary | 11.4 | 14.4 | | 74.2 |
| <i>mt</i> Malta | 3.1 | 7.5 | | 89.3 |

| | | | | | | |
|---|----------------------|-------------------------|-----------------------|--|------|--|
| <i>nl</i> Netherlands | 6.9 | | 10.0 | | 83.1 | |
| <i>at</i> Austria | 8.9 | | 17.6 | | 73.5 | |
| <i>pl</i> Poland | 6.3 | | 14.7 | | 78.9 | |
| <i>pt</i> Portugal | 10.6 | | 15.2 | | 74.2 | |
| <i>ro</i> Romania | 6.4 | | 8.8 | | 84.9 | |
| <i>si</i> Slovenia | 7.1 | | 15.6 | | 77.3 | |
| <i>sk</i> Slovakia | 8.8 | | 14.8 | | 76.4 | |
| <i>fi</i> Finland | 8.2 | | 21.1 | | 70.7 | |
| <i>se</i> Sweden | 6.3 | | 10.1 | | 83.6 | |
| <i>uk</i> United Kingdom | 7.8 | | 10.9 | | 81.3 | |
| <i>is</i> Iceland | 4.0 | | 5.4 | | 90.6 | |
| <i>no</i> Norway | 6.3 | | 10.0 | | 83.7 | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| sex | f Females | | | | | |
| wstatus | pop Total population | | | | | |
| time | 2007a00 | | | | | |
| age | total Total | | | | | |
| | | | | | | |
| < td> | Severely hampered | Hampered To some extent | not_hamp Not hampered | | | |
| geo | | | | | | |
| <i>eu</i> European Union (EC6-1972, EC9-1980, EC10-1985, EC12-1994, EU15-2004, EU25-2006, EU27) | 8.6 | | 18.0 | | 73.4 | |
| <i>be</i> Belgium | 8.3 | | 16.8 | | 74.9 | |
| <i>bg</i> Bulgaria | 2.5 | | 2.2 | | 95.3 | |
| <i>cz</i> Czech Republic | 5.8 | | 17.7 | | 76.6 | |
| <i>dk</i> Denmark | : | | 19.7 | | 80.3 | |
| <i>de</i> Germany (including ex-GDR from 1991) | 9.0 | | 24.4 | | 66.6 | |
| <i>ee</i> Estonia | 10.5 | | 26.0 | | 63.5 | |
| <i>ie</i> Ireland | 6.2 | | 13.0 | | 80.9 | |
| <i>gr</i> Greece | 7.4 | | 12.3 | | 80.3 | |
| <i>es</i> Spain | 10.3 | | 16.5 | | 73.2 | |
| <i>fr</i> France | 7.2 | | 17.9 | | 74.9 | |

| | | | | | | |
|------------------------------------|------|--|------|--|------|--|
| <i>it</i> Italy | 8.7 | | 21.3 | | 70.0 | |
| <i>cy</i> Cyprus | 8.7 | | 12.9 | | 78.4 | |
| <i>lv</i> Latvia | 11.0 | | 25.3 | | 63.7 | |
| <i>lt</i> Lithuania | 10.9 | | 18.9 | | 70.2 | |
| <i>lu</i> Luxembourg (Grand-Duché) | 6.6 | | 16.5 | | 77.0 | |
| <i>hu</i> Hungary | 13.8 | | 17.3 | | 68.9 | |
| <i>mt</i> Malta | 3.5 | | 9.4 | | 87.0 | |
| <i>nl</i> Netherlands | 8.9 | | 15.5 | | 75.6 | |
| <i>at</i> Austria | 11.3 | | 17.6 | | 71.1 | |
| <i>pl</i> Poland | 7.3 | | 17.3 | | 75.4 | |
| <i>pt</i> Portugal | 14.9 | | 19.0 | | 66.0 | |
| <i>ro</i> Romania | 7.6 | | 13.2 | | 79.2 | |
| <i>si</i> Slovenia | 8.6 | | 17.5 | | 73.9 | |
| <i>sk</i> Slovakia | 11.6 | | 20.3 | | 68.1 | |
| <i>fi</i> Finland | 9.3 | | 23.8 | | 66.9 | |
| <i>se</i> Sweden | 9.2 | | 13.4 | | 77.3 | |
| <i>uk</i> United Kingdom | 8.8 | | 12.6 | | 78.6 | |
| <i>is</i> Iceland | 7.5 | | 7.7 | | 84.8 | |
| <i>no</i> Norway | 8.4 | | 14.2 | | 77.4 | |

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APPENDIX II

1 In order to prioritise extensive, high-quality content, this opinion uses the following abbreviations/Con el objeto de dar prioridad a un contenido de extenso y de calidad, este dictamen utiliza las siguientes abreviaciones:

- EESC: European Economic and Social Committee/ CESE: Comité Económico y Social Europeo
- UNCRPD: United Nations Convention on the Rights of Persons with Disabilities/ CNUDPD: Convención de Naciones Unidas sobre los Derechos de las Personas con Discapacidad
- EDF: European Disability Forum/ EDF: Foro Europeo de la Discapacidad
- EES: European Employment Strategy/ EEE: Estrategia Europea de Empleo
- MS: Member States/ EEMM: Estados Miembros
- OMC: Open Method of Coordination/ MAC: Método Abierto de Coordinación
- PCD: Personas con discapacidad/ PCD: Personas con discapacidad
- SMEs: Small- and Medium-Sized Enterprises / PYMES: Pequeñas y Medianas Empresas
- EU: European Union/ UE: Unión Europea.

2 EESC opinion, OJ C 241, 7.10.2002, p. 89 / Dictamen del CESE, DO C 241 de 7.10.2002, p. 89.

3 Among the more recent: EESC opinion / Entre los más recientes dictamen del CESE : OJ C 182, 4.8.2009, p. 19 – OJ C 10, 15.1.2008, p. 80 – OJ C 93, 27.4.2007, p. 32 – OJ C 256, 27.10.2007, p. 102 – OJ C 185, 8.8.2006, p. 46 – OJ C 88, 11.4.2006, p. 22 – OJ C 110, 9.5.2006, p. 26 – OJ C 24, 31.1.2006, p. 15 – OJ C 110, 30.4.2004, p. 26 – OJ C 133, 6.6.2003, p. 50 – OJ C 36, 8.2.2002, p 72. We would like to thank the Information Centre of the EESC Department for Communication for enriching this opinion with its document MM-09/09/ric.

