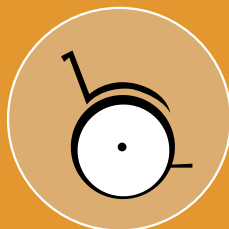
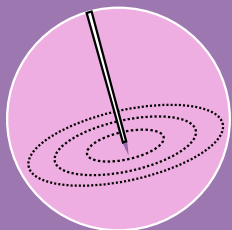




Ensuring accessibility and non-discrimination of people with disabilities



Toolkit for using EU Structural and Cohesion Funds



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Toolkit for using EU Structural and Cohesion Funds

European Commission

Directorate-General for Employment, Social Affairs and Equal Opportunities

Unit G.3

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1. Purpose of the toolkit

The purpose of the toolkit is to:

- be a practical tool for managing authorities, intermediate bodies and project promoters during the preparation, implementation, monitoring and evaluation of Structural Fund programmes and projects ⁽¹⁾;
- help project promoters designing and implementing projects which are accessible to people with disabilities.

In particular, it aims to promote the understanding and application of the non-discrimination and accessibility requirements stemming from the obligations in Article 16 of the general Funds regulation ⁽²⁾ on the specific needs of people with disabilities.

This toolkit can be useful for individuals with disabilities, the organisations representing them and those interested in learning more about this issue (e.g. organisations representing the interests of older persons that equally need and benefit from accessibility).

How to read the toolkit

The toolkit is made for readers with different levels of knowledge on the topic. Not everybody needs to read every chapter from A to Z. The main chapters can be read independently from each other. People familiar with non-discrimination and accessibility issues can start directly with Chapter 3 on the Structural Funds regulation. For other readers, it may be more practical to start with Chapter 4 on implementation of Article 16 or with the examples in the annexes.

¹ For a better text flow the European Social Fund, the European Regional Development Fund and the Cohesion Fund shall be referred to as the Structural Funds.

² OJ L 210, 31.7.2006, p. 25.

2. Policy background and main principles

The EU-27 population accounts for more than 494 million people. At least 16 % of the working age population is disabled ⁽³⁾, many with the ability and the will to work. People with disabilities therefore constitute a significant potential for contribution to the economy and the labour market. The employment rate of people with disabilities, 50 % as opposed to over 68 % for non-disabled people, is already an indication that the potential of people with disabilities remains greatly underused. People with disabilities are almost twice as likely to be inactive compared to non-disabled people. Moreover, the likelihood of disability increases with age, and, in the light of the current EU demographic situation, the occurrence of disability is expected to increase. Therefore it is crucial to follow a preventive approach and appropriately address the needs of people with disabilities in order to allow them to better integrate into the labour market and to participate in society.

Many Member States have accessibility regulations and standards concerning the built environment, transport and information and communications technologies. In some Member States, these provisions are compulsory, but in others they are voluntary. The provisions may differ across Member States. For example, in the built environment, they may have a European dimension, such as local bus services which fall under Directive 2001/85/EC ⁽⁴⁾. In other cases, such as in the area of the Internet, there is a de facto consensus in all Member States to use international accessibility standards like the ones produced by the World Wide Web Consortium (W3C). Moreover, in the case of the built environment, there are international standards that address the accessibility of buildings, such as *ISO/TR 9527:1994, Building construction — Needs of disabled people in buildings — Design guidelines*. There are also national standards such as the DALCO ⁽⁵⁾ standard from the Spanish Association for Standardisation and Certification (AENOR) which are accompanied by a certification scheme.

These standards and guidelines are available for project developers to follow. Member States' authorities can also request compliance with these guidelines if they wish to do so, for example in their public tenders.

3 Measured by self-assessed restriction to work or long-standing health problem (European Labour Force Survey ad hoc module on the employment of disabled people, 2002).

4 OJ L 42, 13.2.2002, p. 1.

5 Standards de deambulaci3n, aprensi3n, localizaci3n y comunicaci3n.

Various Member States have accessibility provisions in their legislation either in general anti-discrimination legislation, which is the case in the UK with the Disability Discrimination Act (DDA) and in Spain with the *Liondau* ⁽⁶⁾, or in specific sector legislation, as in France with building regulations or in Germany with barrier-free web design.

2.1. The citizen's model of disability

Disability is an evolving concept. Article 1 of the UN Convention on the Rights of Persons with Disabilities states that persons with disabilities are those 'who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others' ⁽⁷⁾.

The definitions and criteria for disability that Member States use vary according to policy objectives, legislation in force and administrative standards. This makes having a precise assessment of the situation of people with disabilities across the EU more difficult. Nevertheless, there is general consensus emerging that is reinforced by the signatures of all Member States and the European Community to the UN Convention acknowledging the social model defining disabilities and addressing the issue from a human rights perspective.

The traditional approach to disability used to be based on the 'medical model' which considered disability to be resulting from physical, sensorial and mental impairments. Modern European policies on disability are based on the 'social model of disability', which highlights the equal rights of persons with disabilities to be included in society. This new approach respects and recognises that persons with disabilities do have the same rights as those without disabilities and respects the EU citizen's concept of disability. This concept is reflected in the EU Charter of Fundamental Rights, the European disability action plan 2003–10 and, more recently, the UN Convention on the Rights of Persons with Disabilities. It means having the same individual choices and control and taking the same decisions in everyday life as non-disabled people, in particular recognising the rights to independent living. The UN Convention as a whole, and specifically Article 19, favours independent living in the community instead of expanding residential institutions. This means, for example, that investing

⁶ Ley 51/2003, de 2 de diciembre, de igualdad de oportunidades, no discriminación y accesibilidad universal de las personas con discapacidad.

⁷ <http://www.un.org/disabilities/default.asp?id=259>

EU Funds in solutions which oppose and hamper community living of people with disabilities would act against the Convention. This would be a violation of fundamental rights of people with disabilities, leading to even more exclusion. The European Structural Funds are to be used to support the common values of the European social model — such as solidarity, human dignity and equal opportunities, to name just a few — as well as all human rights and fundamental freedoms. In addition, Article 9 of the UN Convention sets clear obligations for State Parties (all EU Member States and the Community once they have ratified/concluded the Convention to the extent of their competences) to make the built environment, transport and ICT accessible for persons with disabilities.

The social model also implies recognition that it is the environment that is disabling and not the impairment per se. In other words, disability is the result of the dynamic interaction between persons with impairments and the social, physical and attitudinal barriers they face, for example in education, transport and health. The new approach moves away from the impairment of the individual to the ability — or inability — of society to ensure equal access to rights in these and other areas.

2.2. EU disability policies

Re-launching the Lisbon strategy in 2005 encouraged the EU institutions and Member States to take actions to focus more on growth and jobs. The European employment strategy (EES), which is greatly supported by the European Social Fund, is a central pillar of the revised Lisbon agenda and focuses on improving employment, policymaking and delivery, through better governance and mutual learning.

To promote the full integration and participation of people with disabilities in all aspects of society is a key element to EU policies. Article 13 of the Treaties provides the legal basis for Community action 'to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation' ⁽⁸⁾. Directive 2000/78/EC addresses non-discrimination in employment and occupation ⁽⁹⁾ and the Commission proposal from 2 July 2008 when adopted will extend the protection against discrimi-

⁸ OJ C, 29.12.2006, p. E/48.

⁹ Council Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation. OJ L 303, 2.12.2000, pp. 16–22.

nation on the basis of religion or belief, disability, age or sexual orientation outside the field of work in particular in social protection, including social security and healthcare, social benefits, education and access to goods and services including housing ⁽¹⁰⁾.

Even though the specific needs of people with disabilities are primarily addressed through national policies, the EU legislation provides for a common minimum level of protection in all Member States. A good example is the transport legislation concerning buses with more than eight seats which contains specific accessibility provisions ⁽¹¹⁾.

To achieve continuous progress in improving the situation of people with disabilities, the Commission launched the EU disability action plan ⁽¹²⁾ (DAP) for the period 2003–10. Three operational objectives are central to the DAP: (i) full implementation of the employment equality directive; (ii) successful mainstreaming of disability issues in relevant Community policies; (iii) improving accessibility for all.

