# *Mid-term Evaluation   of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities*

*Final Report*

*June 2009*

CSES Centre for Strategy & Evaluation Services

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# ABOUT THIS REPORT

*Disclaimer*

The opinions reflected in this independent evaluation study are the responsibility of CSES and do not necessarily reflect the views of the European Commission.



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This evaluation was commissioned under the European Community Programme for Employment and Social Solidarity - PROGRESS (2007-2013). This programme is managed by the Directorate-General for Employment, social affairs and equal opportunities of the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries. PROGRESS' mission is to strengthen the EU contribution in support of Member States' commitment. PROGRESS will be instrumental in:

- providing analysis and policy advice on PROGRESS policy areas;
- monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
- promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
- relaying the views of the stakeholders and society at large

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*The Mid-term Evaluation of the European Disability Action Plan 2003-2010 was carried out by the Centre for Strategy and Evaluation Services (CSES) on behalf of the Unit for the Integration of People with Disabilities (Unit G3) of the Directorate-General Employment, Social Affairs and Equal Opportunities (DG EMPL) during the period January 2008 to June 2009. The evaluation covered the two first phases of the Action Plan's implementation - 2004-2005 and 2006-2007. The process was overseen by a Steering Group from within DG EMPL consisting of representatives from the Unit for the Integration of People with Disabilities and the Evaluation and Impact Assessment Unit.*

## Executive Summary

### 1 - EU Disability Policy

The European Union (EU) has a mandate to promote equality of opportunity for people with disabilities and to take steps in parallel to eliminate barriers to their full participation in the labour market, education, training and lifelong learning, in economic activity and in society.

The achievement of equal opportunities for people with disabilities is the ultimate objective of EU disability strategy. This objective is in full accordance with key EU policy goals in respect of the promotion of social and economic cohesion, and with the aims of the renewed Lisbon strategy for growth and jobs. EU disability policy is based on a rights-based approach which emphasises the importance of ensuring that individual rights can be enjoyed in practice, not just in theory, in accordance with the social model of disability.

### 2 - The European Disability Action Plan

In order to capitalise on the momentum of the 2003 *European Year of People with Disabilities* (*EYPD*), a Commission Communication was adopted in October 2003 which provided the basis for the European Disability Action Plan 2003-2010 (EU DAP)[1]. The ultimate objective of the EU DAP is to 'boost equal opportunities for people with disabilities' so as to create a 'sustainable dynamic for the full inclusion of people with disabilities into society'.

The EU DAP 2003-2010 sets out three strategic objectives in order to achieve this overarching aim: (i) the effective implementation of the Equal Treatment in Employment Directive (2000/78/EC); (ii) mainstreaming disability issues across all EU policies, legislation and programmes from design and implementation through to monitoring and evaluation; and (iii) improving "Accessibility for all".

To achieve these 'global' objectives, the Action Plan defined a number of different thematic priorities, or 'specific objectives' in each two-year implementation phase. Examples include promoting access to, and retention in employment, using the potential of new technologies and promoting accessibility to the built environment. Nearly 60 different activities were supported in the first two implementation periods so as to help underpin the achievement of these thematic goals across a number of relevant EU policy areas. The activities have mainly taken place at EU level, but a number of activities also involved actors at Member State level.

The Action Plan committed the European Commission to reporting on the situation of disabled people in the European Union (EU) every two years. The rolling Biennial Reports[2] provide a summary of the thematic priorities to be pursued in the next implementation phase, and a review of activities implemented during the previous two year period of implementation in the form of a 'scoreboard'. The Action Plan also committed the European Commission to carrying out a mid-term evaluation. This document responds to that commitment.

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[1] Commission Communication COM(2003) 650 of 30.10.2003 'Equal opportunities for people with disabilities: A European Action Plan'

2 Commission Communication on establishing equal opportunities for people with disabilities: a European Action Plan for 2004-05; and Commission Communication on the situation of disabled people in the enlarged European Union: the European Action Plan 2006-2007.

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## 3 - Evaluation Aims and Methodology

The aims of the mid-term evaluation were, in summary, to:

- Provide an assessment of the Action Plan's implementation to date during its first two phases (2004-05 and 2006-07);

- Set this review within the context of a key evaluation issues framework in which the *relevance, efficiency, effectiveness, sustainability, impacts* and *added value* of the European Disability Action Plan (EU DAP) were considered*;*

- Evaluate the extent to which the EU DAP has promoted a mainstreaming approach to the integration of disability issues across relevant EU policy areas, and throughout the EU policy making cycle;

- Assess the results and impacts attributable to the Action Plan's implementation to date (both at the level of the Action Plan overall, and in relation to the attainment of specific objectives);

- Analyse the wider impacts (including indirect impacts) of the EU DAP to date;

- Assess the effectiveness and impact of the disability mainstreaming Pilot Projects (*Calls for Proposals VP/2004/008-VP/2005/006)*;

- Draw on the lessons learned and make recommendations as how the current Action Plan might be improved in the final implementation phase and in relation to the successor EU DAP.

The evaluation work also took account of the strategic priorities outlined for the 2008-2009 period[3], which although outside the official evaluation time scope, has helped ensure that the recommendations are relevant to the successor Action Plan.

The purpose of a mid-term evaluation is to assess progress towards objectives and to suggest corrective actions where progress is not in line with expectations. It is also to ensure transparency and accountability. In the case of the EU DAP, this is especially important, given that a wide range of stakeholders, including the EU institutions, national authorities from the Member States, NGOs and people with disabilities and their representative organisations, have a shared interest in the successful achievement of the Action Plan's objectives.  There is also a need to ensure that future interventions are fully 'evaluable' through a review of monitoring systems.

The evaluation was undertaken in three phases, as summarised below:

- **Phase 1 – Finalisation of methodology:** a set-up meeting and interviews with EU officials; analysis of relevant literature, development of research tools; finalisation of the evaluation methodology including impact assessment framework, preparation of an  inception report.

- **Phase 2 – Information collection and analysis:** interviews with EU officials involved in managing the EU DAP and policy officials involved in specific activities; interviews with wider stakeholders and pilot projects; preparation of progress and interim reports.

- **Phase 3 – Analysis and reporting:** a detailed assessment of the evaluation results from the Phase 2 research, preparation of a final report including detailed conclusions and recommendations.

As part of the fieldwork, 87 interviews were carried out with a wide range of stakeholders including: European Commission officials involved in managing the EU DAP and in specific activities feeding into its implementation; representatives from national authorities and disability representative organisations involved in monitoring the Action Plan's implementation through the forum of the Disability High Level Group (DHLG), and with the disability mainstreaming pilot projects supported through two calls for proposals launched as part of a follow-up to the *European Year of People with Disabilities.* Additionally, a number of other stakeholders were consulted at national level who had been involved in projects contributing to the aims of particular thematic areas within the EU DAP.

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3 Commission Communication COM(2007) 738 of 26.11.2007 'Situation of disabled people in the enlarged European Union: the European Action Plan 2008-2009'

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## 4 - Overall Conclusions

***Overall, the EU DAP has made a positive contribution to promoting equal opportunities for people with disabilities during its first two implementation phases (2004-2005 and 2006-2007).*** The EU DAP has served as a useful reference point for key actors involved in promoting equal opportunities for people with disabilities at different levels, including the European Commission and other EU institutions, the Member States, the social partners, disability-representative NGOs and civil society more widely.

***The Action Plan has strengthened political will at European level in favour of doing more to promote equal opportunities and to reinforce the rights of disabled persons.*** It has achieved this by providing a strategic framework through which a disability mainstreaming approach (drawing on disability-specific research and knowledge) can be systematically promoted in relevant EU policies and legislation throughout the decision-making process.

***The Action Plan's objectives need to be more clearly defined, especially the distinction between objectives and activities.*** This is an essential pre-requisite for improving the monitoring system's effectiveness. This was weakened by the absence of performance indicators towards the achievement of key EU DAP objectives. Indicators would benefit from being qualitative focused given the difficulty of measuring progress quantitatively, other than through contextual indicators.

***Good progress has been made towards the achievement of the EU DAP's global objectives of promoting the full and effective implementation of Directive 2000/78, disability mainstreaming in EU policy-making, and accessibility for all.*** The detailed assessment shows that while considerable progress can be demonstrated, an ongoing effort will be needed to ensure that the initial momentum towards the achievement of these goals in first two implementation phases is maintained.

***The EU DAP also appears to have made good progress in achieving the eight thematic priorities ('specific objectives') identified in the first two phases of the Action Plan.*** However, more progress has been made in some thematic areas than in others.

***The majority of activities identified in the EU DAP scoreboard have gone ahead as planned.*** While some activities, such as those influencing policy making processes, and the development of voluntary standards stemming from the adoption of EC Mandates in the area of accessibility are ongoing, most activities from the first two implementation phases have been completed. A small number of activities were delayed, but this has not had a material impact on progress overall.

***While there are increased references to disability in EU programmes and policy texts in the 2007-2013 financial perspective***, *there remains a question as to how this will translate at the level of implementation.* There is a need for ongoing monitoring to ensure that disability mainstreaming takes place at all stages of decision making including at an operational level. A good example relates to the Structural Funds, where accessibility requirements have been included for the first time in the General Regulations, with a need to promote greater awareness about how to give adequate concern to accessibility at all levels of implementation.

***With regard to management and implementation aspects, the EU DAP appears to have been implemented quite effectively to date.*** Most activities have gone ahead as envisaged, and those activities not yet having been carried out are underway. The Unit for the Integration of People with Disabilities  has played a significant role in inputting to, and driving forwards disability mainstreaming activities. The nature and extent of the Unit's role should however be made more explicit in the Action Plan in order to make clearer which activities are directly within the scope of the EU DAP's ambition, and which activities are disability-relevant, but which will be monitored indirectly through the scoreboard.

***The EU DAP scoreboard lacks a clear distinction between activities considered central to the Action Plan in which the Unit for the Integration of People with Disabilities  is likely to play a significant lead role, those taking place across the Commission services in which the Unit plays a support role, and activities in which Commission DGs are not involved, but where monitoring is needed.*** There needs to be greater clarity with regard to what is the ambition of the EU DAP and which individual activities fall directly within its scope, as opposed to wider developments of relevance to people with disabilities that will be monitored through the Action Plan

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scoreboard. This would enable greater focus through the Action Plan on a smaller number of activities realistic for the EU DAP to achieve in its own right.

***Various instruments have made a valuable contribution to the Action Plan's implementation to date.*** This includes EU legislation, the promotion of disability mainstreaming in EU programmes, policies, and legislation, and partnership working at different levels – EU, national and regional.

**With regard to legislation, while the focus during the first two phases was on ensuring the effective implementation of the disability provisions of Directive 2000/78/EC, there have been a number of important regulatory and legislative developments since the adoption of the EU DAP.** Examples include among others: the 2004 Public Procurement Directives, the adoption of Transport Regulations for PRM in the areas of rail and air transport in 2006 and 2007, and looking beyond the first two phases, revisions to the 2002 General Block Exemption Regulation (in 2008 but preparatory work in 2007), and the July 2008 proposed Directive outlawing discrimination in accessibility to goods and services. This suggests a need to widen monitoring activities to include other relevant areas of legislation.

***The disability mainstreaming pilot projects have served as another important tool facilitating the EU DAP's implementation.*** The pilot projects were originally conceived as a follow-up to the European Year of People with Disabilities (EYPD). They have played an integral part in supporting the achievement of a disability mainstreaming approach in particular thematic areas, through the development of new methodological tools and good practice guidance.

***The Disability High-Level Group (DHLG) was the key mechanism to facilitate closer partnership working between national authorities with responsibility for disability policies, EU policy makers and EU-level disability NGOs.*** Overall, partnership arrangements appear to have worked well and the DHLG has provided a useful means of monitoring individual activities supported through the Action Plan framework. However, there is scope for improved partnership working in future given that national authorities were not that closely involved in the preparation of the 2003 Action Plan and in determining its thematic priorities. This was mainly due to time pressures in drawing up the EU DAP as part of the follow-up to the EYPD.

***The current composition of the DHLG seems to be broadly appropriate.*** Relevant stakeholders from national authorities and NGOs participate on this body. However, its composition could be extended to include a small number of additional organisations, such as the European Agency for Special Needs Education, in order to ensure adequate technical expertise in particular thematic areas of the Action Plan not already well-represented.

***Within the European Commission, the Disability Inter-Service Group (DISG) has played a valuable role in facilitating joint coordination on disability issues between different Directorate-Generals.*** However, the effectiveness of the DISG – including its oversight role in monitoring the EU DAP's implementation - could be improved if there were a reinforced high-level political commitment to disability within the Commission.

***Disabled people themselves have been involved in the Action Plan but could their involvement could be reinforced in future.*** People with disabilities have been involved in EU DAP activities in a number of ways, for example, through their participation in EU-level conferences and symposia on particular topics, such as ESF and disability, mainstreaming the results of EQUAL, and the annual conference held to mark the international day of people with disabilities. However, arguably, they could be more closely involved. In particular, it will be appropriate to involve disability representative organisations in the preparation of the successor Action Plan through the forum of the DHLG.

## 5 - Key evaluation issues

A number of evaluation issues were identified in the terms of reference. These included:

- *Relevance* - which in the case of the EU-DAP meant examining the extent to which the types of activities feeding into the Action Plan were relevant to the needs of the target group (ultimately, the disabled);

- *Effectiveness* - the extent to which the global and specific objectives of the EU-DAP have been/ are being achieved;

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- *Efficiency* - whether the outcomes achieved were proportionate to the resource inputs;

- *Impacts and added value* - the outcomes which can be attributed to the putting in place of an Action Plan at EU level (both direct and indirect impacts);

- *Sustainability* - whether outcomes are likely to be long-lasting, in this case beyond the second phase of the EU DAP.

A summary of the findings is provided below:

## 5.1 - Relevance

*As part of the evaluation, the pertinence of the Action Plan's intervention logic and the extent to which it successfully addressed the needs of people with disabilities was considered. Other considerations included the extent to which objectives were pertinent to the evolving needs and priorities of disabled persons and the degree of coherence between the EU DAP and wider EU policies.*

Among the key findings of the evaluation are that:

**The intervention logic underpinning the EU DAP is robust.** There are strong links between key EU policy objectives in the area of disability, the thematic priorities identified, and individual activities having fed into the Action Plan.

**However, there is a need for a clearer definition of the Action Plan's objectives.** In the 2003 Action Plan, there was a lack of a clear distinction between general, specific and operational objectives and some confusion between activities and objectives in the description of thematic priorities to be supported.

**Thematic priorities identified in the Action Plan nevertheless corresponded with identified needs and were pertinent from the point of view of promoting equality of opportunity for disabled persons.** The themes pursued through the EU DAP include issues considered as major priorities for people with disabilities themselves and for disability representative organisations, as well as by national and EU policy makers with responsibility for disability policies.

**There were mixed views as to whether the EU DAP was optimally structured.** There remains a question mark as to whether it is appropriate to set rolling thematic priorities in each two-year implementation phase given the need for continuity in core areas requiring a long-term, sustained commitment from policy-makers such as promoting better access to, and the retention of disabled people in employment, and ensuring that accessibility issues are adequately addressed in order to reduce barriers to participation.

**Balanced against this, the use of rolling priorities in each two-year implementation period has provided the necessary flexibility to respond to the evolving agenda in the area of disability.** This approach has allowed scope to take new developments into account in each biennial phase of the Action Plan, such as the adoption of the UN Convention on the Rights of Persons with Disabilities.

**The EU DAP demonstrates strong policy coherence with key EU policies, including the Lisbon strategy and the European Social Agenda (2005-2010).** The Action Plan is coherent with the overall policy framework at EU level which emphasises the need to promote growth and jobs, while at the same time ensuring social and economic cohesion.

## 5.2 - Efficiency

*Efficiency is the relationship between financial inputs and outcomes achieved, measured in terms of outputs. A key element of the assessment of 'value for money' considerations was complicated by the fact that the EU DAP does not have its own budget. Rather, a number of EU programmes fed into its implementation, such as the RTD Framework Programmes, the EQUAL Community Initiative Programme 2000-2006, the European Social Fund (ESF), and the disability mainstreaming pilot projects[4]. A broader consideration related to efficiency was how well the Action Plan has operated to*

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[4] An estimated €388m of EU resources fed into the Action Plan during its first two implementation phases, with expenditure benefiting people with disabilities both directly and indirectly. This includes the budget allocated to EU networks of disability NGOs.

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*date from a management and implementation perspective.*

Key findings from the evaluation with regard to efficiency are that:

## *Efficiency - resource utilisation*

***Overall, the Action Plan demonstrates a high level of efficiency.*** A significant number of activities have taken place during the Action Plan's first two phases. The Unit for the Integration of People with Disabilities , supported by the DHLG, played an active role in contributing to many individual activities mentioned in the scoreboard. Bearing in mind the relatively limited human resources available to the Unit for the Integration of People with Disabilities  to drive forward disability mainstreaming at EU level, the EU DAP's achievements to date suggest that the ratio between inputs and outcomes is a favourable one.

***The availability of EU financing support for disability-specific activities has played an important role in supporting the Action Plan's implementation***. Dedicated funding for disability-specific activities has helped support the implementation of disability mainstreaming approaches.

***Outcomes achieved as a result of EU-financed activities in the Action Plan appear to demonstrate good value for money.*** For example, new methodological tools have been developed in the area of disability mainstreaming, awareness-raising activities have taken place (such as information campaigns relating to the implementation of Directive 2000/78), and gaps in statistical data have been filled. New assistive technologies have also been developed for people with disabilities and for the elderly. These outcomes have been achieved at a relatively low cost and the effects should be considerable and disproportionate to the resource input.

***The 15 disability mainstreaming pilot projects have achieved outcomes that would not have been possible in the absence of EU funding.*** Considering the comparatively modest budget for this instrument (circa €5.5m euros), the results have been generally positive and address gaps in areas of disability policy research of major relevance to the Action Plan. It is unlikely that the beneficiaries would have been able to go ahead with these projects on a transnational basis without EU funding support.

## *Efficiency - management and implementation*

***Overall, the EU DAP appears to have been well managed.*** The Unit for the Integration of People with Disabilities  has played an important role in the Action Plan's implementation and has actively participated in, and supported, a considerable number of activities. Given limited human resources, the execution of the Action Plan has been managed effectively, with the Unit for the Integration of People with Disabilities  playing an central coordination role in ensuring that bodies such as the Disability High Level Group and the Disability Inter-Service Group are sufficiently informed about key activities taking place through the Action Plan to be in a position to oversee and monitor its implementation effectively.

***The overwhelming majority of activities identified in each implementation phase have been completed.*** While some activities were slightly delayed, the majority of activities have gone ahead as planned, suggesting that overall, the Action Plan has been effectively implemented.

***There is scope however for improving the monitoring system. In particular, there is a need to put in place performance measurement indicators, context indicators and baselines.*** An area of weakness of the EU DAP is the absence of a robust monitoring framework underpinned by qualitative and qualitative indicators. It is important that any future indicator system to monitor the EU DAP's implementation is proportionate (see section 2.4 on performance measurement).

***Partnership working has operated reasonably effectively during the first two implementation phases, at the different governance levels – national, EU and international - identified in the Action Plan.*** Disability representative organisations and the Member States have played an important role in supporting the EU DAP's implementation through their active participation in the Disability High Level Group. There is also evidence of productive cooperation between the EU and international institutions (notably the UN), with the EU DAP providing the initial framework for international cooperation in the lead-up to the UN Convention.

***There would be benefits in involving the Member States even more closely in the preparation and implementation of the successor to the current EU DAP.*** Securing the buy-in of national

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authorities will be much more important in the successor Action Plan in light of the UN Convention on the rights of persons with disabilities. This implies a need for the Commission and the Member States to work together jointly in a number of areas, including the development of indicators and data collection (Article 31) and monitoring (Article 33).

***Disability High Level Group meetings were perceived as useful by representatives from national authorities and NGOs participating in them. However, the Member States would like more time to be allocated to exchange national experiences with regard to particular disability mainstreaming approaches.*** Some national representatives did not feel there was currently sufficient time to discuss national disability policy issues. This perhaps reflects the current concentration on EU-level activities in the Action Plan.

## 5.3 - Effectiveness

*The Action Plan's effectiveness was examined at various levels, including; progress towards global and specific objectives and the extent to which individual activities within each thematic priority have achieved their aims. Other issues considered included a review of outcomes, measured in terms of 'results' and 'impacts', and an assessment of their quality.*

*Another important aspect of effectiveness involved examining how well the different instruments that contributed towards the EU DAP's implementation - mainstreaming, legislation, partnership working and the pilot projects – have operated, and the extent to which each has influenced the EU DAP's outcomes to date. A broader consideration was how well the Action Plan operated from a management and implementation perspective, including monitoring aspects.*

*The assessment of effectiveness is complicated by methodological difficulties relating to how the Action Plan itself operates. The fact that the EU DAP does not have its own funding makes it more difficult compared with an evaluation of a typical EU funding programme to assess precisely what can be attributed as having been driven by the Action Plan itself, as opposed to what would have gone ahead anyway across the Commission services. Notwithstanding these difficulties, the following findings can be reached:*

*Global objectives*

The EU DAP has made significant progress towards the achievement of its three global objectives.

*Global objective 1 - full and effective implementation of Directive 2000/78/EC*

***Overall, good progress has been made towards the full and effective implementation of Directive 2000/78/EC. Most Member States have transposed the Employment Framework Directive into national legislation.*** However, the transposition of Article 5 of the Directive pertaining to ''reasonable accommodation' needs to be reviewed in the national legislation of some EU Member States. Some countries have applied the scope of the reasonable accommodation provisions too narrowly and have consequently been sent formal notices or reasoned opinions by the European Commission. Such problems can be attributed to the different starting positions in Member States in terms of existing anti-discrimination legislation to protect disabled workers and job-seekers, the fact that the concept of reasonable accommodation' was relatively new in many EU countries, as well as the absence of a common definition of disability at EU level.

**National case law and European Court of Justice rulings[5] in respect of the disability provisions of the Directive need to be monitored.** The full and effective implementation of Directive 2000/78/EC is influenced by evolving case law developments, such as the Coleman Case and the concept of 'discrimination by association'.

***Awareness-raising activities to inform EU citizens about their rights (and employers about their responsibilities) under the Directive have been quite effective.*** While difficult to attribute solely to EU DAP awareness-raising events, a Eurobarometer survey found that more people were

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[5] Examples include the Chacón Navas case, which provided clarification on the definition of disability under the Directive, and the Colman Case, which related to the issue of discrimination by association.

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aware about the existence of legislation outlawing discrimination in the area of employment on the grounds of disability than for any other equality strand.

*Global objective 2 - disability mainstreaming*

***Positive progress has been made in mainstreaming disability issues in EU policy making and legislative processes from the outset.*** Nevertheless, there remain challenges in raising (and maintaining) awareness within the Commission about the importance of integrating disability considerations systematically in some policy areas, such as lifelong learning and employment.

***In comparison with gender mainstreaming, there is still a need for strengthened political commitment by the Commission to reinforce the visibility of disability mainstreaming.*** Since the mid-1990s, there has been a tradition of gender mainstreaming within the Commission whereas the visibility of disability issues in EU policy-making is more recent and has only really had an impact during and after the European Year of People with Disabilities (2003).

***Compared with predecessor programmes, there is greater emphasis on equal opportunities for people with disabilities in EU programmes in the 2007-2013 programming period.*** The stronger emphasis on disability issues in EU programmes can be attributed, at least in part, to disability mainstreaming efforts taking place within the framework of the EU DAP.

***Ongoing monitoring will be needed to assess whether the increased prominence given to disability in EU policies, programmes and legislation will translate in practice into a stronger emphasis on promoting equal opportunities for people with disabilities at the level of implementation.*** For example, while the Structural Funds has seen positive developments in terms of the treatment of disability issues, some EU Member States continue to use the funds to construct large-scale care institutions for disabled people rather than promoting Community-based services alternatives conducive to independent living.

***The disability mainstreaming pilot projects helped to promote wider awareness about, and take-up of mainstreaming approaches in policy making (and service delivery) at national and regional levels.*** The pilot projects have helped to translate the theory of mainstreaming into practice by developing quality mainstreaming tools in relevant areas requiring technical expertise, such as accessibility to the built environment.

*Global objective 3 – Improving 'accessibility for all'*

***Good progress has been made in promoting accessibility for all.*** **E**xamples of progress made through activities supported by the EU DAP include the introduction of new requirements in the Structural Funds' European Regional Development Fund (ERDF) to take accessibility issues into account, the adoption of two Regulations in the transport sector designed to strengthen the rights of passengers with reduced mobilities (PRM) and the strengthening of mainstreaming tools to promote 'accessibility for all' and 'universal design' principles.

***Awareness about accessibility issues in relation to the built environment has been strengthened among relevant stakeholders including urban planners, architects, engineers, etc.*** This has happened through conferences on accessibility, other awareness-raising activities and the funding of a number of pilot projects focused on this topic.

***There is now wider availability of quality mainstreaming tools in the area of promoting access to the built environment in accordance with 'design for all' principles.*** The pilot projects in particular helped to develop appropriate tools for practitioners. Some of these have been relatively widely circulated through conferences and the internet.

***Progress has also been made in the area of e-accessibility and e-inclusion.*** While the Web Accessibility Initiative (WAI) guidelines were developed prior to the EU DAP's adoption, further work has been carried out through the framework of the EU DAP to promote their effective implementation. A number of FP6 projects involved monitoring web accessibility and the development of evaluation tools, as well as the benchmarking of websites from an accessibility perspective.

***A significant achievement in the area of accessibility includes the development of two EC Standardisation Mandates.*** EC Mandate 376 on e-accessibility and public procurement in the area of ICT goods and services and EC Mandate 420 on public procurement and accessibility to the public built environment represent a significant step forwards even though they are still under development.

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*Progress towards specific objectives*

The Action Plan has made good progress towards the achievement of specific objectives (or thematic priorities) as the following assessment shows:

***A number of positive achievements can be noted in the area of 'promoting access to, and remaining in, employment'.*** This includes the revision of the *General Block Exemption Regulation* with exemptions from EU state aid rules to promote the 'supported employment' of disabled people, and evidence of successful mainstreaming, such as the preparation of a working paper on Disability mainstreaming in the revised European Employment Strategy, which reinforced awareness about the need to strengthen efforts to promote the active integration of disabled persons in the labour market.[6]

***While some initiatives have taken place at EU level in the area of lifelong learning, less progress had been made in disability mainstreaming in this area than expected.*** Activities mentioned in the EU DAP include the possibility under the e-Learning programme for funding projects to maximise the potential of new technologies to facilitate the participation of people with disabilities in lifelong learning. Other developments include a commitment in the *Integrated Programme on Lifelong Learning* 2007-2013 to promoting the participation of disabled people in EU mobility programmes.

***Significant progress has been made in the area of 'using the potential of new technologies'.*** Examples include the development of EC Mandate 376 on e-accessibility requirements in public procurement referred to above, applied research funding for assistive technologies through the e-Inclusion Strategic Objective within the Information Society Programme within FP6, the development of new methodologies to assess the accessibility of websites, and dialogue on e-accessibility.

***Considerable progress has also been made in 'improving accessibility to the built environment' for disabled persons.*** Key developments in this regard are described above under the description of findings in relation to Global objective 3 - improving accessibility for all.

***There were equally positive developments under the theme 'promoting access to quality support and care services'.*** For example, a DHLG working paper on the quality aspects of long-term care and healthcare support provision services for disabled and elderly people resulted in quality issues being taken into close account in the *Commission Communication on Services of General Interest*, including social services of general interest (SSGI).[7]

***Disability issues have also been mainstreamed through the social inclusion and social protection (SPSI) process.*** Initiatives feeding into the EU DAP in this area include the preparation of a DHLG working paper on SPSI. Disability issues were well represented in the guidance manual produced by the Commission to facilitate the preparation of national strategies on SPSI for the 2008-2010 period. The frequency of contact between the Unit for the Integration of People with Disabilities and the Social Protection Committee could however be increased.

***There have been a number of achievements under the theme 'fostering the accessibility of goods and services'.*** The adoption of two Regulations in the air and rail transport sectors to protect the rights of Passengers with Reduced Mobility were among the noteworthy developments under this theme. The Unit for the Integration of People with Disabilities actively contributed to the development of these Regulations working in close conjunction with DG Transport. Other areas of progress – such as those relating to e-accessibility and the adoption of EC Mandate 376 have been examined above.

***Under the theme 'strengthening EU analytical capacity' a series of positive developments took place.*** In particular, progress was made in improving the availability, reliability and comparability of disability statistics, especially in the areas of employment, social inclusion and poverty, and health. Analytical capacity has also been improved in areas which had not previously been researched adequately, or where there was a need to obtain further up to date information to inform particular areas of EU disability policy.[8]

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[6] Commission Working Paper: 'Disability mainstreaming in the European Employment Strategy' of 1.7.2005 (EMPL/A/D(2005) EMCO/11/290605)

[7] COM(2007) 724 final of 12.5.2004

[8] Examples include a study of the *Compilation of disability statistical data from the administrative registers of the Member States (2007), a statistical analysis of the LFS ad hoc module and the EU-SILC (2006),* a study on

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In examining the achievements of the EU DAP in relation to individual thematic priorities, it is important to stress that there are variations as to the extent of EU competence. This means that in practice, the EU is able to play a greater role, and adopt a more proactive stance in some areas than in others. A good example of where there is limited scope for intervention is education, training and lifelong learning where the EU has limited competency but can still play a useful role in encouraging the Member States to adopt more inclusive education policies.

*Management and implementation aspects*

***The EU DAP appears to have been quite well managed to date.*** The Unit for the Integration of People with Disabilities  has played an important role in the Action Plan's implementation and has actively participated in a considerable number of activities included in the 'scoreboard'.

***However, there is scope to improve the performance monitoring framework in respect of the EU DAP, particularly in terms of putting in place qualitative (and where possible quantitative) indicators***. A key area of weakness of the existing EU DAP is the absence of an indicator system to monitor its implementation. This will need to be addressed in the successor Action Plan and should include both context indicators (supported by baselines), alongside a proportionate number of activity indicators pertaining to individual EU DAP activities.

***The 'Scoreboard' included in the Biennial Reports of the Action Plan provides a useful overview of disability-related developments in the Commission. However, it could be improved.*** While the Scoreboard provides a useful overview of disability-related developments taking place within the Commission, it is unclear what its objective is, i.e. (i) to map out what has been achieved in the area of disability at EU level overall; or (ii) the specific role played by the Action Plan. If the objective is the latter, then there needs to be greater clarity with regard to the role played by the Unit for the Integration of People with Disabilities  in relation to particular activities.  Information could also be added in relation to each activity outlining what are the next steps, and whether any follow-up activity is anticipated in the new phase of implementation.

*Partnership arrangements*

***Partnership working has operated quite effectively during the first two implementation phases both at the national and EU level.***  Disability representative organisations and national authorities have played an important role in supporting the EU DAP's implementation through their participation in the Disability High Level Group. There is also evidence of productive cooperation between the EU and international institutions (notably the UN), with the EU DAP providing a strategic framework through which the EU can engage in wider international cooperation.

***EU Member States should be more closely involved in the preparation and implementation of the successor Action Plan. This could be achieved using certain elements of the Open Method of Coordination process, without having a formal disability OMC.*** Securing the buy-in of national authorities will be critical in the successor Action Plan in light of the UN Convention on the rights of persons with disabilities, and the need to work more closely on indicators and data collection (Article 31) and on monitoring (Article 33) respectively. Particular aspects of the OMC, namely the development of common goals between the Commission and the Member States, and also work towards a commonly agreed indicator system would be helpful in securing the buy-in of the Member States.

## 5.4 - Impacts

The assessment of the EU DAP's impacts – both direct and indirect – was an important aspect of the evaluation. It should be emphasised that it is too early at mid-term evaluation stage to assess many of the Action Plan's impacts, since these will only materialise over the longer term, reflecting the complex and lengthy nature of mainstreaming disability considerations into EU policy making and legislative processes. The assessment of impacts focused on *outcome indicators,* measured in terms of results and impacts.

*Direct impacts*

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*Community-Based Living for people with disabilities* and a study on the *Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs.*

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***Given the nature of activities supported, there are difficulties in quantifying the direct impacts of the Action Plan.*** Mainstreaming is about influencing policy, and achieving attitudinal changes among policy-makers with regard to how they include consideration of disability issues in decision-making processes. The results of mainstreaming activities cannot therefore easily be assessed through an indicator system and depends more on feedback from stakeholders involved in the EU DAP.

***The Action Plan's direct impacts were therefore mainly assessed qualitatively.*** Examples of results achieved include: in the area of employment, improved understanding of how to integrate disabled people into the labour market, and in the area of accessibility, increased levels of awareness among target groups about universal building design principles.

***While some conclusions can be reached in relation to direct impacts, there are limitations on what the evaluation can say at this point in the Action Plan's implementation.*** The full impact of many activities feeding into the Action Plan will only materialise over the next 5-10 years given the time required for EU policy-making and the implementation of EU legislation. For example, while Directive 2000/78 has been transposed into national legislation and come into effect, monitoring its full and effective implementation, and the impact this will have on facilitating disabled people's access to the labour market, can only be assessed longer-term.[9]

***The issuing by the Commission of two Standards Mandates represents an important step forwards in promoting the integration of accessibility and 'design for all' principles into public procurement processes.*** That said, it is much too early to gauge the actual impact of the Mandates as the European Standards Organisations are still working on their development. While the impact is likely to be positive, the extent of possible take-up among public authorities at national and regional level is uncertain.

***Overall, the Action Plan has had a positive impact in promoting disability mainstreaming in relevant areas of EU policy-making***. While there remain challenges in ensuring that disability mainstreaming takes place systematically across all EU policy areas, the Action Plan has been instrumental in encouraging Commission services to include disability consideration in relevant EU policies and legislation and take account of the potential impact and any unintended consequences on disabled people.

*Indirect impacts*

***The EU DAP has had a positive 'demonstration effect' in terms of its indirect impact on the Member States.*** The Action Plan was seen by some national authorities as providing a high-level framework which formed an important overall reference framework within which they worked. In other countries, the fact that there was a structured Action Plan in place also helped persuade them to develop a disability action plan at the national level.

***The strong emphasis on disability mainstreaming in the EU DAP has had a positive indirect effect in encouraging the wider take-up of mainstreaming approaches at regional and national levels.*** This has been achieved in two ways - through the promotion of disability mainstreaming approaches in EU position papers prepared by the Unit for the Integration of People with Disabilities with inputs from the Disability High Level Group and through financial support for disability mainstreaming pilot projects, some of which focused on mainstreaming at the level of local and regional authorities.

***It should be stressed, however, that not all EU Member States saw the Action Plan as having positively influenced the national disability policy agenda.*** Some representatives from national authorities felt that the Action Plan was overly complex and did not relate to their everyday concerns and priorities at the Member State level. A key challenge in respect of the successor Action Plan is to engage more closely with national authorities from the outset in order to ensure their full buy-in to the EU DAP – both in relation to its overall specific thematic priorities and objectives.

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[9] Case law developments will continue to evolve, and there is not enough longitudinal data to monitor the incidence of legal cases on the grounds of disability under the Directive, and research about the impact of the implementation of the Reasonable Accommodation grounds at the level of employers and individuals has not yet been undertaken at EU level.

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Using some elements of OMC-type processes to secure the closer engagement of key stakeholders, without setting up a formal disability OMC, could be a useful step in this regard.

## 5.5 - Sustainability

*The extent to which the Action Plan's overall achievements are likely to be long-lasting was examined in the evaluation. Other issues examined included financial sustainability i.e. whether EU funding sources having fed into the initial two phases of the Action Plan's implementation (2004-2005 and 2006-2007) will be sustainable in the 2007-2013 Financial Perspective.*

***With regard to the Action Plan's overall achievements, these are likely to have a long-lasting impact beyond the lifetime of the current EU DAP.*** For example, legislation affecting disabled persons will have a long-term and ongoing impact*,* as will the inclusion of references to the needs of disabled persons in key programme texts for the 2007-2013 programming period, such as the Structural Funds and the Lifelong Learning Programme*.*

***Disability mainstreaming efforts such as the preparation of position papers on particular policy topics are also likely to have an ongoing impact.*** For example, the disability mainstreaming paper prepared on social inclusion and social protection was included in guidance for the Member States in relation to the preparation of their national strategies on SPSI for the 2008-2010 period. This suggests that the EU DAP's impacts will be felt well beyond the first two implementation phases.

***Legislative initiatives and the development of European Standards are also likely to have an ongoing impact well beyond the lifetime of the present Action Plan.*** Several initiatives such as the European Standards linked to Mandates 376 and 420 and the Transport Regulations for Passengers with Reduced Mobility will have a long-lasting impact on disabled persons.

***However, to maximise the sustainability of the Action Plan's achievements, there needs to be ongoing monitoring to follow-up on activities mentioned in the scoreboard.*** As well as actively inputting to new policies and legislation, the Unit for the Integration of People with Disabilities  needs to ensure that previous activities are followed-up and that the results achieved, for example, concrete outcomes of the pilot projects and of FP6 research projects are as widely disseminated as possible to ensure their continuity.

***In the 2007-2013 financial perspective, disability-specific funding will continue to be available in most areas.***  Considerable funding was made available for disability-specific research in the first two phases, for example through the e-inclusion strand within the IST strategic objective of the 6th RTD Framework Programme. There appears to be strong continuity in FP7 with funding again being made available to support e-inclusion and e-accessibility.  Less positively, however, the Scientific Support to Policies (SSP) budget heading will not be continued in FP7.

***The EQUAL Community Initiative – which provided significant EU funding for disability-specific projects in the 2000-2006 period – lasted for only one programming period.***  However, in 2007-2013, the ESF will integrate the lessons from EQUAL through mainstream ESF interventions. There will also be financial support for transnational cooperation relating to the social inclusion of disadvantaged people in the workplace through ESF.

***The disability mainstreaming pilot projects demonstrate a mixed picture in terms of their sustainability.*** Individual projects have continued to promote and disseminate good practice guides, toolkits, CD ROMs, etc. Most project websites are still operating with toolkits and methodologies continuing to be available for download. However, project beneficiaries are not really in a strong position to promote the dissemination of project deliverables beyond the end of the funding period.

***The European Commission has sought to promote the dissemination of the pilot project results through various EU-level conferences and the preparation of a brochure summarising the results.*** However, more could still be done to promote the wider utilisation of project results so as to ensure their sustainability. In particular, a web presence which brings together and promotes the dissemination of all the pilot project outcomes from a single website would be useful.

## 5.6 - Community Added Value

*A key consideration was the extent to which the Action Plan demonstrated Community Added Value (CAV). In other words, has the EU DAP been able to achieve outcomes that it would not have been possible to achieve at a purely national level?  Given that activities took place at an EU level, another*

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*way of looking at the question of European added value is to examine what would have happened in the EU DAP's absence (the 'counter-factual'). Among the findings from the evaluation are that:*

**The EU DAP demonstrates Community Added Value in a number of ways.** Among others, the Action Plan provides a high-level policy framework against which national authorities can develop and benchmark their own disability policies. It has also provided an important reference point for key stakeholders working on disability issues at national and EU levels.

**The Action Plan was the first attempt to put in place a framework at EU level to coordinate disability mainstreaming in relevant EU policies, legislation and programmes.** This was an important step forwards in terms of strengthening the EU's role in the promotion of equal opportunities for people with disabilities.

**However, the Action Plan could arguably have achieved greater added value had there been closer involvement of the Member States in its implementation.** The Member States should be involved in drawing up of the successor Action Plan. This could be achieved through an OMC-type process in future.

**In the absence of the EU DAP, while some activities would have gone ahead regardless, other activities could not have been supported without inputs from the Unit for the Integration of People with Disabilities .** Through the framework of the Action Plan, a number of position papers have been prepared, and contributions have been made to consultation processes in relevant policy areas impacting on disabled persons.

**As noted earlier, the 15 pilot projects achieved outcomes it would not have been possible to achieve in the absence of EU funding.** Considering that these had a relatively small budget (circa €5.5m), the outcomes achieved again appear relatively favourable. The pilot projects addressed gaps in areas of disability policy research of relevance to the Action Plan.

## 6 - Recommendations

Recommendations from the mid-term evaluation are summarised below. A distinction is made between recommendations concerning the current 2003-2010 Action Plan and those focussing on the successor Action Plan (timeframe yet to be determined). The rationale pertaining to these recommendations is set out in detail in the main report.

### 6.1 - Recommendations concerning the remainder of the current 2003-2010 Action Plan

1. Steps should be taken to ensure that those few activities included in the Action Plan which have not gone ahead as planned, or have been delayed, are carried out.

2. The pilot project outcomes should be disseminated more widely in particular through a website providing a single point of access to all the good practice guidance and methodological tools.

*The Full and effective implementation of Directive 2000/78/EC*

3. The evaluation reveals good progress towards the achievement of the full and effective implementation of Directive 2000/78/EC. However, monitoring should be reinforced.

4. The Commission should play an active role in disseminating information to the Member States - through the DHLG and other mechanisms - about evolving case law in respect of Directive 2000/78/EC, and about other relevant legislation affecting people with disability.

5. National equality bodies should be encouraged to collect and analyse data on the incidence of legal cases concerning discrimination on the grounds of disability under Directive 2000/78.

*Disability mainstreaming*

6. There is a need to ensure that disability-specific funding support continues to be made available in the 2007-2013 financial perspective to support the implementation of disability mainstreaming.

7. There is a need for ongoing capacity building support to facilitate the participation of disability representative organisations in EU policy making processes.

*Improving 'accessibility for all'*

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8. The Commission should actively monitor the development of the two EC Mandates[10] issued to the European Standards Organisations (ESOs) to improve 'accessibility for all' and encourage their take-up by the Member States by promoting awareness about their existence and value.

*Specific objectives*

9. A renewed emphasis should be placed in the final phase of the EU DAP's implementation on ensuring that adequate progress is made in the area of education and lifelong learning.

*Funding*

10. The Commission should ensure that the 7th RTD Framework Programme (FP7) takes account of the need to retain disability-specific funding, while at the same time ensuring that disability issues are mainstreamed through non disability oriented budget lines in the programme.

*Monitoring and performance measurement*

11. Preparatory work should take place during the third phase to develop activity indicators to 'measure' performance in relation to individual EU DAP activities for the successor Action Plan.

12. A small number of 'context indicators' should be established to monitor the situation of disabled people in the EU more effectively during the third implementation phase. A baseline for 2003 should be identified against which to compare progress.

13. Consideration should be given to widening participation in the Disability High Level Group (DHLG) to include the European Agency for Special Needs Education, and perhaps also a small number of additional relevant organisations, linked to the EU DAP's thematic priorities.

14. The Member States should be allocated more time at DHLG meetings to exchange experiences about different approaches to disability mainstreaming at the national level.

## 6.2 - Recommendations for the successor to the current European Disability Action Plan

The following recommendations relate to the successor Action Plan. The timeframe for an eventual successor is not known at this point in time.

*Timeframe for the new Action Plan and thematic priorities*

15. The European Disability Action Plan 2003-2010 should be followed up with a successor Action Plan at EU level.

16. The new Action Plan should continue to address the core thematic priorities identified in the current EU DAP, which are long-term policy challenges. In particular, there should be a strong priority on promoting access to, and the retention in employment of people with disabilities and on accessibility (to the built environment, goods and services).

17. Additional 'global objectives' should be included in the Action Plan, such as ensuring the full and effective implementation of both the UN Convention on the Rights of People with Disabilities and of the proposed July 2008 Directive on discrimination outside the area of employment (if adopted).

18. The objective of 'Promoting independent living for people with disabilities' should be included as a new thematic priority in the successor Action Plan.

19. The new Action Plan should also address 'education and lifelong learning' among its objectives. There should be a focus on promoting inclusive education approaches.

20. The Unit for the Integration of People with Disabilities should continue to monitor developments in the area of European Social Dialogue with a view to contributing to any future relevant Framework Agreements.

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[10] Mandate 420 on Accessibility to the Built Environment and Mandate 376 on Accessibility requirements for public procurement of products and services in the ICT domain) were developed by the Commission working together with other key stakeholders during the first two phases of the Action Plan. The standards are currently being developed based on the mandates given to the ESOs which are developing common function technical requirements and procedures for conformity assessment.

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*Action Plan Content / Structure*

21. In the successor Action Plan, a clearer set of objectives is needed. In particular, greater differentiation is needed between specific, operational and global objectives.

22. There should be a consistent approach in the content and structure of the Biennial update on the situation of disabled people within the EU.

23. Unlike in the current Action Plan, the core thematic priorities for the EU DAP should be fixed for the full implementation period (although scope should be provided for new themes to be introduced in each biennial period of implementation, in order to retain some element of flexibility)

*Partnership*

24. The successor Action Plan needs to be prepared, agreed and implemented through closer cooperation between the European Commission and the Member States than was the case in the current EU DAP.

25. The use of some elements of the Open Method of Coordination (OMC) approach could serve as a mechanism for developing closer cooperation on disability issues between EU and national policy makers.

26. People with disabilities should be involved in the drawing up, implementation and monitoring of the EU DAP for example through the closer involvement of disability representative organisations in the Action Plan's implementation.

*Monitoring and evaluation*

27. A mid-term evaluation of the successor Action Plan should be undertaken in 2015. This should provide an assessment of the longer term impacts attributable to activities supported in the 2003-2010 Action Plan (since many impacts are not possible to evaluate at this stage of implementation).

28. A rigorous monitoring framework should be put in place, with a proportionate number of performance indicators included to 'measure' progress towards objectives, so as to assess outcomes achieved. This should focus on qualitative indicators, but use quantitative indicators where appropriate

29. The Member States should be closely involved in the development of an indicator system to monitor the new Action Plan's implementation. The involvement and buy-in of national authorities will be important in collecting information on indicators.

30. The performance monitoring and indicator system in respect of the successor EU DAP should be developed in parallel with the monitoring system being developed to assess the implementation of the UN Convention on the Rights of Persons with Disabilities.

31. Lessons should be learnt from previous efforts by the European Commission and the Member States to develop common monitoring systems and performance indicators in areas such as employment and social inclusion.

32. In addition to monitoring the full and effective implementation of Directive 2000/78/EC (the Employment Framework Directive), the European Commission should monitor recent EU legislation and regulations adopted during the first two phases of the Action Plan likely to have an impact on promoting equal opportunities for people with disabilities.

33. A study could be undertaken to assess the extent to which EU legislation with the potential to impact on people with disabilities is being fully and effectively implemented at national level. There is sometimes said to be a gap between legislation, and the experiences of people with disabilities in practice. This topic could be further researched. Examples include the new transport regulations protecting the rights of people with reduced mobility (where there remains a lack of understanding among some airport operators about what constitutes a 'person with disabilities'

34. The Unit for the Integration of People with Disabilities should retain more detailed management information systems on individual EU DAP activities so that information is more readily available for example, on expenditure across the Commission feeding into individual EU DAP activities. This would help inform the work of the DHLG and any future evaluation work.

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35. Clarity should be provided as to which EU funding programmes can be considered as feeding directly into the EU DAP, and which indirectly.

36. The 'Scoreboard' in the Biennial Reports of the Action Plan should be improved, in particular by making it clearer what is directly, and indirectly within the scope of the EU DAP.

37. Ongoing monitoring and assessment of disability mainstreaming activities should be undertaken across different EU policy areas and programmes in the 2007-2013 financial perspective.

38. There should continue to be a focus in the successor Action Plan on improving the comparability of disability data.

39. There is a need to improve the availability of disability statistics on a disaggregated basis.

40. An effort should be made to ensure that disability-specific funding continues to be made available in the successor Action Plan to support and inform the implementation of disability mainstreaming approaches.

41. Consideration should be given to making further EU funding available as part of a follow-up to the disability mainstreaming pilot projects.

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# Introduction

## 1. Introduction and evaluation framework

**This document contains the final report on the Mid Term Evaluation of the European Action Plan 2003-2010 Equal Opportunities for People with Disabilities (EU DAP). The evaluation covers the first two phases of implementation 2004-2005 and 2006-2007. The work was undertaken by the Centre for Strategy & Evaluation Services (CSES) on behalf of DG Employment, Social Affairs and Equal Opportunities (DG EMPL).**

### 1.1 Overview - EU Disability Action Plan 2003-2010

In order to build on the success of the *European Year of People with Disabilities (2003),* the Commission presented a Communication in October 2003 which provided the basis for a European Action Plan on equal opportunities for people with disabilities covering the period 2003-2010[11]. The timing of the implementation of the Action Plan coincides with that of Lisbon strategy – one of the underlying rationale behind the strategy was that the economic case for disability mainstreaming and the inclusion of people with disabilities in society and economic activity should contribute towards the achievement of the Lisbon aims.

The Action Plan's aim is to improve the situation of people with disabilities in Europe. It seeks to achieve this goal through the adoption of a mainstreaming approach, the objective of which is to ensure the integration of a disability perspective in all relevant EU policies throughout all stages of the policy making process, from design and implementation through to monitoring and evaluation. The ultimate objective of the Action Plan is to promote equal opportunities for, and to facilitate the full integration into society of, people with disabilities.

In order to achieve these objectives, the Action Plan is supported by a series of concrete activities. These have taken place across a wide range of policy areas, reflecting the complexity of policy issues affecting people with disabilities. More than 60 different activities were supported during the first two implementation periods - These have mainly been oriented towards the EU level, and have required strong cooperation between the different Commission Services.

The Action Plan committed the EU to reporting on the situation of disabled people every two years and is divided into a series of rolling biennial reports. This includes a summary of the thematic priorities to be pursued in the next implementation phase, and a review of activities implemented during the previous two year period of implementation in the form of a 'scoreboard'. The EU DAP has therefore become an important reference point for all stakeholders involved in, or with an interest in promoting equal opportunities for people with disabilities. It helps keep policy makers informed of relevant policy developments and practical initiatives at EU and Member State levels in the disability field. In the Action Plan, the European Commission stated that it would carry out a mid-term evaluation of the EU DAP's implementation.

### 1.2 Aims and objectives of the EU DAP

The ultimate objective of the EU DAP is to 'boost equal opportunities for people with disabilities' so as to create a 'sustainable dynamic for the full inclusion of people with disabilities into society'. In order to achieve this aim, the EU DAP 2003-2010 sets out three strategic objectives, namely:

- Achieving the **full and effective implementation of the Equal Treatment in Employment Directive** (2000/78/EC);

- **Mainstreaming disability** issues across all EU policies, legislation & programmes;

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[11] Commission Communication COM(2003) 650 of 30.10.2003 'Equal opportunities for people with disabilities: A European Action Plan'

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- Improving **"Accessibility for all"**.

The EU DAP then sets out a number of thematic priorities (specific objectives). These are defined at the outset of each two year implementation phase in the biennial report updating on the situation in respect of people with disabilities. The rationale of selecting different themes during each phase was that while some priorities, such as promoting the recruitment and retention of disabled people in the workplace, are key to the achievement of equal opportunities for disabled persons over the long term, other priorities may emerge during the course of the Action Plan's implementation. The notion of having rolling thematic priorities was therefore designed to ensure adequate flexibility and to reflect the evolving nature of disability issues.

*2004-05 - First phase of the EU DAP's implementation*

The Commission Communication on the first phase of the EU DAP's implementation (which covered the 2004-05 period) identified four priority areas of intervention:

- **Access to and retention in employment -** Actions in the field of anti-discrimination policy; the revised European Employment Strategy (EES); the European Social Fund; Social Dialogue; Corporate Social Responsibility; and mainstreaming in Health and Safety;

- **Lifelong learning** - Initiatives to be implemented in the domains of EU Education, training, lifelong learning and youth policies and programmes;

- **Using the potential of new technologies** - Actions in the fields of Information and Communication Technologies (ICT); the eEurope 2005 Action Plan; Design for All, Assistive Technologies and standards on e-accessibility; and Reporting;

- **Accessibility to the public built environment** – specific initiatives, legislation; Mainstreaming; studies and research.

The thematic areas identified in the first phase were designed to enhance the employability of people with disabilities in a mutually-reinforcing manner – hence the meta-theme: promoting employability.

The rationale for prioritising employment was that the integration of people with disabilities in the labour market has a critical role to play in the achievement of the Lisbon employment objectives – as well as in the promotion of social inclusion. It is also a major priority for the Member States, given the significant labour market disparities which prevail in most Member States between disabled and non-disabled people.

*2006-07 – Second phase of the EU DAP's implementation*

In 2005 a new Communication was adopted covering the second period of implementation of the EU DAP[12] . Four thematic priority areas were established for the 2006-2007 period:

- **Encouraging activity**;

- Promoting **access to quality support and care services;**

- Fostering the **accessibility of goods and services;**

- Increasing the EU's **analytical capacity.**

These thematic priorities were designed to provide support for the achievement of the overarching meta-theme: independent living for people with disabilities. The theme of independent living is particularly important in the context of ensuring that disabled people take advantage of their rights in

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[12] Commission Communication COM(2005) 604 of 28.11.2005 'Situation of disabled people in the enlarged European Union: the European Action Plan 2006-2007

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practice, not just in theory, in accordance with the rights-based approach, and the social model of disability. The Action Plan is structured around the following four pillars:

- **EU anti-discrimination legislation and measures -** providing access to individual rights (Directive 2000/78/EC, Anti-Discrimination Programme);

- **Elimination of barriers** – the elimination of obstacles preventing disabled people from exercising their abilities;

- **Mainstreaming disability issues** - mainstreaming to facilitate the active inclusion of disabled people;

- **Mobilising stakeholders through dialogue** – through meetings with national authorities, NGOs and civil society representing the interests of disabled persons, people with disabilities themselves and with the social partners.

Anti-discrimination legislation is a tool to support social change and to help eliminate incidence of discrimination against disabled persons. A key development in this regard was the adoption of Directive 2000/78/EC[13] which outlawed discrimination on various grounds, including disability. Monitoring the Directive's full and effective implementation was a key objective of the Action Plan. Another pillar was mainstreaming a disability perspective in all relevant policy areas and throughout all stages of decision making. Another important instrument in the DAP's implementation was the importance of a partnership approach at different levels of governance in promoting equal opportunities for people with disabilities. A central maxim in this regard is the principle 'nothing about people with disabilities *without* people with disabilities'.

Over and above these various pillars, the Action Plan's implementation embraced a number of guiding principles: the importance of a rights-based approach to disability and in particular to enable people with disabilities to live independently if they chose to do so; the active inclusion in employment and lifelong learning of people with disabilities; and ensuring that disabled persons have the same rights as any other EU citizens. .

## 1.3    Evaluation aims and scope

The aims of the mid-term evaluation are, in summary, to:

- Provide an assessment of key evaluation issues including the relevance and utility, efficiency, effectiveness, sustainability, impacts and added value of the European Disability Action Plan (EU DAP)*;*

- Evaluate the extent to which the EU DAP has succeeded in promoting a mainstreaming approach to the integration of disability issues across relevant EU policy areas and throughout the EU policy making cycle;

- Carry out an assessment of the results and impacts attributable to the Action Plan's implementation to date at the level of the Action Plan overall and in relation to the attainment of specific objectives;

- Analyse the wider impacts (including indirect impacts) of the EU DAP's implementation to date;

- Assess the effectiveness and degree of impact of the Pilot Projects in promoting disability mainstreaming (Calls for Proposals VP/2004/008-VP/2005/006);

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[13] Council Directive 2000/78/EC of 27.11.2000 establishing a general framework for equal treatment in employment and occupation

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- Make policy recommendations drawing on the lessons learned, focusing these on the eventual successor to the current Action Plan in the post-2010 period

The mid-term evaluation was designed to achieve a number of objectives: firstly, a fundamental objective of any evaluation is to ensure transparency and accountability. This is especially important in the case of the Action Plan, given that a wide range of stakeholders, including disabled people and their representative organisations, EU institutions and the Member States, have a shared interest in the successful achievement of its intended outcomes. Secondly, following the first two implementation phases, there is a need to assess progress towards the general and strategic objectives of the EU DAP, and to suggest possible corrective actions. Thirdly, there is a need to take into account lessons learnt in order to make future interventions fully 'evaluable', including the scope for quantifying targets and performance indicators in future (since the monitoring framework when the EU DAP was launched did not include indicators or monitoring systems to collect data).

The evaluation scope covers the first two periods of the EU DAP's implementation, i.e. activities supported in 2004-2005 and in 2006-2007. There was also a need into account the priorities identified in the *Communication on the Situation of disabled people in the European Union: the European Action Plan for 2008-2009*[14] so as to ensure that the recommendations were relevant to the remainder of the third implementation phase, and to the development of an eventual successor to the Action Plan. The scope also includes the disability mainstreaming Pilot Projects funded through two Calls for Proposals. A budget line to support the Pilot Projects was established by the European Parliament as part of the follow-up to the *European Year of People with Disabilities (EYPD).*

The evaluation was administered by the Unit for the Integration of People with Disabilities within Directorate-General for Employment, Social Affairs and Equal Opportunities, Unit G3. An Evaluation Steering Group of Commission representatives was appointed to monitor and supervise the evaluation work.

## 1.4     Methodological approach and interview programme for evaluation

An evaluation framework was prepared during Phase 1 as part of the further development of the methodology set out in the technical proposal. This included preparing a work plan, defining a comprehensive set of key evaluation issues which built on those identified in the terms of reference, key research tools to facilitate the interview programme, and an initial literature review. Other tasks included an assessment of the EU DAP's intervention logic and the development of a performance framework supported by indicators. The full evaluation framework was set out in the inception report.

The mid-term evaluation was undertaken over three phases:

- **Phase 1 – Finalisation of methodology:** set-up meeting and interviews with EU officials; analysis of relevant literature, development of research tools; development of methodology including impact assessment framework; inception report.

- **Phase 2 – Information collection and analysis:** interviews with EU officials involved in managing EU DAP and policy officials involved in specific activities; interviews with wider stakeholders and pilot projects; progress and interim report.

- **Phase 3 – Analysis and reporting:** detailed assessment of the evaluation results from the Phase 2 research, the preparation of a final report including detailed conclusions and recommendations.

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[14] Commission Communication COM(2007) 738 of 26.11.2007 'Situation of disabled people in the enlarged European Union: the European Action Plan 2008-2009'

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**Figure 1.1: Overview of Work Plan**

*Mid-term evaluation of the EU Disability Action Plan*
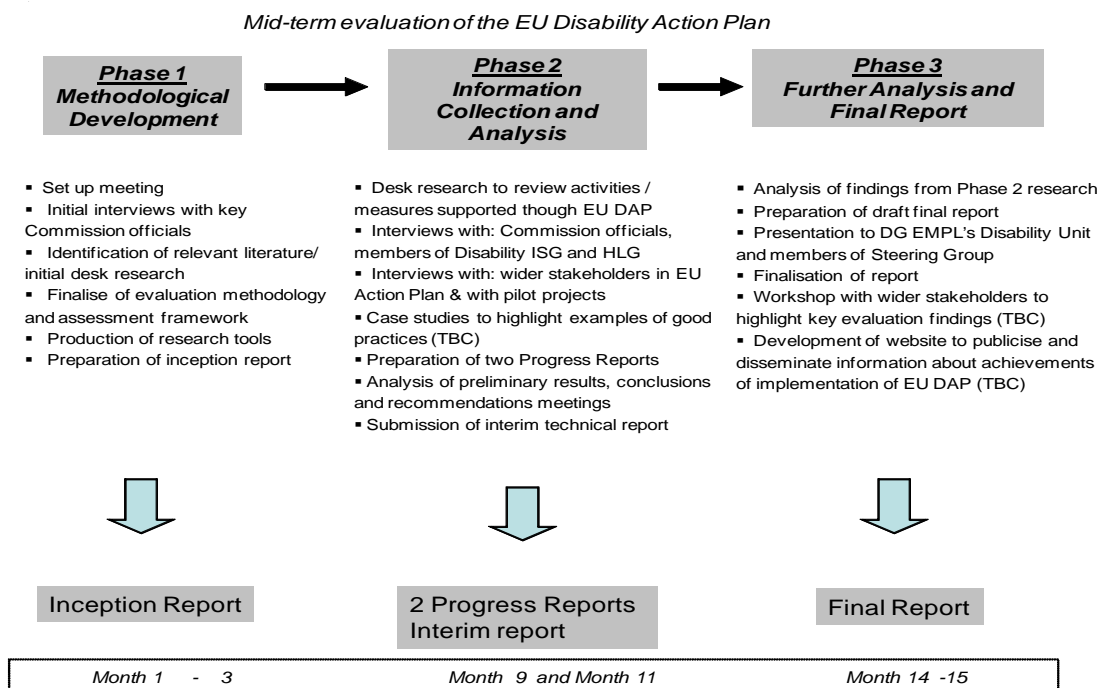


A key element of the evaluation research involved carrying out an interview programme with different stakeholders involved in the EU DAP's implementation. The fieldwork has mainly been carried out on a face-to-face basis. All interviews with EU officials responsible for particular EU DAP activities were carried out in person, as were those with EU-level NGOs, and some of the interviews at Member State level, (including all the lead partners in the Disability Mainstreaming Pilot Projects).

The remaining interviews were carried out by telephone. This included discussions with representatives from national authorities on the Disability High Level Group and a number of additional interviewees at the Member State level (including with beneficiaries of EU funded programmes such as FP6 research projects). A complete list of interviews is provided in Appendix A.

In the following table, a breakdown is provided of the interviews carried out by category of interviewee.

**Table 1.1: List of interviews**

| Interview Categories | Interviews |
|---|---|
| European Commission officials | 31 |
| Representatives from the European Parliament | 1 [15] |
| National authorities | 24 |
| Wider stakeholders at EU and Member State level * | 8 |
| Pilot projects | 15 |
| EU-level NGOs | 6 |
| **Total** | **85** |

CSES identified a number of additional relevant stakeholders to discuss the results and impacts of EU DAP activities. For example, we spoke to a representative from the Architects Council of Europe with

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[15] Four MEPs having had involvement were contacted. One is no longer an MEP, and two others were not available for interview due to time pressures and their busy work schedule commitments

# Introduction

regard to views on the impact of efforts to promote accessibility to the built environment and a Structural Funds with regard to the potential impact of the new requirement in the Structural Funds General Regulations 2007-2013 to take due account of accessibility requirements for people with disabilities. Additionally, a number of projects supported through the Sixth Framework Programme for RTD were spoken to.

In the proposal, CSES set a target of 95 interviews. Slightly less interviews were carried out than anticipated, mainly due to difficulties in organising interviews with all stakeholders anticipated. For example, a number of EU officials changed post since the Action Plan was launched. Some officials declined to participate in the evaluation, referring CSES to their successor. Other EU officials approached as the relevant contact person stated that they did not feel they had adequate knowledge of disability issues to contribute to the evaluation. There were approximately 15 such instances across different DGs. There were also difficulties with regard to organising interviews with MEPs.

This partly reflects the impact of the rotation policy within the Commission. It also reflects the horizontal nature of disability as a policy issue, with some officials seeing activities in the EU DAP as a very small element of their overall policy remit. However, in instances where the official responsible is no longer in post, in most cases, CSES has been able to identify – and speak to – the official's successor, or to an alternative interviewee about individual activities mentioned in the EU DAP scoreboard. Interviews with other types of stakeholders notably EU-level disability NGOs, representatives from national authorities belonging to the Disability High Level Group and with the pilot projects proceeded as planned.

## 1.5    Evaluation framework

The evaluation framework for the mid-term evaluation of the EU-DAP was set out in CSES's inception report. In this, we distinguished between:

- **Specific evaluation issues** set out in the Commission's terms of reference for this particular assignment;

- **Other evaluation issues** that need to be examined in an evaluation of any EU-supported interventions

The specific evaluation issues from the Commission's terms of reference are examined in in various relevant parts of the final report. An overview of how and where particular evaluation questions have been tackled in the report is provided in Appendix B. Conclusions with regard to the specific evaluation issues are set out in the concluding sub-sections of Sections 3, 4 and 5 with further elaboration in Section 6.