Agradecemos la labor de investigación realizada por el Centro de Información del Departamento de Comunicación del CESE en su documento MM-09/09/ric para completar este dictamen.

4 For the purposes of the present opinion, the definition of Persons with Disabilities is that adopted by the United Nations Convention on the Rights of Persons with Disabilities: "*Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others*".

A efectos de este Dictamen se toma como definición de Persona con Discapacidad la adoptada por la Convención de Naciones Unidas sobre los Derechos de las Personas con Discapacidad "*Las personas con discapacidad incluyen a aquellas que tengan deficiencias físicas, mentales, intelectuales o sensoriales a largo plazo que, al interactuar con diversas barreras, puedan impedir su participación plena y efectiva en la sociedad, en igualdad de condiciones con las demás.*"

5 EU SILC 2007 http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/eu_silc - Ministerial Declaration, Riga, 11 June 2006, Latvia. These studies reveal a progressive increase in disability as recognised in the most recent Eurostat country data: see also Appendix I

Estos estudios demuestran un crecimiento progresivo de la discapacidad tal y como se reconoce en los datos mas recientes por países del Eurostat: Ver también anexo I.

6 Such as: Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.; recognition of accessibility and non-discrimination in the Structural Funds Regulations (Council Regulation (EC) No 1083/2006 of 11 July 2006); Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air [Official Journal L 204 of 26.7.2006] and the Telecommunications package COM(2007) 697 final – COD 2007/0247.

Tales como : la Directiva 2000/78 CE del Consejo relativa al establecimiento de un marco general para la igualdad de trato en el empleo y la Ocupación de 27 de noviembre de 2000; el reconocimiento de la accesibilidad y no discriminación en los reglamentos de los Fondos Estructurales (Reglamento (CE) nº 1083/2006 del Consejo de 11 de Julio); el Reglamento (CE) nº 1107/2006 del Parlamento Europeo y el Consejo, de 5 de julio de 2006, sobre los derechos de las personas con discapacidad o movilidad reducida en el transporte aéreo [DO L 204 de 26.7.2006] o el paquete de Telecomunicaciones COM(2007) 697 final – 2007/0247 (COD).

- 7 Communication from the Commission on the Social Agenda COM(2005) 33 final and Communication from the Commission on *Equal opportunities for people with disabilities: A European Action Plan*, COM(2003) 650 final.
Comunicación de la Comisión sobre la Agenda Social COM/2005/0033 y el Plan de Acción de la Comisión (Comunicación de la Comisión "Igualdad de oportunidades para las personas con discapacidad: Un plan de Acción Europeo" COM(2003) 650 final).
- 8 Madrid Declaration: "Non discrimination + positive action = social inclusion", 23 March 2002
La Declaración de Madrid "No discriminación más acción positiva es igual a integración social" 23 marzo 2002
<http://antiguo.cermi.es/graficos/declaracion-madrid.asp>.
- 9 Mid-Term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities, Centre for Strategy and Evaluation Services, June 2009
"Evaluación Intermedia del Plan de Acción Europeo 2003-2010 para las personas con discapacidad"
<http://ec.europa.eu/social/BlobServlet?docId=3784&langId=en>
- 10 Eurobarometer: Discrimination in the EU in 2009 (based on fieldwork between 29 May and 14 June 2009)
Eurobarómetro: Discriminación en la UE en 2009 (trabajo de campo correspondiente a 29 de mayo a 14 de junio de 2009).
- 11 COM(2009) 647 final.
- 12 This will be a way of moving beyond the fragmented view of the issue within the EU institutions and between them and the Member States / Esto será una forma de superar la visión fragmentada dentro de las instituciones de la UE y entre estas y los EEMM.
- 13 It is important to indicate the differences between the European Disability Strategy and the Pact. The European Disability Strategy is a conventional European Commission initiative, using its right of initiative, in order to establish priorities for action (previously known as the EU Disability Action Plan 2003-2010). In its Resolution (2008/C75/01) the Council invites the Commission and the Member States to prepare a new disability strategy to succeed the Action Plan, assessing how national actions reflect the commitments made by the European Community and the Member States to fully implement the UN Convention at European level, and considering setting consistent and comparable national targets to that end. The European Disability Strategy is a joint project to which the Governments, the European Commission, the European Parliament, the EESC, the CoR and the social partners have adhered in order to reach a political agreement covering areas presented obstacles or barriers and promoting equality and non-discrimination for people with disabilities.
Es importante señalar las diferencias entre la estrategia europea de discapacidad y el Pacto. La Estrategia Europea de Discapacidad es una iniciativa tradicional de la Comisión Europea, en ejercicio de su derecho de iniciativa, para establecer las prioridades de acción (antes se llamaba Plan de Acción europeo para la Discapacidad 2003-2010). Actualmente el consejo en su resolución 2008/c 75/01 invita a la Comisión y los EEMM a preparar una nueva estrategia de discapacidad reemplazando el Plan de Acción, analizando como las acciones nacionales reflejan los compromisos hechos por la CE y los EEMM para implementar de completamente a nivel europeo y considerar poner objetivos nacionales consistentes y comparables a ese fin (BUSCAR traducción). El Pacto Europeo por la Discapacidad es un proyecto colectivo que firman y suscriben los Gobiernos, la Comisión Europea, el Parlamento Europeo, el CESE, el CDR y los Interlocutores sociales para llegar a un acuerdo político que cubra ciertas áreas que presentan obstáculos o barreras y promueva la igualdad y no discriminación de las personas con discapacidad.
- 14 The EESC welcomes the choice of topic for the European Day of People with Disabilities conference held on 4 December 2009, under the title of *Creating conditions for independent living* / El CESE se felicita de la elección del tema para la conferencia del Día Europeo de las Personas con Discapacidad, celebrada el 4 de Diciembre de 2009 bajo el título: "*Creando las condiciones para una vida independiente*".
- 15 Tax policy can help to integrate people with disabilities through tax benefits. People with disabilities and their families can incur additional costs in carrying out some of their everyday activities, and this additional cost could be offset through tax incentives, especially regarding products and services that promote their personal independence. The EESC adopted an opinion along these lines, *Equal opportunities for people with disabilities*, in which it pointed out that "Families which include one or more persons with disabilities, have a higher risk of finding themselves in situations of poverty, as disability involves greater family spending, which can amount up to EUR 30 000 per year. This justifies the adoption of positive discrimination measures, such as allowances (in cash or in kind) or tax incentives" (EESC opinion, OJ C 93, 27.4.2007). This was confirmed by the "*Estudio del agravo comparativo económico de las personas con discapacidad de la ciudad de Barcelona. El sobreesfuerzo económico que origina la discapacidad*" ("Study on the economic inequality of people with disabilities in the city of Barcelona. The overstrain economic effort provoked by disability") carried out by the Local Institute of People with Disabilities of Barcelona City Council in March