2.3. Understanding the issue of disability mainstreaming

The principle of disability mainstreaming can be described as the systematic consideration of the specific needs of people with disabilities in designing and applying policies affecting them. Mainstreaming applies not only to employment policy ⁽¹³⁾ but to any policymaking process including regional policy, education and training, competition, transport, research and ICT.

Disability mainstreaming in terms of this definition means that:

- the active integration of the disability perspective should be included in all policy areas (e.g. in social infrastructure, transport, education, research, etc.) and at all levels of policy development (national, regional and local);
- society should be involved as a whole (from individuals with disabilities, to people working with them and disability organisations) in order to recognise and under-

10 COM 2008 (426).

11 Directive 2001/85/EC.

12 COM 2003 (650).

13 EMCO/11/290605 of 1.7.2005.

- stand the needs of people with disabilities;
- all relevant instruments should be mobilised and engaged (legislative measures, action plans, programmes) next to specific actions such as individual projects.

2.4. Accessibility requirements for people with disabilities

Achieving full accessibility is essential to reach the objectives of equal participation and social inclusion. Accessibility is an essential precondition for people with disabilities to be able to participate in society and it is one of the general principles of the UN Convention on the Rights of People with Disabilities (Articles 9 and 3).

Accessibility should be a characteristic of all those products and services that are offered to the public and are financed through the Structural Funds. In particular, accessibility to the built environment, transport and information and communication technologies are a key to inclusion for people with disabilities. These various application domains are very much interrelated as ICT increasingly permeates all aspects of our lives. It is thus important, whenever an action is financed by the Structural Funds, to require accessibility to all venues, infrastructures, transport and technology and services to be bought, developed, maintained or renewed.

2.5. Social considerations in public procurement

The public procurement directive ⁽¹⁴⁾ allows for the integration of social considerations and specifically states the use of 'design for all' and accessibility requirements whenever possible in the technical specifications in the contract documentation for public bids ⁽¹⁵⁾. This will contribute to removing barriers to the participation of people with disabilities and facilitate their inclusion in society.

Various guidance materials are available and under development at the European and national levels ⁽¹⁶⁾. Most national standardisation organisations have accessibility stand-

¹⁴ Directive 2004/18/EC of 31 March 2004 of the European Parliament and of the Council on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, OJ L 134, 30.4.2004, p. 114.

¹⁵ Article 23(1) of Directive 2004/18/EC of 31 March 2004.

¹⁶ <http://ec.europa.eu/social/main.jsp?catId=331&langId=en>

ards that are sometimes a transposition of European or other international standards. In Europe it is not allowed to maintain competing formal standards ⁽¹⁷⁾. In the area of the Internet, the World Wide Web Consortium produces guidelines and test material to develop and assess compliance with accessibility ⁽¹⁸⁾.

Accessibility legislation and regulations exist too in various Member States. An important point of reference regarding solutions for accessibility is the standardisation mandate to CEN, Cenelec and ETSI ⁽¹⁹⁾ in support of European accessibility requirements for public procurement in the built environment. This will help develop a set of standards/technical specifications that define the functional requirements for the accessibility to the built environment and a range of minimum technical data needed to comply with those functional requirements. Furthermore, Mandate 376 ⁽²⁰⁾ addresses the same issue on accessible ICT products and services for disabled people. Requirements will be developed for terminals, telephones, computers, software, Internet pages and services so that public procurers will be able to specify their accessibility requirements in an easy manner by referencing the forthcoming standard. These forthcoming European standards have the potential to enlarge the economies of scale making the market for accessible solutions more attractive to industry and more economically advantageous.

2.6. Cooperation among actors at European level to promote disability mainstreaming

Disability actions are mainly the responsibility of Member States as they are most effectively dealt with at local level. To complement these actions, the Commission contributes to equal opportunities in the EU through its increased mainstreaming approach, coordination and support activities as well as accessibility activities. Creating the best solutions to set up an enabling environment for active inclusion of people with disabilities in all relevant policies requires that the European Commission, together with the Member States, relevant stakeholders and persons with disabilities, closely cooperate. The dialogue within the High Level Group on Disability is an effective discussion and cooperation forum with Member States and NGO representatives and service providers.

¹⁷ For example in the area of ICT an inventory of existing standards can be found in the document ETSI DTR 102 612 V 0.0.50.

¹⁸ See <http://www.w3.org/WAI>

¹⁹ CEN (Comité européen de normalisation), Cenelec (Comité Européen de Normalisation Electrotechnique), ETSI (European Telecommunication Standardisation Institute).

²⁰ http://ec.europa.eu/information_society/policy/accessibility/deploy/pubproc/eso-m376/index_en.htm

The objective of providing an open and accessible society for all cannot be achieved without the participation of people with disabilities. Delivering successful and effective policies requires their involvement in the planning, monitoring and evaluation of programmes and projects.

Inclusion of social partners and other stakeholders is essential in bringing together all efforts to achieve the successful integration of persons with disabilities. The Commission has a continuing dialogue with the European Disability Forum and with other relevant disability NGOs in order to ensure that disabled citizens have full access to fundamental and human rights through their active involvement in policy development and implementation in the EU. The Commission financially supports the running costs of these NGOs.

3. New regulations for the programming period 2007–13

The European Social Fund (ESF) is the main financial instrument to assist Member States to achieve goals established in the European employment strategy and the disability action plan. Besides the ESF, the European Regional Development Fund (ERDF) finances productive investment leading to the creation or maintenance of jobs, infrastructure and local development initiatives and the business activities of small and medium-sized enterprises. The Cohesion Fund (CF) promotes sustainable development, particularly in the domains of trans-European transport networks and the protection of the environment.

The adoption of the new set of Structural Fund regulations for the period 2007–13 started a new era for cohesion policy and European regions. The adopted legislation consists of one general and four specific regulations: the general regulation sets common rules for programming, managing, controlling and evaluating the new cohesion policy. The other four regulations outline specific rules on the ERDF, the ESF, the CF and the European Grouping of Territorial Cooperation (EGTC), respectively ⁽²¹⁾.

Each Member State has prepared a national strategic reference framework (NSRF), which outlines its priorities for the use of Structural Funds for the 2007–13 period in line with the Community strategic guidelines for cohesion and the Lisbon national reform programmes. The NSRF contains the overall strategy of the Member State to boost economic growth and employment. In addition, Member States prepared more detailed fund-specific operational programmes, which identify concrete priorities for action, including financial allocations in the different areas. Altogether, 455 operational programmes were negotiated with the Commission services. The majority of Member States declare in their operational programmes that Article 16 of the general regulations will be implemented horizontally and that specific operations targeting people with disabilities will be designed.

21 http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/pdf/2007/publications/guide2007_en.pdf

3.1. General regulation (Council Regulation (EC) No 1083/2006) on the European Regional Development Fund, the European Social Fund and the Cohesion Fund — specific references to people with disabilities

In comparison to the previous programming period, this regulation places greater emphasis on addressing the issue of disability. Article 16 introduces a new overall perspective for disability issues in the Structural Funds: 'The Member States and the Commission shall take appropriate steps to prevent any discrimination on the basis of gender, race or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementing the Funds and, in particular, access to them. 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' ⁽²²⁾.

This article offers an opportunity and a positive framework for the promotion of equality, non-discrimination and in particular the implementation of accessibility for people with disabilities and for involving organisations representing people with disabilities. Beyond the general call to Member States to prevent discrimination, Member States now need to consider accessibility issues during the various stages of implementation (e.g. programming, partnership arrangements, project selection, monitoring, evaluation, information measures, etc.).

