

Special report

## Supporting persons with disabilities

Practical impact of EU action is limited



EUROPEAN  
COURT  
OF AUDITORS

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## Executive summary

**I** Around one quarter of EU citizens aged 16 and over have a self-declared disability that limits their daily activities. The EU and its member states are parties to the United Nations Convention on the Rights of Persons with Disabilities, committing to fostering the equal participation of persons with disabilities in everyday life. In light of this, the EU has adopted several strategies aimed at improving the lives of persons with disabilities by supporting the member states, which have primary responsibility for policies in the field of social inclusion, employment and education.

**II** Our audit assessed whether the Commission's actions effectively supported persons with disabilities in the member states. We examined whether the criteria for granting disability status used by member states allowed for mutual recognition across the EU. We also looked at whether the Commission had a sound overview of the situation of persons with disabilities in the EU, based on comparable statistics. We assessed the design of the 2021-2030 EU Strategy for the Rights of Persons with Disabilities. We also looked at how five of the EU institutions, as employers, supported the inclusion of persons with disabilities in their workforce. In addition, we examined whether EU funding for the 2014-2020 and 2021-2027 programme periods effectively targeted the needs of persons with disabilities and whether this was monitored.

**III** We expect our audit to contribute to the mid-term review of both the 2021-2030 Strategy and funding for the 2021-2027 programme period. The European Parliament has suggested on several occasions that we carry out an audit on this subject.

**IV** We concluded that the impact of EU actions supporting persons with disabilities was limited. Overall, the key equality indicators for persons with disabilities had not significantly improved in recent years. We also found that the criteria used to grant disability status differed between member states and depended on the interpretation of decentralised authorities within member states. It was not always possible to reconcile the statistics obtained on this basis with EU-level data based on surveys in which participants self-declared their disability status. We also identified some shortcomings in the EU statistics concerning coverage, frequency and level of detail (granularity). These differences in data may undermine the mutual recognition of disability status across the EU.

**V** The 2021-2030 EU Strategy for the Rights of Persons with Disabilities sets EU objectives and action priorities in several areas, such as accessibility, citizens' rights, quality of life, equal access and non-discrimination and the promotion of the rights of persons with disabilities. It addresses most of the shortcomings identified in the 2010-

2020 European Disability Strategy. Nevertheless, a number of key issues that fall at least partly under the Commission's responsibility remain unresolved: the link between the 2021-2030 Strategy and EU funding is still weak; there has not yet been a review of all the important EU legislation to assess compliance with the Convention; and relevant legislation on the rights of persons with disabilities has stalled.

**VI** The 2021-2030 Strategy includes new initiatives aimed at improving mutual recognition of disability status (European Disability Card) or at increasing the employment rate of persons with disabilities (Disability Employment Package). The 2021-2030 Strategy also commits the Commission to leading by example in terms of fostering the inclusion of persons with disabilities in its workforce and calls on the EU institutions to follow suit. However, the impact of the initiatives cannot yet be assessed.

**VII** We found that the Commission's monitoring framework was not designed to provide information on the extent to which EU funding helped improve the situation for persons with disabilities in both the 2014-2020 and 2021-2027 programme periods. The cohesion policy programmes do not include a category of expenditure concerning support for persons with disabilities. The 2021-2027 EU legislation introduced new requirements concerning the horizontal enabling condition on the implementation of the UN Convention and the European Semester process. However, these may only have a limited impact on improving the targeting of EU funding to the needs of persons with disabilities.

**VIII** Based on these conclusions, we recommend that the Commission:

- (a) obtain more comparable data on the situation of persons with disabilities in terms of coverage, frequency and granularity as one of the bases for measuring the impact and effectiveness of EU policy aimed at ensuring equal rights for persons with disabilities;
- (b) progressively review the relevant EU legislation to assess its compliance with the UN Convention and take appropriate measures to support the Council in adopting the Equal Treatment Directive; and
- (c) work towards mutual recognition of disability status in the EU, respecting the subsidiarity and proportionality principles.

**IX** In addition, we recommend that the EU institutions measure their progress towards including persons with disabilities in their workforce and report on this regularly to demonstrate how they lead by example.

# Introduction

**01** The United Nations Convention on the Rights of Persons with Disabilities (“the Convention”), adopted in December 2006, defines the concept of disability rather broadly: “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”<sup>1</sup>. We will use the term “persons with disabilities” throughout the report in line with the Convention.

**02** In 2021, a Eurostat survey showed that around 25 % of people aged 16 and over in the EU self-declared either a severe disability or some disability (see [Figure 1](#)). This represents around 87 million people, including over 24 million who consider themselves to have one or more severe disabilities<sup>2</sup>. The 2021 data do not include persons with disabilities who live in an institution (estimated at more than 1 million children and adults under 65 and more than 2 million adults over 65)<sup>3</sup>.

**03** The survey also revealed significant differences between member states. For example, the prevalence of self-perceived long-standing limitations ranged from 16.7 % in Malta to 37.1 % in Latvia (see [Figure 1](#)).

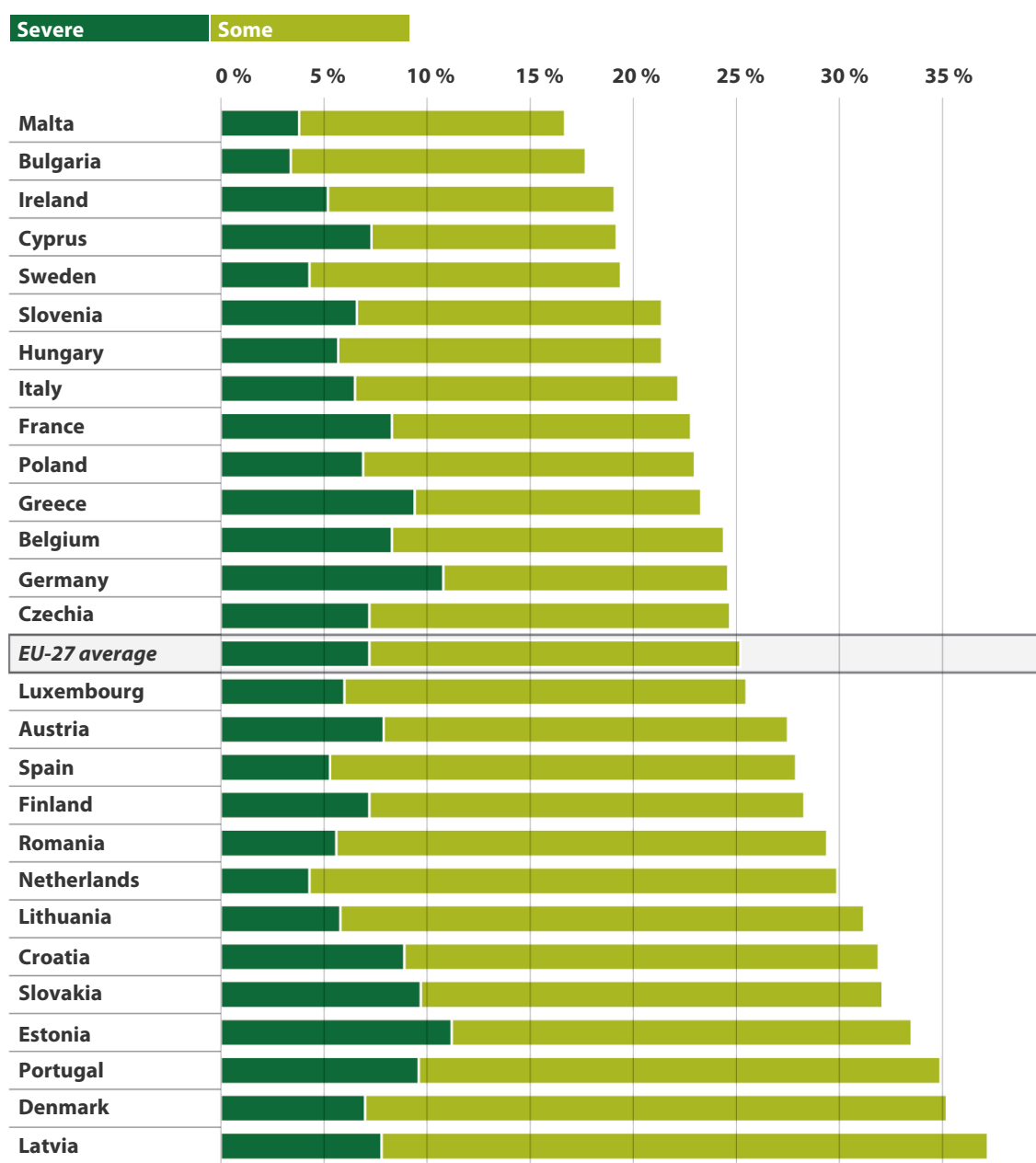
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<sup>1</sup> Article 1 of the [Convention](#).

<sup>2</sup> Report “Towards equal rights for persons with disabilities” ([2022/2026\(INI\)](#)).

<sup>3</sup> *Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030*, [COM\(2021\) 101](#).

