

# CAMPAIGN TOOLKIT

## Contents

1. **Why** do we campaign for freedom of movement?
2. **What** does freedom of movement mean?
3. **Why** should you get involved?
4. **How** can you get involved?
5. **Whom** should you contact?

## Annexes

6. **EDF Position Paper** on the European Mobility Card

# Aims of the Campaign

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The theme of the EDF campaign 2011 is Freedom of Movement.

With this campaign, we suggest tools that seek to enable persons with disabilities to make use of their right to freedom of movement, and to benefit from the goods and services within the internal market of the EU, just as any other EU citizen.

EDF ENVISAGES THE FOLLOWING OUTCOMES OF THE CAMPAIGN:

1. Adoption of a **European Accessibility Act**
2. Adoption of a **European Mobility Card**
3. Elaboration of a **Report on Freedom of Movement** by the disability movement

# 1. Why do we campaign for freedom of movement?

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*Brief explanation of why EDF is focusing on this issue.*

Freedom of movement is a **right under the EU treaties**. Through the adoption of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) this right is further strengthened and clarified. Accessibility is a tool to benefit from freedom of movement, in addition to being a right in itself. Through this campaign, EDF wants to ensure that freedom of movement becomes a reality for persons with disabilities, not only in theory, but also in practice.

The decision to dedicate the Top Campaign 2011 to Freedom of Movement also fits well with the adoption of the **European Disability Strategy 2010-2020** by the European Commission. This strategy contains a number of action points linked to freedom of movement.

## MAIN OBJECTIVES

### 1. European Accessibility Act

One of the main action points under the European Disability Strategy is the elaboration of a **European Accessibility Act** for 2012. This act would cover **access to goods and services**.

### 2. European Mobility Card

In addition, the European Disability Strategy includes an action point aiming at studying the implications of a **mutual recognition of disability cards** and related entitlements. The possibility of using a National disability card when travelling abroad has been repeatedly demanded by EDF members for a while, and therefore, using this campaign, EDF wishes to make this demand a reality, by creating a **European Mobility Card**, which would facilitate **access to services** for persons with disabilities travelling across the EU's internal borders.

are you free enough?

## 2. What does freedom of movement mean?

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### *The concept of “free movement”*

Persons with disabilities from different Member States experience difficulties in travelling across borders and accessing the same goods and services under the same conditions as residents of a certain country. This endangers the right to move freely within EU territory. It also means that persons with disabilities do not have the same opportunities as persons without disabilities.

#### **THE CAMPAIGN FOCUSES ON:**

- 1) The adoption of a strong and legally binding **European Accessibility Act** to ensure freedom of movement of goods and services, an initiative of the European Commission, mentioned in the European Disability Strategy.
- 2) The adoption of a **European Mobility Card** to facilitate the free movement of people with disabilities within the EU and also to ensure that they can access services under the same conditions as persons with disabilities in the host country.
- 3) The elaboration of a **Report on Freedom of Movement** and its implications for Persons with Disabilities, covering Freedom of movement of persons, goods and services.

The European Union’s Internal Market seeks to guarantee the free movement of persons, goods, services and capital within the EU’s 27 Member States. Three of these freedoms are thus essential parts of the EDF campaign: free movement of persons, goods and services.

**But... What is the real legal impact of the rights linked to free movement and the consequences of these rights for people with disabilities?**

# Free movement of persons

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*Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. Art. 45 of the Lisbon Treaty (Treaty on the Functioning of the European Union, TFEU).*

EU citizens have the **right to move freely** between Member States to live, work, study or retire in another country. This applies to all EU citizens, regardless of the purpose of moving. This **freedom enables citizens** of one Member State to travel, reside and work in another EU country. Citizens coming from another EU country should be treated equally with nationals of a Member State. Article 45 of the TFEU prohibits restrictions on the basis of nationality.