Another important innovation is Article 34 of the general regulation — the so-called 'flexibility clause'. This clause refers to 'cross-financing' possibilities between the ERDF and ESF-type activities (up to 10 % of each priority axis). In other words, this provides the possibility of financing infrastructure investments within ESF programmes (up to 10 % of each priority axis), as long as they are necessary to the successful implementation of the operation concerned and are directly linked to it. Thus, flexibility could be used, for example, to ensure equal access for people with disabilities to ESF-funded activities (e.g. adjusting training). Flexibility could also be used within ERDF programmes, for example to support training courses addressed to the special needs of people with disabilities aimed at ensuring their equal participation in a project activity.

²² Article 16 of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, OJ L 210, 31.7.2006, p. 25.

3.2. Regulation on the European Social Fund (Regulation (EC) No 1081/2006)

The ESF aims at improving employment opportunities for all. Since people with disabilities constitute a vulnerable group with low employment rates, it is important to pay particular attention to their integration in the labour market. Therefore, the ESF regulation emphasises that ESF actions need to take into consideration the relevant priorities and objectives of the Community to combat the social exclusion of disadvantaged groups, such as people with disabilities (Article 2.2 of the ESF regulation).

In the ESF regulation, disability is addressed in three ways:

- making specific reference to people with disabilities as a target group: 'promoting pathways to integration and re-entry into employment of disadvantaged people such as people with disabilities (..)' (Article 3.1.c (i) of the ESF regulation);
- providing for 'acceptance of diversity in the workplace and combating discrimination in accessing and progressing in the labour market' (Article 3.1.c (ii) of the ESF regulation);
- requiring that annual and final implementation reports contain information 'on action to strengthen integration in employment and social inclusion of other disadvantaged groups, including people with disabilities' (Article 10.d f of the ESF regulation).

The Community strategic guidelines for cohesion ⁽²³⁾ also highlight the importance of addressing the employment needs of people with disabilities.

²³ http://ec.europa.eu/regional_policy/sources/docoffic/2007/osc/index_en.htm

3.3. Regulation on the European Regional Development Fund (Regulation (EC) No 1080/2006)

The ERDF aims at redressing the main imbalances between the EU's regions through support for the development and structural adjustment of regional economies. The ERDF contributes towards the financing of:

- (a) productive investment which helps create and safeguard sustainable jobs, primarily through direct investment aid to small and medium-sized enterprises;
- (b) investment in infrastructure;
- (c) the development of regional potential through measures supporting regional and local development.

The inclusion of the principle of accessibility for people with disabilities in the general regulation is extremely important for the implementation of infrastructure projects such as transport, built environment and telecommunications (including broadband and applications), and to support the active participation of persons with disabilities in regional development.

3.4. Regulation on the European Cohesion Fund (Council Regulation (EC) No 1084/2006)

The Cohesion Fund gives support to major projects in the fields of transport networks, environment and energy, to countries whose gross national income (GNI) per capita is under the EU's 90 % average GNI. It is important to ensure that the principle of accessibility is also included in the implementation of the projects co-financed by the Cohesion Fund.

4. How to mainstream the disability perspective throughout the life cycle of Structural Funds

There is no single 'ready-made' model for how to mainstream disability issues within the Structural Funds. Each Member State needs to adjust the existing good practices and recommendations provided in this toolkit to their national needs and strategies. This section deals with applying the non-discrimination and accessibility principles during the various stages of implementation, by addressing the specific needs of people with disabilities.

4.1. Partnership principle

According to the principle of partnership set out in Article 11 of the general regulation, each Member State has an obligation to organise a partnership with:

- (i) competent national, regional, local and urban authorities;
- (ii) economic and social partners;
- (iii) other bodies representing civil society, environmental partners, non-governmental organisations and bodies responsible for promoting equality between men and women.

The partnership should cover all phases of the Funds' intervention: preparation, implementation, monitoring and evaluation and provide a high quality of consultation. Article 11 obliges Member States to organise the implementation of the partnership principle in accordance with current national rules and practices. Involvement of social partners and adequate consultation and participation of other stakeholders has also been foreseen by Article 5(2) of the ESF regulation.

Nevertheless, in line with the shared management, the main responsibility of engaging partners lies with the Member States. Thus, the most effective way to participate in the monitoring of Structural Funds implementation is to find adequate representatives in the national and regional structures. The participation of organisations representing people with disabilities is strongly encouraged.

4.2. Programming

During the negotiation process for adopting the operational programmes between the Commission and the national authorities in Member States, the Member States were advised to address the two obligatory principles of non-discrimination and accessibility in the national strategy reference framework (NSRF) and operational programmes (OP), by addressing these issues horizontally, as follows.

- *Analysis*: description of the situation of people with disabilities relating to non-discrimination, including inequalities and difficulties experienced by them in particular concerning access to the labour market, compliance with the principle of non-discrimination on the grounds of disability and accessibility for disabled people. This analysis provides the basis for the development of the strategy.
- *Strategy*: instrument chosen, in response to the provided analysis, which will prevent and combat any form of discrimination on grounds of disability, describes how equality and equal opportunities for people with disabilities are promoted and their equal access to Funds ensured.
- *Priorities*: horizontal application of the principles of (i) non-discrimination and (ii) accessibility needs to be accompanied by specific actions which aim at tackling the needs of people with disabilities (Article 2.2, Article 3.1 and Article 3.2 of the ESF regulation) in areas such as social inclusion, community living, employment, education, training, built environment, transport, ICT, etc.
- *Implementing provisions*: practical arrangements ensuring that the disability perspective and principles of non-discrimination and accessibility are taken into account during the various stages of defining operations co-financed by the Funds i.e. preparation, implementation, monitoring and evaluation in each OP document. As Structural Funds are managed and implemented on a shared management basis, it is up to Member States to propose adequate forms of intervention and structures ensuring implementation of these principles.

Moreover, preparation and implementation of operational programmes under European territorial cooperation, which will be financed by the ERDF only, should also contain respective provisions on accessibility for people with disabilities in the strategy and procedures ensuring integration of non-discrimination and accessibility principles in implementing provisions.

4.3. Management of Structural Funds

The management process during 2007–13 is highly decentralised. The Commission does not fund projects directly. The Member States and their national authorities have the responsibility to identify their national funding priorities and select individual projects. It also means that after the adoption of the operational programmes, its management and monitoring remains the responsibility of authorities at national or regional level. Calls for proposals and calls for tenders concerning projects are organised at the national and not at the European level. It is up to the managing authorities to ensure the inclusion of people with disabilities at all levels of the implementation process, and that the relevant specifications refer to non-discrimination and access requirements for people with disabilities.

To ensure correct implementation of the operations co-financed by the Funds, Member States must put in place adequate management, monitoring and control systems. Correct implementation of non-discrimination and accessibility for people with disabilities must be one of the criteria to be observed in defining operations co-financed by the Funds.

The use of checklists in the management process can help to ensure the proper application of the non-discrimination and accessibility requirements. Examples of checklists are provided in the annex of this document.

4.3.1. Selection of projects

Projects funded by the individual programmes of the Structural Funds need to be selected according to clear and transparent criteria. It is important to design these selection criteria carefully to ensure that the only projects selected for funding actually allow people with disabilities to participate where relevant.

General accessibility of premises, information and communication, material and outcome are essential, and could be made compulsory for a project's eligibility. A minimum provision should be reasonable accommodation ⁽²⁴⁾ for persons with disabilities wishing to participate in the project on an individual basis. Potential project promoters applying for grants should be requested to describe how they address these issues already in the project proposal.

²⁴ OJ L 303, 2.12.2000, p. 16.

Regarding infrastructure investments, the project proposal should contain adequate information on how accessibility will be ensured. If the contract is subject to public procurement, tender specifications should include accessibility (selection or award) criteria. This should imply an assessment from a disability perspective (including accessibility from a 'design for all' perspective).

It is important to see if the proposal/bid makes use of guidelines and standards for accessibility, refers to compliance with accessibility regulations and puts in place methods for testing and monitoring these provisions with the involvement of persons with disabilities. Regarding the qualifications of the staff involved it is important to consider if there are accessibility experts or resources devoted to contract that expertise. Furthermore, the existence and use of operational and procedure manuals on accessibility in the organisations and of awareness and training opportunities of the related staff provide trust in an adequate handling of the accessibility concerns when investing in infrastructures.