**Figure 1 – Self-perceived long-standing limitations in usual activities due to health problem, 2021 (percentage)**

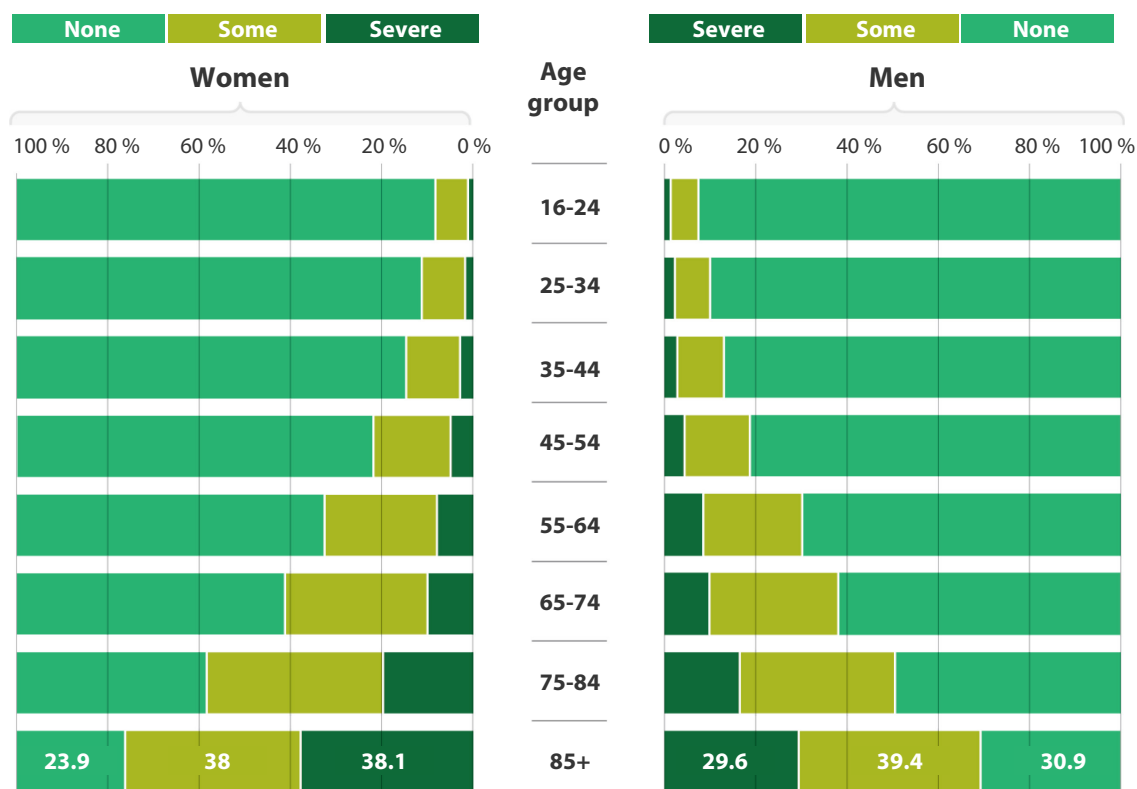


*Note:* Population aged 16 and over. Does not include residents of institutions. Data for Slovakia are for 2020.

*Source:* European Commission.

**04** As the EU population is ageing, the percentage share and number of persons with disabilities are likely to increase. In its 2020 report on demographic change<sup>4</sup>, the Commission stated that the share of people aged 65 and over is projected to increase from approximately 20 % in 2019 to 30 % by 2070, with the share of people aged 80 and above more than doubling to 13 %. According to the same report, since 49 % of those aged 65 or over self-declared a disability or long-standing activity limitation in 2018, this demographic change will cause a rise in the prevalence of disabilities. The same projections show an increase in the number of people that may need long-term care in the EU from 30.8 million in 2019 to 33.7 million in 2030 and 38.1 million in 2050<sup>5</sup>, which will add to the pressure on care systems in the member states (*Figure 2* and *Figure 3*).

**Figure 2 – Persons with self-perceived long-standing limitations in usual activities due to health problems, by sex and age, 2021 (percentage)**



Note: Any difference in total % is due to rounding.

Source: European Commission.

<sup>4</sup> European Commission, *Report on the Impact of Demographic Change*.

<sup>5</sup> Social Protection Committee and the European Commission, *2021 Long-term care report: Trends, challenges and opportunities in an ageing society*, Vol. 1, 2021.



**Figure 3 – Difficulty level in carrying out personal care or household activities, people aged 65 and older, 2019 (*percentage*)**



Source: European Commission.

**05** Persons with disabilities face significant barriers in accessing education, employment, healthcare, sport, and culture. They also find it more difficult to participate in political life and are exposed to a higher risk of poverty and social exclusion<sup>6</sup>. There has been no significant improvement in recent years in key equality indicators across the EU, such as the disability employment gap or risk of poverty (see [Figure 4](#) and [Figure 5](#)).

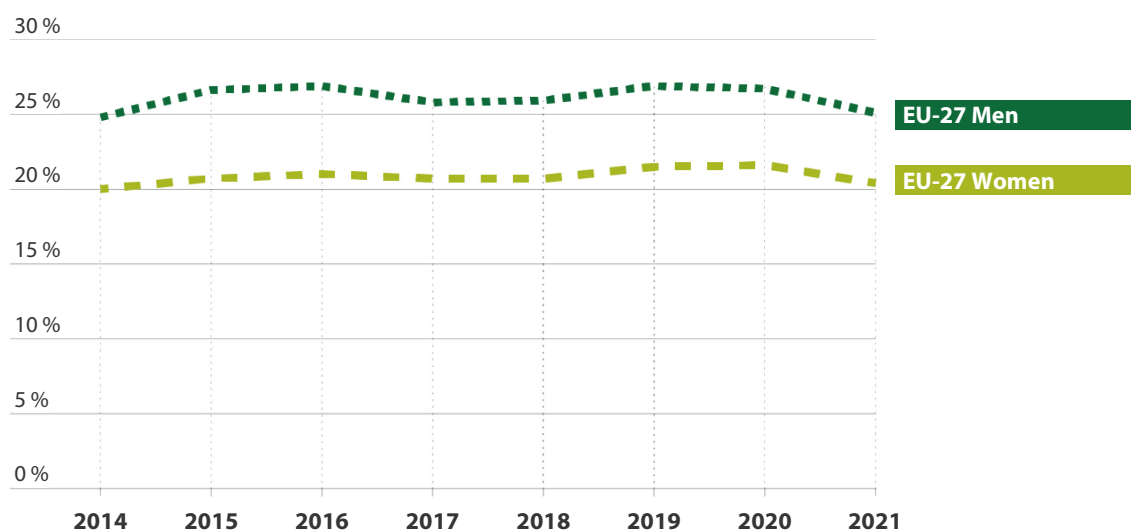
**06** Only 50.8 % of persons with disabilities are in employment, compared to 75 % of those with no disabilities<sup>7</sup>. Based on Eurostat surveys, the disability employment gap in the EU stood at 23.1 percentage points in 2021, almost the same as when measurements began in 2014 (22.7). The gap is greater for men than for women. Likewise, persons with disabilities were at greater risk of poverty or social exclusion (29.7 %) than those without disabilities (18.8 %) in 2021. This risk has not changed significantly since 2015 (30.4 % and 21.1 % respectively) and is higher for women than for men.

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<sup>6</sup> COM(2021) 101.

<sup>7</sup> COM(2021) 101.

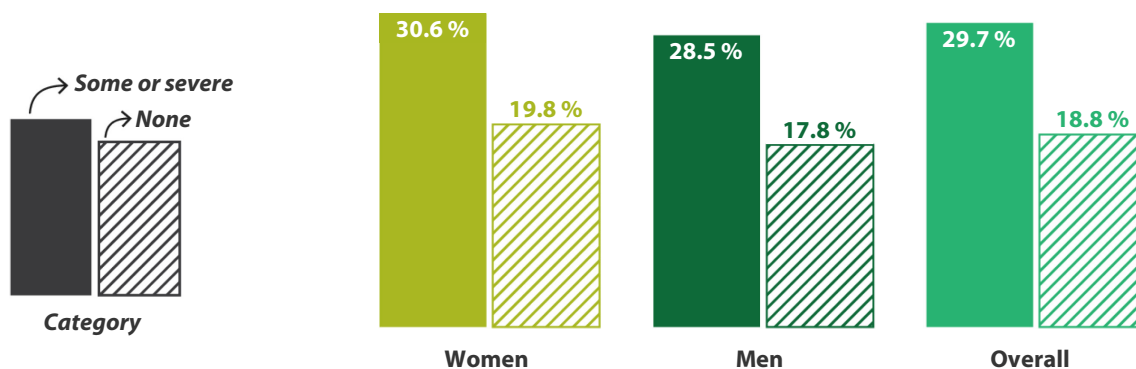
**Figure 4 – Disability employment gap by sex in the EU, 2014-2021  
(percentage points)**



Note: Population aged 15-64.

Source: European Commission.

**Figure 5 – People at risk of poverty or social exclusion by level of activity limitation and sex in the EU, 2021 (percentage)**



Note: Population aged 16 years and over. Total refers to total males and females.

Source: European Commission.

**07** The COVID-19 crisis exacerbated the barriers faced by persons with disabilities. According to a study from the European Foundation for the Improvement of Living and Working Conditions (Eurofound)<sup>8</sup>, persons with disabilities were in a significantly worse social and financial situation during the pandemic than those without disabilities. The study also pointed out that persons with disabilities often found their healthcare needs unmet (due to unavailability of appointments and cost) and often suffered from social isolation or reported poor mental health and wellbeing.

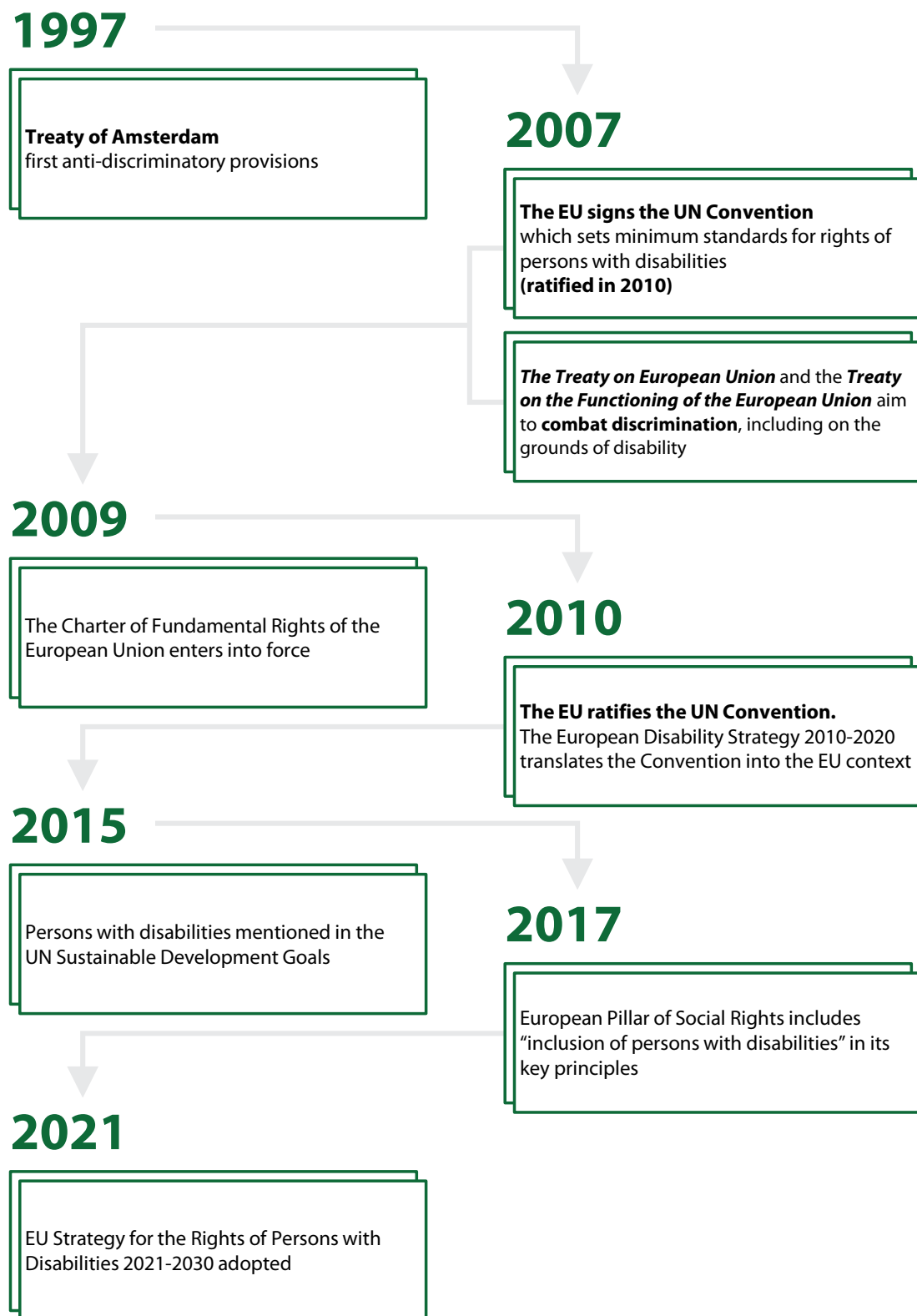
## **EU policy framework for persons with disabilities**