One of the key priorities of the European Disability Strategy 2010-2020 from the European Commission is to ensure **equal opportunities** for people with disabilities and their families to **fully participate in all aspects of social and economic life**:

- To exercise Union citizenship rights, in particular the right to free movement and residence;
- To be able to choose where and how to live;
- To have a full access to cultural, recreational, leisure, and sports activities.

## WHAT DOES EDF PROPOSE?

There is a huge diversity across Europe in terms of the kinds of benefits that are provided for people with disabilities. We face an acute lack of mechanisms for people with disabilities to access disability-related benefits when visiting another EU country. That's why EDF is focusing on free movement of persons, and proposes a **European Mobility Card** as a tool to facilitate cross-border travel for people with disabilities to ensure their equal access to services. Depending on the country, the Mobility Card would guarantee within the EU:

- Better access to transport, museums, cinemas, cultural events, sports facilities, and other services provided by the public or private sector;
- Free or reduced rates to access various services;
- Right to access these services by an accompanying person at no additional cost.

You can find more information in our [Position Paper on the Mobility Card](#) (also in this toolkit). The report that EDF will produce on Freedom of Movement will also include other aspects of free movement of persons.

ever wanted to live, study or retire abroad? ever tried?

## Free movement of goods

*The Union shall comprise a customs union which shall cover all trade in goods and which shall involve the prohibition between Member States of customs duties on imports and exports and of all charges having equivalent effect. Art. 28 Lisbon Treaty (Treaty on the Functioning of the European Union, TFEU).*

Goods must be able to **circulate freely** throughout the EU Internal Market. This can be facilitated in two ways: the EU countries can adopt common rules (harmonisation) or they can follow the principle of mutual recognition where common rules are not in place. To put it simply, this means that no Member State should set any restrictions on the import of goods produced in another member state. Manufacturers should have the right to commercialize their products in any Member State under the same conditions as domestically produced goods.

### STRONG LEGISLATION NEEDED

The European Disability Forum believes that there is a need to have **common accessibility requirements** in all EU countries. There is also a need for a more global and integrated approach to accessibility instead of the fragmented approach currently used. *“This could improve the proper functioning of the internal market for accessible products and services”*- European Disability Strategy.

*“There is a need for the adoption of binding legislation, as accessibility is not only beneficial for persons with disabilities themselves but is also a way of creating jobs and growth by taking advantage of growing market opportunities”*- Viviane Reding, Vice-President of the European Commission during the Disability Intergroup, 13 January 2011.

EDF shares this belief and wishes to proactively contribute to the debate on the development of the **European Accessibility Act**. To have a truly positive impact on accessibility, this Act must become legally binding EU legislation, and take the form of a Directive, based on the internal market provisions of the Treaty. Only a limited number of Internal Market instruments address the specific needs of consumers with disabilities. The harmonisation of common standards for goods and services would benefit the internal market by increasing the possibilities for economic operators to sell their products and services throughout the EU.

A **European Accessibility Act** can play a significant role in **promoting accessibility** for people with disabilities. It would also increase the possibilities for persons with disabilities to buy accessible products/services at a reasonable cost, and have a wider range of products/services to choose from. The European Accessibility Act must address both the accessibility of actual goods or services as well as the conditions, under which goods or services are provided. It is also vital that the general built environment (particularly in public spaces) fall within the scope of the European Accessibility Act. Further barriers to accessing goods, and means to overcome them, will be highlighted in the EDF Report on Freedom of Movement.

# are you a free consumer?

# Free movement of services

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*Restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be prohibited.* Art. 49 Lisbon Treaty (Treaty on the Functioning of the European Union, TFEU).

This freedom allows self-employed persons to move between Member States in order to provide services on a temporary or permanent basis. EU citizens enjoy the right to **provide and receive services** under the same conditions as nationals of the state they visit.

According to the **European Disability Strategy** - **accessibility** is one of the main areas for action to improve the proper functioning of the internal market for products and services. One of the further actions of the European Commission will be (following consultations with member states and other stakeholders) the adoption of a **European Accessibility Act**.