Simple questions in the application forms should facilitate the assessment of the projects, for example, 'Please explain the potential participation of people with disabilities in the proposed project', 'Describe how accessibility for disabled people will be ensured' or 'Describe how persons with disabilities will benefit from the outcome of this work on equal terms with other persons'. Such questions will increase the likelihood that the issue is given due attention.

The concrete selection criteria for individual calls for applications or tenders will largely differ according to the nature of activities to be supported. To facilitate the introduction of relevant selection criteria, the participation of organisations representing people with disabilities in monitoring committees could be beneficial. They should have a solid understanding of real needs of people with disabilities and knowledge of realistic solutions. Moreover, the availability of specific expertise in the selection committees regarding accessibility issues is also crucial. Member States may apply different methods to ensure this.

Representatives of people with disabilities could also be present in the committees evaluating proposals for funding. Alternatively, it could be possible to set up separate 'assessment boards', which would only evaluate the project proposals from the perspective of disability, equal opportunities and anti-discrimination, or provide specific training on accessibility for evaluators.

4.3.2. Role of monitoring committees

Monitoring committees are important institutions to improve effectiveness and quality of the operational programmes. Their role and competences are clearly defined in the general regulation: ‘...to consider and approve the criteria for selecting the operations [...] and approve any revision of those criteria in accordance with programming needs...’ (Article 65a).

Their composition is agreed on by the Member State and the managing authority. Besides the approval of selection criteria for specific operations, as mentioned above, their competences include progress reviews, result evaluations, approval of reports and proposals for revisions or alterations in the management procedures.

In this context, on-site visits of projects during the construction phase by people with disabilities could help detect accessibility issues before the work is finished. This could prevent potential barriers that would be costly to remove.

Current practice in Member States shows that they often establish a specific monitoring committee supervising implementation of gender and non-discrimination issues across programmes. Such an approach could facilitate the application of the accessibility requirements as defined in Article 16 of the general regulation. It is important to highlight this task when describing the competences of the committees. In this context, it is important to note that, if needed, the composition of the monitoring committee can be adjusted during the whole funding period.

4.3.3. Annual implementation reports

The legal framework (Article 67 of the general regulation) foresees annual implementation reports and a final report. These reports are sent to the Commission, which then gives its opinion on the content and the admissibility of the report. Moreover, every year, once the annual reports are submitted, the Commission together with the managing authorities will examine the progress made in implementing the operational programmes, the results achieved (also related to implementation of non-discrimination and accessibility provided for people with disabilities), the financial implementation and other factors. The Commission can then make comments to the Member States and the managing

authorities. The Member States will inform the Commission of the action taken in response to those comments. In this context, it is important that managing authorities make use of the relevant documentation, regarding their actions taken (e.g. checklists used) to comply with Article 16 and dedicate a section in the report to explaining how the provisions have been implemented and monitored in the project.

Article 10 of the ESF regulation provides specifically that the annual and final implementation reports must contain a synthesis of the implementation among other things of gender mainstreaming and actions to strengthen integration in employment and social inclusion of disadvantaged groups, including people with disabilities.

4.3.4. Evaluations

Article 47(1) stipulates that: evaluations shall aim to improve the quality, effectiveness and consistency of the assistance from the Funds and the strategy and implementation of operational programmes with respect to the specific structural problems affecting the Member States and regions concerned, while taking account of the objective of sustainable development and the relevant Community legislation concerning environmental impact and strategic environmental assessment.

The quality, effectiveness and consistency of the assistance of the Funds have to be evaluated on a regular basis. This toolkit can help design evaluations that seriously address non-discrimination, accessibility for people with disabilities and proper implementation of the partnership principle.

It is important that evaluations must be carried out before, during and after the programming period and under the responsibility of the Member States or the Commission, in accordance with the principle of proportionality.

4.4. Flexibility financing

As a general rule, operational programmes receive financing from only one Fund. However, Article 34(2) of the general regulation ⁽²⁵⁾ introduces the flexibility facility between the ERDF and ESF. This means that, within certain limits, one Fund can support activities which would normally fall under the scope of the other Fund but which are 'necessary for the satisfactory implementation of the operation' supported by the first Fund. This is an option offered to the Member States in order to facilitate the implementation of single Fund operational programmes.

In certain cases, the possibility to finance supporting actions which fall under the scope of the other Fund (normally up to a level of 10 % or exceptionally 15 %, of the priority axis) can be particularly useful. For instance, in cases where training is necessary in order to successfully implement an ERDF activity, such as modernising a waste management system (e.g. technical training for a limited number of employees, including those with disabilities, who will operate a modernised facility), it is possible to finance training under ERDF programmes using the flexibility facility, since these actions are directly linked to the main interventions. The same is true in cases where particular investments are required to increase the accessibility of an infrastructure related to certain ESF training for persons with disabilities. Furthermore, the interventions must always be justified in terms of sound financial management and implemented in a complementary manner.

Concerning the eligibility rules of those flexible interventions, the project expenditure will be subject to the eligibility rules of the relevant Fund in the field of interventions. For instance, where an OP is financed by the ESF, a specific project or part of the project falling within the scope of the ERDF (such as infrastructure or equipment) will have to follow ERDF rules, notably Article 7 of the ERDF which lays down the eligibility of expenditure, even if it is financed by the ESF and vice versa ⁽²⁶⁾.

²⁵ Article 34 of the general regulation — Specific character of the Funds.

²⁶ Without prejudice to the derogations laid down in the specific regulations of the Funds, the ERDF and the ESF may finance, in a complementary manner and subject to a limit of 10 % of Community funding for each priority axis of an operational programme, actions falling within the scope of assistance from the other Fund, provided that they are necessary for the satisfactory implementation of the operation and are directly linked to it.

²⁶ Programming period 2007–13: Aide-Memoire for desk officers, European Commission, Regional Policy DG and Employment, Social Affairs and Equal Opportunities DG.

It is important when defining a project to keep in mind the needs of a person with disabilities and to make use of this flexibility rule to facilitate access to training for persons with disabilities or to make infrastructures accessible for persons with disabilities. Often walking through a paper-based scenario with the basic needs of the most known disabilities helps to identify barriers and identify necessary interventions. Another possibility is to have simple consultations with persons with disabilities on the intervention design.

In other scenarios, guides (e.g. CEN Guide 6 ⁽²⁷⁾) designed to consider disability issues as regards standardisation can also be a source of inspiration for identifying user needs.

4.5. Technical assistance

Article 46 of the Structural Funds regulation provides for the possibility for the Funds to finance 'the preparatory, management, monitoring, evaluation, information and control activities of operational programmes together with activities to reinforce the administrative capacity for implementing the Funds'. The financial limits are 4 % of the total amount allocated under the 'Convergence' and the 'Regional competitiveness and employment' objectives and 6 % of the total amount allocated under the 'European territorial cooperation' objective.

This money could be used to finance training of implementing bodies and potential beneficiaries to promote a better understanding of the principles of partnership, non-discrimination and accessibility, or to buy the necessary expert competence in the project. Specific capacity building measures for disability NGOs to engage in monitoring committees and reimbursement for their participation can also be financed through technical assistance.

²⁷ Guidelines for standards developers to address the needs of older persons and persons with disabilities.

4.6. Information, publicity and awareness raising

Member States and managing authorities should ensure that EU citizens and potential beneficiaries are provided with adequate information on programmes and foreseen operations. Information should also be accessible to people with disabilities. This information not only concerns the contents of projects but also the information related to participation and access to the Funds. Also, the dissemination and mainstreaming activities organised at the project level could highlight disability aspects; whether the disability dimension is systematically taken into account; how the disability-related priorities are reflected; how it is ensured that people with disabilities equally participate in the project; and how participants are made aware of the disability perspective (background documentation, memoranda, presentations). This includes ensuring accessibility of conferences and public events organised around the Funds.