2006, which revealed that family spending derived from the disability of any of the members of the family could amount up to EUR 30 000 per year, depending on the social protection level and the type of disability.

La política fiscal puede ayudar a la inclusión de las personas con discapacidad a través de beneficios fiscales. Las personas con discapacidad y sus familias pueden sufrir un sobrecoste en el ejercicio de algunas de las actividades de su vida diaria, el exceso de sobrecoste puede verse compensado a través de incentivos fiscales. Sobre todo en aquellos productos y servicios que promuevan su autonomía personal. El CESE ya adoptó en este sentido el dictamen "Igualdad de oportunidades para las personas con discapacidad" donde se señalaba: "Las familias que tengan a su cargo una o más personas con discapacidad presentan un riesgo más elevado de encontrarse en situación de pobreza, dado que la discapacidad entraña mayores gastos domésticos que pueden ascender a más de 30 000 euros al año. Esto justifica la adopción de medidas de discriminación positiva, como los subsidios (en metálico o en especie) o las deducciones fiscales." (EESC opinion, DO C 93 de 27.4.2007). Esta ha sido confirmado por el "Estudio del agravio comparativo económico de las personas con discapacidad de la ciudad de Barcelona. El sobreesfuerzo económico que origina la discapacidad" realizado por el Instituto Municipal de Personas con Discapacidad del Ayuntamiento de Barcelona en marzo de 2006, que puso de manifiesto que el gasto familiar al que da lugar la discapacidad de algún miembro de la familia puede elevarse a más de 30 000 euros al año, en función del nivel de protección social y del tipo de discapacidad.

<http://w3.bcn.es/fitxers/baccessible/greugecomparatiueconmic.683.pdf>.

The Spanish Confederation of Associations for Persons with Intellectual Disability (FEAPS) recently published a study confirming this phenomenon "Estudio del sobreesfuerzo económico que la discapacidad intelectual ocasiona en la familia en España-2008" ("Study on the economic overstrain on families in Spain as a result of intellectual disability-2008"), March 2009. Recientemente la Confederación española de asociaciones a favor de las personas con discapacidad intelectual (FEAPS) ha publicado un estudio que confirma este fenómeno. Marzo de 2009.

16 COM(2009) 58 final: "The inclusion of disabled people continues to be addressed, but disability mainstreaming remains limited and National Strategic Reports scarcely refer to the implementation of the UN Convention on the Rights of persons with disabilities".

COM(2009) 58 final: "La inclusión de las personas con discapacidad sigue siendo objeto de atención, aunque la integración de la discapacidad sea todavía muy limitada y los Informes Estratégicos Nacionales raras veces se refieran a la aplicación de la Convención de las Naciones Unidas sobre los Derechos de las Personas con Discapacidad".

17 "(1) Creating value by basing growth on knowledge. (2) Empowering people in inclusive societies. (3) Creating a competitive, connected and greener economy" COM(2009) 647 final: Commission Working Document *Consultation on the future EU 2020 strategy*

(1) Crear valor basando el crecimiento en el conocimiento. (2) Potenciar el papel de los ciudadanos en sociedades inclusivas. (3) Crear una economía competitiva, conectada y más respetuosa del medio ambiente" COM(2009) 647 final: Documento de trabajo de la Comisión "Consulta sobre la futura Estrategia UE 2020".

18 It is important to point out that the EU has competences in the field of non-discrimination, and that disability policies remain subject to the subsidiarity principle, although this does not prevent coordination by means such as the OMC.

Es importante destacar que la UE cuenta con competencias dentro del ámbito de la no-discriminación y que las políticas de discapacidad quedan sometidas al principio de subsidiariedad que no impide la coordinación a través de medios tales como el MAC.

19 This fact was confirmed in a recent study by Gregorio Rodríguez Campo, Carlos García Serrano and Luis Toharia, Evaluación de las políticas de empleo para las personas con discapacidad y formulación y coste económico de nuevas propuestas de integración laboral ["Evaluation of employment policies for persons with disabilities and formulation and economic cost of new proposals for labour integration"], Colección Telefónica Accessible no. 9, Ediciones Cinca, April 2009 - ISBN: 978-84-96889-48-4. Madrid, Spain.

Este hecho se ha confirmado en un estudio reciente de RODRÍGUEZ CABRERO, Gregorio; GARCÍA SERRANO, Carlos; TOHARIA, Luis: "Evaluación de las políticas de empleo para las personas con discapacidad y formulación y coste económico de nuevas propuestas de integración laboral", Colección Telefónica Accesible nº 9, Ediciones Cinca, Abril 2009 - ISBN: 978-84-96889-48-4 Madrid, España.

