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The Current State of European Disability Law
The ANED Annotated Review of EC Legislation Relevant to Disability
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The ANED Annotated Review of EC Legislation Relevant to Disability:

- A thematic overview of all EC legislation which makes a specific reference to disability, including a brief annotation on each document.
- To be uploaded on ANED homepage.
- Rapporteurs: Prof. Rikki Holtmaat and Guido Terpstra, Leiden University.


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Methodology

- Used Eur-Lex database to search for legislation.
- Search terms: disab*, handicap*, Braille, reduced mobility ...
- Several hundred documents were identified – many turned out to be not relevant in the end – but all had to be studied.
- Focus on legal instruments: regulations, directives, decisions.

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- The research resulted in:
 - A table listing each instrument and providing specific information on each instrument.
 - A general thematic overview which provides an introduction to the instruments identified.

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Some Preliminary Findings

The documents are listed under Eur-Lex headings:

- General Financial and Institutional Matters (6)
- Customs Union and Free Movement of Goods (3)
- Agriculture (2)
- Freedom of Movement for Workers and Social Policy (18)
- Right of Establishment and Freedom to Provide Services (4)

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- Transport Policy (18)
- Competition Policy (1)
- Taxation (4)
- Economic and Monetary Policy and Free Movement of Capital (3)
- External Relations (4)
- Industrial Policy and Internal Market (17)
- Regional Policy and Coordination of Structural Instruments (5)
- Environment, Consumers and Health Protection (3)
- Science, Information, Education and Culture (6)
- Law relating to Undertakings (1)
- Area of Freedom and Security Policy (7)

In total approx. 100 instruments were identified

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Most instruments were identified in the fields:

- Freedom of Movement for Workers and Social Policy (18)
- Transport Policy (18)
- Industrial Policy and Internal Market (17)

In some fields very few instruments were identified:

- Environment, Consumers and Health Protection (3).
- Science, Information, Education and Culture (6)

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Information Provided for each Instrument:

- Full name of document
- Legal Basis
- General aim of the instrument
- The articles and recitals which specifically address disability
- A brief description of what the instrument requires with regard to disability
- A brief commentary on the aim or consequences of the instrument from the perspective of disability
- A hyperlink to the full text of the instrument on Eur-Lex

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The Legal Basis

- Each instrument needs to be based on one or more EC Treaty articles.
- Only one EC Treaty article specifically refers to disability – Art. 13 EC.
- This Article provided the legal basis for 3 instruments included in the review.
- All other legal instruments were adopted on the basis of articles which made no reference to disability.

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- This reveals that some articles in the EC Treaty, e.g. provisions relating to transport, are commonly being used to provide the basis for legislation addressing disability.
- It also reveals that in some areas, e.g. consumer legislation, there is hardly any legislation which makes a specific reference of disability, and no use is being made of the relevant Treaty articles to support legislation which specifically refers to disability.

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