



# EDF Toolkit: European Disability Card and European Parking Card

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## About the European Disability Forum

The European Disability Forum (EDF) is an umbrella organization of over 100 members that defends the interests of 100 million persons with disabilities in the EU. It is a unique platform run by persons with disabilities and their families, and is a strong, united voice of persons with disabilities advocating for the implementation of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) in the EU.

## Aim of this toolkit

The main aim of this toolkit is to provide persons with disabilities and their representative organisations with an overview of the content of the two recently adopted Directives on the European Disability Card and the European Parking Card:

- [Directive 2841/2024 establishing the European Disability Card and the European Parking Card for persons with disabilities](#)
- [Directive 2842/2024 extending Directive \(EU\) 2024/2841 to third-country nationals legally residing in a Member State](#)

To make it shorter, we will only refer to the “Disability Card Directive” in this toolkit which includes both Directives.

Secondly, this toolkit will provide practical advice on how to strengthen the national legislation during the transposition process.

## Introduction

### What is a “Directive”?

A Directive is a type of EU law. There are several types of EU laws and they vary in the degree in which they are binding for the Member States.

Directives are the second “strongest” type of law, in which Member States still have a degree of freedom how to interpret the text. The strongest would be a Regulation, which has to be applied directly and is binding

everywhere in the EU. For example, the Regulation on Air Passengers' Rights is exactly the same in all EU Member States, just translated into the different languages.

A Directive is more flexible and sets out some goals that the Member States should achieve – but how this is done is usually not defined. That means that a new national law has to be created, or an old one has to be adapted to reflect the goals that were made on EU level.

More information about the different types of laws can be found on the [website of the EU](#)<sup>1</sup>.

## What does “transposition” mean?

The process of translating the goals formulated in the EU Directive into national rules is called “transposition”.

This means that the Member States have to either create a new law or update an existing law to include these new provisions. In this process, the EU text can be interpreted to a certain extent – the national laws can be made more ambitious, or “softer” concerning the provisions to be applied.

We want to get the most ambitious national laws out of the Directive so that persons with disabilities can benefit from the rules that can later be enforced. This means that if we have ambitious national laws adopted, you can later go to court if these laws are not respected.

**To make the national rules as ambitious as possible, it is essential that you engage with your national lawmakers.** In the case of the European Disability Card, this will most likely be the Ministry in charge of disability policies, so the Ministry of Social Affairs, Equality, or similar.

You can check the status of the transposition - if your country has already finished the new law and notified the European Commission – on the [EUR-Lex website](#). However, most of your work should be done before this notification.

## Eligibility for the Disability Card and the Parking Card

While we understand that this one of the most complicated issues in national transposition, EDF cannot give a clear recommendation on who should be receiving the Cards at the moment.

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<sup>1</sup> [https://european-union.europa.eu/institutions-law-budget/law/types-legislation\\_en](https://european-union.europa.eu/institutions-law-budget/law/types-legislation_en)

While we are of the opinion that the widest range of possible beneficiaries should receive the Cards, we understand that the discussions on national level are more nuanced. We believe that EDF's members should have the last word to decide which eligibility criteria would fit best.

To support these discussions, we will consult members on national examples, and we will facilitate exchange between members to identify good practices. However, due to the different structures on national level and the lack of harmonisation of disability assessment/status it is difficult to make a clear recommendation that would work for all Member States.

In any case, EDF members should consult widely on national level and form a broad coalition to fully represent the diversity of potential users of the Card(s) in negotiations with the national Ministries.

## Part 1 – Content of the adopted legislation

All in all, we are satisfied with the content of the adopted laws. The final text is of course a compromise, and we did not succeed in getting all our demands included, but that is part of the law-making process.

The main discrepancy between our original position and the final text is that **the law will not apply to Social Security benefits** and in principle only apply to **short stays**. It was also clear early on that the new law would **not create any new advantages** or oblige Member States to provide any specific advantages for persons with disabilities, but it only applies to existing ones. Finally, the law does **not touch upon the definition of disability** and **does not harmonise the assessment disability status** between different Member States, this remains purely national competence.

Below we give a more nuanced analysis of the content of the new law.

### European Disability Card

While the European Disability Card will not meet all the demands of the disability movement, we welcome its many positive points, especially:

- Inclusion of transport services, even if some exceptions will apply.
- Inclusion of provisions to access support when taking part in EU Mobility Programmes.
- The European Disability Card will be issued and renewed free of charge.