20 Council Resolution (2008/ C 75/01) "invites the Commission to begin work on a new European Disability strategy to succeed the current DAP assessing how national actions reflects EC and MS commitments to fully implement UNC and considering setting consistent and comparable national targets to that end".

21 Declaration on Recognising the Rights of Girls and Women with Disabilities, Madrid, 18 November 2007 / “*Declaración sobre los derechos de las niñas y mujeres con discapacidad*” Madrid, 18 de noviembre de 2007.
<http://cms.horus.be/files/99909/MediaArchive/EDF%20declaration%20on%20girls%20and%20women%20with%20disabilities.doc>.

22 EESC opinion, OJ C 10, 15.1.2008, p. 80. / Dictamen del CESE, DO C 10 de 15.1.2008, p. 80.

23 Article 10 : “*In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.*”
Artículo 10 : “*En la definición y ejecución de sus políticas y acciones, la Unión tratará de luchar contra toda discriminación por razón de sexo, raza u origen étnico, religión o convicciones, discapacidad, edad u orientación sexual.*”

24 Article 11.4 “*Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.*”
Artículo 11.4: “*Un grupo de al menos un millón de ciudadanos de la Unión, que sean nacionales de un número significativo de Estados miembros, podrá tomar la iniciativa de invitar a la Comisión Europea, en el marco de sus atribuciones, a que presente una propuesta adecuada sobre cuestiones que estos ciudadanos estimen que requieren un acto jurídico de la Unión para los fines de la aplicación de los Tratados.*”

25 Article 19.1 : “*Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.*”
Art 19.1: “*Sin perjuicio de las demás disposiciones de los Tratados y dentro de los límites de las competencias atribuidas a la Unión por los mismos, el Consejo, por unanimidad con arreglo a un procedimiento legislativo especial, y previa aprobación del Parlamento Europeo, podrá adoptar acciones adecuadas para luchar contra la discriminación por motivos de sexo, de origen racial o étnico, religión, convicciones, discapacidad, edad u orientación sexual.*”

26 Article 21 1. “*Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.*” 2. “*Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.*”
Artículo 21 1. “*No discriminación : Se prohíbe toda discriminación, y en particular la ejercida por razón de sexo, raza, color, orígenes étnicos o sociales, características genéticas, lengua, religión o convicciones, opiniones políticas o de cualquier otro tipo, pertenencia a una minoría nacional, patrimonio, nacimiento, discapacidad, edad u orientación sexual. 2. Se prohíbe toda discriminación por razón de nacionalidad en el ámbito de aplicación del Tratado constitutivo de la Comunidad Europea y del Tratado de la Unión Europea y sin perjuicio de las disposiciones particulares de dichos Tratados.*”

27 Article 26 “*The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.*”
Artículo 26 – “*Integración de las personas discapacitadas. La Unión reconoce y respeta el derecho de las personas discapacitadas a beneficiarse de medidas que garanticen su autonomía, su integración social y profesional y su participación en la vida de la comunidad.*”

28 15540/09 of 24 November 2009, Council Decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities. It specifies procedural questions, a declaration of competence, internal application within the European institutions and a reservation.
15540/09 del 24 de Noviembre de 2009 Decisión del Consejo sobre la Conclusión, por parte de la Comunidad Europea, de la Convención de Naciones Unidas sobre los Derechos de las Personas con Discapacidad. En ella se especifican las cuestiones de procedimiento, la declaración de competencias, la aplicación interna dentro de las instituciones Europeas y la reserva.

29 The ratification process stood as follows in January 2010 / El Proceso de ratificación se encuentra actualmente de este modo en enero 2010: **Germany/Alemania**: Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007/ Ratified/Ratificado: 24-2-2009 / Protocol ratified/Ratificado el Protocolo: 24-2-2009 // **Austria**: Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 / Ratified/Ratificado: 26-9-2008 / Protocol ratified/Ratificado el Protocolo: 26-9-2008 // **Belgium/Bélgica** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 / Ratified/Ratificado:

2-7-2009 / Protocol ratified/Ratificado el Protocolo: 2-7-2009 // **Bulgaria** Signed/Firmado: 27-9-2007 / Protocol signed/Firmado el Protocolo: 18-12-2008 // **Cyprus/Chipre** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007// **Denmark/Dinamarca** Signed/Firmado: 30-3-2007 / Ratified/Ratificado: 24-7-2009 // **Slovakia/Eslovaquia** Signed/Firmado: 26-9-2007 / Protocol signed/Firmado el Protocolo: 26-9-2007 // **Slovenia/Eslovenia** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 Ratified/Ratificado: 24-4-2008 / Protocol ratified/Ratificado el Protocolo: 24-4-2008 // **Spain/España** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 Ratified/Ratificado: 3-12-2007 / Protocol ratified/Ratificado el Protocolo: 3-12-2007 // **Estonia** Signed/Firmado: 25-9-2007 // **Finland/Finlandia** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 // **France/Francia** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 23-9-2008 // **Greece/Grecia** Signed/Firmado: 30-3-2007 // **Hungary/Hungría** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 Ratified/Ratificado: 20-7-2007 / Protocol signed/Ratificado el Protocolo: 20-7-2007 // **Ireland/Irlanda** Signed/Firmado: 30-3-2007 // **Italy/Italia** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 / Ratified/Ratificado: 15-5-2009 / Protocol ratified/Ratificado el Protocolo: 15-5-2009 // **Latvia/Letonia** Signed/Firmado: 18-7-2008 // **Lithuania/Lituania** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 // **Luxembourg/Luxemburgo** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 // **Malta** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 // **Netherlands/Países Bajos** Signed/Firmado: 30-3-2007 // **Poland/Polonia** Signed/Firmado: 30-3-2007 // **Portugal** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 30-3-2007 Ratified/Ratificado: 23-9-2009 / Protocol ratified/Ratificado el Protocolo: 23-9-2009 // **United Kingdom of Great Britain and Northern Ireland/Reino Unido de Gran Bretaña e Irlanda del Norte** Signed/Firmado: 30-3-2007 / Protocol signed/Firmado el Protocolo: 26-2-2009 Ratified/Ratificado: 8-6-2009 / Protocol ratified/Ratificado el Protocolo: 7-8-2009 // **Czech Republic/República Checa** Signed/Firmado: 30-3-2007 Protocol signed/Firmado el Protocolo: 30-3-2007 Ratified/Ratificado: 28-9-2009 // **Romania/Rumania** Signed/Firmado: 26-9-2007 Protocol signed/Firmado el Protocolo: 25-9-2008 // **Sweden/Suecia** Signed/Firmado: 30-3-2007 Protocol signed/Firmado el Protocolo: 30-3-2007 Ratified/Ratificado: 15-12-2008 Protocol ratified/Ratificado el Protocolo: 15-12-2008.