Accessibility is also a key element of the UN Convention of the Rights of Persons with Disabilities (UNCRPD). Its Article 9 aims to remove barriers and ensure access linking this to information, transportation, the public domain, and the built environment. The EU has concluded the UNCRPD and should therefore respect the requirements it sets out.

*“States Parties shall take appropriate measures to ensure to persons with disabilities access, on equal basis with others, to the physical environment, to transportation, to information and communications, and to other facilities and services open or provided to the public.”* UNCRPD, Art 9.

Persons with disabilities have the right not only to receive accessible services, but also to provide services. The right of establishment and the freedom to provide services are also key elements of the Internal Market. The legislation is designed to enable economic operators (companies or persons) to establish themselves or provide services in another Member State. There has been limited use of these provisions to address accessibility from a disability perspective.

## **STANDARDISATION: A EU WEAPON TO REMOVE BARRIERS TO TRADE BY MAKING FREE MOVEMENT OF GOODS AND SERVICES ACCESSIBLE**

The achievement of the Internal Market must be a primary goal of the European Accessibility Act; however this does not exclude secondary goals such as the removal of barriers to participation by people with disabilities. The Act should set the generic requirement to link accessibility to standards which will be established by the **Standardisation Bodies**. As stated by the European Commission in a Communication (2004, 674) *“Standards are an important instrument for making society and economy more inclusive”* and *“there is a growing market for goods and services that satisfy the requirements of disabled and/ or elderly people”*.

# Are you free enough?

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## *Examples of everyday experiences of barriers to the free movement of persons*

**WORK** “As a deaf person who uses sign language interpretation in my work, I feel it is impossible to take up work abroad although I would find that really exciting, as I lose my right to sign language interpretation as soon as I cross the borders.” **Christopher, 35, the Netherlands**

**WEB ACCESS** “I was very thrilled to find a job posting in Hungary. Unfortunately, I was unable to apply for this job as the online application was inaccessible for me as a blind person. This was extremely frustrating since I had the competences required in the job description.” **Claudia, 41, Spain**

**EDUCATION** “I had the pleasure of doing an Erasmus year in Helsinki, Finland. However due to the lack of portability of personal assistance, my mother came to stay with me the whole semester. Although I was lucky to have her, this is clearly a barrier to freedom of movement of students and means that many students with disabilities will not be able to study abroad at all.” **Roberto, 22, Italy**

**TOURISM** “I would have loved to travel to Greece for my summer holidays. However, the hassle with bringing my electric wheelchair in the plane made me opt for a closer destination which could be reached by car. Freedom of movement is still an illusion for persons with disabilities.” **Tina, 60, Denmark**

## Are you free enough?

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*Examples of everyday experiences of barriers to the free movement of goods*

**ACCESSIBILITY** “I am very mad at the current system which does not force essential goods such as a phone or a television to be equipped with basic accessibility features. This means I have to buy special, and thus excessively expensive, products.” **Pedro, 66, Spain**

### **STANDARDISATION**

“I had a very frightening experience once because my son who has Down syndrome did not recognise the pictogram on a cleaning product in Sweden. The lack of full standardization of symbols and labelling does not ensure safety for all EU consumers.” **Sylvie, 47, France**

**INFORMATION** “The Braille labelling on medicines was a real improvement at the EU level. I don’t understand why this has not been generalized to other goods. It would be very handy to guide blind EU citizens in their purchase of products from any EU country.” **Franz, 25, Germany**

## Are you free enough?

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*Examples of everyday experiences of barriers to the free movement of services*

**TRAVELLING** “I was very annoyed that I had to pay an extra train ticket for my PA in Austria, despite the fact that passengers with disabilities in Austria are entitled to bring their assistant for free. Something has to be done about mutual recognition of disability cards in the EU, in order to facilitate not only for persons with disabilities travelling cross-border, but also for service providers to know easily who is entitled to certain rights.” Michal, 29, Poland