**08** The EU policy framework concerning persons with disabilities has evolved over the last 15 years, thereby taking into account changes in international standards (see [Figure 6](#)).

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<sup>8</sup> Eurofound, *People with disabilities and the COVID-19 pandemic: Findings from the Living, working and COVID-19 e-survey*, 2022.

Figure 6 – EU policy framework for persons with disabilities



Source: ECA, based on the audit work.

## Roles and responsibilities

**09** According to the Treaty<sup>9</sup>, the member states have primary responsibility and competence for policies on social inclusion, employment and education. The member states design their national disability policies in line with their own anti-discrimination legal framework and obligations to implement the Convention.

**10** In the area of social policy, the EU's role is to support, coordinate or supplement the actions of member states according to the subsidiarity and proportionality principles. This means that the EU acts only when the member states alone cannot achieve the objectives and never goes beyond what is necessary to achieve the objectives of the EU Treaties.

**11** The Commission's Directorate-General for Employment, Social Affairs and Inclusion is in charge of the EU policy for persons with disabilities, including the setting-up, implementation and monitoring of the strategies. This directorate-general is the focal point for the implementation of the Convention, whereas sectoral directorates general implement the 2021-2030 Strategy in their policy areas. The Commission also supervises the relevant EU financial support, mainly provided through the European Social Fund (ESF)<sup>10</sup> in 2014-2020 and the European Social Fund Plus (ESF+)<sup>11</sup> in 2021-2027, by negotiating and approving member states' partnership agreements and programmes.

**12** Various entities within the Commission deal with EU policy matters related to persons with disabilities. The Equality Task Force is composed of high-level representatives from every Commission department and reports to the Commissioner for Equality. It aims to mainstream equality for all, including persons with disabilities, in every policy from design through to implementation. The Inter-Service Group on Disability contributes to the implementation of the Convention across all Commission departments and the European Disability Platform ensures coordination between the Commission, member states and civil society organisations.

**13** Two EU agencies also have specific responsibilities in relation to persons with disabilities. The European Union Agency for Fundamental Rights (FRA) provides expertise relating to fundamental rights. Eurofound provides expertise on access to social services and their quality for persons with disabilities and chronic diseases, specifically in relation to employment.

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<sup>9</sup> Articles 4-6 of the Treaty on the Functioning of the European Union (TFEU).

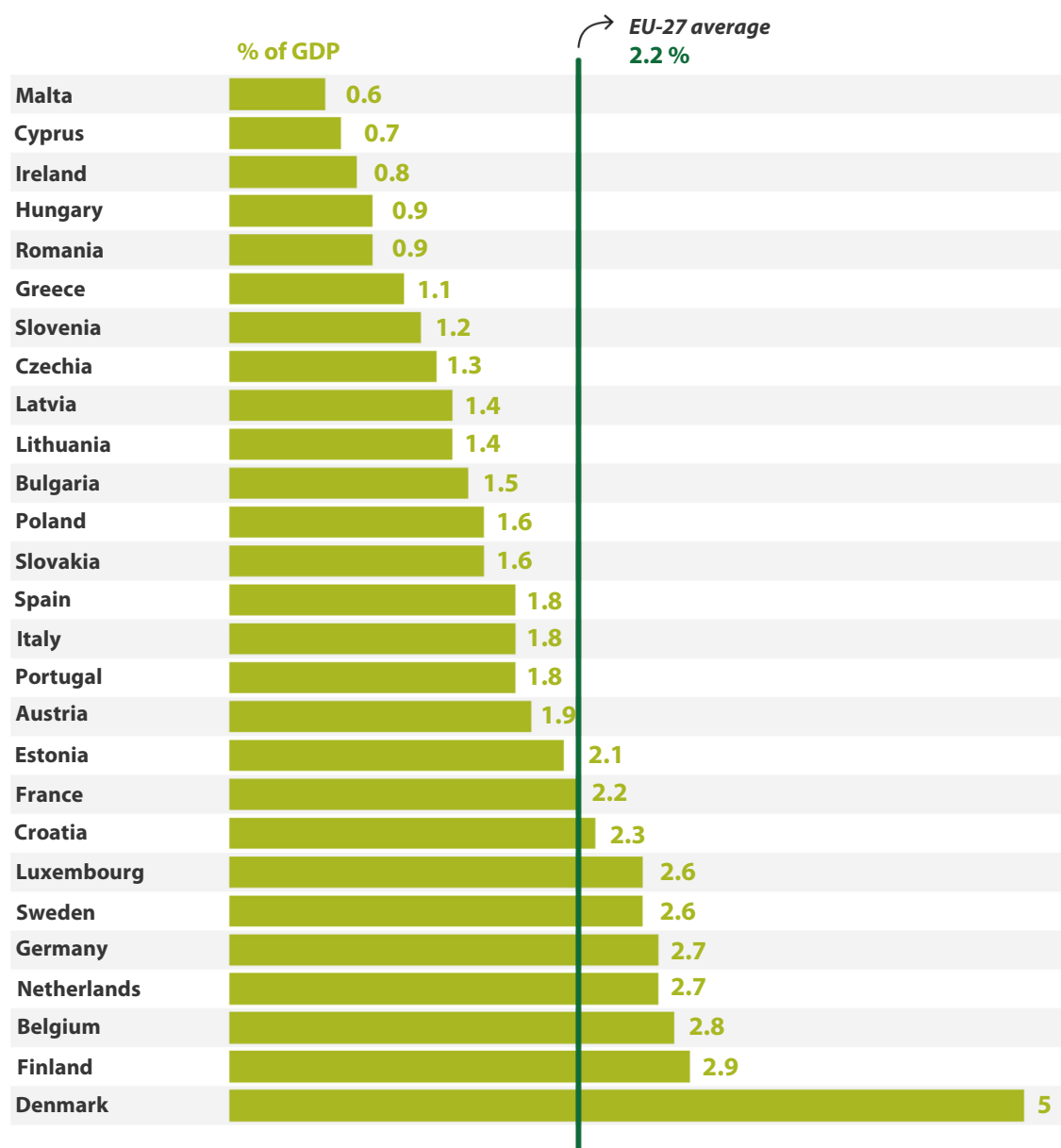
<sup>10</sup> [Regulation \(EU\) No 1304/2013](#).

<sup>11</sup> [Regulation \(EU\) 2021/1057](#).

## EU and national funding to support persons with disabilities

**14** Social policy expenditure constitutes an important share of member states' budgets. According to Eurostat, average national spending on social policy in the EU accounts for 22 % of GDP, around one tenth of which (2.2 % of GDP) is allocated to "disability". The percentage in this category of expenditure ranges from 0.6 % in Malta to 5 % in Denmark (see [Figure 7](#)).

**Figure 7 – Government expenditure on social protection benefits ("disability"), 2020 (percentage of GDP)**



Source: European Commission.

**15** The EU funding can complement national budgetary envelopes to various degrees. One strand of the ESF+<sup>12</sup>, the EU's main instrument for investing in people for the 2021-2027 programme period, is implemented in shared management mode together with the member states. The ESF+ continues the ESF programme from the years 2014-2020<sup>13</sup>, which was topped up with CRII<sup>14</sup>/CRII+<sup>15</sup> and REACT-EU<sup>16</sup> in response to COVID-19.

**16** The funding for the ESF+ strand under shared management, 25 % of which must be allocated to social inclusion measures, can support a wide variety of actions benefiting persons with disabilities in the member states. In particular, the ESF+ regulation includes the specific objectives of fostering active inclusion with a view to promoting equal opportunities, non-discrimination and active participation of persons with disabilities in all spheres of life, as well as improving their employability<sup>17</sup>.

**17** In addition, measures related to persons with disabilities in the 2021-2027 programme period can be supported through a range of other EU funding sources, including the European Regional Development Fund (ERDF), the Cohesion Fund<sup>18</sup>, the Recovery and Resilience Facility (RRF)<sup>19</sup> launched in response to COVID-19, Erasmus+<sup>20</sup>, the European Solidarity Corps<sup>21</sup> and the Citizens, Equality, Rights and Values Programme (CERV)<sup>22</sup>.

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<sup>12</sup> Regulation (EU) 2021/1057.

<sup>13</sup> Regulation (EU) No 1304/2013.

<sup>14</sup> Regulation (EU) 2020/460.

<sup>15</sup> Regulation (EU) 2020/558.

<sup>16</sup> Regulation (EU) 2020/2221.

<sup>17</sup> Article 4 of Regulation (EU) 2021/1057.

<sup>18</sup> Regulation (EU) 2021/1058.

<sup>19</sup> Regulation (EU) 2021/241.

<sup>20</sup> Regulation (EU) 2021/817.

<sup>21</sup> Regulation (EU) 2021/888.

<sup>22</sup> Regulation (EU) 2021/692.