A number of key evaluation issues were identified in the Commission's terms of reference: (1) *relevance*, which in the case of the EU-DAP means examining the extent to which the interventions are relevant to the needs of the target group (ultimately, people with disabilities); (2) *effectiveness*, i.e. the extent to which specific and general objectives of the EU-DAP have been/ are being achieved; (3) *efficiency*, i.e. whether the resources needed to achieve objectives are proportionate to outcomes; (4) *impacts* and *added* value – the benefits to the target group and, in the case of the EU DAP, the extent to which these outcomes could have been achieved without an Action Plan at EU level; and (5) *sustainability* – whether outcomes prove to be long-lasting, in this case beyond the second phase of the EU DAP.

The evaluation framework is broadly based on the approach to evaluating public policies and programmes developed by the European Commission's DG Budget[16]. Within this context, evaluation

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[16] Evaluating EU activities – a practical Guide for the Commission Services - http://ec.europa.eu/dgs/information_society/evaluation/data/pdf/lib_master/eur_budg_evaluating_full.pdf

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questions specific to the mid-term assessment of the EU DAP were included in the terms of reference. These were further developed and expanded on by CSES during Phase 1.

After the earlier descriptive analyses, Section 6 presents conclusions with regard to the various key evaluation issues. Because of the absence of quantified baselines and targets in the EU DAP itself, to arrive at conclusions on 'effectiveness' (progress towards key objectives), the assessment has relied heavily on qualitative feedback from an interview programme and other sources (e.g. analysis of documentation). In some cases, this has however been done by asking for opinions on desired EU-DAP effects that are essentially quantitative, even if the information required for a full quantification of performance indicators is not available.

This consideration also applies to assessing EU-DAP impacts where many desired effects do not lend themselves to precise measurement, perhaps because the outcomes are by their nature qualitative, and/or it is simply still too early to assess outcomes of any kind. Similarly, in tackling the question of 'efficiency', a broad interpretation has been adopted, going beyond financial considerations and examining implementation mechanisms and critical success factors such as partnership working.

## 1.6    Report structure

The final report is structured as follows:

- **Section 1:  Introduction -** summarises the aims and objectives of the EU DAP, outlines the purpose of the mid-term evaluation, the evaluation scope, the methodology adopted and provides a summary of progress to date.

- **Section 2: Background and operation of the European Disability Action Plan** – provides an overview of the intervention logic, and considers management and implementation aspects, evaluation and monitoring arrangements, and resourcing issues.

- **Sections 3 and 4: Assessment of EU DAP thematic priority areas in Phase 1 (2004-2005) and Phase 2 (2006-2007) of the Plan -** reviews the implementation of individual EU DAP activities mentioned in the scoreboard, and assesses outcomes linked to these. Progress towards objectives at the level of each thematic priority is then examined.

- **Section 5:  Contribution of Action Plan's instruments to its implementation -** reviews how effectively different instruments have been during the first two phases of the EU DAP's implementation. These include: (1) mainstreaming; (2) legislation; (3) partnership working and (4) the disability mainstreaming Pilot Project instrument.

- **Section 6:  Key evaluation issues** – sets out findings in respect of the assessment of the *relevance, efficiency, effectiveness, impacts* and *Community added value*, and *sustainability* of the Action Plan overall.

- **Section 7: Conclusions and recommendations** – provides a summary of the Action Plan's performance to date, and outlines recommendations for both the third phase of the EU DAP and its eventual successor.

The report is supported by a number of appendices. These include:

**Appendix A: List of interviews** – a list of interviews carried out during the evaluation.

**Appendix B: Key evaluation issues – reference framework** - tables in landscape which set out the key evaluation issues from a - m indicated in the terms of reference, with an explanation as to how each issue has been addressed through the evaluation work, with signposting to the relevant section(s) in the report.

**Appendix C: Timetable** – an overview of the timetable for the mid-term evaluation.

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**Appendix D: Pilot Projects** – overview of the pilot project activities together with an assessment of what has been achieved (selected examples of pilot projects are also provided where relevant in Sections 3 and 4).

**Appendix E: Summary analysis - EU DAP progress to date.** A review of progress in respect of the implementation of individual EU-DAP activities, highlighting whether particular activities have gone ahead in full, partially, or have yet to be implemented.

**Appendix F: Bibliography –** sets out the different literature sources consulted during the evaluation, categorised by thematic area of the EU DAP.

**Appendix G: Summary table – strengths & weaknesses of the EU DAP** – provides an overview of the positive and less positive aspects of the EU DAP's implementation to date.

**Appendix H: Indicators** – summary of lessons from experience in respect of the use of indicators to measure the implementation of disability policies and activities, and examples of possible context indicators for usage in the successor EU DAP.

**Appendix I: Analysis of Programme expenditure feeding into the EU DAP** – breakdown of EU funding contributing to the EU DAP's implementation.

**Appendix J: Framework for Monitoring EU Legislation** - overview of key EU legislation which should be monitored by the Commission services in conjunction with relevant national authorities.

# Background and Operation of EU Disability Action Plan

## 2. Background and operation of EU Disability Action Plan

**In this section, the way in which the European Disability Action Plan 2003-2010 has operated[17] is summarised. Key elements of EU disability policy are outlined, the pillars around which the EU DAP is structured are described, and the intervention logic underpinning the Action Plan is detailed. Management and implementation aspects relating to the Action Plan, and the human and financial resources utilised in its implementation, are then examined.**

### 2.1 EU disability policy

In this sub-section, an overview is provided of the role of the European Community in promoting equal opportunities for people with disabilities. The EU policy background and rationale for intervention are then considered, including the medical and social models of disability. Key policy developments in the evolution of EU disability policy are then outlined.

### 2.1.1 Overview and Community competence

The EU works to promote **equal opportunities for disabled people** and to take steps in parallel to **eliminate barriers to their full participation** in economic activity and in society more widely. The achievement of equal opportunities for people with disabilities is the ultimate objective of the EU's long-term strategy on disability.  This goal is in full accordance with the EU's policy focus on promoting social and economic cohesion and with the aims of the renewed Lisbon strategy for growth and jobs.

As far as **Community competence** is concerned, disability policies are essentially the responsibility of the Member States.  However, many EU policy areas have potential to positively impact the situation of people with disabilities.  In order to maximize the contribution of EU policies to promote equal opportunities for disabled people across the European Union, there is a need to reinforce the disability dimension in all relevant EU policies, legislation and programmes  through the promotion and implementation of a disability mainstreaming approach. According to the European Disability Forum, **disability mainstreaming** can be defined as the 'systematic integration of the priorities and needs of disabled people in all policies and general measures, from the planning stage, to the implementation, monitoring and evaluation'. [18]

The **Treaty of Amsterdam** strengthened Community competence with an explicit reference for the first time to disability. Article 13 of the Treaty includes provision for the adoption of binding legislation to combat discrimination, including in the area of disability. While individual Member States retain responsibility for determining their own disability policy, EU policies, legislation and programmes have the potential to profoundly and positively impact the situation of people with disabilities.

### 2.1.2 Medical and social models of disability

EU disability policy experienced a shift during the 1990s to **the social model of disability.** This has been defined as a situation in which problems relating to disability such as lower economic activity rates are viewed as resulting from the physical or mental impairment of disabled people themselves rather than societal or environmental factors which might impede integration into the labour market and risk social exclusion.  A major turning point confirming this change was the adoption of a Commission Communication on Equality of Opportunity for People with Disabilities[19] .  This represented the first comprehensive strategy at EU level to tackle barriers for people with disabilities

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[17] The EU policy framework in respect of the promotion of equal opportunities and non-discrimination principles was extensively reviewed during the inception phase of the evaluation

[18] Source: http://www.edf-feph.org/Page_Generale.asp?DocID=12536

[19] Commission Communication COM(1996) 406 of 30.7.1996 'Equality of Opportunity for People with Disabilities'

# Background and Operation of EU Disability Action Plan

based on the **social model of disability** - the notion that society itself does the disabling through a lack of awareness and understanding about accessibility barriers - whether physical or attitudinal - which affect the everyday lives of people with disabilities. The social model seeks to be fully inclusive by avoiding a distinction between different types and levels of severity of disability - instead focusing on the capacities of individual EU citizens and on modifying the environment in order to make it more accessible for the full participation of people with disabilities. EU disability policy today reflects a **rights-based approach** which emphasises individual rights. Non-discrimination legislation – particularly the Employment Framework Directive adopted in 2000[20] - allows individual European citizens to use legal action to enforce their rights. The rights-based approach emphasises the paramount importance of enabling people with disabilities to enjoy their right to dignity, equal treatment, independent living and full participation in society. Actions undertaken by the EU in the area of disability therefore seek to underpin common economic and social values by enabling disabled people to fulfil their potential and to participate fully in society and in economic activity.

The approach is based on the notion that while eliminating discrimination is important, people with disabilities should be afforded the same rights as non-disabled people in practice not just in theory. As the Communication on the EU Disability Action Plan[21] points out, there has been a change in the EU's commitment to disabled citizens reflecting a new approach to promoting equal opportunities. This involves a change from "seeing people with disabilities as the passive recipients of compensation, society has come to recognise their legitimate demands for equal rights and to realise that participation relates directly to insertion. Contributing to shaping society in a fully inclusive way is therefore the overall EU objective".

Work by the EU on the preparation of the **UN Convention on the Rights of Persons with Disabilities** which was adopted on 13 December 2006 was a significant development in providing a formal framework for the recognition of rights. The EU played a significant role in drawing up the UN Convention, which covers the civil, political, economic, social and cultural rights of people with disabilities. There is a general commitment to the promotion of human rights and of fundamental freedoms in the UN Convention.

There are then specific commitments such as Article 5 which prohibits "all discrimination on the basis of disability". This implies an active approach with "all appropriate steps to ensure that reasonable accommodation is provided". The Convention identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights, and where the protection of rights must be reinforced. Other aspects of the Directive dealing with issues which relate closely to EU disability policy include Article 9, (accessibility issues), Article 19 (the right to live independently), Article 21, (access to information) and Article 24 (education). The EU was one of the early signatories and the Convention came into force in May 2008.

### 2.1.3 Key policy developments in EU disability policy

The *Communication on a Barrier Free Europe*[22] recognised the need for action at EU level to tackle barriers to the full participation of disabled people, not only physical barriers, but also other obstacles: in access to information; to the labour market; in education, training and lifelong learning. In order to tackle these various barriers, the Commission developed a strategy focused on five areas: **employment, education and training, legislation, the principle of 'Design for All'** (i.e. the notion that people with disabilities must be able to live and work independently and that products, systems

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[20] Council Directive 2000/78/EC of 27.11.2000 establishing a general framework for equal treatment in employment and occupation

[21] Commission Communication COM(2003) 650 of 30.10.2003 'Equal opportunities for people with disabilities: A European Action Plan'

[22] Commission Communication COM(2000) 284. Towards a Barrier-free Europe for People with Disabilities

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and services should be developed to promote greater accessibility for people with disabilities) and, **assistive technologies**, which have the potential to improve the lives of disabled people by simplifying otherwise complex everyday activities. A key achievement of this policy communication was the identification for the first time of disability-relevant activities taking place across a number of Directorate Generals.

An important planned event in the field of disability was the **European Year of People with Disabilities (2003)[23].** This involved activities designed to heighten understanding of, and awareness about, disability issues and the need for further action to make equal opportunities for people with disabilities a reality. The EYPD provided an important impetus to the development of a more coordinated approach to disability policy at EU level and was regarded as a key driver which helped encourage the preparation of the European Disability Action Plan 2003-2010.

A number of actions were agreed as part of the follow-up to the EYPD. A Commission Communication in October 2003[24] committed the EU to publishing a **regular report on the situation of disabled people** in the EU and to developing a **European Disability Action Plan** to ensure that the positive effects linked to the implementation of the EYPD were sustained over the longer term. The **European Year of Equal Opportunities for All** in 2007 also played a useful role, in particular in helping to reinforce the notion of a rights-based approach to promoting equality.

An evaluation was undertaken of EYPD which found that it had achieved its objectives of raising awareness, exchanging and disseminating good practices and reinforcing co-operation between stakeholders on disabled issues. EYPD was also regarded as having provided a stimulus for Member States to pursue further policy initiatives to promote equal opportunities for people with disabilities.

## 2.2    EU-DAP intervention logic

The **intervention logic** is a mechanism for establishing the relationship between the EU DAP's objectives, inputs and various types of outcomes, namely outputs, results, and impacts (these terms were extensively explored in the inception phase). Figure 2.1 below summarises the intervention logic for the EU DAP. In the first part of the intervention logic diagram, we set out a brief overview of the **problems faced by people with disabilities** which the EU DAP is seeking to address, such as accessibility barriers to the public built environment, lower labour market participation rates and higher unemployment levels than average etc. In the second part of the intervention logic diagram, we set out the **hierarchy of objectives** underpinning the Action Plan.

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[23] Council Decision 2001/903/EC of 3.12.2001 on the European Year of People with Disabilities 2003 *(*OJ L 335, 19.12.2001*)*

[24] Commission Communication COM(2003) 650 of 30.10.2003 'Equal opportunities for people with disabilities: A European Action Plan'

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**Figure 2.1: Summary – EU DAP intervention logic**
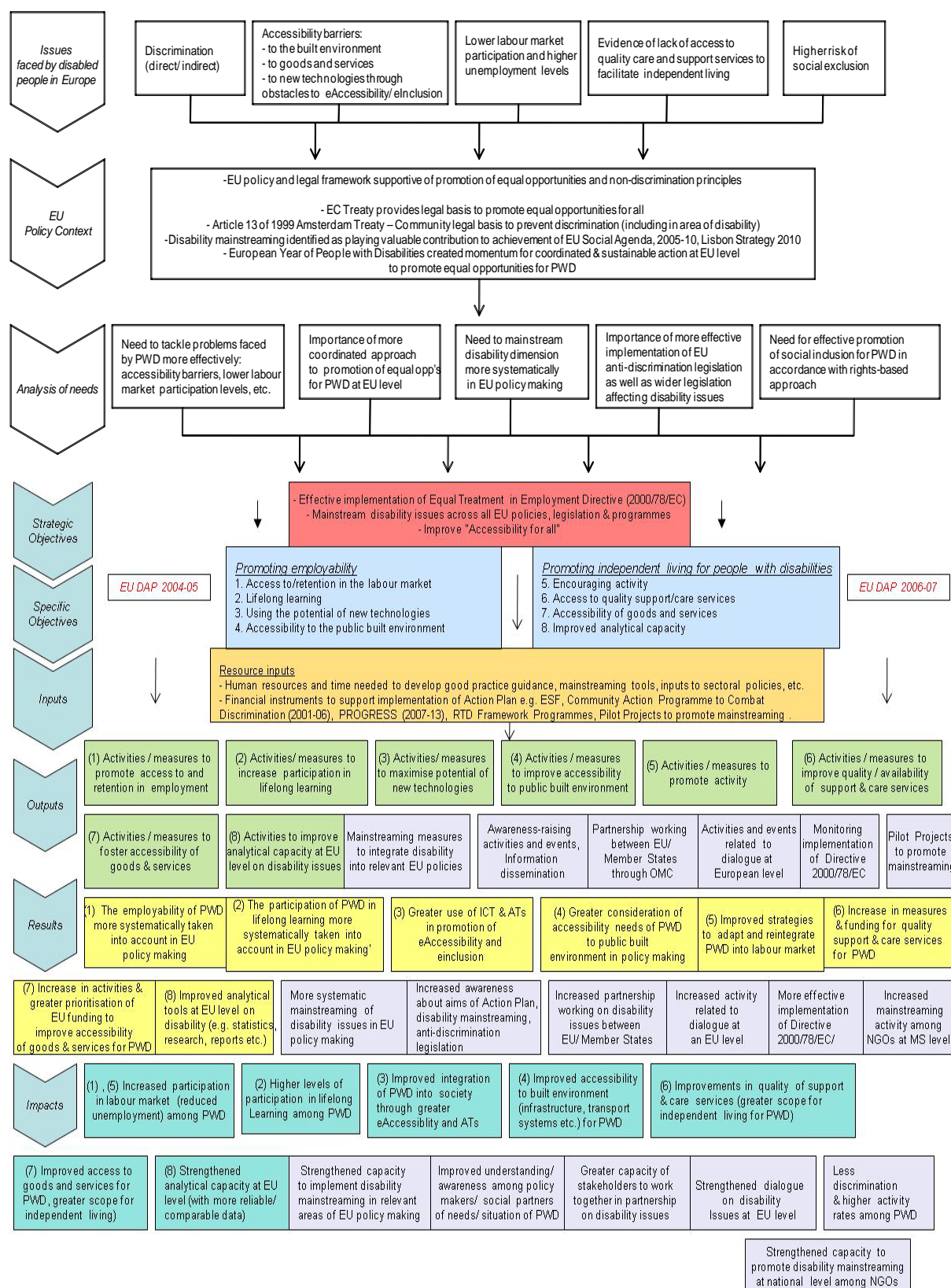
# Background and Operation of EU Disability Action Plan

In the diagram above, the **inputs** required to successfully implement the EU DAP 2003-2010 can be defined into two broad categories - financial resources (resources invested through various EU programmes – RTD Framework Programmes, ESF etc. and other initiatives which required financing such as the Pilot Projects to promote disability mainstreaming) and, secondly, human resources/time inputs (staff time spent on implementing activities and measures included in the EU DAP 2003-10).

The intervention logic diagram then maps out the various '**outputs**', namely, activities and measures supported through the EU DAP. These include the activities and measures carried out under the various thematic priority headings identified in each two year phase of implementation of the EU DAP, for example promoting access to and retention in employment, fostering accessibility to the built environment and promoting greater accessibility to goods and services etc. The EU-DAP **'results'** can be defined as the intermediate outcomes linked directly to the implementation of activities and measures/ outputs supported through the EU Action Plan. '**Impacts**' are the longer-term outcomes which might be expected to stem from the successful implementation of the Action Plan.

## 2.3 Management and implementation of the EU-DAP

The **Unit for the Integration of People with Disabilities (G3)** within DG Employment, Social Affairs and Equal Opportunities has responsibility for managing and coordinating EU disability policy and for the implementation of the Disability Action Plan 2003-10. The Unit's role is wide-ranging and includes aspects relating to the management and implementation of the EU DAP overall, such as producing biennial updates on the EU DAP's implementation, revising the scorecard which monitors activities having taken place within the Commission impacting on disability within the previous two years, and overseeing the work of the Inter-Service Group on Disability and the Disability High Level Group (D-HLG).

Additionally, the Unit's role involves leading on some of the specific activities mentioned in the Action Plan, such as the preparation of policy papers and good practice guidance, and working across the Commission on a horizontal basis to ensure effective coordination between DGs with regard to the inclusion or mainstreaming of a disability dimension in relevant EU policies and legislation.

As far as the wider institutional framework for monitoring the implementation of the EU DAP is concerned, the following actors play an important role**:**

**Disability High Level Group (D-HLG)** - an expert group chaired by the Commission which brings together disability experts from the EU Member States, mainly at governmental level and from civil society organisations, including NGOs representing the interest of disabled persons. As part of its role in monitoring the implementation of the EU Action Plan, the D-HLG was tasked with supporting the development of synergies between disability policies at EU and national levels, and with regularly discussing and reviewing the biennial disability reports with a view of identifying and transferring ideas and good practices in the area of disability mainstreaming. There was a particular emphasis in the EU Action Plan on developing knowledge with regard to disability mainstreaming in the new Member States, given the Action Plan was produced shortly before the major EU enlargement process in May 2004.

**Disability Inter-Services Group (DISG)** - the DISG is a mechanism for coordinating activities related to disability across different Commission services. It is tasked with pushing forward the Action Plan and monitoring the extent to which a disability mainstreaming approach is being integrated into relevant EU policies and legislation. The DISG is also responsible for helping to develop mainstreaming tools to as to ensure that disability issues are taken into account more systematically. The DISG is also tasked with overseeing evaluation and monitoring activities and follow-up related to the Action Plan's implementation in order to help achieve the maximum possible impact. Other tasks include training policy desk officers within the Commission about the importance of mainstreaming

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disability issues and reporting back on progress made in implementing the Action Plan to the Group of Commissioners on Equal Opportunities (as well as to the Member State representatives sitting on the EU Disability High Level Group, 'D-HLG').

## 2.4    Resources for the implementation of the EU DAP

The Action Plan provides an overarching framework for promoting equal opportunities for disabled persons. It does not however have its own financial framework. Rather, a number of existing EU programmes, as well as wider activities and policy initiatives, collectively support and feed into the Action Plan's implementation.

There are two main types of resource inputs to the implementation of the EU DAP, **human resources** and **financial resources.** The main **human resource** inputs to the Disability Action Plan are staff working within the *Unit for the Integration of People with Disabilities.* All staff within the Unit, by definition, works on activities relating to the management and implementation of the EU DAP. Currently, the Unit for the Integration of People with Disabilities  has 12 members of staff.

Additionally, human resources across the different Commission services working on specific activities supported through the EU DAP should also be taken into account. This is however difficult to quantify, given that it may be the case that an initiative was going ahead anyway within a given DG, but that there was a need to ensure the integration of a disability perspective. This may have required inputs by the Unit for the Integration of People with Disabilities  and from officials across the different Commission services.

It is necessary to examine the different sorts of financial inputs which have fed into the implementation of the EU DAP as an integral part of the evaluation in order to consider efficiency and value for money aspects. A distinction can be made between the following types of financial inputs:

- EU programmes and other activities which were specifically dedicated to disability in pursuit of EU DAP objectives, for example, funding streams made available under FP6 within the Scientific Support for Policies heading, and in the area of eAccessibility;

- EU programmes which have benefited disabled persons directly or indirectly, but were not explicitly part of the EU DAP, such as the EQUAL Community Initiative, which has funded a large number of disability-related projects, the Community Action Programme to Combat Discrimination 2001-2006, and PROGRESS which have both provided funding to EU networks representing disabled people);

- Budget to support particular developments of relevance to disabled people mentioned in the Action Plan such as the standardisation budget within DG Enterprise linked to the development of the two EC Mandates by the European Standards Organisations on the inclusion of accessibility requirements in public procurement

- The Pilot Projects set up in direct support of the EU DAP's mainstreaming priority.

In the table below we list a number of the most important EU instruments that have provided a direct or indirect financial input during the 2003-07 period into the EU DAP to obtain an estimate of the financial resources that have contributed to promoting the EU DAP's objectives.

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**Table 2.1: EU funding instruments providing financial support to the EU DAP (2003-07)**

| Funding source | Thematic priority/ budget line | Amount (€) |
|---|---|---|
| **FP6 – Life sciences, genomics and biotechnology for health (priority 1)** | Scientific Support to Policies (SSP)<br>• 2.1. Health determinants and provision of high quality and sustainable health care services and pension systems | 7,000,000 |
| **FP6 – Life sciences, genomics and biotechnology for health (priority 1)** | Scientific Support to Policies (SSP)<br>• 2.4 Quality of life relating to disabled people | 7,266,000 |
| **FP6 – Information Society Technologies (IST) (priority 2)** | eAccessibility/eInclusion<br>• 2.3.2.10 - Call 2 (2003) | 30,000,000 |
| **FP6 – Information Society Technologies (IST) (priority 2)** | Access to and preservation of cultural and scientific resources<br>• 2.5.10 - Call 5 (2005) | 2,000,000 |
| **FP6 – Information Society Technologies (IST) (priority 2)** | eInclusion<br>• 2.5.11 - Call 5 (2005) | 29,000,000 |
| **FP6 – Information Society Technologies (IST) (priority 2)** | Ambient assisted living in the aging society<br>• 2.6.2 - Call 6 (2005) | 40,000,000 |
| **FP6 – Scientific Support to Policies (priority 8)** | Information Society issues<br>• 3.5 - eInclusion | 3,434,000 |
| **FP7 - Objective ICT-2007.7.1: ICT and Ageing** | Promoting the use of ICT in the area of ageing ICT Call 1 (2006/07)<br>CP 27 m€ of which a minimum of 12 m€ to IP and a minimum of 6 m€ to STREP; CSA 3 m€ | 30,000,000 |
| **FP7 - Objective ICT-2007.7.2: Accessible and Inclusive ICT** | Promoting wider consideration of accessibility issues in ICT. ICT Call 2 (2007), CP 40 m€ of which a minimum of 20 m€ to IP and a minimum of 8m€ to STREP;<br>-CSA 3 m€ | 43,000,000 |
| **eLearning Programme (2004-06)** | Promoting Digital Literacy | 998,000 |
| **EQUAL Community Initiative (Round 2: 2004-06)[25]** | 1A - Labour market integration , 2C - Business creation  2D - Social economy,  3E - Lifelong learning<br>3F - Adaptation to change,  4G - Reconciling family/work  4H - Reducing gender gaps | 183,450,000 |
| **Pilot Projects in support of the EU DAP** | Budget line 04 04 10<br>• Call 2004 (VP/2004/008)<br>• Call 2005 (VP/2005/00 | 2,876,000<br><br>2,650,000 |
| **Community Action Programme to Combat Discrimination 2001-06 & PROGRESS 2007-13 [26]** | EU Support to Disability Networks[27]<br>• 2003-2006 (CAP)<br>• 2007 (PROGRESS) | 4,576,284<br><br>1,658,606 |

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[25] A breakdown of the disability-related EQUAL projects by funding bracket and thematic field can be found in Appendix I
[26] A breakdown of the EU support to Disability Networks can be found in Appendix I

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|---|---|---|
| **Community Action Programme to Combat Discrimination 2001-2006**<br>Budget heading 1: analysis and evaluation | Disability-specific studies funded through CAP 2001-2006 | 349,781 |
| **Community Action Programme to Combat Discrimination 2001-2006**<br>Budget heading 2: capacity building | National information days held in 2004 focusing on the integration of people with disabilities | 321,595 |
| **Community Action Programme to Combat Discrimination 2001-2006**<br>Budget heading 3: awareness-raising<br>**& PROGRESS 2007-2013** | Annual Conference on European Day of People with Disabilities<br>• Annual conference held in 2004, 2005, 2006, 2007 i.e. 4 during 1st / 2nd phase EU DAP<br>• Average expenditure 292,000 euros/ annum | 1,168,000 |
| **Mandate 376/ Standardisation activities by European Standards Organisations** | Development of a European Standard by ESOs following issuing by Commission of Mandate 376 | 669,000 |
| **Total (€)** | | 390,417,266 |

*Source: CSES analysis of various Commission documents. It should be noted that i) some of this expenditure will extend beyond the first two implementation phases of the EU DAP within the scope of the mid-term evaluation. For example, some FP6 and FP7 research projects commenced in 2007 and will not be completed until 2010 ii) it should also be emphasised that the list is not exhaustive, but based on data obtained by CSES*

**The list is not intended to be exhaustive**. In the period under review, the EU DAP objectives were promoted through various EU programmes. The total amount of estimated expenditure has amounted to **approximately 390.4m euros** of EU funding. It should be noted that there are some areas of EU expenditure which have contributed to EU DAP objectives but where monitoring data has been difficult to quantify or is not available. Examples include the European Social Fund, where Member States do not collate data on funding targeted at people with disabilities.

The table shows that in spite of the fact that the EU DAP does not have a separate financial framework, a large number of EU funding instruments have supported the Action Plan by providing funding for disability-specific projects as well as to support the work of EU disability networks of NGOs. Such funding will have had considerable potential to positively impact on the situation of disabled persons. The contribution made by different EU financial instruments is examined in further detail in sections 3 and 4 and the contribution of support for EU disability networks examined in section 5.3 on partnership working.

A number of EU financial instruments have lent support to the achievement of EU DAP objectives during its first two phases of implementation. This includes the RTD Framework Programmes. It is important to point out that while the table lists funding under the **6th RTD Framework Programme** 2002-2006 and **7th RTD Framework Programme** (since that correlates to the two phases of implementation of the EU DAP under review), disability-specific research was also supported through earlier programmes, including the **5th RTD Framework Programme** 1998-2002. This was planned prior to the EU DAP being set up and it has not been deemed appropriate to include this funding as part of the quantification of EU expenditure feeding into the first two phases of the EU DAP. However,

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[27] The following organisations receive support through EU Support to Disability Networks: European Disability Forum (EDF), Inclusion Europe, Autism-Europe, European Union of the Deaf, Mental Health Europe, European Blind Union, EASPD, Spina Bifida, ENIL

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the timeframe of research projects supported under FP5 did extend into the first period of implementation of the Action Plan, and it is important to recognise that the RTD Framework Programmes provided funding for disability-specific research prior to the EU DAP being devised.

With regard to RTD expenditure during FP6, the **IST priority** contributed over 100m Euros to the promotion of research on eAccesibility and eInclusion. This funding provided a direct impetus to key EU DAP priorities. The 2003 call on e-Accessibility concerned the promotion of 'barrier-free technologies and empowering technologies'. Its overall objective was to increase the autonomy of older persons and people with disabilities in order to ensure equal access to, and full participation in the Information Society. The aim of the first 2005 call for proposals, was to develop innovative solutions for persons with cognitive disabilities, while the second call focused on the development of technologies supporting ambient assisted living (AAL).

Another FP6 funding stream which fed into the promotion of EU DAP objectives with the support of eight disability-specific projects was the **Scientific Support to Policies (SSP)** Area 2.4 'Quality of life relating to disabled people' under the thematic priority 'Life sciences, genomics and biotechnology for health'. A total amount of just over 7m euros was allocated through this funding source to the promotion of disability-related objectives. SSP also provided research funding support in the areas of health and mental health through Area 2.1 'Health determinants and the provision of high quality and sustainable health care services and pension systems (in particular in the context of ageing and demographic change)'. A further 7m Euros was provided through this budget heading.

In the field of education and lifelong learning, the **eLearning Programme** 2004-06 provided direct support to EU DAP objectives by including a strand to promote the use of ICT among disabled persons. Under the thematic priority 'Promoting digital literacy', the Programme provided funding for five disability-specific projects, three of which dealt with improving the situation for visually impaired and blind people. With project budgets significantly lower than those under FP6, the contribution of this programme to the EU DAP amounted to just under 1m euros.

Turning to the **EU DAP pilot projects**, 5.52m euros of EU expenditure was spent on disability mainstreaming pilot projects across the two Calls for Proposals in 2004 and 2005. A detailed analysis of this expenditure is provided in Appendix D.

The **EQUAL Community Initiative Programme (CIP) 2000-2006,** promoted the European Employment Strategy and Social Inclusion process. It helped to promote the integration of disabled persons in the labour market at national level. The main objective of EQUAL was to combat all forms of discrimination and inequalities in the labour market. The Initiative also formed part of the EU strategy to combat discrimination (based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation). The Initiative was different from earlier ESF programmes in that it operated a thematic approach with a focus on innovation by exploring new ways of delivering EES policy priorities. By bringing together key stakeholders at national, regional or local level in Development Partnerships (DPs), EQUAL also favoured the empowerment of all actors, including beneficiaries.

Another difference between EQUAL and core ESF was the emphasis on active transnational co-operation between DPs to ensure exchange of experience between Member States. EQUAL had a total EU contribution of 3.274 billion euros matched by national funding. Although individual activities supported through the EQUAL CIP were not explicitly part of the implementation of the EU DAP (rather, mainstreaming the results of EQUAL was included as an EU DAP activity), the EQUAL CIP nevertheless provided funding for a large number of projects which targeted people with disabilities.

The Structural Funds, and especially the European Social Fund (ESF), have also contributed to the EU DAP both directly (for example, through money being prioritized by the Member States for training beneficiaries with disabilities) and indirectly, through the mainstreaming of ESF results. However, no

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direct data was available on the amount of expenditure devoted to people with disabilities as opposed to other types of beneficiaries. Input data is not retained within the existing ESF monitoring systems of the Member States, although data disaggregated by type of beneficiary (a 'results' indicator) will be collected in the new 2007-2013 programming period (see section 4.2 on 'encouraging activity').

Other important funding sources which have indirectly supported the Action Plan's implementation, including EU funding through the Community Action Programme to Combat Discrimination (2001-06), (and subsequently continued under the PROGRESS programme from 2007) for the operational costs of a number of EU networks representing disabled persons. In order to ensure that people with disabilities are able to contribute to EU decision making processes in relevant policy areas, a number of European networks of disability NGOs are financed by the EU[28]. The contribution of such funding to improved partnership working between the European Commission and disability representative NGOs is assessed in section 5.3 (partnership). A more detailed analysis of the EU's financial contribution to these various organisations is provided in Appendix I.

The contribution made by other EU funding programmes where it has been difficult to quantify the disability-specific funding element should also be stressed. Various projects of relevance to the objectives of the EU DAP have been financed through EU programmes such as the Lifelong Learning Programme (LLP) and predecessor programmes, including Socrates (particularly Leonardo, but also Comenius, where special needs pupils and those with a disability are a target group, and Erasmus, where special grants are available to facilitate the mobility of severely disabled students).

For example, a project was funded through the LLP focussing upon the "Development of a set of indicators for the conditions of inclusive education in Europe". The project was led by the *European Agency for Development in Special Needs Education* working in conjunction with 32 EU countries. The aim of the project was to develop a methodology that would lead to a set of indicators suitable for monitoring at national level, but that could also be applied at an EU level. The policy pre-conditions that may support or hinder the development of inclusive education within schools were also analysed.

As far as other sources of EU financing feeding into the implementation of EU DAP activities are concerned, these include funding through the **Community Action Programme to Combat Discrimination 2001-2006.** All three budget lines included support for activities mentioned in the EU DAP Scoreboard.

Under budget heading 1, (analysis and evaluation), for example, funding of approximately 350,000 euros was provided for a disability study. Additionally, under budget heading 2: capacity building, a number of national information days were held in 2004 focusing on the integration of people with disabilities. The budget allocation for these activities was 321,595 euros. Thirdly, under budget heading 3: awareness-raising, funding was provided for the Annual Conference on the European Day of People with Disabilities. The cost of organising and holding the annual conference, according to the *Ex-post evaluation of the Community Action Programme to Combat Discrimination 2001-2006* is about 292,000 euros per annum. Since 2007, funding for the annual conference has been continued through the framework of the **Progress programme 2007-2013.**

Other examples of funding include support for the development of a European Standard by the European Standards Organisations following the issuing by the Commission of Mandate 376. The cost is approximately 669,000 euros. At this point in time, a contract has not yet been signed for the development of a European Standard for Mandate 420.

It should be recognised, however, that financial considerations are not necessarily key to the Action

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[28] This includes the European Disability Forum (EDF), Inclusion Europe, Autism Europe, the European Blind Union, the European Union for the Deaf, and Mental Health Europe, and from 2007, the European Association of Disability Service Providers (EASPD), Spina Bifida and the European Network on Independent Living (ENIL).

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Plan's successful implementation given that many activities are about mainstreaming the inclusion of a disability dimension in policies and programmes. Nevertheless, the relationship between human and financial resources and outcomes achieved (results and impacts) is an accepted means of assessing efficiency. Furthermore, the mobilization of stakeholders on the ground, pursuing the EU DAP's overall objectives through a number of disability-specific projects, represents a very concrete step towards the successful implementation of the Action Plan.

## 2.5 Monitoring, performance measurement and indicators

The 2003 EU DAP included a commitment to monitoring its implementation. The process of monitoring involves establishing targets and success thresholds and monitoring progress towards these targets at specific points of time through the use of appropriate measurement tools.

With regard to monitoring structures put in place to assess the Action Plan's implementation, the Disability Inter-Services Group (DISG) was tasked with monitoring disability mainstreaming activities across the Commission services.

The DISG, which consists of Commission officials from Directorate-Generals, appears to have played a positive role in monitoring activities feeding into the EU DAP. The Unit for the Integration of People with Disabilities played a key coordination role in ensuring that the DISG operated effectively and that Directorate-Generals were kept informed of relevant key policy and legislative developments taking place within the Commission. There was a consensus among interviewees that the DISG had been a useful monitoring mechanism.

The Disability High Level Group (DHLG), comprised of representatives from national authorities in the Member States and of EU-level disability NGOs, also played a role in monitoring. Indicators have been discussed on a number of occasions at DHLG meetings. Indeed, *'developing indicators on the integration of people with disabilities'* was one of four items included in the Work Programme of the DHLG 2004-2005. This was seen as 'important in taking forwards the policy agenda'. CSES has therefore reviewed the meeting minutes to examine the treatment of both activity and context indicators through DHLG discussions.

Indicators are a useful mechanism for gathering the data necessary to measure progress towards objectives. A distinction can be made between different types of indicators. In particular, there is a different between *activity indicators* which are indicators which help to assess the outcomes ('results' and 'impacts') linked to the implementation of individual activities included in the EU DAP scoreboard, and context indicators in relation to the situation of people with disabilities. These are designed to measure progress over time compared with the baseline in key areas of importance to disabled persons, such as labour market participation, income and living conditions, and educational attainment rates.

At a number of meetings, particular Member States have raised issues in relation to indicators. The focus, interestingly, has mainly been on strengthening context indicators with not much evidence of progress in respect of developing indicators linked to EU DAP activities. For example, at the meeting on 18 March 2004, the French representative highlighted the importance of disability indicators being 'representative of the full diversity of people with disabilities', since this has not always been reflected. The UK representative argued that the prevalence of different definitions on disability in different EU countries constituted a problem in obtaining comparable contextual data, which justified a common set of indicators. The Spanish representative proposed that efforts to measure the EU DAP's outcomes should focus on existing context indicators, and examine the extent to which these were harmonised among Member States so as to ensure greater comparability.

In the work programme of the DHLG, the Commission explicitly recognised the comparability of disability data as a major issue and has sought to make progress in gathering disability statistics and

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in the development of context-based indicators on the social situation of people with disabilities during the EU DAP's first two phases. In particular, it has worked together with Eurostat to improve the availability, quality and reliability of disability statistics through Eurostat and the European Statistical System (ESS)[29]. For example, an important study was carried out on behalf of DG EMPL to analyse the results from the 2002 Ad hoc module of the Labour Force Survey and the EU-SILC data on People with Disabilities[30]. This enabled disability-specific statistical data to be examined in areas such as Income, Poverty & Social Exclusion, employment rates and educational levels. Gender differences between women and men were also analysed and significant differentials were found in some areas, such as the income levels of women with disabilities compared with men. Moreover, there were major disparities in the employment rates of those with more severe disabilities. 'Just under 27% of women of working age who were considerably restricted were in employment in the EU in 2002 as compared with almost 59% of those not restricted'.

Another initiative in this field was the launch by the Commission of a study to obtain disability statistics in key areas and to identify outstanding issues relating to the comparability of disability data stemming from issues such as the lack of a common definition of disability, differences in approaches to data collection in some areas between Member States, etc. The study - *Disability Statistics from the Administrative Registers of the Member States* - published in 2007, goes a long way towards addressing the need for reliable and comparable context data against which to measure progress in achieving equal opportunities for disabled people. While there are challenges in obtaining reliable and comparable data on disability (because of definitional differences of disability between Member States as well as differences in statistical approaches to data collection),[31] there remains a need to improve the quality and consistency of context indicators able to measure the situation in respect of disabled people in the European Union against the baseline. Recommendations are made in this regard in section 7.

However, despite the comparability issues noted above, some progress has been made since the EU DAP's launch in terms of improving the quality and availability of data on context indicators. However, while such indicators can play a useful role in observing and monitoring trends in particular areas such as labour participate rates among disabled persons where the EU DAP is seeking to make an impact, they are insufficient by themselves in shedding light on progress made as a result of specific activities supported through the Action Plan.

There was an absence of performance indicators to assess progress towards objectives (specific, global) when the Action Plan was launched. Consequently, while it has been possible to obtain some monitoring information, this has mainly been at the 'output'[32] level. The absence of quantitative and qualitative 'results' and 'impact' indicators against which to measure progress has made it more difficult to assess outcomes through the mid-term evaluation work. In an 'ideal' performance

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[29] A number of projects to improve measurement in the area of disability have been taken forwards by Eurostat since the Action Plan's launch such as the EDM project (European Disability Measurement Project), MEHM (the European Health Survey System which consists of 3 disability/health items) and ECHIS (a disability module within the European Core Health Interview Survey). Further analysis of disability data in the area of employment, income and poverty (using LFS and SILC data) was undertaken in 2005/2006.

[30] Study on the analysis of the 2002 Ad hoc module of the Labour Force Survey and the EU-SILC data on People with Disabilities, Applica sprl Belgium, on behalf of the European Commission's DG EMPL

[31] Methodological difficulties in comparing disability statistics between EU countries are well-described in the Study of the compilation of disability data from the administrative registers of the Member States, APPLICA & CESEP & European Centre (study financed by DG EMPL, 2007)

[32] Quantitative information was available on EU expenditure directly supporting EU DAP activities in most areas, such as the pilot projects, the 6th RTD Framework Programme, where particular budget lines were specifically designed to promote accessibility and e-inclusion for people with disabilities (see section 2.5), and disability-related projects financed within the EQUAL programme.

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measurement framework, baseline indicators would have been built into the EU DAP so to provide a basis against which to assess outcomes, compared with a starting position.

However, notwithstanding the lack of activity indicators and monitoring data, and the consequent difficulties in obtaining this information retrospectively, the challenge of 'measuring' the EU DAP's outcomes has been overcome in various ways. Firstly, a detailed theoretical indicator framework was developed during Phase 1 and set out in the inception report. This set out the sort of outcomes which might be attributable to specific activities supported through the EU DAP. Secondly, views on outcomes achieved from a qualitative perspective have been sought through the interview programme.

A review of lessons from experience with regard to performance monitoring in the field of disability is set out in Appendix J. Recommendations on improvements that could be made with regard to the EU DAP monitoring system including indicators are then set out in section 7.

# First Phase of EU DAP 2004-2005

## 3. Assessment of first phase of EU DAP (2004-2005)

**In this section, we provide an assessment of the main achievements during the first phase of the EU DAP's implementation (2004-2005). In particular, we examine the extent to which the specific objectives linked to each of the four themes identified in this period of implementation have been achieved.**

### 3.1 Introduction

Four specific objectives, or priority themes, were identified in the Commission Communication covering the first phase of the European Disability Action Plan, (2004-2005) of October 2003 (COM/2003/650):

- Promoting access to, and retention in, **employment**;

- Increasing participation in **lifelong learning**;

- Using the potential of **new technologies**; and

- Improving accessibility to the **built environment**.

The four priority themes were designed to help enhance the employability of people with disabilities in a mutually reinforcing manner – hence the meta-theme: promoting employability.

In the following sub-sections, we examine progress towards the implementation of individual activities within each of these themes. The approach in respect of each thematic priority involves:

- Setting out the main activities supported under each thematic priority, as presented in the scoreboard of the Action Plan, which tracks activities that have taken place during a particular period of implementation;

- Analysing the individual activities supported. This involves assessing progress towards their implementation, and where possible, identifying results and impacts achieved to date;

- A summary assessment at the end of each sub-section in chapters 3 and 4 of progress towards objectives at the level of thematic priority identified in the Action Plan.

While no comprehensive baseline assessment was contained in the 2003 Action Plan, some useful information was provided with regard to the starting position in respect of each thematic priority. This has been supplemented with desk research to establish what progress has been made in each area since the Action Plan's adoption.

### 3.2 Promoting access to and retention in employment (2004-2005)

#### 3.2.1 Rationale and summary of activities supported

The integration of people with disabilities in the labour market is a prerequisite for the achievement of the renewed Lisbon strategy for growth and jobs and the associated objective of achieving full employment. Increasing the employment rates of people with disabilities is therefore a key element of EU disability policy. It is vital not only from the perspective of employment but also for promoting social inclusion and cohesion in the context of the renewed Social Agenda[33]. It is also important in the context of Europe's ageing workforce given that increasing participation rates among older workers is a key EU policy aim (and the close correlation between ageing and disability). The Integrated

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[33] Commission Communication COM(2008)412 final of 2.7.2008 'Renewed Social Agenda: Opportunities, access and solidarity in 21st Century Europe'

# First Phase of EU DAP 2004-2005

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Employment Guidelines make specific reference to people with disabilities. In particular, Guideline 18 of the Integrated Guidelines seeks to 'ensure inclusive labour markets for jobseekers and disadvantaged people'.

Given the importance of improving access to the labour market from both an economic and inclusion point of view, this was identified as a key priority area of the EU DAP in the first phase of implementation 2004-2005. The theme of employment as a key priority was continued under the heading 'encouraging activity' in the second phase 2006-2007. Since many activities in the second phase related to employment, we have addressed all employment-related activities from both phases of the Action Plan in this sub-section.

Recent data on the labour market participation of disabled persons[34] shows a considerable and persistent gap between the employment rate of disabled and non-disabled people. There are also significant disparities in the inactivity rates of disabled people with twice as many people with disabilities classified as economically inactive compared with non-disabled. This suggests low levels of reintegration following a longstanding health problem or disability (LSHPD), as well as the continuing presence of benefits disincentives in some EU Member States. The study also found evidence of a high dependency among disabled persons on state benefits, increasing public spending on sickness and /or disability benefits, and an increased risk of poverty among those with disabilities.

Issues related to the employment of disabled persons are linked to the need to promote the active inclusion of all EU citizens in the labour market. The focus of EU policies has been on promoting the integration of disabled persons into the mainstream labour market, (including supported employment), and into sheltered employment where the nature and/or degree of severity of disability precludes entry into mainstream employment.

While competence for employment policy lies with the EU Member States, the EU assumes an important coordination role. The Lisbon agenda called for the employment policies of the Member States to foster the objectives of full employment, quality and productivity at work, and social cohesion and inclusion. The activities which took place under the priority heading 'promoting access to and retention in employment' during 2004-2005 (mentioned in the scoreboard of the EU DAP) were:

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**Promoting access to and retention in employment – activities identified in EU DAP scoreboard**

- Awareness-raising relating to Directive 2000/78/EC for equal treatment in employment and occupation. A 5 year pan-European information campaign "For Diversity against Discrimination" on diversity at the workplace.

- A Summer School on Disability Discrimination in 2005, targeted at persons with disabilities, practicing lawyers, judges, law students and disability NGOs.

- Monitoring activities by the European Commission relating to the transposition of Directive 2000/78/EC.

- Development of a website with good practice examples, fact sheets, updated country information and questionnaires to raise awareness (http://www.stop-discrimination.info).

- Promoting active labour market measures through the drawing up of a working paper on disability mainstreaming in the European Employment Strategy (EES).

- Monitoring of disability issues through national statistical systems.

- "Promoting the economic case for the integration of disabled people into business and society throughout Europe' – a study to help strengthen the business case for employing people with disabilities

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Employment continued to be an important priority in the second phase of the EU DAP (2006-2007), although employment-related activities in this phase were dealt with under the heading 'Encouraging activity'. These activities are set out in section 4.2 of the report.

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[34] Study of the Compilation of Disability Data from the Administrative Registers of the EU Member States by Aplica, Cesep and European Centre, November 2007

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### 3.2.2 Assessment of progress towards the implementation of individual activities - Employment

In the following sub-section, we examine activities carried out in the field of employment with a focus on how these contributed to promoting access to, and retention in employment.

**Activities relating to awareness-raising on and implementation of Directive 2000/78/EC**

A key objective identified in the EU DAP was the *full and effective implementation of the Equal treatment in Employment and Occupation Directive (2000/78/EC)[35]*. A detailed assessment of progress towards the achievement of the full and effective implementation of the Directive, including outstanding implementation issues, is addressed in detail in Section 5.3. This reviews the role of legislation as an instrument in contributing towards the Action Plan's objectives. Below we provide a short overview about the Directive and then summarise activities supported under the theme of employment in the EU DAP's first phase.

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*Employment Framework Directive – 2000/78/EC – overview of Directive and transposition timetable*

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The Employment Framework Directive prohibits discrimination on the grounds of religion or belief, disability, age or sexual orientation. Article 5 of the Directive requires employers to provide 'reasonable accommodation' for people with disabilities in the workplace. The objective of the inclusion of the Reasonable Accommodation provisions in the Directive was to ensure that disabled persons (either job seekers or those already employed but having becoming disabled) have full access to, and do not face physical or other barriers to employment within the workplace. Failure to provide reasonable accommodation can constitute discrimination[36], although the Directive states that 'this burden [of making the accommodation] shall not be disproportionate when it is sufficiently remedied by measures within the framework of the disability policy of the Member State concerned'.

The timetable for the Directive's transposition into national law was December 2003, although upon request an extension could be made in respect of the disability and age grounds, up until December 2006. Monitoring the Directive's transposition into national legislation is carried out by the Legal Unit within DG Employment, Social Affairs and Equal Opportunities. The Unit for the Integration of People with Disabilities monitors this work, including the issuing of formal notices and reasoned opinions to the Member States.

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A number of activities were undertaken through the framework of the Action Plan to promote awareness about the disability strand of the Directive and to ensure the effective implementation of the Article dealing with reasonable accommodation. Activities supported include: monitoring the Directive's transposition into national legislation, awareness-raising about the legislation and its implications for employers and disabled persons, and training on disability discrimination through the organisation of a summer school for legal practitioners, NGOs and disabled persons.

The organisation of a Summer School on Disability Discrimination in 2005 was designed to raise awareness and understanding about Directive 2000/78/EC among practicing lawyers, judges, law students and disability NGOs. The training provided theoretical and practical knowledge to participants. Precise monitoring data was not available to the evaluator on the number of participants. However, one of those involved in the summer school interviewed as part of the evaluation stated that while it had been a useful exercise, one inherent limitation was its limited scale in terms of the numbers of people trained. The disability-specific training was part of a wider information campaign funded through the Community Action Programme to Combat Discrimination 2001-2006. In total,

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[35] Council Directive 2000/78/EC of 27.11.2000 establishing a general framework for equal treatment in employment and occupation

[36] It should be noted that while failure to provide a reasonable accommodation may be considered as a form of discrimination under national law, the Directive does not define failure as discrimination per se

# First Phase of EU DAP 2004-2005

according to the *Evaluation of the Community Action Programme to Combat Discrimination*[37], across all equality strands, 263 Magistrates and 315 legal practitioners were trained.

Awareness-raising about the legislation and its implications for employers and disabled persons was funded through the *Community Action programme to combat discrimination 2001-2006*. Examples of funded activities include conferences with EU-level NGOs and relevant experts to raise awareness about the Directive in general and the disability provisions in particular, and support for a summer school which offered training for lawyers and interested diversity practitioners. With regard to key outputs, about 150 people benefited from such training. Some awareness-raising activities were also supported at the national level through the Community Action programme from 2004 onwards. While these touched on all six equality strands covered by the Directive, disability-related issues pertaining to the reasonable accommodation provisions sometimes featured explicitly.

Activities supported helped raise awareness firstly by targeting organisations with the potential to serve as information multipliers to inform individuals with disabilities about their rights and secondly, helped get the message across to employers about their new responsibilities under the Directive.

With regard to outcomes linked to awareness-raising activities, the results achieved were positive. Our discussions suggest that there awareness and understanding about the Directive among relevant stakeholders increased as a result of the *Community Action programme.* Another finding was that awareness-raising with key target groups including NGOs and legal practitioners had had a positive multiplier effect with participants in conferences and in training having disseminated information about the Directive to other relevant stakeholders at national level.

Turning to impacts, high levels of awareness about the disability-specific aspects of the Employment Framework Directive was seen as a pre-requisite for ensuring the Directive's effective implementation.

**Promoting access to active labour market measures (disability mainstreaming in employment policies)**

A key problem the EU DAP has sought to address in the area of employment was the comparatively low labour participation rates and high inactivity rates among people with disabilities. Under the Employment Chapter of the Treaty, while the Member States retain competency for EU has responsibility for coordinating employment policies. Within the scope of its competence, the Commission has considerable potential to promote the integration of disabled people in the labour market through a mainstreaming approach, which encourages the Member States to invest in active measures to promote their inclusion.

A key output of mainstreaming activities supported through the EU DAP in Phase 1 was the development of a Commission Working Paper in July 2005 *"Disability mainstreaming in the European Employment Strategy"[38]*. The paper emphasised the strong potential for integrating disability considerations in all aspects of EU employment policy coordination through a mainstreaming approach. It also stressed the importance of ensuring that national employment policies took adequate account of the specific barriers faced by people with disabilities in accessing and remaining in the labour market and reflected this in their National Reform Programmes. In particular, it emphasised the role of active labour market policies (ALMP) in facilitating the labour market (re)entry and retention of disabled people.

The paper presented good practices with regard to the inclusion of measures to promote the active employment of disabled persons, through mainstream employment (including supported employment), and where this is not possible, through sheltered employment. It pointed out that

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[37] Evaluation of the Community Action Programme to Combat Discrimination

[38] Commission Working Paper: 'Disability mainstreaming in the European Employment Strategy' of 1.7.2005 (EMPL/A/D(2005) EMCO/11/290605)

# First Phase of EU DAP 2004-2005

*'people with disabilities are a much-underused source of labour in Europe, which could contribute to overall economic growth. Raising employment and participation rates are vital for economic growth and social inclusion'.* It then highlighted examples of good practice in the development of policies and measures designed to promote the integration of disabled persons in the workplace.

Practical illustrations were also provided with regard to how EU programmes implemented at national level, such as the *European Social Fund (ESF)*[39] and *EQUAL*[40] helped promote the integration of disabled persons in the labour market at national level. The working paper highlights the importance of retaining workers who have become disabled during the course of their working life through job retention schemes, innovative and flexible forms of work organisation, and through reasonable accommodation in the workplace.

In terms of the dissemination of the working paper, the paper was presented by the Unit for the Integration of People with Disabilities  to the European Commission's Employment Committee (EMCO), which is responsible for promoting strengthened coordination in the employment policies of the Member States.

With regard to outcomes, various interviewees thought that the preparation of the working paper had achieved a positive impact. At the level of results, the paper helped promote greater awareness about disability mainstreaming in employment among relevant target groups. Less positively, there was some scepticism as to whether the issues raised in the mainstreaming paper had been adequately taken into account in the drafting of the Joint Employment Report 2005. Disability-specific issues in were not given very much prominence in the report which immediately followed the paper's publication, although in subsequent years, disability was given a more prominent focus. The mainstreaming paper has also subsequently been circulated as an annex to the employment guidelines issued to the Member States.

In the first phase of the Action Plan, it is too premature to assess impacts. An assessment of the treatment of disability issues relating to employment in both key EU policy documentation and in the National Reform Programmes is provided in the second phase in section 4.2 under the heading 'encouraging activity'.

**Monitoring of disability issues through national statistical systems**

During the first phase of the EU DAP, activities continued to arrive at comparable data in the area of disability statistics at the European level by means of surveys and disability mainstreaming in the context of the European Statistical System (ESS) developed further.

In 2000/2001, an Ad-Hoc Module on the employment of disabled people had been prepared which was included in the 2002 European Labour Force Survey (LFS)[41] making it possible to provide data for the European Year of People with Disabilities (2003) for the 15 Member States and 9 Acceding and Candidate Countries (excluding Bulgaria, Latvia, Poland and Turkey)[42].

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[39] The European Social Fund (ESF) is one of the EU's Structural Funds. It helps Member States make Europe's workforce and companies better equipped to face new, global challenges.  The ESF is linked to the EU's strategy for Growth and Jobs targeted at improving the lives of EU citizens by giving them better skills and better job prospects.

[40] The EQUAL Community Initiative Programme was set up in 2000 with ESF funding to promote the European Employment Strategy and Social Inclusion process. Further information about the programme is provided in section 2.5 on funding feeding into the EU DAP

[41] Employment of disabled people in Europe in 2002: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-NK-03-026/EN/KS-NK-03-026-EN.PDF

[42] The module consisted of 11 variables on dealing with the existence, type, cause and duration of longstanding health problem or disability, work limitations (regarding the kind of work or the amount of work, and mobility problems), and assistance needed or provided to work.

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Further collaboration to develop disability statistics at EU level resulted in the decision to set up the Minimum European Health Module (MEHM) on general disability questions which was included in the EU-SILC (European Union Statistics on Income and Living Conditions) in 2004 and launched in 13 Member States. In 2005, the MEHM/EU-SILC was extended to 25 Member States.

A call for tender for the development of a report combining analysis of data from the Disability Ad Hoc Module of the 2002 European Labour Force Survey and EU-SILC data on people with disabilities was launched in 2005 (VT/2005/006). The Study 'Men and Women with Disabilities in the EU: Statistical Analysis of the LFS Ad Hoc Module and The EU-SILC', carried out by a consortium consisting of Applica, CESEP and the European Centre, was finalised in 2007.

Moreover, it was decided in the first phase of EU DAP to develop a specific module on social integration of disabled people in the framework of the European Health Survey System (EHSS). The aim of EHSS system, set up in 2002, was to create a framework for a regular collection of harmonised data by means of health surveys which could anticipate the health information needs of the EU and of the Member States, e.g. in connection with the EU DAP. A project to develop such a survey module on Disability and Social Integration (EDSIM) was however only launched in 2006.

Nonetheless, as a result of these various initiatives, good progress was made towards the ultimate aim of being able to collect comparable disability statistics across Europe. Developments in this field continued in the second phase of the EU DAP under the thematic priority 'Increasing the EU Capacity of Analysis' which is described at the end of section 4.2 ('Disability statistics – overview of progress made').

**Promoting and disseminating new and innovative practises in the labour market integration of disabled people.**

In the first phase of the Action Plan, research into facilitating access to the labour market for disabled persons was mentioned as an EU DAP activity in the scoreboard. Among the activities feeding into this area was a study financed through EQUAL on 'Recognising ability'[43]. This was drafted by a special working group on People with Disability under the EQUAL European Thematic Group on Employability (ETG). This highlighted good practices in relation to the integration of disabled persons in the labour market. It focused on topics such as "convincing and involving employers", "improving integration services" and "empowering people with disabilities".  The intention was to promote and disseminate new and innovative practices in the labour market integration of disabled people.

In terms of results, project outcomes have been disseminated to relevant stakeholders. Information about the project and its outcomes was disseminated at a conference held in Warsaw in February 2005 on the "Free movement of good ideas" to discuss some of the main areas of innovation which emerged through the EQUAL Community Initiative Programme. The Conference was organised by the European Commission and co-hosted by the Polish Government and brought together representatives from the Member States, European-level organisations and NGOs, Trades unions and Employers associations.

The objective was to discuss examples of innovative, transnational work conducted in partnerships between actors in the Member states. The focus was on the full spectrum of equality strands. The conference highlighted progress to date in the use of ESF interventions to promote access to the labour market for people with disabilities. There was also a forwards-looking dimension to the conference and the mainstreaming of EQUAL innovation into core ESF in the future 2007-13 programming period was discussed.

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[43] Report by the EQUAL European Thematic Group on Employability - ETG (working group on People with Disability - 2003) EQUAL Community Initiative Report 'Recognising Ability'- Promoting Employment for People with Disabilities (ETG1-DOC-007-EN-Recognising Ability)

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As well as highlighting the results of the 'Recognising ability' study, the conference also touched more broadly on relevant issues relating to the employment of people with disabilities. One of the workshops focused on "Making work a real option for all". This addressed the problem of long-term unemployment and inactivity in two groups that are not often reached by mainstream labour market measures: people with disabilities and women with no, or low, formal qualifications.

With regard to impacts, the study made a valuable contribution towards the goal of improving the quality and availability of methodological and policy tools on promoting the employability of disabled persons and reducing obstacles to their inclusion in the labour market. It is difficult to comment further on impacts since it was not possible to find out further information with regard to the extent of take-up of some of the practices outlined in the report, and the extent to which this could be attributed to the good practice guidance report. Nevertheless, the project impact, given the follow-up dissemination activities appears positive.

**Supporting Social Partners commitments in the Declaration on the Employment of People with Disabilities**

The 1999 Declaration on the Employment of People with Disabilities[44] and the subsequent 2003 Declaration in connection with the European Year of People with Disabilities[45] both included a commitment by the Social Partners to promote the social and economic integration of disabled persons. Following these two initiatives, the Commission invited the Social Partners to assess the impact of their existing (and future) Framework Agreements on people with disabilities.

In 2004, a Joint Report on Social Partners Actions in the Member States to implement the European Employment Guidelines (Guideline 7)[46] included a commitment from the Social Partners to promote the integration of disabled persons into society. While there was initial dialogue with the Social Partners UNICE/UEAPME (now Business Europe), CEEP and ETUC at a cross-industry level at the time when the report was being prepared, it is unclear what follow-up activities took place directly with the Social Partners.

Certainly, indirectly, the Unit for the Integration of People with Disabilities has worked through various initiatives such as the production of the disability mainstreaming working paper described earlier to provide guidance on how relevant employment guidelines could be implemented to promote equal opportunities for people with disabilities. However, insufficient information is available to form a view on results and impacts from this activity.

**Promoting awareness of Corporate Social Responsibility approaches in the employment of people with disabilities.**

Two disability mainstreaming pilot projects supported by the European Commission focused on the integration of disabled people into the workplace. The projects both contributed to the objective of strengthening research in the area of employment. The first project focused on encouraging employers to promote the employment of disabled persons through a Corporate Social Responsibility (CSR) approach. The second project (INTEGRA) sought to raise awareness among trade unions and employers organisations about practical steps that could be taken to promote the labour market integration of people with disabilities. Both projects provide an example of the way in which the funding of projects at Member State level has directly contributed towards the development of new tools and methodologies of relevance to particular thematic priorities within the EU DAP.

In the box below, we provide a short overview of the project focusing on CSR as a mechanism for promoting the employment of disabled persons.

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[44] Social Dialogue Committee on 19 May 1999.

[45] Declaration of the Social Partners for the European Year of People with Disabilities – Promoting equal opportunities and access to employment of people with disabilities, 20 January 2003

[46] http://www.etuc.org/IMG/pdf/Joint_Report-Employment_Guidelines11.pdf

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| **Disability Mainstreaming Pilot Project: Promoting the economic case for the integration of disabled people into business and society throughout Europe (VP/2004/008)** |

The European Network on Business & Disability was established by a group of well-known, pan-European companies during the European Year of People with Disabilities 2003 (EYPD). The objective was to encourage large employers to work together at national and European level to raise awareness about the business case for disability, promote inclusion, and encourage the exchange of ideas amongst businesses, policy makers and people with disabilities. The network is committed to promoting the inclusion of people with disabilities in the labour market and in society more widely.

The Network decided to continue its activities following a successful application for pilot project funding with a follow-up project linked to the economic case for the integration of disabled people. The project's main objective was to promote awareness about the value added to employers of employing disabled people and in parallel, promoting Corporate Social Responsibility principles. The participation of well-known enterprises helped ensure the project considerable visibility.

Project outputs included the organisation of a series of conferences around Europe. These brought together employers and public authorities to discuss issues relating to the inclusion of disabled workers and the business case for their integration. A guide was also developed divided into three sections, dealing with accessibility, e-accessibility and the employment of disabled people respectively. This was produced in hard copy with an electronic format version made available online.

With regard to results, the project raised awareness among participants about the business case for the integration of disabled people. It also made a useful contribution to strengthening networking and promoting closer engagement between private sector employers and disabled people's organisations on issues relating to disability and employment.  As far as impacts are concerned, the guide produced through the project has had a positive 'demonstration effect' in encouraging other large employers to consider employing disabled people and to adopt CSR principles.

An issue raised by the interviewee in terms of promoting wider-take of CSR is that too many small firms view CSR as something which concerns big businesses. The guidance on the business case therefore could be seen as adding value by strengthening business case arguments of applicability to businesses equally large and small.

The second pilot project, **INTEGRA**, did not work with enterprises directly, but rather sought to work through intermediaries such as trade unions to raise awareness about the need to provide disabled persons with opportunities to (re)enter the labour market.  Project outputs included the development of a CD Rom tool and accompanying guidance materials in hard copy on '*l'approche intégrée de la personne handicapée'.* Other outputs included the organisation of a number of workshops held in different participant EU countries. Key target groups for the workshops included NGOs, representatives from the public sector, public employment services and trade unions. The project was successful in targeting these groups. However, less positively, an effort was made to target enterprises for the final conference in Brussels. Despite a strong effort by the project lead organisation in Belgium and their partner organisations, private business was not represented at the conference.