**GUIDE DOG** “I tried to take a taxi in Brussels but was told my guide dog was not allowed in the car. I found this unbelievable as I always bring my guide dog with me back home in London. Without harmonized rules on access to services, guide dog users are unable to travel around with confidence in Europe.” Joe, 54

**MOBILITY** “I heard of the great opportunity that the EU offers to freely establish in another State. However, I abandoned my plans to open a hair salon in Holland due to the difficulties finding an accessible venue at a reasonable price, with an accessible surrounding, for me as a wheelchair user. The freedom of establishment for persons with disabilities will only become a reality once there is European legislation requiring accessibility to the built environment.” Phoebe, 29, Ireland

## 3. Why should you get involved?

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*Let's achieve our aims together!*

EU citizens with disabilities have the same rights as all other EU citizens. Is this true?

We want all barriers: physical, attitudinal or administrative to be **faced and tackled**.

We want freedom of movement to be part of the lives of European citizens with disabilities.

### **YOU KNOW THE REALITY!**

We need your input to get an overview of the real situation for persons with disabilities and the **barriers that need to be challenged** in relation to free movement.

**WE WANT CLEAR OUTCOMES** from the “Renewed commitment to a barrier- free Europe”!

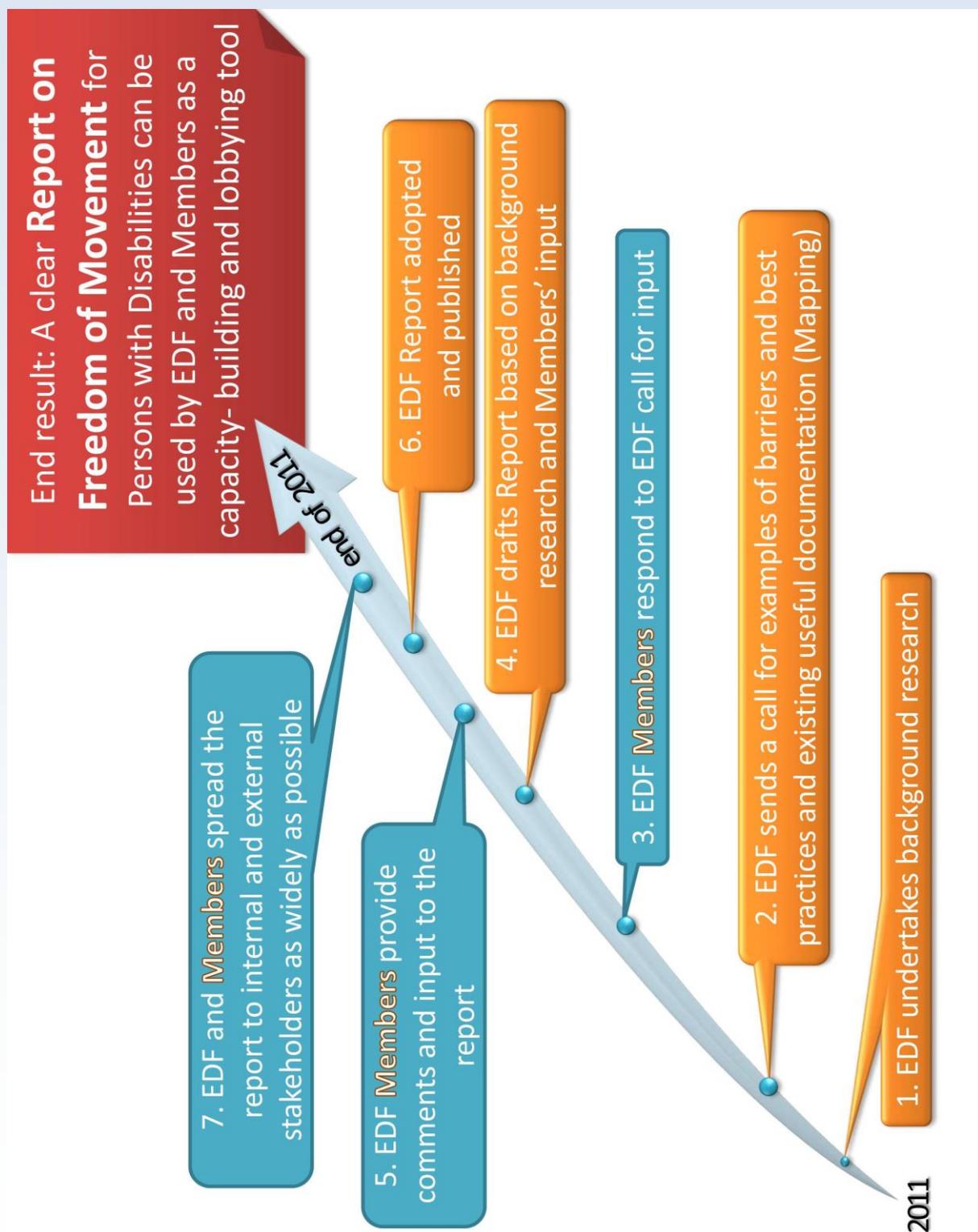
### **YOU CAN PROFIT FROM:**

**EUROPEAN ACCESSIBILITY ACT** – one of the fundamental tools needed to realize the free movement of persons with disabilities. The European Commission discussed the possible elaboration of this Act in its Disability Strategy 2010- 2020, referring to the US experiences with Americans with Disabilities Act, which is a legally binding, very ambitious and detailed tool, that has been of huge benefit not only for Americans with disabilities, but also for the growth of the US market. This European Act will set EU standards and requirements for products, including ICT systems, assistive technologies, transport, facilities and services provided to the public, electronic services, emergency services and the built environment. The European Commission suggests using different instruments to improve access, such as standardisation, public procurement or state aid rules. EDF believes that this Act should be as comprehensive and ambitious as possible, considering the limits of the EU legislative competences.

