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EESTI PÜUETEGA INIMESTE KODA
THE ESTONIAN CHAMBER OF DISABLED PEOPLE



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Annex to Doc-B-17-10-06

Document for information

Annex – Letter to Michel Barnier, EU negotiator on Brexit

Re: Rights of persons with disabilities in the EU-UK Brexit negotiations

Dear Michel Barnier,

The European Disability Forum is an independent NGO that represents the interests of 80 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families.

On 29 March 2017, the United Kingdom notified the European Union of its decision to withdraw from the Union. As a result, the UK shall negotiate and conclude a withdrawal agreement with the Union. In its position paper on “Essential Principles on Citizens’ rights” published on Monday 12 June, the European Commission made it clear that one of its priorities would be to ensure the protection of the rights of EU27 citizens, UK nationals and their family members who, at the date of the entry into force of the Withdrawal Agreement, have enjoyed rights relating, inter alia, to the freedom of movement under Union law.

EDF welcomes this commitment and, as a representative of persons with disabilities across the Union, stresses that the negotiations should also pay proper attention to the rights of Europeans with disabilities.

Disability rights have been achieved throughout the European Union; they concern every topic that will be addressed during the negotiations. As a consequence, the focus should be to safeguard all existing rights of persons with disabilities, in particular non-discrimination, their right to independent living, employment and access to health and social services.

EDF recommends that the voices and concerns of all persons with disabilities, including women, children and young persons with disabilities, are duly recognised during the negotiations. This means that all basic documents should be made accessible, such as information on migration and residence rights for EU nationals who wish to continue living in the UK after Brexit.

The EU has stated in its negotiation position that citizens should maintain their current rights after Brexit takes place; persons with disabilities, both EU and UK nationals are concerned that



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their rights will be neglected in this process and therefore it is crucial that direct reference is made to the rights of citizens with disabilities, and their family members, so that their rights are respected during the Brexit negotiations. We ask that in addition to safeguarding existing rights, the EU monitors the impact of any changes on the status of children and adults with disabilities and their families.

For your information we attach a manifesto adopted by the Disability movement in the UK which presents the issues they will advocate for towards the UK government.

Moreover, we ask that organisations directly representing persons with disabilities, such as EDF, take part in public hearings and are consulted throughout the process.

With our thanks in advance,

Yours sincerely,

Yannis Vardakastanis

President

European Disability Forum

Subject: For the attention of Pdt Vardakastanis - Message of EDF to EU Chief negotiator
Michel Barnier - Rights of persons with disabilities in Brexit negotiations

Dear President,

Your message of 18 July last to EU Chief Negotiator Michel Barnier, concerning the rights of persons with disabilities in the EU-UK Brexit negotiations has received his fullest attention. He asked me to thank you and to reply on his behalf.

It follows from Article 50 TEU that the negotiations shall lead to an agreement, setting out the arrangements for the United Kingdom's withdrawal, taking account of the framework for the future relationship with the Union. On that basis, and in order to ensure an orderly withdrawal, the European Council provided the Union Chief Negotiator with a clear mandate through its Guidelines of 29 April 2017. According to Section III of those Guidelines, "agreeing on reciprocal guarantees to safeguard the status and rights derived from EU law at the date of withdrawal of EU and UK citizens, and their families, affected by the United Kingdom's withdrawal from the Union will be the first priority for the negotiations".



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The subsequent negotiating directives, adopted on 22 May 2017, set out in Section III the further detail on the rights that are necessary to protect in view of disentangling the relations between the two parties. Those are the right to reside, to work and to claim social security benefits in accordance with the EU's coordination rules, for both economically active and inactive persons, and their family members. It is important to keep in mind that this is in not a continuation of the application of Union law. The rules will be set out in an international agreement and only apply for a certain period, i.e. as long as the persons who already moved to the UK or the EU before withdrawal are still alive, provided that they continue to fulfil the conditions set out in Union law. The agreement will not apply to anybody crossing the borders after the United Kingdom's withdrawal.

You refer in your message to the protection of disability rights that have been achieved throughout the European Union, and that the withdrawal negotiations should focus on safeguarding all existing rights of persons with disabilities, in particular non-discrimination, their right to independent living, employment and access to health and social services.

The protection of the rights of persons with disabilities is certainly one of the many great achievements of the Union. Until the date of entry into force of a withdrawal agreement, Union law will continue to apply, and the United Kingdom is fully bound by its obligations under Union law. However, after that date, the United Kingdom will be a third country. This means that UK will no longer need to implement the EU policies, including social policy measures. The Union and the United Kingdom may conclude a new agreement on their future relations, but this will only happen after the withdrawal date, and that process is not related to the withdrawal agreement.

However, the United Kingdom is a party to the UN Convention on the rights of persons with disabilities and it shall implement the UN Convention according to its respective competences. The implementation of the UN Convention by the UK is not dependent on the position of the UK in the EU and UK's potential withdrawal agreement.

According to article 9 and 21 of the UN Convention, States Parties including the EU and the UK shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others to information and communications. In particular, the Commission works to make the EUROPA website, social media, press releases, videos and publications more accessible. All new EUROPA websites have to be created in compliancy with the Web Content Accessibility Guidelines 2.0, level AA.



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As regards your more specific request to have access to all documents relevant to the negotiations, I invite you to consult our website, making available all negotiating positions and papers relating to the outcome of the different negotiating rounds:

https://ec.europa.eu/commission/brexit-negotiations/negotiating-documents-article-50-negotiations-united-kingdom_en.

We are of course happy to reply to any further questions you may have on the progress on citizens' rights.

Yours sincerely,

François Arbault

Head of Cluster 'Internal market and sectorial policies'