

# European Union Disability Discrimination Legislation and Case Law

April 2013

| <b>Primary Legislation</b>                    |   | <b>Link</b>   |
|---|---|---|
| 1.  | Treaty of the European Union (TEU). Articles 2,3,6 and 19.  | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF</a>           |
| 2.  | Treaty on the Functioning of the EU (TFEU)  | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:en:PDF</a> |
| 3.  | Charter of Fundamental Rights of the European Union   | <a href="http://www.europarl.europa.eu/charter/pdf/text_en.pdf">http://www.europarl.europa.eu/charter/pdf/text_en.pdf</a>   |
| <b>European Disability Strategy 2010-2020</b> |   |   |
| 4.  | Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee of the Regions – European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe, Brussels, 15.11.2010. Com(2010) 636 final | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF</a>             |
| <b>UNCRPD and the EU</b>                      |   |   |
| 5.  | Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities   | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:023:0035:0061:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:023:0035:0061:EN:PDF</a> |
| 6.  | Optional Protocol   | <a href="http://treaties.un.org/doc/source/RecentTexts/IV_15a_english.pdf">http://treaties.un.org/doc/source/RecentTexts/IV_15a_english.pdf</a>   |
| 7.  | Information Note from the European Commission on progress in implementing the UN Convention on the Rights of Persons with Disabilities to the EPSCO Council, Brussels, 7 June 2011  | <a href="http://register.consilium.europa.eu/pdf/en/11/st11/st11125.en11.pdf">http://register.consilium.europa.eu/pdf/en/11/st11/st11125.en11.pdf</a>                                   |
| 8.  | Fifth Disability High Level Group Report on Implementation of the UN Convention on the Rights of Persons with Disabilities  | <a href="http://ec.europa.eu/justice/discrimination/files/dhlg_5th_report_en.pdf">http://ec.europa.eu/justice/discrimination/files/dhlg_5th_report_en.pdf</a>                           |

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| <b>Non-discrimination</b> |   |  |
|---------------------------|---|--|
|                           | <b>Council Directive 2000/78</b>  |  |
| 9.                        | Council Directive 2000/78 of 27 November 2000 establishing a general framework for equal treatment in employment and occupation | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML</a>  |
|                           | <b>ECJ Case Law</b>   |  |
| 10.                       | Judgment of the Court of 6 December 2012, Case C-152/11, <i>Johann Odar v Baxter Deutschland GmbH</i>                           | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62011CJ0152:EN:NOT">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62011CJ0152:EN:NOT</a>  |
| 11.                       | <i>Action brought on 20 June 2011, Case C-312/11, European Commission v Italian Republic</i>                                    | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ%3AC%3A2011%3A226%3A0019%3A0019%3Aen%3APDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ%3AC%3A2011%3A226%3A0019%3A0019%3Aen%3APDF</a>  |
| 12.                       | Action brought on 1 July 2011, Case C-335/11, <i>Jette Ring v Dansk almennyttigt Boligselskab DAB</i>                           | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:269:FULL:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:269:FULL:EN:PDF</a> in page 43   |
| 13                        | Opinion of the Advocate General of 6 December 2012, Case C-335/11, <i>Jette Ring v Dansk almennyttigt Boligselskab DAB</i>      | <a href="http://curia.europa.eu/juris/document/document.jsf?text=&amp;docid=131499&amp;pageIndex=0&amp;doclang=fr&amp;mode=lst&amp;dir=&amp;occ=first&amp;part=1&amp;cid=994089">http://curia.europa.eu/juris/document/document.jsf?text=&amp;docid=131499&amp;pageIndex=0&amp;doclang=fr&amp;mode=lst&amp;dir=&amp;occ=first&amp;part=1&amp;cid=994089</a> Only Available in French |
| 14.                       | Judgment of the Court of 17 July 2008, Case C-303/06, <i>S. Coleman v Attridge Law and Steve Law</i>                            | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62006J0303:EN:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62006J0303:EN:HTML</a>  |
| 15.                       | Judgment of the Court of 11 July 2006, Case C-13/05, <i>Sonia Chacón Navas v Eures Colectividades SA</i>                        | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62005J0013:EN:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62005J0013:EN:HTML</a>  |
| 16.                       | Judgment of the Court of 1 April 2013, Case C-335/11 and C-337/11, <i>Ring v Werge</i>  | <a href="http://curia.europa.eu/juris/document/document.jsf?text=&amp;docid=136161&amp;pageIndex=0&amp;doclang=EN&amp;mode=req&amp;dir=&amp;occ=first&amp;part=1&amp;cid=199197">http://curia.europa.eu/juris/document/document.jsf?text=&amp;docid=136161&amp;pageIndex=0&amp;doclang=EN&amp;mode=req&amp;dir=&amp;occ=first&amp;part=1&amp;cid=199197</a>                          |