30 The UNCRPD has dual implications for the EU: vis-à-vis the Member States, with a declaration of competence, and vis-à-vis the European institutions themselves on the basis of Article 300.7 of the TEC.

La CNUDPD tiene una doble implicación para la UE, de cara a los EEMM con una declaración de competencias y a las propias instituciones europeas a partir del artículo 300.7 TEC.

31 The European Disability Forum presented a contribution to the thematic study of the High Commissioner for Human Rights to boost awareness of the structure and role of national mechanisms for applying and monitoring the UNCRPD, September 2009.

El Foro Europeo de la Discapacidad ha presentado "una contribución al estudio temático del Alto Comisionado para los Derechos Humanos para reforzar la concienciación sobre la estructura y el role de los mecanismos nacionales para la aplicación y supervisión de las CNUDPD", Septiembre 2009.

[http://cms.horus.be/files/99909/MediaArchive/library/EDF_contribution_OHCHR_contribution_national_frameworks_for_implementation_CRPD\(final\).doc](http://cms.horus.be/files/99909/MediaArchive/library/EDF_contribution_OHCHR_contribution_national_frameworks_for_implementation_CRPD(final).doc).

32 An independent mechanism incorporating the Paris Principles and with powers to formulate recommendations for the European Community. Of particular interest in this area is the initiative of the European Consortium of Foundations on Human Rights and Disability, set up by the European Foundation Centre, which brings together major European foundations such as The Atlantic Philanthropies, the Fundación Sabanci, the Fondation de France, the Fundação Calouste Gulbenkian, the Fondazione Banca del Monte di Lucca, and the Fundación ONCE with the aim of promoting the implementation and dissemination of the Convention. Among its other activities at Community level, the Consortium coordinates a report for the European Commission analysing goals and best practices in applying the Convention and its impact on the legal system of the Member States, and on Community law.

Un mecanismo independiente que integre los Principios de París y con competencia para formulación de recomendaciones a la Comunidad Europea. Destaca en este ámbito la iniciativa del Consorcio Europeo de Fundaciones por los Derechos Humanos y la Discapacidad, puesto en marcha por el Centro Europeo de Fundaciones que reúne importantes fundaciones europeas tales como The Atlantic Philanthropies, la Fundación Sabanci, la Fondation de France, la Fundação Calouste Gulbenkian, la Fondazione Banca del Monte di Lucca, y la Fundación ONCE con el propósito de impulsar la implementación y difusión de la Convención. Entre otras actividades a nivel comunitario, el Consorcio coordina un estudio para la Comisión Europea que analiza los retos y mejores prácticas en la aplicación de la Convención y su impacto en el ordenamiento jurídico de los estados miembros, así como en el Derecho comunitario

<http://www.efc.be/Networking/InterestGroupsAndFora/Disability/Pages/TheEuropeanConsortiumoffoundationsonHumanRightsandDisability.aspx>.

- 33 Proposal for a Council Directive on implementing the principle of equal treatment irrespective of religion or belief, disability, age or sexual orientation (COM(2008) 426 final, 2 July 2008).
Propuesta de Directiva del Consejo por la que se aplica el principio de igualdad de trato entre las personas independientemente de su religión o convicciones, discapacidad, edad u orientación sexual (COM(2008) 426 final, de 2 de julio de 2008).
- 34 A good example in this regard is the European Structural Funds and Disability Observatory InNet16. This observatory will provide monitoring, through a European partnership, co-financed by the Social European Fund, of the application of Article 16 (non-discrimination and accessibility for persons with disabilities) of the General Regulation of the Structural Funds.
En este sentido destaca el Observatorio Europeo de Fondos Estructurales y Discapacidad Innet16. Este observatorio garantizará un seguimiento, a través de un partenariado europeo, cofinanciado por el Fondo Social Europeo, de la aplicación del artículo 16 (non discriminación y accesibilidad para las personas con discapacidad) del Reglamento General de los Fondos Estructurales http://www.observatoriodeladiscapacidad.es/?q=es/informacion/agenda/18112009/presentacion_de_innet16_european_inclusion_network_lanzamiento_del_observatorio
- 35 Statistics in Focus, Theme 3: *Employment of disabled people in Europe 2002*, Eurostat 26/2003.
http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-NK-03-026/EN/KS-NK-03-026-EN.PDF.
- 36 Statistical Office of the European Communities (Eurostat) – January 2010. / Oficina de Estadísticas de la Unión Europea (Eurostat) – Enero 2010.
- 37 According to Eurobarometer, Discrimination in the EU in 2009, covering May-June 2009, 56% of the population believes that the economic crisis will contribute to greater discrimination against people with disabilities.
Según el Eurobarómetro “*Discriminación en la UE en 2009*”, correspondiente a mayo-junio 2009, un 56 % de la población cree que la crisis económica contribuirá a un aumento de la discriminación contra las personas con discapacidad. En este sentido, el Comité suscribe íntegramente la vigencia del diagnóstico negativo del Dictamen de iniciativa de 2007 “*Empleo para las categorías prioritarias (Estrategia de Lisboa)*” (CESE, DO C 256 de 27.10.2007, p. 102), realizado a petición del Consejo Europeo de primavera de 23/24 de marzo de 2006.
- 38 The study *El impacto de la crisis económica en las personas con discapacidad y sus familias* (“The impact of the economic crisis on people with disabilities and their families”), published in December 2009 and prepared by the Spanish Committee of Representatives of Persons with Disabilities (CERMI) is recommended on this point, as it documents the effects of the current economic crisis on people with disabilities.
En este sentido se recomienda el estudio “*El impacto de la crisis económica en las personas con discapacidad y sus familias*” publicado en Diciembre 2009, elaborado por el Comité Español de Representantes de Personas con Discapacidad (CERMI) que documenta los efectos de la actual crisis económica en la población con discapacidad.
<http://www.cermi.es/NR/rdonlyres/6487C9F8-F423-493B-83B8-562CB09201B8/30184/EstudioCERMICrisisyDiscapacidad.doc>
For more information / Mas información en www.cermi.es
- 39 Spring 2006 European Council: "A key objective is to increase labour market participation, especially of the young, women, older workers, persons with disabilities and legal migrants and minorities".
Cumbre Europea de Primavera de 2006: “*Uno de los objetivos clave es aumentar la participación en el mercado de trabajo, sobre todo de los jóvenes, las mujeres, los trabajadores de más edad, los discapacitados, los inmigrantes legales y las minorías*”.
- 40 In many cases, this involves problems arising from a mismatch between skills and the post in question / Tratando en muchos casos con la dificultad de inadecuación de capacidades para el puesto de trabajo.
- 41 The EESC is pleased that the autonomous agreement on inclusive labour markets is being finalised, covering areas such as: transitional measures for persons with special difficulties on the labour market, the effectiveness of professional support services, education and training, the importance of investment in regional development, upgrading access to transport, careservices, housing and education, the ease or difficulty of beginning and sustaining businesses and the role of taxes and the pension system (version of 9 December 2009).
El CESE felicita que se esté finalizando el acuerdo autónomo sobre mercados de trabajo inclusivos donde se cubren áreas tales como: medidas de transición para personas con dificultades especiales en el mercado de trabajo, la eficacia de los servicios de acompañamiento profesionales, la educación y formación, la importancia de la inversión en el desarrollo regional, la adecuación del acceso al transporte, atención, alojamiento y educación, la facilidad o dificultad para empezar y sostener negocios y el rol de los impuestos y el sistema de pensiones. (versión 9 de diciembre de 2009).