Among the results achieved was the training of representatives from intermediaries such as Trade Unions through their participation in project workshops. The expectation was that these individuals would then play an important dissemination role in their capacity as 'trainers of trainers'. Because no funding was available to follow-up on project impacts, it is difficult to know beyond the lifetime of the project the extent to which the CD Rom and related project materials have been used.

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### 3.2.3 Conclusions - Promoting access to and retention in employment

Overall, good progress has been made in terms of the implementation of activities included in the EU DAP scoreboard under the thematic priority of employment. The main outcomes which can be discerned to date at the level of the thematic priority at the end of Phase 1 are summarised below:

**Progress has been made towards the full and effective implementation of Directive 2000/78/EC[47].** Various activities have contributed to the achievement of this aim, including work by the legal unit within Directorate-General for Employment, Social Affairs and Equal Opportunities to monitor the transposition process and ensure full compliance with the Directive's disability provisions, and awareness-raising about the Directive among relevant stakeholders able to act as information multipliers at national level to spread awareness among employers and EU citizens.

**Outstanding issues with regard to the Directive's implementation include ensuring that the disability provisions of the Directive, specifically those relating to Article 5 (the principle of 'reasonable accommodation') are not transposed too narrowly by the Member States.** Some EU countries have been sent 'reasoned opinions' and 'formal notices' pertaining to their transposition of 2000/78 into national law. There remains a need to ensure that all Member States transpose the Directive effectively. Those countries that have interpreted the Directive with a narrow definition of the types of disabilities covered under the Reasonable Accommodation grounds) need to review their legislation so as to ensure a level playing field at EU level which ensures that all EU citizens are afforded adequate protection from discrimination in employment.

**Other challenges pertaining to Directive 2000/78/EC include monitoring the incidence of discrimination on the grounds of disability at Member State level. There is presently an absence of statistics.** The transposition of legislation into national legislation does not necessarily mean that disabled people are experiencing less discrimination in the workplace. The incidence of perceived discrimination, and the number of legal cases emerging on the grounds of disability is not yet monitored systematically at Member State level, although some national equality bodies do keep statistics disaggregated by equality strand, including disability.

**As a result of EU DAP activities feeding into the Action Plan, awareness has been raised about the importance of the labour market inclusion of disabled people among national and EU policy makers.** Various activities have contributed in this regard including the preparation of the working paper on *Disability Mainstreaming in the EES* which has been widely circulated, the conference on EQUAL results in Warsaw in February 2005 and the two employment-oriented disability mainstreaming pilot projects. These activities have collectively increased the visibility of the labour market inclusion of people with disabilities and raised awareness about the importance of reducing the gap in employment rates between people with disabilities and total employment rates.

**Mainstreaming tools and methodologies developed through the framework of the Action Plan have helped promote the active inclusion of disabled people in the workplace.** This includes the contribution made by the disability mainstreaming pilot projects to promoting the integration in employment of disabled persons, as well as projects funded through other EU programmes, such as the study on 'Recognising ability'[48] funded through EQUAL which involved research into the integration of disabled persons in the workplace across all Member States.

Having provided a summary of the main conclusions, in the box below, we provide a snapshot overview of the current position and highlight the future challenges ahead:

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[47] A more detailed assessment of progress in respect of the Directive's implementation is provided in Section 5.2, which examines the role of legislation as an instrument in contributing to the Action Plan's achievement

[48] EQUAL Community Initiative Report 'Recognising Ability'- Promoting Employment for People with Disabilities (http://ec.europa.eu/employment_social/equal/activities/etg1_en.cfm)

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**'Promoting access to, and retention in, employment': current position and future challenges**

While individual activities have made a positive contribution towards this thematic objective, tackling labour market disparities between people with disabilities and overall employment and inactivity rates remains an ongoing and long-term policy challenge. Key priorities to tackling this problem might include:

- Promoting the inclusion of people with disabilities wherever possible in a mainstream employment environment, in accordance with the social model of disability;

- Ensuring that all employers implement the obligations set out in the Directive 2000/78/EC in relation to Article 5 and 'Reasonable Accommodation' principles fully and effectively-

- Ensuring that public authorities in those Member States having been sent reasoned opinions or formal notices review their legislation; and

- Ensuring as wide dissemination as possible of methodological tools developed through the EU DAP to promote the labour market integration and rehabilitation of disabled people in the workplace.

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## 3.3 Increasing participation in lifelong learning

### 3.3.1 Rationale and activities supported

In support of the aim of enhancing the employability of people with disabilities, the second main priority theme identified in the Action Plan (2004-2005) was to improve participation rates in lifelong learning among people with disabilities. Supporting lifelong learning was intended to support inter-related objectives such as increasing the employability, adaptability and active citizenship of people with disabilities.

Given the significance of education and training in enabling disabled people to gain access to the labour market, the first Action Plan stressed the importance of providing people with disabilities with the skills and competences that would allow them to take advantage of lifelong learning opportunities. The Plan pointed to evidence in the *Joint Report on Social Inclusion* from 2001[49], that disabled people integrated into mainstream education throughout their youth are much more likely to develop the general and vocational key competences necessary to succeed later in the labour market. It also stressed that access to mainstream lifelong learning opportunities continues to be insufficient, especially for people with disabilities.

With regard to **educational attainment levels of people with disabilities**, it appears that people born with disabilities tend to attain lower education levels than those who acquire a disability later in life. Furthermore, people with disabilities participate less in education and have lower educational qualifications than those without a disability[50]. Thus, only 63% of the 16-19 age group who were considerably restricted in their ability to work participated in education or training compared to 83% of those not restricted. Likewise, over 50% of those aged 25-64 who were considerably restricted in their ability to work had no educational qualifications beyond compulsory schooling, compared to 32% of those reporting no restriction.

The education level of women with disabilities seems to be even lower. In 2002, some 58% of women aged 25-64 who were considerably restricted had only basic schooling, as compared with 38% of

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[49] European Council Joint Report on Social Inclusion 15223/01 of 12 December 2001, resulting from the first round of the EU social inclusion process which was launched in 2001 on the basis of the Open Method of Coordination and the common objectives endorsed by the Nice European Council (http://ec.europa.eu/employment_social/soc-prot/soc-incl/15223/part1_en.pdf)

[50] European Labour Force Survey and EU-SILC, 2002

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those not restricted. Only 10% had tertiary or university education, as against 21% of those not restricted. This pattern is evident to varying extents in every Member State.

Attempts to address the lower educational levels of people with disabilities were already made during the European Year of People with Disabilities with the Education Council adopting a *Resolution on equal opportunities for pupils and students with disabilities in education and training*[51]. It was suggested, among a number of other issues, that the use of modern information and communication technologies (ICT) would be a good way for people with disabilities to overcome barriers to education, training and lifelong learning.

Widening participation in lifelong learning (both higher education and vocational training), is a key objective being pursued through national education and training policies and legislation. By encouraging the Member States to do more to increase the participation of disabled people in lifelong learning, e.g. through the Open Method of Coordination (OMC), and by funding programmes which promote the use of ICT to overcome some of the existing barriers for disabled people, the EU can play an important role in promoting social inclusion.

A number of EU programmes managed by the European Commission's DG EAC have benefited people with disabilities, as well as those with special needs. This includes larger-scale programmes, such as Comenius (school education) and Erasmus (higher education), both part of the Socrates Programme 2000-2006, and the Leonardo da Vinci programme (vocational training)[52]. While these programmes clearly have strong potential to benefit people with disabilities, they were not explicitly mentioned in the EU DAP Scoreboard which only made reference to less well known, smaller-scale DG EAC programmes such as the eLearning programme 2004-2006[53]. The assessment focuses on those activities mentioned in the Action Plan, but also takes due account of the importance of the above-mentioned larger-scale EU-financed programmes.

To improve the participation rate of people with disabilities in lifelong learning, the following activities were supported by the EU DAP:

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***Increasing the participation of people with disabilities in lifelong learning – activities identified in EU DAP scoreboard***

- Assessing DG EAC Programmes from the viewpoint of equal opportunities;

- Incorporating the special needs of people with disabilities in eLearning;

- Improving the PLOTEUS information system on lifelong learning opportunities;

- Incorporating disability issues into lifelong learning concept and processes (mainstreaming);

- Promoting disability issues via the European year of Education through Sport.

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It was also decided in the first phase of the EU DAP to provide funding for the European Agency for Development of Special Needs Education through the "Community's Action Programme to promote bodies active at European level and support specific activities in the field of Education and Training"54. This programme was only established in April 2004, so was not included in the EU DAP's

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[51] Council Resolution of 5 May 2003 on 'Equal opportunities for pupils and students with disabilities in education and training' OJ C 134 of 7.6.2003

[52] These programmes were continued in the 2007-2013 programming period within the framework of the Lifelong Learning Programme.

[53] Decision of the European Parliament and of the Council No 2318/2003/EC of 5.12.2003 adopting a multi-annual programme (2004-2006) for the effective integration of Information and Communication Technologies (ICT) in Education and Training systems in Europe (eLearning Programme)

[54] The Community's action programme was established in April 2004 for the period up to December 2006 with the general purpose of supporting bodies and their activities which seek to extend and deepen knowledge of the building of Europe or contribute to common policy objective in the field of education and training by providing

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initial objectives, although financial support for the Agency was provided in both 2004 and 2005. The involvement of the Agency was however planned for the second phase of the EU DAP. The work of the Agency in the field of disability is described in section 4.2 under the thematic priority 'Encouraging activity'.

Below, we examine key developments in the area of lifelong learning during the EU DAP's first implementation phase.

### 3.3.2    Assessment of progress towards the implementation of individual activities – Lifelong learning

In this sub-section, we assess how well each of the activities mentioned in the EU DAP scoreboard under the thematic priority of 'increasing participation in lifelong learning' in the 2004-2005 period have progressed.

**Assessing DG EAC Programmes from the viewpoint of equal opportunities**

In 2005, it was decided by DG EAC's Management Board to commission an **external evaluation**[55] of programmes and activities managed by DG EAC in the fields of active citizenship, culture, education, training and youth for the 2000-2005 period in order to assess the efficiency with which equal opportunities (gender and disability) were being mainstreamed into these programmes and policies.

 As a result, an Action Plan was implemented with a view to acting upon the evaluation findings, which called for a stronger, clearer integration on disability objectives into the DG's work programme, more staff training on the principle of mainstreaming and better indicators. In this connection, an internal, high-level *Equal Opportunities Task Force*, seconded by a team of internal experts, has been in operation within DG EAC since 2007.

A direct outcome of these developments within DG EAC has been the way in which anti-discrimination concerns and equality matters have much more effectively reflected in the legal basis of future DG EAC programmes[56] than was the case for the predecessor programmes, Socrates and Leonardo in the 2000-2006 programming period, This is examined in further detail in section 4.2 'Encouraging activity' in the sub-section on *'Encouraging mainstreaming of disability issues in the area of education and training'*.

**Incorporating special needs of people with disabilities in eLearning**

The use of technology and ICTs was identified in the 2003 Council Resolution on equal opportunities for students with disabilities[57] as having strong potential to help overcome the barriers preventing disabled people from benefitting from education, training and lifelong learning. By addressing this issue among the priorities of the Disability Action Plan, the aim is to provide a framework that would make it possible to exploit this potential and ensure that disability concerns are mainstreamed into the relevant policy documents concerning the use of ICT in education.

One of the main tools at EU level which has made it possible for ICT to play a role in promoting the participation of disabled people in lifelong learning is the **eLearning initiative**. This initiative was first launched in 2000 as part of the comprehensive eEurope Action Plan which responded to the

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financial support for their ongoing work programmes. Under Action 1 of the programme, support in the form of operating grants was provided to seven institutions active in the field of education and training, one of which was the European Agency for Development of Special Needs Education. In the period between 2004 and 2006 the total grant for the Agency was 2,295,000 euros.

[55] Evaluation externe des activités entreprises par la DG Education et Culture à l'appui des politiques d'égalité des chances de l'Union européenne (Janvier 2007), Eureval-C3E

[56] In particular the Lifelong Learning Programme (2007-2013) which includes Comenius (school education), Erasmus (higher education), Leonardo (vocational education) and Grundtvig (adult education),  among others.

[57]   Council Resolution on 'Equal opportunities for pupils and students with disabilities in education and training' of 5 May 2003, OJ C 134 of 7.6.2003

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conclusions of the Lisbon Council and was seen as a way of strengthening European competitiveness by overcoming the barriers holding back the uptake of digital technologies. A series of concrete measures in the field of education and lifelong learning were subsequently proposed in the **2001-04 eLearning Action Plan** using new multimedia technologies and the Internet to improve the quality of learning.

Although one of the objectives put forward in the eLearning Action Plan was to make lifelong learning the driving force behind a cohesive and inclusive society within a competitive economy, neither the initial eLearning initiative nor the Action Plan itself made any reference to the particular needs of disabled people.

Following the 2003 Council Resolution on students with disabilities, in the Decision for the **eLearning Programme for 2004-2006**[58], the programme's legal basis was strengthened so that it had a direct remit **to promote the use of ICT among disabled persons** more effectively. The programme makes specific reference to the needs of people with disabilities and has introduced measures catering for learners with special needs in the field of language learning through the *EU Action Plan on language learning and linguistic diversity*[59]*.* Another important development in this field was the encouragement given to Member States through the *EU Action Plan on skills and mobility*[60] to intensify their support for integrating young people with disabilities and learning difficulties into mainstream education and training systems. The programme also emphasises the important role played by ICT in helping disabled persons to overcome barriers to their full participation. Article (9) states that:

> 'There is a need to address the problem of social exclusion resulting from the inability of some individuals to take full advantage of the benefits offered by information and communication technologies (ICT) and the Internet in the knowledge society, the so-called 'digital divide', which often affects young people, people with disabilities and elderly people, and social categories who are already victims of other forms of exclusion'.

An important tool for fulfilling the objectives of the eLearning Programme was the budget line providing funding for a number of **eLearning projects**. A large number of preparatory and innovative actions were already funded as part of the 2001-04 eLearning Action Plan, but as there was no specific mention of the disability consideration in the Action Plan, only one of these appear to concern the issue of disability[61].

Under the eLearning Programme 2004-06, a total of 3 calls for proposals were held in April 2004, July 2005 and March 2006 respectively. Each call for proposals concentrated on different priority action lines. One of these priorities was the promotion of digital literacy, which both in the 2004 and the 2006 call included the objective of meeting the needs of specific targets groups. As a result, 5 projects were selected that directly related to the needs of specific groups of people with disabilities (3 in 2004 and 2 in 2006)[62].

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[58] Decision of the European Parliament and of the Council No 2318/2003/EC of 5.12.2003 adopting a multi-annual programme (2004-2006) for the effective integration of Information and Communication Technologies (ICT) in Education and Training systems in Europe (eLearning Programme

[59] Commission Communication COM(2003) 449 final of 24.7.2003promoting Language Learning and Diversity – An Action Plan 2004 -2006.

[60] Commission Communication COM(2002) 72 final of 13.2.2002 on the "Commission s Action Plan on skills and mobility".

[61] The PEER project, co-ordinated by the Spanish Fundación Castillo de Liscar, involved bringing teenagers from different nations together to explore the issue of disabilities, and to develop a documentary film and website to educate others about this issue.

[62] eLearning Portal (http://www.elearningeuropa.info)

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| eLearning Programme 2004-2006 – the promotion of digital literacy (targeted at people with disabilities) |
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| **DEA - Digital Literacy open to impairments -** aimed at the identification, cataloguing and dissemination of good practices concerning the promotion of digital literacy targeted at disabled people (IT - 2004).<br><br>**e-ability - E-learning and social inclusion for people with disabilities -** identified and disseminated good practices in the promotion of digital literacy aimed at people with psychological disabilities in order to influence local and regional policies (ES - 2004).<br><br>**E-Learn-Vip - E-Learning for visually impaired persons** - aimed to enable blind people and people with visual handicaps to have access to e-learning courses by developing guidelines for service-providers and for developers of multimedia and e-learning platforms (DE - 2004).<br><br>**DICOMP-S.NET: Digital Competence Screenreader Network –** the main objective is to support digital literacy among visually impaired and blind people in Europe, who still face widespread discrimination when it comes to participating in education and development processes (AT- 2006).<br><br>**PRO-ACCESS: Building processes to accessible content in education –** the main goal was to improve the accessibility of educational content in the eLearning value chain for visually impaired people. The project addressed the educational publishing industry. (IT - 2006). |

Three projects were specifically aimed at visually impaired persons and blind people, another addressed the digital literacy problems faced by people with psychological disabilities, and the last project catalogued and disseminated good practices in the area of e-learning targeted at disabled people. Under the 2005 call for proposals, no disability-related projects were funded. Under another of the 'virtual camps' priority actions of the eLearning Programme, several projects were supported which related to the promotion of virtual mobility. While these projects did not specifically target those with physical disabilities, people with disabilities were indirectly among the target group.

With regard to outcomes, the eLearning programme has been relatively successful in contributing towards the goal of increasing the participation of disabled people in lifelong learning by promoting new forms of access to learning. Five projects sought to directly address the specific eLearning needs of people with disabilities. Apart from the eLearning projects, the Commission has been active in encouraging co-operation, networking and the exchange of good practices between Member States in the use of ICT in education.

**Improving the PLOTEUS information system on lifelong learning opportunities**

Another priority in the first phase of the EU DAP was to mainstream disability issues into EU lifelong learning initiatives. Specifically, there was a commitment to improve the PLOTEUS information system in such a way that it would take better account of the particular needs that disabled students might have in order to facilitate their participation in mobility periods abroad in the area of lifelong learning.

The Portal on Learning Opportunities throughout the European Space, PLOTEUS[63], initially set up in 2003 by DG EAC and DG ENTR in conjunction, is an Internet database and search engine that provides access to more than 7,000 links to existing information resources, in order to help students, seekers, workers, parents, guidance counsellors and teachers to find out information about studying in Europe. The system, which has been translated into all EU languages, contains five different main areas: 'Learning opportunities', 'Education systems', 'Exchange and Grants', 'Contact' and 'Moving to a country'. It also gives details on potential tuition fees, opportunities for grants, local taxation systems, cost of living and recognition of foreign diplomas and qualifications. The portal is

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[63] http://ec.europa.eu/ploteus/

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continuously updated and improved by the Euroguidance centres, a network of 65 national centres, funded jointly by the Commission[64] and national authorities.

The EU DAP's aim of including a disability perspective in the PLOTEUS system was foreseen for 2005. But based on the experience gained during the first years (2003-2004) of operations, and seeing the limits of the original system of a centrally stored database of learning opportunities manually updated by Member States, it was decided to develop a new system. Based on results of a feasibility study which was completed in July 2005, the new PLOTEUS II was designed as an interconnection and common interface to enable direct query into existing national databases on learning opportunities.

This was a gradual and technically complex process, however, which started off with an interconnection of the 12 most advanced national databases. At the same time, the PLOTEUS I solution was kept for those Member States which did not yet have a national database on learning opportunities or did not wish to take part in the inter-connection.

Given the complexity of developing the new PLOTEUS system, the team has had to concentrate on the main functions of the portal in the period between 2005 and 2008 and has therefore had to postpone the implementation of disability mainstreaming. The new PLOTEUS II Portal was launched in the second half of 2008, but the Disability Action Plan dimension of the system, initially scheduled for the first phase of the EU DAP, is now only planned to be implemented during the 2009-2010 period.

**Incorporating disability issues into lifelong learning concepts/ processes (mainstreaming)**

The aim of this priority action was the promotion of active mainstreaming in the field of lifelong learning through dialogue and consultation with the Member States and within the Commission. However, disability issues were not a priority under the OMC in the EU DAP's first phase as a result of which there was not much activity in this field. This changed in the second phase of the Action Plan, where the Agency for Development of Special Needs Education got quite involved in influencing this agenda (see section 4.2).

**European Year of Education through Sport 2004 (EYES)**

The last priority in the EU DAP 2004-2005 under the topic of education programmes was to incorporate disability issues into lifelong learning concepts through the European Year of Education through Sport. The objective of EYES was to encourage partnerships between the worlds of education and sport in order to promote the educational and social values of sporting activity. Assisted by intensive media coverage of sport in connection with the Olympic and Paraolympic Games in Athens in 2004 and the Euro 2004 football tournament in Portugal, which heightened public awareness, the European Year provided an opportunity to promote the values of sport, both in terms of education and social inclusion.

One of the objectives of EYES was to encourage the exchange of good practice concerning the role sport can play in education systems to promote the social inclusion of disadvantaged groups (obj. 5). As part of the European Year, the Commission **provided financial support to a number of projects** which promoted the concept of education through sport, either at a local, regional, national or transnational level or with a distinct Community interest (involving more than 8 EU countries).

A budget of 12.3m euros was earmarked for this purpose, and the call for proposals for the organisation of projects resulted in the Commission receiving a very high number of proposals (1,643), most of which (1,496) involved local, regional, national or transnational projects. 161 projects were selected for co-financing (of which 10 with Community interest). An additional 6 very large

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[64] Initially financed under Leonardo da Vinci, now under the New Integrated Programme for Lifelong Learning 2007-2013).

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projects were organised outside the call for proposals, some of which were undertaken in cooperation with other international institutions.

Particularly interesting from the perspective of promoting disability issues was the fact that **37 of the projects receiving Commission funding aimed at using sport as a tool to integrate socially disadvantaged groups, including people with disabilities** (obj. 5).

According to the evaluation carried out in 2005 of the European Year of Education through Sports[65], EYES was a success and responded more than adequately to the varying expectations of the relevant stakeholders both within the worlds of sport and education. The contribution of EYES was seen to be particularly significant in terms of the creation of networks, the mobilisation of relevant actors and the dynamism created through the projects.

With regard to the longer-term outcomes, the momentum created through EYES with regard to using sport as a vehicle for the social inclusion of people with disabilities was further developed in the second phase of the Action Plan in 2007 with the publication of the White Paper on Sport[66]. This document encouraged the Member States and sports organisations to adapt sport infrastructure to take into account the needs of people with disabilities, proposed the adoption of specific criteria to ensure equal access to sport for all pupils, and especially for children with disabilities, and promoted training of monitors, volunteers and host staff of clubs and organisations for the purpose of welcoming people with disabilities. It also proposed for the Commission to maintain a dialogue with representatives of sportspeople with disabilities.

**Statistics in the area of education, training and lifelong learning**

While not a specific activity under the theme 'increasing participation in education, training and lifelong learning', an effort has been made during the EU DAP's implementation to improve the quality and availability of statistics on education, training and lifelong learning, in common with a number of other thematic areas, so that appropriate contextual data is available against which to measure progress towards objectives.

The *Study of the Compilation of the Disability Statistical Data from the Administrative Registers of the Member States* (2007) included a chapter on education. This provides data on the participation of young people with disabilities in special needs and in mainstream education, disaggregated by gender, type of disability and by Member States. Disability statistics in the area of education, training and lifelong learning are also available on the educational attainment levels for people with disabilities.

However, further progress is needed in developing EU-wide comparable and reliable statistics on participation levels among disabled people in different types of lifelong learning. This would be useful both in measuring progress against this priority in the EU DAP, and in order to be able to compare the position of people with disabilities in lifelong learning against the average over time.

**Other education, training and lifelong learning programmes contributing to the promotion of equal opportunities for people with disabilities**

Although not included in the EU DAP's scoreboard under the list of activities, there was already a degree of mainstreaming of disability issues in the major DG EAC programmes in the 2000-2006 programming period, more specifically in the Socrates programme (including the actions: Erasmus (higher education), Comenius (school education) and Grundtvig (adult education) and the Leonardo da Vinci programme (vocational education).

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[65] Evaluation externe des activités entreprises par la DG Education et Culture à l'appui des politiques d'égalité des chances de l'Union européenne (Janvier 2007), Eureval-C3E

[66] Commission White Paper on Sport COM(2007) 391 final, 11.7.2007

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The legal base for Socrates 2000-06[67] included various references to equal opportunities and persons with special needs. In its recitals (n° 7) the Socrates decision specified that *'[ ...] special attention should be focused on promoting equality and furthering equal opportunities for women and men; whereas special attention should be given to persons with special needs'.* The respect for equal opportunities was also highlighted in the objectives of the programme (Article 2 (a) in the following way: *'to strengthen the European dimension in education at all levels and to facilitate wide transnational access to educational resources in Europe while promoting equal opportunities throughout all fields of education'.*

Subsequently, several Socrates actions included provisions for supporting projects including or dealing with learners with special needs, such as Comenius School partnerships, Comenius Initial and in-service training of staff, Erasmus and Grundtvig. Through the Erasmus programme, there was special funding made available to fund the participation in a mobility period of students with severe disabilities. This funding was administered centrally by the Commission, rather than by the Member States' National Agencies, which had responsibility for managing the implementation of the Socrates programme on a largely decentralised basis. The funding was designed for students with the most severe disabilities with only very small numbers participating annually. Students with less severe disabilities were able to apply for funding directly through the National Agencies and received the same grant as other students with National Agencies having the discretion to provide additional funding support where necessary to meet any support needs of disabled students while studying abroad in another EU country.

The legal basis for the Leonardo programme[68] included several references to special needs or disabilities. In the recitals (n°7) the following is stated: *'[...] in the implementation of this programme, attention should be paid to fighting exclusion in all its forms, including racism and xenophobia; whereas special attention should be focused on removing all forms of discrimination and inequality, inter alia for people with a disability, and on promoting equal opportunities for women and men'.* Article 2.2 of the Leonard decision also include the following reference: *'In implementing the objectives set out in paragraph 1, particular attention shall be paid to people at a disadvantage in the labour market, including disabled people, to practices facilitating their access to training, to the promotion of equality, to equal opportunities for women and men and to the fight against discrimination'.*

In accordance with their commitment to promoting equal opportunities, Socrates and Leonardo have, funded many projects in the field of disability in the period 2000-2006. However, according to DG EAC, due to limited Community competence in the field, and both programmes being coordinated by national authorities, there are no reliable or exhaustive lists of disability-oriented projects or statistics.

There were also a number of interesting disability-oriented projects funded during the first and second phases of the EU DAP supported through the Joint Actions. This was a centralised action which linked together the EU programmes of Leonardo da Vinci, Socrates, Youth and Culture 2000. The objective was to encourage innovative projects which do not belong exclusively in education, training or youth. Each year the Commission, with the assistance of a Joint Actions Working Group, decided on priority areas or themes. The maximum duration of projects was 2 years.

An example of a relevant disability project financed through the Joint Actions was the project funded under a 2003 Joint Action budget line, the 'Facilitation and Participation of Young Persons with Disabilities in an Enlarged Europe'[69]. This was implemented by the European Network of Occupational Therapy in Higher Education. The project involved a number of Universities located across Europe. Among its main objectives were to promote the development of new policies

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[67] Decision the European Parliament and Council No 253/2000/EC of 24 January 2000 establishing the second phase of the Socrates programme
[68] COUNCIL DECISION of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci'(1999/382/EC)
[69] Facilitation and Participation of Young Persons with Disabilities in an Enlarged Europe, Youth no. 113161-JA-1-2003

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concerning persons with disabilities, to encourage the launch of new services and projects focusing on the inclusion of children with disabilities in mainstream schools. Another key goal was to promote greater recognition of occupational therapy as a profession, and to develop education in this area at Bachelors/ Masters/ Postgraduate level. The ultimate objective of promoting improvements in occupational therapy is to enhance quality of life of people with disabilities.

### 3.3.3    Conclusions – increasing participation in lifelong learning

A number of conclusions can be drawn from the evaluation research in terms of progress towards increasing participation in education, training and lifelong learning.

**An external evaluation of programmes under the auspices of Directorate General for Education and Culture (DG EAC) from the viewpoint of equal opportunities[70] identified gaps in the way in which the DG dealt with equal opportunities issues, including disability.** In particular, it was found that more could be done to integrate equal opportunities considerations in education, training and lifelong learning programmes. There have been significant changes as a result of the report in terms of the availability of resources and the degree of attention given to disability issues at management level within DG EAC.

**The disability dimension of DG EAC activities has been strengthened and there has been a development in the degree of disability mainstreaming in DG EAC programmes.** These development were still on-going at the end of the EU DAP's first phase, but it is questionable in how far they were a directly result of EU DAP intervention rather than organisational changes within DG EAC.

**The eLearning Programme 2004-2006 paid close attention to the special needs of people with disabilities.** The Decision establishing the Programme referred to the programme's role in promoting the use of ICT among disabled persons and a budget line was made available for providing project funding in this field (among others). During the period 2004-2006, five projects were selected which directly addressed the specific needs of people with disabilities.

**The planned disability mainstreaming into the PLOTEUS information system on lifelong learning opportunities did not take place.**  The PLOTEUS system was drastically re-designed and improved during the period under review, but given the complexity of this review it was not possible to include disability aspects as planned. The disability dimension of the PLOTEUS portal will be developed in the 2009-10 period.

**The European Year of Education through Sport was instrumental in promoting disability issues.** 37 projects were funded which aimed to use sport as a tool to integrate socially disadvantaged groups, including people with disabilities. Subsequently, the momentum created through EYES in terms of using sport as a vehicle for the social inclusion of people with disabilities has been further developed with the publication of the White Paper on Sport which specifically addressed the needs of children and other people with disabilities.

**Insufficient reference was made in the Action Plan (and in the accompanying Scoreboard) to the important role played by key EU financed programmes in the fields of education, training and lifelong learning.** While small-scale initiatives and programmes were explicitly mentioned in the Scoreboard, such as the eLearning Programme 2004-2006 and the updating of the PLOTEUS information system on lifelong learning opportunities, the evident potential of well-established, larger-scale programmes notably Comenius, Erasmus, and Grundtvig under the Socrates programme and the Leonardo da Vinci programme appear to have been overlooked.

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[70]  External evaluation of activities undertaken by DG Education and Culture in support of the European Union's equal opportunities (undertaken on behalf of DG EAC, 2007)

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> **Increasing participation in education, training and Lifelong Learning: current position and future challenges**
>
> Overall, while some positive developments are notable, such as the role of ICT in facilitating disabled people's participation in lifelong learning, less progress was made than expected. Among the challenges which will need to be addressed in future are:
>
> - Working together with the Member States (within the limited scope of Community competence), to encourage more inclusive approaches to education and lifelong learning;
>
> - Bringing about the closer involvement of relevant stakeholders, such as the European Agency for Special Needs Education, in the education and lifelong learning aspects of the Action Plan (possibly through their inclusion on the Disability High Level Group - see section 4.2);
>
> - Ensuring that disabled students have full access to EU funded mobility opportunities through education and training programmes such as the Lifelong Learning Programme. This may require additional resource to be made available by the Member States
>
> - Strengthening statistics on the participation of disabled persons in different types of lifelong learning
>
> - Ultimately, increasing the percentage of disabled persons participating in lifelong learning

## 3.4 Using the potential of new technologies

Using the potential of new technologies to improve the lives of disabled people was an important theme in the first phase of the Action Plan. Activities in this area were subsequently continued in the second phase under the theme 'fostering access to goods and services'.

### 3.4.1 Rationale and activities supported

The Lisbon Agenda places the achievement of a knowledge-driven economy by 2010 at its centre. The information society has strong potential to contribute towards the Lisbon aims, and there have been a number of policy developments in support of the transition to a more knowledge-led economy and society, including several of importance in promoting equality of opportunity for disabled people in the areas of **e-accessibility** and **e-inclusion**.

It is worth recalling that support for e-accessibility and e-inclusion at EU level predates the EU DAP. In 2001, the Council adopted a *Resolution on 'e-Inclusion — exploiting the opportunities of the Information Society for social inclusion'*[71]. This called on the Member States and the European Commission to endorse actions for: 'tackling technical barriers for people with different disabilities in terms of ICT equipment and web-content, in particular by implementing the respective eEurope actions, to be monitored by the e-Accessibility Expert Group. Linked to the e-inclusion agenda, the need to reduce the digital divide for people with disabilities has been highlighted in various EU policy documents including the Council Resolution on 'eAccessibility' — improving the access of people with disabilities to the knowledge based society[72].

Other key policy developments related to e-accessibility prior to the Action Plan's adoption include the adoption of the e-**Europe 2002 Action Plan**, through which it was proposed to develop the Web Accessibility Initiative. This involved among other aspects the development of accessibility guidelines (W3C/WAI/WCAG-V1.0) for public websites[73]. In addition to the goal of ensuring improved web accessibility, a number of objectives included in the e-Europe 2002 Action Plan fed through and were

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[71] OJ C 292, 18.10.2001, pg 6. Resolution on 'e-Inclusion — exploiting the opportunities of the Information Society for social inclusion'

[72] 2003/C 39/03 - Council Resolution on "eAccessibility" improving the access of people with disabilities to the Knowledge Based Society

[73] Council Resolution of 25.3.2002 on the eEurope Action Plan 2002: accessibility of public Websites and their content, OJ C 86, 10.4.2002, p. 2.

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included into the European Disability Action Plan 2003-10. These include: the development of a design for all curriculum and network, standardisation activities, and a review of legislation to conform with accessibility principles.

The Action Plan included a number of activities designed to continue and build on the momentum from earlier initiatives in the areas of e-accessibility and e-inclusion. The Unit for the Integration of People with Disabilities has played an important role through a mainstreaming approach to ensuring that adequate consideration of disability issues was taken into account in key EU policy communications and through EU programmes, notably the RTD Framework Programmes. Among other objectives, the **e-Europe 2005 Action Plan - An Information society for all** promoted participation in, and equal access to new technologies with the potential to improve the quality of life of people with disabilities.

This included not only disability-specific technological developments, such as research in the area of Assistive Technologies (ATs) to improve the quality of life of disabled people and facilitate independent living, but also promoting accessibility for disabled people to e-services in 'mainstream' areas of public service provision, such as online public services, egovernment, e-learning, e-health, etc.  Since the Action Plan was launched, other key policy developments have taken place, many of which have contributed towards the aim of maximising the potential of new technologies. Of particular relevance is the **i2010** strategy[74], which provides a policy framework at EU level for the development of a European information society which promotes the positive contribution of ICT - to the economy, society and **quality of life of individual EU citizens**, including disabled people.

With regard to financing mechanisms to promote e-inclusion and e-accessibility, the EU-financed **RTD Framework Programmes** have played an important role in contributing to the objectives of the EU DAP. In particular, during both the first and second phases of the Action Plan, FP research projects have helped to promote eAccessibility.  Promoting access to new technologies in order to fully exploit their potential for disabled people is an important priority in the EU DAP.

The 6th RTD Framework Programme 2002-2006 is the most relevant programming period in that its timing coincided with the first phase of the EU DAP (several disability-related calls for proposals are highlighted in the EU DAP scoreboard – examined in detail later in this section with further analysis in section 4.4 - fostering the accessibility of goods and services), However, it should be mentioned that a number of research projects supported under the 5th Framework Programme 1998-2002 also addressed e-accessibility and other issues of relevance to people with disabilities. While a number of relevant calls for proposals were launched under FP5, these were planned before the Disability Action Plan was drawn up. Nevertheless, many of the projects themselves were implemented over a time period which extended into the first phase of the EU DAP.

The Disability Action Plan was designed to be coherent with the various policy actions described above in the areas of e-inclusion and e-accessibility. The scoreboard for the 2004-2005 phase of implementation mentioned the following priority actions carried out under this theme:

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**Using the potential of new technologies – activities identified in EU DAP scoreboard**

- International dialogue with industry and service providers including disability and standardisation organisations.

- Consultations to prepare a standardisation Mandate on e-Accessibility in public procurement

- Mainstreaming disability issues in the 2005 Communication on eAccessibility[75]

- Promoting the "Design for All" concept among relevant professionals (architects, engineers, construction

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[74] Commission Communication COM(2005) 229 final 'i2010 – A European Information Society for growth and employment'

[75] Commission Communication COM(2005)425 final of 13.9.2005 on 'eAccessibility'

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> sector workers)
>
> • Establishing a structured and coherent EU dialogue with producers of Assistive Technologies
>
> • Improving Web Accessibility through follow-up activities to monitor and evaluate the implementation of the web accessibility guidelines
>
> • Promoting eInclusion and e-Accessibility in relation to independent living through Research Projects financed through the 6th RTD Framework Programmes

It is worth emphasising that activities relating to e-accessibility and e-inclusion continued in the second implementation phase under the thematic heading 'Fostering the accessibility of goods and services' (see section 4.4)

### 3.4.2 Assessment of progress towards implementation of individual activities – New technologies

The activities which took place under this priority heading in the 2004-2005 period of implementation include:

**Establishing an International Dialogue on e-Accessibility and Assistive Technologies**

In order to achieve progress in promoting e-accessibility, the Commission has worked closely with a wide number of stakeholders – researchers, industry, the European standardisation organisations and representative organisations of people with disabilities. The Commission organised the promotion of cooperation and dialogue between policy makers, regulators and industry in Europe to improve eAccessibility. Various activities have taken place including the exchange of information and the organisation of a workshop on *e-Accessibility Requirements in Public Procurement.* This took place in Brussels in October 2004. Another workshop took place a couple of years later on conformity assessment issues.

One of the outcomes of the dialogue was the development of a **closer working relationship between EU policy makers responsible for standardisation in the area of e-accessibility**. The dialogue also promoted a closer joint working relationship between the European standardisation organisations (ESOs), industry and organisations representing the interests of people with disabilities. As standardisation work in the area of e-accessibility is a voluntary activity, improving the cooperation between stakeholders was therefore an important impact of the dialogue.

Turning to **dialogue with the Assistive Technology (AT) industry**, a Commission study from 2003 on *Disabled People's Access to Assistive Technologies*[76] showed that there was fragmentation in the AT industry. This study examined the potential of new technologies to significantly improve the lives of disabled people and to enable them to enjoy independent living. In response to the study, support for AT producers to federate and organise at EU level was provided through the RTD framework programme.

**EC Mandate on accessibility requirements for public procurement of ICT products and services**

One of the main results stemming from dialogue with various industry stakeholders described above was the preparation and adoption of Mandate 376[77], a standardisation mandate adopted in 2005 which supports EU accessibility requirements in the area of ICT products and services.

Standardisation Mandates are the mechanism by which the Commission requests the European Standards Organisations (ESOs) to develop and adopt voluntary European standards in support of

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[76] Access to Assistive Technology in the European Union, Study for DG EMPL by Deloitte & Touche, June 2003

[77] Standardisation mandate to CEN, CENELEC AND ETSI in support of European accessibility requirements for public procurement of products and services in the ICT domain  M 376 Brussels, 7th December 2005

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European policies and legislation. These are designed to promote greater harmonisation and support the implementation of EU policies and legislation. The European Standards Organisations are CEN, CENELEC and ETSI. Draft mandates are drawn up by the Commission services through a process of consultation with a wide group of stakeholders. Before being formally addressed to the ESOs, they are submitted for opinion to the Standing Committee of the 98/34/EC Directive. Further information about the Mandate and its relevance to people with disabilities is provided in the table below:

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**Mandate 376: E-accessibility requirements for public procurement of ICT products and services**

The Mandate which was issued in 2005 was developed with the close involvement of DG INFSO, the Standardisation Unit within DG Enterprise and Industry (Unit D2), DG EMPL and the European Standards Organisations (ESOs).  The objectives of the mandate are to:

- harmonise and facilitate the public procurement of accessible ICT products and services by identifying a set of functional European accessibility requirements for the public procurement of products and services in the ICT domain

- provide a mechanism through which the public procurers have access to an electronic toolkit, enabling them to make use of these harmonised requirements in procurement processes.

The rationale for the Mandate was to promote a virtuous circle whereby industry and consumers alike would benefit from ICT products and services being made more accessible. 'The inclusion of accessibility requirements in public procurement will constitute an incentive for manufacturers to develop accessible devices, applications and services, which in turn will benefit people with disabilities and older people but will also benefit users of products and services'.

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With regard to impacts, it is difficult to gauge the longer-term outcomes that might be expected to materialise following the implementation of the European standard. Work is still continuing by the ESO's to develop the European standard with the close involvement of the Standardisation Unit within DG Enterprise and Industry following the adoption of the Mandate.  The first phase in the development of the Standard has only recently been completed and had only just begun during the EU DAP 2004-2005 period. It can however be concluded at this early stage that the Mandate is likely to have a significant impact by leveraging the purchasing power of the public sector to promote design for all and e-accessibility principles in the procurement of ICT goods and services.

**Addressing accessibility as a horizontal matter in eEurope 2005 and in the eAccessibility Communication**

The Action Plan included a commitment to addressing accessibility for people with disabilities as a horizontal issue in the 2005 Communication on eAccessibility[78]. This document set out the first comprehensive policy framework at EU level on eAccessibility. Among the aims of the Communication were to:

- Promote consistency in eAccessibility initiatives in the Member States on a voluntary basis;

- Foster industry self-regulation;

- Increase the availability of harmonised ICT products and services; and

- Promote accessibility to the Information Society[79].

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[78] Commission Communication COM(2005)425 final of 13.9.2005 on 'eAccessibility'

[79] Secondary objectives were to improve the consistency of eAccessibility requirements in Public Procurement; explore the possible benefits of certification schemes and standardisation for making products more accessible; and make better use of the eAccessibility potential of existing legislation.

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The ultimate objective of activities in this area was to remove the technical challenges and difficulties that people with disabilities and older people may experience when trying to use everyday electronic products and/ or services such as computers, mobile phones, or the internet.

The work was led by the e-inclusion Unit within DG Information Society but there was close cooperation and joint working with other relevant Commission services involved in eAccessibility, not least with officials from DG EMPL (but also from DG ENTR and DG MARKT. At the time, there was an Information Society Unit within DG EMPL which was closely involved in the preparation of the Communication, although the text was mainly drafted by DG INFSO. However, the Disability Action Plan was used as a framework to provide increased visibility for the work and to build support for promoting eAccessibility across relevant EU policies and programmes.

Also providing significant input into the eAccessibility agenda and helping to promote the mainstreaming of accessibility issues generally was the ESDIS Committee (High Level Group on Employment and Social dimension of the Information Society) and the eAccessibility Expert Group created under the eEurope 2002 Action Plan. While DG INFSO was the chef-de-file for the preparation of the Communicaton, there was considerable DG EMPL involvement through both ESDIS and the eAccesibility working group.

As an input to the process of preparing the eAccessibility Communication, DG INFSO was also responsible for the organisation of a public online consultation to inform its preparation. The consultation, which took place in 2005 attracted more than 500 responses from external stakeholders. This included EU-level networks of disability NGOs financed by DG EMPL such as the European Disability Forum, European Blind Union. 90% of respondents said that requirements for making ICT products and services accessible to the disabled and elderly people should be laid down in public procurement contracts. Some 74% of respondents stated that ICT goods and services need to be made more fully interoperable and 84% agreed that technical requirements should be harmonised within and beyond the EU for this purpose. There was strong support (88%) for EU Institutions taking initiatives in the area of e-Accessibility in order to address the situation.

There are two main evaluation considerations in assessing activity in this area, firstly, the extent to which accessibility issues were successfully included as a horizontal issue in the eEurope 2005 Communication and secondly, the degree to which this could be attributed to inputs feeding into the Action Plan itself.

The Communication text includes many references to issues concerning people with disabilities. For example, the market potential of people with disabilities, who account for about 16% of the European population is highlighted, as are the social benefits of ensuring that all members of society benefit from the opportunities afforded by ICT, thereby avoiding the emergence of a digital divide. The importance of eliminating technical and other barriers to the participation of people with disabilities in the context of a knowledge-based economy and society is also mentioned"[80.] To the extent that disability issues are highly prominent, it appears that successful mainstreaming has taken place as a result of cooperation between, and inputs from relevant Commission DGs.

Another way of examining the Action Plan's contribution in the area of eAccessibility is to assess the degree to which individual activities mentioned in the scoreboard have helped contribute to the achievement of aims set out in the Communication relating to eAccessibility and eInclusion. Our assessment suggests that the Action Plan played quite a significant role in supporting the achievement of the policy goals outlined in the Communication. Indeed, a number of measures are identified in the Communication at EU level which were already under way in the area of eAccessibility.

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[80] Council Resolution on "eAccessibility for People with Disabilities", 2-3 December 2002.

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Initiatives mentioned in the scoreboard of the Action Plan relevant to the Communication include: the development of accessibility requirements and standards, revisions to the Public Procurement Directives to take greater account of and improve the consistency of the treatment of accessibility issues, and the promotion of accessible ICT products and services. Other measures include the promotion of a Design for All (DFA) methodology to ensure that products and services are as accessible as possible and the setting up of the European Design for All eAccessibility Network (EDEAN),[81] whose core aim is to promote the concept and wider take-up of DFA principles.

Other initiatives mentioned in the eAccessibility Communication include follow-up activities relating to the implementation and monitoring of the web accessibility guidelines. In particular, the Communication refers to work being undertaken in this area by the eAccessibility Expert Group, such as monitoring activities by the European Commission together with the Member States of the implementation of the web accessibility guidelines, and related developments such as the drawing up of new evaluation methods and procedures, benchmarking, data collection and the identification of best practices relating to web accessibility.

All of the measures mentioned above feature explicitly in the EU DAP and are explored in further detail later in this sub-section.

The Communication also mentioned financial instruments to support eAccessibility, notably the importance of the research and technological development (RTD) Framework Programmes in providing support for research on eAccessibility since the 1990s. Research supported through the RTD Framework Programmes under specific budget lines dedicated to e-accessibility and e-inclusion are explicitly mentioned in the EU DAP scoreboard. The important role of the RTD Framework Programmes (FP5, FP6, and planning for FP7) in promoting key EU DAP objectives including those relating to eAccessibility is examined later in this sub-section (also see section 4.4 on 'fostering the accessibility of goods and services').

In terms of results, these various activities have helped support the mainstreaming of eAccessibility issues in support of the achievement of the Communication's objectives which in turn has increased the prominence of eAccessibility issues relating to people with disabilities in key EU policy documentation.

While it is somewhat premature to assess impacts, through the RTD Framework Programmes, there has been progress in promoting eAccessibility, in particular through the development of assistive technologies to enable disabled people to make full use of new technologies.

**Preparing the i2010 Communication and contributing to eInclusion aspects.**

A second key policy initiative mentioned in the EU DAP were inputs made to the drawing up in 2005 of the Commission Communication "i2010 – A European Information Society for growth and employment"[82]. This provides a strategic framework for the achievement of key EU policy goals in relation to the Information Society, including those relating to e-Inclusion, and explores the interaction with the Lisbon goals. Among the aims of the i2010 strategy were the promotion of social inclusion, better public services and quality of life. As well as the concept of 'inclusive ICT' which is mainly about making sure that ICT does not exclude people, there was also an emphasis in i2010 on the use of ICT as a tool to promote inclusion i.e. utilising the full potential of new technologies.

The EU DAP made a positive contribution towards ensuring that e-Inclusion aspects were adequately included in the Communication. This was achieved in particular through the work of the e-Inclusion expert panel mentioned in the description of the previous activity. While it has not been possible to interview anyone on this body, it did prepare a report as an input to the process of preparing the

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[81] European Design for All e-Accessibility Network, http://www.e-accessibility.org/

[82] Commission Communication COM(2005) 229 final 'i2010 – A European Information Society for growth and employment' June 2005.

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policy Communication.  As with the Communication on e-Accessibility, a public consultation was held prior to the Communication being drawn up.

While there are no explicit references to disability in the text of the Communication itself, there is a commitment to promoting inclusion through e-accessibility and to 'making sure that ICT benefit all citizens; making public services better, more cost effective and more accessible and improving quality of life'. There is also a reference to the need to ensure that ICT meets the challenges posed by an ageing society.

A relevant reference to eInclusion and people with disabilities was however included in the extended impact assessment to the Communication[83]. This included a sub-section dealing with eInclusion which addressed issues relating to individual inclusion. The assessment points out that the *'virtual nature of ICT networks allows a greater inclusion from individuals that, due to their changing needs, find it difficult to contribute or maintain their contribution, to social, economic, cultural and political life. Furthermore, new assistive technologies and adapted content and services can also facilitate access to employment among specific sections of society (people with disabilities, the elderly)'.*

The evaluation research suggests that DG EMPL was actively involved in feeding into the consultation process, working together with colleagues from the Commission Services (DG INFSO). Furthermore, some of the activities mentioned in the Action Plan, including funding for e-inclusion projects through the RTD Framework Programmes should contribute towards the objectives of i2010 related to e-inclusion.

One of the results attributable to this activity was the strengthened treatment of disability issues in key policy documentation relation to eInclusion issues. The impacts of efforts to mainstream such issues are explored in section 4.4 (fostering access to goods and services), and include the high degree of policy attention given to eInclusion issues through subsequent policy initiatives such as the Riga Declaration 2006[84] and DG Information Society's eInclusion initiative.

**Improving Web Accessibility and monitoring the implementation of the Web Accessibility Initiative (WAI) guidelines**

A key development in the area of e-Accessibility was the adoption of the Web Accessibility Initiative (WAI) guidelines[85]. This took place one year prior to the Action Plan's launch. Since that time, various activities mentioned in the Action Plan have helped monitor the implementation of these guidelines, and spread awareness about the importance of promoting an information society for all.

Key developments include the drawing up of a report on the implementation of the Web Accessibility Initiative (WAI) guidelines by the European Commission's e-Accessibility working group. Additionally, the 6th RTD Framework Programme provided funding support for a number of research projects[86] which were designed to develop monitoring tools to assess compliance with the WAI guidelines and to ensure that the guidelines were implemented effectively. An overview of FP6 projects supported can be found in section 4.4.2 - Promoting e-accessibility in RTD projects through FP6).

Among the results attributable to these projects can be mentioned the development of practical methodological tools to monitor the accessibility of public websites and greater awareness about the guidelines. Over the medium to long term, impacts should ultimately include the improved

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[83] Commission Staff Working Paper {COM(2005) 425 final}, SEC(2005) 1095, European Commission, 13.09.2005.

[84] The Riga Ministerial Declaration followed the conference on"ICT for an inclusive society" held in Riga, Latvia, on 11-13 June 2006

[85] WAI is an initiative developed by W3C, the World Wide Web consortium. The eEurope Action Plan 2002 proposed to develop a number of WAI accessibility guidelines for public websites

[86] Examples of projects supported through FP6 include: BenToWeb, http://bentoweb.org/home ; Project EIAO, http://en.ftb-net.de/projekte/eiao.html; Project Support-EAM, http://www.support-eam.org

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accessibility of websites, although within the resource limitations of this evaluation, it has not been possible to assess the impact these projects are likely to have in detail.

It is also worth mentioning that across some Commission Directorate Generals, EU projects funded under calls for proposals sometimes require that project-related websites must be WAI-compliant (including in cases where the projects supported are non-disability specific). Activities relating to the mainstreaming of web-accessibility principles therefore clearly extend beyond the activities mentioned in the EU DAP scoreboard alone.

**Promoting eAccessibility in relation to independent living through FP6 research**

The first phase of the Disability Action Plan included a commitment to collaborate closely with DG INFSO on the mainstreaming of issues relating to e-accessibility and e-Inclusion in consumer goods and services through applied research projects and support for the development of advanced technologies.

It should be noted that work in the area of e-accessibility and e-inclusion built on earlier EU financed support for research projects in this area financed through the 5th RTD Framework Programme 1998-2002. Given that these projects were planned before the Disability Action Plan was drawn up and not explicitly mentioned in the scoreboard, they fall outside the scope of this evaluation and we have not examined these FP5 projects in-depth. Nevertheless, it is worth pointing out that many of the projects themselves were implemented over a 2-3 year time period which extended into the first phase of the EU DAP.

With regard to support for e-inclusion during the 6th Framework Programme for Research and Technological Development, the topic was mainly covered through the eInclusion Strategic Objective under Priority 2 of the Information Society Technologies (IST) Programme within FP6. Additionally, projects were supported in the field of e-inclusion through other FP6 priorities, mainly Priority 8 (Scientific Support to EU Policies).

A summary of FP6 funding during the first and second phases of the EU DAP is provided below (see section 2.5 on resourcing the implementation of the EU DAP for a more detailed funding breakdown).

- Projects relating to eInclusion were mainly funded through the **e-Inclusion Strategic Objective under Priority 2 (IST)**. About 30 projects were supported, representing a budgetary commitment of approximately 29m euros;

- Priority 8 under budget line **Scientific Support to EU Policies** in the area of IST also supported e-Inclusion. This had a budget of 3.4 m euros;

- The cross-programme theme 2.6.2 **Ambient Assisted Living (AAL) for the Ageing Society** also provided support of relevance to facilitating independent living and promoting the social inclusion of disabled people. The budget was 40m euros.

In the **IST** Work Programme for 2003-2004[87], one of the headings (2.3.2.10) deals with eInclusion and sets out the main objectives in this area, as well as the type of research activities that are eligible for support. The main objectives were to:

- Promote eInclusion as a core horizontal building block in the establishment of the Information Society to ensure equal access and participation for all in Europe.

- Develop intelligent systems that empower persons with disabilities and ageing citizens to play a full role in society and to increase their autonomy.

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87 Integrating and strengthening the European Research Area" in the Sixth Community RTD Framework Programme - Information Society Technologies Work Programme for 2003-2004,

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With regard to areas of research that were eligible for funding, the IST priority provided research funding support for:

- Research on advanced interfaces, low cost sensors and robotics to be integrated in assistive devices, and information modelling and web semantics to improve web usability for digitally disadvantaged persons.

- The development and demonstration of intelligent housing for persons with special needs to be addressed in an integrated approach.

- The networking of research teams in the area of *assistive technologies* to strengthen the research effort on the quality of life of users with physical, sensory or cognitive impairments as well as in the domain of *design-for-all* for mainstream products and services exploring, for example, cognitive demands and new multimodal platforms.

The objective of the second call, which had a budget of 30 million euros, was to increase the autonomy of older persons and people with disabilities in order to ensure their equal access to, and full participation in the Information Society. The Call for Proposals was published in October 2003.

The call resulted in the selection of 14 projects. These received FP6 funding to research different aspects of e-accessibility for older persons and people with disabilities[88].

The Work Programme 2005-2006 of the IST Priority in the European 6th Framework Programme for Research and Technological Development includes an eInclusion Strategic Objective. Its objectives were to:

- Mainstream accessibility in consumer goods and services, including public services through applied research and development of advance technologies. This will help ensure equal access, independent living and participation for all in the Information Society.

- To develop next generation assistive systems that empower persons with (in particular cognitive) disabilities and aging citizens to play a full role in society, to increase their autonomy and to realize their potential.

The Strategic Objective '2.5.11 eInclusion' is included within Call 5 of the IST priority. Research and development actions focused on:

- Experience and Application Research leading to large scale demonstrators to mainstream accessibility in particular in the areas of smart environment, next generation mobiles, Digital TV and future related services. Work would benefit by using existing infrastructures of key industrial actors in the field and involving users in the RTD process. Demonstration scenarios could focus on living environments for older persons, educational environment for children or work environments for people with disabilities.

The main instrument within FP6 through which research in this area would be carried out was Integrated Projects (IPs). IPs are an instrument to support objective-driven research, where the primary deliverable is the creation of new knowledge.

1. Development of innovative solutions for persons with cognitive disabilities. Basic Research would be appropriate in this area to address some of the fundamental challenges posed by the demographic changes. Applications could aim for example to support the ageing population, or to provide support to children in developing their potential and learning new skills.

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[88] The projects supported include ASK-IT, HEARCOM, ENABLED, COGAIN; BenToWeb, EIAO, ENSURE, MAPPED, MICOLE, MOVEMENT, EUAIN, AAL, CWST, Support-EAM. It appears that the ENSURE project was subsequently discontinued.

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The main instrument within FP6 through which research in this area would be carried out was STREPs (Specific Targeted Research Projects are an evolved form of the shared-cost RTD projects and demonstration projects used in FP5).

Under the 2005-2006 Work Programme, a call for proposals[89] was launched in September 2005 within the eInclusion strategic objective under the IST programme, among whose aims was to carry out research into the development of innovative solutions for persons with cognitive disabilities. A total of 13 projects were selected under this call which had an indicative budget of 29 million euros[90].

The 13 projects focused on different aspects of e-accessibility and were designed to promote e-inclusion for all principles in the design of ICT products and services. Most of the research projects were between two and three years in duration. Therefore the research results mainly materialized during the second phase of the EU DAP. Examples of projects in the area of assistive technologies are therefore provided in section 4.3 (fostering access to goods and services), which covers the second phase of the EU DAP.

It is also worth mentioning that there were additional activities supported through FP6 which were supportive of the promotion of independent living and of the policy objectives set out in relevant EU policy documentation. In particular, in the area of design-for-all and assistive technologies, with support was provided for research aiming at structuring cooperation among accessibility centres to promote the sharing of resources and support. This was implemented through the FP6 Coordination Actions (CAs) instrument. CAs are a reinforced form of the Concerted Actions/Thematic Networks which were available under FP5.

As a result of this funding, the European Design for All eAccessibility Network (EDEAN) was set up[91.] The main aim of the network - which has more than one hundred and sixty members - is to promote the concept and wider take-up of Design for All principles in order to support access to the Information Society for all EU citizens including people with disabilities. The network provides a forum at European level for Design for All issues, in support of EU goals in the area of e-inclusion, carries out awareness-raising activities and provides an online resource focusing on Design for All.

Overall, the various projects supported under the Strategic Objective '2.5.11 eInclusion' as well as the other research activities within FP6 described above have made a useful contribution to the objective of promoting eAccessibility in relation to independent living through FP6 research.

In terms of results, the research projects have contributed towards making progress in the area of eAccessibility and independent living and made it easier for people with disabilities and older people to live as self-determined or independent as possible by developing devices compensating in some way for motor, sensory or cognitive difficulties, by developing 'smart home' technologies of different sorts. This should in turn make it easier for people with disabilities and elderly persons to stay in their own homes in particular by helping to develop remote social and medical care via voice or the transmission of biomedical data.

With regard to impacts, the projects funded under budget lines in the first phase of the EU DAP were of 2-3 years supported so were not fully implemented until into the second phase of the EU DAP. Impacts are therefore examined under section 4.4 (fostering access to goods and services).

### 3.4.3    Conclusions – 'using the full potential of new technologies'

The following conclusions can be drawn with regard to outcomes achieved through the implementation of activities supported under the heading 'Using the potential of new technologies':

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[89] The Strategic Objective '2.5.11 eInclusion' was included within Call 5 of the IST priority (FP6-2005-IST-5)

[90] AGENT-DYSL, COGKNOW, DfA@eInclusion, DIADEM, eABILITIES, ElderGames, eSANGATHAN, EU4ALL, I2HOME, MonAMI, MPOWER, VITAL, WAI-AGE

[91] European Design for All e-Accessibility Network - http://www.edean.org/

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**There is evidence of increased priority being given in EU policy documents to e-Accessibility and e-Inclusion issues (with particular reference to using the full potential of new technologies for people with disabilites) since the EU DAP came into being.** While it is important to stress that there was already policy work going on within the Commission, as well as research funding for e-Accessibility prior to the Action Plan being adopted, the visibility of work in this area has been strengthened. This can be attributed to close cooperation between relevant actors within the Commission services, notably the e-inclusion unit within DG Information Society and the Unit for the Integration of People with Disabilities , DG EMPL more widely, DG Enterprise and DG Internal Market and Services. Although cooperation pre-dated the EU DAP, the Action Plan now provides a valuable framework through which work on these important areas with potential to promote independent living and quality of life for disabled people can take place.

**The EU DAP has provided a mechanism through which the visibility of EU policies and research supportive of the concept of e-Accessibility for all has been heightened.** Relevant Commission Communications and Action Plans such as the e-Accessibility Communication, (part of the e-Europe Action Plan 2005), as well as the i2010 strategy, placed considerable importance on the need to ensure that the Information Society benefits all members of society including people with disabilites. The Action Plan has helped promote awareness about EU policy goals in this area.

**Progress has been made towards the achievement of EU policy objectives in the areas of e-Accessibility and e-Inclusion as a result of individual activities feeding into the Action Plan.** In order to make headway towards the realisation of key EU policy goals in these related areas, concrete practical measures were necessary. Examples of measures supported through the EU DAP to promote e-Accessibility and e-Inclusion policy objectives include the implementation and monitoring of the web accessibility guidelines, the promotion of more accessible ICT products and services through dialogue with industry, the development of accessibility requirements and voluntary European standards such as that envisaged Mandate 376, and revisions to the Public Procurement Directives to take greater account of accessibility issues, including those relating to e-Accessibility.

**Through the eInclusion strategic objective under the IST programme (FP6), progress has been made in developing new technologies with the potential to improve the everyday lives of disabled people.** Research funding through the RTD Framework Programmes has enabled new advanced technologies, including interoperable products and services. These should play a useful role in facilitating independent living for disabled persons.

**While difficult to assess the precise impact of these research projects, they can nevertheless be expected to have made a position contribution towards the goal of supporting independent living for disabled people.** The IST work programme for 2004-05, the text of the Calls for Proposals and a number of project fiche and websites of a number of projects supported through FP6 were examined. The number of new technologies developed financed through FP6 only represents a relatively small proportion of the total volume of products and services available within the EU. Nevertheless, the projects appear to have achieved positive outcomes, for example, through demonstration effects, especially in terms of the development of innovative solutions for persons with cognitive disabilities.

**The issuing of EC Mandate 376 by the Commission to the European Standards Associations on accessibility requirements in the public procurement of ICT goods and services should have a positive impact on promoting 'accessibility for all' principles.** The Mandate, once developed into a voluntary European Standard, should reinforce the trend towards greater consideration of e-accessibility requirements by manufacturers of devices and by producers of ICT goods and services. However, since Phase 1 in the development of the Standard was only recently completed, and given that take-up of the Standard will be voluntary, its impact is difficult to anticipate.

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**Progress has been made in the development of a methodological framework for measuring progress towards eAccessibility.** The MeAC study from 2007[92]commissioned on behalf of DG EMPL to measure and assess the state of play in different Member States in relation to progress towards e-Accessibility in different technological areas has contributed considerably in developing criteria for setting benchmarks in key areas of e-Accessibility.

**The monitoring framework for assessing compliance with the web accessibility guidelines has been strengthened.** The web accessibility guidelines were developed prior to the Action Plan's launch. Through the framework of the EU DAP, it has been possible to undertake follow-up activities to promote their effective implementation and wide dissemination. A number of research projects funded through FP6 have focused specifically on monitoring the implementation of the WAI guidelines. Among the achievements include the development of online resources promoting awareness and information about the guidelines, the development of new methodologies and benchmarking tools to assess compliance and to monitor the accessibility of websites, etc.

**Nevertheless, further work may be needed to further promote awareness about the Guidelines and to improve web accessibility.** According to the report referred to above on Measuring Progress of eAccessibility in Europe, only a small proportion of government websites in the Member States meet the accepted minimum international standards on accessibility. The proportion of websites meeting e-accessibility standards in the private sector was found to be even lower. The same report found evidence that in spite of progress made on various fronts, 'the e-Accessibility situation for people with disabilities across Europe as a whole, in terms of both e-Accessibility status and e-Accessibility policy, compares very unfavourably with that in Australia, Canada and the US'.

## 3.5 Improving accessibility to the built environment

### 3.5.1 Rationale and summary of activities supported

Improving accessibility to the public built environment is a pre-requisite to facilitate access to the labour market for people with disabilities, as well as their participation in education, training and lifelong learning and in society more generally. The promotion and mainstreaming of Design for All principles in the design and construction of buildings is therefore essential in improving accessibility to the built environment. The inclusion of these principles in the initial stages of building design has been identified as having tangible business benefits. Buildings which are accessible have more flexible usage, meet the demands posed by ageing demographics and achieve higher levels of sustainability. They can also help to reduce the risks of costs being incurred by operators of public buildings in terms of the injuries and fatalities that can result from poorly designed buildings.