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|                  | <b>Jurisprudence of the European Court of Human Rights (ECHR)</b>   |   |
| 17.              | Case of <i>Sykora v. Czech Republic</i> (Application no.23419/07) Judgment of the Court (Fifth Section) of 22 November 2012   | <a href="http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-114658">http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-114658</a>   |
| 18.              | Case of <i>Bureš v. Czech Republic</i> (Application no. 37679/08) Judgment of the Court (Fifth Section) of 18 October 2012  | <a href="http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-113812">http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-113812</a>   |
| 19.              | Case of <i>D.D. v Lithuania</i> (Application no. 13469/06) Judgment of the Court (Second Section) of 14 February 2012   | <a href="http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-109091">http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-109091</a>   |
| 20.              | Case of <i>Stanev v. Bulgaria</i> (Application no. 36760/06) Judgment of the Court (Grand Chamber) of 17 January 2012   | <a href="http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-108690">http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-108690</a>   |
|                  | <b>Proposal for a new Directive</b>   |   |
| 21.              | Proposal for a Council Directive on Implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation. COM(2008) 426 final. Brussels, 2.7.2008.   | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:en:NOT">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:en:NOT</a>   |
|                  | <b>Code of Good Practice</b>  |   |
| 22.              | Code of good Practice for the employment of people with Disabilities, Bureau Decision of 22 June 2005   | <a href="http://www.google.com.mt/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=1&amp;ved=0CC4QFjAA&amp;url=http%3A%2F%2Fwww.europarl.europa.eu%2Ftraineeships%2Fcode_good_practice_en.rtf&amp;ei=f3FQUeuiGoOR7Aa2h4DgDA&amp;usq=AFQjCNEjNM8ri1KFsXfiaPy2UDqZy_woMA&amp;bvm=bv.44158598,d.ZGU">http://www.google.com.mt/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=1&amp;ved=0CC4QFjAA&amp;url=http%3A%2F%2Fwww.europarl.europa.eu%2Ftraineeships%2Fcode_good_practice_en.rtf&amp;ei=f3FQUeuiGoOR7Aa2h4DgDA&amp;usq=AFQjCNEjNM8ri1KFsXfiaPy2UDqZy_woMA&amp;bvm=bv.44158598,d.ZGU</a> |
| <b>Transport</b> |   |   |
| 23.              | Regulation (EU) No 181/2011 of the European parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004                  | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:055:0001:0012:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:055:0001:0012:EN:PDF</a>   |
| 24.              | Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:334:0017:011:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:334:0017:011:en:PDF</a>   |

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| 25.  | Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations   | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:315:0014:0041:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:315:0014:0041:EN:PDF</a> |
| 26.  | Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air   | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:003:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:003:en:PDF</a>   |
| 27.  | Communication from the Commission Communication on the scope of the liability of air carriers and airports in the event of destroyed, damaged or lost mobility equipment of passengers with reduced mobility when travelling by air. COM/2008/0510 final | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0510:EN:HTML:NOT">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0510:EN:HTML:NOT</a>   |
| 28.  | Evaluation of Regulation 1107/2006 Final report Main report and Appendices A-B June 2010 – Executive Summary   | <a href="http://ec.europa.eu/transport/facts-fundings/evaluations/doc/2010_reg_1107_2006.pdf">http://ec.europa.eu/transport/facts-fundings/evaluations/doc/2010_reg_1107_2006.pdf</a>   |
| <b>The built environment and telecommunication</b> |  |   |
| 29.  | DIRECTIVE 2004/17/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors  | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0017:en:NOT">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0017:en:NOT</a>               |
| 29a.   | Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on procurement by entities operating in the water, energy, transport and postal services sectors, COM/2011/0895 final – 2011/0439 (COD)   | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011PC0895:EN:NOT">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011PC0895:EN:NOT</a>             |
| 30.  | DIRECTIVE 2004/18/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and   | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0018:en:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0018:en:HTML</a>             |

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|              | public service contracts  |   |
| 30.a         | Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on public procurement, COM/2011/0896 final – 2011/0438 (COD)   | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0896:FIN:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0896:FIN:EN:PDF</a>   |
| 31.          | The Build-For-All Reference Manual: A guide to the implementation of accessibility to the built environment through public procurement  | <a href="http://www.designforall.org/en/downloads/BUILD_FOR_ALL_MANUAL_ENGL.pdf">http://www.designforall.org/en/downloads/BUILD_FOR_ALL_MANUAL_ENGL.pdf</a>                   |
| 32.          | Communication from the Commission to the European Parliament, the Council, the European economic and social Committee and the Committee of the regions – “Towards an accessible information society” COM/2008/0804 final. | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0804:FIN:EN:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0804:FIN:EN:HTML</a> |
| 33.          | Communication from the Commission to the European Parliament, the Council, the European economic and social Committee and the Committee of the regions – eAccessibility [SEC(2005)1095] COM/2005/0425 final.              | <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0425:FIN:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0425:FIN:EN:PDF</a>   |
| <b>Other</b> |   |   |
| 34.          | List of Secondary legislation relevant to ‘disability’  | <a href="http://semper-excelsius.ro/wp-content/uploads/2011/01/Legislatie-europeana.pdf">http://semper-excelsius.ro/wp-content/uploads/2011/01/Legislatie-europeana.pdf</a>   |
| 35.          | Judgment of the High Court of Ireland, [2011 No. 9548P], M.X. [APUM] v Health Service Executive and by order the Attorney General   | <a href="http://ie.vlex.com/vid/m-apum-v-hse-ors-408327290">http://ie.vlex.com/vid/m-apum-v-hse-ors-408327290</a>   |