- 42 Council Directive 2000/78 establishing a general framework for equal treatment in employment and occupation of 27 November 2000. In this connection, the report must be presented to a European conference of all the relevant stakeholders. This report must recognise the efforts of public and private actors that go beyond the minimum provisions laid down by the Directive.
Directiva 2000/78 CE del Consejo relativa al establecimiento de un marco general para la igualdad de trato en el empleo y la Ocupación de 27 de noviembre de 2000. En este sentido, el informe debe ser presentado en una Conferencia Europea que convoque a todas las partes interesadas. Este informe debe reconocer el esfuerzo de los agentes públicos y privados que vayan más allá de las disposiciones mínimas que establece la directiva.
- 43 Analysis by the European Foundation for the Improvement of Living and Working Conditions, based on data compiled by German Federal Health Monitoring (2007).
Análisis de la European Foundation for the Improvement of Living and Working conditions basada en los datos recogidos en el German Federal Health Monitoring (2007).
http://www.gbe-bund.de/gbe10/pkg_isgbe5.prc_isgbe?p_uid=gastd&p_sprache=E.
- 44 Other similar examples are the vocational training Europass, and in this connection the qualifications passport ensures recognition of knowledge acquired through unregulated channels but which is nevertheless useful in an employment context, and recognition of which would facilitate entry onto the labour market.
Otros ejemplos similares son el Europas en formación profesional, en este sentido el pasaporte de cualificaciones garantiza un reconocimiento de los conocimientos adquiridos de forma no reglada y que sin embargo son útiles en contexto laboral y cuyo reconocimiento favorece una mejor entrada en el mercado de trabajo. European Centre of Employers and Enterprises providing Public services (CEEP). For more information / Para mas información: <http://www.ceep.eu>
- 45 European Centre of Employers and Enterprises providing Public services (CEEP). <http://www.ceep.eu>.
- 46 Which is made worse by the additional cost arising from disability, see note 15 / Que resulta agravado por el sobre coste que supone la de la discapacidad, ver nota 15.
- 47 This could be in the form of a training and awareness-raising campaign for European citizens and political office-holders focusing on the free movement of citizens and their social security rights, and this would also fill the existing information gap. / Podría tener un formato de campaña de formación y concienciación de ciudadanos europeos y responsables políticos con respecto a la libre circulación de ciudadanos y sus derechos de seguridad social solucionaría igualmente la falta de información existente.
- 48 European Foundation for the Improvement of Living and Working conditions.
- 49 European Foundation for the Improvement of Living and Working conditions.
- 50 The European Commission has created a new Progress Microfinance Facility to come into force from 2010. This facility should help workers who have lost their jobs get back into employment. It is important that this facility should also be of use to people with disabilities. Micro-credit in the EU means loans of less than EUR 25 000, for micro-enterprises employing less than 10 people (91% of all European businesses) and unemployed or inactive people.
La Comisión Europea ha creado un Nuevo instrumento Progress de microfinanciación operativo a partir de 2010. este instrumento debe facilitar la reincorporación en el empleo de trabajadores que hayan perdido su puesto de trabajo. Es importante que este instrumento sea también útil para las personas con discapacidad. Micro crédito en la UE significa préstamos de hasta 25.000 EUR para microempresas que empleen menos de 10 personas (91% de todas las empresas europeas) y para desempleados o personas inactivas.
For more information / Para mas información: <http://ec.europa.eu/social/main.jsp?langId=es&catId=89&newsId=547>.
- 51 Guide on *Creating an inclusive society: mainstreaming disability based on the social economy example.* / “Guía par la creación de una sociedad inclusiva: transversalidad de la discapacidad basada en el ejemplo de la economía social” Social Economy Europe, Agosto 2007.
http://www.socialeconomy.eu.org/IMG/pdf/Guide_on_Disability_Mainstreaming_and_Social_Economy.pdf.
- 52 EESC opinion, OJ C318, 23.12.2009, p. 113.