## Audit scope and approach

**18** Our audit assessed whether the Commission took effective action to support persons with disabilities in the member states. We looked at whether:

- o the criteria for granting disability status used by member states allowed for mutual recognition and since the member states' statistical data may be based on disability status, whether such data, combined with EU level statistics provided the Commission with a sound overview of the situation of persons with disabilities in the EU, based on comparable information;
- o the Commission had properly designed the EU Strategy for the Rights of Persons with Disabilities 2021-2030, taking account of the shortcomings identified in the European Disability Strategy 2010-2020, and whether the 2021-2030 Strategy set out clear objectives and identified measures for achieving them;
- o the EU funding available, including temporary support measures for the 2014-2020 programme period (CRII<sup>23</sup>/CRII+<sup>24</sup> and REACT-EU<sup>25</sup>), and the new legal requirements for the 2021-2027 programme period effectively targeted the needs of persons with disabilities, and whether this funding was identified and monitored so as to assess its contribution to improving their lives.

**19** Our main auditee was the Commission, in particular the Directorate-General for Employment, Social Affairs and Inclusion. We performed an analysis based on information, data, documents and studies available at the Commission. We also consulted other relevant stakeholders (Eurofound, FRA and EU-level civil society organisations).

**20** We obtained additional insights from audit visits carried out in four member states: Spain, the Netherlands, Romania and Sweden. We based our selection on the reported number of ESF-supported participants with disabilities and total ESF funding allocated. In each of these countries, we interviewed the relevant authorities, umbrella organisations representing the interests of persons with disabilities and other relevant bodies such as ombudsmen or government agencies dealing with issues related to persons with disabilities. We discussed all the issues included in the three areas of the audit scope.

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<sup>23</sup> Regulation (EU) 2020/460.

<sup>24</sup> Regulation (EU) 2020/558.

<sup>25</sup> Regulation (EU) 2020/2221.



**21** Given the Commission's call for the EU institutions to lead by example with regard to employing persons with disabilities, we included the European Parliament, the Council of the European Union and the Court of Justice of the European Union in the audit scope and reviewed their practices in this respect.

**22** We sent a survey to each of these EU institutions to collect information about their employment of persons with disabilities. The survey enquired about staff employment statistics and data sources, organisational set-ups, steps taken and inclusion action plans, as well as the accessibility of their built and digital environment. We have included the same information for the European Court of Auditors to allow a comparison of all the EU institutions subject to the same staff regulations<sup>26</sup>.

**23** We decided to conduct the audit as it is of great relevance to many EU citizens. The European Parliament has repeatedly expressed its interest in this topic. The timing of the report will enable it to be taken into account for the mid-term reviews of both the 2021-2030 Strategy and ESF+ funding in 2024 and 2026, respectively.

**24** This audit focused on both the 2014-2020 and 2021-2027 programme periods (up to the end of 2022).

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<sup>26</sup> Regulation No 31 (EEC), 11 (EAEC).

## Observations

### The Commission lacks a sound overview of the situation of persons with disabilities across the EU

**25** We assessed whether the Commission had a sound overview of the situation of persons with disabilities across the EU. To this end, we assessed whether statistical data at member state and EU level were comparable and whether the criteria used by member states to grant disability status allowed for mutual recognition.

### Definitions and criteria for granting disability status in member states are not comparable

**26** All 27 member states are parties to the Convention, which describes the overall concept of disability. Nevertheless, definitions of disability and methods for assessing disability status vary between member states<sup>27</sup>. There are also significant differences as to which social benefits are offered to persons with disabilities and to what extent.

**27** *Table 1* provides an overview for the four member states we visited. Romania and Spain take an approach to evaluating and determining disability status that is mostly based on a medical assessment, while in the Netherlands and Sweden, the needs assessment for granting support is based on the claim submitted by the individual.

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<sup>27</sup> European Parliament, *Disability assessment, mutual recognition and the EU Disability Card*, November 2022. European Commission, *Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits*, Final report, 2021.

**Table 1 – Definition and determination of disability in the four member states visited**

Member state	Definition	Disability status evaluation process
Spain	Physical, mental, intellectual or sensory impairments likely to hinder full and effective participation in society on an equal basis with others	Evaluation is based on multidisciplinary approach that includes medical, psychological and occupational disability evaluation and the threshold for certified disability status is 33 %
The Netherlands	Any impairment that prevents or restricts full access to society with equal opportunities	Status is evaluated according to individual needs in terms of support in different areas of life
Romania	Inability to undertake daily activities under normal circumstances	Four degrees of disability* that determine the benefits granted, largely based on a medical assessment
Sweden	Functional impairment of physical, mental or intellectual ability	Status is evaluated according to individual needs in terms of support and depends on the physical and/or psychological condition of the individual

\* Romania is in the process of reforming and modernising this system.

Source: ECA, based on the audit work.

**28** In three of the four member states we visited, we even found differences in how disability status is determined within the member state, so the benefits granted may differ between regions and municipalities. In Romania the policy is implemented centrally (see [Box 1](#)).

## Box 1

### Support to persons with disabilities varies depending on where the person lives within a country

In the **Netherlands** and **Sweden**, the main responsibility for implementing and financing support for persons with disabilities lies with municipalities and regions/provinces. It is up to the municipalities to assess the level and degree of disability of a person in relation to the environment. If a person living in one municipality decides to move to another, they must re-apply for a disability assessment and return any support equipment received before moving. The new assessment may not necessarily take into account the previous situation. This may result in the person receiving different support services and equipment based on the assessment by the new municipality, even if their disability remains unchanged. We note, however, that some coordination work has recently taken place between the municipalities, especially in the Netherlands, to facilitate the process of moving to another municipality for persons with disabilities.

In **Spain**, the national General Law on the Rights of Persons with Disabilities and their Social Inclusion guarantees the right to equal opportunities and treatment, as well as the real and effective exercise of rights by persons with disabilities on an equal basis with other citizens. On the other hand, social assistance and services are the sole competence of the autonomous communities (regional administration). As the latter have issued specific regional legislation and rules in addition to the General Law, the level of support for persons with disabilities varies across the country. This means that disability benefits and support services differ depending on the autonomous community in which the person lives.

Source: ECA, based on the audit work.

**29** Moreover, the member states do not automatically recognise disability status granted in another member state<sup>28</sup>. As a result, persons with disabilities visiting another member state or moving for work, study or other reasons may not be treated equally to nationals of that member state in a similar or even identical situation. For example, as their disability status may not be automatically recognised by the authorities of another member state, they might not benefit from equal access to services (such as reduced fees for museums or transport). This also means that persons with disabilities may face specific barriers in exercising their right to freedom of movement.

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<sup>28</sup> European Parliament, *Disability assessment, mutual recognition and the EU Disability Card*, November 2022. European Commission, *Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits*, Final report, 2021.

## EU statistics are not comparable with those based on national definitions

**30** Eurostat provides data related to several key areas, e.g. the number of persons with disabilities, the disability employment gap and the risk of poverty for persons with disabilities. We found that these key equality indicators had not significantly improved across the EU in recent years (see paragraphs [02](#), [05](#) and [06](#)).

**31** Eurostat data are compiled through several regular surveys based on self-declarations. We have identified some shortcomings in this data collection:

- coverage: the methodology for Eurostat surveys only covers persons aged 15 and over or 16 and over (depending on the survey) living in private households, therefore excluding residents of institutions and children under 15/16. The collection of data on children with disabilities only started in 2021 and the data are being processed (following a pilot survey carried out in 2017);
- granularity: the data only distinguish between “some” and “severe” disabilities, with no further breakdown by type of disability (intellectual, physical, sensory and mental);
- frequency: the frequency of surveys covering persons with disabilities varies: for example, the Survey on Income and Living Conditions (SILC) is conducted annually, while the European Health Interview Survey (EHIS) was only conducted every five years until 2019 and every six years since. Moreover, as regards the SILC, certain survey modules are carried out with different periodicity (three and six years, depending on the subject matter).

**32** It is not always possible to reconcile the data collected by Eurostat through its various surveys with the specific data, mainly related to social benefits, compiled by the member states or their regions from various sources or administrative procedures. The lack of comparable criteria has an impact on the availability and comparability of data concerning persons with disabilities among member states.

**33** European organisations representing persons with disabilities also pointed out a lack of sound and comparable data. The European Disability Forum (EDF) stated<sup>29</sup> that the number of persons with disabilities in the EU can only be estimated since there is a lack of disaggregated and comparative census data. Both the EDF and the European Union of the Deaf (EUD) highlighted the need for quality data on persons with

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<sup>29</sup> <https://www.edf-feph.org/newsroom-news-how-many-persons-disabilities-live-eu/>.

disabilities<sup>30</sup>. Similarly, a UN report on disability<sup>31</sup> advocated for the collection of data in several areas, e.g. poverty, education or access to hygiene facilities, and their disaggregation by type of disability, age and sex.

**34** The Commission committed to developing a set of indicators to measure the progress of the situation of persons with disabilities across the EU, using existing statistical data. These indicators, which are scheduled to be ready by the end of 2023, are aimed at gauging the situation of persons with disabilities in different areas of life: employment, education, social protection, living conditions, health and other areas<sup>32</sup>. In the meantime, the Commission uses *ad hoc* studies and evaluations carried out by other bodies, such as the FRA or Eurofound.

## **The 2021-2030 Strategy contains important inclusion initiatives, but a number of key issues remain unresolved**

**35** We assessed whether the Commission's Strategy for the Rights of Persons with Disabilities 2021-2030 (the 2021-2030 Strategy) defined specific priorities and objectives, took the findings of the Commission's evaluation of the European Disability Strategy 2010-2020 (2010-2020 Strategy) into account and identified the supporting EU actions and timeline. We also analysed a sample of flagship initiatives from the 2021-2030 Strategy that were in line with the audit scope and completed or scheduled to be completed by the end of 2023.

**36** We specifically assessed whether the Commission encouraged the mutual recognition of persons with disabilities across member states to ensure harmonised implementation of the actions in the 2021-2030 Strategy and facilitate the free movement of persons with disabilities in the EU. We also reviewed how EU institutions aim to lead by example in terms of their interaction with persons with disabilities.

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<sup>30</sup> EUD feedback to the public consultations on [Data collection – European statistics on population](#).

<sup>31</sup> United Nations, Department of Economic and Social Affairs, [Disability and Development Report: Realizing the Sustainable Development Goals by, for and with persons with disabilities, 2018](#), 2019.

<sup>32</sup> COM(2021) 101.

## The 2021-2030 Strategy translates the Convention principles into specific objectives and operational actions

**37** The 2021-2030 Strategy<sup>33</sup> defines the EU's objectives and action priorities as regards persons with disabilities in terms of accessibility, EU citizen's rights, quality of life, equal access and non-discrimination and promotion of the rights of persons with disabilities globally. It takes into account the diversity of disability comprising long-term physical, mental, intellectual or sensory impairments. However, the 2021-2030 Strategy per se is not a legally binding instrument but a soft policy tool that relies on coordinated action at both national and EU levels for its implementation.