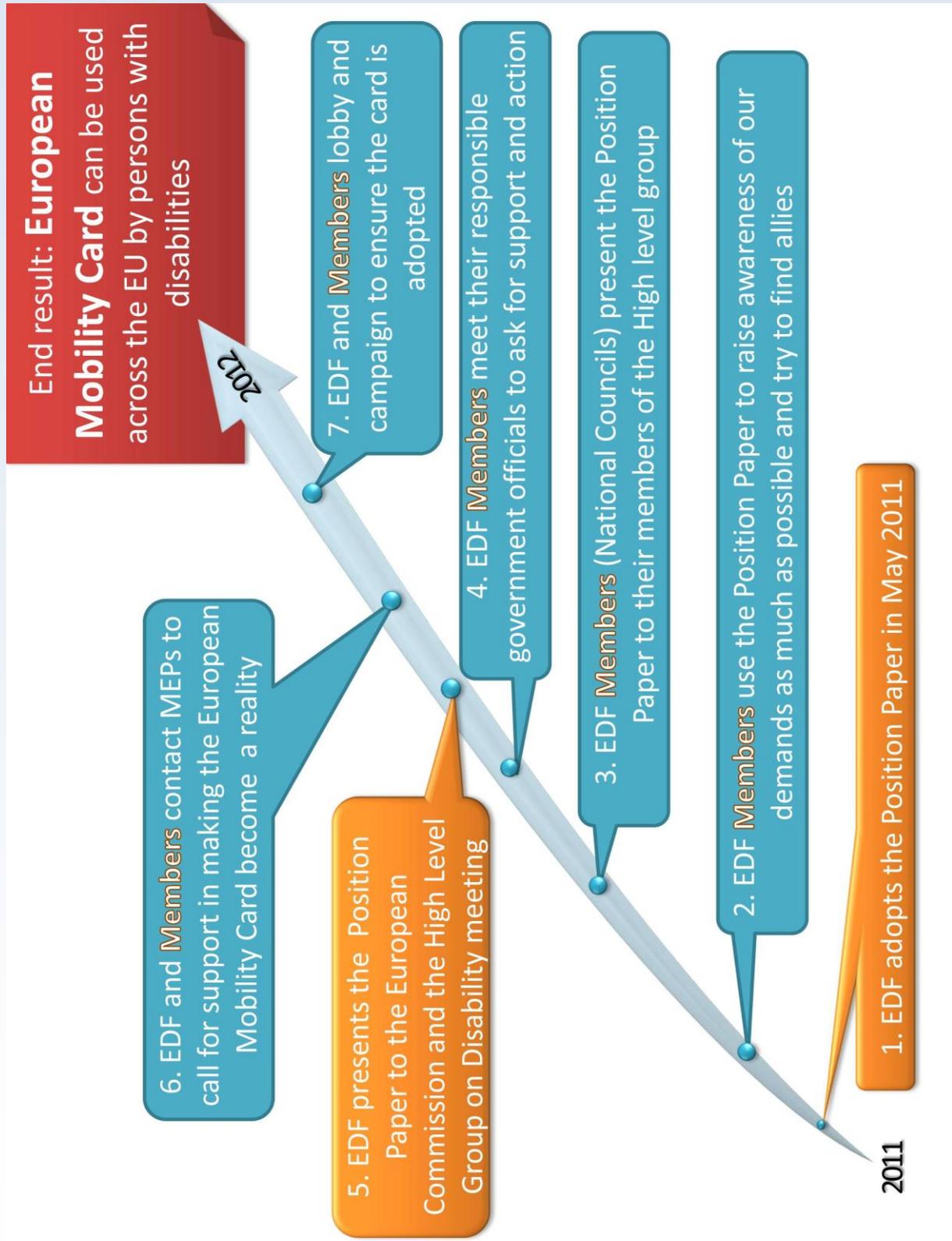
**EUROPEAN MOBILITY CARD** – EDF continues working towards the mutual recognition of disability cards in the EU, and supports the idea of elaborating on the idea of a harmonised European Mobility Card. We will work closely with the European Commission on this, as exploring the possibility of mutual recognition of disability cards is one of the concrete actions proposed in the European Disability Strategy.

**A REPORT** on Freedom of Movement and its implications for Persons with Disabilities that will cover freedom of movement of persons, goods and services and make the concept clear and able for further use.