- 53 It should be pointed out that the European Commission now has a mandatory ethical code including aspects such as promotion and selection procedures. However, this does not entail either the introduction of quotas or gathering information to provide official statistics.
Es importante señalar que hoy la Comisión Europea cuenta con un Código Deontológico de obligatorio cumplimiento que incluye elementos tales como promoción y consideración en los procesos de selección. No obstante esto no implica ni el establecimiento de cuotas ni una recogida de información que provea cifras oficiales.
- 54 Similarly, support service professionals, including family members or voluntary workers, must be granted social recognition by being included in the social security system, harnessing the experience they have built up, training courses, technical resources, relief replacements or any other measure to facilitate their work, rest or better care for persons with disability with a view to ensuring that care for dependency is a social service.
De igual modo, los profesionales de los servicios de asistencia, incluidos familiares o voluntarios, deben obtener reconocimiento social a través del alta en el sistema de Seguridad Social, en la valoración de la experiencia acumulada, cursos de formación, medios técnicos, reemplazantes o cualquier otra medida que facilite su trabajo, su descanso o la mejor atención a las personas con discapacidad para garantizar que la atención a la dependencia sea un servicio social.
- 55 *La inserción laboral de las personas con discapacidad - Concienciación empresarial y compromiso social* ("Labour integration of persons with disabilities – employer awareness and social commitment"), a study drawn up by PricewaterhouseCoopers (PwC) under the 2000-2006 anti-discrimination operational programme, co-financed by the European Social Fund. Edited and published under the 2007-2013 anti-discrimination operational programme. Co-financed by the European Social Fund and the Fundación ONCE. The Cooperation Agreement between the Fundación ONCE and PwC is also worthy of note. It is based on three main pillars, the Diversia project (1) integrating people with disabilities into the work environment; the Family Plan (2) supporting workers who have a family member with a disability; and lastly the Talent without Barriers campaign (3) whose aim is to ensure that 3% of newly recruited graduates should be persons with disabilities (further information at www.fundaciononce.es). One of the most common stereotypes is to consider persons with disabilities to be less productive.
"La inserción laboral de las personas con discapacidad - Concienciación empresarial y compromiso social". Estudio elaborado por PricewaterhouseCoopers (PwC) en el marco del Programa Operativo de Lucha contra la Discriminación 2000-2006, cofinanciado por el Fondo Social Europeo. Editado y publicado en el marco del Programa Operativo de Lucha contra la Discriminación 2007-2013. Cofinanciado por el Fondo Social Europeo y Fundación ONCE. Destaca igualmente el Convenio de colaboración entre Fundación ONCE y PwC que se basa en tres pilares principales, el proyecto Diversia (1) de inclusión de personas con discapacidad en el medio de trabajo; el Plan Familia (2) de apoyo a los trabajadores que tienen algún familiar con discapacidad; y por último, la campaña Talento sin barreras (3) cuyo objetivo es conseguir que el 3% de las nuevas incorporaciones de titulados superiores, sean personas con discapacidad (mas información en www.fundaciononce.es). Uno de los estereotipos mas frecuentes es el de achacar menor productividad.
- 56 European Foundation for the Improvement of Living and Working conditions <http://www.eurofound.europa.eu/>.
- 57 Both are systems to ensure that PWD enjoy equal rights at work. / Sistemas ambos de garantía de igualdad de derechos de las PCD en el empleo.
- 58 Including support and mentoring strategies both before and during employment. It should also support integration into the ordinary market through skills assessment, with a coherent and realistic project based on the applicant's strengths and skills, identifying obstacles, helping to prepare CVs and interviews, and providing encouragement and guidance in job-seeking. Département Travailleurs Handicapés de l'OGBL (Department for Workers with Disabilities, Luxembourg Confederation of Independent Trade Unions).
Incluyendo estrategias de acompañamiento y apadrinamiento como paso previo al empleo y durante el mismo. Y que apoye la integración en el mercado ordinario a través de la evaluación de capacidades, dotando de un proyecto coherente y realista, que nazca de las virtudes y competencias del candidato, que señale los obstáculos, que ayude a la preparación del CV y la preparación de la entrevista, así como la motivación y orientación en la búsqueda de empleo. Département Travailleurs Handicapés de l'OGBL (Departamento de trabajadores con discapacidad de la Confederación Luxemburguesa de Sindicatos Independientes).
- 59 Very similar to the "qualifications passport", reflecting the professional experience of workers with disabilities.
Muy similar al "pasaporte de cualificaciones", reflejando la experiencia profesional de los trabajadores con discapacidad European Centre of Employers and Enterprises providing Public services (CEEP) <http://www.ceep.eu>.
- 60 European Centre of Employers and Enterprises providing Public services (CEEP) <http://www.ceep.eu>.