**38** The 2021-2030 Strategy translates the Convention principles into specific objectives and operational actions, specifically: seven flagship initiatives (see [Annex](#)) and 57 other actions, some of which are covered by EU regulatory requirements. These actions include: preparing guidance and toolboxes on specific issues; reviewing other existing strategies with an impact on persons with disabilities; evaluating the implementation of legislation; producing studies on several issues; cooperating with and supporting member states and relevant stakeholders in various matters, including the use of EU funds; and actions to monitor the effective implementation of the 2021-2030 Strategy through a specific framework and disability indicators. About half of the actions identified propose a timeline for completion in the Commission's monitoring framework. The rest of the actions are either marked as "continuous" or their deadline is "to be determined"<sup>34</sup>.

**39** The 2021-2030 Strategy calls on member states to take action in areas under their competence to address the needs of persons with disabilities. However, given the secondary EU competence (see paragraph [09](#)) if member states fail to take action, the Commission cannot hold them accountable.

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<sup>33</sup> [COM\(2021\) 101](#).

<sup>34</sup> [2021-2030 Strategy Monitoring Framework](#).

## The 2021-2030 Strategy addresses most of the shortcomings identified in the evaluation of its predecessor, but a number of key issues remain unresolved

**40** The 2010-2020 Strategy translated some of the provisions of the Convention into the EU context and put forward actions to support persons with disabilities in eight priority areas: accessibility, participation, equality, employment, education, social protection, health, and external action<sup>35</sup>. The Commission's evaluation<sup>36</sup> of the 2010-2020 Strategy concluded that it contributed significantly to raising awareness of disability issues, mainly at EU level. According to the evaluation, the 2010-2020 Strategy had:

- contributed to a change towards a human rights-based approach in line with the Convention principles;
- influenced the inclusion of disability issues in European legislation and policy, notably in the areas of accessibility and passengers' rights (examples of this are the [European Accessibility Act](#)<sup>37</sup>, the [Web Accessibility Directive](#)<sup>38</sup> and the legislation on the rights of passengers with reduced mobility<sup>39</sup>);
- helped to mainstream disability issues at EU institutional level through the implementation of principle 17 of the European Pillar of Social Rights<sup>40</sup> and the European Semester process; and
- improved the involvement of persons with disabilities and their representative organisations in EU decision-making.

**41** The evaluation also identified several shortcomings. We analysed them and compared them with the design of the new 2021-2030 Strategy. Our analysis shows that most shortcomings identified were addressed by the Commission when it designed the 2021-2030 Strategy. However, a number of key shortcomings are still present in the current strategy (see [Table 2](#)).

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<sup>35</sup> *European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe*, COM(2010) 636.

<sup>36</sup> *Evaluation of the European Disability Strategy 2010-2020*, SWD(2020) 289.

<sup>37</sup> [Directive \(EU\) 2019/882](#).

<sup>38</sup> [Directive \(EU\) 2016/2102](#).

<sup>39</sup> [Regulation \(EU\) No 181/2011](#) and [Regulation \(EU\) No 1177/2010](#).

<sup>40</sup> European Pillar of Social Rights, principle 17 – Inclusion of people with disabilities, SWD(2017) 201.



**Table 2 – Shortcomings in the 2010-2020 Strategy identified by the evaluation, and how they were addressed in the 2021-2030 Strategy**

2010-2020 Strategy: Shortcomings identified	Design of the 2021-2030 Strategy
Not fully aligned with the Convention	Consistent with the Convention
Limited awareness of the 2010-2020 Strategy (citizens, national policymakers) and limited knowledge sharing	Awareness-raising actions and exchanges of experiences proposed, including a flagship initiative 6 on the Disability Platform
Limited progress in accessibility	Proposed flagship initiative 1 (AccessibleEU resource centre) and a comprehensive list of other actions
Limited progress in deinstitutionalisation	Specific section on deinstitutionalisation with two flagship initiatives (3 and 4) concerning guidance on independent living and “social services of excellence”
Limited inclusion of disability considerations in policy-making process	Use of Task Force on Equality to mainstream disability considerations in all policy areas
No specific references to invisible and intellectual disabilities	Some limited references included in the Strategy, but section on accessibility does not address invisible disabilities
Not legally binding	Not addressed
Legal gap in protection from disability-based discrimination	Issue ongoing, since progress depends on adoption of relevant legislation
Lack of specific indicators for assessing implementation	Indicators currently under development
No link between EU funding and the Strategy and no dedicated budget for Strategy implementation	Not addressed (see paragraphs <a href="#">43-45</a> )
No review of existing relevant legislation	Not addressed (see paragraphs <a href="#">46-47</a> )
Employment actions insufficient to address disability employment gap	Additional actions being carried out, including flagship initiative 5 on Disability Employment Package
Uneven knowledge of disability issues at EU institutional level	Regular meetings and exchanges of views; Commission adopted HR strategy to promote diversity and inclusion

2010-2020 Strategy: Shortcomings identified	Design of the 2021-2030 Strategy
No monitoring framework	Monitoring framework published in May 2022

Source: ECA analysis of the 2010-2020 and 2021-2030 strategies, based on the Evaluation of the European Disability Strategy 2010-2020, SWD(2020) 289.

**42** Overall, the Commission designed the 2021-2030 Strategy in a way that addresses most of the shortcomings identified for the 2010-2020 Strategy, however a number of key issues remain unresolved. Our analysis also showed that the 2021-2030 Strategy is consistent with the Convention and includes new actions, including seven flagship initiatives. However, only half of the actions include a completion date, which may have an impact on monitoring their actual implementation.

#### **The link between the objectives of the 2021-2030 Strategy and EU funding programmes remains weak**

**43** The 2021-2030 Strategy mentions various EU funding programmes that member states can use to support its implementation during the 2021-2027 programme period (see paragraph 17). Some of these programmes include requirements related to the implementation of the Convention, regarding accessibility or the absence of discrimination against persons with disabilities.

**44** This is the case for the ESF+ and ERDF in particular, but also for Erasmus+ and the CERV programme. REACT-EU (an initiative that provided a top-up to 2014-2020 cohesion policy programmes up to the end of 2022) only mentions persons with disabilities in connection to social services of general interest. The RRF, which provides funding for 2021-2026, does not mention any such requirements, but includes “disadvantaged groups” and “vulnerable people” within the scope of the actions supported.

**45** Not all the EU funding programmes for 2021-2027 mentioned in the 2021-2030 Strategy earmark specific funding for achieving the strategy objectives. This has also been identified as a shortcoming of the 2010-2020 Strategy.

## So far, the Commission has not reviewed all the relevant EU legislation to assess compliance with the Convention

**46** The 2015 UN Concluding Observations<sup>41</sup> recommended that the EU carry out a cross-cutting, comprehensive review of its legislation to fully harmonise it with the Convention. The need for such a review was also mentioned in the opinions of the European Parliament’s Committee on Employment and Social Affairs and Committee on Petitions regarding a recent motion for a European Parliament resolution<sup>42</sup>. The EDF, in its shadow report to the UN<sup>43</sup>, mentioned two examples of legislation in need of revision, both related to transport<sup>44</sup>. So far, however, there has been no thorough review of EU legislation to ensure that it is compatible with the Convention.

**47** In our previous report, we identified ensuring good quality consultation as a challenge for the Commission<sup>45</sup>. In November 2021, the Commission updated its Better Regulations Guidelines<sup>46</sup> and the accompanying toolbox<sup>47</sup> to include consultations on disability aspects, in particular Tool 29 (fundamental rights) and Tool 30 (employment, working conditions, income distribution, social protection and inclusion). Both tools stress the need to perform impact assessments to avoid negative impacts on specific groups such as persons with disabilities.

## Stalling of two legislative issues hinders the progress of key elements in the 2021-2030 Strategy

**48** The 2021-2030 Strategy recognises the existence of a gap in EU law to ensure equal treatment of persons with disabilities in the areas of social protection, healthcare, education and access to goods and services, including housing. Only in the field of employment does the Employment Equality Directive<sup>48</sup> provide an EU legal basis for combating discrimination on grounds of disability. The 2021-2030 Strategy broadly calls on member states to enable the adoption of the Commission’s proposal

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<sup>41</sup> United Nations, *Concluding observations on the initial report of the European Union: Committee on the Rights of Persons with Disabilities*.

<sup>42</sup> [2022/2026\(INI\)](#).

<sup>43</sup> EDF, *Alternative report for the second review of the EU by the CRPD Committee*, February 2022.

<sup>44</sup> [Regulation \(EC\) No 1107/2006](#) and [Regulation \(EU\) No 1300/2014](#).

<sup>45</sup> [Review 02/2020](#) “Law-making in the European Union after almost 20 years of Better Regulation”.

<sup>46</sup> Better Regulation Guidelines, [SWD\(2021\) 305](#).

<sup>47</sup> European Commission, [Better Regulation Toolbox](#), 2023.

<sup>48</sup> [Council Directive 2000/78/EC](#).

for a directive on implementing the principle of equal treatment in the above-mentioned areas (the so-called Equal Treatment Directive). The adoption of this proposed legal text by the Council remains uncertain and no timeframe is specified.

**49** With regard to accessibility, the adoption of the European Accessibility Act<sup>49</sup> in 2019 was an important step towards facilitating the access of persons with disabilities to products and services by removing barriers created by differing rules in member states. The Act required member states to transpose it into national law by 28 June 2022. However, 24 out of 27 member states received a letter of formal notice for non-communication of their transposition measures. The three member states that had notified measures, Denmark, Italy and Estonia, in 2023 also received a letter of formal notice for an incomplete transposition<sup>50</sup>.

**50** As the accessibility of products and services is a precondition for participation in society on an equal basis with others, any delay in implementing this legislation may have a negative impact on the equality of persons with disabilities. Moreover, the Accessibility Act states that member states may themselves decide whether the built environment complies with the accessibility requirements<sup>51</sup>. According to the EDF<sup>52</sup>, this is not sufficient to ensure a harmonised approach to accessibility to the built environment for persons with disabilities throughout the EU.

### **The flagship initiatives audited from the 2021-2030 Strategy are progressing, but their impact cannot yet be assessed**

**51** We analysed three flagship initiatives, either already completed or due for completion by the end of 2023:

- Flagship initiative 2: to propose the introduction of a European Disability Card that would be recognised in all member states (paragraphs [52-56](#));
- Flagship initiative 5: to present a package to improve labour market outcomes for persons with disabilities, which will support member states in the implementation

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<sup>49</sup> [Directive \(EU\) 2019/882](#).