- EU-level website and national websites with information on the Card.
- Safeguards to protect the Cardholders' privacy.
- That Member States can decide to extend the use of the Card to longer stays.

In addition, negotiators achieved a commitment from the European Commission to further explore remaining gaps related to the free movement of persons with disabilities, such as the portability of disability-related support when moving to another EU country.

However, we are disappointed that some of our demands were not included:

- Temporary access to disability support and allowance when persons with disabilities move to work and study abroad. As it is, persons with disabilities might not have access to support while undergoing lengthy "reassessment" processes when they move to another EU country permanently. The European Disability movement will continue its fight for full freedom of movement.
- EU funding to support the actual implementation of the Cards by the Member States.
- We are also disappointed that an exception was made that will allow Member States to exclude some specific services in case the special access or discounts provided are dependent on additional assessments.

We also slightly regret the long deadlines for transposition and implementation are. EU Member States will have 42 months to start providing the Cards, including 30 months to transpose the legislation (that is to create national laws to obey it). This means that the Card will only fully become a reality in 4 years.

## European Parking Card

Regarding the European Parking Card, we are glad that is being strengthened through:

- A legislative framework on the Parking Card, which did not exist previously (the existing Parking Card was based on a Council recommendation, which is vague and not enforceable).
- A clear timeframe for how long public authorities can take to deliver the Card to avoid long waiting times.
- Possibility to include digital features to prevent fraud, such as QR Code.
- Inclusion of Braille on the physical card.

Some aspects of the Parking Card remain exclusive to the Member States. Therefore, it was unfortunately not possible with this Directive to:

- harmonise the parking rules throughout the European Union.
- have more clarity about who is eligible for the Parking Card (this continues to vary a lot between Member States).
- harmonise the definition of and a minimum provision of parking spaces for persons with disabilities.

## Part 2 – How to further strengthen the legislation

Since the law is now adopted, we cannot change the very big lines of the Directive as this would go beyond the scope of this law, as described in the beginning of the first section. However, we can still improve on many “smaller” aspects that are left vague and open for the interpretation of the Member States.

Since Member States are according to Art. 13 of the Directive also obliged to involve Organisations of Persons with Disabilities (OPDs), it is now your time to make your voice heard!

During transposition we should also pay attention to the specific impact on women and girls with disabilities and ensure their equal participation. We have some recommendations included below.

Here are the top entry points for further improvement of the Cards:

### 1. Make the Disability Card valid for longer stays

In Art. 2.2 the Directive states: “Member States may also decide to apply this Directive for periods longer than a short stay to holders of the European Disability Card or European Parking Card for persons with disabilities visiting or staying in their territory.”.

It is important that in the national law, this “may” is turned into a “must”. So in the national law the time-limit should be waived so that the Card is ideally valid beyond the 3-months short stay. This could for example apply to interns that are not part of any EU Mobility Programmes, or for a worker who moves abroad to look for a job for longer than 3 months.

This would also allow Member States to accept the Disability Cards as proof of disability for a person who moved abroad for a new job and is undergoing the procedure of disability assessment in the new country. As this often takes longer than 3 months, the Disability Card could cover the person in this transition period until they have approved national disability status.

## 2. Minimise the use of exceptions

In Art. 3 ( e) it is stated that “special conditions or preferential treatment for access to services offered to persons with disabilities in consideration of their individual needs and upon the fulfilment of additional criteria, on the basis of an individual assessment or of a decision on entitlement to specific services.”

This very wordy text is in fact a “blanco cheque” for Member States to introduce exceptions to the scope of the Disability Card. Because if certain services are only included on the basis of an individual assessment, this assessment could be a lengthy procedure which is then in fact only available for nationals.

One example is the use of free public transport in some cities/Member States: to be eligible for this preferential treatment, you have to make a written application in the local municipality. This is only possible in the national language and may have long waiting times, so for somebody who is only visiting the city for a week this would not be a reasonable to do.

Therefore, we ask Member States NOT to make use of this exception.

## 3. Campaign for wider range of advantages

In the Directive, it is stated in Art. 1.(a) that the Disability Card grants access to “any special conditions or preferential treatment with respect to services, activities or facilities, including where not provided for remuneration, offered to or reserved for persons with disabilities in that Member State (...)”.

