



Estonian Presidency
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EESTI PUUETEGA INIMESTE KODA
THE ESTONIAN CHAMBER OF DISABLED PEOPLE



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EU legislation which relates to persons with disabilities

Document for discussion

Purpose

In 2018 EDF will produce a booklet (or other resource informing our members and their members of their rights under EU law. Before undertaking this we would like to see what will be the most useful kind of resource

Questions to members

1. Where do people with disabilities in your country find out about their rights?
(we would like to know what are the most useful sources)
2. What would be the priorities we should focus on?
3. What would be the most useful information to include?

Some examples of EU legislation relevant to the rights of persons with disabilities

Passengers Rights as EU Citizens

The EU is the only place in the world with full comprehensive passenger rights. All EU Citizens receive a number of rights when travelling on different modes of transport.

Regulation 1107/2006 provides air passengers' rights for persons with disabilities; Regulation 1177/2010 set outs the fundamental rights of passengers travelling by boat; Regulation 181/2011 provides the rights of long-distance bus and coach passengers; Regulation 261/2004 recognizes air passengers' right; the Technical Specification on Rail Interoperability requires accessibility for persons with reduced mobility to railway services; Regulation 1371/2007 establishes a basic set of rights for rail passengers and demands a greater responsibility of rail undertakings towards their customers.

Regardless of mode of transport, when buying a rail, plane, bus or ship ticket, you may not be charged a higher price because of your nationality or where you are buying the ticket from.



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Generally, if your mode of transport is cancelled or delayed, you always have the right to adequate information about what is happening while you are waiting. If you are told you will arrive at your final destination with a delay, you are entitled, based upon the mode of transport and the delay incurred, to request an immediate refund. You may also be entitled to a return journey to your initial departure point if the delay stops you from fulfilling the purpose of your trip. Alternatively, you have the right to be transported to your final destination at the earliest opportunity. You are entitled to meals and refreshments during your wait time, and accommodation if you have to wait overnight.

If your registered luggage is lost or damaged during your trip, you have a right to compensation, unless it was inadequately packed, unfit for transport or had a special nature. The amount of compensation can depend on the value of the luggage. On certain modes of transport, you are also entitled to compensation in the event of injury or death.

If you have reduced mobility, you are entitled to mobility assistance, free of charge. You cannot be denied boarding because of your reduced mobility, unless there are particular health and safety reasons.

The right to non-discrimination

EU law provides several legal instruments to combat discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The right to non-discrimination aims at ensuring equal and fair opportunities to all individuals in the society. To this end, it requires that those individuals who are in similar situations should be treated equally and should not be discriminated against because of a particular characteristic. Equality law also provides that individuals who are in different situations should receive different treatment in order to foster the full enjoyment of their fundamental rights on the same basis as others.

The Employment Equality Directive 2000/78/EC prohibits discrimination on the basis of sexual orientation, religious belief, age and disability in the area of employment and occupation.

The Racial Equality Directive 2000/43/EC prohibits discrimination on the basis of race or ethnicity not only in the context of employment, but also in accessing the welfare system and social security, and goods and services.



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Moreover, in 2004, the Gender Goods and Services Directive enlarged the scope of sex discrimination to the area of goods and services.

Generally, legal practitioners and individuals are entitled to invoke the relevant EU non-discrimination instruments to claim protection before national courts and authorities.

In addition, EU institutions are currently debating about the adoption of a comprehensive Directive (the so-called 'Horizontal Directive') to tackle discrimination on grounds of sexual orientation, religious belief, disability and age beyond the context of employment.

Voting rights

EU citizenship gives every EU citizen the right to vote for and stand as a candidate in municipal and European Parliament elections in whichever EU country the citizen resides, under the same conditions as nationals.

Social Security Rights

The E.U. has provisions on social security coordination which apply to all member states national legislation. These provisions involve the entitlement to sickness benefits, maternity and paternity benefits, accidents at work, occupational diseases, invalidity benefits, old-age pensions, survivor's benefits, death grants, unemployment benefits, family benefits and pre-retirement benefits. The E.U. does not attempt to harmonise social security regulation at a Union level, but rather coordinate it between states. Therefore, you will be subject to the social security legislation of that state. More information can be found on each member state's social security rights on the Europa website.

The right to work

Under current E.U. law, any national of a Member State has the right to seek employment in another Member State in conformity with the relevant regulations applicable to national workers. He or she is entitled to receive the same assistance from the national employment office as nationals of the host Member State, without any discrimination on grounds of nationality, and also has the right to stay in the host country for a period long enough to look for work, apply for a job and be recruited. This right applies equally to all workers from other Member States, whether they are on permanent contracts, are employed as seasonal or cross-border workers or



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provide services. Workers may not be discriminated against, for example with regard to language requirements, which may not go beyond what is reasonable and necessary for the job in question.¹

¹ Article 3(2) of the Treaty on European Union (TEU); Articles 4(2)(a), 20, 26 and 45-48 of the Treaty on the Functioning of the European Union (TFEU).