<sup>50</sup> European Commission, *Infringements decisions. Non-transposition of EU legislation: Commission takes action to ensure complete and timely transposition of EU directives*, 20 July 2022.

<sup>51</sup> Article 4(4) of [Directive \(EU\) 2019/882](#).

<sup>52</sup> EDF, *Alternative report for the second review of the EU by the CRPD Committee*, February 2022.

of the Employment Guidelines through the European Semester (paragraphs [57-60](#));

- o Flagship initiative 7: in order to lead by example, to adopt a renewed Commission Human Resources strategy including actions to promote diversity and the inclusion of persons with disabilities (paragraphs [61-69](#)).

### **Roll-out of the European Disability Card: effectiveness depends on scope of application and mutual recognition of the disability status**

**52** The 2021-2030 Strategy proposes the introduction of the European Disability Card by the end of 2023 as one of its flagship initiatives (see [Annex](#)). Moreover, this action has been included in the Commission's 2023 Work Programme as a legislative proposal. The initiative builds on the results of a pilot project carried out during the 2016-2018 period to support voluntary mutual recognition of disability status in the leisure, culture, sports and transport sectors in the eight participating member states. A similar initiative concerning the European Parking Card has been successfully in place since 1998<sup>53</sup>.

**53** In May 2021, the Commission published a study<sup>54</sup> assessing the implementation of the pilot project as positive overall. However, the study did also point out a number of shortcomings, for example:

- participation by the member states and service providers was voluntary;
- member states were free to decide which of the four sectors the benefits would extend to, with only culture and leisure covered in all eight member states;
- no centralised monitoring system was established for actual card use, so the analysis largely relied on information collected from surveys;
- eligibility for the card differed between member states, as they were free to set their own criteria.

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<sup>53</sup> Council Recommendation on a parking card for people with disabilities as amended by [Council Recommendation](#) of 3 March 2008, [98/376/EC](#).

<sup>54</sup> European Commission, [Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits](#), Final Report, 2021.

**54** In November 2022, the European Parliament published a study<sup>55</sup> describing the current situation with regard to mutual recognition of the status of persons with disabilities and including some of the relevant petitions addressed to the European Parliament. It also explores some potential ways to progress towards mutual recognition through steps such as the development of a common core standard for disability assessment (see paragraphs 26-29).

**55** The Commission is scheduled to prepare an impact assessment by summer 2023 describing the different options for the implementation of the disability card, including a legal act. Based on this assessment, the Commission plans to present a formal legislative proposal.

**56** We consider the implementation of this card to be a step towards the mutual recognition of persons with disabilities, facilitating their free movement in the EU. However, its effectiveness will depend on the scope defined and may be hampered by potential asymmetries in the assessment of the disability criteria selected by the different member states given their competence in this area.

#### **Disability Employment Package: a step in the right direction, but too early to see the effects**

**57** The disability employment gap in the EU has remained at roughly the same level since 2014, the year in which measurements started (see paragraph 05). In September 2022, the Commission launched the Disability Employment Package<sup>56</sup>, one of the flagship initiatives of the 2021-2030 Strategy, to remedy this situation. The announcement states that the employment rate of persons with disabilities needs to be increased and the disability employment gap reduced in order to reach the EU headline targets from the European Pillar of Social Rights. The relevant EU-level headline targets, to be achieved by 2030, are a reduction of at least 15 million in the number of people at risk of poverty or social exclusion; at least 78 % of persons aged 20-64 in employment; and at least 60 % of all adults participating in training every year.

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<sup>55</sup> European Parliament, *Disability assessment, mutual recognition and the EU Disability Card*, November 2022.

<sup>56</sup> Joint Commission Services – Disability Platform Paper, *Package to improve labour market outcomes of persons with disabilities (Disability Employment Package – “employment package”)*.

**58** The proposed package includes six areas for action (all with specific deliverables):

- strengthening the capacities of public employment and integration services;
- promoting hiring perspectives through affirmative action and combating stereotypes;
- ensuring reasonable accommodation to meet the needs of persons with disabilities at work;
- retaining persons with disabilities in employment;
- securing vocational rehabilitation schemes in case of sickness or accident; and
- exploring quality jobs in sheltered employment and pathways to the open labour market.

**59** However, by the end of February 2023, the Commission had only adopted the toolkit on strengthening public employment services to improve the labour market outcomes of persons with disabilities. The Commission expects other deliverables to be ready in the course of 2023. The Commission also asks the member states in the 2021-2030 Strategy to set targets to reduce the employment gap between persons with and without disabilities.

**60** We consider the Disability Employment Package to be a step in the right direction that could potentially help to address the persistent disability employment gap. However, until other deliverables are realised, and their subsequent practical application starts, the potential effects of the package on the employment gap cannot be assessed.

### **Leading by example: as employers, EU institutions show ambition in fostering the inclusion of persons with disabilities, but demonstrated results are limited**

**61** In the 2021-2030 Strategy, the Commission expressed its commitment to leading by example regarding the equality of persons with disabilities and called on other EU institutions to follow suit. To this end, it included the flagship initiative of a renewed human resources strategy, which was adopted in April 2022<sup>57</sup>.

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<sup>57</sup> Communication to the Commission – A new Human Resources Strategy for the Commission, [C\(2022\) 2229](#).

**62** The staff of the EU institutions come from all 27 member states and the rules of their employment are governed by the “Staff Regulations” of EU officials and other civil servants<sup>58</sup>. In addition, EU institutions may set up their own system for recognising disability.

**63** In order to obtain additional information on the measures the Commission and some of the other EU institutions are taking to promote the equality of persons with disabilities, we asked these institutions to fill in a questionnaire covering various areas of potential action (see paragraph 22).

**64** Based on the replies provided, all EU institutions surveyed have ongoing measures in place to ensure that their buildings are accessible for members of the public and employees with disabilities. For new buildings, the institutions took accessibility into account at the planning stage. Accessibility issues are more common with older buildings, e.g. buildings in Brussels that were compliant with the relevant Belgian legislation at the time of their acquisition, but now require more work to meet EU standards for accessibility. With regard to digital accessibility, all five EU institutions surveyed are taking steps to make their digital environment more accessible through action plans or various other initiatives.

**65** Three of the five institutions surveyed (Council, Commission and ECA) stated that a lack of data on employees with disabilities was one of the most significant obstacles to ensuring good working conditions for staff. In particular, under the rules applicable to employment at the EU institutions, the human resources departments are not informed of employees’ disabilities unless the employee concerned voluntarily provides them with this information. In addition, any data provided are subject to data protection rules.

**66** We found that the EU institutions were able to collect data on the number of requests for reasonable accommodation to meet the needs of persons with disabilities. However, these requests do not give a full picture of the number of persons with disabilities working for the institutions, as not all persons with disabilities require reasonable accommodation. Reasonable accommodation of needs might also be requested for temporary health issues. To overcome this difficulty, two of the five institutions surveyed (Council and Commission) had already carried out voluntary staff surveys and two more (Parliament and ECA) were planning to do so in the near future. The Commission surveyed its own staff together with the staff of the executive agencies and the European External Action Service, and received around 10 000 replies (corresponding to a 22 % response rate). Among the respondents, 4.4 % considered

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<sup>58</sup> Regulation No 31 (EEC), 11 (EAEC).



themselves to have a disability and 6.4 % said that they cared for a dependent with a disability<sup>59</sup>.

**67** Altogether, the EU institutions surveyed employed around 4 000 trainees in 2022, but the number of trainees with disabilities is unknown. Our analysis also showed that three of the five institutions surveyed had a positive action programme in place (measures targeted at specific groups to minimise the disadvantages they face in competing with other applicants) and another institution was considering introducing such a programme (see [Table 3](#)). However, we also found that these positive action programmes mostly focused on trainees. Trainees with disabilities may also participate in open traineeship programmes. Only one institution (the Parliament) currently implements a positive action programme for contract staff.

**Table 3 – Positive action programmes and associated targets in the five EU institutions**

Institution	Trainees with disabilities (per year)	Contract staff with disabilities
European Parliament	Around 30 (around 15 twice a year)	In 2022, funding was available for seven persons with disabilities (six recruited)
Council of the European Union	Six (three, twice a year)	Action plan under consideration
European Commission	No action plan in place	No action plan in place
Court of Justice of the European Union	Action plan under consideration	No action plan in place
European Court of Auditors	At least one per year	No action plan in place

Source: ECA, based on the audit work.

**68** The EU institutions recruit permanent staff based on their success in competitions organised by the European Personnel Selection Office (EPSO). EPSO offers reasonable accommodation of the needs of candidates with disabilities upon request, based on a medical certificate or a specialist's opinion. Successful candidates are placed on reserve lists for permanent posts. However, EPSO does not monitor whether

<sup>59</sup> European Commission, *Survey on diversity, inclusion and respect at the workplace, report of the results* (survey carried out in March 2021).

successful candidates with disabilities are actually employed by the EU institutions, since the recruitment phase is not part of EPSO's mandate.

**69** The European Parliament's Committee on Budgetary Control asked the EU institutions and bodies about their employment of persons with disabilities, illustrating the need for reporting<sup>60</sup>. In the survey, the EU institutions did not provide us with comparable data on the employment of persons with disabilities. They do not compare their internal figures against comparable information at EU level.

### **The Commission has only limited data on how much EU funding is allocated to measures supporting persons with disabilities**

**70** With regard to the EU funding available, including temporary support measures (CRII/CRII+ and REACT-EU), we assessed whether:

- monitoring made it possible to determine how EU funding contributes to improving the lives of persons with disabilities;
- EU funding aimed at persons with disabilities could be identified; and
- the horizontal enabling condition referring to the implementation of the Convention and the European Semester recommendations contributed to better targeting of the needs of persons with disabilities.

### **The monitoring framework for both programme periods does not enable assessment of whether EU funding helps improve the situation of persons with disabilities**

**71** The Commission does not have information on the actual funding allocated to specific actions benefiting persons with disabilities as there is no corresponding category of expenditure. We found that this was the case both for the ESF and for the EU emergency measures (CRII/CRII+ and REACT-EU), and that it will not change for the 2021-2027 programme period.

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<sup>60</sup> For example, *2021 Discharge Questionnaire to the European Court of Justice*, question 22.