- 61 Companies must adapt their human resources policies to create a conducive environment, a proactive approach to new conditions, early intervention and management and coordination in cases of people returning to work.
Las empresas deben adaptar sus políticas de recursos humanos creando un entorno saludable, reacciones proactivas ante condiciones nuevas, intervención temprana y gestión y coordinación de casos de reincorporación al trabajo European Centre of Employers and Enterprises providing Public services (CEEP) <http://www.ceep.eu>
- 62 Council Resolution (2008/C 75/01) "*Accessible built environments, transport and Information and Communication Technology (ICT), both in urban and rural areas, are crucial for the realisation of a society which provides genuine access to equal rights, offering its citizens real autonomy and the means to pursue independent and active economic and social lives. Such accessibility represents no less than a cornerstone of an inclusive society based on non-discrimination*".
- Consejo de la Unión Europea (2008/C 75/01): "*La existencia de entornos construidos accesibles, transporte y tecnologías de la información y de la comunicación (TIC) tanto en áreas urbanas como rurales, resultan cruciales para la realización de una sociedad que facilite un acceso efectivo a la igualdad de derechos, ofreciendo a sus ciudadanos una autonomía real y los medios para poder llevar a cabo vidas social y económicamente activas e independientes. Dicha accesibilidad representa nada menos que una piedra angular de una sociedad integradora basada en la no discriminación*".
- 63 EESC opinion, OJ C 93, 27.4.2007, p. 32. / Dictamen del CESE, DO C 93 de 27.4.2007, p. 32.
- 64 Since people with disabilities form a heterogeneous group but have equal rights / Ya que las personas con discapacidad componen un grupo heterogéneo pero con igualdad de derechos.
- 65 This will help to prevent the creation of new barriers / Esto ayudará a impedir la creación de nuevas barreras.
- 66 Schools, universities, health centres, hospitals, administrative centres, public offices, public services. / Colegios, Universidades, Centros de Salud, Hospitales, Centros administrativos, Oficinas públicas, servicios públicos.
- 67 Museums, cinemas, theatres, concert halls, exhibition halls, hotels, banks, shopping centres. / Museos, cines, teatros, auditorios, salas de exposiciones, hoteles, bancos, centros comerciales.
- 68 EESC opinion, OJ C 110, 9.5.2006, p. 26. The Council Resolution on 6 February 2003 "eAccessibility" — improving the access of people with disabilities to the knowledge based society" (OJ C 39, 2003, p. 5) should also be mentioned.
Dictamen del CESE, DO C 110 de 9.5.2006, p. 26. Conviene recordar también la Resolución del Consejo de 6 de febrero de 2003 sobre "*Accesibilidad electrónica*" – Mejorar el acceso de las personas con discapacidad a la sociedad del conocimiento " (DO C 39, 2003, p. 5).
- 69 COM(2007) 501 final.
- 70 As set out in Articles 41 and 42 of Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation).
Tal y como recogen los artículos 41 y 42 del Reglamento (CE) n° 800/2008 de la Comisión, de 6 de agosto de 2008 , por el que se declaran determinadas categorías de ayuda compatibles con el mercado común en aplicación de los artículos 87 y 88 del Tratado (Reglamento general de exención por categorías).
- 71 Council Directive 2000/78 establishing a general framework for equal treatment in employment and occupation of 27 November 2000.
Directiva 2000/78 CE del Consejo relativa al establecimiento de un marco general para la igualdad de trato en el empleo y la Ocupación de 27 de noviembre de 2000.
- 72 See, in this regard, the standards already being implemented under mandates 376 and 420 / En este sentido destacan los estándares que ya se están desarrollando bajo los mandatos 376 y 420.
For more information / Para mas información:
http://ec.europa.eu/information_society/activities/einclusion/archive/deploy/pubproc/eso-m376/index_en.htm y
<http://cms.horus.be/files/99909/MediaArchive/M420%20Mandate%20Access%20Built%20Environment.pdf>
- 73 The Prize will seek to encourage European cities to take on board the principle of universal access in all aspects of urban planning, administration – including –administration – and local public life (public buildings and services, web pages, education,

health, etc.). The Prize will reward compliance with demanding specific criteria regarding the definition of a "European City of Universal Access". The programme will come under the future European Disability Strategy, the Territorial Agenda and the Leipzig Charter on Sustainable European Cities, and the forthcoming Sustainable European City benchmark.

El Premio buscará incentivar a las ciudades europeas a incorporar el principio de accesibilidad universal en todos los aspectos de la planificación urbana, administración, incluida la administración electrónica y de la vida pública local (edificios y servicios públicos, páginas web, educación, sanidad, etc.) El premio simbolizará el cumplimiento de exigentes criterios específicos en torno a la definición de una 'Ciudad Europea de la Accesibilidad Universal'. El programa se inscribiría en el marco de la futura Estrategia europea para la Discapacidad, la Agenda Territorial y la Carta de Leipzig sobre Ciudades Europeas Sostenibles así como del inminente Marco de Referencia de la Ciudad Europea Sostenible.

74 In spite of its shortcomings, it marks a step forward that should be welcomed, and should be further improved in the immediate future since it guarantees equal access for PWD travelling by air and rail, and must continue to follow the example of the recent US legislation on this subject, which is more advantageous to such travellers than its European counterpart.

A pesar de sus insuficiencias, ha sido un avance que hay que saludar, y seguir mejorando en el inmediato futuro, ya que garantiza igual acceso para las PCD en avión y en tren, y debe seguir el ejemplo de la reciente legislación norteamericana en la materia, que es más favorable para estos pasajeros que la europea.

75 COM(2005) 425 final, COM (2008) 804 final.

76 Declaration on e-Inclusion: Ministers of Transport and Communication of the European Union. April 2003. / Declaración sobre Inclusión Electrónica: Ministros de Transporte y Comunicación de la Unión Europea. Abril 2003.

77 In keeping with the provisions of Article 27 of the UNCRPD / Siguiendo las indicaciones del artículo 27 de la CNUDPD.

78 The European Disability Forum slogan which, as EDF President Yannis Vardakastanis explained, "*Nothing about us without us' is the essence of the disability ideology ... our collective work and our personal commitment*", EDF General Assembly 2009.

Eslogan del EDF que como manifiesta su Presidente Yannis Vardakastanis: "*Nada sin nosotros sobre nosotros es la esencia de la ideología de las personas con discapacidad. de su trabajo colectivo y su compromiso personal*" Asamblea General EDF 2009.

79 An example of good practice is provided by the Danish reports on employment, social inclusion and social protection in conjunction with the analysis carried out by civil society. As set out in the University of Leeds study (Professor Mark Priestley). Un ejemplo de buena práctica son los informes de Dinamarca en empleo, inclusión social y protección social que anexan el análisis realizado por la sociedad civil. Tal y como figura en el estudio de la Universidad de Leeds (Prof. Mark Priestley).

80 Following the Danish model of involvement in drawing up reports on national reform plans and national social inclusion and social protection plans.

Siguiendo el modelo danés de participación en la elaboración de informes sobre los Planes Nacionales de reforma y la los Planes Nacionales sobre Inclusión Social y Protección Social.