Promoting more accessible public transport is also important in ensuring that barriers to the full participation of people with disabilities are eliminated. This was recognised in the White paper on European transport policy for 2010[93]. Furthermore, enhancing the accessibility of tourism and leisure facilities is critical in improving quality of life and has been recognised in a number of Council Resolutions.

To promote accessibility, a number of activities have fed into the Action Plan. This has included a combination of measures including legislation, work to develop EU standards on accessibility requirements in public procurement to stimulate greater harmonisation within the EU, and funding for projects to promote accessibility.

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[92] –Study on Measuring Progress of eAccessibility in Europe (MeAC) : Assessment of the Status of eAccessibility in Europe, 2007 (S 21-022483).

[93] Commission White Paper COM(2001) 370 final of 12.9.2001 'European transport policy for 2010: time to decide'

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It should be noted that while the fourth theme in the EU DAP 2004-05 was titled 'accessibility to the built environment', some activities mentioned in the EU DAP scoreboard promoted accessibility and design for all principles more widely, such as preparatory work to promote the inclusion of a reference to accessibility in the General Regulations on Structural Funds 2007-13.

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**Activities supported to promote accessibility to the built environment – activities identified in EU DAP scoreboard**

*Legislation*

- Revisions to the Public Procurement Directives in 2004 to take into account accessibility requirements

*Supporting research projects, training and good practice dissemination in relation to accessibility issues pertaining to the built environment*

- The BUILT-FOR-ALL pilot project which involved the development of a toolkit on the inclusion of accessibility for all principles in the public built environment for use by local authorities in support of the implementation of the 2004 public procurement directives;
- The POLIS research project to encourage the systematic uptake of universal building design and supporting training for university students and specialised professionals in design-for-all principles;
- The BUILDING ACCESSIBLE SERVICES project promoting good accessibility practice and training on the use of accessibility;
- The ARCHITECTURE AND URBAN DESIGN FOR ALL: FROM SCHOOL TO PRACTICE project. This targeted the coordination of specialised training for university studies and continuous training in architecture and urban planning ;
- The REASONABLE ACCESS project which aimed to create a common ground in the definition of reasonable access to the built environment and to identify good practices;
- The PT ACCESS project which analysed the accessibility to public transport for disabled persons and assessed the costs and benefits of making transport more accessible.

*Information dissemination in relation to accessibility*

- Brochure/guideline supporting hotel owners to assess the accessibility of their facilities;
- Study on the economic impact of providing accessible tourism facilities;
- The ENAT pilot project to promote accessible tourism through the development of a European Network of Sustainable Tourism.

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If activities at the project level are also included, a large number of activities took place under this theme. Below, the most important activities which were supported, are examined. A sample of the research projects listed above related to the built environment are also analysed:

### 3.5.2 Assessment of progress towards implementation of individual activities – Built environment

In this sub-section, we examine some of the main initiatives feeding into the Action Plan in the field of accessibility to the built environment, and consider the impact that these have had to date.

**Encouraging universal building design**

The Polis project was a two year project funded under FP6 (Scientific Support for Policies, Priority 8.1). It involved 10 partners from different member states, mainly research institutes in the areas of building design and architecture along with organisations representing people with disabilities. The objective was to develop a decision support system for the evaluation of buildings' design scenarios taking into account the needs of all potential users, in order to increase the cost efficient uptake of universal design. It also aspired to integrate the proposed solution to EU and national policy instruments with the ultimate goal of developing accessibility for all EU standards and to disseminate the result to diverse audiences (authorities, engineers, designers, product developers). A final and rather distinct aim of its promoters was to identify actual business opportunities for the commercial use of the DSS tool. The main outcomes of the project include:

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- The development of a Building Accessibility Metrics methodology

- Development of a Decision Support System (DSS) with a web-enabled tool assisting designers and building managers to carry out accessibility audits of new and existing buildings

- Publication and documentation of the use of the DSS in 5 cases/buildings

- Publications in scientific journals

- Awareness raising conferences and workshops in the 6 member states of the partners

- A new firm commercially exploiting the DSS model

The project focused on private sector buildings and applied the principles of 'universal design' to address the specific needs of predefined categories of citizens with disabilities. Among the most important project outcomes was the strengthening of the business case for the integration of universal design principles into building design through the development of a methodology for assessing the costs and benefits of taking the needs of people with disabilities into account in building design.

**Promoting specialised training and awareness on urban planning and architecture, highlighting accessibility aspects**

One of the disability mainstreaming pilot projects supported the objective of strengthening accessibility to the built environment for people with disabilities was **Architecture and Urban planning: design for all from school to practice.** The project's main objective was to develop and **encourage the usage of training materials for Design for all training courses** tailored to the needs of the different target audiences that included students, teachers/professors, designers and project financing decision makers. The project was initiated in 2004 and included relevant university departments and research institutes, architects/designers firms and disability representative organisations from 5 member states.

Materials developed through the project provide guidance for the development of structured training courses for different target audiences. The outputs included 12 training modules, 3 for each target group (students, designers, teachers and decision makers), a best-practice guide, an online course development support tool/guide, an e-library and the holding of an international conference. The dissemination of the training materials beyond project participants was based on the project website, as well as the development of a network of more than 50 registered members from a wide number of countries.  It was not possible to obtain information on the extent of usage of training materials produced from network members. The lead project partner commented that there is still a lot of work to be done at European level to deliver high quality training on accessibility issues to architects, especially to trainees.

While the various projects to promote accessibility described above have collectively had a positive impact on raising awareness, a number of interviewees highlighted the need for the European Commission to continue supporting awareness-raising activities and to promote the wider dissemination of good practices in integrating 'design for all' principles into building design.

The Reasonable Access[94] project was financed through FP6. Among the project objectives were to develop a standardised technical expression for the term 'reasonable accessibility and accommodation' to the physical built environment for people with disabilities,  to determine and elaborate the policy implications of the technical expression of 'reasonable accessibility and

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[94] http://www.reasonableaccess.info/

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accommodation', to develop Good Practice Guidance for defining and implementing reasonable accessibility and accommodation in design and to develop an exemplar Business Case for the standardised technical expression.

The project was structured through two work packages. Through the first work package, the parameters of reasonableness for accessibility for people with a disability were defined and analysed from a number of perspectives. A review of legislation and regulatory and enforcement agencies was carried out. A review of existing research into disability and the physical built environment focusing on the extent to which reasonable accommodation was being provided and corresponding design parameters. The objective of the second work package was to explore, evaluate and reconcile the different perspectives, opinions and value systems that exist surrounding the interpretation of the term 'reasonableness' in legislation, psycho-social, healthcare, end-user and business communities.

With regard to project outputs, a research seminar on Reasonable Access to the Built Environment for Persons with a Disability was held in April 2006 at the University of Leeds, the project lead. A Good Practice Guide for implementing reasonable accessibility and accommodation was also developed.

Although it was not possible to interview the project leader, a review of the project website and deliverables suggest that the project achieved useful outcomes. There are different interpretations of Directive 2000/78/EC in the national legislation of the member states. Some countries have interpreted the scope of the reasonable accommodation principles set out in Article 5 too narrowly, with the result that people with some types of disabilities were effectively excluded from protection from discrimination). The project therefore addressed a real need.

**Developing a toolkit on accessibility design (the 'Build-For-All project')**

A good example of a project that combined awareness-raising activities with the development of a practical tool to promote the inclusion of design for all principles was the **Build-For-All project** funded under Strand C of the 2004 call for proposals – "Promoting accessibility for all" of the Pilot Projects on actions to mainstream disability policies of DG Employment and social affairs and lasted for 2 years (12/2004-12/2006). The project was designed to provide practical support for the implementation of the revised 'Procurement Directives'.

Among the objectives of the Build-For-All project were to a) provide public authorities with guidance on the establishment of accessibility criteria and a methodology for the implementation of accessibility as provided for by the 'Procurement Directives', b) inform relevant stakeholders in private sector about how to meet accessibility criteria included in procurement procedures, and c) bring together representatives from disability organisations with relevant stakeholder groups including local and regional authorities, the construction industry, lift manufacturers and architects - in order to promote ongoing and sustainable dialogue. The project built on the report by the Expert Group on accessibility and involved cooperation between 10 EU-wide organisations representing the three groups of stakeholders identified above. There were 4 national partners (Spain, Italy, Poland, Germany).

Project outputs include:

- The development of a toolkit on accessibility/design-for-all to be used by local authorities and tenderers in relation to calls made in the framework of the EU Directives on Public Procurement;

- The production of a Training Manual and Training Course for relevant professionals (construction industry, architects, planners) and local and regional authorities;

- The holding of training events/seminars in the 4 Member States targeted at officials from local and regional authorities;

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- The holding of a workshop for national disability councils validating the toolkit and providing information on the opportunities to enhance the visibility of accessibility issues in procurement procedures stemming from the revised 'Procurement Directives';

- A European launch event and final presentation event in the European parliament endorsed from the Commission president and the commissioner and a website with information and relevant materials.

Among the outcomes achieved through the project's implementation was the training of a number of officials from local and regional authorities in 4 Member States. The project evaluation found that most objectives had been achieved and that there was value added in having brought together interested stakeholders in order to strengthen understanding of accessibility principles. No information was available with regard to the extent of usage of the toolkit or the training materials although it is expected that a manual will be produced for public administrations on accessibility that will rely strongly on the outcomes of the Build-for-all project.

**Promoting the accessibility of urban space – the Polis and Building Accessible Services projects**

A further two projects, Building Accessible Services (supported through the disability mainstreaming pilot projects), as well as the Polis project described above under the heading 'Encouraging universal building design' focused on promoting the mainstreaming of accessibility principles in the public built environment. The projects both aimed to strengthen the evidence base for the business case for the integration of universal design principles.

The **Building Accessible Services** (BAS) project complemented the POLIS project. It used elements of the methodology developed through POLIS to promote the development of user-friendly evaluation guidelines for assessing the accessibility of buildings, with a particular focus on urban spaces. A project description, and summary of the main outputs achieved through its implementation, is provided in the table below:

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**Building Accessible Services: Example of disability mainstreaming Pilot Project in area of accessibility**

The BAS project brought together research institutes, firms and disability representative organisations from 7 member states. The objective was to raise awareness and to promote the use of existing methodologies to evaluate accessibility (including a simplified version of the Building Accessibility Metrics of the Polis project) through showcasing good practices/examples from various types of public buildings. The main project deliverables included:

- A document analysing the legislative and policy context in respect of accessibility in the member states;

- Guidelines for the audit and evaluation of the built environment with regard to accessibility;

- The production of an 'Orange book' (and accompanying CD version) which presented 17 examples of good practices in accessibility across different EU countries and across a variety of different types of public buildings;

- Four international training events on different thematic areas (i.e. types of buildings) including public authorities, the private sector, representatives of people with disabilities;

- Two international conferences for the promotion of best practices;

- The development of a website which provides information materials and online access to all key deliverables

The BAS project had a stronger awareness-raising and practical guidance/training element than the POLIS project.

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**Improving information on accessible tourism for disabled people**

The theme of accessible tourism was another area of activity in the EU DAP included under the heading of awareness-raising, training and good practices. Through the framework of the Action Plan, a limited number of activities have taken place at EU level. It should be pointed out that although the European Commission has a tourism unit within DG Enterprise and Industry, the Treaty does not provide a mandate for the development of a European tourism policy. Moreover, national tourism policies vary significantly in terms of the extent to which they deal properly with accessibility issues which means it is difficult to develop a common approach to promoting accessibility.

While the promotion of access to tourism and sport facilities for people with disabilities is mentioned as a priority in the DAP, there are no financial means available at EU level to support projects on tourism and disability, other than ad hoc initiatives organised by the European Commission's DG ENTR directly, such as a conference on accessible tourism, and the development of guidelines in 2004 on improving the accessibility of tourism facilities[95] for people with disabilities. These were aimed at hotel owners and included guidance on how to provide information for people with different types and degrees of disabilities on accessibility aspects in a consistent format. While the degree to which the guidelines reached their intended target audience (and have actually been used) is difficult to ascertain, such initiatives have helped support awareness-raising efforts relating to the promotion of accessibility for all principles in respect of tourism facilities and services, which is a growingly important issue in the context of ageing demographics.

One of the pilot projects – the **European Network for Accessible Tourism[96]**, also lent support to efforts to promote accessible tourism and to reinforce efforts by DG Enterprise in this area. The Network sought to promote the case for accessible tourism from both an economic, as well as a rights-based perspective. Among the project objectives were to: create a focal point for promoting accessible tourism in Europe, establish an on-line Information and Resource Centre, support dialogue about disability and accessibility issues in tourism; and to promote disability mainstreaming and to improve the employment conditions of disabled people in the tourism sector.

With regard to the economic case for accessible tourism, the project identified a need for service providers in the tourism industry to adapt to changing market conditions. European tourism destinations face increased global competition in terms of price and quality, as well as trends such as ageing demographics serving as key change drivers. A need was identified to improve 'accessibility for all' so as to broaden the potential customer base and to improve the sustainability and competitiveness of the European tourism sector by making appropriate adaptations to tourism facilities and services.

ENAT has also centred the case for making tourism infrastructure and services around Europe more accessible on the need for the rights of persons with disabilities to participate equally in society. This is clearly supportive of the Action Plan's strategic goal of promoting accessibility for all and eradicating barriers to participation. With regard to keynote events during the project, in 2006 an international workshop was held which involved 75-80 people and in November 2007, a final congress meeting was held in Spain to promote accessible tourism and to share good practices and exchange experiences. This attracted 200 participants.

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[95] DG ENTR brochure 'Improving information on accessible tourism for disabled people'(June 2004)http://ec.europa.eu/enterprise/tourism/docs/studies/improving_information_on_accessibility/improving_accessibility_en.pdf

[96] http://www.accessibletourism.org/

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In terms of outputs, three main deliverables were produced, firstly information about the Rights of Disabled Tourists in Europe, secondly an information pack on Services & Facilities for Accessible Tourism in Europe and lastly, a forwards-looking policy document setting out key challenges for the future:  Towards 2010: Disability Policy Challenges and Actions for the European Tourism Sector. The project demonstrates evidence of sustainability since pilot funding ended.  At the end of the project, a non-profit association (ENAT) was set up to continue the work of the European Network for Accessible Tourism. Since that time, additional ENAT National Coordinators were appointed across EU Member States. The most recent figures suggest that there are today more than 400 members belonging to the network across 30 EU countries.

**Summary – projects that have helped raise awareness about accessibility to the built environment, training and the development of good practice guidance**

The above-mentioned activities supported through the framework of the EU DP have achieved a number of positive outcomes at the project level.  These projects had two main sources of financing, firstly the various accessibility funding streams supported through FP6 which were described in detail in section 3.4 (using the potential of new technologies) and in section 4.4 (fostering access to goods and services). The second source of financing for these projects was the disability mainstreaming pilot projects funded through two calls for proposals.

A number of the projects involved **awareness-raising** such as the holding of seminars, workshops and conferences, and the dissemination of good practice guidance materials in electronic and hard copy. The interviews with project leaders suggest that these events played a useful contribution in promoting greater levels of awareness, knowledge and understanding about the importance of accessibility issues in relation to the built environment. Most of the projects involved a strong transnational dimension with events being held in a number of EU countries attracting participants from across Europe. This was seen as one of the main ways in which EU funding had added value. The transnational dimension promoted the transfer of good practices on accessibility and the sharing of experiences between different EU countries.  The way in which accessibility issues are addressed in building design, as well as the regulatory environment concerning buildings and accessibility can vary greatly between Member States and one of the perceived impacts of these events was that participants became more aware of approaches to accessibility elsewhere.

Most of the projects also included a **training** dimension, either formal or informal. Projects such as Architecture and Urban planning: design for all from school to practice explicitly included formal training for young architects on accessibility. Other projects involved training of a more informal nature. Relevant information was disseminated about accessibility and design for all principles to stakeholders participating in seminars, workshops and conferences.

Several of the projects supported involved, at the level of outputs, the development of **good practice guidance on accessibility in relation to the built environment.** Examples include the pilot project on the European Network for Accessible Tourism where an information pack on Services & Facilities for Accessible Tourism in Europe was developed and the Building Accessible Services (BAS) project which led to the development of an 'Orange book' (and CD) outlining examples of good practices in accessibility in different EU countries and a variety of types of public buildings.

While outputs can be quantified for these various projects relatively easily (a detailed statistical breakdown was provided in each project's final report and this was discussed where particular projects were included in the interview programme), it is more difficult to assess results and impacts at the project level. Most interviewees had not been able to undertake follow-up or monitoring beyond the lifetime of the project to assess the impact that awareness-raising, training and good practice guidance had had. However, across the projects as a whole, it can be concluded that a considerable number of relevant stakeholders were successfully targeted and attended EU-financed events linked to accessibility to the physical built environment. Although difficult to quantify, this should have had a

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positive impact in terms of promoting and reinforcing awareness about accessibility and design for all principles.

Improving access to the built environment for people with disabilities is a long-term policy challenge requiring efforts to eradicate accessibility barriers. Awareness-raising and training activities, as well as the dissemination of good practice guidance through the projects examined above has helped make a valuable contribution towards the achievement of a change in mindset with regard to the importance of designing buildings to be accessible from the outset.

**Review of the Public Procurement Directives to integrate accessibility and 'design for all' principles**

Significant progress has been made with regard to the integration of accessibility and 'design for all' principles in EU legislation. A key development was the inclusion of references to accessibility considerations in the 2004 revised Public Procurement Directives. The 'Procurement Directives' refer to Directive 2004/18/EC on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts[97] and Directive 2004/17/EC which concerns entities in particular sectors, such as transport and energy respectively [98]. The Procurement Directives represent an important step forwards in mainstreaming accessibility considerations in public procurement.

Directive 2004/18/EC states that "*Contracting authorities should, whenever possible, lay down technical specifications so as to take into account accessibility criteria for people with disabilities or design for all users.*" Contracting authorities can use criteria aimed at meeting social requirements in response to the needs of particularly disadvantaged groups. The potential impact of the revised legislation on strengthening the accessibility of the built environment is again substantial. In 2002 public procurement represented around 16% of the EU GDP (around 1,500 billion euros) and over 40% of the production value of construction activity. The 'Procurement Directives' play a major role in promoting the adoption of 'design for all' principles in the construction sector.

Issues relating to the transposition process and monitoring the implementation of the Public Procurement Directives from a disability perspective are addressed briefly in section 4.4 (Fostering the accessibility of goods and services).

With regard to outcomes linked to this activity, as a result of the mainstreaming of design for all issues in the Directive, there is now a strengthened commitment to promoting all types of accessibility (including the built environment) in the Procurement Directives. It is still too early to assess the likely impacts, given that the legislation only came into force at national level in 2006. The Directives were not transposed into national legislation in many Member States until 2007 (i.e. the second phase of the EU DAP). Nevertheless, discussions with DG MARKT as part of the evaluation suggest that the implementation of the revised Procurement Directives is likely to have a positive impact in raising awareness about, and ensuring greater consideration of, accessibility issues among purchasing authorities.

One of the disability mainstreaming pilot projects was especially relevant from the perspective of promoting strengthened awareness and knowledge about accessibility issues relating to the implementation of the Procurement Directives. The "Build for All" project, among other aspects, involved the development of a toolkit on accessibility design for use by local authorities and tenderers bidding under the 2004 Procurement Directives.

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[97] Directive 2004/18/EC of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.04)

[98] Directive 2004/17/EC of 31.3.04 coordinating the procurement procedures of entities operating in water, energy, transport and postal services sector (OJ L 134, 30.4.04)

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### 3.5.3    Conclusions - Improving accessibility to the built environment

A number of conclusions can be drawn in relation to progress towards the objective of improving accessibility to the built environment:

**'Accessibility for all' principles in relation to the physical built environment were strengthened during the first phase of the EU DAP in a number of ways, including through EU legislation and policies.** For example, accessibility considerations for people with disabilities were strongly stressed in the revised Public Procurement Directives 2004, and have been given a high level of visibility in key policy communications by the European Commission's DG Information Society.

**The Action Plan has provided a framework for promoting the increased visibility of policies and initiatives taking place across relevant EU policy areas within the European Commission in the area of accessibility to the built environment**. For example, the disability mainstreaming pilot projects and FP6 projects were explicitly mentioned in the EU DAP, and information about their outcomes is being widely disseminated. They have arguably achieved greater visibility as a result.

**The mainstreaming of 'accessibility for all' principles in relation to the built environment was also supported through the provision of EU financial support for projects.**  The main sources of funding for projects were the 6th RTD Framework Programme, with the Scientific Support for Policies (SPP) budget line playing an especially important role[99], and the disability mainstreaming pilot project funding.

**EU financed projects feeding into the EU DAP have helped to promote awareness among relevant target groups (public authorities, architects and design professionals) about the importance of accessibility and design for all principles in relation to the built environment.** The organisation within projects of dedicated events focusing on accessibility issues such as transnational seminars and conferences has contributed to raising awareness about the imperative of integrating design for all principles from the outset. It has also promoted awareness about relevant EU legislation, notably the 2004 Procurement Directives and accessibility for all aspects.

**The transnational dimension of projects supported in the area of accessibility to the built environment have added value by facilitating good practice transfer on accessibility, and by promoting mutual learning between relevant actors in the Member States.** The projects feeding into the EU DAP have strengthened the European dimension of efforts to promote accessibility. This is a useful outcome given that forthcoming initiatives such as the development of a voluntary European Standard by the ESOs focusing on accessibility requirements in public procurement are designed to promote harmonisation in the area of accessibility in the built environment across the EU.

**A number of good practice tools have been developed in the area of accessibility to the built environment as a result of projects supported through the EU DAP.** The Build-for-all and Building Accessible Services projects are good examples of high-profile projects that have led to the development of new methodologies, toolkits and reference manuals. The wider availability of such guidance materials should help promote awareness about accessibility and design for all principles.

**Some progress has been made through the Action Plan in promoting accessible tourism.** One of the pilot projects, the *European Network on Accessible Tourism,* appears to have been successful in raising awareness about accessible tourism issues at EU level and in participant Member States.

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[99] Examples of projects supported through this funding stream include the POLIS project (Decision support tools and policy initiatives in support of a universal design of buildings), Reasonable Access project (Good Practice for Providing Reasonable Access to the Physical Built Environment for the Disabled).

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This project has ongoing visibility and impact, given that the network is continuing to operate beyond the lifetime of project funding. Other initiatives include the development of a brochure on accessible tourism by the European Commission's DG Enterprise and Industry. A limitation in terms of what the EU can achieve in the area of accessible tourism is the fact that there is limited competence in the Treaty regarding tourism.

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**Improving accessibility to the built environment: current position and future challenges**

Good progress has been made towards the objective of improving accessibility to the built environment. However, it is clear that tackling accessibility barriers will only be achievable over the long-term, which will require ongoing commitment at EU and MS levels. The main challenges ahead include:

- Continuing to reinforce awareness about 'accessibility for all' and 'universal design' principles in relation to the public built environment, given that levels of awareness vary considerably between Member States;

- Encouraging the private sector to place a stronger emphasis on accessibility in the development of private sector infrastructure, in the context of an ageing society;

- Promoting take-up of the European Standard being developed by the ESOs based on Mandate 420; and

- Monitoring the implementation of Structural Funds programmes to assess what impact the inclusion of references to accessibility requirements for disabled persons in the General Regulations is having.

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## 4.  Assessment of second phase of EU DAP (2006-2007)

**In this section we provide an assessment of progress towards the implementation of individual activities across the four thematic priorities selected during the second phase of the EU DAP's implementation (2006-2007). The extent to which objectives linked to each of the four themes has been achieved is also examined.**

### 4.1    Introduction

In 2005, a new Communication (Com (2005) 604 final) was adopted covering the second period of the EU DAP's implementation. As in the first implementation phase, four specific objectives were established for the 2006-07 period:

- Encouraging **activity**;

- Promoting access to **quality support and care services**;

- Fostering the **accessibility of goods and services**;

- Increasing the EU's **analytical capacity**.

These four thematic priorities were designed to provide support for the achievement of the meta-theme of *'promoting independent living for people with disabilities'.*

### 4.2    Encouraging activity

The assessment of EU-DAP activities relating to 'encouraging activity' is structured as follows:

- Section 4.2.1 provides an overview of the rationale for intervention under this thematic priority and a summary of the main activities supported (drawing on the EU DAP scoreboard which is provided as an annex to the Action Plan);

- Section 4.2.2 provides an assessment of progress made with regard to the implementation of individual activities supported during 2006-07;

- Section 4.2.3 presents overall conclusions with regard to progress towards objectives under this priority theme.

Other sub-sections within section 4 adopt the same structure.

The theme of encouraging activity among disabled persons provided continuity with some of the activities supported during the Action Plan's first phase. In particular, there are linkages with the theme of 'promoting access to, and retention in employment' (see Section 3.2) and the theme of 'increasing participation in lifelong learning' (see Section 3.3).

#### 4.2.1    Rationale and activities supported

The rationale for supporting the theme of 'encouraging activity' was that people with disabilities have considerably lower activity rates in employment and in lifelong learning than average.  Encouraging activity is also linked to the European social protection and social inclusion process. The EU plays an important coordination role and seeks to encourage the Member States to take action to combat poverty and social exclusion, and to reform social protection systems on the basis of policy exchange and mutual learning. This is designed to help underpin the achievement of the Lisbon agenda, with sustained economic growth, more and better jobs, and greater social cohesion by 2010.

A key EU policy priority in the area of social inclusion is the integration of 'vulnerable groups' in society, including people with disabilities. Disabled people also face higher risk of poverty, social exclusion and discrimination.

In the table below, activities supported under the heading of 'encouraging activity' are summarised:

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**Encouraging Activity – activities identified in EU DAP scoreboard**

- Promoting the European Social Fund (ESF) to support employment, training and equal opportunities for disabled people and in the development of an accessible environment.

- Encouraging Member States to improve access to the open labour market for disabled people through the mainstreaming of disability issues in National Reform Programmes and through cooperation with the EU Employment Committee and EU Disability High Level Group.

- Reviewing and contributing to the proposed new European Commission Block Exemption General Regulation on employment and training aids for the employment of disadvantaged categories of workers to replace (EC) No 2204/2002.

- Raising disability awareness among SMEs and industry on the EU Corporate Social Responsibility concept.

- Promoting good practice approaches for the integration of social considerations into public procurement procedures;

- Encouraging the EU Social Partners to assess the impact of their framework agreements on disabled people and to increase the participation of people with disabilities in their organisations;

- Analysing the impact on people with disabilities of efforts through EU policies and programme designed to promote increased mobility within the European labour market in the context of one of the fundamental pillars of the Internal Market - the free movement of persons;

- Assessing DG EAC Programmes from the viewpoint of equal opportunities;

- Encouraging the mainstreaming of disability issues in the areas of education and training, including the regular monitoring of developments in the field of special needs education.

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We firstly examine activities relating to employment. Activities supported in this area represent a continuation with the theme supported in the first phase of 'promoting access to, and the retention in the labour market'. Other types of activities relating to the theme 'encouraging activity' are then summarised. This includes the theme of lifelong learning, with activities continued from the Phase 1 theme of 'increasing participation in lifelong learning', as well as other activities, such as work together with the EU social partners to promote disability mainstreaming in support of the inclusion if people with disabilities through increased participation - in employment and in society more widely.

### 4.2.2    Assessment of progress towards implementation (and the achievement of objectives – Encouraging activity

Below we assess progress in respect of the priority of encouraging activity during the second phase of implementation. References are made where appropriate to activities supported under the EU DAP's first phase of implementation.

**Encouraging the Member States and the Social Partners to improve access for disabled people to the open labour market and mainstreaming disability issues in Member States' Reform Programmes.**

One of the activities supported through the EU DAP in the area of employment was the continuation of efforts during Phase 1 to encourage the Member States to improve access to the open labour market for disabled people, in particular through the mainstreaming of disability issues in National Reform Programmes[100]. This began with the 2005 mainstreaming working paper on disability mainstreaming in the European Employment Strategy (described in section 3.2 'promoting access to/ retention in employment) and its subsequent dissemination to relevant stakeholders. The working paper was disseminated to the Member States through its inclusion as an annex to the Employment

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[100] http://ec.europa.eu/growthandjobs/key/nrp2005-2008_en.htm

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Guidelines. Its content was also presented to the EU's Employment Committee which is responsible for coordinating EU employment policies in particular through the Open Method of Coordination. The EU Disability High Level Group has also reflected on the Employment Guidelines and included it on its agenda.

Other activities relating to mainstreaming in the area of employment have included the dissemination of the disability-specific results of the EQUAL programme related to employing people with disabilities at a European conference held in Warsaw in 2006 (described later in this section).

In order to assess progress towards the objective of mainstreaming disability considerations in employment, CSES carried out an interview with a representative from the Employment Committee[101] and also undertook a review of the treatment of disability in key EU and national policy documentation, and of how this had evolved over time. A key evaluation question was the extent to which efforts to mainstream disability in EU employment policies, particularly the preparation of the working paper and its dissemination to relevant stakeholders have influenced the following:

- The preparation of EU-level documentation including the Integrated Employment Guidelines 2005-2008 and the annual Joint Employment Report;

- The treatment of disability issues in National Reform Programmes (NRPs) and in the former National Actions Plans on Employment. In particular, the level of prominence given to the labour market inclusion (and retention) of disabled persons in these strategic documents.

- The degree of attention placed on disability issues in the annual progress updates on the implementation of the NRPs (the 2007 reports were examined)

A comparison between the visibility of disability issues in the National Actions Plans on Employment (which were prepared by the Member States pre-2005) and in the successor National Reform Programmes (which commenced in 2005 and are prepared on a three year basis and set out Member States' employment policies) found some evidence of a strengthened emphasis on reinforcing the labour market inclusion of people with disabilities in particular through increased attention to the role played by Active Labour Market Policies in promoting the employment of people with disabilities.

The treatment of disability issues in a selected number of **National Reform Programmes** is now examined. This is not intended to be an exhaustive analysis since clearly, this would be beyond the scope of the present evaluation, and could be the topic of a study in its own right.

The NRP progress update for **Hungary** 2007 mentions that an increasing emphasis has been placed on restructuring the benefits systems in order to promote the rehabilitation of disabled people and older workers with the potential to re-enter the workplace. Legislation was passed in 2007 in relation to the introduction of a new type of rehabilitation benefit. The duration of the benefit is shorter than that of the disability pension and the objective is to encourage recipients to re-enter the labour market in accordance with the concept of active rehabilitation services.

In **Lithuania,** the NRP in 2005 placed a strong emphasis on the role of sheltered employment through support for social enterprises. It also emphasised the key role in promoting employment played by vocational rehabilitation services for people with disabilities. National policies seek to help improve the working capacity, professional competence and ability to participate in the labour market of people with disabilities. The important role played by ESF in Lithuanian in promoting the rehabilitation of disabled people in the workplace was also strongly emphasised.

In the 2007 NRP update in the **UK**, an analysis was included of the gap between the overall employment rate and that of different disadvantaged groups in the labour market. The analysis showed that the employment rate gap was wider between disabled persons and other groups

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[101] It was not possible to interview the official responsible for the mainstreaming working paper, who has since retired from the European Commission.

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considered at disadvantage in the workplace. The NRP update therefore gave prominence to removing barriers to the participation of disabled people in society. There was a focus on reducing the comparatively high numbers of people on incapacity benefit (IB) through the Pathway to Work initiative.

There are methodological difficulties in assessing the extent to which the positive evolution discernible in the treatment of disability issues relating to employment in NRPs can be attributed to activities supported through the EU DAP, such as the mainstreaming working paper. In particular, it is difficult to establish causality, given the large number of other factors which might be expected to influence the degree of emphasis placed on active labour market measures for the inclusion of people with disabilities.

Examples of other variables include: the prevailing macro-economic and labour market situation in different Member States; the extent to which there is a significant gap between overall employment, unemployment and inactivity rates and the rates of people with disabilities, and the degree to which there is a tradition of active labour market measures. Other contextual factors include the extent to which a given country places an emphasis on promoting the integration of people with disabilities in the mainstream labour market, as opposed to sheltered employment, and whether there are employment quotas in national legislation.

Nevertheless, qualitatively, through the discussions with national authorities, it is possible to conclude that the fact that the European Disability Action Plan was in place helped provide a supra-national point of reference for policy makers which raised the visibility of disability issues in a number of fields.

In the employment policy arena, the dissemination of the working paper on disability mainstreaming in employment can be expected to have raised awareness levels about the particular situation of people with disabilities in relation to the labour market. However, the extent of impact is difficult to assess in precise terms, given that the other variables mentioned above will also have influenced the development of national employment policies as set out in the NRPs.

Less positively, one finding from the research was that there was insufficiently frequent contact between the Unit for the Integration of People with Disabilities and the Employment Committee in relation to disability mainstreaming in employment. One interviewee commented that although people with disabilities was one of the disadvantaged groups in the labour market taken into account by the Employment Committee, they were not aware of some of the specific labour market issues faced by people with disabilities or of recent statistical research highlighting the employment situation of disabled persons (in particular, the study on *Disability Statistics of the Administrative Registers of the Member States,* which includes a chapter on employment).

The analysis now turns to examine the extent to which disability mainstreaming activities in the employment field have influenced the preparation of key EU policy documentation. In particular, we examine the treatment of disability issues in the **Integrated Employment Guidelines 2005-2007**. These note the importance of paying *'particular attention to significantly reducing employment gaps for people at a disadvantage, including disabled people'*. A number of guidelines are especially relevant from the perspective of people with disabilities:

*Integrated Employment Guidelines 2005 – 2007 – relevance to promoting labour market inclusion of disabled people*

| *Guideline* | *Relevance to people with disabilities in labour market* |
| --- | --- |
| Guideline 17: Implement employment policies aiming at achieving full employment, and strengthening social and territorial cohesion. | Disparities between employment rates of disabled people and non-disabled, and the correlation between disability and ageing, given the focus on increasing the employment rates of older workers. |

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| Guideline 18: Promote a lifecycle approach to work. | This is concerned, among other aspects, with supporting active ageing, including the development of appropriate working conditions and improving (occupational) health status so as to support participation and better retention in employment and longer working lives. |
|---|---|
| Guideline 19: Ensure inclusive labour markets, enhance work attractiveness, and make work pay for job-seekers, including disadvantaged people, and the inactive | The Guidelines note that 'combating discrimination, promoting access to employment for disabled people and integrating immigrants and minorities are particularly essential'. This Guideline recommends active and preventive labour market measures, as well as continual review of the incentives and disincentives resulting from the tax and benefit systems |

The **Joint Employment Reports**[102] produced annually by the European Commission since 2005 were also examined to assess their treatment of disability issues, and the extent to which there was a positive evolution since the dissemination of the working paper on disability mainstreaming in the European Employment Strategy.

The *Joint Employment Report 2005-2006* includes references to the importance of the inclusion of disabled persons in the labour market. In particular, it emphasises in the context of promoting a lifecycle approach to work the imperative of '*combating inactivity, encouraging active participation, and ensuring the greater promotion of policies to increase job retention rates are essential, in view of the number of working-age people who become disabled and do not return to work'*. It also stresses the need to address the sustainability of public finances by reducing the number of persons on disability benefits and by facilitating the access of people with disabilities into employment. Many Member States are faced with the substitution effect between benefit schemes used as exit routes, placing emphasis on reducing the particularly high numbers of people who are inactive for reasons of ill-health or disability, where often eligibility criteria are less stringent for older workers (FI, NL, PL, SE, and UK are facing particular sustainability challenges concerning ill-health)'.

The *Joint Employment Report 2006-2007* includes only a brief reference to disability. It notes that '*most Member States were devoting attention to people with disabilities, and in some cases people on sick leave, through a combination of legislative measures and reforms focused on rehabilitation, activation and the provision of employment incentives*'. It is notable that compared with the two other Joint Employment Reports examined, less visible attention is paid to people with disabilities. This is surprising given that the report was produced following the mainstreaming working paper. A lesson here is that mainstreaming needs to be constantly reinforced with active, regular contact between officials from the Unit for the Integration of People with Disabilities and the Employment Committee and Social Protection Committee so as to ensure that disability issues remain visible and high on the policy agenda.

The *Joint Employment Report 2007-2008* gave more prominence to disability issues, with a number of explicit references to the inclusion of people with disabilities in the labour market. It noted that there remain significant disparities between the employment rates of disabled persons *'with an employment rate of only 50%, people with disabilities also remain a potentially large untapped resource of additional labour supply'*. More positively, the report found evidence of a positive evolution in terms of the increased emphasis in the NRPs on active ageing strategies in some Member States, (BG, AT, FR, ES, DK, PT), with strengthened incentives and enhanced work opportunities for older and disabled workers.

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Overall, the treatment of disability issues in key EU policy documents is adequate, although the specific employment issues faced by disabled persons are not always examined in sufficient detail. Two out of the three reports pay attention to issues related to people with disabilities. This can be attributed at least in part to work through the framework of the EU DAP in ensuring that awareness about the specific labour market situation of disabled people is kept on the EU policy agenda.

**Promoting the European Social Fund (ESF)'s potential to support employment, training and equal opportunities for disabled people**

Key EU funding programmes such as the European Social Fund have strong potential to contribute towards promoting the employability of those seeking to (re)enter the labour market, including those farthest removed from the workplace. One of the ESF's five priority themes was the promotion of equal opportunities for all in accessing the labour market, with an emphasis on combating social exclusion, including that faced by people with disabilities.

The EU DAP lacks clarity with regard to which types of EU funding can be considered as having directly fed into the achievement of the Action Plan's objectives, and which indirectly. This applies particularly to both the ESF and EQUAL Community Initiative Programme. ESF interventions were considered to be directly feeding into the EU DAP, rather the EU DAP scoreboard highlighted activities relating to mainstreaming ESF results (where these were relevant from a disability perspective).

We have therefore focused our review in this area on the implementation of activities mentioned in the scoreboard, rather than on the contribution of ESF measures and priorities within individual Operational Programmes at Member State level having benefited people with disabilities (directly) as a target group.

Discussions with the ESF Unit within DG EMPL found that until recently there was an absence of monitoring information at Member State level in relation to the number of people with disabilities having benefited from ESF support. This will be addressed in the 2007-13 programming period with the introduction of more detailed monitoring of ESF final beneficiaries with disaggregated statistics being collected on ESF beneficiaries (e.g. gender, young people, older workers, disabled persons etc). However, it was possible to obtain an estimate of the 'no of people trained' having a disability – a results indicator. An estimated 300,000 people benefited from ESF support during the 2000-06 period although it was not clear how reliable this data estimate is.

Given its strong potential to promote access to employment for disabled persons, the EU DAP in 2006-2007 included a commitment to promoting the use of the new Structural Funds in the 2007-13 period, in particular the European Social Fund (ESF), to supporting employment, training and equal opportunities for disabled people, as well as the development of an accessible environment. Particular reference was made to supporting the preparations for ESF at Member State level through defining future strategic orientations for the use of ESF funds. In this regard, the Commission sought to draw attention to the working paper on mainstreaming disability in the European Employment Strategy already described in Phase 1 (see section 3.2 – employment). The fact that the working paper was presented to the Employment Committee and discussed with the Member States through the Open Method of Coordination is clearly positive, and should have had at least some impact in encouraging national authorities to give further attention to people with disabilities in national ESF planning. This should in theory translate into increased attention to supporting people with disabilities in accessing employment at an operational level in individual ESF Operational Programmes. However, given that the programming period has only recently commenced, it is too early to assess impacts in this area.

With regard to progression in the treatment of disability in the General Regulations on Structural Funds, in the 2000-2006 period, there were not any specific references to disabled persons as a target group (although ESF measures aimed at promoting the integration of people with disabilities in the labour market were eligible for support) or to accessibility issues in the Regulations themselves.

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Consequently, an effort was made to promote the strengthened treatment of disability issues in ESF in the new generation of programmes 2007-2013. As a result of these inputs to the policy making process, the General Regulations on Structural Funds for the 2007-13 period place a much stronger emphasis on disability. In particular, a new requirement on accessibility has been introduced. This stipulates that "accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation" (Article 16). This applies equally to ESF and ERDF interventions. Additionally, people with disabilities are specifically referred to as a target group in the Regulations*: "promoting pathways to integration and re-entry into employment of disadvantaged people such as people with disabilities".*

Stronger references to the importance of implementing the funds in compatibility with non-discrimination principles were also included for the first time. Article 3.1.c(i)) provided for "acceptance of diversity in the workplace and combating discrimination in accessing and progressing in the labour market". There will moreover be more explicit monitoring by the Commission of the use of ESF to promote equal opportunities in employment. Article 3.1.c(ii)) stipulates that the annual and final implementation report should contain information "on action to strengthen integration in employment and social inclusion of other disadvantaged groups, including people with disabilities" (Article 10.d).

The increased attention in the General Regulations given to people with disabilities, accessibility and non-discrimination issues are important developments. Progression in the degree of attention given to disability issues can be attributable at least in part to the Action Plan, which promoted the mainstreaming of disability issues in the ESF. Two specific activities were included under the heading of Encouraging Activity in this regard, firstly the organisation of a conference on ESF and disability in September 2006 in Brussels and secondly, the development of a toolkit for Managing Authorities on ESF and disability. These activities – analysed below - should have helped reinforce the progress made in mainstreaming disability considerations into the Regulations themselves.

A conference took place on ESF and disability in September 2006 in Brussels[103]. This was designed to feed into the process of preparing for the next generation of Structural Funds programmes in the 2007-13 period. Among the main discussion topics covered through the conference were new perspectives for disability in the ESF in 2007-13, the active inclusion of people with disabilities through the ESF and maximising its impact. The conference was attended by relevant stakeholders including officials from DG Employment, Social Affairs and Equal Opportunities, relevant NGOs, such as the European Disability Forum, the European Platform on Age, and the European Association of Service Providers for Persons with Disabilities (EASPD), as well as representatives from national Managing Authorities responsible for ESF programmes.

Following the conference, a final report[104] was prepared highlighting the conference results and key discussion topics. With regard to outcomes from the conference, while it is clearly positive that this initiative was organised by the Commission prior to the new 2007-13 programming period, follow-up activities mentioned at the conference, in particular the development of a toolkit for Managing Authorities on ESF and disability has been considerably delayed.

The toolkit will be aimed primarily at stakeholders involved in planning (programming), implementation, monitoring and evaluation of the ESF. Key target groups for the toolkit therefore include Managing Authorities, representatives at national, regional and local levels, project promoters, representatives of disability social services providers as well as ESF Monitoring and Selection Committees. The toolkit provides a framework for assessing the accessibility of ESF projects to disabled people.

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[103] European Social Fund and Disability - a Conference of the European Commission, 21st September 2006, European Social Fund and Disability

[104] Report prepared by Helen Kerrison, Conference Rapporteur and Independent Consultant for insight in business

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The document is currently in draft form (May 2009) and has not yet been formally launched. This is anticipated in autumn 2009. The delay means that the toolkit will only be available to its target audience mid-way through the programming period, although the toolkit was supposed to have been developed during the second phase of implementation in time for the launch of the new period. The delay has arguably lessened the potential positive outcomes from the ESF conference and means that its results and impacts cannot yet be fully assessed.

Overall, in spite of the difficulties with regard to the timing of the ESF toolkit, positive progress is clearly discernible, particularly if a comparison is made between the treatment of disability issues including accessibility in the 2000-06 Regulations compared with the 2007-13 Regulations.

**Mainstreaming the results of the EQUAL Community Initiative Programme**

EQUAL funding for Development Partnerships and projects was not considered as being directly part of the EU DAP Rather, the emphasis in the EU DAP Scoreboard was on mainstreaming the disability-specific results of EQUAL. Given that the EQUAL Community Initiative Programme was financed through the ESF, the mainstreaming of the results of EQUAL projects can be considered as being part of broader efforts to promote the results of the ESF, as described above.

Many EQUAL projects included people with disabilities as a priority target group in improving access to the labour market.  The impact of EQUAL projects in promoting access to employment cannot be directly attributed to the EU DAP, given that EQUAL funding was not directly part of the Action Plan. However, in terms of indirect effects, the effects on strengthening the situation of disabled persons in accessing the labour market are likely to be considerable. Work through EQUAL Development Partnerships on issues such as "convincing and involving employers to employ people with disabilities", improving "integration services" and "empowering people with disabilities", should all contribute to the EU DAP objectives of promoting access to, and retention in the labour market (Phase 1) and to the aim of 'Encouraging Activity' (Phase 2).

Furthermore, support through EQUAL does not only affect the situation of people with disabilities at a purely national level. Due to the requirement for DPs to conclude transnational co-operation agreements with DPs from different Member States to create platforms of common objectives and interests, there have been useful cross-border exchanges of experience, peer reviews, joint seminars, policy fora, etc. including those specifically relating to promoting labour market access for people with disabilities.

As part of the evaluation work, CSES assessed the proportion of EQUAL resources which explicitly addressed disability issues. Within the 9 different thematic fields of EQUAL, an estimated 134 projects across the Member States received funding during the second Round (projects initiated between 2004 and 2006) fell under this category. The estimated budgetary value of these projects amounts to over 183m euros. A detailed breakdown of disability-related EQUAL projects by thematic field and funding bracket is provided in Appendix I.

With regard to dissemination, EQUAL projects with a disability dimension have been promoted through the EQUAL common project database (https://webgate.ec.europa.eu/equal/jsp/index.jsp?lang=en). This is a useful dissemination mechanism which contains project fiche and further sources of information about particular projects. CSES' research suggests that some 250-300 projects supported were directly related to disability.  It was not possible to obtain information on the extent to which the database is used, and by which stakeholders.

EQUAL will not be continued as a separate Action Programme in 2007-13. Rather, its results will be mainstreamed into core ESF during the 2007-13 programming period.  It is difficult to assess the results and impacts attributable to the mainstreaming of EQUAL results in the area of disability at this stage, because further dissemination and mainstreaming activities are still being planned. For

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example, as part of the ex-post evaluation of EQUAL to be undertaken in the second part of 2009, two inventories will be produced, the first showcasing examples of validated EQUAL innovation and the second highlighting examples of the successful transfer of such innovation through mainstreaming at national level. Evidently, these documents have potential to disseminate the disability-specific results of EQUAL more widely.

The degree to which the emphasis on the integration of disabled persons in the workplace through a mainstreaming approach has impacted EU employment strategy was also examined. In this regard, the starting point was to examine how well disability issues were reflected in key EU policy documentation, notably in the Integrated Employment Guidelines and the annual Joint Employment Reports.

**Reviewing the European Commission Block Exemption Regulation on employment and training aids for the employment of disadvantaged categories of workers**

A key development in the Action Plan's second phase was the process of reviewing and revising the 2002 General Block Exemption Regulation on employment and training aids for the employment of disadvantaged categories of workers[105]. This Regulation provides an exemption from the State Aid rules in respect of certain types of financial aid, including aid to cover the costs of employing and training disabled and disadvantaged workers.

The work to revise and update the Regulation was led by DG Competition. The preparation of the legislative draft for the updated Regulation was influenced by inputs from the Unit for the Integration of People with Disabilities , as well as by consultation responses from other relevant NGOs and social partners during the second phase of the EU DAP. The outcome was that a new General Block Exemption Regulation[106] was adopted in August 2008. This includes revised rules on the level of wage subsidy for disabled workers in the area of supported employment, as well as the duration for which such support can be provided. The disability-specific aspects of the new Directive are provided in the table below:

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**General Block Exemption Regulation - COMMISSION Regulation (EC) No 800/2008**

The Directive notes in the recitals (60) that the 'promotion of training and the recruitment of disadvantaged and disabled workers and compensation of additional costs for the employment of disabled workers constitute a central objective of the economic and social policies of the Community and of its Member States. It also notes the considerable – and continuing – **disparities in employment rates between people with disabilities and average rates**. Recital 64 states that 'certain categories of disabled or disadvantaged workers still experience particular difficulty in entering the labour market. For this reason there is a justification for public authorities to apply measures providing incentives to undertakings to increase their levels of employment, in particular of workers from these disadvantaged categories'.

Articles 41 and 42 of the revised GBER are the most relevant in relation to improving the labour market situation of disabled people. Article 41 deals with **'Aid for the employment of disabled workers in the form of wage subsidies'**. It allows wage subsidies up to a maximum aid intensity not exceeding 75 % of the eligible costs for 'over any given period during which the disabled worker is being employed'. Article 42 concerns **'Aid for compensating the additional costs of employing disabled workers'**. Subsidies can be provided up to a maximum aid intensity of 100 % of the eligible costs.

Aid is eligible for the cost of **adapting premises**; employing staff for time spent solely on the assistance of the disabled workers; adapting or acquiring equipment, or acquiring and validating software for use by disabled workers, including adapted or assistive technology facilities, and which are additional to those which the beneficiary would have incurred if employing workers who are not disabled. The Article also makes aid 100%

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[105] Commission Regulation (EC) No 2204/ 2002 of 12.12.2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment (General Block Exemption Regulation) (OJ L 337 of 13.12.2002

[106] COMMISSION Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation).

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eligible where the beneficiary provides sheltered employment, in terms of the costs of constructing, installing or expanding the establishment concerned, and any costs of administration and transport which result directly from the employment of disabled workers.

With regard to results attributable to the Action Plan, there is a favourable evolution in the treatment of supported employment for people with disabilities in the EU State Aid Rules set out in the General Block Exemption Regulation compared with the 2002 Regulation. The level of aid intensity for encouraging employers to recruit disabled persons is significantly more favourable. Article 5 of the 2002 Regulation limited the maximum amount of aid relating to the employment of disabled workers to 60 % of total wage costs for disabled worker(s). Moreover, such a wage subsidy was only possible for a period of one year following the recruitment of a person with disabilities.

In relation to impacts, it is premature to carry out a full assessment, given the Regulation was not adopted until well into the third phase of the EU DAP. However, evidently, more favourable state aid rules can be expected to help promote increased levels of supported employment, which is an important mechanism for entering the labour market for people with disabilities in many EU countries.

**The integration of social considerations into public procurement procedures**

The European public procurement rules (Directives 2004/18/EC and 2004/17/EC, hereafter referred to together as the "Procurement Directives"[107]) which were revised in 2004 during the EU DAP's first phase help promote accessibility and also include considerable scope for taking social considerations in public procurement into account. Promoting the integration of social considerations into public procurement procedures was one of the activities supported in the second phase of the Action Plan.

Purchasing authorities have considerable potential to promote equal opportunities and social inclusion through public procurement procedures. The Procurement Directives also contain specific provisions regarding social inclusion and equal opportunities of disabled persons. In particular, the Directives clearly stipulate that whenever possible, the technical specifications should take into account accessibility criteria for people with disabilities or design for all users[108]. In this respect, it should be mentioned that the European Commission has issued two standardisation mandates in support of European accessibility requirements for public procurement of products and services in the area of information and communication technologies (M/376)109 and the built environment (M/420)[110]. Information on Mandate 376 was provided in section 3.4.

The Procurement Directives also contain provisions that aim to promote the labour market integration of people with disabilities through sheltered employment. The Directives explicitly state that *'Employment and occupation are key elements in guaranteeing equal opportunities for all and contribute to integration in society. In this context, sheltered workshops and sheltered employment programmes contribute efficiently towards the integration or reintegration of people with disabilities in the labour market. However, such workshops might not be able to obtain contracts under normal conditions of competition. Consequently, it is appropriate to provide that Member States may reserve*

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[107] Directive 2004/17/EC of 31 March 04 coordinating the procurement procedures of entities operating in water, energy, transport and postal services sector (OJ L 134, 30.4.04) and Directive 2004/18/EC of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.04)

[108] Article 23(1) of Directive 2004/18/EC and Article 34(1) of Directive 2004/17/EC

[109] European Commission, Standardisation Mandate to CEN, CENELEC and ETSI in support of European Accessibility requirements for public procurement in the ICT domain, M/376 EN, 7th December 2005.

[110] European Commission, Standardisation Mandate to CEN, CENELEC and ETSI in support of European Accessibility requirements for public procurement in the built environment, M/420 EN, 21 December 2007. Mandate 420 was issued to the European standardisation organisations (ESOs) by the European Commission in December 2007. Since this was only issued at the very end of the second phase of the EU DAP, it largely falls outside the scope of the evaluation timescope.

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*the right to participate in award procedures for contracts to such workshops or reserve performance of contracts to the context of sheltered employment programmes'[111].*

Such reservations cannot be made through direct award to a particular sheltered workshop, but contracting authorities must publish an information notice in order to allow competition between all interested sheltered workshops or sheltered employment programmes. In addition, according to the provisions of the Procurement Directives[112], such a reservation is allowed only under certain conditions:

- any such reservation must be initiated by Member States and may not be adopted ad hoc by public bodies;

- at least 50% of the employees of such sheltered workshops or sheltered employment programs are persons with disabilities;

- given the nature and seriousness of their disabilities, the employees concerned cannot carry on occupations under normal conditions.

The Procurement Directives also promote the integration of people with disabilities in the labour market through the inclusion of specific requirements in contract performance clauses[113] (e.g. a requirement relating to the employment of a certain number of disabled persons in relation to the execution of the contract). Such social considerations may be included in the contract performance clauses, provided: (i) they are linked to the performance of the contract (ii) they are published in the contract notice and (iii) they comply with Community law (among which the general principles of the EC Treaties – equal treatment, transparency etc).

The Directives have now been transposed into national legislation and the legislation has come into force. However, the discussions with DG MARKT suggest that while the treatment of social issues in the text of the Procurement Directives adopted in 2004 can be seen as a positive evolution compared with the previous Directives concerning public procurement, it is still too early to assess the extent to which contracting authorities are taking advantage in their procurement activity of the possibilities provided for in the Procurement Directives.

On the basis of the Procurement Directives, the second phase of the Action Plan 2006-2007 included a commitment to producing a guide for purchasing authorities on the incorporation of social considerations (including accessibility criteria) in public procurement procedures. This was included within the framework of the EU CSR Action Plan 2005-2009 on the basis that the purchasing power of public authorities can be used as an effective tool to promote social and sustainable development.

As a preparatory step in the development of the Guide, a study has been commissioned by DG EMPL to an external contractor (ITC-ILO) regarding the incorporation of social criteria in public procurement (hereafter the "Study")[114]. The Study should be seen in the context of the DG's broader activities to promote wider take-up of the concept of a 'corporate social responsibility' approach to public procurement among public authorities.

The Study identified and analysed a number of different social criteria which have already been included in public procurement processes in different EU countries. Examples of social criteria include 1) promoting employment opportunities or professional training possibilities for disabled persons and older workers; 2) promoting decent working conditions 3) supporting the inclusion of disadvantaged persons, such as people with disabilities 4) improving the accessibility of buildings and the design of

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[111] Recital 28 of Directive 2004/18/EC; Recital 39 of Directive 2004/17/EC

[112] Recital 28 and article 19 of Directive 2004/18/EC; Recital 39 and article 28 of Directive 2004/17/EC

[113] Recital 33 and article 26 of Directive 2004/18/EC; Recital 44 and article 38 of Directive 2004/17/EC

[114] Study on the Incorporation of Social Considerations in Public Procurement in the EU, Proposed Elements for taking account of the Social Considerations in Public Procurement (July 2008), DG EMPL (http://ec.europa.eu/social/main.jsp?catId=331&langId=en)

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services. The Study was finalised in summer 2008 and should lead to the production of a Guide by the Commission setting out good practices in the inclusion of social criteria in public procurement. The aim of this Guide will be to promote awareness about the social dimension in public procurement among public authorities and to explain in a practical way the possibilities offered by the existing Community legal framework for public authorities to take into account social considerations in their public procurement. The Guide is expected to be finalised in the course of 2009.

A small number of interviews were carried out to obtain views on the extent to which national authorities were aware of issues relating to the inclusion of social criteria in procurement, as well as of accessibility considerations. There was variance between EU countries in terms of the level of awareness and the extent to which social considerations were being included in public procurement in practice. In some countries, there only appears to be limited awareness among contracting authorities about such considerations, with only a few doing so systematically.

There is of course a risk that purchasing authorities place too great an emphasis on achieving low cost over and above other considerations in the price-quality equation. A challenge remains in making the policy case for mainstreaming social considerations in public procurement.

In conclusion, good progress has been made in promoting the incorporation of social criteria in public procurement, through the mainstreaming of disability considerations in the 2004 Procurement Directives. The development of guidance to promote greater awareness about the inclusion of social considerations in public procurement, should (once finalised) have a beneficial impact in leveraging the purchasing power of the public sector to achieve social benefits.

It should be emphasised that the impact of public procurement on promoting improved accessibility for people with disabilities is dependent firstly on the extent to which purchasing authorities in the Member States take up the accessibility agenda and secondly the level of understanding about technical issues relating to accessibility during the implementation phase of public contracts.

**Encouraging EU Social Partners to assess the impact of their framework agreements on disabled people and to increase the participation of people with disabilities in their organisations**

In the first phase of the Action Plan, there was a commitment to supporting Social Partners commitments in the Declaration on the Employment of People with Disabilities. Another activity highlighted in the Action Plan's second phase was the encouragement of the Social Partners to review their framework agreements[115] to ensure that these included adequate mention of disabled people in areas where Agreements have been concluded.

However, there has been little activity among Social Partners since the Action Plan was drawn up. Only two framework agreements have been concluded (on work-related stress and harassment and violence at work). A review of these documents and of the implementation reports published to date suggests that these were not of major relevance to disabled persons - rather they were applicable to all workers. Within the sectoral social dialogue, however, one joint text was adopted in the commerce sector subsequent to the Action Plan: a Statement between UNI-Europa (commerce) and EuroCommerce on promoting employment and integration of disabled people in the European commerce and distribution sector.

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[115] Framework agreements are the result of dialogue between the European social partners. Dialogue takes place at both a cross-sectoral and a sectoral level. Participants in cross-sectoral dialogue include the ETUC, BUSINESSEUROPE (private sector employers) /UEAPME (small businesses), and CEEP (public employers). A number of agreements have been concluded over the past decade that have been ratified by the Council of Ministers and have therefore become part of European legislation. Examples include a framework agreement on parental leave (1996), part-time work (1997), fixed-term contracts (1999). Additionally, the social partners have also concluded voluntary agreements on telework (2002), work-related stress (2004), and on harassment and violence at work (2007).

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No information was available on the extent to which the EU Social Partners have increased the participation of people with disabilities in their organisations. The research suggests that not much happened in this area, with no monitoring data available.

**Analysing the impact of disability in the area of labour market mobility**

The free movement of persons is one of the four pillars of the Single Market. Promoting greater mobility within the EU has been identified as an effective means of bringing about economic and social integration, and for boosting employment. During the European Year of People with Disabilities in 2003, the European Employment Services (EURES) in Malta organised a forum in conjunction with the National Commission for Persons with Disability (NCPD), which focused on promoting greater mobility among disabled people.

The second phase of the Action Plan included an activity which sought to follow up on this theme. While the Eurobarometer survey[116] did not look in detail at issues related to the mobility of disabled people, it did consider some interesting research issues, such as the linkage between geographic mobility and age. Among the findings were that older people were much less likely to be willing to engage in mobility. The disability dimension in this activity appears to have been very minor in Phase 2.

**Change in labour market situation of people with disabilities since the EU DAP's launch**

Having examined a number of EU DAP activities which took place during the second phase in the area of employment, in order to assess progress towards the overall objective of promoting access to, and retention in employment, it is worth briefly examining the evolution of the labour market situation of people with disabilities against the baseline when the Action Plan was drawn up.

Clearly, it would be inappropriate to suggest any direct causal link between changes in employment, unemployment and inactivity rates during the first two phases of implementation and the contribution of the Action Plan. While EU DAP activities, such as promoting the mainstreaming of disability issues in employment, might be expected to have achieved some positive impacts, there are evidently many other variables that influence actual labour market outcomes for people with disabilities, such as the prevailing labour market and macro-economic situation, the extent to which particular Member States are investing in active labour market policies and measures, etc.

Nevertheless, in assessing progress towards the objective of promoting access to, and the retention of disabled people in the labour market, it is worth examining contextual labour market indicators and how these have evolved since the 2003 baseline when the EU DAP was drawn up. The most recent statistical data[117] from the Member States suggests that while some improvement is discernible in respect of the labour market situation of disabled people in the EU, the picture overall is quite mixed.

While there has been an increase in employment rates among people with disabilities in many EU countries, this has not occurred across-the-board, with no progress in Poland and the Czech Republic and an increase in inactivity rates in the Czech Republic, Ireland, Austria and Slovakia. More positively, however, unemployment rates among disabled people fell in Germany, France, Austria, Poland, Slovakia and the United Kingdom. The evolution in the working status of disabled persons in the 2000-2006 period is set out in the table below:

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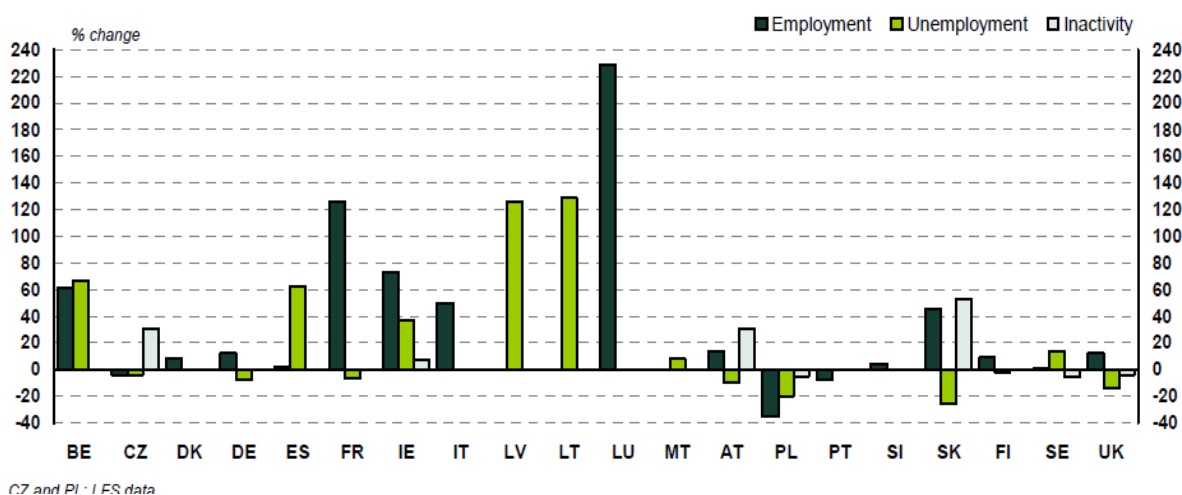[116] 2005 Eurobarometer survey on geographical and labour market mobility

[117] Compilation of Disability Data from the Administrative Registers of the EU Member States (December 2007), European Commission, DG **Employment**, Social Affairs and Equal Opportunities. Applica, et al.

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**3.9    Change in the working status between 2000 and 2006**



CZ and PL : LFS data

*Source:  Compilation of Disability Data from the Administrative Registers of the EU Member States (December 2007)*

Most of the employment data was available and analysed on an annual basis over the 2000-2006 period. In a small number of countries, data was only available from the 2002 LFS survey ad hoc module.

The statistics suggest the persistence of disparities between overall employment rates, unemployment rates and inactivity rates and the participation rates of people with disabilities. While there are evidently many variables which influence the employment outcomes of disabled persons, which are beyond the control of intended scope of the Action Plan, the continued disparities highlight the need for an ongoing focus on promoting the active inclusion of disabled persons in the labour market.

**Encouraging the mainstreaming of disability issues in the areas of education and training, including the regular monitoring of developments in the field of special needs education.**

In the 2006-2007 period of implementation, a commitment was included in the Action Plan to promoting the mainstreaming of disability issues in the areas of education and training, and to regularly monitoring developments in the field of special needs education. The Action Plan committed the Commission to monitoring progress towards the Education & Training 2010 objectives. In 2004, it was decided that the EU should provide funding for the European Agency for Development in Special Needs Education through the "programme to promote bodies active at European level and support specific activities in the field of Education and Training". Since then, cooperation has been strengthened between DG EMPL, DG EAC and the European Agency.