**72** The EU legislation provides for a common output indicator referring to “participants with disability”<sup>61</sup>. Member states must report on this indicator annually. For the 2014-2020 programme period, member states were not obliged to set targets for the number of participants with disabilities they intended to reach. Nor will they be obliged to do so in the 2021-2027 programme period.

**73** The indicator makes it possible to estimate the number of persons with disabilities that benefited from EU support. However, it does not allow the Commission to identify how much EU funding was allocated for persons with disabilities. No common result indicator was specified in relation to this target group. Consequently, the monitoring system will not provide the information needed on whether the member states have made sufficient efforts to reach persons with disabilities.

**74** In the 2014-2020 programme period, a total of €100 billion was allocated to the member states under the ESF via thematic objective 8 (“Promoting sustainable and quality employment and supporting labour mobility”), objective 9 (“Promoting social inclusion, combating poverty and any discrimination”) and objective 10 (“Investing in education, training and vocational training for skills and lifelong learning”). Measures supporting persons with disabilities could have been financed under all three thematic objectives, but there are no specific data on funding for such measures.

**75** There is more information on how many persons with disabilities benefitted from ESF support in the 2014-2020 programme period. According to the common output indicator “participants with disability”, ESF measures had reached a total of 3.6 million participants across the EU by the end of 2021<sup>62</sup>. **Box 2** provides more detailed information for the four member states visited.

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<sup>61</sup> [Regulation \(EU\) No 1304/2013](#) and [Regulation \(EU\) 2021/1057](#).

<sup>62</sup> *European Structural and Investment Funds, 2022 Summary report of the programme annual implementation reports covering implementation in 2014-2020*, [COM\(2023\) 39](#).

## Box 2

### Examples of ESF programmes concerning persons with disabilities in the member states visited (one per member state)

**The Netherlands:** active inclusion to boost employment opportunities, aimed at countering youth unemployment and increasing employability for anyone who cannot easily access the labour market, including persons with disabilities. Participants with disabilities: 225 126.

**Spain:** integration pathways to help persons with disabilities access the employment market, together with subsidised social security contributions via tailored employment centres, and. Participants with disabilities (“Social Inclusion” operational programme): 421 063.

**Sweden:** inclusion in education and the labour market, acquisition of skills and qualifications for anyone who cannot easily access the labour market, including persons with disabilities. Participants with disabilities: 50 287.

**Romania:** measures relating to persons with disabilities included deinstitutionalisation, provision of assistive devices, training and employment. Participants with disabilities (Human Capital operational programme): 13 670.

Source: ECA, based on the audit work and Open Data Platform <https://cohesiondata.ec.europa.eu/> (as of February 2023).

**76** In response to the COVID-19 pandemic that began in March 2020, the Commission introduced measures to increase the flexibility of funding (CRII, followed by CRII+)<sup>63</sup> and provided additional top-up funding to 2014-2020 programmes (REACT-EU)<sup>64</sup> via the NextGenerationEU<sup>65</sup>. The Commission’s internal guidelines to the member states on the use of the emergency funding do refer to persons with disabilities among examples of interventions that can be funded. However, even though persons with disabilities were disproportionally affected by the pandemic (see examples in [Box 3](#)), they are only referred to as one of the vulnerable/disadvantaged groups.

<sup>63</sup> Regulation (EU) 2020/460.

<sup>64</sup> Regulation (EU) 2020/2221.

<sup>65</sup> Regulation (EU) 2020/2094.

### Box 3

#### Examples of problems faced by persons with disabilities during the COVID-19 pandemic in the member states visited

In the **Netherlands**, the most significant negative impact on persons with disabilities was caused by the decision to prevent visitor access to care homes and institutions and close down day centres for adults and children with disabilities.

In **Spain**, the pandemic curtailed many social, educational, and employment assistance services for persons with disabilities, who were not always considered in the planning of measures to fight the pandemic.

**Sweden** did not introduce a nation-wide lockdown during the pandemic, but localised lockdowns were imposed in certain counties and/or municipalities. This sometimes restricted access to healthcare services and daily activities for persons with disabilities.

Source: ECA, based on the audit work.

**77** The Commission assessed the impact of COVID-19 on persons with disabilities later during the pandemic (2021) in the context of the European Semester. The Commission's synthesis report<sup>66</sup> highlighted a number of issues:

- disproportionate number of deaths in comparison with persons without disabilities, although there was very little disaggregated data on COVID-19 deaths among persons with disabilities;
- isolation and segregation among persons with disabilities in institutions caused by COVID-19 restrictions, due to visiting bans and cancellation of activities, with persons with disabilities living in the community also affected;
- limited access to health services, habilitation and rehabilitation due to closure of many "non-essential" services;
- suspension or limiting of social services and support in many cases; and
- online schooling likely to have presented particular challenges for children with disabilities.

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<sup>66</sup> European Commission, *COVID-19 and people with disabilities in Europe – Assessing the impact of the crisis and informing disability-inclusive next steps*, 2021.

## The horizontal enabling condition and recommendations from the European Semester on the 2021-2027 funding of measures for persons with disabilities may be of limited impact

**There is a risk that the impact of the horizontal enabling condition will be limited**

**78** As in the 2014-2020 programme period, the Common Provisions Regulation (CPR) for 2021-2027<sup>67</sup> includes preconditions that must be met for EU co-financed programmes. These are known as enabling conditions and may be horizontal (applicable to all specific objectives) or thematic. One of the horizontal enabling conditions (HEC) refers to the implementation and application of the Convention, establishing a link between the relevant EU funding and the Convention.

**79** The specific HEC requires member states to have national frameworks in place to ensure implementation of the Convention, comprising:

- objectives with measurable goals, data collection and monitoring mechanisms;
- arrangements to ensure that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes; and
- reporting arrangements to the monitoring committee regarding cases of non-compliance of operations supported by the EU funds with the Convention and complaints regarding the Convention submitted in accordance with the arrangements made pursuant to Article 69(7) of the CPR.

**80** This HEC must be consistently fulfilled throughout the 2021-2027 programme period, otherwise the Commission will not reimburse the expenditure related to the specific objective concerned. This is progress compared to the 2014-2020 programme period<sup>68</sup>, when the relevant precondition (*ex ante* conditionality) only required sufficient administrative capacity to implement and apply the Convention, and the Commission only checked that the preconditions were fulfilled at the beginning of the programme period.

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<sup>67</sup> Regulation (EU) 2021/1060.

<sup>68</sup> Regulation (EU) No 1303/2013.

**81** However, we noted that the Commission’s assessment of HEC compliance was limited to a check on whether the national strategies or action plans set measurable objectives. The Commission is not legally obliged to follow up on whether the objectives are actually being achieved. This means that this HEC is an administrative requirement for obtaining EU funding rather than a tool to ensure that the funding is better targeted.

### **European Semester recommendations place only limited focus on persons with disabilities**

**82** The rules for the 2021-2027 programme period<sup>69</sup> require the member states to prioritise the challenges identified through the European Semester and allocate appropriate resources to addressing these challenges. However, this requirement is of limited relevance as regards the funding of measures to support persons with disabilities in the EU.

**83** Our analysis showed that the 2022 European Semester – Spring Package Communication mentioned persons with disabilities only twice, once in the context of groups disproportionately impacted by COVID-19 and once in the context of increasing labour market participation. None of the 2020 or 2022 country-specific recommendations (CSRs) formulated through the European Semester explicitly referred to persons with disabilities, despite the disproportionate impact of COVID-19 on this group. The 2020 CSRs did not refer to disadvantaged groups (which could include persons with disabilities). Only four member states received a recommendation on disadvantaged groups via the 2022 CSRs. At the same time, 26 out of 27 member states received an identical recommendation on vulnerable groups in relation to energy price hikes.

**84** Our analysis also found that references to persons with disabilities in the country reports tended to be very broad and general, referring, for example, to the disability employment gap or the risk of poverty and the need for action. The national reform programmes in the four member states visited did refer to planned actions to improve the situation of persons with disabilities, but to varying degrees. References to persons with disabilities in the Partnership Agreements and draft programmes of the four member states visited were broadly in line with the issues identified through the European Semester. Since this was the case, the Commission’s observations regarding the 2021-2027 partnership agreements and programmes mainly referred to the inclusion of horizontal principles of non-discrimination and accessibility.

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<sup>69</sup> Regulation (EU) 2021/1057.

**85** For the 2021-2027 programme period, only Romania out of the four member states visited during the audit included a dedicated priority for persons with disabilities. The actions set out in its draft 2021-2027 “Inclusion” programme largely focus on improving services for persons with disabilities, as well as assistive technologies, decision-making services, and employment actions. In Sweden, the ESF+ national programme targets jobseekers who cannot easily access the labour market, including persons with disabilities. Both the Netherlands and Spain will continue implementing measures to support persons with disabilities similar to those from the 2014-2020 programme period.



## Conclusions and recommendations

**86** Overall, we conclude that the practical impact of EU action on the situation of persons with disabilities in the member states has been limited. In recent years, there has been no significant improvement across the EU in the disability employment gap or the risk of poverty for persons with disabilities, two of the key equality indicators available at EU level.

**87** As regards the data available concerning persons with disabilities, we identified the differences in the criteria for assessing disability status between member states (and regions) as a key issue that prevents the Commission from having a sound overview (see paragraph 26).

**88** The assessment of disability depends on interpretation and application of the criteria by central or decentralised authorities in member states. At EU level, the only comparable data on the situation of persons with disabilities are based on surveys in which participants self-declare their disability status. We identified shortcomings in these surveys concerning granularity, coverage and frequency. Therefore, it is not always possible to reconcile these data with the administrative data compiled by the member states, which makes cross-country comparisons in the EU difficult. These differences in data may undermine the mutual recognition of disability status across the EU. As a result, persons with disabilities travelling to another member state or moving for work, study or other reasons may face a greater administrative burden than nationals of that member state. The Commission has set out the EU policy in this area with the aim of protecting the rights of persons with disabilities. High-quality, comparable information from the member states is essential for monitoring the EU policy that ensures equal rights for persons with disabilities (see paragraphs 26-34). Therefore, we recommend:

### Recommendation 1 – Obtain more comparable data across the EU

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The Commission should obtain more comparable data on the situation of persons with disabilities in terms of coverage, granularity and frequency as one of the bases for measuring the impact and effectiveness of the EU policy aimed at ensuring equal rights for persons with disabilities.