No less importance should be given to provision for the information and awareness raising capacity of organisations and to training for civil servants and potential beneficiaries. For this purpose, technical assistance (TA) can be used as a financial instrument (see also point 4.5).

Annex 1

Good practice example of participation by disability NGOs in Structural Funds monitoring committees in Greece

ESF managing authority's experience

(Source: Management authority of the CSF.)

The experience of the competent Hellenic authorities during the 2000–06 period (third CSF for Greece) has led to the adoption of various arrangements regarding the horizontal application and 'operationalisation' of the requirements of Council Regulation (EC) No 1083/2006, Article 16 at the Hellenic NSRF 2007–13, including:

- the representation of the National Confederation of Disabled Persons (national umbrella organisation) in all OP monitoring committees, with full voting rights;
- the systematic cooperation and consultation of national authorities with the competent NGOs throughout the NSRF planning process, which contributed to the horizontal incorporation of references in the principles of non-discrimination and accessibility in all the new programming documents and the NSRF;
- the establishment of a technical committee for the incorporation of the accessibility and non-discrimination principles at the NSRF (provided in Law 3614/2007 and the OP implementing provisions). The Committee shall be chaired by the national coordinating authority (Ministry of Economy and Finance), comprising representatives of OP managing authorities and the National Confederation of Disabled Persons, and shall consult the annual council of OP monitoring committees presidents on relevant issues;
- the introduction of a horizontal project selection criterion across all OPs, concerning non-discrimination and accessibility of disabled persons, elaborated with the active involvement of the competent umbrella NGO.

At the level of monitoring and reporting, relevant initiatives include the introduction of references on the technical bulletins of operations, summarising their expected impact on accessibility and non-discrimination monitored through the NSRF management information system, and the introduction of a distinct analysis (i.e. chapter) in the OP annual implementation reports.

NGO's experience

(Source: Disabled people's organisations and the European Structural Funds 2007–13 — Toolkit for disability mainstreaming — European Disability Forum October 2006.)

Some national disability umbrella organisations already participated in the monitoring committees from 1994 to 1999 (including Greece, whose national umbrella organisation had the status of observer).

In Greece, during the programming period 2000–06, the national disability umbrella organisation became a member of the monitoring committees with voting rights. Representatives of this organisation from all around the country participate in the monitoring committees of all 13 regional operational programmes with voting rights and in the seven out of 11 sectoral operational programmes (Education and initial vocational training, Health and welfare, Competitiveness, Employment and vocational training, Culture, Information society, Railways, ports and urban development).

The Greek umbrella organisation also participates in the monitoring committee of two more sectoral operational programmes, without voting rights, (Environment and Railways, airports and urban transport). The umbrella organisation representatives also participate with voting rights in another three very important monitoring committees: the monitoring sub-committee on human resources; the monitoring committee on the whole developmental programme; and the monitoring committee on the Cohesion Fund.

There are some sectoral operational programmes, in which no umbrella organisation participates, but those are limited to the fishery and agricultural sectors.

The work in the monitoring committees in Greece

The Greek national umbrella organisation pushed for the following issues in its participation in the monitoring committees:

- (i) mainstreaming of disability into all operational programmes, which meant:
 - more actions for people with disabilities,
 - horizontal inclusion of accessibility criterion in the 'planning complement' and the creation of a monitoring mechanism for the correct implementation of this criterion in order to be given more resources for disability and accessibility issues;
- (ii) the provision of special measures for the most vulnerable groups of people with disabilities (people with complex dependency needs, women with disabilities, migrants with disabilities, etc.);
- (iii) correction of disability terminology in all operational programmes.

The results were:

- the inclusion of more actions for people with disabilities into all operational programmes;
- the participation of the national umbrella representatives in consultative committees of particular projects;
- the correction of the disability terminology;
- the reception of the decision in the fourth meeting of the monitoring committee of the whole development programme (which took place on 17 December 2003 in Thessaloniki) about the implementation of the accessibility criterion into all operational programmes, which has been partly implemented.

Annex 2

Examples of conceivable non-discrimination and accessibility checklists for Structural Funds and Cohesion Fund programmes and projects

Checklist – Horizontal application of Article 16 on programme level	
Principle and measure	Check
Partnership instruments	
Organisations representing people with disabilities are members of the operational programme monitoring committee (ideally voting rights)	
Organisations representing people with disabilities are members of the bodies in charge of selecting the individual operations co-funded by the operational programme	
Organisations representing people with disabilities actively involved by the managing authority in the design of selection criteria for individual operations	
Procurement instruments	
Call for proposal/tender includes accessibility requirements in the public procurement or call process (especially ERDF)	
— Technical specifications	
— Criteria for qualitative selection	
— Contract award criteria	
— Conditions of performance of contracts	
— Performance criteria of the bidders	
Programme management	
Financial flexibility clause is enabled on programme level	
Implementation of training measures on non-discrimination and disability for Structural Funds projects for various stakeholders	
Technical assistance can be used for capacity building and participation of NGOs representing people with disabilities in the implementation of programmes (e.g. monitoring committees)	
Sensitise responsible authorities and the public on needs of people with disabilities and training on non-discrimination and accessibility needs	
Monitoring and evaluation	
Non-discrimination and accessibility criteria are explicitly included in all monitoring and evaluation activities	
Impact of activities on people with disabilities is analysed	

Checklist – Horizontal application of Article 16 on project level	
Principle and measure	Check
General accessibility analysis	
The project promoter has to reflect and explain the potential participation of people with disabilities in the proposed project in the application form and has to explain the accessibility measures provided for	
Project promoter is respecting national employment obligations concerning disability and non-discrimination including reasonable accommodation	
The work team describes their expertise and experience in the area of disability/accessibility	
Project promoter is illustrating previous experiences and results with disability/accessibility	
Accessibility of venues and logistics	
Used seminar/meeting rooms are accessible	
Used conference venues are accessible	
Booked hotels are accessible	
Meetings/seminars/venues are reachable with accessible transport	
Accessibility of information and material	
Used training material is accessible (can be used by assistive technology or transfer in accessible formats including 'easy to read' form is eligible expenditure)	
Created products are accessible (e.g. websites apply W3C-WAI standards)	
Used forms of project outcome dissemination is accessible (e.g. applying W3C-WAI standards to the web, developing accessible documents, cost for transfer into easy to read versions is eligible)	
Use of flexibility clause	
Training measures on non-discrimination and accessibility for ERDF projects	
Alterations in the built environment to enable accessibility in ESF projects	
Co-financing eligibility for special costs on demand	
Costs for personal assistants are eligible expenditure	
Costs for sign language translation is eligible expenditure	
Monitoring and evaluation	
Non-discrimination and accessibility criteria are explicitly included in all monitoring and evaluation activities	
On-site checks of accessibility of infrastructures are done together with persons with disabilities or accessibility experts	

Annex 3

Web accessibility

Accessibility standards that describe the requirements for websites to be usable by a person with disabilities exist in most Member States. They are, in general, based on the international web content accessibility guidelines of the W3C. Respecting these accessibility guidelines on websites, not only facilitates their use for persons with disabilities, but also brings general advantages: they are easy to maintain, they are usually portable to mobile devices and they are easy to use for the general public.

W3C has just issued a revised version of their web content accessibility guidelines that address the evolution of technology and are easier to assess their conformity with WCAG 2.0. These guidelines can be obtained at <http://www.w3.org/TR/WCAG20/>.

The European Commission Mandate 376 to the European standardisation organisations refers to the work of W3C/WAI to be considered in the development of the European standards. The key aim of this mandate is to develop standards with functional accessibility requirements for ICT (including the web) that can be used for public procurement to specify the accessibility requirements in the tender specifications and in official document refer to a formal European standard.

The 'quick tips' list below illustrates the type of issues that the guidelines address based on W3C/WCAG 2.0. It provides a summary of web content accessibility guidelines WCAG 2.0; however, it is paraphrased and it is not a definitive version. Please refer to the W3C/WCAG 2.0 webpages to obtain the complete and up-to-date text.