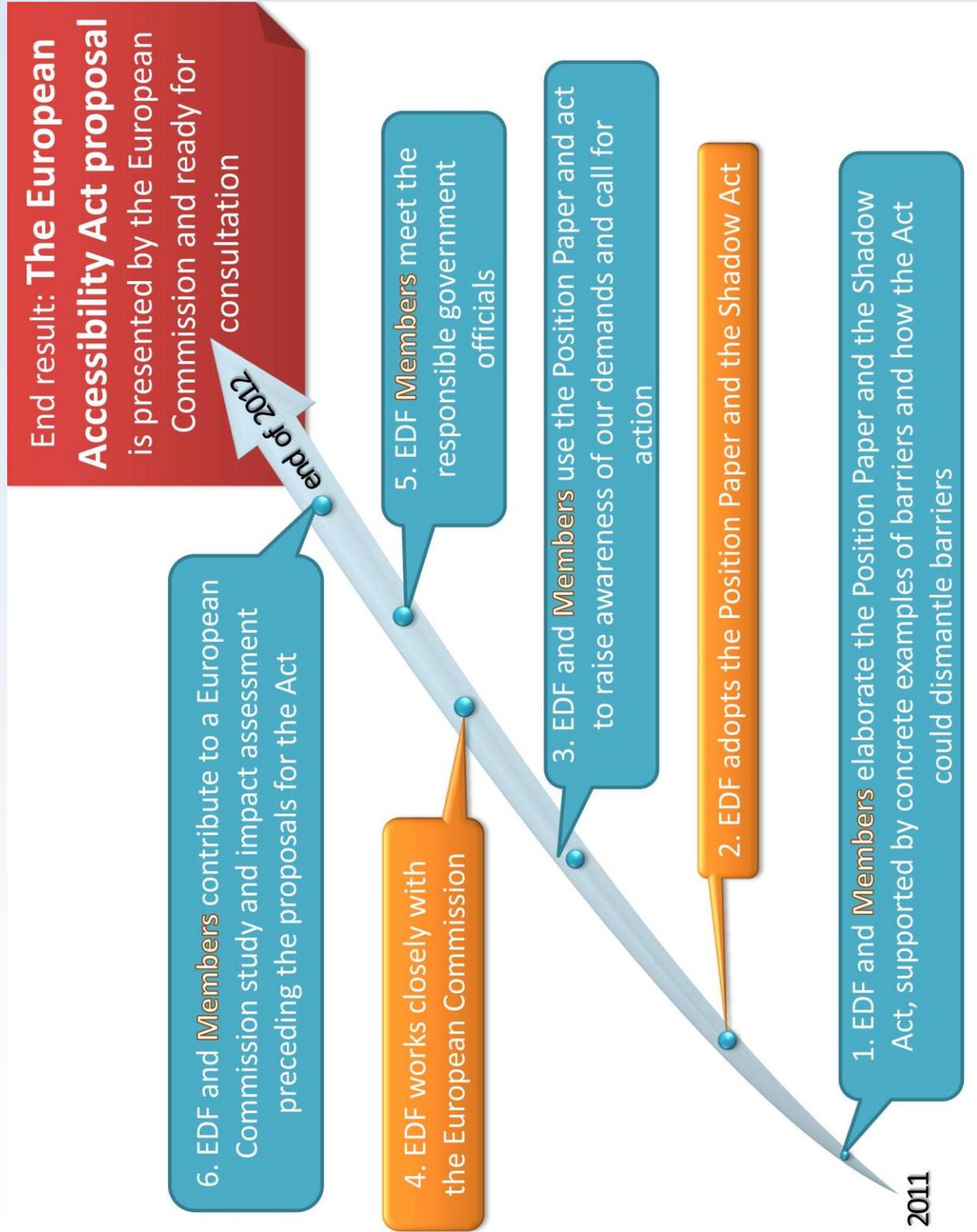
## 4. How can you get involved?



