



18.6.2024

NOTICE TO MEMBERS

Subject: Petition No 0972/2023 by U. K. (German) on the acceptance of German EU disability cards by Slovak and Czech authorities

1. Summary of petition

According to the petitioner, the Slovakian motorway company NDS decided in 2022 to accept only blue EU disability cards issued by the Slovakian authorities as authorisation for free use of Slovakian motorways. In previous years, the authorities had still accepted EU disability cards issued by German authorities. The petitioner states that the Czech authorities have taken the same decision. The petitioner considers that this constitutes discrimination by the Slovak and Czech authorities against German disabled persons with blue EU disability cards and a violation of Article 18 of the Treaty on the Functioning of the European Union (TFUE).

2. Admissibility

Declared admissible on 8 January 2024. Information requested from Commission under Rule 227(5), New Rule 233(5).

3. Commission reply, received on 18 June 2024

The Treaty on the Functioning of the European Union establishes in its Article 10 that the Union shall aim to combat discrimination based on disability and in its Article 18 that any discrimination on grounds of nationality shall be prohibited. Both principles are also enshrined in Article 21 of the Union's Charter of Fundamental Rights. The Union pursues the non-discrimination principles determinedly in all its policies and activities within the scope of application of the Treaties.

- 1) On the recognition of disability and parking cards across Member States

There is currently no EU disability card apart of the pilot EU Disability Card implemented in

7 Member States (Belgium, Cyprus, Finland, Italy, Malta, Slovenia, Romania)¹, which is applicable in some or all of the areas of culture, leisure, sport, transport. Member States issue national parking cards for persons with disabilities following a Council Recommendation of 4 June 1998 on a parking card for people with disabilities² setting out a standardised model. The Recommendation provides only for voluntary EU format of the card and voluntary mutual recognition of the cards among the Member States. Increasing differences in the design of national parking cards may result in a card from a Member State not being recognised in another Member State. Moreover, national parking cards do not grant by themselves rights other than parking, such as recognition of disability status in general or access to exemptions from the payment of road tolls. Therefore, the past practices described by the Petitioner of Slovakia and of the Czech Republic of accepting the German parking card for the exemption of tolls did not result from an obligation under EU law but rather from a good practice by the two Member States.

The Directive establishing the European Disability Card and the European Parking Card for persons with disabilities (the compromise text)³ establishes an improved European Parking Card based on a binding common format, that will replace national parking cards for persons with disabilities, and that will be recognised throughout the EU. It is also creating a standardised European Disability Card that will serve as a mutually recognised proof of disability throughout the EU, including for the access to exemptions from the payment of road tolls where such exemptions are provided for persons with disabilities by the Member State in question. To summarize, the European Parking Card will ensure equal access to any parking condition and facility offered to or reserved for persons with disabilities in the country that they visit. The European Disability Card will ensure that people with disabilities have access to the same special conditions and preferential treatment with respect to services, activities or facilities, including where not provided for remuneration, as residents of the country they visit.

The European Parliament and the Council reached an agreement on the Directive. The Committee of Permanent Representatives to the EU (COREPER) adopted the compromised text on 21 February 2024, the European Parliament on 24 April in its first reading and the final vote will take place in autumn when the new EP is in place. The Council will vote on the Directive afterwards. Once the Directive enters into force, Member States will have thirty months to transpose the new rules in their national legislation and forty-two months to implement its provisions. It means that the cards will be operational most probably in 2028.

2) On discriminatory treatment when granting exemptions from toll payments

Tolls are regulated at EU level under Directive 1999/62/EC on the charging of vehicles for the use of road infrastructures⁴ (hereafter ‘the Directive’ or ‘the Eurovignette Directive’). The Directive sets out rules on non-discrimination on the grounds, among others, of the nationality of the road user and the country of registration of the vehicle. However, the Directive’s initial aim was the improvement of the functioning of the internal market and hence it applied only to heavy goods vehicle.

¹ Croatia is joining the scheme with the assistance of the ESF project.

² OJ L 167, 12.6.1998, p. 25; ELI: <http://data.europa.eu/eli/reco/1998/376/oj>

³ https://www.europarl.europa.eu/doceo/document/TA-9-2024-0339_EN.html

⁴ OJ L 187 20.7.1999, p. 42; ELI: <http://data.europa.eu/eli/dir/1999/62/2022-03-24>

In 2022, Directive (EU) 2022/326, amending Directive 1999/62/EC⁵, entered into force. This revision extended the scope of the Directive to passenger cars and added to the list of permitted exemptions from tolls vehicles used or owned by persons with disabilities. The inclusion of passenger cars in the scope of the Directive means that the Directive's non-discrimination rules apply also to those vehicles. This means that if Member States exempt local persons with disabilities from the obligation to pay tolls, they should grant the same benefit to all EU citizens with disability. This principle will be much easier to apply when the European Disability Card will become operational.

Member States have to transpose the Directive in their national legislation by 25 March 2024. The Commission will check the transposing measures of all Member States and may initiate an infringement proceeding if those measures are not in line with EU law.

Conclusion

The transposition of Directive (EU) 2022/326 amending the Eurovignette Directive and of the Directive establishing the European Disability Card and the European Parking Card for persons with disabilities will give full satisfaction to the Petitioner by obliging Member States to grant the same treatment as regards road tolls to persons with disabilities from other Member States and to their own nationals.

⁵ OJ L 69, 4.3.2022, p. 1; ELI: <http://data.europa.eu/eli/dir/2022/362/oj>