Web content accessibility quick tips

Perceivable

- Provide text alternatives for non-text content.
- Provide captions and alternatives for audio and video content.
- Make content adaptable; and make it available to assistive technologies.
- Use sufficient contrast to make things easy to see and hear.

Operable

- Make all keyboard functionality accessible.
- Give users enough time to read and use content.
- Do not use content that causes seizures.
- Help users navigate and find content.

Understandable

- Make text readable and understandable.
- Make content appear and operate in predictable ways.
- Help users avoid and correct mistakes.

Robust

- Maximise compatibility with current and future technologies.

Annex 4

Example list of accessibility standards available in the UK

As mentioned, most national standardisation organisations have developed accessibility standards or guidance documents in various domains ⁽²⁸⁾. The list below presents some of those available in the UK ⁽²⁹⁾.

(Source: British Standards Institute.)

PAS 88:2008 Guidance on accessibility of large hotel premises and hotel chains.

PAS 88:2008 Guidance on accessibility of large hotel premises and meeting the requirements of the Disability Discrimination Act (DDA) 1995.

BIP 0090:2008 Web accessibility. Making PAS 78 work.

BS EN 81-70:2003 Safety rules for the construction and installation of lifts. Particular applications for passenger and goods passenger lifts. Accessibility to lifts for persons including persons with disability.

BS EN ISO 9241-151:2008 Ergonomics of human-system interaction. Guidance on world wide web user interfaces.

PAS 124:2008 Defining, implementing and managing website standards: a statement of best practice.

BS EN ISO 9999:2007 Assistive products for persons with disability. Classification and terminology.

PAS 78:2006 Guide to good practice in commissioning accessible websites.

KIT 172 BS EN 81 series. Lifts kit.

²⁸ Similar lists exist in all the national members of the European standardisation organisations. For a complete list of those national organisations please go to <http://www.cen.eu/cenorm/members/national+members/members.asp>

²⁹ <http://www.bsi-global.com/>

BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people. Code of practice.

BS EN 1332-3:2008 Identification card systems. Man-machine interface. Keypads.

Annex 5

Impact assessment on the programmes — Wales

(Source: Welsh European Funding Office.)

The approach taken by the Welsh European Funding Office (WEFO), as the managing authority for the 2007–13 European Structural Funds programmes in Wales, was to fulfil the requirement to undertake a disability equality impact assessment (DEIA) on the implementation of the programmes.

Disability equality impact assessments (DEIA) are part of disability equality duty. Statutory guidance on the duty to promote disability equality states that: 'A public authority must include in its disability equality scheme a statement of the authority's methods for assessing the impact of its policies and practices, or the likely impact of its proposed policies and practices, on equality for disabled persons.'

The DEIA carried out by WEFO on the implementation of the ERDF and ESF convergence and competitiveness programmes aims to identify areas where possible discrimination may occur, to highlight research that has been undertaken to show how programme implementation may be amended to reduce or eliminate discrimination and to positively enhance disability equality.

The DEIA has three main stages. First, WEFO commissioned a contractor (DTZ) to undertake an extensive review of the programmes and analysis of available literature to complete the DEIA reports and these reports formed the basis for the consultation. The consultation on the DEIA built on an extensive consultation which had already been carried out on the development of the programmes.

In September 2007, Valleys Race Equality Council (Valrec) were approached by WEFO to facilitate the consultation events following a recommendation from the Welsh Assembly Government's Equality and Human Rights Division. It was also agreed that partners with specific interests could support and add value to this programme of work where appropriate.

In developing the programme, careful consideration was given to the accessibility of materials and venues, including timing of events. Although an overall programme was agreed, adjustments had to be made for each event, reflecting the need to be flexible when undertaking consultations of this kind.

Following Welsh Assembly government guidance, the consultation events focused on race and disability but were flexible enough to encourage participants to think about the impact across other equality strands.

Valrec was responsible for the identification of fully accessible venues, transportation and childcare and whether participants required any of the materials translated into alternative formats and/or other languages. Guidance was developed by Valrec and other partners with specific interests, to assist with the development and delivery of materials and presentations. These events were held in Cardiff, the Valleys, Mid-Wales and North Wales between January and March 2008.

To ensure that as much information as possible was gained from the consultation events, Valrec asked participants to focus on the four objectives for the equal opportunities cross-cutting theme, identified in the operational programmes. Valrec, DTZ and WEFO combined resources to develop the consultation questions.

The DEIA reports include a summary report and can be used by project development officers and project sponsors. The findings assist in identifying where positive action may be necessary to ensure particular groups are able to take full advantage of opportunities within the Welsh Structural Fund programmes. The equality staff within WEFO's cross-cutting team is using evidence from the reports when assessing the integration of equal opportunities within projects.

All reports were finalised by early autumn 2008 and are available on the WEFO website⁽³⁰⁾. A copy of the summary reports has been sent to PMC members for information.

WEFO has made a commitment to carry out further equality impact assessments in the areas of gender, age, sexual orientation and religion and belief. The review of the programmes and analysis of available literature will be undertaken in-house by WEFO's

³⁰ <http://www.wefo.wales.gov.uk>

research, monitoring and evaluation team. A similar process is intended for the public consultation, working in partnership with colleagues in the voluntary sector. It is envisaged that this process will be completed in 2009.

Annex 6

Implementation of the disability perspective in the Member States' ESF operational programmes

(Source: European Commission, Employment, Social Affairs and Equal Opportunities DG.)

The Netherlands ⁽³¹⁾

In the Netherlands, the participation of the recognised disabled for occupational purposes in ESF projects is promoted by giving projects with participants from this group priority over projects that do not include the 'occupationally disabled'.

Interest groups for disabled persons or occupationally disabled, minorities and gender equality will be invited to participate in a sounding board group for the monitoring and evaluation of the implementation of the OP. Using their specific expertise and drawing upon their respective bases, these organisations can advise in periodic meetings on the implementation of the OP and, if desired, bring improvements to the table to benefit the people they represent.

Slovakia ⁽³²⁾

The Slovak NSRF for 2007–13 recognises four horizontal priorities to be tackled throughout all 11 SF operational programmes (nine ERDF+CF, two ESF), one of them being the 'equal opportunities' horizontal priority.

The coordinator of implementation of the NSRF horizontal priority 'Equality of opportunities' is the Minister for Labour, Social Affairs and Family of the Slovak Republic.

The assessment of the impacts of a project on horizontal priority 'Equality of opportunities' shall be mandatory for all applicants applying for assistance from the Structural Funds and the Cohesion Fund and shall be included in the project application. The applicant shall be obliged to assess whether or not the project will have an impact on equality of opportunities (positive or negative, the latter is automatically excluded).

31 http://docs.minszw.nl/pdf/135/2007/135_2007_1_18081.pdf (p. 23)

32 http://www.esf.gov.sk/documents/OP2007/OpZaS1_Final2007.pdf (p. 167), <http://www.gender.gov.sk/>

If a priority and the specific call for proposals do not have any or only minimal impact on the equality of opportunities, the relationship to equality of opportunities shall not be included or shall be proportionately included into the evaluation criteria.

The evaluation criteria for assessing the impacts of a project on equality of opportunities are prepared by the Ministry of Labour. The Ministry of Labour also provides guidance to all managing authorities and arranges for the training of MAs personnel. Project indicators of any such project will also include indicators monitoring the impact on equality of opportunities.

To this end, the Ministry of Labour has set up a support centre, which provides assistance to the focal points (contact persons) established by the managing authorities of the individual operational programmes. Their task is to cooperate with the support centre in the framework of the special working group and provide advice to beneficiaries concerning the relationship of their projects to the horizontal priority equality of opportunities and concerning the evaluation of projects in the process of projects selection and during the implementation/monitoring of projects.

The Ministry of Labour identified five objectives for this horizontal priority, out of which two directly concern disabled people (decreasing unemployment of people with disabilities, special educational measures in order to integrate people with disabilities, and increased access to public services, and more effective implementation of anti-discriminatory mechanisms).