The Agency has undertaken a number of studies in areas which are relevant to the achievement of the Action Plan's objectives in the area of education, training and lifelong learning. One or two studies were mentioned in the EU DAP Scoreboard, such as a report on inclusive educational settings, which addressed the specific needs of children with disabilities to facilitate their access to mainstream education.

While the work of the European Agency is highly relevant to the achievement of EU policy objectives in promoting the increased participation of people with disabilities in education, training and lifelong learning, research carried out by the Agency has largely taken place outside the framework of the EU DAP. For example, a Leonardo funded project undertaken by the Agency focused on the *Transition from School to Employment* and involved research in 19 EU countries.  Despite its relevance given the need to link education and lifelong learning more closely with efforts to facilitate access to the

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labour market, it was not mentioned in the EU DAP scoreboard. This suggests the need for the more formal involvement of the Agency in the Action Plan.

The activities of the Agency in the field of *inclusive education* are also relevant to the objectives of the EU DAP. One of the Agency's main objectives is to promote inclusive education, a process concerned with promoting the inclusion of people with disabilities in the mainstream education system as a means of ensuring equal rights and to combat social exclusion). This work follows previous EU initiatives to promote the inclusion of disabled students into mainstream education, such as the *Council Resolution on Equal opportunities for pupils and students with disabilities in education and training*[118].

Doing more through the framework of the EU DAP to promote inclusive education was seen by a number of interviewees as essential in increasing participation by disabled people in lifelong learning, and in turn facilitating pathways to mainstream and supported employment. In this context, within the framework of the Portuguese Presidency of the EU, in September 2007 the European Agency and the Portuguese Ministry of Education jointly organised a European Hearing 'Young Voices: Meeting Diversity in Education'. The proposals agreed upon by young people with special educational needs from 29 countries resulted in the *'Lisbon Declaration – Young People's Views on Inclusive Education'*.

With regard to progress in **mainstreaming disability in education programmes**, a number of EU DAP activities took place in the first phase, such as the inclusion of reference in the eLearning Programme to the opportunities afforded by ICT in facilitating the participation of disabled people in lifelong learning (see Section 3.3 on 'increasing participation in lifelong learning).

The main efforts to mainstream disability considerations into education programmes, however, were made under the EU DAP's second phase. In particular, an effort was made to include greater reference to equal opportunities issues and to the specific needs of people with disabilities with regard to spending mobility periods in another EU country through EU financed education, training and lifelong learning programmes in the 2007-2013 programming period.

In particular *the Lifelong Learning Programme*[119], which provides a single programming framework for a number of previously separate education and training programmes, including Erasmus (higher education), Comenius (school education), Grundtvig (adult education), and Leonardo (vocational training), include much greater mention of the needs of disadvantaged groups in society and groups with special educational needs than their predecessor programmes, such as Socrates 2000-06. In the recitals (36) of the Council Decision establishing the Lifelong Learning Programme, for instance, there is a reference to:

> *'The need to widen access for those from disadvantaged groups and to address actively the special learning needs of those with disabilities, in the implementation of all parts of the programme, including through the use of higher grants to reflect the additional costs of disabled participants, and the provision of support for the learning and use of sign languages and Braille'.*

One of the specific programme objectives is to 'help improve the quality, attractiveness and accessibility of the opportunities for lifelong learning available within the Member States'. This is of course especially relevant from the perspective of people with disabilities in that taking advantage of educational opportunities requires accessibility issues to be addressed in relation to individual institutions i.e. the built environment, as well as in relation to undertaking a mobility period in another EU Member State.

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[118] Council Resolution of 5 May 2003. OJ C 134 of 7.6.2003.

[119] Decision 1720/2006/EC of 15 November 2006 establishing an Action Programme in the field of Lifelong Learning, OJ L 327 of 24.11.2006 (Integrated Lifelong Learning Programme 2007-13).

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Article 12 (Horizontal policies) of the Lifelong Learning Programme's legal basis also mentions: **'***In implementing the Lifelong Learning Programme, due regard shall be paid to ensuring that it contributes fully to furthering the horizontal policies of the Community, in particular by […]: (b) making provision for learners with special needs, and in particular by helping to promote their integration into mainstream education and training; (c) promoting equality between men and women and contributing to combating all forms of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'.*

The Lifelong Learning Programme also provides people with disabilities with additional funding for all its mobility actions. The availability of resources to enable disabled people to participate in education and training programmes is not however new, since mobility grants were available in 2000-2006 for students with severe disabilities for certain programmes and Actions such as Socrates/Erasmus and Leonardo. However, the extension of this principle to include the broader range of education and training programmes supported through the Lifelong Learning Programme 2007-2013 is clearly positive. It provides the opportunity for disabled students to participate in all EU mobility programmes. It should also be mentioned that since 2007, all calls for proposals have included specific priorities to fund projects concerning people with disabilities within the sub-programmes Comenius (school education), Grundtvig (adult education) or Leonardo (vocational training).

Increasing participation in lifelong learning among disabled people was a priority emphasised in Phase 1 of the Action Plan. The evaluation research suggests that more was achieved in Phase 2 under this heading than in Phase 1.

The legal text of the Lifelong Learning Programme suggests a strengthening of the promotion of lifelong learning for all social groups, as well as a strong emphasis on encouraging participation in mobility periods. Article 1 (3f) of the Lifelong Learning Programme states that one of the programme's objectives is to *'contribute to increased participation in lifelong learning by people of all ages, including those with special needs and disadvantaged groups, regardless of their socio-economic background'.* Article 12(c) deals with horizontal policies and includes a commitment to '*promoting equality between men and women and contributing to combating all forms of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation*'[120].

The Commission has also tracked progress in respect of the achievement of the **Education & Training 2010** objectives. The progress report prepared by DG EAC in respect of progress towards the Lisbon objectives in education and training 2007 (indicators and benchmarks)[121] includes a chapter on special needs education.

This notes the progress made in respect of mainstreaming disabled pupils in a mainstream school environment, with special needs support: *'In recent decades, the EU has made some notable developments in the areas of mainstreaming and inclusion of students with special educational needs into regular classroom settings'.* The report also notes that *'all European countries agree that the key principles in the Salamanca Statement of equal opportunities in terms of genuine access to learning experiences that heed individual differences and quality education for all focused on personal strengths rather than weaknesses, are the same principles that should underpin all education policies — not just those dealing specifically with special needs education*'.

Studies by various organisations including the OECD have shown that there is a *'growing consensus that equity considerations require that, wherever possible, pupils with special educational needs be educated in regular, mainstream classrooms rather than in separate institutions. This consensus stems from the realisation that the educational and social experiences that special schools and*

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[120] It is worth noting that the principles of equality and non-discrimination are embedded in many more EU funding programmes in 2007-2013 compared with the 2000-2006 Financial Perspective.
[121] Based on document SEC (2008) 2293 of 10.7.2008.

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*mainstream schools provide are often different; such differences often translate into inequities, especially in terms of pupils' access to post-compulsory education and the labour market'[122]*

With regard to conclusions overall in respect of mainstreaming, there has clearly been a positive evolution with regard to the degree of attention on disability issues in DG EAC programmes. However, a view expressed by a number of interviewees was that insufficient activity had taken place through the EU DAP in the areas of education, training and lifelong learning, especially with regard to mainstreaming the concept of inclusive education.

### 4.2.3    Conclusions – Encouraging activity

An assessment of progress made towards the objectives set out in the EU DAP in the area of 'Encouraging activity' is provided below:

*Encouraging activity in the area of employment*

**Mainstreaming has helped to reinforce the visibility of disability-specific issues in employment at EU level within the framework of the European Employment Strategy and the employment guidelines[123].** There is adequate mention of disability issues in relation to the labour market in key EU policy documentation such as the Joint Employment Reports which have been produced annually since 2005. While it is difficult to attribute the attention paid to disability solely to mainstreaming activities carried out as part of the EU DAP, these have helped ensure that the labour market situation, and specific needs of people with disabilities, is brought to the regular attention of EU and national policy makers.

**A positive progression is discernible with regard to the degree of attention devoted to issues related to the labour market integration of disabled persons in national employment policies.** The review of National Reform Programmes (NRPs) suggests that there is a stronger emphasis on the integration of people with disabilities in the labour market compared with the situation prior to the EU DAP. There appears to be increased use of Active Labour Market Policies (ALMP) rather than traditional, more passive labour market measures. While this is part of a general trend in the evolution of national employment policies (with increased emphasis on welfare to work, tackling benefits disincentives etc.), this can at least be partly attributed to disability mainstreaming efforts at EU level.

**The extent to which a disability mainstreaming approach has been taken up at Member State level in the area of employment varies considerably.** Some EU countries continue to promote the labour market integration of disabled people through separate employment, such as social enterprises and sheltered workshops. While this type of employment has a role to play in cases where it would otherwise be difficult to give disabled people access to employment, it would be preferable if the Member States promoted the labour market inclusion of disabled people through mainstream open employment.

**Improvements have been made through the framework of the EU DAP with regard to the state aid regime concerning employment and training aids. This should help promote the 'supported employment' of disabled persons**. Changes made to the 2008 General Block

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[122] OECD, 2003a, Chapter 1, 2006.

[123] The guidelines set out guidance to the Member States for the preparation of their National Reform Programmes (NRPs)

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Exemption Regulation[124] with regard to state aid exemptions for disabled people in the areas of employment and training were more favourable compared with the earlier 2002 Regulation[125]. This should contribute positively to promoting the employment of disabled people[126]. The EU DAP closely fed into the consultation process leading to the revision of the 2002 legislation.

**The contribution of EU programmes to promoting the labour market integration of disabled people and their retention in the workforce has been strengthened through the implementation of a disability mainstreaming approach.** A number of activities which fed into the EU DAP were designed to maximise the potential contribution of EU programmes to promoting the labour market integration of people with disabilities. This has included the holding of a conference on ESF and disability, a position paper on mainstreaming disability in the European Employment Strategy, and the dissemination of the disability-related outcomes of projects financed through the ESF and the EQUAL Community Initiative Programme.

**The revised Public Procurement Directives (2004) have promoted the greater inclusion of social considerations in public procurement (including on disability/ accessibility matters).** This has been achieved through the inclusion of an Article on accessibility and 'design for all' and another Article permitting, under certain conditions, to reserve procurement contracts to entities employing more than 50% of disabled persons.

The Procurement Directives also now allow for achieving positive social outcomes through the inclusion of social considerations in the contract performance clauses (which may include a requirement for the contractor to employ a minimum number of disabled people in relation to the execution of the contract[127]. However, at this stage, since the Procurement Directives have not been transposed in all countries, it remains too early to fully assess impacts and the extent of take-up of social considerations among purchasing authorities.

**The Commission services are currently preparing a practical Guide which will further explain the possibilities offered by the existing Community legal framework for public authorities to take into account social considerations in their public procurement**. This will also permit to raise contracting authorities' awareness on the possibility to include disability/accessibility matters in public procurement.

*Encouraging activity in the area of education, training and lifelong learning*

**The disability dimension in EU education, training and lifelong learning policies and programmes has been strengthened.** However, the extent to which this was attributable to the EU DAP, as opposed to wider developments, particularly the increased political attention placed on disability issues within DG Education and Culture, is questionable, since only a few activities took place through the EU DAP itself.

**There is greater attention in EU education, training and lifelong learning programmes to promoting the increased participation of people with disabilities in the 2007-2013 programming period, compared with predecessor programmes**. Our review of Council texts in respect of EU programmes on education, training and lifelong learning suggests a positive evolution in the treatment of disability issues.

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[124] Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation)

[125] COMMISSION REGULATION (EC) No 2204/2002. of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment (General Block Exemption Regulation).

[126] The percentage eligibility of aid to support the wages of taking on a disabled employee (as well as the costs associated with any necessary workplace adjustments) has been increased from 60 to 75% and the duration of aid (which was limited to a maximum of 12 months has now been lifted.

[127] Recital 33 and article 26 of Directive 2004/18/EC; Recital 44 and article 38 of Directive 2004/17/EC

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**There is a stronger commitment in the area of lifelong learning in 2007-2013 to the principle that disabled people should be able to participate fully in EU mobility programmes.** The European Commission's *Lifelong Learning Programme LLP 2007-2013*[128] explicitly mentions the importance of ensuring that people with disabilities have access to participate in EU mobility programmes. While the availability of dedicated resources to enable students with disabilities to participate in education and training programmes is not new[129], the extension of this principle to other education programmes in the 2007-2013 period is positive, given the importance of enabling disabled people to participate fully.

**The EU DAP did not pay adequate attention to the potential positive contribution to be made by better-known, more visible EU programmes in the areas of education, training and lifelong learning field, such as Comenius, Erasmus and Leonardo in the first and second phases.** The EU DAP Scoreboard only mentioned a small number of activities supported in the education field and these tended to relate to small-scale programmes such as the e-Learning Programme or to specific initiatives, such as the development of the Proteus information management system.

**Cooperation with relevant actors in the area of special needs education has been strengthened.** Since 2004, EU funding is provided for the work of the European Agency for the Development of Special Needs Education and a number of studies mentioned in the Action Plan Scoreboard were carried out by the Agency in conjunction with the Member States. These were relevant to the aim of promoting increased participation by disabled people in lifelong learning[130].

It would however be helpful if it could be made more explicit whether the work of the European Agency for Special Needs Education should be considered as feeding directly into the Action Plan, or whether the EU DAP's primary role is to monitor activities of relevance carried out by the Agency.

**Overall, progress towards the objective of increasing the participation of people with disabilities in lifelong learning has been mixed. Less activity took place through the framework of the EU DAP than had been anticipated, especially in the first phase of the Action Plan.** Several stakeholders interviewed stated that more could have been achieved through the Action Plan to promote participation in lifelong learning among disabled persons, and to improve statistics on disabled people's participation in different types of lifelong learning (vocational training, higher education etc.).

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**Encouraging activity: current position and future challenges**

There has been mixed progress in the area of *Encouraging activity*. Among the challenges include:

In the area of **employment:**

- Strengthening the assessment of the situation of disabled persons in respect of the labour market, in particular by selecting context indicators against which progress can be measured, supported by baseline data;

- Encouraging the member states to take steps to ensure that people with disabilities are not unfairly disadvantaged in the labour market as a result of the global economic crisis, which is likely to lead to much higher levels of unemployment in many EU countries.

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[128] The Lifelong Learning Programme includes Comenius (school education), Erasmus (higher education), Leonardo (vocational education), and Grundtvig (adult education), among others.

[130] Among the most important studies from the perspective of the EU DAP include a report on *'Assessment in inclusive settings',* which provides an extensive analysis of the needs of children with disabilities and '*the Transition from school to employment',* which looked at issues around how support can be provided to young disabled people to enable them either to go straight into employment, or into further lifelong learning.

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In the area of **education, training and lifelong learning**:

- Improving the reliability and comparability of data on participation rates among disabled persons lifelong learning (this will necessitate working together with Eurostat and national statistical offices);

- Promoting inclusive education approaches at MS level; and

- Strengthening the quality of inputs in the area of education, training and lifelong learning at Disability High Level Group meetings by inviting the *European Agency for Special Needs Education* to formally participate in this body.

In other areas of **encouraging activity:**

- Promoting wider take-up on a voluntary basis by public authorities at national level of social criteria in public procurement; and

- Encouraging the Social Partners to assess the impact of future framework agreements on people with disabilities.

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## 4.3    Promoting access to quality support and care services for disabled persons

### 4.3.1    Rationale and summary of activities supported – Quality support and care services

The second phase of the Action Plan included a commitment to work towards the promotion of quality, affordable and accessible social services. A key objective was to increase attention to disability issues through the European Social Protection and Social Inclusion process (SPSI). SPSI is concerned with promoting the modernisation and reform of welfare systems, ensuring that benefits systems support 'welfare to work' policies in order to encourage participation, while at the same time maintaining solidarity principles and tackling poverty.  Another key area addressed was health-related issues and care-service provision including long-term care and assistance services, for people with disabilities (including elderly people).

Among the activities supported in the 2006-2007 period under this heading were:

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**Improving the quality of support and care for disabled persons – activities identified in EU DAP scoreboard**

- Reinforcing the mainstreaming of disability issues through the Open Method of Coordination (OMC) as part of the European social inclusion and social protection process;

- Addressing disability issues in the Communication on social and health services of general interest;

- Studying the economic case for community-based settings so as to support the deinstitutionalisation process wherever appropriate;

- Studying discrimination experienced by disabled people with high dependency or complex needs;

- Following up on the findings of the Commission study on Disabled People's Access to Assistive Technologies;

- Providing better access to information on health-related issues;

- Developing an EU strategy on mental health;

- Promoting and developing the concept of independent living for disabled people.

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These various activities are now reviewed in more detail.

### 4.3.2    Assessment of progress towards the implementation of individual activities – Quality support and care services

Below we assess the progress made with regard to the EU-DAP's priority of improving the quality of support and care for disabled people.

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**Reinforcing the mainstreaming of disability issues into the streamlined Open Method of Coordination (OMC) on social inclusion and social protection**

Through the European Social Protection and Social Inclusion Process (SPSI), set up in 2000, the EU plays an important coordination role and encourages the Member States through the working methods of the Open Method of Coordination (OMC) to take action to combat poverty and social exclusion, and to reform their social protection systems on the basis of policy exchange and mutual learning. This is designed to help underpin the achievement of the Lisbon goal of sustained economic growth, more and better jobs, and greater social cohesion by 2010.

While the Member States retain competency for SPSI policies, the EU provides a framework for coordinating policies relating to poverty and the combating of social exclusion and issues guidelines to the Member States in respect of the preparation of National Strategies on SPSI. One of the key priorities in EU social inclusion policy is the integration of 'vulnerable groups' in society, including people with disabilities.

The **active mainstreaming of disability issues through the SPSI OMC** was therefore one of the activities listed in the Action Plan**.** Among other aspects, mainstreaming efforts have involved the development of policy cooperation between the Unit for the Integration of People with Disabilities  and the Commission's Social Protection Committee (SPC) on issues of relevance to people with disabilities in respect of the three inclusion strands addressed through SPSI - health and long-term care services, social inclusion, pensions and benefits systems[131].

A key contribution to mainstreaming disability in SPSI was the preparation of a position paper by the Disability High Level Group on *Disability Mainstreaming in the new streamlined European Social Protection and Social Inclusion*[132]. This was addressed to the SPC and to the Member State authorities involved in the SPSI process through the OMC. A summary of the key messages outlined in the paper is provided below:

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**Disability Mainstreaming in the Streamlined European Social Protection
and Social Inclusion Process**

The paper sets out general principles in implementing a disability mainstreaming approach in SPSI from the outset of policy planning from design through to the adoption of policies and legislation and the monitoring and evaluation of their implementation.  It then sets out a methodology for mainstreaming disability issues in all three inclusion strands covered through SPSI i.e. pensions, healthcare and long-term care.

This highlights a number of factors relating to the promotion of equal opportunities for people with disabilities which must be taken into account in the development of national SPSI policies relating to the three inclusion strands. It reiterates the importance of the ESF in maximising the employment opportunities for disabled people and in prolonging working life, and the need for national policies to take non-discrimination and accessibility principles into consideration. It also stresses the need for SPSI policies to maintain a link with Social Services of General Interest. Of particular relevance in this regard is the 2008 Communication on health and social services of general interest which emphasises the need to include quality principles in healthcare and social service provision for disabled people in the development of national policies.

Also strongly stressed is the need for Member States to take into account the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities in line with the 'citizens' concept of disability which seeks to put disabled people in control of their everyday lives. 'Policy actions must be designed in such a way that the needs of people with disabilities and the services for these people are placed at the centre of the care and services delivery process'.

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[131] Benefits disincentives in Member States social protection systems need to be tackled since these discourage the more active participation in the labour market by disabled people, and encourage labour market exit

[132] Discussion Paper from the Disability High Level Group on 'Disability Mainstreaming in the new streamlined European Social Protection and Social Inclusion Processes', October 2007

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> The paper explores disability issues relating to the three inclusion strands: pensions (including issues relating to the modernisation of social support and pension systems), healthcare and long-term care. It highlights the need to avoid disability benefits being used as a pathway out of employment before legal retirement age. It recognises the close link between the objective of increasing the labour participation of older and disabled workers and SPSI 'economic and employment policies need to be supported by reforms in social protection fields such as pensions, healthcare and long-term care systems'.

The paper sets out the relevance of disability issues to the SPSI policies of the Member States and in terms of the practical guidance it sets out as to how to include such considerations in policy making. The paper was positively received by, and taken into account by the European Commission's *Social Protection Committee* (SPC). It was particularly instrumental in producing the 2008 Joint Report on Social Protection and Social Inclusion[133]. The provision of practical examples with regard to existing policies which promote improved outcomes for people with disabilities in the area of pensions, healthcare and long-term care, can be considered useful in spreading awareness about how such issues can be taken into account and reinforced through mainstreaming approaches.

The discussions with representatives from the *Social Protection Committee* point to the working paper as having been useful in raising the profile of the disability dimension in the area of SPSI within the European Commission. This consequently resulted in increased attention being devoted to disability aspects in the guidance note produced by the Commission for the Member States to help inform the preparation of the three yearly national strategies on SPSI. Moreover, the most recent guidance note[134] for the preparation of the national strategies for the 2008-2010 period included the discussion paper in full in the annexes, which should have heightened awareness about disability issues in SPSI among relevant policy makers at Member State level (the analysis of some of the national strategies provided above suggests this was the case).

With regard to the inclusion strand of SPSI, the working paper was viewed as having raised awareness among EU policy makers about particular barriers to inclusion faced by disabled people. The importance of adopting a holistic approach to promoting the integration of disabled people into society has been highlighted through the working paper, with an emphasis on labour market inclusion and on the elimination of accessibility barriers to the full participation of people with disabilities in society being discernible in recent policy communications, most recently in the European Strategy on Active Inclusion.

In the area of pensions, there is also evidence of increased attention over time being dedicated to disability issues. For example, a report on '*Adequate and sustainable pensions: Synthesis report 2006*'[135] included considerable references to the need to ensure that pension and social protection systems give adequate consideration to the specific needs of disabled people. This included the encouragement of measures to promote longer working lives and to eliminate paths to early exit from the labour market for disabled people, while at the same time ensuring adequate protection for those genuinely unable to work.

In order to review the extent to which progress has been made in mainstreaming disability considerations in SPSI policies, an assessment was undertaken of the **treatment of disability issues in national and EU policy documentation.** This involved a review of the annual Joint Report

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[133] Commission Communication COM/2008/0042 final of 30.1.2008 'Proposal for the Joint Report on social protection and social inclusion 2008'

[134] Guidance note for preparing the national strategy reports on social protection and social inclusion 2008-2010, supporting appendices to the guidance note contain the full Discussion Paper on Disability Mainstreaming in the new streamlined European Social Protection and Social Inclusion Process

[135] Adequate and sustainable pensions: Synthesis report 2006, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities Unit E.4, August 2006

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on Social Protection and Social Inclusion 2007 [136] and of the National Strategies for Social Protection and Social Inclusion produced by the Member States[137]. The objective was to assess the extent to which disability issues have been mainstreamed in the three main SPSI policy areas: social inclusion, pensions and social protection systems, healthcare and long-term care and support services.

The 2007 Joint Report on SPSI makes considerable references to issues with implications for people with disabilities and for older EU citizens. 'The European Council has identified disabled people as a priority category for increased labour market participation. Some Member States are facilitating access of people with physical disabilities into the labour market, while others are addressing the inclusion issue more broadly: mainstreaming of policies, independent living, and better access to quality social services. But less attention is devoted to mental illness and disability'.

The Joint Report also addresses issues relating to the needs of people with disabilities in the context of ageing demographics and the need for appropriate healthcare provision to facilitate independent living, giving priority to home care services and introducing new technology to help enable people to live in their own home for as long as possible.

The review of the 2008 Joint Report on SPSI[138] suggests that a disability perspective has been successfully mainstreamed in EU policy making in the area of SPSI. Strong encouragement is given, for example, to utilise the Structural Funds to promote the de-institutionalisation of disabled people living in an institutional setting and to reinforce community-based services. The report also emphasises the importance of stronger coordination between health care and social services in order to achieve optimal quality in the provision of long-term care services.  These themes were emphasised in the DHLG Discussion paper on *Disability mainstreaming in the streamlined European social protection and inclusion processes* in autumn 2007.

A number of **National Reports on Strategies for Social Protection and Social Inclusion (SPSI)** were reviewed to assess their treatment of disability issues. Selected examples are provided in the table below:

| Examples of the treatment of disability issues in the National Reports on Strategies for Social Protection and Social Inclusion |
| --- |
| The SPSI strategy for **Belgium** prioritises independent living. It outlines a number of ways in which this priority is being promoted including "Protected housing" provides housing and '*accompagnement*' for people who need treatment for psychiatric reasons, but don't need continual hospital treatment. An effort has been made to provide services locally (AVJ) for people with serious physical disabilities in order to enable them to live self-sufficiently, either alone or with their families, or surrounded by non-disabled people in a mainstream setting, but with some support and assistance.<br><br>As far as long-term care services are concerned (elderly people, people with disabilities, people with mental health problems), a policy priority in Belgium has been to promote homecare for as long as possible by proposing alternatives to institutionalisation.<br><br>The SPSI strategy for **Denmark**, stresses the importance of including disabled people in society. It focuses on gaps in education and training outcomes between disabled and non-disabled people and prioritises e-accessibility and the prevention of e-exclusion. In 2004, the Government launched an *Employment strategy for disabled people* which was followed up in 2007 by a legislative amendment which expanded the personal assistance scheme to include people with mental disabilities as well as those with physical disabilities. |

There are difficulties in assessing the extent to which progress has been made in mainstreaming disability issues in national SPSI strategies. The Member States are responsible for policy making in

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[136] 2007 Joint Report on Social Protection and Social Inclusion: Social inclusion, Pensions, Health and Long Term care. Based on SEC(2007) 329 and SEC(2007) 272.

[137] http://ec.europa.eu/employment_social/spsi/strategy_reports_en.htm

[138] Drawn up on the basis of SEC(2008) 91 final and COM(2008) 42 final of 30.01.08.

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the area of SPSI. While the EU sets the general guidelines, the Member States are responsible for drawing up the report and for setting out detailed policy implementation aspects.

Consequently, national SPSI strategies have adopted quite different approaches in dealing with disability issues which makes it difficult to compare between countries. Some reports do not provide a detailed description of the situation in respect of people with disabilities and of how this has evolved over time in the area of SPSI. There are also variations in terms of whether national strategies include a presentation of disability statistics. More positively, most national reports reviewed do provide at least some information on how SPSI policies will benefit people with disabilities (as well as older people in society in the context of ageing demographics). A number of national SPSI strategies include context indicators to monitor progress in relation to improving the situation of people with disabilities although the extent to which this was possible appears to have been limited by data availability.

It can be concluded from the review that the themes identified in the Disability High Level Group working paper on disability mainstreaming in SPSI – especially efforts to eradicate poverty and to tackle social exclusion among people with disabilities - were relevant to national policy makers.

With regard to results, the dissemination of the working paper on SPSI through the Social Protection Committee and the discussion of SPSI issues through the DHLG should have raised awareness about issues such as: delivering integrated support services for people with disabilities through closer cooperation between social, health, vocational training and employment services, promoting independent living, reforming benefits systems so as to encourage disabled people back into employment, and strengthening and reinforcing rehabilitation services. It should have achieved this by reaching relevant decision makers at EU level responsible for SPSI policy coordination and also national authorities through the framework of the Open Method of Coordination.

In terms of impacts, it is difficult to assess the precise extent to which the working paper has influenced the preparation of the National Strategies on SPSI and in particular the treatment of disability. Nevertheless, given the paper's wide circulation, it might be expected to have had a positive influence in reinforcing awareness about the disability dimension in SPSI.

**Social Services of General Interest (and Health Services of General Interest)**

On 12 May 2004, the Commission adopted a *White Paper on services of general interest* [139.] This referred to the development of a *"systematic approach to identify and recognise the specific characteristics of social and health services of general interest and to clarify the framework in which they operate and can be modernised"*. There was also a commitment to the objective of 'developing high-quality, accessible and affordable services of general economic interest'.

This development, and the debate more widely around the need to strengthen the EU legal framework in respect of Social Services of General Interest (SSGI) was seen as having significant implications for people with disabilities, who are users of healthcare and other types of social services. A number of mainstreaming activities have therefore taken place through the Action Plan in this area.

The next main development was the adoption in April 2006 of the *Commission Communication on Social Services of General Interest in the EU*[140]. The objective was to provide some initial indications with regard to the specific characteristics of the sector, and to provide guidance on the application of Community rules. The Communication identified two types of social services: 1) statutory and complementary social security schemes, organised in various ways (mutual or occupational organisations), covering risks linked to health, ageing, occupational accidents, unemployment,

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[139] Commission Communication COM(2004) 374 final of 12.5.2004 'White Paper of on services of general interest'

[140] Commission Communication COM (2006) 177 final of 26.4.2006 on Social Services of General Interest (SSGI)

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retirement and disability; and 2) other services provided directly to the person such as social assistance services, employment and training services, social housing or long-term care.

In order to ensure that quality issues were adequately addressed in the Commission Communication on SSGI, the High Level Group on Disability prepared a position paper on the **"Quality of the Social Services of General Interest (SSGI)"**[141]. This was mentioned in the EU DAP scoreboard as an activity supported. The key elements and main principles set out in the working paper are summarised below:

| The Quality of Social Services of General Interest (SSGI) – short summary of DHLG Position Paper |
| --- |
| The proposed European framework for ensuring the quality of SSGI for people with disabilities is based on the notion of total quality management in delivering care and long-term support services to disabled people. It also takes human rights principles closely into account. The position paper defines what quality of services means and the criteria for assessing it to ensure quality in service provision.<br><br>It emphasises the importance of service providers putting in place an appropriate quality assurance framework in order to assess the quality aspects of services being provided (underpinned by quantitative and qualitative indicators). The need to coordinate service delivery between different types of service providers (such as those working in the area of healthcare, and rehabilitation services) was also highlighted. The paper was sent to the EU Social Inclusion and Social Protection Committee, and represents an important step forwards on this key issue. |

The DHLG working paper was instrumental in feeding into the development of the Commission Communication on "Services of general interest, including social services of general interest: a new European commitment adopted on 20 November 2007 (COM(2007) 724 final which accompanies COM(2007) 725 on "A single market for 21st century Europe".) The Communication, published as part of the new single market package, "A single market for 21st century Europe" [142] highlights the current situation in respect of social and health services and outlines a Protocol for a coherent framework for EU action and provides an assessment of the particular situation of social services and of health services. The Protocol included in the Commission Communication mentioned above builds on, and reinforces a number of guiding principles for the work of EU institutions, particularly the European Commission. These principles are summarised in the table below:

| Guiding principles in Communication on "Services of general interest, including social services of general interest" |
| --- |
| 1. *The role and the discretion of national, regional and local authorities in operating services of general economic interest as closely as possible to the needs of the users* |
| Disabled people will benefit from increased localisation of healthcare, long-term care and other types of service provision. This will facilitate services being personalised to meet the needs of individual disabled people |
| 2. *Respecting the diversity of services, situations, and needs and preferences of users* |
| Promoting the citizens concept of disability means tailoring services more closely to meet the needs of individual disabled people. Disabled people have widely differing needs when accessing SSGI |
| 3. *Achieving a high level of quality, safety and affordability* |
| The quality aspects of SSGI are highlighted in the DHLG position paper on the Quality of social services of general interest (SSGI). Ensuring quality and affordability is essential from the perspective of improving the quality of life of disabled people and encouraging their full participation in society |

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[141] Position paper on the Quality of social services of general interest delivered to persons with disabilities, High Level Group on Disability, October 2007

[142] Commission Communication COM(2007) 725 final of 20.11.2007 "A single market for 21st century Europe"

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> 4. *Ensuring equal treatment and promoting universal access for all - access to SSGI is recognised as a right in the EU Charter on Fundamental Rights.*
>
> The accessibility of goods and services is highlighted as a thematic priority in 2nd phase of EU DAP

> 5. *Upholding user rights: citizens, consumer and user rights should be specified, promoted and upheld, including access to rights for vulnerable and/ or disabled persons*
>
> This will assist people with disabilities in upholding their rights in accordance with the rights-based approach to disability set out in the Action Plan.

It is worth noting that EU-level NGOs have also played a supporting role in promoting the inclusion of quality aspects in social services of general interest (SSGI), especially those with a good knowledge of issues relating to service provision for people with disabilities such as the *European Disability Forum, the European Association of Service Providers for Persons with Disabilities* and the *European Platform for Rehabilitation (EPR).* These initiatives have been supportive of the preparation of the position paper and of raising awareness amount the importance of the quality aspects of SSGI.

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**Inputs of NGOs to developing quality assurance frameworks to ensure the quality aspects of SSGI in the provision of healthcare and long-term care services**

In some EU Member States a tendency has been noted towards the replacement of qualified care staff with cheaper unqualified staff, sometimes from a different EU Member State, or from a third country, often willing to work for low wages. Evidently, this risks jeopardising the quality of healthcare, long-term care and other support services which are required by people with disabilities, and by older persons. Various developments have taken place to tackle such concerns, including two NGO-led initiatives:

The European Platform for Rehabilitation (EPR) developed a *Set of European Principles of Excellence in Social Services.* On the basis of these principles, the EPR developed two accreditation labels: the European Quality in Rehabilitation mark (EQRM) which is a mark of excellence and the European Quality Assurance for Social Services (EQUASS) which is a quality assurance and quality control label in social services which can be attained by any service provider demonstrating sufficient commitment to quality.

In September 2008, the European Social Platform published a paper on *'9 Principles to Achieve Quality Social and Health Services'.* According to the Social Platform 'the need for such a framework has been driven by the emergence in some Member States of a shift towards a two-tier system with regard to the social and health services sector', with consequent risks to the quality of essential services in some EU countries. Consequently, 'an EU quality framework is needed that guarantees to the people of Europe social and health services that function well and are accessible to all who need them'.

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**Studies in support of independent living and the deinstitutionalisation of disabled people**

A number of activities in the Action Plan's second phase have lent support to the objective of promoting independent living and the deinstitutionalisation of disabled people. A useful study undertaken in this context was *Deinstitutionalisation and community living– outcomes and costs* [143]. The study explored the economic and financial case for community-based settings (CBS) in order to support the deinstitutionalisation process of disabled people living in an institutional setting whenever appropriate.   A more detailed summary of the report's research findings, conclusions and recommendations is provided in section 4.5 'strengthening research capacity'. The study aimed to bring together information on the number of disabled people living in residential institutions in 28 European countries, and to identify strategies for replacing institutions with community-based services, with particular attention paid to analysing the costs and benefits of making this transition.

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[143] Mansell J, Knapp M, Beadle-Brown J and Beecham J (2007) Deinstitutionalisation and community living - outcomes and costs: report of a European Study.

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**Deinstitutionalisation and community living – outcomes and costs. Key findings and recommendations**

The concept of independent living is becoming increasingly important in the context of the rights-based approach to disability emphasised in EU disability policy. The concept is less concerned with the provision of a particular type of building or programme, but rather relates to the 'provision of a flexible range of help and resources which can be assembled and adjusted as needed to enable all people with disabilities to live their lives in the way that they want but with the support and protection that they need'.

It is about an equal rights-based approach to enable disabled people to access the services they need with adequate 'choice and control for the disabled person and their representatives'. Such an approach is referred to as 'supported living' or 'independent living'. Community-based services should support disabled people to live their lives as full citizens 'rather than expecting people to fit into standardised models and structures'.

Among the study's findings were that institutional care was found to often be of poor quality, and that 'where institutions have been replaced by community-based services, the results have generally been favourable', provided there is an 'appropriate reallocation of financial resources, and that this transition process is carefully implemented to maintain the quality of service provision'. The study noted that the UK, Germany and Italy provided a good illustration of efforts to involve disabled people in the process of service development and to listen and respond to their views and wishes.

No evidence was found that community-based care models are more costly than institutions, once the comparison is made on the basis of the comparable needs of residents and quality of care. Community-based systems,' when properly set up and managed, should deliver better outcomes than institutions'. Recommendations were made to strengthen and monitor progress towards the goal of independent living. For example, it was recommended that statistics should be published demonstrating progress made in each country in the transition away from institutions towards better alternatives in the community. This would require close cooperation between the European Commission, Eurostat and the national statistical offices.

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The study added value in a number of ways. Firstly, it was the most comprehensive study of its kind in terms of mapping out the situation in respect of progress towards the deinstitutionalisation of disabled people right across the EU. Secondly, as well as emphasising the human rights issues linked to the independent living policy agenda, it also provided a useful assessment of the cost-effectiveness of community versus institutional models of residential care. Building the policy case for promoting a speedier transition to independent living from both an economic and a human rights perspective has helped strengthen the evidence base for 'supported living' or 'independent living'. This should help stimulate the pace of change especially in those EU countries where this process is taking place more slowly, and many disabled people remain in larger institutions.

Another important study mentioned in the Action Plan was a piece of research on *The Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs*[144]. The study was commissioned to find out whether there were specific risks of discrimination faced by people with more severe disabilities. The key findings from the study are summarised below:

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**Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs:  Key findings and recommendations**

A comparative analysis of 12 National Reports found that people with severe disabilities and/or complex needs and their families are at a high risk of discrimination against in all aspects of their lives. Due to the lack of adequate community-based services to promote inclusion, disabled people often spend their lives in institutions, where they face a much higher risk of social exclusion.

On the basis of the UN Convention on the Rights of Persons with Disabilities, the study recommended actions for the EU and Member States, disability NGOs and service providers to improve the situation. The study

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[144] The Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs, ISBN 2-87460-093-8, report by Inclusion Europe for the European Commission, published 2008.

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concluded that as a general principle, the EU should favour in all its actions a policy of mainstreaming the living conditions and services for people with complex needs with a view to providing the necessary support to enable them to enjoy a proper quality of life. Consideration should be given to tailoring the provision of services to the needs of disabled individuals. This could include personalising budgets and direct payments for disabled people in order to encourage ensure a high level of personalised support.

With regard to the role of the EU, among the findings were that the Commission should promote research and evaluation of existing systems to support those with complex needs and encourage the exchange of good practices. In order to assist with policy planning processes at local, national and European level, Eurostat should collect reliable statistics.

The study was useful because it explored an area where further research was needed to inform EU and national disability policy development, namely how to ensure that those with more severe disabilities do not experience higher levels of discrimination and exclusion in accordance with the rights-based approach included in the UN Convention. Indeed, only a limited number of activities took place in the Action Plan in relation to people with severe disabilities. Given the study's findings, there is a strong argument in favour of placing greater prominence on tackling issues around removing obstacles to the promotion of equal opportunities for those with more complex needs in the Action Plan's forthcoming successor.

Other activities worth mentioning in relation to the promotion of independent living include a Commission conference held during the "2005 European Day of Disabled People", which focused on the necessary conditions to promote independent living and a study[145] commissioned by the Commission to examine the potential of new technologies to enable disabled people to enjoy independent living (see section 3.4).

There have also been other activities supportive of the objective of achieving independent living for disabled people under the theme 'fostering the accessibility of goods and services' (see the following section 4.4). A key issue looking ahead is how the various research and studies which have been undertaken, particularly those relating to independent living, will be followed-up by the Unit for the Integration of People with Disabilities to ensure that the agenda in these particular areas continues to be driven forwards.

**Development of an EU strategy on mental health**

Following the publication by the European Commission's DG SANCO of a *Green Paper on Mental Health* of 2005[146], a consultation was launched to inform the preparation of an *EU strategy on mental health*. According to research carried out on behalf of the Commission, mental health problems now account for a quarter of new disability benefit claims in the EU and are becoming a leading cause of disability.

The Green Paper included a section focusing on promoting the social inclusion of mentally ill or disabled people and protecting their fundamental rights and dignity. The paper was supportive of efforts to promote independent living for people with mental health problems, including their deinstitutionalisation. '*The deinstitutionalisation of mental health services and the establishment of services in primary care, community centres and general hospitals, in line with patient and family needs, can support social inclusion'.* It also recognised the need to change attitudes among the public, social partners, public authorities and national governments with regard to de-stigmatising mental health issues, improving public awareness about mental ill health and treatment options, and encouraging the integration of mentally ill and disabled people into employment.

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[145] Access to Assistive Technology in the European Union, Study for DG EMPL by Deloitte & Touche, June 2003

[146] Commission Green Paper COM(2005)484 of 14.10.22005 'Improving the mental health of the population: Towards a strategy on mental health for the European Union'

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It is envisaged that the Green Paper will lead to the adoption of an EU Strategy on Mental Health which is still under discussion within the Commission. Evidently, there is an important role to be played by the Unit for the Integration of People with Disabilities – and the EU networks of Disability NGOs which it finances - in feeding into the development of the strategy through contributions to the consultation process on the green paper and ongoing processes.

### 4.3.3 Conclusions – improving the quality and availability of support and care services for disabled persons

An assessment of progress towards objectives under the theme 'Improving the quality and availability of support and care services for disabled persons' is provided below.:

**Disability considerations have been strengthened through EU DAP mainstreaming activities feeding into the European Social Protection and Social Inclusion process.** The evaluation found evidence of an increased commitment at EU level to promoting the inclusion of disability issues in national SPSI policies and legislation. For example, the working paper prepared by the Disability High Level Group contributed to the preparation of the Guidelines on addressing disability matters in the preparation of National Strategies on Social Protection and Social Inclusion 2005-2008.

**Through the Open Method of Coordination mechanism, mainstreaming activities in the area of SPSI have played a useful role in encouraging the Member States to pay greater attention to disability issues in the areas of pensions and social protection systems, social inclusion and tackling poverty.** EU DAP initiatives such as the discussion paper on disability mainstreaming in SPSI have had a positive impact in raising the profile of disability-specific issues[147].

**Compared with the situation prior to the EU DAP's adoption, there is increased attention on the quality aspects of health and social services provision in key EU policies.** The position paper on the *Quality of the Social Services of General Interest (SSGI)* mentioned in the EU DAP's scoreboard had a positive impact. They have influenced the development of the subsequent Commission Communication on *"Services of general interest, including social services of general interest".* This is an area of evolving Community competence.

**As a result of EU DAP activities, quality assurance frameworks have been developed which should provide an important framework for disability service providers.** The quality criteria put forwards in the position paper on the quality aspects of SSGI, should help ensure that service providers to people with disabilities and elderly people take due account of quality aspects. This should encourage local authorities responsible for procuring such services to better ensure that the quality aspects of healthcare are taken into account, alongside price considerations.

**An important outcome of studies and research commissioned by DG EMPL through the framework of the EU DAP is strengthened knowledge and understanding about how to promote independent living for people with disabilities in practice**. Various initiatives have contributed towards a better understanding of the importance of facilitating independent living for disabled people within the context of a rights-based approach to disability[148].

**Activities supported through the EU DAP have helped focus attention on issues around the de-institutionalisation of disabled persons living in an institutional setting, and the need for ongoing policy reforms in the SPSI policies of the Member States.** The review of the National Strategies identified evidence of a strong emphasis on deinstitutionalisation especially in some of the

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[147] The full paper was included as an annex to the Guidelines for the preparation of National Strategies on Social Protection and Social Inclusion.

[148] Examples include a study to consider issues around the deinstitutionalisation of people with disabilities and the implications in terms of adjustments in the organisation and delivery of services to enabled disabled people to live in a community-based setting, the position paper on mainstreaming disability in SPSI, etc.

new member states. The various studies supported by DG EMPL have played a useful role in this regard.

There is a **strengthened understanding among EU policy makers with regard to the situation of disabled people with high dependency or complex needs.** The carrying out of a study on this topic on behalf of DG EMPL has contributed towards improving policy understanding in this area.

**Some progress has been made towards the development of an EU strategy on mental health, although not as quickly as expected.** An EU strategy on mental health strategy has yet to be adopted. The Unit for the Integration of People with Disabilities  and other relevant stakeholders, notably EU disability NGOs, have contributed to the consultation process. The development of an EU-wide approach to the coordination of mental health policies would represent a useful step forwards.

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**Promoting access to quality support and care services for disabled person: current position and future challenges**

Given the diversity of activities and policy areas addressed through this theme, it is difficult to generalise about progress made. However, there has clearly been progress in terms of promoting a disability mainstreaming approach in SPSI policies, with the OMC having played a useful role in this regard.

In the area of healthcare, the quality aspects of healthcare have been given greater prominence in EU policy Communications.  Among the challenges ahead in the area of **Social Protection and Social Inclusion** are**:**

- Encouraging the Member States to ensure that disabled people continue to enjoy a good level of social protection, while at the same time tackling benefits disincentives, especially those relating to early labour market  exit

- Ensuring frequent contact between the Unit for the Integration of People with Disabilities  and Social Protection Committee to help reinforce the mainstreaming of disability issues in SPSI

In the area of **healthcare**:

- Monitoring the quality aspects of Social Services of General Interest (SSGI). The policy framework has been put in place to as to help ensure that quality in healthcare provision is not undermined by price factors. However, the situation on the ground needs to be monitored

- Actively contributing towards the development of an EU strategy on mental health

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## 4.4    Fostering the accessibility of goods and services

### 4.4.1    Rationale and summary of activities supported – access to goods and services

Promoting improved accessibility for disabled people to goods and services was a priority theme in the second phase of the EU DAP's implementation.  The work under this theme continued a number of the activities carried out in the first phase of the EU DAP, particularly those relating to the promotion of e-inclusion and e-accessibility (under the theme 'fostering the potential of new technologies') as well as those relating to 'accessibility to the public built environment'.

A number of EU DAP activities continued in the second phase which promoted accessibility generally, including in relation to the built environment. Examples include the inclusion of accessibility requirements in the General Regulation on Structural Funds, and towards the end of the EU DAP's second phase, the issuing of a European Standardisation Mandate on accessibility to the built environment.

As well as promoting accessibility in these areas, in the Action Plan's second phase, an emphasis was also placed on improving accessibility to public transport systems, since this is an important

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aspect in encouraging disabled people's participation in the labour market and lifelong learning, and in facilitating independent living more generally.

Among the activities supported in the area of fostering the accessibility of goods and services were the following:

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**Fostering the accessibility of goods and services – activities identified in EU DAP scoreboard**

- Contributing to the review of the electronic communication framework Directives;

- Measuring progress towards e-Accessibility in Europe;

- Promoting e-accessibility through research, technology and development (RTD) projects supported through the Information Society Technologies Programme within the 6th Framework Programme 2002-2006; Defining RTD needs with regards to ICT accessibility related issues in new research programmes;

- Monitoring the implementation of the 2004 Public Procurement Directives (accessibility-related elements)

- Developing a European standard harmonising requirement for accessibility in ICT (Mandate 376)

- The adoption of European Standardisation Mandate 420 in support of European accessibility requirements for public procurement relating to the built environment

- Promoting web accessibility of public web sites and design for all in ICT;

- Directive on the rights of persons with reduced mobility when travelling by air;

- Commission proposal for a regulation on international rail passengers' rights and obligations;

- Examining the possibility for a legislative proposal regulating rights of mobility impaired persons when using international maritime transport.

The inclusion of non-discrimination principles and a requirement to take accessibility requirements for people with disabilities into account in the General Regulation governing the allocation of Structural Funds and Cohesion Fund financing for the 2007-2013 period[149]

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## 4.4.2 Assessment of progress towards implementation and achievement of objectives – accessibility of goods and services

Below we review progress with regard to the objective of fostering the accessibility of goods and services.

**Review of the Electronic Communication Framework Directives**

One of the activities listed in the Action Plan was to make an input to the review of the regulatory framework for electronic communications and services, and in particular, to the process of updating the relevant 2002 Directives, which consist of a common EU Regulatory Framework Directive[150], along with four supporting Directives which address different aspects of the telecommunications services and equipment market[151]. The background in terms of the relevance of giving disability

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[149] While only mentioned in the 2006-07 Scoreboard in relation to ESF, progress on strengthening accessibility requirements in the General Regulations on Structural Funds 2007-13 are also important.

[150] Directive 2002/21/EC of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), OJ L108 of 24.4.2002

[151] Directive 2002/19/EC of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive), OJ L108 of 24.4.2002; Directive 2002/20/EC of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive), OJ L108 of 24.4.2002; Directive 2002/22/EC of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), OJ L108 of 24.4.2002; Directive 2002/58/EC of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201 of 31.7.2002

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issues full consideration in revising the framework Directive is that disabled people continue to be denied full and equal access to electronic communication, which is essential to their inclusion and full participation in society.

The Framework Directive notes the importance of ensuring that electronic communications network operators and service providers ensure that people with disabilities, especially those with sight and hearing disabilities, are able to access such services. It notes in the recitals that 'it is important for regulators to encourage network operators and terminal equipment manufacturers to cooperate in order to facilitate access by disabled users to electronic communications services'. Moreover, Article 2 notes that 'the national regulatory authorities shall promote competition in the provision of electronic communications networks, electronic communications services and associated facilities and services by inter alia: (a) ensuring that users, including disabled users, derive maximum benefit in terms of choice, price, and quality'.

The telecommunications sector is witnessing an increasing pace of change driven by rapid technological developments, the rapid proliferation of broadband service provision and the associated convergence between telecommunications providers, network operators and traditional and new media. The move towards switching off analogue TV signals and moving towards a solely digital TV environment is another key development.

Given the speed of these changes, the Commission's DG INFSO launched a review of the common regulatory framework and an open consultation on 29 June 2006. It also published on this date a Commission staff working document on the Review of the EU Regulatory Framework for electronic communications networks and services[152]. The document includes a sub-section dealing with 'facilitating the use of and access to e-communications by disabled consumers'.

This highlights some of the accessibility challenges faced by people with disabilities which the European Commission first pointed out in its 2005 Communication on e-Accessibility for all[153]. Weaknesses which need to be addressed include the need to strengthen the right of disabled users to access emergency services via the '112' emergency number and the importance of introducing a Community mechanism to address e-Accessibility issues.

Other challenges in ensuring equal access to electronic communications networks and services for disabled people included:

- Ensuring that disabled people (especially those who are deaf, hard-of-hearing, persons with impaired speech) have access to mobile communications;

- Developing accessible equipment for blind and partially sighted people in order to enable them to fully benefit from digital TV.

In its consultation response to the review of the 2002 Framework Directive, the European Disability Forum (EDF) highlighted various issues. This included the need to ensure that disabled persons 'have full access to electronic communication services, notably in respect to quality, cost and choice'. The EDF also emphasised the importance of the EU Regulatory Framework in ensuring accessibility of both networks and services in order to promote an inclusive society. Following inputs from various stakeholders to consultation processes linked to the review of the common Regulatory Framework, on 13th November 2007, the Commission published its proposal for the second review of the Regulatory Framework in which the reference to disability issues and accessibility for people with disabilities was further enhanced.

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[152] Commission Communication COM(2006)334 of 29.6.2006 on the Review of the EU Regulatory Framework for electronic communications networks and services
[153] Commission Communication COM(2005) 425 of 13.9.2005 on 'eAccessibility'

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The legislative reform process is still ongoing. It is therefore difficult to assess results of impacts. However, it is expected that reform of the legal framework for electronic communications will strengthen user rights in the telecoms sector and make it easier for consumers to make informed choices before purchasing products and to switch providers. Access to emergency services through '112' will be improved and users with disabilities will benefit from greater access to services.

**Monitoring the transposition of the Public Procurement Directives**

The initial deadline for the transposition of the Directive was January 2006 but by that time only eight Member States had effectively integrated the Directive into national legislation[154]. By June 2007, there were still seven Member States that had not transposed the Directives[155]. Furthermore, even if formally transposed, the actual usage/application of the guidance on the inclusion of accessibility requirements in public procurement contracts is not guaranteed. In many cases, there are limited levels of awareness and/ or technical capacity to ensure that accessibility issues are adequately incorporated at the implementation stage. In addition, many Member States have their own legislative framework, regulatory and technical standards and conformity assessment schemes to assess the accessibility of public buildings. Moreover, accessibility standards already in use are not harmonised, although steps have been taken at EU level through the Action Plan to promote the use of harmonised standards (this is set out in detail later in this sub-section).

It is still too early to assess the impact of the 'Procurement Directives', given that the legislation only came into force at national level in 2006, and that the Directives had not been transposed into national legislation in many Member States until 2007. Nevertheless, discussions with DG MARKT as part of the evaluation suggest that the implementation of the revised 'Procurement Directives' will have a positive impact in raising awareness about, and ensuring greater consideration of accessibility issues among purchasing authorities.

**Measuring progress towards e-Accessibility in Europe**

An important study undertaken to measure progress in respect of *e-Accessibility* was an Assessment of the Status of e-Accessibility in Europe (2007)[156]. Among the findings were that people with disabilities in Europe continue to be confronted with barriers to the usage of everyday ICT products and services and that "*e-Accessibility deficits can be found across a spectrum of ICT products and services, for example telephony, TV, web and self-service terminals*". Moreover, the study noted that from a comparative perspective, the e-Accessibility situation for people with disabilities across Europe as a whole, in terms of both e-Accessibility status and e-Accessibility policy, compares unfavourably with other countries benchmarked in the MeAC study (Australia, Canada and the US)[157]. However, there was evidence that EU-level policy initiatives were being taken up in the policies of the Member States in some areas. The study has evidently helped move the situation forwards in respect of developing an appropriate measurement framework in this important field.

**Promoting e-accessibility in RTD projects through the 6th Framework Programme for Research and Technological Development 2002-2006 (FP6)**

The EU DAP scoreboard included an activity which involved promoting e-accessibility in RTD projects through the 6th Framework Programme for RTD 2002-2006 (FP6). As in Phase 1, funding was made available during Phase 2 for applied research through Calls for Proposals under a number of budget

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[156] Measuring Progress of eAccessibility in Europe, Assessment of the Status of eAccessibility in Europe, (the MeAC report) undertaken on behalf of DG EMPL, October 2007.
[157] MeAC - Measuring Progress of eAccessibility in Europe - Assessment of the Status of eAccessibility in Europe (October 2007)

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lines for disability-related projects to promote e-inclusion and to strengthen e-accessibility. These were managed by DG Research and DG Information Society respectively.

A summary of FP6 funding made available through the EU DAP was provided in section 3.4 (using the potential of new technologies). Below, we examine FP6 calls for proposals during the second phase of the EU DAP that were particularly relevant from the perspective of people with disabilities and elderly persons. While the focus is on research into people with disabilities, given the well-recognised correlation between ageing and disability, information about research funding on Ambient Assisted Living is also provided in brief.

The **eInclusion Strategic Objective in Priority 2 (IST)** supported through the Work Programme 2005-2006 of the IST Priority had a number of objectives, including mainstreaming accessibility in consumer goods and services, (including public services) through applied research and development of advance technologies. The ultimate goal of such research was to promote equal access, independent living and participation for all in the Information Society. Other objectives were to develop next generation assistive systems that empower persons with (in particular cognitive) disabilities and aging citizens to play a full role in society, to increase their autonomy and to realize their potential.

Examples of projects supported under Priority 2 (IST)[158] included ENABLED, (Enhanced Network Accessibility for the Blind and Visually Impaired), AAL, (Ambient Assisted Living - Preparation of an Art. 169-initiative), MOVEMENT (Modular Versatile Mobility Enhancement Technology), MICOLE (Multimodal collaboration environment for inclusion of visually impaired children) and  HEARCOM (Hearing in the Communication Society). Evidently, such research has significant potential to improve the situation in respect of the eInclusion of disabled people, and to ensure that they are able to derive maximum potential benefit from the opportunities in terms of independent living and full participation in society afforded by the information society.

Two project examples are examined below as an illustration of the types of projects that were supported under Priority 2 (IST) of FP6:

| Examples of projects:  eInclusion Strategic Objective in Priority 2 (IST) FP6 |
|---|
| The *ENABLED* project led by the University of Belfast was concerned with enhancing accessibility for blind people and for those with visual impairments.  The project involved the development of technologies to create accessible website content, and of algorithms to convert existing inaccessible content so that this becomes accessible.   The project achieved this by developing tools to enable easy access to information, with interfaces that were adaptable and interoperable. The project received 3.7 million euro of EU funding. |
| The MOVEMENT (Modular Versatile Mobility Enhancement Technology) project was concerned with ensuring accessibility to the full potential of ICTs through the development of assistive devices to assist disabled people in using such technologies. Specifically, the work involved research to develop a mobile platform addressing all three dimensions of personal mobility - MOVEMENT of People - MOVEMENT of Objects - MOVEMENT of Information.  The system was designed around the concept of "Modular Mobility" with open interfaces to allow for the easy integration of existing assistive devices as well as development of application modules from 3rd parties. The project received 1.8 million euro of EU funding. |

With regard to **Priority 8 (Scientific Support to EU Policies),** this provided possibilities for funding through the theme "Inclusive access to the Information Society" (this was mentioned in Call 1 in priority Area 3.5). Issues related to eInclusion were addressed in Call 3, Priority Area 3.5 (broadband and ambient intelligence). Inclusive access to the Information Society was also mentioned as a key priority for projects supported through Call 4, Area 3.5.   Examples of projects supported under the various calls for proposals under Priority 8 include eInclusion@EU (Strengthening eInclusion & e-Accessibility across Europe),   ICT for ALL (the social impacts of ICT and their limited reach to potentially excluded communities, measuring and redressing the problem), TRANSFORM

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[158] http://cordis.europa.eu/ist/einclusion/projects.htm

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(Benchmarking and Fostering Transformative Use of ICT in EU Regions) and USEM (USer EMpowerment in standardisation).

Short examples of two projects are provided below as an illustration as to the types of activities that were supported through the calls for proposals. It should be noted that a formal sampling approach to selecting these examples was not utilised – they are designed to be illustrative only:

| Examples of projects: Priority 8 IST (Scientific Support to EU Policies) |
|---|
| The **USEM project** (USer EMpowerment in standardisation) was concerned with the need to ensure that people with disabilities and elderly people were more closely involved in European standardisation processes, especially those which address their needs as users of ICT-based products and services. The project rationale was that while the European Standards Organisations are willing to involve such users in informing the standardisation process, there is a need to facilitate the participation of user organisations in standardisation work and to disseminate information about standardisation. The project received 380000 euro of EU funding. |
| The **ICT for ALL project**, led by a Polish research institute, sought to develop a measurement framework for assessing the extent to which different emerging technologies are being utilised, and are accessible for all, including different types of potentially disadvantaged groups in society, including disabled people. The framework developed indicators to monitor take-up of different types of ICT including broadband Internet, 3G, digital TV and ambient intelligence among different groups so as to better assess whether policy actions are needed in particular areas to prevent a digital divide. The project received 300000 euro of EU funding. |

It is worth emphasising the linkage between research funding made available through DG INFSO examined above and funding made available through DG RTD under the Scientific Support to Policies funding strand of FP6, both Area 2.4 "Quality of life issues relating to handicapped/disabled people (including equal access to facilities) and Area 2.1 on issues related to ageing. Several of the projects supported through 2.4 have been examined through the evaluation, including projects concerned with accessibility in the transport sector for people with reduced mobility, and projects to promote improved accessibility to the built environment.   A detailed overview of the financial allocation for the various budget lines of relevance to promoting the use of new and assistive technologies through FP6 in both the first and second phases of the EU DAP is provided in section 2.5 on funding.

A number of applied IST research projects were supported through FP6. This included projects to better utilise ICTs in the provision of health and care services, as well as other types of assistance to elderly people. Funding was also available to fund the development of new technologies which help strengthen access to social, medical and emergency services, and to facilitate social contacts as well as access to context-based infotainment and entertainment.  The ultimate goal was to develop innovative and user-friendly ICT-based solutions to facilitate assisted living taking into account design-for-all principles.  The scope of the mid-term evaluation does not enable a full assessment of the various research projects supported in the area of ICT accessibility and inclusion to be undertaken. Indeed, given the number and diversity of projects supported, analysing the contribution of all the projects to the aims outlined in the various relevant calls for proposals could constitute a study in its own right.

However, it can be concluded through the discussions with DG INFSO and DG RTD that the research projects supported through FP6 have been useful in implementing key EU policy principles[159] relating to e-accessibility and e-inclusion in practice.  There is also evidence of an effort to mainstream and promote the dissemination of the results of FP6 projects in the areas of e-inclusion and e-accessibility through the Cordis website[160].

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[159] Key Commission strategies such as e-Europe Action Plan 2005 and the i2010 strategy (the policy framework was examined in detail in section 3.3 - fostering the potential of new technologies)

[160] http://cordis.europa.eu/ist/einclusion/calls.htm and http://cordis.europa.eu/ ist/einclusion/projects.htm

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**The development of Standardisation Mandate 420 in support of European accessibility requirements for public procurement in the built environment**

In order to promote the inclusion of accessibility requirements in public procurement, Mandate 420161 was issued to the European standardisation organisations (ESOs) by the European Commission. The mandate was prepared by DG EMPL with close joint working and inputs from the Standardisation Unit and the Construction Products Unit within DG ENTR. The Mandate was issued with the intention of developing common standards and technical specifications that will support the mainstreaming of 'accessibility for all' principles in respect of the built environment in public procurement processes across the EU.

The Standards are expected to cover almost all aspects of the public built environment. This includes: public buildings, public places, parking, roads, schools, hospitals as well as transport facilities such as airports, ports, coach and railway stations. The standards aim to ensure access for all to each of these types of public spaces according to their intended use, including emergency exits and evacuation routes. While the standards are non-mandatory, they will incorporate the requirements included in existing EU Regulations, such as those derived from the revised Public Procurement Directives and the Construction Products Directive.

Work to develop the Standard will continue into the third phase of the EU DAP. The new Standard will set out functional accessibility requirements in relation to the built environment. A technical document will then define technical performance criteria and a detailed implementation toolkit will be developed dealing with accessibility questions for purchasing authorities responsible for public procurement processes. As part of the process of developing the standard, the ESOs are expected to consult with relevant bodies including industry representatives, architects, experts, and with people with disabilities. The process of developing the Mandate is still very much in the early stages (the mandate was adopted by the CEN Technical Board in 2008). The standards are not expected to be ready before the end of 2009, so this activity is more relevant to the third phase of the EU DAP's implementation, and an assessment of its results is therefore outside the evaluation time scope.

**Defining needs with regards to e-Accessibility issues in the new 7th Framework Programme for Research and Technological Development 2007-2013 (FP7)**

A related activity following on from research projects in the area of e-accessibility supported through FP6 was to take stock of progress made and to feed in the lessons learned to inform the preparation of the ICT accessibility dimension of the 7th RTD Framework Programme 2007-2013[162]. The desk research suggests that there will be some continuity in terms of making sure that ICT accessibility issues are given priority in the new framework programmes. This is in accordance with the i2010 strategy, which highlights the importance of ensuring that ICT products and services are accessible.

The FP6 Work Programme included a number of priority areas of importance to the achievement of the European Commission's i2010 strategy, which follows on from earlier key policy developments, notably the eEurope 2005 Action Plan. A number of priorities were especially important from the perspective of people with disabilities.

The FP7 ICT Work Programme 2009-2010 identifies a number of priority areas which will be critical to the successful implementation of the i2010 strategy. For example, ICT Challenge 7 is a priority area of intervention within the work programme. It focuses on issues relating to Independent Living and the promotion of inclusion. Under this work programme heading, the importance of promoting ICT accessibility is noted so as to tackle social exclusion, particularly for people with disabilities and elderly people, given *'the complexity and lack of accessibility and usability of ICT is a major barrier'*.

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[162] ftp://ftp.cordis.europa.eu/pub/fp7/ict/docs/ict-wp-2009-10_en.pdf

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A commitment is made to *'mainstreaming and radically improving the accessibility and usability of new ICT solutions to ensure a better adoption and acceptance of ICT by people with disabilities, functional limitations or lacking digital competences'*. In addition, '*new opportunities offered by ICTs will be exploited to help offset the impact of the ageing population, significantly prolonging independent living'*.