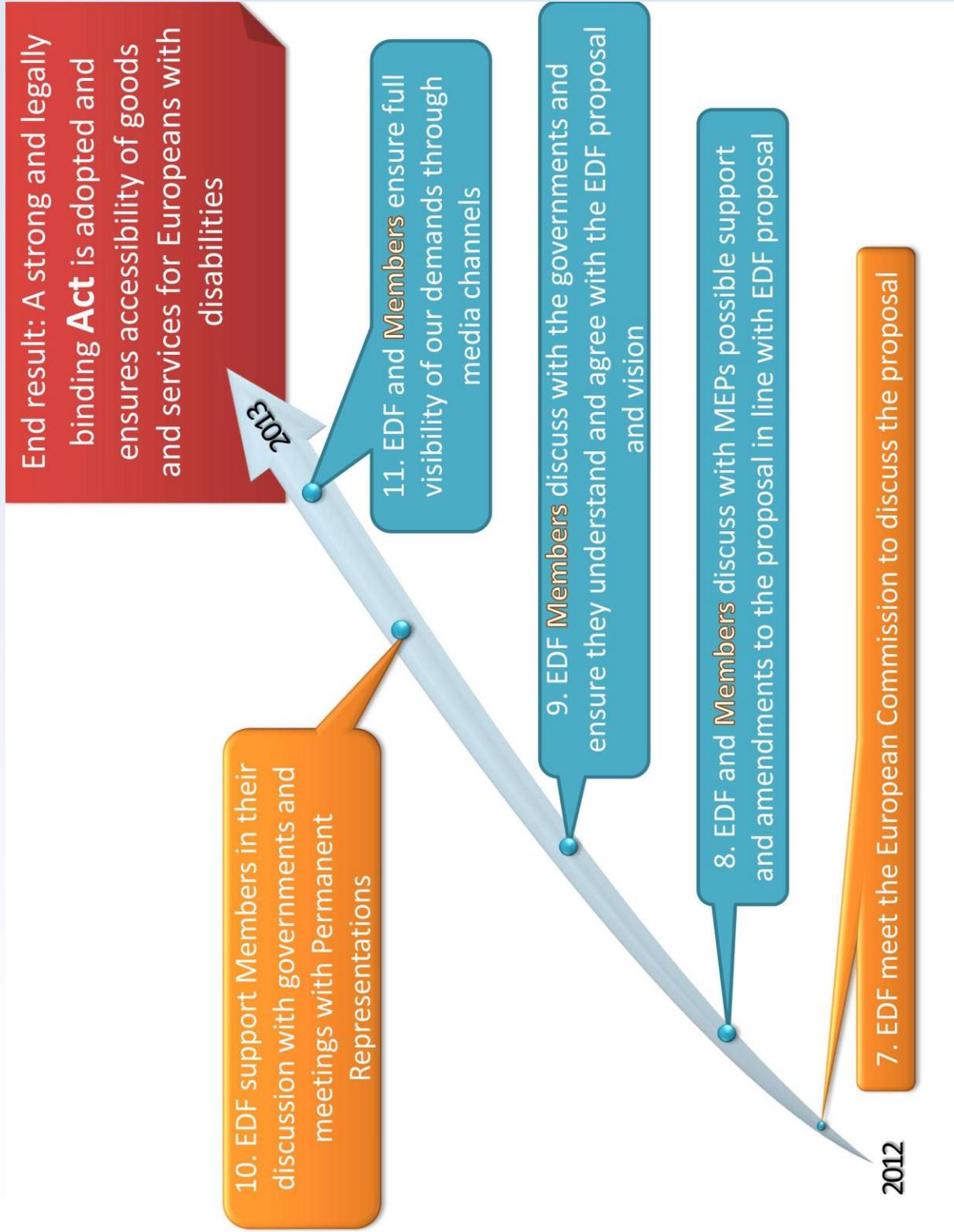
## 4. How can you get involved?



## 4. How can you get involved?



## 4. How can you get involved?



# Make your organisation benefit from the campaign

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## BECOME EDF FREE MOVEMENT NATIONAL COORDINATOR

- The role of the national coordinator is to act as an intermediate between EDF and an organisation interested in the campaign.
- Both, the European Accessibility Act and the European Mobility Card would be addressed to [people with all forms of disabilities](#) and their scope should be as broad as possible.
- [Send](#) the toolkit out to your membership and [mobilise](#) your movement.

## ADAPT THE CAMPAIGN TO YOUR NEEDS

- Join us in lobbying towards the adoption of a European Mobility Card and strong and binding European Accessibility Act- our priorities for this campaign!
- Use the mapping of best practice examples for future lobbying work.
- Seek partners in your country! In the fields of industry, consumer organisations, other NGOs, passenger and tourism organisations, business allies, service providers etc.
- Seek commitment from relevant actors at your national level to ensure freedom of movement for persons with disabilities and convince them that the [legislation at European level is necessary](#) to achieve this.
- Use our tools- you can find them on the memory stick attached or ask us for: Power Point presentation, logo, banner for your website and signature, link to the campaign website, feel free to ask for more.

**BE CREATIVE- THERE ARE NO LIMITS FOR FREE MOVEMENT!**

***you can make it happen!***

## 5. Whom should you contact?

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Send us your suggestions of partners, who could be interested in joining the campaign.

### THE EUROPEAN DISABILITY FORUM



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