Latvia ⁽³³⁾

The Latvian OP 'Human resources and employment' (and the NSRF in general) contains the horizontal priority of equal opportunities. Special emphasis through the priority is placed on gender, disability and ageing.

Several actions have been undertaken in preparation for the implementation:

- A dedicated criterion was created to assess if the principle of equal opportunities has been incorporated in the project selection criteria.

³³ <http://www.esfondi.lv/page.php?id=660>

- A handbook 'How to provide equal opportunities in the EU co-funded projects?' (electronic version available in English, Latvian and Russian) was written.
- Ten people have been trained to further train and consult the persons involved in administration and implementation of EU Structural Funds.

The data on the implementation of the horizontal priority such as participant by gender, age and disability; data on adjustments of infrastructure with regard to different disability (eyesight, hearing, mobility and mental disability) as well as best practices will be collected through the joint management information system. Analysis of these data will help to assess the impact of the EU SF activities on the situation of the different target groups.

Excerpt from OP:

Equal opportunities: eradication of any kind of gender, race, ethnic, religious, belief-based, disability, sexual, or age discrimination and ensuring equal opportunities for all groups is a horizontal principle to be respected in all areas of EU fund interventions. Both through specific activities and bespoke project selection criteria, the ESF OP will address the issue of equal opportunities in the labour market and will encourage inclusion in the labour market regardless of health- or age-related or other factors.

Examples of the respective project selection criteria:

Does the project envisage direct or indirect positive influence on equal opportunity horizontal priority?

- Project has direct positive impact (5 points);
- Project has indirect positive impact (3 points);
- Project is neutral to (doesn't concern) horizontal priority (0 points).

The project includes specific activities promoting such principles of equal opportunities (gender equality, active ageing and rights of persons with functional impairments):

- Specific activities promote three of the above principles (5 points);
- Specific activities promote two of the above principles (3 points);
- Specific activities promote one principle (5 point).

There are no specific activities in the project promoting principles of equal opportunities (0 points).

Scotland ⁽³⁴⁾

In the Highlands and Islands of Scotland, ESF funded the development of an equality toolbox by the Highlands & Islands Equality Forum. The toolbox is mainly for designing proper methods of project selection for ESF proposals.

Excerpts on the design of project selection criteria:

Describe how the rationale of the project has taken into account the specific needs of women and men and/or other excluded groups (e.g. ethnic minorities, lone parents, people with disabilities).

Are the business premises being built accessible? Building business premises which are inaccessible or fail to build in precautions for personal safety (e.g. with poor access lighting, isolated car parking and no public transport option) may exclude potential employees — from female entrepreneurs to people with a range of disabilities — from choosing to work from them.

³⁴ <http://www.hief.org.uk/>

Annex 7

Exemplary checklist on building without barriers (indicative)

This checklist is an example of how accessibility can be ensured for people with disabilities in the built environment. It could be applied in ERDF financed projects.

Checklist – Building without barriers				
	Area	Requirements according to standard	Check	
1. Level access (outside)	General	Pedestrian crossings on a second level (if available)	Barrier-free usability	
		Floor coverings	Vibration-free accessibility (no cobblestones, no badly laid slabs)	
	Ramps		No following downwards steps	
		Width	<ul style="list-style-type: none"> • At least 120 cm • Winding ramps at least 150 cm 	
		Longitudinal slope	<ul style="list-style-type: none"> • Maximum 6 %, maximum 10 % in the case of modifications and additional constructions • Horizontal landings after a maximum distance of 10 m with a longitudinal slope of more than 4 % 	
		Sideways slope	None	
		Horizontal manoeuvring spaces	At least 150 cm at both ends of the ramp (without impairments e.g. by doors)	
		Changes in direction	When the direction of ramps changes more than 45°, horizontal manoeuvring spaces with a minimum diameter of 150 cm	
		Handrails	On both sides at a height of 90 to 100 cm and additionally 75 cm (at least 40 cm horizontally) at the beginning and end of the ramp (handrails with a lateral height difference of more than 10 cm)	
		Surface	Well-gripping or non-slippery surface	
		Marking	Both ends must be contrasted in colour throughout the entire width	
Lifting platforms and similar mounting devices	If available	<ul style="list-style-type: none"> • Nominal load at least 3 kN, otherwise equivalent lifts (see Section 5) • If lockable, then use Europe-wide valid locking system 		

2. Barrier-free design of the main entrance		Entrance	Main entrance without stairs or entrance in the vicinity of the main entrance and lift without stairs	
		Door width	At least 90 cm usable clear width (if at least 80 cm available)	
		Door height	At least 200 cm clear height	
		Door thresholds, door stops	At the most 3 cm	
		Horizontal manoeuvring space	At least 120 x 150 cm (DxW) on both sides of the doors, lateral distance to the door handle side at least 50 cm	
		Doors	<ul style="list-style-type: none"> • Must open easily or with an effort of at the most 25N, if more power support • Prevent swing back of swing doors when closing • Avoid rotating handles and embedded handles • Glass doors and glass fillings made of safety glass 	
		Dirt wipers	No influence on the steering behaviour of wheelchairs	
	If available	Revolving doors and turnstiles	Revolving doors and turnstiles shall be avoidable	
		Automatic doors	<ul style="list-style-type: none"> • Automatic doors should open early and have a retarded closing movement • For automatic revolving doors the swivelling area should be well visibly and tangibly marked 	
Glass doors and glass areas		Should be designated with contrasting optical indicators in the area of 90 cm to 100 cm and 150 to 160 cm above ground level		
3. Building — General	Sufficient clear widths	Door width	At least 80 cm usable clear width and at least 80 cm usable clear width for the passage width of double-winged doors	
		Door height	At least 200 cm clear height	
		Thresholds Door stops	Max. 2 cm	
		Horizontal manoeuvring space	<ul style="list-style-type: none"> • At least 120 x 150 cm (DxW) on both sides • Lateral distance to door handle side at least 50 cm 	
		Doors	<ul style="list-style-type: none"> • Easy to open or with an effort of max. 25 N, if more motorisation • Avoid swing back of swinging doors when closing • Avoid rotary handles and sunken handles • Avoid glass doors and glass fillings in safety glass 	
	Other	Floor covering in buildings	Sufficient slip protection Not electrostatically charged	
		Projecting elements	Safeguarded or extended to floor	
		Obstacles in public spaces	Clear width more than 90 cm	
		Gratings, floor grids etc.	Hole size of the gratings maximum 2 cm	
		Generally accessible usable rooms (also sport rooms)	Accessible without steps	

Orientation and marking	Orientation and location signs	<ul style="list-style-type: none"> • Information elements should be well illuminated and free of reflection • Orientation signs should be at least at a height of 2 m • Local orientation signs and labelling between 70 and 160 cm • Supplementation of extensive orientation signs by mobile relief maps or acoustic direction information • Designation of at least 1 WC per storey for blind and sight-impaired persons 	
	Design of information and service points Doorman	<ul style="list-style-type: none"> • Visual and voice contact • Barrier-free counter area • Ground clearance • Width 80 cm • Height 70 cm • Maximum desk height 85 cm • Inductive hearing unit • Tactile floor information 	
	Marking	<p>Mark disability accessible equipment and installations with appropriate icons, tactile access or approach equipped with signs. The following must be marked:</p> <ul style="list-style-type: none"> • Car parking spaces (parking lots, garages) • Stepless access and entrances to buildings, above all if they are not identical with the main entrance • Lifts if not all are barrier-free, and furthermore lifting platforms and similar mounting devices • Publicly accessible sanitary rooms, pedestrian crossings on the second level • Telephone booths and emergency call facilities, wheelchair places and barrier-free seats • Changing rooms, access to swimming pools or mechanical access aids • Thoroughfares, passages, cash desks, counters, bars and desks • Inductive hearing facilities for the routes leading to the above-mentioned facilities 	
	Escape and emergency routes	<ul style="list-style-type: none"> • Evacuation concept for disabled persons in place • Longitudinal inclination of escape ramps max. 12 % • Anti-slip floor surface of escape routes tangibly marked 	
Meeting rooms	If available	In the case of fixed seating	
		<ul style="list-style-type: none"> • Wheelchair places horizontal with view from eye height of 80 to 180 cm • Minimum width 100 cm, minimum depth 120 cm, aisle width 120 cm, manoeuvring space diameter 150 cm next to wheelchair place<0} 	
		<ul style="list-style-type: none"> • Seat for companion • Wheelchair places near to the barrier-free exit — Quantity: at least 2 wheelchair places, 1 for each group of 100 seats (starting from the first of the series of 100) • For persons with walking disabilities seats with arm rests and legroom 	