However, the Directive does not contain a minimum requirement of how many or what kind of special conditions or preferential treatment this may include. It is assumed, that all those advantages that are available now for nationals, will also be made available for Disability Card holders visiting from another country. However, it could also be that the Member States shorten the list of advantages, which is of course the worst-case scenario.

Rather, we want to encourage Member States to take this opportunity to also widen the range of special conditions or preferential treatments available both for nationals and for Disability Card holders from abroad. This can include for example free public transport, free access to the local swimming pool, reduced fares for train tickets, priority access to services to avoid queuing (e.g at amusement parks, but also for day-to-day services such as banks or at airports) ... the list can be expanded further.



Finally, we also suggest that Member States also to use the new Card to campaign for more accessibility of products and services. The Card will not be of much use if it gives free access to public transport, if the buses and trams are not accessible. The same is true for going to the cinema, or a museum – service providers should be made aware that if they offer a discount or special conditions/preferential treatment for persons with disabilities, they should also make their service accessible.

#### **4. Use of the letter “A” on the Disability Card**

In Art. 4 (a), where the beneficiaries of the Directive are listed, it is also mentioned that besides the Card holder “may be accompanied or assisted by one or, where necessary, more than one other persons, including a personal assistant or personal assistants, or by assistance animals, which may be indicated by the letter ‘A’ on their European Disability Card”.

While EDF was not in favour of introducing this letter “A”, some Member States insisted on it presumably to make a distinction between those who need additional support and others. In practice, this will not be very useful because each Member State will have different definitions of who receives the “A” on their Card.

One issue is that here, the “A” can stand for both an assistance animal and a human personal assistant. These are two very different concepts. We believe that it will cause more questions and misunderstandings than do any good.

Therefore, we recommend from a European perspective, that Member States do NOT make use of the letter “A” on the Card, as this is optional. However, we understand that in the national context it can be different. Especially if there will be no national Disability Card anymore or if there has never been one, and the European Disability Card will be the only valid means of proving ones’ disability.

If Organisations of Persons with Disabilities agree on adding the letter “A” for national use, it would be good to explain clearly that when travelling abroad, it might not be understood the same way or not give the same advantages as in your own country. To avoid misunderstandings when travelling abroad, the meaning of this letter “A” in the national context should also be explained on the national websites (see following point).

#### **5. Make full use of dedicated national websites**

In Art. 18, the Directive states that Member States should set up national level websites. These websites will then be linked to a Union website (Art. 19), a kind of portal which is the access point on EU level.

The national websites should contain “general information regarding the objective and the use of the European Disability Card and the European Parking Card for persons with disabilities, including, where appropriate, references to the competent authorities or bodies responsible for issuing, renewing and withdrawing those cards. That website shall also include general information available on special conditions or preferential treatment offered by public authorities for persons with disabilities and redirect users to visit specific websites of relevant public authorities for more specific information. That website may also contain such information from private operators at national level.”

In our campaign, we underlined that information is absolutely crucial to be able to use the Disability Card. Both to apply for it, if you are a national, and also how and where to use it, if you are visiting. Therefore, more attention should be paid to the set-up of the national websites. Where will it be hosted? How will it be managed? How will citizens be informed about it? How will the upkeep be financed?

Ideally, the national website would contain a database with all available special conditions and preferential treatments per country, so that visitors can check where they could use the Card. This database needs to be kept up-to-date. We also asked for this information to be available in all EU languages to be of any use. After all, if this website is only in Czech or Greek it is of little use for someone who is visiting the Member State.

It should also contain the information from private operators to make a complete database with all advantages, and not only the public ones. Finally, extra care must be taken to include women and girls with disabilities in the development of those websites because they are disproportionality affected by digital exclusion.

## **6. Oblige also private companies to provide information**

Also in Art. 18, it says that “Member States shall also encourage private operators to make information on the special conditions or preferential treatment and on parking conditions and facilities they offer pursuant to Articles 5 and 6 publicly available in accessible formats.”.

This means that private operators, for example the owner of an amusement park, is not obliged to provide information on possible discounts on their website in accessible formats.

In the national law, this should be strengthened to also oblige private operators to make this information available in an accessible way.

## **7. Provide funding for implementation**

Even though we did try to include a section on funding by the EU, this was unfortunately not accepted. Therefore, it is now up to the Member States to earmark specific funding to implement the Cards.