Through the work programme relating to Independent Living and inclusion, two calls for proposals have already been launched. These include Objective 2007.7.1 - **ICT and Ageing (30m euros)** and Objective 2007.7.2 - **Accessible and Inclusive ICT (43m euros)**. The first area supports projects for a) systemic solutions for independent living, b) open systems reference architectures, c) RTD roadmaps and d) standards setting. The work supported should *"complement relevant work already launched under FP6"*[163]. In the second area, the target is a) solutions for deeply embedding generalised accessibility with mainstream ICT-based products and services, b) tools to support developers of ICT-products and services to verify and optimize accessibility features at all development stages and, c) advanced self-adaptive ICT systems. Among the targeted impacts of the projects supported is to mainstream accessibility of ICT and the development of accessible ICT products and services.

The theme of e-inclusion is being continued in FP7 with funding for applied research available on strengthening ICT accessibility to capitalise on the progress made in FP6. So far there have been 12 projects financed under Objective 2007.7.1 and 13 under Objective 2007.7.

There is also evidence of continuity in funding in respect of research into Ambient Assisted Living. One of the programme's supported through the 7th Framework Programme is Ambient Assisted Living for the Ageing Society (AAL)[164]. Support of 40m euros was available under the predecessor FP6 programme to fund research and development linked to enabling people to remain in their homes for longer. This will be significantly increased in the period 2007-2013 through the Ambient Assisted Living (AAL) Joint Programme. The total budget will be 600m euros of which the EU contribution is 150m euros. The new programme will be administered and implemented by a newly created AAL association which brings together the national research programmes of Member States and promotes large-scale trans-national collaboration.

With regard to mainstreaming disability issues in FP7, discussions during the evaluation suggest that while funding opportunities for applied research in some areas will be continued (such as ICT accessibility, research into the development of assistive technologies), the Scientific Support for Policies budget line, under which a number of useful research projects were funded in the area of disability, will not be continued.

Some funding will continue to be made available through the Science in Society programme. However, while some research funding will be targeted at specific groups, the main thematic priorities appear to be gender and youth. The European Disability Forum has noted that while some disability-specific funding has been made available in the areas of medical research and ICT and new technologies, calls for research projects to date' do not appear to mention disability or research of relevance to people with disabilities explicitly in FP7. They moreover note that the Science in Society programme[165] is relatively limited in terms of the extent to which it can fund small-scale social research projects by NGOs[166].

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[163] ICT FP7 Work Programme

[164] http://www.aal-europe.eu/

[165] http://www.sci-soc.net/SciSoc/

[166] European Research Agenda for Disability Equality (EuRADE) project seeks to increase and enhance the input and full participation of disabled people's organisations in future research initiatives that will improve the lives of disabled people in Europe

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**European standard harmonising requirement for accessibility in ICT**

In the first phase of the EU DAP, under the heading 'fostering the potential of new technologies', work took place to develop Mandate 376, the aim of which was to enable public procurement to be used as a mechanism to actively improve accessibility to ICT products and services for people with disabilities and elderly people in order to remove barriers to their participation in the Information Society. The requirements cover the concepts of "Design for All" and "Assistive Technology". These developments were described in section 3.4.2.

During the second phase of the EU DAP, the work has continued. Following the European Commission's Mandate to develop the harmonised Standard, the ESOs have been tasked with devising an appropriate solution for common requirements and conformity assessment. As noted earlier, the work is taking place over 2 steps. Step 1 relates to the production of an Inventory of European and international accessibility requirements and an assessment of suitable testing and conformity schemes. The actual standardisation activities within each of the technical areas setting out requirements on ICT accessibility will take place during Step 2.

The current position is that Step 1 is still underway, but drawing to a close. Once implemented by the ESOs, this standardisation initiative is likely to have a significant impact on promoting improved ICT accessibility for disabled people given the size of expenditure on ICT goods and services in public procurement processes.

**Promoting web accessibility of public web sites and the embedding of 'design for all' principles in mainstream ICT**

A description of activities carried out under the DAP to support and monitor the implementation of the WAI guidelines to improve the accessibility of public websites was provided in section 3.3, 'fostering the potential of new technologies'. In the second phase of the EU DAP, work to promote the concept of 'web accessibility for all' continued.

In particular, the Action Plan committed the Commission to promoting the use of the ICT European Curriculum in Design for all, to enhancing cooperation with the European Design for All e-Accessibility Network (EDeAN - http://www.edean.org/ ) and to encouraging the development of the ICT Assistive Technology Industry Association network. Work also continued to promote international dialogue on eAccessibility.

It is worth emphasising the ongoing importance of the RTD Framework Programmes in promoting and monitoring Web Accessibility. A number of examples of projects supported during the earlier part of FP6 were provided in section 3.3. During the second phase of the DAP, projects to monitor web accessibility continued to be funded through Priority 2 of the eInclusion Strategic Objective within the IST programme.

A number of projects were supported which related to Web Accessibility Benchmarking" (WAB). A cluster of FP6 projects was formed – supported by a website (http://www.wabcluster.org/) – so as to work together on the development of a harmonised European methodology for the evaluation and benchmarking of websites to assess their accessibility.  The Unified Web Evaluation Methodology (UWEM1.2) was the result of an effort by 23 European organisations across three EU projects to promote the harmonisation of methodologies to evaluate the accessibility of websites. The participants in the WAB Cluster developed UWEM to ensure that large scale monitoring could take place which would be compatible with the Web Content Accessibility Guidelines from W3C/WAI. The UWEM methodology was designed as an instrument to support evaluation, (self)certification, and the benchmarking of web content in Europe and beyond.

Such initiatives appear to have been useful in supporting the implementation of the WAI guidelines in particular by improving the effectiveness of monitoring activities. In particular, the coordinated efforts by the WAB cluster to work together to avoid a plethora of different approaches to evaluating web

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accessibility can be seen as a positive development in that a single unified approach is more likely to make an impact than if various methodologies compete with one another.

In the third phase of the EU DAP, work on promoting web accessibility will continue. While outside the scope of the mid-term evaluation, it is interesting to note that a Spanish study[167] on the EU Assistive Technology ICT industry was funded by the e-Inclusion Unit. The study involves carrying out an in-depth analysis of the European Assistive Technology (AT) Industry related to ICT products and services, aiming to identify growth opportunities and barriers to its development.

**Strengthening passenger rights and improving accessibility to transport for people with disabilities / reduced mobility**

Ensuring accessibility to different modes of transport for Persons with Reduced Mobility (PRM)[168] is critical from the perspective of promoting their full inclusion and participation in the labour market, lifelong learning, and in society more widely. The biennial update on the Action Plan 2006-2007 points out that *"Accessible transport systems are an important element of independent living: accessible public transport and an accessible public environment complement and mutually reinforce developments in each field".*

The importance of eradicating obstacles to accessibility for people with disabilities in the area of transport has long been recognised at EU level. In 1993, the Commission adopted a *Community Action Programme for Accessible Transport* and published a working paper setting out priorities to ensure that transport services were made more accessible.

The 2000 Commission Communication *Towards a Barrier Free Europe for people with disabilities*[169] addressed the spatial, environmental, economic, social and cultural aspects of accessibility. The Communication set out various principles relating to improving access to transport services for people with disabilities. These included i) the importance of ensuring that new public transport infrastructure as well as vehicles were designed to accommodate the needs of people with disabilities and ii) a commitment to ensuring that accessibility principles are adhered to in the planning, design and development of infrastructure and vehicles. '*Full accessibility is required to approved standards or recognised best practices, with minimum accessibility requirements for wheelchairs, features for people with walking difficulties, and facilities to assist the blind, deaf or hearing impaired people'.*

A number of key policy and legislative developments have taken place since the EU DAP was launched. A number of activities relating to transport policy were mentioned in the first phase of the EU DAP (under the heading 'other activities'). These were then followed by a number of follow-up and ongoing activities in the second phase under the heading 'access to goods and services'. Through the Action Plan, there has been an effort to protect the rights of PRM in accessing different modes of transport and to strengthen the regulatory framework accordingly to ensure that these rights are respected. We now review some of the key policy and regulatory developments mentioned in the first and second phases of the Action Plan.

The publication of the Commission White Paper *"European transport policy for 2010: time to decide"*[170] envisaged the establishment of passenger rights in relation to all modes of transport. This was followed by the *Commission Communication on strengthening passenger rights within the*

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[167] 'Analysing and federating of the assistive technology ICT industry' undertaken by ROBOTIKER–TECNALIA (Spain) in 2007/2008 in collaboration with the AAATE (The Association for the Advancement of Assistive Technology in Europe) and a couple of other partners.

[168] A person whose mobility is reduced due to physical incapacity (sensory or locomotory), an intellectual deficiency, age, illness, or any other cause of disability when using transport and whose situation may require special attention and the adaptation of a transport service to address a person's specific needs.

[169] COM(2000) 284 of 12.5.2000 'Towards a barrier free Europe for people with disabilities'

[170] Commission White Paper COM(2001) 370 final of 12.9.2001 "European transport policy for 2010: time to decide"

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*European Union* of 16 February 2005[171]. This envisaged specific measures in favour of persons with reduced mobility in accessing all modes of transport, with specific assistance being made available wherever necessary. The rationale was that PRMs should have the same rights as other citizens to freedom of movement and freedom of choice, without incurring additional direct costs, in accordance with non-discrimination principles.

*Key policy and regulatory developments in respect of different transport modes are reviewed below:*

**Air transport:** the 2006 *Regulation on the rights of disabled people and people with reduced mobility when travelling by air*[172] protects disabled people using air services from discrimination and guarantees their rights on all flights within or between EU Member States. In particular, it imposes obligations on the airport authorities to provide assistance free-of charge to those with special needs in accordance with non-discrimination principles (provided the person travelling has forewarned the operator 48 hours in advance). It also requires that all airports must be accessible. Single market arguments around the importance of ensuring that mobility opportunities afforded by air travel are available for all EU citizens regardless of disability, age or any other factor were put forwards as part of the rationale for introducing the regulation.

Air transport was the first transport mode where the rights of PRM have been formally protected. Discussions with DG TREN suggest it is too early to assess the Regulation's impact because the timetable for implementation has only recently come into force[173]. Another difficulty in assessing outcomes to date is that national enforcement bodies, which are responsible for collating data on monitoring complaints in relation to non-compliance with the Regulation, have only recently been appointed and no data is as yet available. An initial evaluation of the Regulation's effectiveness, including the extent to which breaches of particular provisions may have occurred, will be commissioned by DG TREN in late 2009, with the results not expected until 2010.

Nonetheless, while it is still early to assess results and impacts, especially quantitatively, the adoption and implementation of the first Regulation in the transport sector concerning PRM is a step forwards in terms of:

- Reinforcing equality of access principles - PRM must have equal access to transport as non-disabled people;

- Promoting changes in practices in European airports with regard to procedures for the provision of special assistance to PRM;

- Encouraging air transport providers, as well as operators of the physical infrastructure in airports to give greater attention to accessibility issues.

However, the discussions with key stakeholders at Member State level highlighted the fact that while progress can be made in the area of legislation, the full and effective implementation of legislation, and keeping on board all relevant stakeholders is an ongoing challenge. CSES interviewed an airport operator with regard to their experiences of the implementation of the Regulation. Various issues were also raised relating to the Regulation at the annual European conference on people with disabilities by another airport operator and by disabled people themselves. A summary of the discussions is provided below:

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[171] Commission Communication COM(2005) 46 final of 16.2.2005 on strengthening passenger rights within the European Union

[172] Regulation (EC) 1107/2006 of 5.07.2006 on the rights of disabled people and people with reduced mobility when travelling by air

[173] The Regulation entered into force on 15th August 2006, the provision on the prevention of refusal of carriage was applicable from 26th July 2007 and all the provisions of the Regulation only apply with effect from 26th July 2008.

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Regulation (EC) 1107/2006 – experiences from Brussels airport in its implementation

Brussels airport was the first airport in the EU to implement the Regulation (from 1st April 2007), and was able to provide an interesting insight into some of the issues relating to the Directive's implementation.

In preparation for the Regulation, investment was made in additional equipment to provide assistance to PRM and a subcontractor was appointed to deliver passenger assistance.

There were concerns about the unintended consequences of the Regulation. One of the key concerns in relation to the Regulation relates to the cost of its implementation and the fact that this has mainly been passed onto airport operators rather than shared between airport operators and airlines. While in principle costs should be shared with airlines through passenger taxes, in practice, the costs of delivering assistance to passengers with reduced mobility or PRM (approximately 30 euros/ passenger) exceeds the standard charge per passenger of 24 euros.

Another problematic issue relates to the difficulty in defining what constitutes a person with reduced mobility eligible for assistance. While the airport already provided assistance to PRM prior to the Regulation coming into effect, since its adoption, there has been a significant increase in the number of PRM requesting assistance of between 30-40%. The scale of increase in PRM passengers needing assistance was attributed partly to greater awareness among the travelling public about their right to assistance, but this was also seen as resulting from some users who were not entitled to assistance taking advantage of the system. Indeed, some airlines and travel agencies had been promoting 'meet and assist' as an added value service, but without clearly discerning between PRM genuinely entitled to free assistance, and those which were not.

Additional problems included the fact that some airlines were not meeting their obligations to pre-notify the airport operator 48 hours in advance about the requirement for passenger assistance.

As a means of resolving some of these issues, the airport is seeking to promote the concept of self-assistance (whereby PRM are accompanied by someone known to them through the airport, notwithstanding security issues in terms of reaching the departure gate itself), and improving the accessibility of the airport's physical infrastructure so that assistance is not needed as frequently. The objective was to ensure that those with genuine necessity received high-quality assistance while at the same time ensuring that the system is not abused.

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Disabled participants at the annual European disability conference noted that there remain ongoing challenges in ensuring that it is effectively implemented. For example, their own experiences of travelling through airports suggested that there needs to be further awareness-raising among operators with regard to what constitutes a PRM. For example, some airports had misinterpreted the Regulation and offered free assistance only to wheelchair users.

**Rail transport:** there have also been some important developments in other transport modes. These include the publication of the 2004 Commission proposal for a *Regulation on international rail passengers' rights and obligations*[174]. The Commission proposal was subject to the co-decision procedure and also involved extensive consultation with the rail sector and with disability-representative groups. Towards the end of the EU DAP's 2nd phase, a *Regulation on rail passengers' rights and obligations* was adopted in October 2007[175].

The Regulation includes extensive references to the importance of rail service providers and operators of rail infrastructure taking into account the accessibility and assistance requirements of PRM. Recital 10 makes clear that *'Disabled persons and persons with reduced mobility have the same right as all other citizens to free movement, freedom of choice and to non-discrimination. Special attention should be given to the provision of information to disabled persons and persons with*

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[174] Commission proposal COM(2004) 143 final of 3.3.2004 for a Regulation on international rail passengers' rights and obligations

[175] Regulation (EC) 1371/2007 of 23.10.2007 on rail passengers' rights and obligations

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*reduced mobility concerning the accessibility of rail services, access conditions of rolling stock and the facilities on board. In order to provide passengers with sensory impairment with the best information on delays, visual and audible systems should be used, as appropriate. Disabled persons and persons with reduced mobility should be enabled to buy tickets on board a train without extra charges'.*

Article 1(c) for example ensures the protection of, and assistance to, disabled persons and persons with reduced mobility travelling by rail. Under Article 14, train service providers must also ensure that information about the accessibility of trains for disabled persons and for persons with reduced mobility is made available. As in the air transport sector, given the final version of the Regulation was adopted quite recently, it is not possible to assess results and impacts. The transposition process is ongoing.

However, it can be concluded that the Regulation is likely to have a significant impact on strengthening the rights of rail passengers with reduced mobility. The legal basis of the Regulation only applies to rail passengers on international services, not to domestic passengers since there was only scope under the Treaty to introduce the Regulation on this basis.

**Bus and coach transport:** in July 2005, the European Commission launched a public consultation on the basis of the Commission Staff Working Paper "Rights of passengers in international bus and coach transport"[176]. Following the consultation results, DG TREN is now preparing a proposal for a Regulation on the rights of international coach passengers.

The proposal will include a chapter on the rights of passengers with disabilities and PRMs. The proposal will be similar to the regulation adopted above on the rights of rail passengers. The Regulation will also need to address issues around the physical accessibility of coach transport since the existing legal framework only covers access to urban buses (Directive 2001/85)[177]. As in the rail sector, disability representative organisations would like to see the scope of the regulation being extended to include bus and coach passengers travelling on domestic services.

**Maritime passengers:** DG TREN commissioned a study on "The protection of rights of maritime passengers: an assessment of the current situation and possible development of the Community legislation" in 2004/05. Following this, a consultation with stakeholders concerning the rights of maritime transport passengers took place in autumn 2005.

DG TREN is currently preparing a proposal for a Regulation on the rights of international maritime passengers which will focus particularly on the rights of passengers with disabilities and reduced mobility. The question as to whether the regulation will also include a requirement on transport operators to ensure physical accessibility to maritime transport is still open.

**FP6 projects to reinforce regulatory developments in respect of accessibility of different transport modes**

The transport policy field provides a good example of the way in which EU funding programmes play a vital role in supporting the implementation of policy and legislative developments mentioned in the Action Plan through a disability mainstreaming approach.

Specifically, through the Scientific Support for Policies programme under FP6, (Priority 2.4 "Quality of life issues relating to handicapped/disabled people (including equal access facilities), two projects were supported in the transport sector[178] the Euro Access project and the PT Access project. These projects were concerned with assessing the baseline situation in respect of the extent of accessibility to different modes of public transport for people with reduced mobility and disabled people. They also

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[176] Consultation document dated 14.7.2005

[177] Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC

[178] http://cordis.europa.eu/lifescihealth/ssp.htm

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sought to develop a better understanding of the remaining obstacles to accessibility, and to raise awareness among policy makers and transport service providers with regard to how to improve access for PRM not only to transport services, but to transport infrastructure (intermodal transport points etc). Further information on the Euro Access project is provided below:

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**Euro Access project - FP6 Scientific Support for Policies**

The Euro Access project was a two year project supported through FP6 Scientific Support for Policies (Priority 2.4 "Quality of life issues relating to handicapped/disabled people). The project focused on analysing the existing situation in the member states in respect of the access of disabled people to public transport. The project brought together 9 partners including research centres and specialists in transport systems and/or disabled people. The project partners' main activities included:

- An analysis of existing legislation with regard to ensuring accessibility to different modes of transport for disabled persons and people with reduced mobility in the EU member states

- The identification of users' needs and expectations in respect of access to public transport

- A review of the costs, benefits and transferability of best practices identified in different member states.

The aim was to develop comparable information and statistics and to facilitate a common EU approach to tackling the issue, taking into account the evolving regulatory framework in the transport sector. The project was also designed to raise awareness about user needs and expectations for accessible public transport and to promote/diffuse best practices. This was achieved through dissemination activities which have included the development of a project website (http://www.euro-access.org/index.html), newsletter and presentations in conferences and a final workshop with the participation of public transport authorities, policy makers and persons with disabilities.

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**Inclusion of accessibility requirements in the General Regulation on Structural Funds**

One of the most important achievements in the area of accessibility (relevant to the built environment but also to ICT and transport) was the inclusion for the first time of an explicit reference to the need to take accessibility requirements for people with disabilities into account in the General Regulation on Structural Funds for the period 2007-2013. Article 16 of the General Regulations states that[179]:

> *'The Member States and the Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementation of the Funds and, in particular, in the access to them. In particular, accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation*'.

Furthermore, Article 11 of the General Regulations requires member states to include members of civil society – such as disability representative organisations - in the drafting, monitoring and evaluation of the implementation of the Structural Funds. This represents a significant change from previous programming periods where organisations representing disabled people were not always included on Programme Monitoring Committees or – although invited to participate - did not always have voting rights.

The inclusion of specific provisions on accessibility in the Structural funds is evidently a significant steps forwards in leveraging the power of EU spending to promote improved accessibility to the built environment for people with disabilities, although the challenge remains ensuring that the commitment made in the programme text is followed through at the level of implementation. The Structural Funds account for over 35% of the total EU budget and 308 billion euros has been allocated for the 2007-

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[179] Council Regulation (EC) No 1083/2006 of 11 July 2006 'General Regulation on Structural Funds for the period 2007-2013'

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2013 period, representing the most important financial instrument for the social and economic development of the European Union.[180] Through the European Regional Development Fund (ERDF) in particular, considerable resources will be invested in infrastructure projects with the potential to promote improved accessibility to the built environment.

The new General Regulations provide an opportunity to ensure that Structural Funds programmes take into consideration accessibility requirements for people with disabilities at all stages of implementation from initial design programme, through to delivery mechanisms, programme management structures, implementation at the project level, and evaluation and monitoring activities.

The extent to which the inclusion of the new requirements will translate into tangible results will depend on the extent to which accessibility considerations are adequately integrated at the level of individual Operational Programmes and incorporated into Guidance for Applicants and project selection criteria. This in turn will depend on the extent to which the importance of accessibility principles is fully understood by Managing Authorities responsible for administering programmes. At this point in time, it is much too early to assess outcomes given that Managing Authorities are at the beginning of the 2007-2013 Structural Funds programming period.

### 4.4.3   Conclusions – fostering access to goods and services

A number of conclusions can be reached in respect of progress towards '*fostering access to goods and services'*. These are summarised below, together with an assessment of the main outcomes achieved at the level of this theme as a result of activities inputting into the Action Plan..

**The preparation of EC Mandate 376 on e-accessibility requirements in the public procurement of ICT goods and services was a key EU DAP achievement.** This should provide a stimulus to ICT producers to ensure that their products and services are accessible and also provide a boost to Assistive Technology firms.

**The development of a harmonised EU Standard prepared by the ESOs on the basis of EC Mandate 376 appears to be behind the anticipated timescale.** Given it is not yet known when the Standard will be adopted, it is difficult to gauge what impact this will have in influencing public authorities in the Member States to place greater emphasis on e-accessibility requirements in ICT public procurement.

**Disability-specific budget lines funded through the RTD Framework Programmes have played a significant role in supporting the development and wider knowledge of Assistive Technologies for disabled people and elderly persons.** Applied research funding in the area of e-accessibility has enabled good progress to be made in the development of assistive technologies and in harnessing the potential of new technologies to facilitate independent living. Useful research has also been undertaken to improve the interoperability of products and devices.

**The assessment framework for evaluating web accessibility and the compliance of public and private sector websites with the WAI guidelines has been strengthened.** While in the first phase of the EU DAP, the focus was on supporting monitoring activities to assess the extent to which public websites were accessible and compatible with the WAI guidelines, in the second phase, a number of FP6 projects worked together through a Web Accessibility Benchmarking cluster to further refine the assessment framework for assessing Web Accessibility. The development of a harmonised methodology at EU level for evaluating and benchmarking the accessibility of websites is an important step forwards in measuring progress on a comparable basis towards the aim of web-accessibility.

**Passenger rights for people with reduced mobility in accessing different transport modes have been strengthened.** Important regulatory developments in the transport field have taken place since

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[180] http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/newregl0713_en.htm

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the EU DAP was adopted. Particularly good progress has been made in respect of air and rail transport, where Regulations to protect the rights of PRM have been adopted. Some progress has been made for other transport modes such as international coach and maritime transport, although this has been slower than anticipated.

**There is a need however to monitor the implementation of Regulations in the transport sector closely to ensure that different transport modes are fully accessible for PRM, while at the same time avoiding placing too great a cost burden on transport operators.** The research suggests that while good progress has been made, there is a danger of unintended consequences emerging from the implementation of Regulations for PRM. Examples include the cost of providing free assistance if the system becomes over-burdened in terms of the numbers of requests for assistance, and the need to ensure better awareness among airport operators with regard to what types of PRM are eligible for assistance. There is a need, through mechanisms such as the EU Working Group on PRM to resolve outstanding issues related to implementation to ensure that all stakeholders remain committed – notably transport and infrastructure operators and disability-representative organisations.

**It is too early to assess the impacts of regulatory developments in the transport sector on PRM.** Many of the provisions of the two Regulations in the transport sector are only now coming into force. National Enforcement Bodies to monitor the implementation of Regulation EC/1107/2006 in the air transport sector have only recently been appointed. Once these begin the collection of monitoring data on the number of complaints received, it should be possible to assess progress over time towards the full and effective implementation of the Regulation.

**There is increased attention on ensuring that 'accessibility for all' considerations are mainstreamed into EU programmes in the 2007-2013 financial perspective, compared with 2000-2006.** Examples of positive developments include the requirement to take the accessibility needs of disabled people into account when allocating funding in the *General Regulations on the Structural Funds and the Cohesion Fund 2007-2013.* While difficult to assess likely impacts of such developments[181] at such an early stage in the programming period, it could potentially have a significant positive impact, given the scale of funding available through the ERDF to support infrastructure development.

**Mandate 420 which concerns accessibility requirements to the built environment in public procurement represents an important step forwards in leveraging the power of public expenditure to ensure that buildings are made more accessible in future.** However, much of the work to develop the Standard will take place during the 3rd Phase of the EU DAP and is outside the timescope of the presentation evaluation.

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**Fostering the accessibility of goods and services: current position and future challenges**

There has been positive progress in promoting improved accessibility of goods and services for people with disabilities. This comprises research-led achievements in the area of e-accessibility and e-inclusion. The main challenges ahead in order to eradicate barriers in the area of **e-accessibility** include:

- Promoting improved performance on web accessibility in both the public and private sectors in all EU Member States against the baseline (with the objective of closing the gap with top international comparators such as the US and Australia);

-  Embedding the concept of 'accessibility for all' in mainstream ICT – e-Accessibility should be embraced by producers of all e-goods and services, not only those specialising in assistive technologies;

- Strengthening the competitiveness of the assistive technology industry and of accessible ICT goods and

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[181] A number of geographic desk officers were approached from DG REGIO as part of the evaluation to talk about the impact of programmes in particular countries on disability but this was declined. The impact assessment and coordination Unit within DG REGIO did however contribute to the evaluation.

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services in order to avoid the emergence of a digital divide in which disabled persons are excluded;;

- Promoting increased investment by the private sector in making products and services 'accessible for all' in the area of new technologies and in the development of new applications for existing technologies; and

- Ensuring that investment is channelled into making products and services more accessible for all both in the area of new technologies and in the development of new applications for existing technologies; and

- Reducing remaining obstacles to e-accessibility identified through studies and research undertaken on behalf of the European Commission's DG Information Society[182].

In the area of **transport,** there has been progress in protecting the rights of persons with reduced mobility (PRM) in the air and rail transport sectors:

- Monitoring the full and effective implementation of new Regulations to strengthen passenger rights for PRM in the air and rail transport sectors; and

- Extending protection for PRM to other transport modes – international coach and maritime transport, etc.

In the area of **access to goods and services** more widely, a number of positive developments can be highlighted including the preparation of the new Directive on discrimination outside the field of employment which will include goods and services, as well as in strengthening accessibility to the built environment. Challenges include:

- Continuing work already begun in promoting 'accessibility for all' considerations in relation to the built environment so as to facilitate the inclusion and participation of people with disabilities in the labour market, education / lifelong learning opportunities etc.

- Actively participating in the finalisation of the Directive proposed in July 2008 to prohibit discrimination outside employment and monitoring its full and effective implementation in relation to the accessibility of goods and services.

## 4.5 Improving analytical capacity at EU level on disability issues

### 4.5.1 Rationale and activities supported

The final theme in the second phase of the Action Plan was 'Improving analytical capacity at EU level on disability issues'. Indeed, the 2003 Action Plan identified a need to make progress in various areas relating to strengthening analytical and research capacity at EU level in order to facilitate more informed policy making on disability issues. The Action Plan therefore included a commitment to '*developing context indicators, collecting data and research*' in order to strengthen the Action Plan's implementation.

In relation to **research activities**, the main objective of activities supported through the Action Plan has been to 'address gaps in knowledge and to increase multidisciplinary approaches in the area of disability'. The 2003 Action Plan also noted that **improving statistical data was a key priority**. In particular, a commitment was included in the Action Plan to develop appropriate context indicators, and to collect relevant quantitative data and research. '*Assessing the effectiveness of disability policies is hampered by a lack of data and quantitative and qualitative evaluation of outcomes. This makes it vital to develop context indicators, comparable across the Member States'*. It was also noted that *'more efforts should be made at EU and national level to develop indicators and to improve the collection of comparable data'.*

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[182] Some areas demand further attention e.g. inaccessible self-service terminals such as ATM cash machines, ensuring people with disabilities can access emergency services, ensuring that the audiovisual sector meets accessibility standards such as the switch to digital Television, etc.

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In order to tackle data deficiencies, the Action Plan determined to make **better use of existing data sources collated through the European Statistical System** through the development of harmonised survey modules, in order to develop 'internationally comparable statistical information'.

Rather than collecting data through entirely new sources, the approach has been to develop disability-survey modules – which are a set of supplementary questions and datasets based on existing surveys – in order that useful data is readily available for EU and national policy makers on particular indicators. An example of a survey module is the ad-hoc **survey module** on employment of disabled people which was included as part of the Labour Force Survey (LFS). This measures the participation rates of disabled people. Work on data through the EU DAP has concentrated on improving statistics in particular areas, especially those linked to measuring participation (in the labour market, lifelong learning), health and quality of life, and on poverty and social exclusion (through the European Survey on Income and Living Conditions (EU-SILC).

While strengthening analytical capacity at EU level on disability issues was only made an explicit priority in the second phase of the EU DAP, it is important to mention that a number of activities in the first phase of the EU DAP in 2004-05 across the four thematic priorities also contributed to strengthening analytical capacity at EU level. These are described in section 3.

### 4.5.2    Assessment of progress towards implementation and achievement of objectives – Analytical capacity

In this section we review individual activities supported with regard to 'Improving analytical capacity at EU level on disability issues' during the EU DAP's second phase.

**Measuring health and disability in Europe: supporting policy development through scientific knowledge**

The MHADIE project (http://www.mhadie.it/)  which was supported through FP6 Scientific Support for Policies (Priority 2.4 "Quality of life issues relating to handicapped/disabled people") aimed to strengthen the measurement of health and disability in Europe. Among the objectives were demonstrating the feasibility of the World Health Organisation (WHO's) International Classification of Functioning, Disability and Health (ICF model) in the measurement of different types and the prevalence of disabilities, analysing existing general population health surveys and education statistics data, and testing whether the ICF model is adequate for describing and measuring patterns of disability. The project also led to the development of guidelines focusing on how existing data sources on health and disability in the EU Member States might be harmonised with the ICF model.

The project began in 2005 and was completed at the end of 2007. Various activities took place at key junctures in the project's implementation. During 2006, statistical modeling techniques for defining thresholds of disability were developed, as well as a methodology for measuring disabilities and the relationship between health outcomes and quality of life. A protocol was then developed to collect data based on the ICF model and a report produced on the potential utility of the model in June 2007.

Assuming that the MHADIE project's results are subsequently implemented at an EU level, this project has strong potential to significantly improve the reliability and comparability of statistics in the area of health and disability.  More general conclusions with regard to disability statistics – especially in relation to the challenges posed in developing relevant statistics in order to monitor the implementation of the UN Convention are set out later in this sub-section.

**Developing and analysing valid statistics on disabled persons and their integration into society.**

A number of activities supported under this thematic heading in the 2006-2007 period contributed towards developing and analysing statistics on disabled persons and their integration into society. This included the development of new survey modules to improve disability statistics by building on existing statistical data sources.  A short overview of the main developments in the area of disability

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statistics linked to Action Plan activities is provided below[183]. The specific activities supported in 2006-2007 described above are then reviewed in more detail.

Eurostat, working in close cooperation with relevant Commission Directorate Generals and the Unit for the Integration of People with Disabilities has actively worked to strengthen disability statistics over the past ten years. While good progress has been made since the EU DAP was launched, it should be remembered that some of these developments had already been planned prior to the Action Plan being put in place. The collection of statistical data on disability has mainly concentrated on the health and employment fields and specific disability survey modules have been developed in relation to:

- The Labour Force Survey (LFS);

- The European Survey on Income and Living Conditions (EU-SILC);

- The European Disability and Social Integration Module (EDSIM) and disability surveys undertaken within the framework of the European Health Survey System.

With a view to being able to provide pan-European data for the European Year of People with Disabilities (2003), an *Ad-Hoc Module on the Employment of Disabled People* was prepared in 2000/2001 and included in the **2002 European Labour Force Survey (LFS)**. However, while this was a positive development, the Ad-Hoc Module on the Employment of Disabled People has not been repeated since then. Although the annual national LFS surveys in some countries do include useful data on employment, unemployment, and inactivity rates among disabled people, there are a small number of Member States where the most recent data on people with disabilities originates from the 2002 LFS Survey, making it difficult to assess how the labour market situation of people with disabilities has progressed since the Action Plan was drawn up.

Recent developments in relation to labour market indicators include work by a Task Force consisting of representatives from 10 Member States to prepare for the *2011 LFS Ad-Hoc Module on Employment of Disabled People*. While this preparatory work for a follow-up to the 2002 Ad-Hoc Survey Module is a positive step in terms of continuing efforts to improve the reliability and comparability of data at EU level, there is a question as to whether the frequency of the carrying out of the *ad hoc survey module on the employment situation of people with disabilities* - once every 10 years - is sufficient. This is particularly worth raising given the Commission's commitment to reporting on the situation of people with disabilities across the EU addressed to the European institutions in its biennial report. Although disability statistics in the area of employment are collected through national data systems in the administrative registers of the Member States through the framework of the LFS annually in some EU countries, data is not collected regularly or systematically in others, making it more difficult to present comparable statistics over the same time series.

One of the activities mentioned in the second phase relates to work on disability surveys within the European Health Survey System. The description of the activity states that an emphasis will be placed on participation and environmental factors in developing future survey modules so as to take into account the work of the UN Washington City Group, the main purpose of which is to promote and coordinate international cooperation in the area of health statistics by focusing on disability measures suitable for censuses and national surveys which will provide basic necessary information on disability internationally.

In 2002, the Working Group on Public Health Statistics introduced a framework for the regular collection of harmonised data through surveys and/or survey modules on health, the **European Health Survey System (EHSS)**, the aim of which was to make it possible to anticipate the health

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[183] A résumé of progress made in respect of disability statistics at EU and national levels in the Annex of the biennial report for 2008-09 provides an update on progress made during the 2006-07 period of implementation in the area of statistics.

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information needs of the EU and of the Member States, including the needs arising from the new Community public health programme and other EU initiatives, such as the EU DAP.

Subsequently, the Member States agreed to include three general disability/health items and questions, the *Minimum European Health Module (MEHM),* in the annual Eurostat social survey on **European Union Statistics on Income and Living Conditions (EU-SILC),** which started in 13 Member States in 2004 and was extended to 25 Member States in 2005.

With a view to implementing a *European Health Interview Survey (EHIS)* that would fit into the European Health Survey System, a process was furthermore started in order to develop a number of core health-related modules. This process was finalised in 2006 and *EHIS* is now being implemented in all EU Member States.

As a result of a preparatory project launched by Eurostat in 2006, work on developing the **European Disability and Social Integration (EDSIM)** has been ongoing in 2007-2008. The main purpose of the EDSIM is to obtain a more complete coverage of the core items for measurement of disability in European population surveys, Unlike EU-SILC, this module is designed as a free-standing module that can be included to provide health information in other surveys, not necessarily on health, such as a Labour Force Survey. or an additional component of a European Health Interview Survey.

More recent developments in the area of health statistics include a proposal for a Regulation on public health and health and safety at work statistics aims. The objective of this would be to ensure good quality and comparable data aimed at establishing a framework for all current and foreseeable activities in the field of public health and Health and Safety at Work statistics carried out by the European Statistical System. While preparatory work in this area took place during the second phase of the EU DAP, the Regulation[184] was only adopted in December 2008 and is therefore outside the mid-term evaluation scope.

In summary, work to improve the availability of disability statistics has continued steadily, through ongoing cooperation with Eurostat.  These efforts have been further supplemented by a number of specific studies commissioned by DG EMPL, as well as through FP6 research projects in particular areas where there are shortcomings in the availability, reliability and comparability of disability statistics, such as transport.

A number of the major statistical studies undertaken were mentioned in the EU DAP. These include a study was finalised in 2007 which combined the analysis of data from the Disability Ad Hoc Module of the 2002 European Labour Force Survey and EU-SILC data on people with disabilities. The Study '*Men and Women with Disabilities in the EU: Statistical Analysis of the LFS Ad Hoc Module and the EU-SILC'* was carried out by a consortium consisting of Applica, CESEP and Alphametrics. The finding include information on the prevalence of disability, access to education and education levels, employment rates, earnings and income levels, and need for support.

Another significant study, also finalised in 2007, was the *'Study of the Compilation of Disability Statistical Data from the Administrative Registers of the Member States'[185].* This study presented thematic reports based on data collected directly from 25 Member States in the following areas: the prevalence of disability, access to education, participation rates of people with disabilities in the labour market, the origins of disability and access to services and long-term care. The report provides a useful analysis of what types of disability statistics are available and identifies gaps, and comparability issues between particular Member States. It also provides an assessment of the current situation of

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[184] Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, Official Journal of the EU 31.12.2008: http://eurlex.europa.eu/JOHtml.do?uri=OJ:L:2008:354:SOM:EN:HTML

[185] Study of compilation of disability statistical data from the administrative registers of the Member States' November 2007, Applica, CESEP and the European Centre on behalf of DG EMPL.

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people with disabilities across different EU countries in each of the areas mentioned. The authors of the study note that a number of methodological issues were encountered during the research which made comparative analysis between different EU countries more difficult:

> *'The data comes from a variety of different sources of administrative data which are likely to be based on a variety of different definitions and classification systems. Moreover, definitions and criteria for disability can also vary according to policy objectives, legislation and administrative standards. Inside the same country, different definitions can be used by different Ministries according to their needs. The Ministry of Employment, for example, might use a different definition from the one used by the Ministry providing assistance to people who are in need of care'.*

A key finding from the study was that difficulties encountered in comparing statistics were mainly due to the lack of a common definition of disability, with considerable variance between Member States.

Some FP6 research projects supported through the Scientific Support for Policies (SSP) budget heading also contributed towards the development of suitable indicators to measure progress towards the inclusion of people with disabilities in particular fields, such as access to different modes of public transport. Examples of projects funded under this budget heading include the *Euro Access project*[186] which focused on the transport sector and examined accessibility issues and the usage of different transport modes by disabled people and those with reduced mobility. This suggests that the RTD Framework Programmes have considerable potential to address gaps in data availability and to inform policy making.

In summary, while significant progress has been made over the past five years in improving the availability of disability statistics in particular areas, notably employment and health, more work remains to be done in others. There are also challenges in ensuring data comparability, given that there are considerable variations between Member States with regard to the definition of disability.

**Reporting on and disseminating outputs of Commission pilot projects on mainstreaming of disability issues at decentralised level.**

Another activity mentioned in 2006-2007 is the dissemination of information regarding the results of the pilot projects. While individual projects have, for the most part, continued to promote the project results and any deliverables produced, such as good practice guides, toolkits, CDs, etc., the dissemination of results at EU level has mainly involved inviting the pilot projects to present the project outputs at various EU conferences. Additionally, in autumn 2008, a brochure was produced summarizing the pilot projects on disability mainstreaming. This was disseminated through the Unit for the Integration of People with Disabilities 's annual conference in December 2008.

Nonetheless, while some progress has been made in disseminating the pilot project results, these could still be more actively disseminated. For example, the Unit for the Integration of People with Disabilities 's section of the DG EMPL website does not provide links to the pilot project websites and could become a knowledge repository for disseminating outputs.

Many of the outputs produced are practical-oriented, and have strong potential to make an ongoing and sustainable impact, for example by helping to raise awareness about particular issues, such as the active inclusion of disabled people in the workplace, the mainstreaming of accessibility and design for all principles in building design, etc.  Recommendations as to how this might be achieved are set out in section 7.

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[186] http://ec.europa.eu/research/fp6/ssp/euro-access_en.htm

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**Gender and disability issues**

It is important to stress that the gender dimension needs to be taken into close consideration in relation to disability. Men's and women's experiences of disability can be quite different. There are, for example, significant gaps in the labour market participation rates of disabled men and women. Women with disabilities experience much higher inactivity rates and lower labour market participation levels. There is a need to ensure that gender differences are taken into appropriate consideration in EU-funded research and analysis in order to develop a better understanding of the disadvantages and specific problems faced by women with disabilities.

In recognition of the need to take the gender dimension into account in EU disability policy, a number of activities have been carried out through the framework of the Action Plan - although these are not mentioned directly in the EU DAP Scoreboard. For example, the 2005 Communication on the European Disability Action Plan for the 2006-2007 implementation period included a commitment under the theme 'strengthening the EU's capacity for analysis' to analyse the specific situation of women with disabilities. A detailed annex was included with supporting data examining statistical differences between women and men with disabilities, and the degree of social exclusion they face. Furthermore, the participation of European Women's Lobby (EWL) on the DHLG contributes to ensuring that there is representation of women's issues at high-level group meetings. The Commission also strongly supported the inclusion of provisions in the UN Convention on the Rights of Persons with Disabilities for mainstreaming gender issues.

The EU DAP has also resulted in research being undertaken which addressed gender and disability issues. For example, a study was carried out on *Men and women with disabilities in the EU: statistical analysis of the LFS ad hoc module and the EU-SILC[187] (2006).* This explored issues in relation to gender differences between women and men in terms of their participation in the labour market, and other aspects, such as income levels and poverty issues.

### 4.5.3 Conclusions - Strengthening analytical capacity at EU level on disability issues

**Analytical capacity to inform EU disability policy has been strengthened at EU level as a result of research commissioned by the Unit for the Integration of People with Disabilities within DG EMPL, and by other Directorate Generals in specific policy areas.** A number of studies have contributed towards an improved understanding of specific issues affecting people with disabilities, and particular types of disabilities. These have covered a broad range of issues such as the social situation of disabled people, the discrimination faced by severely disabled people and those with complex needs and a study to measure progress on e-Accessibility.

**Progress has also been made in improving the quality and availability of disability statistics through the development of harmonised survey modules.** There has been discernible progress in the development of disability statistics in areas such as the labour market, the social situation (including incomes and poverty) of disabled people, and in health.

**However, there is a question mark as to how effective the implementation of disability-specific survey modules has been.** Arguably, there is a problem with regard to the frequency with which ad hoc survey modules are carried out. An example noted in the analysis in section 4.5.2 is the fact that the 2002 European Labour Force Survey which included an *ad hoc survey module on the employment situation of people with disabilities* will not be repeated EU-wide until 2011. This raises the question whether such infrequent survey modules are effective (notwithstanding the collection of data annually in some EU countries on the employment situation of people with disabilities through the LFS). The absence of comprehensive EU-wide data on a two yearly basis hinders the information

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[187] Men and women with disabilities in the EU: statistical analysis of the LFS ad hoc module and the EU-SILC (2006), Study by APPLICA & CESEP & ALPHAMETRICS (financed by DG EMPL)

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available to inform the preparation of the biennial report on the situation of people with disabilities which must be prepared by the Commission.

**Progress has also been made in developing new approaches and methodologies for gathering disability statistics in particular fields through the making available of EU funding for detailed technical projects.** For example, in the area of health statistics, the Mhadie project involved the development of guidelines regarding how the World Health Organisation's International Classification of Functioning, Disability and Health (ICF) might be implemented Europe-wide. Furthermore, there have been a number of useful projects funded through the RTD Framework Programmes (Scientific Support for Policies) in the area of disability statistics, for example the EuroAccess project in the area of access to transport for people with disabilities.

**Additionally, funding through the Community Action Programme against discrimination 2001-2006 and since 2007 the Progress Programme has enabled studies that have focused on an in-depth assessment of disability statistics to be carried out on key benchmarks of relevance to people with disabilities.** The *'Study of the Compilation of Disability Statistical Data from the Administrative Registers of the Member States'* for example analysed contextual data in key areas such as employment, pensions, and education and training. A second example of a study that helped strengthen analytical capacity was *'Men and Women with Disabilities in the EU: Statistical Analysis of the LFS Ad Hoc Module and the EU-SILC'*, also finalised in 2007 for DG EMPL (detailed references for these studies are provided earlier in this section).

**Despite the evident progress, however, there remain problems relating to disability data at EU level, both in terms of the comparability of data due in part to definitional differences as well as the frequency with which ad hoc survey modules are carried out, which isn't often enough to enable a comparison of the situation over time to be assessed.** Different definitions of disability are applied across different Member States which makes it difficult to compare disability data at EU level. As a consequence, there are widely differing statistics on the percentage of people with a disability in the population[188]. This consequently skewers any comparison of data between Member States, which means that there are problems in assessing the situation of disabled people in the EU in a reliable and comparable manner.

**Gender differences between women and men with disabilities need to be recognised. There is consequently a need for gender-disaggregated statistics to develop a better understanding of the issues.** There are considerable differences with regard to labour participation and inactivity rates between women and men. There is also a need to recognise that the experiences of disabled women and men can differ considerably – for example in areas such as health.

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**Improving analytical capacity at EU level on disability issues: current position and future challenges**

EU funding support for activities under the theme of improving analytical capacity on disability issues has been essential in supporting research in areas of disability policy that had hitherto not been extensively researched, such as the situation of severely disabled people and those with complex needs.

Progress is also notable in strengthening disability statistics, with survey modules on disability added to existing statistical surveys already within the European Statistical System in the areas of the labour market, income and poverty, and health. Challenges ahead include:

- Improving the comparability and reliability of disability statistics within the EU - a common definition, or at least more coordination between the EU and the Member States on how disability should be defined for statistical purposes - would greatly facilitate data collection;

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[188] According to official statistics, this ranges between 0.1% and over 16% of the population depending on the Member State) and with regard to the type and degree of impairment.

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- Taking the 'independent living agenda' forwards by ensuring that there is sufficient research and good practice guidance available to support the Member States in implementing this principle;

- Ensuring that dedicated funding is available for disability research in areas where EU analytical capacity still needs to be strengthened; and

- Supporting new studies in evolving areas in which the EU is involved where there is a strong disability dimension, such as the development of an EU Strategy on Mental Health.

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## 5. Use of specific instruments to implementing the Action Plan

**In this section, an assessment is provided of the role and contribution made by specific instruments in implementing the Action Plan. The main tools that have been deployed were the use of a 'disability mainstreaming' approach to ensuring that disability considerations were adequately taken into account in relevant EU policy areas (Section 5.1), 'EU legislation' (Section 5.2) and 'partnership working' at different governance levels (Section 5.3). The role of the pilot projects as an instrument supporting the achievement of the Action Plan's objectives is then considered (Section 5.4).**

### 5.1 Mainstreaming

In this sub-section, the role of disability mainstreaming as an instrument in the Action Plan's implementation is examined. The rationale for a disability mainstreaming is first considered. Examples of activities supported through the framework of the EU DAP which have involved the use of a mainstreaming approach are then provided. Key challenges in successfully implementing disability mainstreaming are next considered. Lastly, an assessment of the contribution made by mainstreaming to the Action Plan's implementation is provided.

### 5.1.1 Rationale for a mainstreaming approach in EU DAP's implementation

The 2003 Action Plan includes a commitment to pursuing mainstreaming as an instrument to reinforce the inclusion of disability issues in key EU policies and legislation. The Action Plan notes that:

*'Developments in disability policies show an increasing tendency towards mainstreaming to better incorporate the rights of, and to promote equal opportunities for people with disabilities. The mainstreaming strategy implies the integration of the disability perspective into every stage of policy processes – from design and implementation to monitoring and evaluation – with a view to promoting equal opportunities for people with disabilities'.*

### 5.1.2 Disability mainstreaming in EU policies and legislation

Most activities in the Action Plan were implemented in accordance with a disability mainstreaming approach. Mainstreaming activities can be divided into two broad types:

- **Disability-specific activities to support mainstreaming** – these are typically carried out by the Disability High-Level Group, the Unit for the Integration of People with Disabilities and EU funded networks of disability NGOs. The objective is to encourage EU policy makers to take greater account of disability issues in relevant policy areas

- **The implementation of a disability mainstreaming approach** - Policy Units across the Commission then draw on disability expertise to inform the preparation and implementation of EU policies, programmes and legislation in taking appropriate account of disability considerations.

Taking the first bullet point, examples of **disability-specific activities** include the preparation of position papers by the Disability High Level Group (DHLG) on key EU policies with the potential to positively impact on disabled people. Examples of such working papers prepared in the first and second phases of the EU DAP include one on disability mainstreaming in the revised European Employment Strategy, mainstreaming disability in the social inclusion and social protection process, and the quality aspects of healthcare, which fed into the debate on the *Quality of social services of general interest (SSGI)*. The paper was prepared by the DHLG in response to the Commission's White Paper on services of general interest, which sought to introduce a *"systematic approach to*

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*identify and recognise the specific characteristics of social and health services of general interest and to clarify the framework in which they operate and can be modernised".*

A number of disability-specific research activities have supported the **implementation of a disability mainstreaming approach** in EU policy making and legislative processes. Examples of concrete outcomes include the above-mentioned position paper on the *Quality of social services of general interest (SSGI)*. The paper emphasised the importance of putting in place quality assurance frameworks to measure the quality of services and highlighted the importance of coordinating the delivery of services. Following the paper, the Commission adopted a *Communication on Services of general interest, including social services of general interest* [189]. The Communication highlights the current situation in respect of social and health services, drawing on the inputs made by the DHLG. It then outlines a Protocol for a coherent framework for EU action in this area. The paper can be said to have had a positive impact in ensuring that quality issues in social and health services were adequately addressed in key EU policy documentation in this area.

Many of the areas in which progress has been made have been informed by disability-specific knowledge and expertise, and have involved close cooperation between different areas of policy falling within the responsibility of a number of Directorate Generals. An example of an initiative in the Action Plan which required cooperation between different DGs was the development of Mandate 376 on the inclusion of e-accessibility requirements in the public procurement of ICT goods and services. This required ongoing work over a considerable period of time between the Unit for the Integration of People with Disabilities , the e-inclusion unit within DG INFSO and the standardisation unit within DG Enterprise and Industry. It also involved cooperation with external stakeholders, such as the European Standardisation Organisations. Similarly, work to improve disability statistics has required the contribution of different Directorate Generals and Commission Services including Eurostat, responsible for the European Statistical System, DG SANCO in the area of health statistics, and DG EMPL in relation to statistics on employment and on social inclusion and poverty.

There is also evidence that EU Cohesion Policy has adopted a disability mainstreaming approach, with an explicit requirement included in the General Regulations on Structural Funds 2007-2013 (1081/2006)to take accessibility issues for people with disabilities into account**.** This required liaison between key actors including the Unit for the Integration of People with Disabilities , the European Disability Forum, and the European Commission (DG Employment's ESF Unit and officials from DG Regional Policy in particular).

The use of disability-specific know-how to underpin a mainstreaming approach has been important in helping to improve the quality of EU legislation likely to affect disabled people. Examples of legislation where disability issues have been closely taken into consideration as a result of mainstreaming activities through the framework of the EU DAP include:

- **The Procurement Directives (2004)** – there are explicit references to accessibility and the possibility of taking social considerations in procurement processes into account was introduced (e.g. through the inclusion of adequate contract performance clauses). The drafting process involved cooperation between DG MARKT and the Unit for the Integration of People with Disabilities ;

- **Regulations in the transport sector concerning the rights of Passengers with Reduced Mobility (PRM)** - the drafting process for the 2006 Regulation on the rights of PRM in the air

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[189] COM(2007) 724 final. The document was launched as part of a wider framework on "A single market for 21st century Europe" COM (2007) 725

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sector and the 2007 Regulation on the rights of PRM in the rail sector involved cooperation between DG TREN and the Unit for the Integration of People with Disabilities ;

- **The revised General Block Exemption Regulation[190] (GBER) -** the GBER 2008 is more favourable to people with disabilities than its 2002 predecessor in terms of subsidy levels for 'supported employment'. The process leading to the drafting of the revised legislation involved cooperation between DG COMP and the Unit for the Integration of People with Disabilities , as well as formal inputs to the consultation process from relevant EU-level disability NGOs).

With regard to the role of institutional mechanisms within the Commission in promoting a disability mainstreaming approach, Commission officials interviewed through the evaluation research were in broad agreement that the Disability Service Intergroup has been effective in promoting closer cooperation between relevant Commission Services on disability issues and for keeping EU officials up to date about the activities going on across the Commission. An important outcome of the Action Plan is improved coordination within the Commission on disability issues**,** through the use of a mainstreaming approach. Further analysis in relation to the role of the DISG is provided later in this sub-section, in the sub-section on Partnership Working.

Another dimension of disability mainstreaming has been the dissemination of information on the situation of people with disabilities to EU policy makers within the Commission, through fora such as the Employment Committee[191] and Social Protection Committee[192]. An effort has been made to bring to the attention of policy makers participating on these Committees the results of disability-specific research activities supported through the framework of the EU DAP, such as the paper on *Disability mainstreaming in the European Employment Strategy* and the paper on *Mainstreaming disability considerations in social inclusion and social protection policies*. As described in detail in sub-sections 3.2 (employment) and 4.1 (encouraging activity), these Committees have responsibility at EU level for promoting the coordination of the policies of the Member States.

The discussions with Commission officials suggest that initiatives designed to highlight disability-specific issues in relevant EU policy areas have strengthened awareness and understanding among EU officials about issues related to people with disabilities, and about how to take them into account in policy making. However, more could still be done to ensure that relevant studies, research and statistics are brought to the attention of relevant policy makers in a timely fashion. For example, the representative from the Employment Committee was not aware of the most recent statistical research carried out on the labour market situation of disabled people. The representatives from both the Employment Committee and the Social Protection Committee stated that while cooperation with the Unit for the Integration of People with Disabilities had been useful, especially in preparing guidelines for the Member States, the frequency of contact could usefully be increased.

Taken together, the various activities to promote disability mainstreaming appear to have had a positive impact. For example, there are stronger references to the accessibility needs of people with disabilities in key EU programme texts in the 2007-2013 period compared with the predecessor

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190 Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Article 87 and 88 of the Treaty (General block exemption Regulation).

[191] The Employment Committee (EMCO) was established following the 1997 Amsterdam Treaty, which included a new chapter on Employment. EMCO has advisory status to promote coordination between MS on employment and labour market policies.

[192] The Social Protection Committee was set up in 2000 to serve as a mechanism for cooperation between the European Commission and the Member States with regard to issues concerning the modernisation and improvement of social protection systems. Both these Committees work through the Open Method of Coordination as the main instrument for policy exchange and coordination between the Member States.

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programmes. Other positive impacts include strengthened coordination and joint working between different DGs within the Commission on policy areas of relevance to people with disabilities issues, and the improved availability of mainstreaming tools and methodologies. Mainstreaming has therefore been an important instrument in the Action Plan's implementation.

### 5.1.3 Disability mainstreaming through the pilot projects

The two calls for proposals for disability mainstreaming pilot projects in 2004 and 2005 respectively explicitly lent support to encourage the wider use of mainstreaming approaches at local, regional and national levels. A detailed assessment of the outputs and results of the pilot projects is provided in section 5.4 and some of the pilot projects are examined in depth in relation to EU DAP thematic priorities in section 3 and 4. A factual summary of all the pilot projects supported is provided in Appendix D.

Overall, the pilot projects can be said to have played a positive role in promoting disability mainstreaming. A number of the projects involved the development of toolkits and guidance and new methodologies designed to promote a disability mainstreaming approach. Examples include the Building Accessible Services project, which resulted in the production of a guide on the inclusion of 'design for all' principles in building design. Another interesting project which was focused specifically on furthering disability mainstreaming was '*Achieving disability rights through mainstreaming at regional and local level'*. This project – which was led by the European Disability Forum in conjunction with a Swedish disability organisation - encouraged a disability mainstreaming approach at local and regional governance levels, in accordance with the UN's Agenda 22[193] approach to mainstreaming.

The project's objectives were to develop mainstreaming tools to encourage local and regional authorities to include greater consideration of disability issues and of the specific needs of people with disabilities. In practical terms, the project sought to involve organisations representing the interests of people with disabilities in local decision making, for example, in tailoring the design and delivery of public services provided by local authorities more closely to the needs of users, including people with disabilities. The project has wider applicability and transferability potential for local authorities located elsewhere across Europe.

Other examples of new instruments developed through the pilot projects include the *EDAMAT project* which concerned mainstreaming disability in policy making. A short summary is provided below, by way of example as to how the pilot projects have contributed to the use of disability mainstreaming approaches.

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**The EDAMAT project - toolkit on disability mainstreaming**

The aim of the project which was led by the Leonard Cheshire Foundation was to develop practical guidance and a toolkit to support the mainstreaming of disability issues in policies, legislation and in programmes. The two main target groups were policy makers designing policies with a potential impact on disabled people and disabled people organisations that have a role in holding policy markers into account.

The EDAMAT toolkit was developed based on **four key principles for effective mainstreaming, namely:** the **Engagement** of disabled people during the policy design and implementation process**, Access** to the decision process**, Resourcing** to make engagement and access possible **and Enforcement** and monitoring of the removal of inequalities through mainstreaming**.** These principles were practically applied through the EDAMAT project in the development of a toolkit on disability mainstreaming:

- A guide which included initiatives and actions for the effective mainstreaming of disability in the

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[193] Agenda 22 is concerned with encouraging local authorities to work together with disability representative organisations in policy planning and in the design and delivery of public services, including those for disabled persons. See www.hso.se/

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policy making process

- - A checklist of indicators to assess the adequacy of mainstreaming in a specific policy/law or programme

- - Advocacy guidelines explaining how EDAMAT can be used by civil society to hold policymakers into account

The framework and the subsequent guidelines were developed through extensive consultation with disabled people and with disability representative organisations, policy makers and researchers and focusing on specific policy areas (Health, Transport, Housing) in different countries. The tool was tested in several policy areas and member states with the active participation of people with disabilities and was presented to policy makers and disabled people representatives in 11 Member States.

The EDAMAT toolkit is a practical and effective tool in the promotion of disability mainstreaming. It is flexible enough to be used in a wide range of contexts (countries and policy areas).  Its primary objective is to ensure that disability issues are adequately mainstreamed in all areas of policy making in order to ensure that disability rights *"are not a peripheral issue to be dealt with as an afterthought, but instead incorporated intrinsically into policies from the beginning and properly implemented throughout".*

While specific outcomes linked to project implementation were examined in sections 3 and 4, it can be concluded that the pilot projects have collectively made a valuable contribution to the promotion of disability mainstreaming, particularly through the development of new methodological tools and guidance. Also, given that the Action Plan has mainly focused on disability mainstreaming in EU policy making, an important aspect of the projects' value added is that they have brought a local, regional and national dimension to efforts to stimulate wider uptake of disability mainstreaming through the framework of the EU DAP.

### 5.1.4    Challenges in successfully implementing disability mainstreaming

While positive progress has been made, there remain challenges in successfully implementing disability mainstreaming in all relevant EU policy areas and in ensuring that mainstreaming activities lead to sustainable changes in terms of the treatment of disability issues.  It is therefore worth reviewing the main challenges and any lessons to be learnt from the implementation of mainstreaming in the first two phases of the Action Plan.

One lesson is the need to continue to raise and to reinforce awareness among EU policy makers about the value of disability mainstreaming and about how to translate this into practice in EU policies and legislation from the outset.  As was noted in the Commission Working Paper *"Disability mainstreaming in the European Employment Strategy"[194], disability* mainstreaming is not yet well enough known among policy makers.

Some EU officials interviewed commented on the need for strengthened political commitment from the European Commission to the promotion of disability mainstreaming in all its activities. Some interviewees noted that there are greater levels of awareness about gender mainstreaming approaches than disability mainstreaming, reflecting the fact that gender mainstreaming in EU policy making began earlier – in the mid-1990s. There are ways in which mainstreaming could be strengthened, for example, by ensuring that more senior representatives from across the Commission services participate in the Disability Inter-Service Group (DISG).

Another important lesson is that mainstreaming should take place as early as possible in the policy making process in order to allow sufficient time for position papers to be prepared, for consultation

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[194] Commission Working Paper: 'Disability mainstreaming in the European Employment Strategy' of 1.7.2005 (EMPL/A/D(2005) EMCO/11/290605)

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(informal and formal) so as to maximise the potential positive contribution of EU policies and funding programmes to the promotion of equal opportunities for people with disabilities.

Looking ahead, a key challenge is to ensure that those areas where positive progress has been made through the framework of the EU DAP, such as the inclusion of an explicit reference in the General Regulations on Structural Funds to the need to take accessibility issues for people with disabilites into account, there is a need to ensure that a disability mainstreaming approach is equally applied by the Member States at the level of implementation. In other words, accessibility should be taken into account throughout all levels of the programming process, including management and implementation arrangements, project selection criteria, and in monitoring and evaluation.

Finally, a concern highlighted through the interview programme was that while disability mainstreaming is an important tool, it is only effective when supported by disability-specific activities and resources to underpin these. As the Action Plan points out, mainstreaming should not be a substitute for disability-specific policies and actions: *'In parallel to mainstreaming disability, persistent inequalities require the implementation of specific actions in favour of people with disabilities'.*

### 5.1.5 Conclusions - mainstreaming as an instrument in the Action Plan's implementation

Disability mainstreaming has been an important instrument in the Action Plan's implementation. Among the conclusions that can be drawn are that:

**Disability mainstreaming has played a useful role in raising awareness among EU policy makers about the importance and relevance of disability issues.** It has helped promote the inclusion of disability considerations in relevant EU policies and legislation. It has also helped focus attention on the specific needs of, and issues faced by people with disabilities in key policy areas, such as access to employment, participation in lifelong learning and accessibility.

**As a result of disability-specific activities supported through the framework of the EU DAP, the visibility of disability issues has been strengthened in relevant areas of EU policy making.** The use of a mainstreaming approach has meant that disability-specific expertise has been utilised effectively to ensure that policies and legislation take due account of the disability dimension

**There are various examples of positive outcomes achieved as a result of disability mainstreaming efforts.** These include: the strengthening of the quality aspects of health and care services in the Commission Communication on Services of General Interest, including social services of general interest, the strengthening of accessibility for all principles in the Procurement Directives and the improved treatment of people with disabilities in the General Block Exemption Regulation[195].

More detailed conclusions with regard to the role played by disability mainstreaming in the Action Plan's implementation are set out in section 6.2 (effectiveness – global objectives).

### 5.2 Legislation

Legislation was identified as a key instrument in the Action Plan's implementation and is an important agent of social change in promoting equal opportunities for people with disabilities.

A detailed review is first provided of progress towards the objective of the full and effective implementation of the *Equal treatment in Employment and Occupation Directive (2000/78/EC)* [196]. This was identified as one of the Action Plan's three strategic objectives. Wider legislation adopted

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[195] General Block Exemption Regulation Commission Regulation (EC) No 800/2008 of 6 August 2008
[196] Council Directive 2000/78/EC of 27.11.2000 establishing a general framework for equal treatment in employment and occupation

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since the EU DAP was launched of relevance to, and likely to impact on, people with disabilities is then examined.

### 5.2.1 Full and effective implementation of Directive 2000/78/EC

The assessment of progress towards the full and effective implementation of the Employment Framework Directive has involved a number of different aspects, including a review of:

- the extent to which Directive 2000/78/EC has been successfully transposed into legislation at Member State level;

- the impact of awareness-raising and information dissemination activities supported through the framework of the EU DAP, measured in terms of:

  o levels of awareness among EU citizens about protection from direct and indirect discrimination for disabled persons, as well as protection from harassment and the right to reasonable accommodation in the workplace;

  o levels of awareness among employers with regard to their obligations to provide 'reasonable accommodation' under the Directive;

- the ongoing role of case law, including any national and ECJ rulings relating to the disability provisions of Directive 2000/78/EC.

Member States were given until December 2003 to transpose Directive 2000/78/EC into national law. There was however the possibility of extending the transposition process by a further three years for the disability (and age) provisions. A small number of Member States took advantage of this extra time period, with most Member States having transposed the legislation by the end of 2003.