4. Barrier-free horizontal access	(Halls, corridors, lobbies)	Width	Clear width at least 120 cm at the end and 150 cm for changes of direction		
		Height	Clear height 210 cm		
		Design	<ul style="list-style-type: none"> • Steppless • In the case of level differences: ramps, lifts or other mounting devices, safeguard self-supporting construction elements up to a height of 210 cm against passing underneath 		
5. Barrier-free vertical access	Stairs	Width	Straight main stairs at least 120 cm clear space between the handrails		
		Handrail	<ul style="list-style-type: none"> • Both sides with rounded cross section (3.5–4.5 cm Ø) • Wall distance at least 4 cm, continue both ends horizontally for at least 40 cm, continuous handrail around the stairwell at a height of 90–100 cm • If more than 90 cm additionally a second handrail at a height of 75 cm 		
		Steps	<ul style="list-style-type: none"> • Anti-slip surface • Stairs closed with small leading edge or small undercut 		
		Marking	First and last stairs contrasted in colour, tactile alertness area before stairs lead downwards		
	Ramps			No continuing downward stairs	
		Width	At least 120 cm, spiral ramps at least 150 cm		
		Longitudinal slope	<ul style="list-style-type: none"> • Maximum 6 %, maximum 10 % in the case of modifications and additional constructions • Intermediate landings every 10 m, if the slope is more than 4 % 		
		Sideways slope	None		
		Horizontal manoeuvring space	At least 150 cm at both ends of the ramp (without impairments e.g. by doors)		
		Changes of direction	For more than 45° horizontal manoeuvring space with a diameter of at least 150 cm		
		Handrails	<ul style="list-style-type: none"> • Height on both sides 90 to 100 cm and additional wheel deflector for further 75 cm • At least 40 cm horizontal above the end of the ramp in the case of a lateral level difference of more than 10 cm 		
		Surface	Anti-skid		
	Marking	Both ends contrasted in colour over the total width			
	Lifts	If available	Apply national norms, if lockable, then use a locking system used throughout Europe, mirrors on the rear side		
		Accessibility and arrangement	In the case of lift groups at least one lift suitable for disabled users, accessible without stairs		
Lift car dimensions		<ul style="list-style-type: none"> • At least 110 x 140 cm (WxD) • At least 150 x 150 cm (WxD) in the case of diagonal access 			
Entrances — door openings		Clear passage width at least 90 cm			
Manoeuvring space in front of the shaft doors		<ul style="list-style-type: none"> • At least 150 cm depth • At least 200 cm depth with opposite, downward staircase 			

	Lifting platforms and similar mounting devices	If available	Nominal load at least 3 kN otherwise similar lifts (see Section 5) If lockable, then use a locking system used throughout Europe	
6. Barrier-free sanitary rooms	Barrier-free toilet rooms - General	Arrangement of barrier-free toilet rooms	One barrier-free toilet room per storey in buildings designated for permanent or temporary stay (initially at least 1 WC per building)	
		Doors	<ul style="list-style-type: none"> The doors shall not open inwards Usable clear door width 80 cm Lockable from the inside, de-lockable from outside No rotary knob for locking 	
		Room size	<ul style="list-style-type: none"> Manoeuvring space at least diameter 150 cm, whereby the clearance space under wash basin can be taken into account for up to 20 cm. At least a lateral and angular access to the WC seat must be ensured. Additional elements may not impair the manoeuvring space. A separate toilet lobby is not required. Universally accessible toilet seat: Room width at least 220 cm, room length at least 250 cm One-sided accessible toilet seat: Room width at least 165 cm, room length at least 215 cm 	
		Wall installations	<ul style="list-style-type: none"> Sustainable substructure for the mounting of toilet seat, wash basin, support handles, and the like Grab rail easily usable with one hand 	
	Equipment and fittings of a barrier-free toilet room	Toilet seat	<ul style="list-style-type: none"> Distance between the front edge toilet seat and the back wall at least 65 cm Free space between toilet seat and wall 90 cm Free space between front edge toilet seat and opposite wall 120 cm Seat level 46 cm, maximum 48 cm backrest starting from 55 cm seat depth 	
		Wash basin	<ul style="list-style-type: none"> Installation height 80 to 85 cm above floor level Clearance space, up to 20 cm behind edge of wash basin edge Minimum height 65 cm Equipped with flush-mounted or flat on-wall siphon 	
		Fittings	Installation height 85 to 90 cm	
		Sanitary equipment	<ul style="list-style-type: none"> Installation height 80 to 90 cm Installation height of the mirror: lower edge 85 cm, upper edge 180 cm above floor level 	
		Handles in the toilet room	<ul style="list-style-type: none"> Both sided, horizontal distance between the handles 65 to 70 cm, handle height upper edge 75 cm above floor level, projecting 15 cm over front edge toilet seat With one-sided accessible toilet seat additional vertical hand grip at least 150 cm above floor level or angled grab handles. Height adjustable grab handle, maximum projection into room 20 cm Universally accessible toilet seat: toilet paper holder on the grab handle 	
		Emergency call facilities	Triggering: From sitting position on toilet and at the most 35 cm above floor level	

1	2	3	4	
Resting and sanitary rooms	If available	<ul style="list-style-type: none"> • Wash basin emergency alarm facility • Couch at least 90 cm x 200 cm • Manoeuvring space in front of couch at least 150 cm diameter 		
	Barrier-free changing rooms and showers	If available	<ul style="list-style-type: none"> • At least 1 sanitary unit and 1 changing unit barrier-free • At least 2 % of the changing units barrier-free. Manoeuvring space 150 cm diameter in the changing unit • Manoeuvring space 150 cm diameter in the sanitary unit • Doors open outwards 	
		If available		
	Shower	Design	<ul style="list-style-type: none"> • Accessible without stairs, floor non-slip Installation height of the shower seat 46 to 48 cm Shower seat size at least 45 x 45 cm Equipped with adjustable shower hose and soap holder 	
Handles in the shower area		<ul style="list-style-type: none"> • Sustainable substructure for the mounting of toilet seat, wash basin, support handles, and the like • Horizontal support and hand grip: Installation height 80 to 85 cm • Vertical support and hand grip: Up to at least 150 cm above floor level and at least 70 cm out of the corner 		
Emergency call facilities		Triggering: At least 35 cm above floor level measured from floor		
7. Car parking spaces for disabled persons and garages	Parking spaces for passenger cars	If available		
		Quantity	One parking place for 5 to 50 parking places; one additionally for every started unit of 50 parking spaces	
		Location and design	There should be no cobblestones or open grass stones to the nearby barrier-free accessible entrance or lift	
		Arrangement	Length at least 650 cm	
		Width	At least 350 cm	
		Slope	None, maximum 3 %	
	Marking and labelling	Marking according to national road traffic regulations; symbol as ground marking		
	Additional for garages	If available	Barrier-free parking space with wheelchair symbol display prior to entrance	
Garage doors and barriers		Must be automatic and operable from the car, safeguarded against collision of persons with sight impairments		

European Commission

**Ensuring accessibility and non-discrimination of people with disabilities
Toolkit for using EU Structural and Cohesion Funds**

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This toolkit provides information on how to understand the non-discrimination and accessibility requirements of EU Structural and Cohesion funds. It is designed for managing authorities and project promoters to help them fully ensure the equal treatment of people with disabilities.

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