**Target implementation date: by the end of 2025.**

**89** In 2010, the Commission launched the European Disability Strategy for 2010-2020, aimed at improving the social inclusion and wellbeing of persons with disabilities and enabling them to fully exercise their rights. This strategy translated some provisions of the UN Convention on the Rights of Persons with Disabilities into the EU context and put forward actions to support persons with disabilities in eight priority areas: accessibility, participation, equality, employment, education, social protection, health, and external action (see paragraph [40](#)).

**90** The 2021-2030 EU Disability Strategy addresses most of the shortcomings from the previous strategy. We found that it was consistent with the Convention and that it incorporated new actions including seven flagship initiatives. However, only half of the actions stipulate a completion date, which may have an impact on monitoring actual implementation. In addition, some key issues that are at least partly within the remit of the Commission remain unresolved. The link between the 2021-2030 Strategy and EU funding is still weak, and the Commission has not yet reviewed all the relevant EU legislation to assess compliance with the Convention. The stalling of the Equal Treatment Directive and slow transposition of the European Accessibility Act in the member states are hampering progress in the delivery of key elements of the 2021-2030 Strategy (see paragraphs [41-50](#)). Therefore, we recommend:

## **Recommendation 2 – Make progress in reviewing and adopting relevant EU legislation to ensure compliance with the Convention**

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The Commission should:

- (a) progressively review the EU legislation relevant to the 2021-2030 Strategy to assess its compliance with the Convention; and
- (b) take appropriate measures to support the Council in adopting the Equal Treatment Directive.

**Target implementation date: by the end of 2030 (end of the current strategy) for the review of relevant EU legislation in relation to the Convention; and by the end of 2024 for the measures in relation to the adoption of the Equal Treatment Directive.**

**91** In order to help address the disability employment gap, the 2021-2030 Strategy announced a number of measures under the Disability Employment Package, but the impact cannot yet be assessed. Furthermore, as a step towards mutual recognition of disability status across the EU, the 2021-2030 Strategy proposes the introduction of a European Disability Card. However, its effectiveness will depend on the scope defined. Mutual recognition of disability status would contribute to barrier-free movement of persons with disabilities across the EU (see paragraphs [52-60](#)). Therefore, we recommend:

### **Recommendation 3 – Work towards mutual recognition of disability status**

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The Commission should work with member states towards mutual recognition of the disability status in the EU (for short stays in the EU member states), respecting the subsidiarity and proportionality principles.

**Target implementation date: by the end of 2025.**

**92** The Commission has made an ambitious commitment to leading by example as regards accessibility and the employment of persons with disabilities. It has called on other EU institutions to make similar efforts. However, so far, the available data do not make it possible to assess whether the EU institutions have achieved their ambitions as regards the inclusion of persons with disabilities in their workforce (see paragraphs [61-69](#)). Therefore, we recommend:

### **Recommendation 4 – Measure and report progress towards employing persons with disabilities in EU institutions**

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The EU institutions should lead by example and:

- (a) measure progress towards including persons with disabilities into their workforce; and
- (b) report on progress regularly (preferably every two years) in full respect of data protection rules, by comparing their own data against comparable information at EU level, and where feasible also at member state level.

**Target implementation date: by the end of 2025.**

**93** Neither the EU funding framework for 2014-2020 nor that for 2021-2027 provides for a dedicated category of expenditure concerning support for persons with disabilities. This also means that the Commission's monitoring framework is not designed to provide information on the extent to which EU funding contributes to improving the situation of persons with disabilities. Meanwhile, for both periods covered by this audit, the EU legislation provides for a common output indicator referring to "participants with disability". However, there is no common result indicator that would illustrate how EU funding has improved the situation of persons with disabilities (see paragraphs [71-77](#)).

**94** When programming the 2021-2027 cohesion policy funds, member states have to fulfil requirements such the horizontal enabling condition on implementing the Convention and recommendations from the European Semester. We found that impact of both tools on better targeting of EU funding regarding the needs of persons with disabilities in the member states visited may be limited due to insufficient focus on them (see paragraphs [78-85](#)).

This report was adopted by Chamber Chamber II, headed by Mrs Annemie Turtelboom, Member of the Court of Auditors, in Luxembourg at its meeting of 28 June 2023.

*For the Court of Auditors*

Tony Murphy  
*President*

## Annex

### Flagship initiatives in the 2021-2030 Strategy and their status

	Flagship initiative	Timing	Status
1	To launch a European resource centre, AccessibleEU, to increase coherence in accessibility policies and facilitate access to relevant knowledge.	2022	<p>The Commission has signed the contract for the AccessibleEU centre that has initiated the preparatory work and has organised several presentations and events.</p> <p>The Commission is also consulting on a draft standardisation mandate to develop standards for products and services for the implementation of the European Accessibility Act.</p>
2	To propose creating a European Disability Card with the aim of recognition in all member states.	2023	<p>The Commission has initiated discussions on this issue with the member states and civil society organisations.</p> <p>This action has been included in the Commission's 2023 Work Programme as a legislative proposal.</p>
3	To issue guidance to member states recommending improvements on independent living and inclusion of persons with disabilities in the community.	2023	The Commission is carrying out preparatory work, including consultation with the member states and relevant organisations representing persons with disabilities.
4	To issue a European Quality Framework for Social Services of Excellence for persons with disabilities.	2024	To be started.

	Flagship initiative	Timing	Status
5	To present a package to improve labour market outcomes for persons with disabilities, which will support member states in the implementation of the Employment Guidelines through the European Semester.	2022	Completed. The Disability Employment Package was published.
6	To establish the Disability Platform, with the participation of the national focal points, organisations representing persons with disabilities and the Commission, to support the implementation of the 2021-2030 Strategy as well as national disability strategies.	2021	Completed. The Disability Platform was created in October 2021 and its first meeting took place on 15 December 2021.
7	To adopt a renewed Commission Human Resources strategy including actions to promote diversity and inclusion of persons with disabilities.	2022	Completed. The strategy was published in April 2022.

Source: ECA, based on the Commission monitoring framework.

# Abbreviations

**CRII/CRII+:** Coronavirus Response Investment Initiative

**CSR:** Country-specific recommendation

**EDF:** European Disability Forum

**EPSO:** European Personnel Selection Office

**ESF:** European Social Fund

**ESF+:** European Social Fund Plus

**Eurofound:** European Foundation for the Improvement of Living and Working Conditions

**FRA:** European Union Agency for Fundamental Rights

**HEC:** Horizontal enabling condition

**REACT-EU:** Recovery Assistance for Cohesion and the Territories of Europe

# Glossary

**Country-specific recommendations:** Annual guidance which the Commission issues, as part of the European Semester, to individual member states on their macroeconomic, budgetary and structural policies.

**European Foundation for the Improvement of Living and Working Conditions:** EU agency that provides information, advice and expertise on social, employment and work-related issues.

**European Pillar of Social Rights:** Framework for delivering new and more effective social rights for EU citizens.

**European Semester:** Annual cycle which provides a framework for coordinating the economic policies of EU member states and monitoring progress.

**European Union Agency for Fundamental Rights:** EU agency that safeguards the rights, values and freedoms enshrined in the EU's Charter of Fundamental Rights.

**Habilitation:** Process of helping persons with disabilities gain or improve skills and functioning for daily living.

**Operational programme:** Framework for implementing EU-funded cohesion projects in a set period, reflecting the priorities and objectives laid down in partnership agreements between the Commission and individual member states.

**Output indicator:** Measurable variable providing information for assessing a project's products or achievements.

**Result indicator:** Values used to measure the results generated by supported projects, or the results achieved at operational programme level.

**Sustainable Development Goals:** In 2015, the UN adopted its 2030 Agenda for Sustainable Development, which was subsequently ratified by all the EU member states. The Sustainable Development Goals explicitly mention persons with disabilities (goal 4 on education, goal 8 on growth and employment, goal 10 on equality, goal 11 on the accessibility of human settlements and goal 17 on data collection). Other goals refer to persons in vulnerable situations, a concept which includes persons with disabilities.



**United Nations Convention on the Rights of Persons with Disabilities:** In 2007, the EU signed the Convention, which entered into force in January 2011. The Convention is an international legally binding instrument setting minimum standards for the rights of persons with disabilities. 22 out of 27 member states have also ratified the Optional Protocol to the Convention, which establishes an individual complaint mechanism. The EU as such did not ratify it.

# Replies of the European Parliament, the Council of the European Union, the European Commission and the Court of Justice of the European Union

<https://www.eca.europa.eu/en/publications/sr-2023-20>

## Timeline

<https://www.eca.europa.eu/en/publications/sr-2023-20>

## Audit team

The ECA's special reports set out the results of its audits of EU policies and programmes, or of management-related topics from specific budgetary areas. The ECA selects and designs these audit tasks to be of maximum impact by considering the risks to performance or compliance, the level of income or spending involved, forthcoming developments and political and public interest.

This performance audit was carried out by Audit Chamber - II Investment for cohesion, growth and inclusion spending areas, headed by ECA Member Annemie Turtelboom. The audit was led by ECA Member Stef Blok, supported by Johan Adriaan Lok, Head of Private Office and Laurence Szwajkajzer, Private Office Attaché; Pietro Puricella and Maria Eulàlia Reverté I Casas, Principal Managers; Aleksandra Klis-Lemieszonek, Head of Task; Luis de la Fuente Layos, Deputy Head of Task and Marjeta Leskovar and Nils Odins, Auditors. Iulia-Mihaela Vlădoianu provided linguistic support. Olga Ioannidou, ECA Diversity and Inclusion Officer, provided support on equality and inclusion matters.



*From left to right: Iulia-Mihaela Vlădoianu, Luis de la Fuente Layos, Laurence Szwajkajzer, Johan Adriaan Lok, Aleksandra Klis-Lemieszonek, Stef Blok, Maria Eulàlia Reverté I Casas, Pietro Puricella, Marjeta Leskovar.*

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Around one quarter of EU citizens have a self-declared disability. To help member states provide support, the EU has adopted disability strategies. We assessed whether the Commission had taken effective action to support persons with disabilities. The impact of EU action in this area was limited and the key indicators had not significantly improved. The criteria for disability status differ across the member states and the statistical data are not comparable, which may undermine mutual recognition. The 2021-2030 Strategy sets objectives, but some issues remain unresolved and the monitoring system in place does not show how EU funding helps improving the lives of persons with disabilities. We recommend that the Commission obtain more comparable data, work towards mutual recognition of disability status and review EU legislation to assess its compliance with the UN Convention on the Rights of Persons with Disabilities. We also recommend that the EU institutions measure their progress towards including persons with disabilities in their workforce.

ECA special report pursuant to Article 287(4), second subparagraph, TFEU.



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