### 5.2.2 Awareness about Directive 2000/78/EC among EU citizens

Awareness-raising in relation to Directive 2000/78/EC was mentioned in Phase 1 of the EU DAP as an activity in support of the objective of promoting access to, and retention in employment.

A series of information and awareness-raising activities relating to the Directive took place as part of a five-year pan-European information campaign[197] "*For Diversity against Discrimination"* funded through the third budget heading (awareness-raising) of the *Community Action Programme to Combat Discrimination (2001-2006).* The *Community Action Programme* was overseen by the Non-Discrimination Unit within DG Employment, Social Affairs and Equal Opportunities and involved activities across all 27 EU Member States to raise awareness about the introduction of new EU legislation to combat discrimination on various grounds, including disability.

An information campaign was launched in June 2003, prior to Phase 1 of the EU DAP. Awareness-raising and information dissemination activities relating to the Directive continued throughout the first implementation phase. The *Ex-post evaluation of the Community Action Programme Community Action Programme to Combat Discrimination (2001-2006)* provides some data on the number of awareness-raising events held and on funding aspects. In the period 2004-2006, a number of EU-level conferences on disability were funded under this budget heading. This included the holding of an annual conference to mark the *European Day of People with Disabilities*, and other EU-level conferences on disability. In 2007, the conferences were funded under the new Progress programme 2007-2013. A detailed assessment of topics covered through the annual European Day conference, and outcomes achieved, is provided in section 5.3.7.

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[197] The website http://www.stop-discrimination.info/ also provides extensive country-specific good practice guides, including in the area of disability, in priority areas relevant to the EU DAP, such as combating discrimination in employment, disability and social inclusion, etc.

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The Ex-post evaluation provides useful data on expenditure in respect of these conferences. The annual budget for the European Day of People with Disabilities in the 2004-2006 period was approximately 292,000 euros. It has not been possible to obtain monitoring information in respect of the other conferences relating to disability mentioned in the evaluation since a combined total for conferences covering all discrimination grounds is provided.

The information campaign about Directive 2000/78/EC – combined with the holding of disability-specific conferences - contributed to raising awareness about the disability provisions of the Directive among disability NGOs and other relevant actors. This helped contribute towards the promotion of the Directive's full and effective implementation at national level by strengthening the capacity of NGOs to spread awareness about the Directive among other NGOs, disabled people themselves and the general public more widely.

There are some difficulties in assessing outcomes linked to the implementation of the information campaign to raise awareness about EU anti-discrimination legislation. This is partly because, with the exception of EU-level conferences on disability, many activities supported through the information campaign were not disability-specific. However, anecdotal evidence from discussions with EU-level disability NGOs suggests that the various information and awareness-raising activities were effective in raising awareness through the targeted dissemination of relevant information about the Directive to actors such as EU-level NGOs. These were then able to disseminate key messages about legal protection from discrimination under the Employment Framework Directive through their affiliated national networks.

In order to assess levels of awareness about anti-discrimination legislation across the EU, a Eurobarometer survey was carried out in January 2007[198]. This shed light on awareness levels about the Directive. Three issues were explored in relation to awareness:

- Knowledge about laws prohibiting discrimination

- Awareness about what initial actions to take should discrimination take place and

- The extent to which citizens are aware of their rights should they be a victim of discrimination.

Among the findings were that disability was the only grounds of discrimination where more than half of EU citizens were aware about the existence of anti-discrimination legislation in employment (51%). Awareness levels varied considerably between former EU15 countries (53% awareness on the grounds of disability) and the new Member States (40%). Lower awareness levels in EU10 countries reflected the fact that many of these countries had not previously had legislation outlawing discrimination on the grounds of disability.

While it is difficult to attribute high levels of awareness among EU citizens about anti-discrimination legislation directly to the information campaign about Directive 2000/78/EC, such activities can nevertheless be expected to have played a positive role in disseminating information through NGOs working at grass-roots level in a position to promote awareness about protection from discrimination afforded by the Directive.

A second activity designed to raise awareness and understanding about the application of Directive 2000/78/EC was the organisation of a Summer School on Disability Discrimination. This was held during summer 2005 and was targeted at lawyers and judges, as well as students of law and disability NGOs. This activity was described in detail in section 3.2.2 on employment (awareness-raising about Directive 2000/78). The summer school was found to have played a very positive role in strengthening understanding of, and awareness about Directive 2000/78/EC, although it was recognised that the

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[198] Special Eurobarometer 253: Discrimination in the European Union.

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numbers of people trained on the disability grounds only represented a very small proportion of those needing detailed information about the Directive working in the legal field at Member State level.

## 5.2.3 Monitoring the transposition and implementation of Directive 2000/78/EC

The European Commission is responsible for monitoring the transposition of anti-discrimination legislation at national level and has engaged in dialogue with Member States found not to be in conformity. Specifically, the Legal Unit within Directorate G/ DG EMPL has responsibility for following-up and monitoring the transposition of the Directive into national legislation in the Member States.

The Commission has prepared various reports on the application of Directive 2000/78/EC (COM(2008) 225 final), most recently in June 2008[199]. Although the legal unit within DG EMPL viewed the Employment Framework Directive as having been generally transposed effectively, the absence of a definition of disability in the Directive has led to different Member States transposing the Directive in quite different ways. '*The Directive does not define disability and about half of the Member States did not include a specific definition (although most have a definition for social security purposes)'.*

This finding was echoed in an earlier baseline paper in 2004 [200] which examined the way in which the Employment Framework Directive had been transposed in national legislation. This identified wide variations between Member States. Some countries did not include a definition of disability in national legislation at all (Netherlands, Denmark, Finland, Greece, Luxembourg), while others adopting a medical definition (Austria, Ireland, Portugal), or a social definition of disability (Spain). Other EU countries included health status as part of the definition (Belgium, France, Finland).

In January 2008, a number of reasoned opinions and letters of formal notice relating to the transposition of Directive 2000/78/EC were sent by the European Commission to the Member States. With regard to the Directive's disability provisions, problems were identified in some Member States relating to the transposition of Article 5 and the need for employers to provide 'reasonable accommodation' for people with disabilities in the workplace.

In **Germany**'s national legislation, for example, the definition of a person with disabilities was found to be too restrictive. The Commission has noted that *'the obligation to make reasonable accommodation applies only to severely disabled employees'.* In **Estonia**, the transposition into national legislation does not include an explicit obligation to provide reasonable accommodation for disabled employees. In the **Czech Republic**, the prohibition of discrimination was not based on the grounds of disability, but rather the state of health, which does not necessarily cover all people with disabilities. In **Hungary**, the obligation to make reasonable accommodation for disabled employees was too restrictive in terms of the types of disability covered by the legislation. The European Commission has sent formal notices to these Member States and asked them to review their legislation to ensure full compliance with the Directive.

The transposition of the Reasonable Accommodation grounds (Article 5) has proved challenging for some EU countries**.** Issues relating to Article 5 are considered in the table below:

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**Article 5 (the Reasonable Accommodation Grounds)**

The June 2008 progress report by the European Commission on the implementation of the Directive noted that a *'number of Member States continue to regulate the employment of disabled people through quota systems or reserved employment. This should not, however, be at the expense of the individual right of non-*

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[199] Commission Communication COM(2008) 225 final of 9.7.2008 'The application of Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation'

[200] Professor Gerald Quinn, the University of Galway

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> *discrimination and reasonable accommodation. Some Member States have not included the concept in their national law at present or have done so inadequately (for example, limiting the obligation of reasonable accommodation to employees already under contract or to severely disabled persons)'.*
>
> There are also differences in the way in which 'reasonable accommodation' has been interpreted. In some EU countries, the concept has been linked to 'Discrimination' (Belgium, Ireland, UK) while in others, it is not linked to discrimination (Germany) or also applies to family members (France).
>
> Problems linked to the effective application of Article 5 were attributed to various factors. Although the concept of workplace adjustments to facilitate the integration of disabled persons was already included in the national legislation of some EU Member States, such as the UK, the concept was relatively new in other Member States.  There were difficulties in some Member States in arriving at an appropriate definition of 'reasonable accommodation'. Some interviewees stated that the concept and terminology doesn't necessarily translate well and there is a lack of understanding about how to implement it in practice, and about its scope in terms of which types of disabilities are meant to be covered through the Directive.
>
> A useful idea suggested by some interviewees was that the Unit for the Integration of People with Disabilities should provide guidance on what is meant by reasonable accommodation, supported by practical examples of how to implement it in the workplace. This would help ensure the more effective implementation of the Directive in future. A good practice report was published in March 2009 in this regard and disseminated via the Unit for the Integration of People with Disabilities 's section on the DG EMPL website.

Notwithstanding the difficulties identified above, overall, Directive 2000/78/EC was viewed by DG EMPL's legal unit as having been effectively transposed into national legislation in most EU countries. Where specific problems such as those mentioned above were identified, interviewees stated that these were likely to be overcome within a timeframe of 2-3 years.

### 5.2.4    Case law relating to 2000/78/EC

An important aspect of the assessment of the Employment Framework Directive's effective application involved reviewing **national and ECJ case law** in respect of the disability provisions of the Directive. Given that the legislation has only been implemented relatively recently in some EU Member States, particularly legislation relating to the disability provisions, there have been only a limited number of ECJ rulings on the Directive to date.

Two legal cases in particular have had an impact on clarifying aspects relating to the disability provisions of the Directive.

Firstly, the Coleman case, which was brought against Ms Coleman's employer under the revised UK disability discrimination act DDA 2005 and Directive 2000/78/EC on the basis that she had been denied flexibility and support comparable to her colleagues who had non-disabled children. Specifically, this case examined whether the provisions under Directive 2000/78/EC dealing with direct discrimination and harassment protected only disabled persons from discrimination, or also prohibited discrimination against those associated with a person with a disability (but who are not themselves disabled). This relates to a concept known as 'discrimination by association'.

It should be noted that the Coleman case only concerned direct discrimination and harassment – not other forms of discrimination, such as indirect discrimination. It is possible that the Directive cannot be interpreted as covering discrimination by association with regard to indirect discrimination. The ECJ reached a judgement on the case on 17th July 2008 finding in favour of Coleman[201.] The decision means that national legislation transposing the directive should be reviewed in order to ensure that

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[201] The European Court of Justice (ECJ) handed down a ruling (Coleman v Attridge Law) on whether the Disability Discrimination Act 1995 (DDA) properly implements the EU Equal Treatment Framework Directive.

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family members and other carers working with disabled people do not suffer discrimination on the grounds of disability because of this association.

Another important legal case addressed the issue of whether a person who was ill could rely on protection against discrimination on the grounds of disability. A Spanish court referred the *Chacón Navas* case[202] to the European Court of Justice. The ECJ held that 'sickness' was not the same as 'disability' and went on to explain that 'disability', in the sense of the Directive, had to be given a uniform interpretation. The Court held that 'the concept of disability must be understood as referring to a limitation which results from physical, mental or psychological disabilities and which hinders the participation of the person concerned in professional life'.

Further EU case law relating to the disability provisions of the Directive may emerge in future. Case law helps clarify different legal aspects of Directives and can play an important role over time in promoting the effective application of EU legislation. While good progress has been made in the effective transposition of the Directive, the EU DAP objective of achieving full and effective application is something which can only be assessed over time, given the evolving nature of case law.

With regard to national case law, there are two main sources of information on national case law related to EU funded research. First, there is the work of the network of legal experts on non-discrimination law (flash reports are produced for the European Commission and a biannual law review is published online. The most recent European anti-discrimination law review (November 2008) provided an update on the state of play as at 15.07.2008.

As well as reporting back on the ECJ case mentioned above on the Coleman case, examples of **national case law** were provided, as well as wider legislative developments of relevance to ensuring the effective implementation of Directive 2000/78/EC. Examples include a ruling by the Administrative High Court on the limits of reasonable accommodation in Austria. The High Court, in its decision of 17 December 2007 held that the duty of reasonable accommodation does not comprise the duty to vacate suitable posts that are held by able-bodied civil servants, in order to avoid disadvantaging a person with disabilities who has become unable to serve on his/ her post during his/ her employment.

An example of the way in which the report by the network of legal experts reports on wider legislative developments of relevance was provided in the most recent update. In Belgium, an agreement was adopted on the concept of reasonable accommodation for persons with disabilities between the Federal State, the Communities and the Regions. An agreement was necessary, since eight different authorities had some degree of competence regarding policies in relation to people with disabilities.

Another source of information is a project funded under the Community Action Programme on Anti-Discrimination. That project resulted in the disability summer school (mentioned earlier in the evaluation) and a case book on European non-discrimination law, which covers, *inter alia*, national cases on disability discrimination[203].

### 5.2.5    Incidence of discrimination in employment experienced by disabled people

The incidence of legal cases relating to discrimination in employment on the grounds of disability is one of the means by which the Directive's effective application might be judged. However, even if reliable and comparable data were already available at EU level, which it is currently not, caution would be needed in drawing policy conclusions from data on the number of legal cases alone.

A low incidence of legal cases on the grounds of disability ending up in an employment tribunal does not necessarily mean that discrimination is not a problem in a particular Member State, since many

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[202] Case C-13/05, *Chacón Navas*, Judgement of 11 July 2006.

[203] More information is available at: http://www.casebooks.eu/nonDiscrimination/

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cases are either resolved before court proceedings or are resolved through arbitration processes. Similarly, a high number of legal cases in particular Member States would not automatically suggest that the incidence of discrimination is higher than elsewhere. Rather, this may simply reflect a greater willingness among individuals in the country concerned to make a complaint about discrimination experienced on the grounds of disability.

The number of legal cases will vary depending on a number of factors. A major factor impacting the number of court cases is the prevailing legal culture and, specifically, the extent to which there is a culture of taking legal action to enforce rights. The way in which disability has been defined in national legislation may also have some degree of impact, with countries having adopted a wide definition of disability - such as the UK - potentially experiencing a greater volume of legal cases than those having adopted a narrower definition.

There are also data availability issues in relation to the incidence of legal cases relating to discrimination in employment on the grounds of disability under Directive 2000/78. In particular, there is an absence of reliable and comparable data at EU level on the incidence of discrimination on the grounds of disability falling under the Directive. This is because unlike the Race Directive (Directive 2000/43/EC)[204], there is no requirement for Member States to collect monitoring data on the incidence of discrimination.

That being said, equality bodies in 16 EU countries out of 27 have extended their responsibilities beyond race and ethnic origin. The UK, France and Ireland, for example, collect statistics on the incidence of discrimination across various grounds.  However, even in countries where statistics are collected, the data would not necessarily be comparable, given that different definitions of disability are used across the EU.

There can also be difficulties in the accurate recording of data on employment discrimination cases on the grounds of disability, with some cases being classified as general workplace disputes rather than relating to discrimination. The statistics suggest that only a very small proportion of legal cases result in a finding that disability discrimination has occurred. In the UK, for example, there have been about 5500 legal cases relating to disability since the Disability Discrimination Act 2005 was adopted, of which about 3% found in favour of the complainant (the remainder of cases were either withdrawn prior to the employment tribunal taking place or settled through arbitration processes).

Nevertheless, in order to assess the Directive's full and effective implementation, there is a need to go beyond monitoring the transposition of the Directive into national law and to consider the extent to which the reasonable accommodation provisions have had an impact in facilitating the integration of disabled persons in the labour market.

One possible means of addressing the absence of reliable statistics on the incidence of discrimination would be to put in place a robust monitoring system to keep track of the number of legal cases and their outcomes under each equality strand relating to Directive 2000/78/EC. If this is to work in practice, it needs to be properly resourced at Member State level, with support also needed to aggregate and analyse the data at EU level and to work towards greater comparability.  The new European Fundamental Rights Agency in Vienna could for example be made responsible for collecting reliable and comparable data on discrimination cases connected with the Directive, including those on the grounds of disability. The EUMC (the forerunner to the FRA) was tasked with doing precisely this task in respect of race and equality.

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[204] Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

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### 5.2.6 Impact of Directive on attitudes towards the discrimination of disabled people

Another issue in respect of the Directive's effective application is whether its adoption and implementation has had a positive impact in changing attitudes among employers towards recruiting and retaining people with disabilities in the workforce.

Some interviewees commented that the introduction of anti-discrimination legislation in employment on the grounds of disability had communicated an important political message that discrimination, and a failure to make reasonable accommodation by employers to integrate people with disabilities in the workplace, is unacceptable.

Furthermore, the legal unit within DG EMPL highlighted the fact that successful legal cases proving discrimination, while small in number, can have a disproportionately significant deterrent effect on employers and encourage more responsible behaviour in line with corporate social responsibility principles.

### 5.2.7 Conclusions – full and effective implementation of Directive 2000/78/EC

**While Directive 2000/78/EC has been transposed into national legislation in all EU Member States, there remains some way to go before the transposition process can be said to have been completed satisfactorily.** Outstanding issues include the narrow interpretation of 'disability' in some Member States relating to those afforded protection from discrimination under the 'reasonable accommodation' grounds (Article 5).

**There has been a shift in the focus of EU DAP activities relating to the promotion of the full and effective implementation of Directive 2000/78/EC.** The initial emphasis was on awareness-raising among EU citizens about their rights, and employers with regard to their responsibilities to provide 'reasonable accommodation' to facilitate the employment of disabled persons under the Directive. Given that awareness levels are quite high on the ground of disability, the focus has switched to ensuring that national legislation in those Member States having been sent formal notices or reasoned opinions by the Commission is reviewed and the transposition process completed satisfactorily.

**Since the Action Plan's launch, there have been a number of legislative and regulatory developments with potential to make a significant contribution to the achievement of the EU DAP's objectives.** While monitoring activities have mainly focused on the implementation of Directive 2000/78/EC, there is a need in the third phase of the Action Plan and in its eventual successor to widen monitoring to include new legislative developments likely to impact on people with disabilities.

> For example, the 2004 Procurement Directives, examined in section 3.5 (Improving accessibility to the built environment), and in section 4.2 (Encouraging activity), should have a positive impact on promoting equal opportunities for disabled people. The Directives refer to the need for accessibility to be taken into account in public procurement contracts and introduce the possibility of including social criteria in procurement. There are also special provisions that relate to supporting sheltered employment. In the transport sector, the adoption of two separate Regulations in the air and rail transport sectors concerning the rights of persons with reduced mobility[205] have potential to contribute to the aim of improving accessibility to services and to the built environment (see section 4.4 - Fostering the accessibility of goods and services).

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[205] Regulation (EC) 1107/2006 of 5.07.2006 on the rights of disabled people and people with reduced mobility when travelling by air, and Regulation (EC) 1371/2007 of 23.10.2007 on rail passengers' rights and obligations

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The proposed Directive from July 2008 extending protection from discrimination outside the area of employment to goods and services evidently has significant potential to tackle remaining accessibility barriers faced by disabled people when approved.

**It will be necessary to extend monitoring beyond the full and effective implementation of Directive 2000/78/EC to include subsequent legislative developments since the Action Plan was drawn up.** Suggestions with regard to how monitoring should take place are provided in the recommendations.

Detailed conclusions in respect of the full and effective implementation of Directive 2000/78/EC are set out in section 6.2 (effectiveness – global objectives).

## 5.3 Partnership working and cooperation with key stakeholders

Another key instrument in the Action Plan's implementation was partnership working and cooperation with key stakeholders.  The Commission made a commitment in the 2003 Action Plan to reinforcing the involvement of stakeholders at different levels of the EU DAP's implementation and to strengthening governance. In particular, there was a commitment to:

- Strengthening cooperation within the Commission services and between the EU institutions;

- Strengthening cooperation with the Member States through the Disability High Level Group;

- Inviting the European social partners to contribute to promoting equality for disabled people;

- Furthering cooperation with disability NGOs;

- Maximising cooperation with international organisations (particularly the United Nations).

The extent to which these objectives have been achieved is now considered, along with the role of different types of partnership working in contributing to the Action Plan's objectives.

### 5.3.1 Cooperation within the Commission Services

As far as cooperation within the Commission Services is concerned, the Action Plan included a commitment to strengthen the role of the Disability Inter-Service Group (DISG). The interviews suggest that the DISG has been a useful mechanism for exchanging information about disability-related policy and legislative developments within the Commission, and for promoting more effective coordination on disability issues across the Commission services. The DISG has also played a useful role in monitoring the implementation of some activities in the EU DAP.

Some concerns were expressed with regard to the frequency of changes in the nominated staff member from some DGs attending DISG meetings. This partly reflects the impact of the Commission's staff rotation policy which poses challenges for effective coordination on disability issues and in implementing disability mainstreaming effectively. There is a risk of institutional knowledge loss due to frequent staff changes in key Units. This has been apparent during the evaluation and in the scheduling of the interview programme where a number of officials had changed post, and were unwilling to participate in the evaluation.  The rotation policy does conversely also provide an opportunity to help 'spread the word' about disability mainstreaming, given that EU officials who may have been involved in particular activities mentioned in the EU DAP scoreboard will be changing post and moving to other DGs and Units within the Commission and can disseminate knowledge about how to go about disability mainstreaming to their new colleagues.

Generally, however, interviewees were very positive about how well the DISG was performing, with relevant information from the Unit for the Integration of People with Disabilities  about key developments being regularly communicated to its members.

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## 5.3.2 Cooperation between the European Commission and other EU institutions

Another objective was to strengthen inter-institutional co-operation between the European Commission and other EU institutions and bodies in order to facilitate the integration of a disability perspective in all relevant Community policies. This appears to have happened to a large extent with evidence that the Commission has deepened dialogue with the European Parliament Committee on Employment and Social Affairs and with the EP Disability Intergroup[206]. As the interviews scheduled with key MEPs who are members of these groups have not yet taken place, the detail about the collaboration between the Commission and the European Parliament needs further development. There also appears to have been quite regular cooperation between the Unit for the Integration of People with Disabilities  and Eurostat in respect of the development of a number of harmonised statistical modules.

## 5.3.3 Cooperation with the Member States

In relation to strengthening cooperation with the Member States, three meetings are held annually with representatives from the national authorities through the Disability High Level Group (DHLG).  In the 2003 Action Plan, this group was tasked with supporting the development of synergies in disability policies at EU level and exchanging information and transferring ideas and good practices, namely in the field of mainstreaming disability issues.

The Group was also given the specific responsibility of discussing the Commission's *Biennial report on the overall situation of people with disabilities in the enlarged European Union.* This Report provides a review of the promotion of equal opportunities for people with disabilities in Community policies and brings together contributions from Member States presenting what they have achieved in the disability area, particularly as regards the integration of a disability perspective into all relevant national policies. These contributions often build upon National Action Plans for employment and social inclusion. At least for the first Report, specific attention was paid to identifying the situation, trends and policy issues relating to disability in the new Member States. The reports are compiled every two years, following a structure established with Member States and representatives of people with disabilities.

As part of the evaluation, discussions have been held with about half of the representatives from the Member States having participated in DHLG meetings in order to assess how well partnership arrangements appear to be working.

There were mixed findings with regard to the extent to which partnership working with the Member States had functioned well.  On the positive side, those participating in the DHLG felt that through this forum they had been able to play a useful role in monitoring the implementation of some Action Plan activities. Commission officials involved in legislative and policy developments included in the EU DAP have for example been invited to make presentations to the DHLG, which had then been discussed. There was a suggestion from Member State representatives that other Commission services need to be more closely involved in disability work. This could be stimulated by them having greater involvement in relevant DHLG meetings, for example, contributing to the preparation of working papers in particular policy areas.

Although most DHLG representatives pointed out that the EU DAP represents a useful and coherent framework, especially with regard to work to promote the full and effective implementation of the

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[206] This group comprised of 100 MEPs meets six times a year to discuss issues of concern to disabled people, disability groups and the EU institutions. Among other actions, members of the Intergroup put forward parliamentary questions to the Commission and tables amendments to parliamentary reports on EU policies and programmes of relevance to disabled people. The Group produces regular reports and newsletters to inform about its activities.

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Equal Treatment Directive, the extent of direct influence on national disability policies is varied. The greatest effects are in those Member States where disability policies have previously been relatively underdeveloped.

In general, national authorities felt that the discussions in the DHLG meetings were useful. Although the impact on policies was likely to be long-term, there was felt to be a definite process of consensus building and useful exchanges of insights and good practice, leading to a common sense of purpose and the development of common targets. There was also a view that the EU DAP, by providing a reference framework through which work on disability could take place, that the functioning of the DHLG had become more effective.

Nonetheless, there were several suggestions for potential improvements to the way in which the DHLG operates. There was often a heavy agenda at DHLG meetings with insufficient time to discuss complex policy issues in sufficient depth and then to follow-up particular policy issues. The number of issues the DHLG focuses on could perhaps be reduced in order to allow time to focus on a smaller number of topics in more detail. There was a desire for more time to be made available to exchange practical experiences and good practices. It was felt that DHLG meetings have tended to be dominated by the European Commission (reflecting the fact that many EU DAP activities have taken place at EU level) with the Member States playing a more passive role.

The position papers developed by the DHLG were seen by interviewees as having played a very important role in collecting and sharing information on disability mainstreaming and relevant policy and legislative developments at EU level. This information had subsequently been circulated at the national level, and consequently as a useful means of raising awareness about how to integrate disability issues into particular policies at national level where the EU plays an important coordination role (e.g. . However, several interviewees mentioned that not enough papers had been generated that it would be useful to produce more in future.

It is also suggested that the relationship developed with Eurostat and other providers of data could be further developed to help improve the monitoring of indicators. One difficulty for the Commission in promoting partnership with the Member States during the first two implementation phases was the fact that the majority of activities included in the EU DAP took place at EU level[207]. This arguably made it harder to secure the engagement of the Member States. The implementation of the UN Convention however is generally considered by Member State representatives to provide a clear objective for future developments and this is likely to necessitate a much closer involvement of the Member States in the third phase of implementation and beyond.

A key issue raised through the discussions was the question of how best to involve the Member States in the Action Plan's implementation in future. It was pointed out that partnership working could be significantly improved through the use of the Open Method of Coordination in the Action Plan's future implementation.

Under the OMC, the Member States would be more closely involved in the Action Plan from the outset, both in terms of defining common thematic priorities with the Commission and in setting objectives, but also in terms of devising an appropriate monitoring framework to assess its implementation.

In some significant EU policy areas, notably employment and social protection and social inclusion, an OMC approach has been adopted which provides a framework for effective joint working and for

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[207] Some activities in the EU DAP took place at Member State level. Examples include the disability mainstreaming pilot projects and various conferences to disseminate the disability-specific results of EU programmes such as the ESF and EQUAL

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securing the buy-in of national authorities. Some interviewees spoken to as part of the evaluation felt that an OMC-type approach (without adopting a formal disability OMC) could be a useful tool in helping to develop performance indicators to monitor the Action Plan's implementation.

### 5.3.4 Partnership with the European Social Partners

With regard to partnership with the European Social Partners, the Action Plan invited the social partners to contribute to promoting equality for disabled people. There has been some tradition of social partner involvement in promoting equality in the area of disability, such as the 1999 and the 2003 Declarations related to the employment of people with Disabilities[208] and the commitment in the 2004 Joint Report on Social Partners Actions in the Member States to implement the European Employment Guidelines (Guideline 7)[209] to promote the social and economic integration of disabled persons. While the Commission has invited the Social Partners to assess the impact of their Framework Agreements on people with disabilities, only two agreements have been adopted since the Action Plan was launched, and neither included mention of disabled people (see section 4.1).

In practice, then, there has not been that significant involvement of the formal Social Partners in the Action Plan's implementation. However, the Social Partners are kept informed of key developments relating to the Action Plan's implementation.

### 5.3.5 Cooperation with NGOs through European Networks of Disability Representative Organisations

The EU DAP's central maxim 'nothing about people with disabilities *without* people with disabilities' serves as an illustration of the shift in policy thinking towards a rights-based approach to disability which emphasises the principle of the participation and integration of persons with disabilities in all aspects of political, social, economic and cultural life. In accordance with this principle, the Commission attaches importance to employing a partnership approach through collaboration with disability representative organisations, and whenever possible, particularly through conferences such as the European annual keynote conference for people with disabilities, with disabled people themselves.

In order to ensure that people with disabilities are able to contribute to EU decision making processes in relevant policy areas and in the area of legislation, a number of European networks of disability NGOs are financed by the EU. This includes the European Disability Forum (EDF), Autism Europe, the European Union for the Blind and the European Union for the Deaf, Inclusion Europe and Mental Health Europe, and from 2007, the European Association of Disability Service Providers (EASPD), Spina Bifida and the European Network on Independent Living (ENIL).

Financing was provided to EU networks through the *European Community Action Programme to combat discrimination (2001-2006).* This has subsequently been continued through the *PROGRESS programme 2007-2013,* which supports the operational costs of disability representative organisations. An analysis of the EU's financial contribution to these various organisations is provided in section 2.5 on financing and in Appendix I.

While the financing of European networks of disability NGOs pre-dated the launch of the EU DAP, continued funding for disability NGOs during the EU DAP's implementation has clearly been positive in terms of ensuring that the necessary resources were in place so as to enable these organisations to play an active role in contributing to improved EU policy making in areas of relevance to disabled

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[208] Declaration on the Employment of People with Disabilities, Social Dialogue Committee on 19 May 1999 and Declaration of the Social Partners for the European Year of People with Disabilities – Promoting equal opportunities and access to employment of people with disabilities, 20 January 2003

[209] http://www.etuc.org/IMG/pdf/Joint_Report-Employment_Guidelines11.pdf

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persons.

EU funding provides the means through which disability representative organisations can actively participate in policy processes via consultation and in specific activities which are supportive of the achievement of the objectives of the EU DAP. Disability NGOs prepare position statements on particular policy issues, and comment through consultation processes on proposed EU legislation likely to affect disabled people, thus providing specialist expertise about the potential impact on particular groups of disabled persons (e.g. blind people, deaf people, those with autism, elderly persons depending on long-term healthcare provision etc). For example in 2007, various disability NGOs, including the EDF, the EASPD and Inclusion Europe provided comments on the Draft General Block Exemption Regulation of the Commission in the State Aids area. Disability representative organisations also engage in advocacy and campaigning work, which helps push the disability agenda forwards as new challenges come to the fore.

With regard to examples of ways in which EU disability NGOs contribute positively towards supporting the achievement of the EU DAP's objectives, organisations such as the EDF have produced a number of disability mainstreaming publications, which are designed to provide support to encourage wider uptake of mainstreaming in thematic areas of the Action Plan such as employment and social inclusion. The EDF has also produced a toolkit aimed at disability NGOs on how to support mainstreaming in ESF Structural Funds in the 2007-2013 programming period, and a toolkit on the national strategy reports on social protection and social inclusion 2008-2010.

Disability NGOs have also made an active contribution to relevant policy initiatives. In section 4.3, for example, an illustration was provided of how NGOs have been helpful in the development of an assessment framework for quality aspects in relation to the provision of health and care services to disabled and elderly people. This helped inform the development by the DHLG of a working paper on quality aspects in social services of general interest.

The various activities outlined above have been critical in ensuring that disabled people, through representative organisations, are able to input constructively into EU decision-making. However, without the availability of EU funding, which has enhanced the capacity of NGOs to contribute to policy making, it is unlikely that this level of NGO activity would have been possible.

During the evaluation fieldwork, a number of disability NGOs responsible for coordinating EU networks in particular areas of disability have been interviewed. The impression formed has been that EU funding has been essential to their work. However, given that the EU DAP scoreboard does not provide much detail as to the role played by different stakeholders in implementing particular activities, the analysis is necessarily limited.

A summary of the contribution made by disability NGOs both at the level of implementing individual activities and more generally in relation to the Action Plan overall (particularly the objective of encouraging disability mainstreaming in EU policy making), could perhaps be included in the EU DAP scoreboard in future. This would help demonstrate clearly what role the networks play with regard to the realisation of key EU disability policy objectives.

Through the informal membership in the Disability High-Level Group by a number of EU-level disability NGOs, these have also participated actively in the Action Plan's monitoring and implementation. Attendees of the DHLG meetings which take place three times annually include the EU-financed disability networks mentioned above, as well as other organisations, such as the European Women's Lobby and COFACE.

The interview programme suggested that Member State representatives appreciated the involvement of EU-level NGOs in particular activities in the Action Plan, and the role they played in feeding into the

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work of the DHLG in monitoring the EU DAP's implementation. . However, a better definition of their role in the group was thought to be necessary in the future. A further possible improvement, given the importance of mainstreaming disability into the field of education and lifelong learning, could be to invite the European Agency for Special Needs Education to participate in the DHLG meetings. Overall, the interviews suggest that partnership working has operated very effectively, with regular cooperation and communication – formal and informal – between the Unit for the Integration of People with Disabilities and stakeholders at various levels.

An evaluation of the activities of EU NGO networks, including those disability representative organisations that were financed through the Community Action Programme against Discrimination, was carried out in 2006 in the context of a broad evaluation of the Community Action Programme[210]. Among the findings were that funding for umbrella networks had enabled the '*mobilisation des organisations actives dans la lutte contre les discriminations'.* Funding was also viewed as having made a significant contribution to developing the capacity of organisations active in the field of supporting and reinforcing anti-discrimination policies. The role of the networks in facilitating exchanges of experiences and transnational dialogue through a partnership approach, with support for activities taking place on a transnational basis was also highlighted as beneficial.

### 5.3.6 The role of EU-level conferences in promoting partnership working

In 1992, the United Nations set 3 December as the date for the *International Day of People with Disabilities.* As part of the EU's work to support the *International Day,* the European Commission provides funding support for the *European Day of People with Disabilities* which takes place to coincide with and to mark the *International Day of People with Disabilities.* The Commission has organised a policy conference in the first week of December each year, in close cooperation with the European Disability Forum (EDF). During the period under review, a number of relevant topics have been supported which feed into the EU DAP.

The topics supported area outlined below, together with a short summary of the main topics covered in each year in the EU DAP's first and second implementation phases:

| *European Day of People with Disabilities – summary of conferences held during first two phases of EU DAP* | |
|---|---|
| *Year and topic* | *Topics covered* |
| 2004: Creating the conditions to promote the employment of People with Disabilities | Lifelong learning in support of employability and adaptability, accessibility to the built environment as a pre-condition for participation in the workplace as well as in the economy and society, enhancing employability through empowerment, boosting equal opportunities for people with disabilities, creating the right conditions for access to the mainstream labour market for people with disabilities |
| 2005: Living Together in Society | Living together, fundamental rights and key principles, access to services facilitating community living, the role of services providers in promoting independent living, progress towards de-institutionalisation and issues connected to disabled people and their families, |
| 2006: Youth = Future. Let's make an equal future for all | The opportunities for young people with disabilities to participate in youth education mobility policies and programmes. The participation in employment of young people, including pathways from education to employment was also discussed. |

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[210] Évaluation du programme communautaire d'action de lutte contre les discriminations
http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/eval_en.htm

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| 2007: Active Players in the Internal Market | The importance of the Internal Market in improving the lives of people with disabilities was highlighted. Among the issues covered were fundamental rights and the Internal Market, the "Free movement of people with disabilities and their families", |
| --- | --- |
| | Other topics discussed included mainstreaming the concept of services for all, including Access to quality social services, making services more accessible and users' experiences of access to services |

These various conferences have collectively made a valuable contribution towards the EU DAP objectives. They have added value by bringing together relevant stakeholders with an interest in EU disability policy, and have enabled disabled people themselves, as well as disability representative organisations at EU and national levels to meet, network, exchange good practices and focus on relevant topics.

### 5.3.6 Cooperation with international organisations

In relation to the aim of maximising cooperation with international organisations, a number of EU DAP activities have taken place which involved cooperation outside the EU. This has included dialogue between the EU and the US in the area of e-accessibility and frequent contact with the United Nations in respect of the process of drawing up the UN Convention on the Rights of People with Disabilities.

In the third phase of implementation of the EU DAP, beyond the scope of the mid-term evaluation, cooperation with the UN appears to have been especially close, reflecting the fact that the UN Convention came into force in mid-2008 and has major implications in terms of the way in which the Commission and the Member States work together in implementing, and monitoring the implementation of the Convention. Such cooperation is likely to grow in importance in future, especially with regard to improving disability statistics so as to measure progress in implementing the Convention.

### 5.3.7 Conclusions - Partnership working

**Overall, there has been strong involvement of stakeholders at different levels in the implementation of EU DAP.** The Commission has taken important steps towards fulfilling the commitments made in the 2003 Action Plan towards strengthening partnership working at different levels of governance.

**While partnership mechanisms appear generally to be working reasonably well, there is a need to reinforce disability mainstreaming within the Commission.** There was a suggestion that disability mainstreaming does not have as high a profile within the Commission as gender mainstreaming. There is a need for a renewed political commitment to disability mainstreaming within the Commission services through for example, the participation of high-level Commission staff in DISG meetings.

**The main challenge relates to how to ensure that the existing structures now in place, especially the Inter-Service Group on Disability and the High Level Group operate more effectively.** A number of suggestions were raised with regard to how these bodies could be improved.

With regard to **co-operation between the Commission and other EU institutions, there is some evidence that the Commission has deepened dialogue with the European Parliament Committee on Employment and Social Affairs and with the EP Disability Intergroup.** However, there is a need to make improvements to the biennial update informing the EU institutions about the situation of disabled people in the EU so that this includes information on progress made in key areas such as the labour market, measured against clear baselines.

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**The work of the Disability High Level Group (the focus for cooperation on disability issues between the Commission and the Member States)** was generally seen as having been beneficial by the Member State representatives interviewed. It was felt, however, that there could be some re-balancing of DHLG activities, to allow greater scope for contributions by the Member State representatives during meetings.

**Another point raised was the potential value of the development of Joint Position Papers between the Commission and the Member States.** These could be used to promote disability mainstreaming and to heighten the profile of particular disability issues at national level, as well as across the Commission.

**Scope was identified for the more extensive application of the Open Method of Coordination approach in the future implementation of the Action Plan.** In the third phase of the EU DAP, the social OMC and the employment OMC could both include a disability-specific strand in order to ensure that disability issues were fully addressed in policy issues relating to these areas.

**An OMC approach could be helpful in drawing up the next Action Plan.** A joint approach between the Commission and the Member States could be adopted to the identification of appropriate thematic priorities, setting the overarching objectives using a logframe approach and devising an appropriate monitoring framework.

**Securing the full buy-in of the Member States will be critical in the successor Action Plan** – this is particularly the case in light of the need to work together more closely on the full and effective implementation of the UN Convention.

**Other issues raised in relation to the DHLG included whether the group meets frequently enough,** (currently three times per year) bearing in mind the increasing workload likely due to the implementation of the UN Convention, the need to include representation on the DHLG from the education sector, so as to make further progress in the field of lifelong learning.

**It was also suggested that the relationship with Eurostat and other providers of disability statistics could be further developed** – this would help improve the availability of context indicators which are essential in reporting on the situation in respect of disabled people in the EU.

**Disability representative organisations and people with disabilities themselves have been closely involved in some activities included in the Action Plan.** Disability representative organisations have been involved through their participation in the high level group on disability three times per year (an example was provided of inputs made by such organisations relating to the development of a set of general principles, as well as accreditation standards in relation to the quality aspects of healthcare services).

**Disabled people themselves have attended and contributed to various events on different aspects of disability policy, and have been involved in feeding into various EU consultation processes on EC legislation** impacting on disabled people, for example, in the area of air transport and in relation to the new Directive on extending legal protection against discrimination outside employment.

**The contribution of the formal Social Partners (Business Europe, UEAPME, ETUC), to the implementation of the EU DAP, however, appears to have been rather less active.** This reflects the fact that Framework Agreements adopted since the EU DAP was launched on teleworking and harassment at work have not been especially relevant from a disability issues perspective.

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## 5.4 Contribution of the Pilot Projects to the Action Plan's implementation

An important contribution toward the implementation of the EU Disability Action Plan was the provision of funding for calls for proposals for pilot projects in support of the aim of facilitating the mainstreaming of disability issues across relevant policy areas and at all stages of policy making. The funding of pilot projects was part of the follow-up to the European Year of People with Disabilities.

### 5.4.1 Calls for proposals

Two open calls for proposals for transnational pilot projects were organised, with projects funded for between 12 months and 2 years. Each call contained a number of thematic priority areas for project activity. In the 2004 Call for Proposals (VP/2004/008) the specific priority areas included:

- Promoting equal opportunities for people with disabilities in all policies and activities (mainstreaming);

- Promoting and developing the "disability economic and business case" by and/or to employers and producers of goods and services;

- Promoting "accessibility for all" with regard to the built environment and public infrastructure.

Eight projects were selected for support with total **EU financing of 2,876,107 euros**. The average project size in terms of the EU grant was 359,513 euros. Typical EU co-financing rates varied between 77-80% of total budget size. The details of the selected projects can be found in Appendix D.

In the 2005 Call for Proposals (VP/2005/006), priority was given to projects within the following areas of activity:

- Integration of the equal opportunities dimension for people with disabilities in all policies and activities (mainstreaming);

- Actions to mainstream the portrayal of people with disabilities in and by the media;

- Research concerning the situation of women with disabilities and promotion;

- Research on disability issues and promotion of networks and co-operation of disabled women's networks.

Seven projects were supported as a result of this call with a total EU contribution of some **2,650,000 euros**. The average level of funding for this call was somewhat higher than in 2004 at some 491,000 euros. EU co-financing rates were again fixed at a maximum of 80% of the total budget size with the lowest co-funding at 68%. Details of the 2005- projects are also set out in Appendix D.

The 15 pilot projects selected for funding covered all the given thematic priority areas above, apart from the last priority regarding women's networks.

### 5.4.2 Approved pilot projects

The overall objective of supporting pilot projects through the EU Disability Action Plan was to facilitate and encourage activities to mainstream disability actions in all relevant policy areas and at all stages of policy making. Both the 2004 and 2005 calls for proposals included mainstreaming as a thematic priority. The majority of the pilot projects, 8 in total, explicitly sought to promote disability mainstreaming across different areas. The tables below provide an overview of the 15 selected pilot projects and the themes they covered.

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**List of approved pilot projects**

| Title of project | Organisation | Priority action |
|---|---|---|
| **2004 Calls for Proposals (VP/2004/008)** | | |
| 1) Build-for-All | Info-Handicap – (LU) | (c) Accessibility |
| 2) Mainstreaming disability for people with intellectual disability and mental health problems | Inclusion Europe (EU) | (a) Mainstreaming |
| 3) Promoting the economic case for the integration of people with disabilities into business and society | ADECCO (ES) | (b) Business case |
| 4) Waking the talk: mainstreaming as a process to inclusion | FENACERCI (PT) | (a) Mainstreaming |
| 5) Mainstreaming disability in policy making at regional and local level | European Disability Forum (EU) | (a) Mainstreaming |
| 6) European Disability Action for Mainstreaming Assessment Tool (EDAMAT) | Leonard Cheshire Foundation (UK) | (a) Mainstreaming |
| 7) Building Accessible Services (BAS) | Consiglio Nazionale delle Richerche (IT) | (c) Accessibility |
| 8) Architecture and Urban planning: design for all from school to practice | Association pour la Recherche sur la Ville et l'Habitat (FR) | (c) Accessibility |
| **2005 Call for proposals (VP/2005/006)** | | |
| 9) Disability NGOs and Media Working in Partnership | Fundación ONCE (ES) | (b) Disability & Media |
| 10) GISELA - Guidance and Information Services for less-abled Women | IRS EUROPA (IT) | (c) Research on women |
| 11) Sexual education in women with disabilities – SWOD project | Fundación INTRAS (ES) | (c) Research on women |
| 12) Disability Mainstreaming in Development Cooperation | Light for the World (AU) | (a) Mainstreaming |
| 13) Training as Vehicle to Employment (TVE) | Independent Living Institute (SE) | (a) Mainstreaming |
| 14) European Network For Accessible Tourism (ENAT) | EWORX S.A. (GR) | (a) Mainstreaming |
| 15 ) INTEGRA | Form'action André Renard asbl (BE) | (a) Mainstreaming |

The table below shows the division in terms of the DAP thematic priorities between the various pilot projects:

| Summary - Thematic priorities | No. projects |
|---|---|
| Disability mainstreaming (2004 and 2005) | 8 |
| Accessibility for all | 3 |
| Research on women with disabilities | 2 |
| Disability – the economic and business case | 1 |
| Disability and the media | 1 |
| Networking of disabled women | 0 |

Disability mainstreaming and accessibility for all were among the main topics supported through the pilot projects. This is in line with the overall strategic objectives of the EU Disability Action Plan.

Apart from contributing to two of the Action Plan's strategic objectives, many of the pilot projects relate directly to the various priority actions identified in the EU DAP scoreboard, especially to the thematic priorities of 'using the potential of new technologies' and 'accessibility to the public built environment', but also in terms of 'encouraging activity' by promoting good practice approaches for improving access to the labour market or raising disability awareness in companies and promoting the business case for disability. Several projects also deal indirectly with the priority action 'increasing the

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EU capacity of analysis' by increasing the evidence base that exist in regarding the situation of people with disabilities, and one project in particular addressed the priority 'fostering accessibility of goods and services' by developing a network of actors to promote accessible tourism.

### 5.4.3 Geographical spread of pilot projects

The calls for proposals included a requirement for transnational participation in the pilot projects. It is interesting to examine the degree to which disability NGOs across different Member States participated in the pilot projects that received EU support. The table below looks at the country origin of Project co-ordinators (PC) of the pilot projects and project partners.

*Geographical spread of the project co-ordinators and partners of the Pilot Projects*

| Country | Pilot Projects | | | | | | | | | | | | | | | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | |
| BE | | | X | | X | | X | | | | | X | | X | PC | 1 x PC; 5 x partner |
| CZ | | X | X | | X | | | X | | | | | | | X | 5 x partner |
| DK | | | | | X | | | | X | | X | | | | | 3 x partner |
| DE | X | | X | | | | | | X | X | X | X | X | | X | 8 x partner |
| EE | | X | | X | X | | | | | | X | | | | | 4 x partner |
| IRL | | | | | | X | X | | | | | | X | X | | 4 x partner |
| GR | | | | | | X | | X | | | | | X | PC | | 1 x PC; 3 x partner |
| ES | X | | PC | | | X | | X | PC | | PC | | X | X | X | 3 x PC; 6 x partner |
| FR | | | X | | | | | PC | | | | X | | | X | 1 x PC; 3 x partner |
| IT | X | | X | | X | | PC | | PC | X | X | | | | | 2 x PC; 6 x partner |
| CY | | | | | | | | | | | | | | | | N/A |
| LV | | X | | X | X | | | | | | X | | | | | 4 x partner |
| LT | | X | | | | | | | | X | | | X | | | 3 x partner |
| LU | PC | | | | | | | | | | | X | | | | 1 x PC; 1 x partner |
| HU | | X | X | X | | | X | | X | | | | | | | 5 x partner |
| MA | | | | | | X | | | | | | | | | | 1 x partner |
| NL | | | X | | X | | | | | X | | X | | | | 4 x partner |
| AU | | | | | | | | | | | | PC | X | | | 1 x PC; 1 x partner |
| PL | X | X | X | | | | X | X | X | X | | | | | X | 7 x partner |
| PT | | | | PC | | X | | | | | | | | | | 1 x PC; 1 x partner |
| SL | | X | | | X | | | | X | | | | | | | 3 x partner |
| SK | | X | | | X | | | X | | | | X | | | | 4 x partner |
| FI | | | X | | | | | | | | | | X | | | 2 x partner |
| SE | | X | | | X | | X | | X | | | X | PC | X | | 1 x PC; 6 x partner |
| UK | | X | X | | | PC | X | | X | | | X | | X | | 1 x PC; 6 x partner |
| EU | X | PC | X | | PC | | | | | | | | | | | 2 x PC; 2 x partner |

EU = Pan-European organisations or federations
PC = Project coordinator
Note: Bulgaria and Romania were not members at the time of 2004 and 2005 calls

The table shows a fairly even distribution across the different Member States with **Spain** being the most actively involved, having participated in 9 of the 15 pilot projects and acted as project coordinator in 3 of these. They are closely followed by **Italy** and **Germany**, which were both involved in 8 projects, although a Spanish organisation actually led 2 of these projects.

The only country which did not participate in any pilot projects at all was **Cyprus**. When it comes to the other new Member States which had just gained EU accession at the time, these are pretty well represented across the board with participation in 3 to 7 projects each. It has to be mentioned in this context, however, that the calls for proposals specifically encouraged the active involvement of partners from the 10 new Member States. From a geographical point of view, thus, the contribution of the pilot projects to the Action Plan has been relatively well balanced across Member States in terms of encouraging disability mainstreaming activities.

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### 5.4.4 Pilot project outcomes

Within each of their different activity fields, the 15 pilot projects have led to a large number of practical results and outputs raising awareness about equal opportunities for people with disabilities and supporting the overall aims of the EU DAP of promoting disability mainstreaming and improving 'accessibility for all'. The table below gives an overview of the types of outputs that have resulted from the pilot projects.

*Overview of the Outputs of the Pilot Projects*

| Type of output | Pilot Projects | | | | | | | | | | | | | | | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | |
| **Mainstreaming** | | | | | | | | | | | | | | | | |
| **Toolkit/ Guide/Handbook** | | | | | | | | | | | | | | | | **10** |
| - Mainstreaming | | | 1(10) | | | 1(5) | | | | | | 1 | 1 | | | 4 |
| - Accessibility | 1 | | | | | | 1 | 1 | | | | | | | | 3 |
| - Women/Media | | | | | | | | | 1 | 1 | 1 | | | | | 3 |
| **Collection best practices** | | | | | | | | | | | | | | | | **6** |
| - Mainstreaming | | | 1 | | | | | | | | | | | 1 | 2 | 4 |
| - Women/Media | | | | | | | | | | 1 | 1 | | | | | 2 |
| **National reports/studies** | | | | | | | | | | | | | | | | **39** |
| - Mainstreaming | | | | 6 | 10 | | | | | | | 10+1 | 8 | 3 | | 38 |
| - Women/Media | | | | | | | | | | | 1 | | | | | 1 |
| **Policy meetings/workshops** | | | | | | | | | | | | | | | | **45** |
| - Mainstreaming | | 4 | 10 | 8 | 9 | 12 | | | | | | | | | | 43 |
| - Women/Media | | | | | | | | | | | 2 | | | | | 2 |
| **International conferences** | | | | | | | | | | | | | | | | **15** |
| - Mainstreaming | | 1 | 2 | 1 | 1 | 1 | | | | | | 2 | | 2 | | 10 |
| - Accessibility | 1 | | | | | | 2 | 1 | | | | | | | | 4 |
| - Women/Media | | | | | | | | | | 1 | | | | | | 1 |
| **Training sessions/seminars** | | | | | | | | | | | | | | | | **50** |
| - Mainstreaming | | 16 | | | | 4 | | | | | | 18 | | | 4 | 42 |
| - Accessibility | 4 | | | | | | 4 | | | | | | | | | 8 |
| **Learning material** | | | | | | | | | | | | | | | | **34** |
| - Mainstreaming | | 1(8) | | 1 | | | | | | | | 18 | | 1 | 1 | 22 |
| - Accessibility | | | | | | | | 12 | | | | | | | | 12 |
| **Awareness material** | | | | | | | | | | | | | | | | **16** |
| - Mainstreaming | | 1 | 6 | | | | | | | | | | 6 | 1(10) | | 14 |
| - Accessibility | | | | | | | 1 | 1 | | | | | | | | 2 |
| **Networks** | | | | | | | | | | | | | | | | **19** |
| - Mainstreaming | | 4* | | | | | | | | | | | | 1 | | 1+4* |
| - Women/Media | | | | | | | | | 9* | 5* | | | | | | 14* |
| **Website** | | | | | | | | | | | | | | | | **14** |
| - Mainstreaming | | 1 | 1 | 1 | 1 | 1 | | | | | | 1 | 1 | 1 | 1 | 9 |
| - Accessibility | 1 | | | | | | 1 | 1 | | | | | | | | 3 |
| - Women/Media | | | | | | | | | 1 | 1 | | | | | | 2 |

( ) Numbers in brackets indicate the number of translated versions of the tool in question
\* refers to the creation of national networks

As can be seen, the pilot projects have especially resulted in a large number of training seminars (50) and various policy meetings (45). If one also includes the 15 pan-European/international conferences, a total of **110 formal gatherings have taken place across Europe** to discuss issues directly linked to the promotion of disability issues in different policy contexts.

The many training courses were complemented by the production of **34 different types of learning material.** In addition to these training activities which took place through the pilot projects directly, it is likely that there will have been a certain subsequent multiplier effect with people having received training in this field going on to provide further training to others. Indirectly linked to the area of disability training was the development of **10 toolkits, guides and handbooks** that provide interested stakeholders with guidance as to how best to incorporate a disability perspective into whatever policy area they might deal with, whether it be mainstreaming of disability in development cooperation

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policies and programmes, taking account of disability issues in urban design and architecture or presenting disability in a more open and positive light in the media.

A considerable number of pilot projects have also contributing to the existing evidence base about disability with a total of **39 studies and various national reports** having examined the situation for people with disabilities across Europe. A further **six collections of best practices** in the field of promoting disability issues in various fields have been collated.

In terms of **feedback collected in the course of the fieldwork** from the project coordinators of the pilot projects, most lead partners had a **positive view** of this instrument and were pleased with the various achievements that their projects had been able to make. This said, many felt that changing the general attitudes in society and achieving tangible improvements to the situation of people with disabilities is such a vast task that, in the overall scheme of things, it was difficult to see any real impact in the course of a 2-year project. Most pilot project coordinators thus mentioned that there was a **need to be able to follow-up on the results** of their initial projects.

Although there was some degree of dissatisfaction with the complexity and extent of requirements in relation to the administrative procedures governing the pilot projects, these were by no means generalised complaints.

## 5.4.5    Conclusions – pilot projects

The pilot project instrument was seen by interviewees (both those within the Commission and by pilot project lead partners) as having been **useful in supporting the achievement of the Action Plan's thematic and overall objectives**. The use of annual calls for proposals provided additional flexibility to allow for thematic priorities to be changed in each call according to evolving needs and priorities.

A number of **practical and methodological tools** have been developed through the pilot projects and these have directly supported the achievement of the Action Plan's objectives linked to key themes, particularly in the areas of promoting accessibility to the built environment and facilitating the employment of disabled people.

The pilot project instrument also supported the development of **innovative approaches in disability mainstreaming**. For example, pilot projects were supported in areas where little activity and/ or research had taken place previously, such as disability and the media, disability mainstreaming in local and regional government, etc.

While legislation and disability mainstreaming were important instruments in the Action Plan's implementation, it would have been difficult to maximise the EU DAP's potential impact without **disability-specific funding opportunities** being available to develop concrete mainstreaming tools and guidance in particular areas.

Given that most activities in the Action Plan took place at EU level, the **pilot projects** ensured that the EU DAP had an important Member State dimension in particular through the networking activities and exchanges of experience which took place.

The impacts of the pilot projects appear likely to be sustainable, for example, through the continuation of the pilot project websites through which project materials and outputs can be downloaded, and the fact that a small number of projects, such as the Architecture and Urban Planning project and the sexual education among women with disabilities (SWOD) project, have continued working on the same topic beyond the lifetime of the project.

However, attention has only now turned to **disseminating the pilot project results.** A brochure which provided an overview of the pilot projects was prepared and disseminated at the December 2008 conference on *Acting locally for an inclusive society for all* – which is part of the European Day

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of People with Disabilities which in turn is part of the international day of people with disabilities. Further work could however still be undertaken to promote awareness about the pilot project outcomes and to ensure wide usage of some of the methodological tools and guidance on disability mainstreaming in particular areas developed through the projects.

A key issue in assessing the pilot projects' overall effectiveness is their **sustainability**. Given that the Financial Regulation only allows for 2 consecutive calls for proposals, this raises questions from a continuity perspective as to whether there will be sufficient EU funding sources for NGOs and other relevant organisations such as public authorities keen to work together on disability mainstreaming issues on a transnational basis in future. One possibility would be to earmark some funding through the PROGRESS programme so as to be able to continue with such activities. A key lesson is that the disability-specific funding element is vital in enabling quality mainstreaming tools to be developed.

Another key lesson relates to the need to improve **follow-up and monitoring** in order to assess the ongoing impact of projects. While it is clear that a number of useful deliverables have been produced through the pilots, it is difficult to assess the extent to which methodological tools and guidance manuals, etc., are likely to be used in practice by relevant stakeholders.

Nevertheless, overall, the **pilot projects appear to have achieved positive impacts**, especially given the relatively small amount of funding concerned, suggesting good value for money.

# Key Evaluation Issues

## 6. Key evaluation issues

We now consider the findings in relation to the key evaluation issues set out in Section 1 – *relevance, efficiency, effectiveness, impacts, Community added value*, and *sustainability*. The terms of reference identified two levels of analysis in relation to the assessment of key evaluation issues:

- **Specific objectives** - an assessment of the contribution made by individual activities to the achievement of the thematic objectives identified in each implementation phase of the EU DAP (first level analysis);

- **Strategic/global objectives** - progress towards the achievement of the Action Plan's overall objectives (second level analysis)

The extent to which progress has been made towards objectives at each of these levels is assessed in section 6.3 (effectiveness and impacts).

### 6.1    Relevance

The assessment of relevance examined the Action Plan's intervention logic and the extent to which this successfully addressed the needs of people with disabilities. Other considerations included the coherence between the EU DAP and wider EU policies and an analysis of the extent to which the Action Plan's objectives were pertinent to the evolving needs and priorities of disabled persons.

Among the findings were that:

*The intervention logic underpinning the EU DAP is robust –* there are relatively strong links between strategic policy objectives, the thematic priorities identified and individual activities which have fed into the Action Plan.

*However, in the successor Action Plan, there is a need for a clearer definition of the Action Plan's general, specific and operational objectives, using the logical framework model.* In the 2003 Action Plan, in the description of the themes to be supported, there was some confusion between activities and objectives.

*The thematic priorities identified in the Action Plan were appropriate to identified needs.* The themes pursued through the EU DAP include issues of concern to national and EU policy makers with responsibility for disability policies – and to disabled people themselves. Examples of identified needs include ensuring effective legal protection from discrimination, facilitating participation in employment, training and lifelong learning, and improving the quality of social, healthcare and other support services, and tackling accessibility barriers.

*The priorities identified in the EU DAP appear pertinent from the point of view of achieving equality of opportunity for disabled persons in practice.* Although there are many country-specific differences with regard to the baseline situation in respect of disabled persons across the EU, the Member States face broadly similar challenges.

*Two year implementation periods have provided the flexibility to respond to the evolving disability agenda.* There was scope for taking new developments into account in each biennial phase of the Action Plan. For example, the UN Convention on the Rights of Persons with Disabilities, which had not been drawn up and agreed when the Action Plan was launched, features relatively prominently as an area where preparatory activity is needed in the third phase of the EU DAP.

*Notwithstanding, there were mixed views as to whether the EU DAP was structured optimally.* There remains a question mark as to whether it is appropriate to set rolling thematic priorities in each two year implementation phase, given the need for continuity in areas such as promoting better access to, and the retention in employment of disabled people since such goals require a long-term,

# Key Evaluation Issues

sustained commitment by policy makers[211].

***The EU DAP demonstrates strong policy coherence with other key EU policies, particularly the Lisbon strategy and European Social Agenda (2005-2010).***

***The EU DAP is highly relevant in terms of its potential contribution to the implementation of the Lisbon strategy, which emphasised the importance of 'more and better jobs for all' and 'greater social cohesion' by 2010.*** Raising the employment rates of disabled workers, and prolonging labour market exit among older workers, is also coherent with the Lisbon and Gothenburg employment objectives. Given the correlation between ageing and disability, the Action Plan will lend support to the European Council objectives of achieving full employment and significantly increasing the employment rates of older workers.[212]

***The EU DAP also demonstrates coherence with the European Social Agenda (2005-2010) which provides a framework for promoting equal opportunities for all***. Among its aims are to ensure that non-discrimination principles extend beyond legal protection to ensure equal opportunities in practice (disability mainstreaming is consistent with this goal).

## 6.2    Efficiency

Efficiency is the relationship between financial inputs and physical outputs. Given that the EU DAP does not have its own funding, but rather relies on other sources of EU programme funding for some activities, it is much more complicated to assess efficiency. We have therefore adopted a broad interpretation of the term.[213] A broader consideration related to efficiency was how well the Action Plan has operated to date from a management and implementation perspective.

### *Efficiency of resource utilisation*

***The assessment of efficiency is complicated by a number of methodological difficulties.*** Given that the EU DAP does not have its own funding, it is difficult to say precisely what can be attributed to the Action Plan itself, as opposed to what would have gone ahead anyway.

***Nevertheless, EU financing support has played an important role in supporting the Action Plan's implementation.*** Disability-specific funding from other programmes and sources, such as FP6 and EQUAL, has been central in enabling disability mainstreaming to happen in practice.

***The outcomes achieved as a result of EU-financed activities included in the Action Plan appear to demonstrate good value for money.*** For example, new methodological tools have been developed, conferences have been organised on particular policy topics of relevance to disabled people which have enabled good practices to be disseminated, awareness-raising activities have taken place (such as information campaigns relating to the implementation of Directive 2000/78), and gaps in statistical data have been filled.

### *Efficiency of management and implementation*

***Overall, the EU DAP appears to have been well managed.*** The Unit for the Integration of People with Disabilities  has played an important role in the Action Plan's implementation and has actively participated in, and supported, a considerable number of activities. Given limited human resources,

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[211] This theme was largely continued in 2005-2006 through the theme encouraging activity, but there is a question mark as to whether having evolving thematic priorities is appropriate, given that some challenges, such as increasing participation in the labour market, and promoting accessibility in practice, can only be achieved over the medium-long term.

[212] Full employment is generally accepted as meaning an employment rate of 70%.

[213] Efficiency can be defined as the relationship between inputs (human and financial resources), and outcomes achieved. Assessing efficiency involves an assessment of whether this relationship is proportionate. While the EU DAP does not have its own financial framework, it is still possible to measure 'value for money' given that some EU programmes feeding into the Action Plan have included disability-specific measures.

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the execution of the Action Plan has been managed effectively, with the Unit for the Integration of People with Disabilities   playing an central coordination role in ensuring that bodies such as the Disability Inter-Service Group and the Disability High Level Group are sufficiently informed about key activities taking place through the Action Plan to be in a position to oversee and monitor its implementation effectively.

***The overwhelming majority of activities identified in each implementation phase have been completed.*** While some activities were slightly delayed, the majority of activities have gone ahead as planned, suggesting that overall, the Action Plan has been effectively implemented.

***There is scope however for improving the monitoring system. In particular, there is a need to put in place performance measurement indicators, context indicators and baselines.*** An area of weakness of the EU DAP is the absence of a robust monitoring framework underpinned by qualitative and qualitative indicators. It is important that any future indicator system to monitor the EU DAP's implementation is proportionate (see section 2.4 on performance measurement).

***Partnership working has operated reasonably effectively during the first two implementation phases, at the different governance levels – national, EU and international - identified in the Action Plan.***   Disability representative organisations and the Member States have played an important role in supporting the EU DAP's implementation through their active participation in the Disability High Level Group. There is also evidence of productive cooperation between the EU and international institutions (notably the UN), with the EU DAP providing the initial framework for international cooperation in the lead-up to the UN Convention.

***Notwithstanding, there would be benefits in involving the Member States even more closely in the preparation and implementation of the successor to the current EU DAP.*** Securing the buy-in of national authorities will be much more important in the successor Action Plan, in light of the UN Convention on the rights of persons with disabilities, and the consequent need to work together jointly on indicators and data collection (Article 31) and on monitoring (Article 33) respectively.

***Collaboration between the Commission and the Member States in implementing the Action Plan would benefit if greater opportunity were to be provided within the framework of the Disability High Level Group in order to exchange national experiences with regard to particular mainstreaming approaches and policy priorities in the disability field.*** Some national representatives did not feel there was currently sufficient time to address national policy priorities. This perhaps reflects the current concentration on EU-level activities in the Action Plan

Debate will evidently be needed as to what role the Member States should play in supporting the Action Plan's implementation.