This is important because from the Pilot Projects we learned that even though the cost of printing such a Card may not be very high, there is still cost related to the administration and also the awareness raising and dissemination.

In the national law, it should be clear where the funding is coming from and that a budget is reserved specifically for the project of the Card.

## **8. No fee for issuing the Parking Card**

While it is clear that the Disability Card shall be issued free of charge, Art. 8.4 allows national authorities to charge an administrative fee for issuing the Parking Card: "Member States may issue and renew the European Parking Card for persons with disabilities free of charge or charge a fee for the costs relating to its issuance and renewal."

We therefore recommend that in the national law, it is clarified that the Parking Card should also be issued for free, in line with the Disability Card.

## **9. Competent national authorities**

In Art. 12, the Directive states that Member States have to designate competent national authorities by 5 June 2025.

It is of course in our interest that the contact point in the government is selected carefully to make sure that the issue is dealt with properly. It is also relevant who will coordinate the work on the Cards on national level, because often several Ministries or government agencies are involved. From the Pilot Projects we understood that a good coordination between the national authorities is a key to success.

The competent national authorities should also collect data about the issuing and distribution of the Cards, even though this is not foreseen in the Directive. Ideally this data is also gender-disaggregated so that Member States can report back to the Commission to ensure a good uptake by women with disabilities.

Member States shall also address the specific barriers that women and girls with disabilities face when applying for the Card, e.g. flexible hours because of care responsibilities.

We therefore recommend that the contact point is chosen with the coordination function in mind, and equipped with sufficient resources and powers to effectively coordinate the work.

## 10. Non-compliance and penalties

In Art. 17, the Directive mentions penalties: “Member States shall lay down the rules on appropriate measures, such as penalties, in accordance with national law and practice, applicable to public authorities or bodies or private operators for non-compliance with the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that those rules are implemented. The measures provided for shall be effective, proportionate and dissuasive and be accompanied by effective remedial action.”

In the national law, it has to be clarified what “effective, proportionate, and dissuasive” means and what remedial action can be taken in practice. What is the complaint procedure? Are there fines, and if yes, how much? What are the fines used for? How are citizens informed about those measures?

In practice, citizens should know what to do if their Disability Card is not accepted when they do not get access to preferential seating in the theatre even though this has been advertised as one of the advantages available for Disability Card holders.

## Expected timeline

- **23 October 2024** - Publication of the Disability Card Directive
- **From 23 October 2024** - Development of Delegated Acts by the Commission (tbc)
- **12 November 2024** - Entry into force of the Disability Card Directive (20 days after publication)
- **November 2024 – June 2027** - Transposition period (max. 30 months). By 5 June 2027 Member States shall publish national legislation.
- **5 June 2025** - Designation of competent authorities by the Member States and designation of contact point (see Art 12.2)
- **5 December 2025** - Adoption of Commission Delegated Act on digital features and QR codes (see Art 7.7)
- **June 2027 – June 2028** -Implementation period (max. 42 months from publication)

- **From 5 June 2028** - National laws shall apply: Physical and digital Disability Card and Parking Card should be available.
- **5 December 2028** - Launch of European Union web page with link to national websites (see Art 19.1)
- **5 June 2029** - Publication of Commission assessment on any remaining gaps relating to the free movement of persons with disabilities (see Art 20.3)
- **5 June 2031** - Commission report on the application of the Directive (see Art 20.1)

## Summary of demands to national decision-makers

1. Make the Disability Card valid for longer stays
2. Minimise the use of exceptions
3. Campaign for wider range of advantages and for accessibility
4. Consider the use the letter "A" on the Disability Card
5. Make full use of dedicated national websites
6. Oblige also private entities to provide information in accessible formats
7. Provide funding for implementation
8. No fee for issuing the Parking Card
9. Designate strong competent national authorities
10. Define concrete penalties and procedures for non-compliance

## Document credits

This document was prepared by Marie Denninghaus, Policy and Capacity Building Manager.



The European Disability Forum  
Mundo Madou  
Avenue des Arts 7-8  
1210 Brussels, Belgium.

[www.edf-feph.org](http://www.edf-feph.org)  
[marie.denninghaus@edf-feph.org](mailto:marie.denninghaus@edf-feph.org)

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