## 6.3    Effectiveness (and impacts)

In the context of the Action Plan, effectiveness is a measure of the EU DAP's ability to achieve desired outcomes. This was examined at various levels, including; the extent to which individual activities supported within each thematic priority achieved their aims, progress towards the Action Plan's specific and global objectives (measured in terms of 'results' and 'impacts')[214], and the quality of outcomes achieved. The contribution made by different instruments involved in the EU DAP's implementation - mainstreaming, legislation, partnership working – to outcomes was also assessed.

The extent to which monitoring arrangements for the Action Plan's implementation have worked effectively has also been examined. Given the number of different aspects to be considered under the heading 'effectiveness', we have grouped together the findings under key headings.

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[214] Different types of outcomes have been reviewed, including the direct and indirect impacts attributable to the Action Plan's activities, the extent to which these have had measurable effects, but also 'softer' and non-quantifiable outcomes (e.g. demonstration effects).

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### 6.3.1  Progress towards specific objectives

A key task identified in the terms of reference was to assess progress towards the achievement of specific objectives at the level of the thematic priorities identified in each phase of the Action Plan. Key findings are summarised below (a more detailed summary of progress in respect of each objective was provided in the sub-sections of sections 3 and 4).

***Overall, the Action Plan has made good progress towards the achievement of specific objectives****.* Notwithstanding, the research suggests that more progress has been made in some areas such as fostering access to goods and services, than in others, such as lifelong learning.

***There were some notable achievements in promoting access to, and remaining in, employment.*** These included the revision of the *General Block Exemption Regulation*[215] with more favourable exemptions from EU state aid rules to promote the 'supported employment' of disabled people, and mainstreaming activities, such as the preparation of a working paper on Disability mainstreaming in the revised European Employment Strategy[216], which reinforced awareness among the Member States about the need to strengthen efforts to promote the active integration of disabled persons in the labour market.

***While these developments all had a positive impact, an assessment of the situation of disabled people in the labour market does not reveal much progress in terms of increased employment rates, and reduced inactivity rates among disabled persons since the EU DAP's adoption.*** While many variables will have influenced the employment outcomes of disabled people, over and above the EU DAP, the lack of positive progress in labour market participation rates among people with disabilities does illustrate the need for a continued focus on promoting their active inclusion in the labour market.

***With regard to lifelong learning, some positive initiatives have taken place at EU level which have fed into the EU DAP.*** These included the provision in the e-Learning programme of funding for projects designed to maximise the potential of new technologies to facilitate the participation of people with disabilities in lifelong learning. Other developments include a commitment to promote the participation of disabled people in EU mobility programmes through the *Integrated Programme on Lifelong Learning* 2007-2013.

***However, less progress had been made in mainstreaming disability considerations in the area of lifelong learning than had been expected when the Action Plan was launched.*** While the fact that the Community only has limited competence is clearly an issue in this regard, more could still be done by DG Education and Culture, working in cooperation with the Unit for the Integration of People with Disabilities , to encourage more inclusive educational approaches at Member State level[217].

***Significant progress has been made in the area of 'using the potential of new technologies'.*** Examples include the development of an EC Mandate on e-accessibility requirements in public procurement, dialogue with relevant stakeholders on e-accessibility and efforts to encourage greater federalisation in the Assistive Technologies industry, and support for the development of methodologies and innovative approaches to promote e-accessibility through applied research funding through the e-Inclusion strategic objective within FP6.

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[215] Commission Regulation (EC) No 800/2008 of 6.8.2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation)

[216] Commission Working Paper: 'Disability mainstreaming in the European Employment Strategy' of 1.7.2005 (EMPL/A/D(2005) EMCO/11/290605)

[217] A high percentage of pupils with a disability continue to be educated in a special educational needs environment, rather than a mainstream educational setting.

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***Some progress has been made in strengthening the treatment of accessibility issues to the built environment for people with disabilities in EU legislation and programmes.*** Among the positive developments which have taken place feeding into the EU DAP include the introduction of a requirement in the *General Regulations on Structural Funds 2007-2013* to take accessibility issues into account, the development through the pilot projects of toolkits and methodological guidance to promote accessibility to the built environment and 'design for all' principles.[218]

***Another positive development in promoting accessibility for disabled persons was the adoption of Mandate 420 by the European Commission in support of European Accessibility Requirements to the Built Environment in public procurement.*** Although it is difficult to ascertain how widely used the subsequent Standard will be once it has been developed by the ESOs, it is encouraging that the EU has been able to play a role in supporting the development of voluntary Standards to promote greater consideration of accessibility issues and wider awareness about 'design for all' principles[219].

***A number of positive developments can be cited under the theme 'promoting access to quality support and care services'.*** A working paper produced by the DHLG on the quality aspects of long-term care and healthcare support provision services resulted in quality issues being taken into close account in the *Commission Communication on Services of General Interest*, including social services of general interest (SSGI)[220]. Given pressures in some Member States towards the increased use of unskilled staff in support service provision, emphasising the quality aspects of healthcare for disabled people and the need for professional training is a positive outcome.

***Disability issues have also been mainstreamed through the social inclusion and social protection (SPSI) process.*** Initiatives in the EU DAP in this area include the preparation of a DHLG working paper on SPSI. There is evidence of greater inclusion of disability issues in the guidance manual produced by the Commission to facilitate the preparation of national strategies on SPSI than had previously been the case. This was a direct result of activities linked to the working paper, including its presentation to the Social Protection Committee.

***Other achievements include the carrying out of studies that have informed policy development to facilitate independent living for disabled persons and to tackle discrimination faced by those with more severe disabilities[221].*** There is a need to follow-up on the study on *'The costs and benefits of Community-Based Services as an alternative for disabled persons living in an institutional setting'*. This remains a problematic issue for disabled people in many countries and needs further work, particularly in view of the UN Convention on Persons with Disabilities and its Optional Protocol, which emphasises the importance of enabling disabled people to live independently wherever possible.

***Good progress was also made under the theme of 'fostering the accessibility of goods and services'.*** The adoption of EC Mandate 376, which will lead to the development of a voluntary standard in the area of accessibility requirements in ICT procurement, was particularly important in this regard.

***In the third phase of the EU DAP's implementation, there are expected to be further significant developments in tackling barriers in the area of accessibility of goods and services.*** The

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[218] These were targeted at relevant actors, such as public authorities commissioning buildings, architects, engineers and construction sector employees.

[219] There are widely differing buildings requirements and national regulations in place in different EU countries, and a lack of harmonisation with regard to how accessibility requirements should be taken into account.

[220] Commission Communication COM(2007) 724 final of 12.5.2004 'White Paper of on services of general interest' which accompanies Commission Communication COM (2007) 725 of 20.11.2007 on "A single market for 21st century Europe".

[221] Examples include studies on the de-institutionalisation of disabled persons living in an institutional setting and on the specific discrimination of disabled people with high dependency or complex needs.

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proposal for a Directive put forwards by the European Commission in July 2008 to extend protection from discrimination for disabled persons outside the area of employment is expected to include access to goods and services.

***Positive progress is also discernible in the area of 'strengthening EU analytical capacity', a key EU DAP theme in 2006-2007.*** For example, progress had been made in improving the availability of disability statistics, especially in the areas of employment, social inclusion and poverty, and health. Analytical capacity has also been improved in areas which had not previously been researched adequately, or where there was a need to obtain further up to date information so as to inform the development of particular areas of EU disability policy[222].

***The extent of Community competence varies across different EU policy areas of EU DAP activities. This has arguably imposed some constraints as to what the Action Plan has been able to achieve in particular thematic areas.*** A good example relates to education, training and lifelong learning, where the EU has limited competency but there is a role for the EU to play in encouraging the Member States to adopt more inclusive education policies.

### 6.3.2    Progress towards global objectives

Findings relating to progress towards the Action Plan's global objectives are now presented.

*Global objective 1 - full and effective implementation of Directive 2000/78/EC*

***Progress has been made towards the goal of promoting the full and effective implementation of Directive 2000/78/EC.*** Most Member States have transposed the Directive effectively, although there remain problems in a small number of Member States (examined below).

***There remain problems in some Member States with regard to transposing and / or implementing Article 5 of Directive 2000/78/EC relating to reasonable accommodation.*** In particular, the scope of the reasonable accommodation provisions in Article 5 has been applied too narrowly in some Member States and needs to be reviewed. A small number of Member States have been sent reasoned opinions or formal notices by the European Commission relating to Article 5 and the too narrow interpretation of the reasonable accommodation provisions. There is a need to ensure that issues relating to the full and effective transposition across EU27 are rectified.

***There are quite high levels of awareness about the Directive, suggesting that awareness-raising activities about the Directive were effective.*** Awareness-raising activities within the Community Action Programme against Discrimination to inform EU citizens about their rights (and employers about their responsibilities) under the Directive appear to have had a positive impact. A Eurobarometer survey found that more people were aware about legislation outlawing discrimination in the area of employment than on any other ground of discrimination. However, there remains further work to do since more than 4 in 10 EU citizens were not aware of such legislation.

***The full and effective implementation of Directive 2000/78/EC is an ongoing process, given evolving case law.*** It will take some time for the legislation to be fully and effectively implemented. A lesson is that monitoring effective implementation does not end once the transposition process into national legislation has been completed, rather it needs continuing follow-up to ensure that the disability provisions are being implemented effectively.

Various recommendations with regard to how the full and effective implementation of Directive 2000/78/EC should continue to be monitored, are outlined in the recommendations, section 7.2.

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[222] Examples include a study of the *Compilation of disability statistical data from the administrative registers of the Member States (2007), a statistical analysis of the LFS ad hoc module and the EU-SILC (2006),* a study on *Community-Based Living for people with disabilities* and a study on the *Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs*

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*Global objective 2 - disability mainstreaming*

***There have been positive developments in implementing a disability mainstreaming approach in EU policy making and legislative processes from the outset.*** Mainstreaming was an important instrument in the EU DAP's implementation, underpinning many of the activities feeding into the Action Plan.

***However more work has to be done in terms of reinforcing the visibility of disability mainstreaming within the Commission.*** For example, the frequency of contact between the Unit for the Integration of People with Disabilities and the Employment Committee and Social Protection Committee could be increased to ensure better coordination within the Commission in encouraging the Member States to give greater prominence to people with disabilities (and their needs in the area of pensions, social inclusion etc.) in the National Reform Programmes (employment) and National Strategies on Social Inclusion and Social Protection.

***Progress has also been made in ensuring that EU policy makers give adequate consideration to disability issues in relevant EU policy areas.*** Examples include the preparation of mainstreaming working papers designed to help ensure that the relevance of disability issues in particular policy areas is highlighted. These have been produced in various areas including employment, social protection and social inclusion (SPSI) fields and the quality aspects of health and care services.

***Mainstreaming has also been an essential tool in ensuring that disability issues are adequately taken into account in the drawing up and implementation of legislation.*** The Unit for the Integration of People with Disabilities has liaised with a number of Directorate Generals in order to ensure that EU legislation adequately takes into account non-discrimination and accessibility issues for disabled people. Examples include the 2004 Public Procurement Directives, the revision of the General Block Exemption Regulation in 2008, and the adoption of two Regulations concerning the rights of passengers with reduced mobility in the transport sector.

***There is a discernible improvement in the treatment of disability issues between the 2000-2006 and 2007-2013 financial perspectives in EU programmes, suggesting that disability mainstreaming is increasingly happening during the programme planning stage.*** Examples of progress made includes the new requirement in the General Regulations on Structural Funds 2007-2013 (which accounts for one third of all EU expenditure) to ensure that the accessibility needs of disabled people are taken into account, and references in the Integrated Programme on Lifelong Learning to ensuring that people with disabilities are able to fully participate in mobility programmes.

***While disability mainstreaming has made a positive difference in the treatment of disability issues in EU policy making, there is a need to strengthen disability mainstreaming efforts between the EU and Member State levels.*** Relatively few disability mainstreaming activities included in the EU DAP in the first two implementation phases had a national dimension. This link could be considerably strengthened in future.

***The pilot projects played an important role in contributing to promoting disability mainstreaming approaches, both in terms of the integration of mainstreaming in policy making, and in the development of tools to facilitate mainstreaming in technical areas, such as accessibility to buildings.*** A number of pilot projects involved the development of mainstreaming tools, some of which have been relatively widely publicised. Examples include the following projects: EDAMAT (mainstreaming in policy making), the Building Accessible Services project (accessibility to the built environment) and a project to promote the active inclusion in the labour market of disabled people led by ADECCO.

***Disability mainstreaming is likely to play an even greater role in the successor Action Plan given that the UN Convention requires its signatories to promote mainstreaming.*** This reflects

the shift towards a human rights approach to the inclusion of people with disabilities**.** Adequate consideration will therefore need to be given to the impact of EU and national policies and legislation on people with disabilities across all relevant policy areas.

*A key lesson was that in order for disability mainstreaming to be effective, a combination of instruments is required.* This includes legislation (supported by monitoring to ensure its effective implementation), the ready availability of quality tools to support the implementation of disability mainstreaming in specific areas (especially in areas of a technical nature, such as accessibility to the built environment), and research funding to support the development of appropriate mainstreaming tools. Effective mainstreaming also implies the active contribution of disabled persons organisations to EU policy making processes (this has been funded through the *Community Action Programme against Discrimination* 2001-2006, and subsequently through PROGRESS 2007-2013).

*Global objective 3 – Improving 'accessibility for all'*

*A number of activities across the different thematic priorities made a positive contribution towards improving accessibility for all* – this included activities which took place under the following themes: maximising the potential of new technologies, improving accessibility to the built environment and fostering the accessibility of goods and services.  Among the key achievements in the area of improving accessibility for all were:

*Important regulatory developments in the transport sector to ensure equal access for persons with reduced mobility (PRM).*  There is ongoing work in other areas of transport such as coach and bus transport and international maritime travel, to extend equal access principles for PRM to other transport modes.

*Strengthened awareness about accessibility issues in relation to the built environment among relevant stakeholders - e.g. urban planners, architects, engineers, etc.* Various activities feeding into the EU DAP have helped to raise awareness including conferences on accessibility, and the funding of a number of pilot projects focused on this topic.

*There is wider availability of mainstreaming tools in the field of promoting access to the built environment in accordance with 'design for all' principles.* The pilot projects in particular helped develop appropriate mainstreaming tools which have become relatively widely circulated (e.g. the Build for All design kit, etc.)

*Progress has also been made in the area of e-accessibility, including the development of monitoring and evaluation tools to assess the accessibility of websites.* While the WAI guidelines were developed prior to the EU DAP's adoption, further work has been carried out through FP6 projects to develop a series of tools which help test the accessibility of websites.

*However, while good progress has been made in developing tools to assess web accessibility, there is an absence of information on how widely these tools have been disseminated and utilised.* The impact of these new tools is difficult to gauge, suggesting further research may be needed to assess how widely benchmarking and assessments tools have been used and how effective they have been to date.

*There have also been a number of significant developments at the level of EU programmes and through the adoption of EC Mandates focusing on accessibility issues.* These are examined elsewhere in the report and include:

- The inclusion of a requirement to take the accessibility needs of disabled people into account in the General Regulations on Structural Funds 2007-2013.

- The development of EC Mandate 376 on e-accessibility and public procurement in the area of ICT goods and services.

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- The development of EC Mandate 420 on public procurement and accessibility to the public built environment (adopted at the end of the evaluation time scope but with preparatory work taking place during the second phase.

### 6.3.4 Outcomes linked to implementation of EU DAP activities (outputs, results and impacts)

In section 1, we set out the framework for carrying out the mid-term evaluation. This pointed to the need to distinguish between different sorts of outcomes achieved through the implementation of activities in the Action Plan. A distinction was made in particular between 'outputs', 'results' and 'impacts'. Selected examples in relation to the different types of outcomes achieved to date are now provided[223]:

In section 2.4 (performance measurement and indicators), it was made clear that outcomes to date have mainly had to be assessed qualitatively, drawing on a combination of the views of key stakeholders through the interview programme, and desk research. This approach was adopted since only limited monitoring information against which progress could be assessed was available.

***A number of examples of quantifiable 'outputs' linked to the Action Plan's implementation were identified through the research.*** These include the number of disability projects funded through relevant EU programmes, such as the RTD Framework Programmes and EQUAL[224], and the disability mainstreaming pilot projects. Other elements which could be quantified included the amount of EU expenditure on disability-specific projects, the number of mainstreaming papers on topics of relevance to disabled people, and the number of events held involving dialogue, among a small number of other things.

***Different types of 'results' linked to the implementation of EU DAP activities were also identified.*** Due to the difficulties in quantifying results, these were mainly assessed qualitatively. Examples include: in the area of employment, improved understanding of how to integrate disabled people into the labour market, in the area of accessibility, increased levels of awareness among target groups about universal building design principles, etc.

***Only limited numbers of indicators can be quantified at the level of results.*** While in principle, quantitative information is potentially available on indicators such as the number and type of advanced technologies developed as a result of research projects financed through FP6 or EQUAL, since monitoring mechanisms were not put in place to collate this information, it has been difficult to do so retrospectively from the 'bottom-up' given that there were a large number of projects overall[225].

***While indicators need to be developed to improve the monitoring of EU DAP outcomes, and in order to better measure progress towards objectives, caution should be exercised in placing too much emphasis on monitoring indicators.*** Mainstreaming is about influencing policy, and achieving quite subtle changes, such as attitudinal changes among policy makers with regard to how they include consideration of disability issues in decision-making processes. The results of mainstreaming activities cannot easily be assessed through an indicator system. However, the opinions of relevant key stakeholders could be sounded out on a periodic basis so as to assess progress towards objectives.

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[223] In sections 3 and 4 of the report, the outcomes linked to individual activities are summarised.

[224] Although they are not directly linked to the implementation of the Action Plan, disability projects funded under EQUAL have been quantified as part of this study, as their outcomes are likely to have a considerable effect on the situation of people with disabilities in Europe.

[225] For example, more than 130 projects in the EQUAL programme were disability-specific. While funding for these has been analysed, it has not been possible to quantify and aggregate individual project outputs and results.

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***While some conclusions can be reached at mid-term evaluation stage in respect of impacts, there are limitations at this juncture in the EU DAP's implementation.*** Although an initial assessment of impacts can be made, the long-term impact of many activities feeding into the Action Plan will only materialise fully over the next 5-10 years, since EU policy making and the implementation of EU legislation at the national level is a long and complex process.

***For example, while considerable progress has been made in implementing Directive 2000/78, it is too early to assess the Directive's impacts to the full extent.*** The legislation will continue to evolve as a result of case law developments and there is a need for longitudinal follow-up and an assessment of the evolution in legal cases on the grounds of disability under the Directive in different Member States in order to 'measure' impacts.

***A number of other legislative developments have taken place since the Action Plan was adopted. However, given the timing of the transposition process, it is again too early to assess impacts.*** Various legislative initiatives likely to positive promote equal opportunities for disabled people have taken place since the Action Plan's adoption. However, in many cases[226], the transposition process takes considerable time and it is therefore too early to gauge impacts.

***The proposed extension of protection from discrimination outside the area of employment is likely to have a significant impact in eradicating accessibility barriers for disabled people.*** The proposal for a Directive to the Council on protecting disabled people from discrimination outside the area of employment in July 2008 will potentially have a very positive impact in addressing outstanding accessibility barriers for disabled persons in areas including access to goods and services and housing. Given that the Directive is still going through Council, however, the impacts will be felt in the successor Action Plan.

***The adoption by the Commission of two Standards Mandates (M376 and M420 respectively were described in detail earlier) represents an important step forwards in promoting the integration of accessibility and 'design for all' principles into public procurement processes.*** However, it is too early to gauge the impact. The European Standards Organisations are still working on the development of these standards. While the eventual Standards could well have a positive impact, at this early stage, the extent of likely take-up of the Standards Mandates among public authorities at national and regional level is uncertain.

***While too early to assess the long-term effect of some activities, policies and legislation, the EU DAP has already had a beneficial impact on the promotion of equal opportunities for disabled people.*** The Action Plan has provided a strategic reference point for key actors involved in promoting the participation and active inclusion of disabled people. Through the biennial updates on the situation of people with disabilities in the EU, it has also helped raise awareness about issues faced by people with disabilities which prevent their full participation in society.

***The Action Plan has also had a positive impact in promoting disability mainstreaming in relevant areas of EU policy making.*** While there remain challenges in ensuring that disability mainstreaming takes place systematically across all EU policy areas, there is evidence that the Action Plan has had a positive impact in encouraging Directorate-Generals to give full consideration to the impact of policies and legislation on disabled people, including potential unintended consequences.

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[226] Examples in this regard include the Regulations on passenger rights for PRM in the area of air and rail transport. Many provisions in the Regulations have only just come into force, and national enforcement bodies have only recently been appointed. While it is too early to assess impacts, these Regulations should in theory have a very positive impact in promoting equal rights for disabled people when travelling.

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### 6.3.5  Indirect impacts

***The emphasis placed in the EU DAP on disability mainstreaming has had some positive effect in encouraging the take-up of mainstreaming approaches by local and regional authorities.*** As an example, one of the disability mainstreaming pilot projects (a project led by the EDF on the value of Agenda 22) encouraged the take-up of disability mainstreaming in policy making processes at local and regional levels. A number of local authorities in participant countries had taken up mainstreaming approaches following their participation in the project.

***There is also evidence that the fact of having a Disability Action Plan in place at European level has had a catalytic effect in encouraging disability mainstreaming initiatives at national level.*** A number of national authorities responsible for disability policies at national level stated that the Action Plan had provided a useful reference point for promoting equal opportunities for people with disabilities at national level.

***The putting in place of the EU DAP has also helped inspire the drawing up of national disability action plans in a small number of EU countries.*** A number of Member States have prepared national disability action plans. This includes France, Ireland, Portugal, Sweden and the UK. In some of these countries, the development of national action plans was said to have been influenced at least in part by the European reference framework on disability provided by the EU DAP.

***The fact that the EU DAP was in place was also viewed as important in enabling the EU to contribute fully to negotiations leading up to the development of the UN Convention on persons with disabilities.*** Having the Action Plan in place with commonly agreed goals and priorities (and political support from the Member States through informal meetings of the Council of Ministers) enabled an early consensus to be forged in terms of the EU's position on the UN Convention. The European Community was therefore able to make an active contribution to the preparation and finalisation of the UN Convention.

### 6.4  Sustainability

Another key evaluation issue considered was sustainability. This was examined at different levels, including: the extent to which the Action Plan's overall achievements are likely to be long-lasting, and the degree to which the results and impacts attributable to the Action Plan's implementation at the level of thematic priorities and individual activities are likely to be sustainable.

Other considerations included whether EU funding feeding into the first two phases of the Action Plan's implementation, such as EQUAL and FP6, is likely to be sustainable in the 2007-2013 Financial Perspective. In other words, in successor programmes, are adequate resources being earmarked for disability-specific activities, given that the research suggests that disability-specific measures are needed to complement and support mainstreaming.

***With regard to the Action Plan's overall achievements, many are likely to have a sustainable impact beyond the lifetime of the EU DAP.*** For example, legislation affecting disabled persons will have a long-term and ongoing impact*,* as will the inclusion of references to the needs of disabled persons in key programme texts for the 2007-2013 programming period, such as the Structural Funds and the *Integrated Programme on Lifelong Learning.*

***Disability mainstreaming efforts such as the preparation of position papers on particular policy topics are also likely to have an ongoing impact.*** For example, the disability mainstreaming paper prepared on social inclusion and social protection was included in guidance for the Member States in relation to the preparation of their national strategies on SPSI for the 2008-2010 period. This suggests that the EU DAP's impacts will be felt well beyond the first two implementation phases.

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***Legislative initiatives and the development of European Standards are likely to have an ongoing impact well beyond the lifetime of the present Action Plan.*** For example, the European Standards linked to Mandates 376 and 420 respectively are still under development, and Transport Regulations for Passengers with Reduced Mobility have only just come into effect at national level. Such developments will have a long-lasting impact on disabled persons.

***However, to maximise the sustainability of the Action Plan's achievements, there needs to be ongoing monitoring to follow-up on activities mentioned in the EU DAP scoreboard.*** As well as actively inputting to new policies and legislation, the Unit for the Integration of People with Disabilities needs to ensure that previous activities carried out are followed-up and that the results achieved, for example, concrete outcomes of the pilot projects and of FP6 research projects are as widely disseminated as possible to ensure their continuity.

***With regard to the degree of continuity in funding streams in the 2007-2013 financial perspective, the research suggests disability-specific funding will continue to be available in most areas, although some funding streams will no longer be accessible.*** Some areas of the EU DAP received considerable funding allocation during the first two phases, such as the e-inclusion strand within the IST strategic objective within the 6th RTD Framework Programme. There appears to be strong continuity with dedicated funding being made available to support e-inclusion in FP7. Additionally, FP6 funding allocated to the promotion of Ambient Assisted Living in the context of an ageing society (AAL) will be significantly increased during FP7.

***Less positively, however, the Scientific Support to Policies budget heading will not be continued in FP7.*** SSP lent strong support to the achievement of the EU DAP's objectives by providing disability-specific research funding during FP6. There does not however appear to be much emphasis on disability issues in the Science in Society programme within FP7. Moreover, only limited funding appears to be available for disability NGOs to finance policy research (although there will continue to be financial support for EU networks of disability NGOs through PROGRESS). This issue needs addressing if progress is to continue to be made in particular areas. Small amounts of funding such as the pilot projects have led to quite marked improvements in the availability of quality methodological tools to promote disability mainstreaming.

***EU funding for disability-specific projects under the EQUAL Community Initiative has ceased.*** The 2004 call for proposals was the last opportunity for obtaining funding from EQUAL[227], and the Initiative has now ended. During the period 2007-2013 the ESF is applying the lessons of EQUAL across the board of ESF interventions. It is estimated that at least 3 billion euros will be used for transnational cooperation in this period, representing around 4% of the total ESF budget. The types of cooperation that are being supported include cooperation between projects in different Member States or between national networks focused around a specific issue or problem and among the most common themes for transnational cooperation are social inclusion of disadvantaged people in the workplace.

***The pilot projects to promote disability mainstreaming demonstrate a mixed picture in terms of their sustainability.*** For the most part, individual projects have continued on a voluntary basis to promote and disseminate the deliverables produced. These include good practice guides, toolkits, CD ROMs, etc. Most project websites are still operating with toolkits and methodologies continuing to be available for download. Also the results have also been presented at a number of conferences. However, there is a question mark as to whether project beneficiaries themselves are in a position to continue the promotion of project deliverables beyond the end of funding.

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[227] Some EQUAL projects from the last round of funding (2004-2006) are still ongoing.

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***There has not until recently been much dissemination activity related to the pilot project results by the European Commission.*** However, in autumn 2008, work was undertaken to produce a brochure summarising the results of the pilot projects on disability mainstreaming. This was disseminated at the Unit for the Integration of People with Disabilities 's annual conference in December 2008 and will continue to be publicised at subsequent relevant events.

## 6.5 Community Added Value

A key evaluation consideration was the extent to which the Action Plan demonstrates Community Added Value (CAV).

The Evaluation and Impact Assessment Unit within DG EMPL recently produced a working paper on Community Added Value which provides a useful framework for assessing this issue[228]. The paper points out that while there is no clearly agreed definition of Community Added Value, there are two main dimensions to the concept. First, CAV can be examined from an 'intrinsic' point of view i.e. to what extent have EU interventions or actions demonstrated value added measured in terms of their contribution to the achievement of broad EU policy goals set out in the EC Treaty and in the high-level policy framework provided by the Lisbon Strategy and the European Employment Strategy. A second way of looking at the concept of CAV is to undertake a comparative assessment of action at EU level. Two different types of comparator can be used in assessing CAV: i) comparing the value added of activities supported through the framework of the EU DAP with similar activities having taken place at the national level and/ or ii) assessing what has been achieved through EU action against a hypothetical situation in which the EU took no action (known in evaluation terms as the 'counter-factual' i.e. what would have happened in the absence of intervention?).

**With regard to the EU DAP's 'intrinsic' Community Added Value, the Action Plan has provided a framework for promoting equal opportunities for people with disabilities.** This has been made possible through the promotion of a mainstreaming approach to the integration of disability considerations in EU policies, legislation and programmes.

**The EU DAP has contributed to promoting objectives set out in the EC Treaty, namely the promotion of equal opportunities for all EU citizens.** Article 13 of the EC Treaty gave the EU level the competence to "take appropriate action to combat discrimination", including on the grounds of disability. The Action Plan has added value by providing a framework for disability-specific and disability mainstreaming activities to take place that have helped promote anti-discrimination, and support the legislative framework to promote non-discrimination principles.

**The Action Plan has also contributed towards the achievement of key high-level EU policy goals including those relating to the Lisbon Strategy of achieving full employment and social cohesion.** The Action Plan has added value by strengthening the disability dimension in key EU policy areas that are critical for the achievement of the Lisbon aims, namely the European Employment Strategy and the Integrated Employment Guidelines, as well as in the Social Inclusion and Social Protection Process.

**Many activities took place at an EU level, and those that took place at national level, such as the disability mainstreaming pilot projects, had a strong transnational dimension (with partners in different EU countries)**. As such, the EU DAP has strengthened the European dimension of efforts to promote equal opportunities for people with disabilities at different governance levels: local, regional, national and European.

**In terms of the comparative dimension of Community Added Value, the EU DAP has provided national authorities with a high-level reference against which they can compare, benchmark and further develop their own disability policies.** The EU DAP has added value by encouraging some Member States to give further consideration to drawing up and implementing their own national

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[228] Working paper on Community Added Value - Employment and Social Policy Brussels, 29/11/08

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action plans. While in some EU countries, this would probably have taken place anyway, in others, the fact the Action Plan existed was cited as a factor influencing the approach to developing domestic disability strategic plans.

**However, the Action Plan could arguably have achieved greater value added had there been closer involvement of the Member States in its preparation and implementation to date.** The majority of activities have taken place at EU level. While national authorities have been involved through the Disability High Level Group in some activities, and have played a useful monitoring role, they have had much less involvement in many other activities, given that the EU DAP focuses mainly on EU policies, legislation and programmes. The Action Plan could potentially have had a stronger impact at Member State level if the national authorities had been given a more significant role to play from the outset in the Action Plan's development and implementation.

**With regard to the 'comparative' dimension in assessing CAV, it is notable that there are similarities in terms of the thematic policy priorities outlined in the EU DAP and priorities at national level.** However, the types of activities themselves are quite difficult to compare, given that the EU DAP deals with EU-wide issues, such as the drafting of legislation affecting all Member States.

_**It is arguably therefore more appropriate to assess CAV comparatively by considering what would be the situation in the absence of the EU DAP, i.e. the counterfactual.**_

**It is clear that, given that the EU DAP does not have its own financial framework, some activities would have gone ahead regardless.** A number of activities highlighted in the EU DAP had already commenced prior to the drawing up of the Action Plan, such as support through the 5$^{th}$ Framework Programme on RTD for e-Accessibility. However, the Action Plan has added value by giving additional prominence to disability-related activities taking place across the Commission, and has provided a mechanism for improving the effectiveness of their coordination.

**The Community Added Value of the EU DAP could perhaps be increased through the closer involvement of national authorities and EU disability NGOs through an OMC-type process in future.** The Member States could be more closely involved in the drawing up of the successor Action Plan, and have a role in helping to determine thematic priorities, implementing individual activities and the development of a monitoring system. Recommendations in this regard are made in the next section.

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## 7.  Conclusions and recommendations

**In this section, the overall conclusions and recommendations from the mid-term evaluation of the European Disability Action Plan 2003-2010 are presented. Section 7.1 provides a summary of the overall conclusions (detailed findings in respect of key evaluation issues and progress towards objectives were provided in section 6).**

**Recommendations are then outlined in Section 7.2.**

### 7.1    Overall conclusions

1. ***The EU DAP has made a positive contribution to promoting equal opportunities for disabled people during its first two implementation phases (2004-2005 and 2006-2007).*** The Action Plan has been a key instrument in enabling the EU to promote a rights-based approach[229] to the promotion of equal opportunities for disabled persons, based on the social model of disability.

2. ***The Action Plan has served as a reference point for key actors involved in promoting equal opportunities for disabled people at different governance levels.*** This includes the European Commission and other EU institutions, the Member States, the social partners, disability-representative NGOs and civil society more widely.

3. ***The EU DAP has fostered political will at European level in favour of doing more to promote equal opportunities and human rights for disabled persons in practice.*** Having the Action Plan in place was arguably an important pre-requisite in enabling key recent policy and legislative developments to go ahead, notably the proposed strengthening of anti-discrimination legislation outside employment[230] and the EU's active participation in the preparation, adoption, monitoring and implementation of the UN Convention on the rights of persons with disabilities.

4. ***The Action Plan has provided a framework through which disability mainstreaming could be widely promoted in relevant EU policy areas throughout the policy-making process.*** The fact that the EU DAP was in place has helped to raise the profile of disability issues within the Commission and to spread awareness about the importance of disability mainstreaming. In many relevant policy areas, there is evidence that disability issues have been effectively integrated in decision making, although there remain some areas, where disability considerations could be given further consideration, such as consumer policy.

**The role of mainstreaming as an instrument in the EU DAP's implementation is analysed in section 5.1.**

5. ***Disability mainstreaming considerations appear to have been taken into closer consideration in the 2007-2013 financial perspective in EU programmes, compared with their predecessors.*** A number of significant EU programmes make explicit reference to disability. The General Regulations on Structural Funds, for example, now include an explicit reference to taking the accessibility needs of disabled people into account. Furthermore, the programme text of the Integrated Programme on Lifelong Learning makes reference to the need to ensure that EU funded mobility opportunities are accessible for students with disabilities. The greater degree of emphasis on disability issues in EU programmes, particularly with regard to accessibility

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[229] A rights-based approach underpins the EU DAP's intervention logic and the type of activities supported. It is also in accordance with the UN Convention on the Rights of Persons with Disabilities.

[230] Protection from discrimination will be extended beyond employment as a result of the proposed new Directive of July 2008. This will ensure a level playing field across all equality strands, including disability, by protecting EU citizens from discrimination in education, housing, and access to goods and services. This is especially important for disabled people. Eradicating accessibility barriers is an essential step in the full participation of people with disabilities in the labour market, lifelong learning, and in society generally.

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considerations, can be attributed, at least in part, to disability mainstreaming efforts taking place within the framework of the EU DAP.

6. ***Progress has also been achieved through the use of legislation as an instrument of social change[231] with a number of key legislative developments having fed into the Action Plan.*** Among the most prominent legislative developments at EU-level was the proposed new Directive on discrimination outside the area of employment. While this was published in July 2008, preparatory work took place during the second phase of the EU DAP. Other key developments include the revised Public Procurement Directives in 2004, and the adoption of two Regulations in the air and rail transport sectors concerning the rights of persons with reduced mobility.

**The role of legislation as an instrument in the EU DAP's implementation is analysed in section 5.2.**

7. ***The Action Plan has also made progress in promoting equal opportunities for disabled persons through non-mandatory initiatives.*** Examples include the adoption by the Commission of Mandate 376 (e-accessibility in public procurement), addressed to the European Standards Organisations[232]. The development of this technical standard should help facilitate the inclusion of accessibility requirements by contracting authorities in procurement activities. This shows that non-mandatory initiatives can also be a useful instrument supporting the achievement of key EU DAP objectives.

8. ***The EU DAP has provided a mechanism to facilitate closer partnership working between national authorities with responsibility for disability policies and EU policy makers.*** The Disability High Level Group has provided a mechanism through which cooperation can take place, and through which the Member States can be kept informed of progress in implementing disability mainstreaming in EU policy and legislative processes.

9. ***Partnership working between the EU and the Member States is likely to become more important in the successor Action Plan within the framework of the implementation of the UN Convention on the rights of persons with disabilities***. The UN Convention will require close cooperation between the EU and the Member States both at the level of monitoring and implementation.

10. ***There is scope for improved partnership working in some areas, such as ensuring the closer involvement of national authorities in the formulation of the successor Action Plan.*** This will need to take place at different levels – in the choice of thematic priorities, the definition of goals and objectives, and in the selection of key indicators through which progress can be measured.

**The way in which partnership working through the EU DAP has operated, and its contribution towards the achievement of key objectives, is analysed in section 5.3.**

11. ***With regard to management and implementation aspects, the EU DAP appears to have been implemented effectively to date, with most activities having gone ahead as envisaged.*** Key stakeholders generally had positive messages with regard to the way in which the Action Plan overall, and activities supported through it - has been implemented to date.

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[231] This includes new Regulations in air and rail transport to enhance passenger rights for people with reduced mobility, the 2004 Public Procurement Directives and General Regulations on Structural Funds 2007-2013 (accessibility requirements) and revisions to the General Block Exemption Regulation (state aids).

[232] Mandate 420 on accessibility to the public built environment and Mandate 376 on the procurement of ICT goods and services and e-accessibility respectively).

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12. ***More specifically, the majority of activities mentioned in the first two phases of the Action Plan have gone ahead as planned.*** The Action Plan included 56 different priority actions. Progress towards their achievement has been assessed in detail in the main report, and is summarised in Appendix E using a simple categorisation system to determine whether activities have gone ahead fully, partially, or have not been implemented[233].

**13.** ***At mid-term evaluation stage, the EU DAP appears to have made good progress in achieving its 'specific objectives', in the form of the 8 thematic priorities  defined for phases 1 and 2, although some areas have progressed more than others.*** A detailed assessment of progress towards these goals was provided in section 6.3.1 (key evaluation issues – effectiveness – specific objectives)**.**

14. ***The EU DAP also appears to have made significant progress towards the achievement of the global objectives of promoting disability mainstreaming, the full and effective implementation of Directive 2000/78, and the promotion of accessibility for all.*** A detailed assessment of progress towards each of these goals was provided in section 6.3.2 (key evaluation issues – effectiveness – global objectives).

15. ***In relation to its structure and content, the Action Plan's objectives need to be defined more clearly.*** There was no clear definition of objectives in the 2003 Action Plan and a mix between goals and activities in the description of each priority theme. The next Action Plan should consider the use of a logical framework approach in order to develop a clearer hierarchy of objectives.

16. ***Certain aspects of the monitoring framework to assess the EU DAP's implementation have worked well.*** Both the Disability Inter-Service Group and the Disability High Level Group , which were among the mechanisms put in place to monitor disability mainstreaming activities, appear to function well and play an active role in following the EU DAP's progress at the level of individual activities, including policy and legislative developments.

17. ***Good progress was also made in the development of disability statistics suitable for use as context indicators.*** Section 2.4 (*monitoring, performance measurement and indicators*) sets out the main achievements in this field during the first two phases of the Action Plan's implementation, which included work towards obtaining reliable and comparable data.

18. ***Overall, however, the monitoring system was undermined by the absence of clearly defined objectives, and performance indicators (qualitative / quantitative) to measure progress towards the achievement of these objectives.*** An analysis of lessons from international and European experience in measuring progress towards equality objectives was provided in section 2.4, together with suggestions on the types of indicators (context, activity indicators) which might be developed in future as part of a more rigorous monitoring system.

Recommendations from the mid-term evaluation work are set out on the following page:

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[233] The summary analysis suggests that over half (33) of the 56 planned priority actions have gone ahead and been fully implemented; in 20 cases, EU DAP actions have been partially implemented which will require continued follow-up work, and in 3cases, the activities do not appear to have shown much progress.

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## 7.2 Recommendations

Below we outline recommendations from the mid-term evaluation work. A number of these focus on the current 2003-2010 Action Plan and are designed to help the Unit for the Integration of People with Disabilities make improvements during the third and final implementation phase. However, given that this phase is already underway, and that the specific themes have already been agreed, additional recommendations are made focussing on an eventual successor to the current Action Plan.

### 7.2.1 Recommendations for the current European Disability Action Plan 2003-2010

***1. Steps should be taken to ensure that those few activities mentioned in the Action Plan which have not gone ahead as planned, or have been delayed, are carried out.***

The majority of activities in the EU DAP have gone ahead as planned (an assessment of the current state of play with regard to the implementation of all activities is provided in Appendix E).

A small number of activities, such as the development of a Mainstreaming Guide on ESF targeted at national authorities, have been delayed. Steps should be taken to fully implement these activities.

*The Full and effective implementation of Directive 2000/78/EC*

***2. The evaluation identified good progress towards the achievement of the full and effective implementation of Directive 2000/78/EC. However, monitoring should be reinforced at the Member State level.***

Examples of information that should be collected includes: the incidence of discrimination cases on the grounds of disability; the extent to which transposition issues where Member States have been sent formal notices have been solved; and a comparative analysis of legislation and case law relating to key issues such as the definition of disability, reasonable accommodation, and positive action and disability.

***3. The Commission should play an active role in disseminating information to the Member States - through the DHLG and other mechanisms - about evolving case law in respect of Directive 2000/78/EC, and about other relevant legislation affecting people with disabilities.***

There is a need to ensure that relevant stakeholders, particularly national and regional authorities, employers and service providers, are made aware about European Court of Justice rulings which have implications for people with disabilities. This is important given that national legislation may need to be adapted in light of legal cases such as the Colman case relating to 'discrimination by association'. The extent to which EU countries have adapted their legislation to take account of major case law developments should also be monitored by the Unit for the Integration of People with Disabilities (supported by the Legal Unit within DG EMPL).

***4. National equality bodies should be encouraged to collect and analyse data on the incidence of legal cases concerning discrimination on the grounds of disability under Directive 2000/78.***

Equality bodies already collect data on the incidence of legal cases relating to discrimination under the Racial Equality Directive 2000/43/EC. In order to assess whether there has been an increase or decrease in the incidence of discrimination in the area of disability (at EU and Member State level), ongoing monitoring is needed. Benchmarking might also be feasible in order that particular Member States can establish how well they are performing compared to others. The network of legal experts on discrimination which is funded by DG EMPL could play a role in helping to analyse this data.

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*Disability mainstreaming*

**5. There is a need to ensure that disability-specific funding support continues to be made available to support the implementation of disability mainstreaming at the horizontal level.**

The research points strongly to the need for funding to underpin efforts at a horizontal level to mainstream disability considerations in EU policies and programmes. In particular, the disability mainstreaming pilot projects, as well as applied research projects funded through the RTD Framework Programmes have enabled quality mainstreaming tools to be developed which support and reinforce the implementation of mainstreaming approaches.

**6. There is a need for ongoing capacity building support to facilitate the participation of disability representative organisations in EU policy making.**

Ongoing capacity building among disability representative organisations will be needed in preparation for the next Action Plan, given the requirement in the UN Convention on the rights of people with disabilities for consultation with people with disabilities and their representative organisations at all levels of governance – EU, national and local. This should take place during the third implementation phase and could be financed through PROGRESS.

*Improving 'accessibility for all'*

7. **The Commission should actively monitor the development of the two EC Mandates[234] issued to the European Standards Organisations (ESOs) to promote accessibility for all and subsequently promote awareness about their existence and encourage their wide up-take.**

Once the new Standards have been developed, the Commission will need to promote awareness about the existence of harmonised standards and the value added of adopting them in order to promote their widest possible take-up at Member State level. The Commission should then monitor the extent to which the Standards are being adopted by the Member States.

*Specific objectives*

**8. A renewed emphasis should be placed in the EU DAP's final phase on ensuring that adequate progress is made in the area of education and lifelong learning.**

A number of interviewees commented that progress in this area has been slower than anticipated. The Commission should consider what further efforts could be made in the current Action Plan's final implementation phase to address this issue. CSES' recommendations on partnership working and on the selection of thematic priorities for the successor Action Plan provide ideas as to what steps could be taken to make further progress in promoting inclusive education.

**9. The outcomes of the disability mainstreaming pilot projects should be disseminated more widely, in particular by making them available through the Unit for the Integration of People with Disabilities 's website.**

The tools developed through the pilot projects are of considerable usage in facilitating disability mainstreaming approaches. While some effort has been made to disseminate these tools (Pilot project outcomes have for example been presented at conferences and events across the EU), they could be promoted more widely, for example, through having a dedicated section on the DG Employment, Social Affairs & Equal Opportunities website.

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[234] Mandate 420 on Accessibility to the Built Environment and Mandate 376 on Accessibility requirements for public procurement of products and services in the ICT domain) were developed by the Commission working together with other key stakeholders during the first two phases of the Action Plan. The standards are currently being developed based on the mandates given to the ESOs which are developing common function technical requirements and procedures for conformity assessment.

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**10. The Commission should ensure that the 7<sup>th</sup> RTD Framework Programme (FP7) retains a strong disability-specific funding element, while at the same time ensuring that disability issues are mainstreamed at a horizontal level.**

The Scientific Support for Policies (SSP) budget line during FP6 provided funding for applied research projects. This led to the development of new methodological tools to promote disability mainstreaming and allowed for in-depth research and analysis to be undertaken in areas such as transport and health. Progress was made through these studies in the area of disability statistics where gaps had been identified in the existence of appropriate statistical methodologies to measure progress.

However, it appears that SSP will not be continued in FP7 and while there is a Science & Society programme in FP7, this does not appear to include a strong disability-specific dimension. Rather, it emphasises gender and youth. The lack of disability-specific funding, including for NGOs, could potentially be addressed in future funding calls.

*Monitoring and performance measurement*

**11. It would not be appropriate to develop activity indicators to 'measure' performance in relation to individual EU DAP activities at this relatively late stage in the Action Plan's implementation.**

When the Action Plan was drawn up, no indicators of achievement were put in place to measure the extent to which objectives relating to individual activities or thematic priorities had been met. The focus should instead be placed on developing an appropriate indicator system for the successor Action Plan (see recommendations below).

**12. Preparatory work should however be carried out to develop a small number of 'context indicators' to be used to monitor the situation of disabled people in the EU more effectively in the third implementation phase. It must be possible to compare these against the 2003 baseline.**

The EU DAP included a commitment to develop context indicators to assess the situation of disabled people in the EU every two years so as to inform the biennial report on the situation of disabled people. While the 2003 Action Plan included some useful contextual data, for example, on the labour market participation and unemployment rates among disabled people, there was an absence of clear baselines against which progress could be objectively measured.

*Partnership*

**13. Consideration should be given to widening participation in the Disability High Level Group (DHLG) to include a small number of organisations linked to the EU DAP's thematic priorities - especially the European Agency for Special Needs Education.**

While there is already good representation of EU-level disability NGOs on the DHLG, there is a need to extend participation to a small number of organisations having expertise in particular thematic areas prioritised in the EU DAP. For example, the *European Agency for Special Needs Education* could be invited to participate since it has been involved in many EU-level activities of relevance to the Action Plan's aims and priorities. It has already undertaken a number of studies in areas such as inclusive education for disabled people and the transition of disabled people from education into training and employment. Some of these were mentioned in the EU DAP scoreboard.

There may be additional organisations that could also be invited to attend in areas such as accessibility to the built environment, to ensure appropriate expertise is available to inform debate, and the preparation of position papers.

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***14. The Member States should be allocated more time at DHLG meetings to exchange experiences about different approaches to disability mainstreaming at the national level.***

The EU DAP focuses largely on EU level activities. Consequently, some Member States noted through the interviews that the Commission tends to take the floor for much of the meeting agenda. This was felt by some to leave insufficient time to exchange good practices in disability mainstreaming and to discuss issues of more immediate interest at Member State level, such as approaches being adopted to the implementation of the UN Convention on the rights of persons with disabilities.

## 7.2.2    Recommendations for the successor European Disability Action Plan

Planning for the new Action Plan will need to take place during the current implementation phase. It is important that lessons learnt at mid-term stage are fed into the preparation of the new EU DAP.

The following recommendations should be considered in relation to the EU DAP's successor.

*Timeframe for the new Action Plan and thematic priorities*

***15. The European Disability Action Plan 2003-2010 should be followed up with a successor Action Plan at EU level.***

The positive momentum fostered through the implementation of the current Action Plan needs to be continued and built on over the next decade, within the context of the wider framework provided by the UN Convention on the rights of persons with disabilities.

Consideration should be given to timing the new Action Plan to run in parallel with the successor to the Lisbon Strategy. EU disability policy is complementary to key EU policy objectives, including the promotion of social and economic cohesion. Tying the implementation timeframe for the new Action Plan to the Lisbon strategy's successor would send an important political statement from the Commission that the achievement of equal opportunities in practice for disabled people is necessary if wider EU objectives such as employment for all, social inclusion and cohesion are to be achieved.

***16. The new Action Plan should continue to address the core thematic priorities identified in the current EU DAP, particularly: promoting the employment of disabled people and their retention in the labour market and accessibility (built environment, goods and services).***

Addressing the everyday challenges and obstacles experienced by disabled people to participating fully in society will require continuity in policy focus and in resource allocation over the long term.

For example, while progress has been made in mainstreaming disability issues in employment policies, there is a mixed picture with regard to the labour market participation of disabled people compared with 2003. Likewise, while progress in promoting disability rights has been made through the strengthened treatment of disability in EU programmes and in some legislation, there remain accessibility barriers for disabled people. These will continue to serve as a barrier to the full participation of disabled persons in society.

***17. Additional 'global objectives' should be included in the Action Plan, in particular the full and effective implementation of the UN Convention on the Rights of People with Disabilities, and the proposed Directive on discrimination outside employment.***

The effective implementation and monitoring of the UN Convention for Persons with Disabilities presents a significant challenge for the Commission and the Member States. This will require close joint working through a partnership approach.  Likewise, the new Directive on discrimination outside employment is a major development in strengthening the legal framework to ensure that accessibility barriers for disabled people are removed. Successfully implementing the new Directive and the UN Convention will be major challenges. They should therefore be made key priorities in the successor to the EU DAP.

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**18. The objective of 'Promoting independent living for disabled people' should be included as a thematic priority in the successor Action Plan.**

*'Independent living'* should be made an explicit priority in the next Action Plan. This is an area where considerable progress still needs to be made in many Member States. Moreover, in the context of the UN Convention and its optional protocol, the promotion of independent living (wherever possible) is relevant from the perspective of a rights-based approach to disability. It will also be an increasingly important issue given demographic ageing. The theme of independent living is closely linked to the goal of promoting *enhanced quality of life* for disabled people.

**19. The new Action Plan should reinforce the priority of 'education and lifelong learning' and promote the wider adoption of inclusive education practices.**

The theme of *'fostering inclusive approaches to education and lifelong learning'* should also be tackled in the new EU DAP. Less progress than anticipated was made in the area of lifelong learning in the 2003-2010 Action Plan. While the EU has limited competency in this area, the Commission should play an active role in encouraging the Member States to adopt inclusive policies in education, training and lifelong learning. This would build on the theme of 'fostering the participation of disabled people in lifelong learning', supported in the first phase of the EU DAP.

**20. The Unit for the Integration of People with Disabilities  should continue to monitor developments in the area of European Social Dialogue with a view to contributing actively to any new Framework Agreements that are planned in future of relevance to disabled people.**

Only two Framework Agreements have been concluded since the Action Plan was adopted, neither of which were especially relevant from the perspective of disabled people.  However, looking ahead to the new Action Plan, new Framework Agreements may be concluded by the social partners of relevance to promoting equal opportunities for disabled people.

*Action Plan Content / Structure*

**21. In the successor Action Plan, the EU DAP's objectives should provide a clearer differentiation between specific, operational and global objectives.**

The description of thematic priorities in the 2003 Action Plan included a combination of objectives and activities without a clear distinction between the two. It would be easier to follow the intervention logic if the next Action Plan were to be drawn up with a clearer distinction between activities (outputs), operational and strategic objectives, and the expected outcomes (results and impacts).

**22. There should be a consistent approach in the content and structure of the Biennial update on the situation of disabled people in the EU.**

The biennial updates produced to date have differed somewhat between implementation phases in their structure and content. This has made it more difficult to get a clear view of progress from one period to the next. The new Action Plan should include a baseline assessment supported by context indicators against which progress in respect of the situation of disabled people can be measured.

**23. The core thematic priorities (specific objectives) in the successor EU DAP should be fixed for the full implementation period (although scope should be left for a certain degree of adaptation if required).**

The use of rolling thematic priorities in each two-year implementation phase has added an additional layer of complexity to the Action Plan in 2003-2010. Some stakeholders commented that this made it appear as if there was a lack of continuity between each two year -implementation phase in terms of the thematic priorities and activities being supported. In practice there was a good degree of continuity, albeit under different thematic headings (e.g. promoting labour market participation and

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retention in the workplace in the first phase was followed up by the theme 'encouraging activity' in the second phase).

In order to make the EU DAP simpler in structure, the main priority themes should not change during the Action Plan's implementation, given the need for a long-term approach to tackling complex challenges in many areas, such as access to employment, and ensuring accessibility.

There could still be scope however for the introduction of one or two additional EU DAP themes on a rolling basis in each biennial report to retain the necessary flexibility to respond to the evolving disability agenda.

*Partnership*

### 24. The successor Action Plan needs to be developed and implemented in close cooperation between the EU and the Member States.

Closer joint working between the European Commission and Member States will be important in the follow-up to the current EU DAP. This will be increasingly important given the need for performance monitoring data to be collected as part of reporting on the implementation of the UN Convention on the Rights of Persons with Disabilities. The new Action Plan could consider adopting a similar strategic aim to the PROGRESS programme – that of strengthening partnership between EU and national policy-decision makers and stakeholders in order to forge a 'shared understanding about key policy objectives'.

### 25. Some elements of the Open Method of Coordination (OMC) approach could be used as a mechanism for developing closer cooperation on disability issues between relevant EU and national policy makers.

While the DHLG performs a very useful role, its membership is mainly comprised of national authorities with responsibility for disability policy, rather than for specific policy areas which have been prioritised in the EU DAP. There may therefore be scope to include a stronger disability mainstreaming dimension through existing OMC processes in the areas of employment and social protection and social inclusion (SPSI). This would help ensure that disability issues are discussed more frequently by national and EU policy makers in relevant policy areas than presently.

### 26. People with disabilities should be more closely involved in the drawing up, implementation and monitoring of the EU DAP.

People with disabilities have been involved in the 2003-2010 Action Plan both directly and indirectly. In terms of their direct participation, they have attended conferences and other types of events mentioned in the Action Plan and actively contributed to the policy debate. Indirectly, disabled people have participated in EU policy making through disability representative organisations, which, as a result of EU funding for umbrella networks of NGOs, have been able to contribute to policy consultation processes.

However, the involvement of people with disabilities could arguably be extended to include inputting to the process of its preparation, agreeing key thematic priorities of most relevance etc. There are good practices in some Member States in this regard[235]. Involving disabled people more closely in the successor Action Plan would be in accordance with the principles underlined in the UN Convention.

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[235] In the UK, for example, disabled people and Disabled People Organisations (DPOs) were asked directly to contribute to the debate as to how progress towards equality should be measured, and for views on what were the most appropriate measurement indicators to do so. In the Netherlands, local and regional authorities have invited disabled people along to focus group discussions to help better understand issues affecting disabled people and how they should be tackled under Agenda 22.

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***27. A mid-term evaluation of the successor Action Plan should be undertaken. This should also provide an assessment of the longer term impacts attributable to activities supported in the 2003-2010 Action Plan.***

While there is no requirement to undertake an ex-post evaluation of the EU DAP, a mid-term evaluation of the successor Action Plan should be undertaken.  The impacts of some activities feeding into the Action Plan will only materialise fully over the next 5-10 years, since EU policy making and the implementation of legislation is a long and complex process. The present evaluation can only provide a very preliminary assessment of impacts for some activities. It will therefore be appropriate for the next mid-term evaluation to include a review of the long-lasting achievements stemming from the EU DAP 2003-2010's implementation.

***28. A rigorous monitoring framework should be put in place, with a proportionate number of performance indicators included so as to 'measure' progress towards objectives, and to capture outcomes achieved during the successor Action Plan's implementation.***

The indicator system set up to monitor the EU DAP's implementation should include a combination of different sorts of quantitative and qualitative indicators, including 'activity' indicators to measure performance in respect of individual activities, and objective, measurable 'context' indicators through which progress against equality objectives for disabled persons can be measured.

***29. The Member States should be closely involved in the development of an indicator system to monitor the new Action Plan's implementation.***

The Member States have a key role to play in assisting the Commission in collecting monitoring data in relation to EU DAP activities. More effective monitoring will be an increasingly important issue during the next decade given the requirement to monitor the implementation of the UN Convention and to collect appropriate statistical data (Articles 31 and 33).   The Member States should therefore be involved in the development of the indicator system since they will have views on what data it is appropriate – and realistic - to collect.

***30. The performance monitoring and indicator system in the successor EU DAP should be developed in close parallel with the monitoring system to assess the implementation of the UN Convention on the Rights of Persons with Disabilities.***

The scope for synergies in statistical data collection between the EU DAP and monitoring and reporting requirements for the UN Convention should be explored so as to avoid imposing any additional administrative burdens on the Member States. Elements of the preamble and Article 1 provide guidance to clarify the application of the Convention and in this context, also the application of Article 31 on statistics and collection.

***31. Lessons should be learnt from the previous development on a joint basis by the European Commission and the Member States of performance monitoring and indicator frameworks.***

Through the employment and social OMC processes, the Commission and the Member States have developed common monitoring systems supported by qualitative and quantitative performance indicators. Various working groups have been set up to develop appropriate indicators, such as involving the Member States and the Social Protection Committee. Likewise, the PROGRESS programme 2007-2013 has involved the development of a commonly agreed logical framework defining key objectives and an indicator system.

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**32. *In order for monitoring of EU programme expenditure to take place, clarity should be provided by the Unit for the Integration of People with Disabilities as to which EU funding programmes should be considered as feeding directly into the EU DAP, and which indirectly.***

In the Action Plan scoreboard, various activities are mentioned where there was an explicit EU funding dimension, such as the RTD Framework Programmes, where several calls for proposals had dedicated disability budget lines. However, it was less clear in respect of some other EU programmes (notably the ESF and EQUAL) whether these were meant to be directly or indirectly supporting the EU DAP. There needs to be a clear explanation of how EU funding programmes should be considered in terms of their relationship to the Action Plan.

**33. *The 'Scoreboard' in the Biennial Reports of the Action Plan should be improved, in particular by making it clearer what is directly, and indirectly within the scope of the EU DAP.***

While the Scoreboard provides a useful overview of disability-related developments taking place within the Commission, it is unclear what its objective is (i) to map out what has been achieved in the area of disability at EU level overall or (ii) the specific role played by the Action Plan. If the objective is the latter, then there needs to be greater clarity with regard to the role played by the Unit for the Integration of People with Disabilities in relation to particular activities. Information could also be added in relation to each activity outlining what are the next steps, and whether any follow-up activity is anticipated in the new phase of implementation.

Information about which actors over and above the Unit for the Integration of People with Disabilities (e.g. within other Commission Directorate Generals, EU disability NGOs, the Member States, etc.) have played a lead and support role in delivering activities feeding into the EU DAP.

**34. *Ongoing monitoring of disability mainstreaming activities needs to be undertaken across different EU policy areas and programmes in the 2007-2013 financial perspective.***

For example, while accessibility requirements have been included for the first time in the Structural Funds Regulations 2007-2013, many Member States do not yet sufficiently involve disabled people's representative organisations in implementation and monitoring structures, and spending still takes place in areas which may paradoxically create barriers for disabled people's full participation in society (e.g. the building of new care institutions in some EU Member States). This may serve to undermine the potential impact of the inclusion of references to the accessibility needs of people with disabilities in the General Regulations.

The extent to which the Member States are succeeding in practice in putting a sufficiently strong emphasis on including people with disabilities, and addressing their needs at the level of Structural Funds implementation needs to be monitored. The Academic Network of European Disability experts (ANED) could play a role in this ongoing assessment and monitoring.

**35. *The Commission should monitor the full and effective implementation of recent EU legislation likely to have an impact on promoting equal opportunities for people with disabilities.***

Monitoring the implementation of Directive 2000/78 was a key Action Plan objective. There is a need for the future EU DAP to monitor the implementation of recent EU legislation affecting people with disabilities adopted since the EU DAP's 2003 launch. Examples of relevant EU Directives and Regulations that have been adopted subsequently include the proposal for a Directive to extend protection from discrimination outside employment, the two Regulations in the transport sector (air, rail) concerning the rights of persons with reduced mobility (2006 and 2007), and the revised Public

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Procurement Directives (2004). Such legislation evidently needs to be monitored in order to ensure its full and effective application. Otherwise, there is a risk that legislation may be badly implemented, or too narrowly applied[236]. Again, as with the previous recommendation, the Academic Network of European Disability experts (ANED) could play a role in this ongoing monitoring.

A summary of the main EU Directives and Regulations which CSES suggests the Commission's Unit for the Integration of People with Disabilities should actively monitor – supported by other Directorate-Generals responsible for particular legislative initiatives - is set out in Appendix J.

**36. *A study should be undertaken to assess the extent to which EU legislation with the potential to impact on people with disabilities is being fully and effectively implemented. The research should examine the impacts on disabled people of this legislation.***

There is a need to assess whether the body of new legislation is being fully and effectively implemented, and where gaps lie, in terms of the transposition process and at the level of implementation in the Member States. The objective would be to help identify gaps between theoretical rights in legislation and the everyday experiences of disabled people[237].

**37. *Some quantitative monitoring should be carried out by the Unit for the Integration of People with Disabilities so that statistical data on EU DAP activities is available to inform the work of the DHLG and the mid-term evaluation envisaged for 2015.***

The Unit for the Integration of People with Disabilities , through mechanisms such as the Disability Inter-Service Group, should collect quantitative monitoring data on activities feeding into the EU DAP from across the Commission services. This should include information on the amount of EU resources having fed into activities – which could then be aggregated at the level of thematic priorities. Quantitative data on outputs linked to the implementation of particular activities could also be requested. Qualitative information on outcomes achieved at results and impacts level could also be gathered, although there may be difficulties in applying such a monitoring system this late in the Action Plan's implementation.

**38. *There should continue to be a focus in the successor Action Plan on improving the comparability of disability data.***

While progress has been made in strengthening the quality and availability of disability statistics in particular areas such as the labour market, health and income and poverty, the fundamental problem of the absence of a common definition of disability at Member State level remains.

**39. *There is a need to improve the availability of disability statistics on a disaggregated basis.***

Disability statistics can be broken down further by type of impairment, gender, age, etc. Having access to this data could become increasingly important for EU and national policy makers in order to better understand specific disability issues, such as those relating to multiple discrimination (women and disability, youth and disability, older workers and disability). This will require further cooperation with the Member States and with Eurostat.

*Human resources and funding*

**40. *Consideration should be given to making further EU funding available as part of a follow-up to the disability mainstreaming pilot projects.***

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[236] A good example in this regard concerns the Regulation protecting passenger rights for people with reduced mobility in the air sector with blind people being refused assistance because of a misunderstanding that only those in wheelchairs were entitled to assistance

[237] A good example in this regard is in the air transport sector where while in theory passengers with reduced mobility should be entitled to free assistance, in practice, not all airports are familiar as yet with the new rules, and have limited assistance to people with particular types of disabilities, such as wheelchair users

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The pilot project instrument was useful in the development of the practical support tools needed to support the implementation of mainstreaming approaches in practice. The pilot projects played a useful role in the achievement of disability policy objectives in some thematic areas, such as the inclusion of disabled people in the labour market and the incorporation of 'design for all' principles in public buildings. EU funding support should be identified in order to continue to be able to support similar projects in future. This could perhaps be done through existing programmes such as FP7.

41. ***In order to monitor the Action Plan's implementation effectively, the Unit for the Integration of People with Disabilities  will require additional human resources (or alternatively, will need to consider transferring some of its existing staff time to work on monitoring activities) to help monitor the implementation of EU DAP activities and to ensure effective follow-up.***

It is vital that the European Commission invests adequate resources in monitoring EU DAP activities and the ongoing impact of disability mainstreaming approaches in relevant EU legislation and programmes.

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