

## Objective

This training session has been commissioned under the European Union's Programme for Employment and Social Solidarity (PROGRESS 2007-2013).

This programme is managed by the Directorate-General for Employment, Social Affairs and Equal Opportunities and by the Directorate-General for Justice of the European Commission. It was established to provide financial support for the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

PROGRESS' mission is to strengthen the EU contribution in support of Member States' commitment. PROGRESS is instrumental in:

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

For more information see:  
<http://ec.europa.eu/progress>

Contact email: [JUST-D3-CFT@ec.europa.eu](mailto:JUST-D3-CFT@ec.europa.eu)

### Travel to Trier:

Shuttle services from Luxembourg airport to the ERA Conference Centre can be booked at special rates at: [www.taxi-franken.de/era](http://www.taxi-franken.de/era)

## Contents

The new European Disability Strategy sets out the European Commission's work plan and priorities for the period 2010-20. It will ensure access to EU funding, raise public awareness about disability and fulfil the EU's commitment to the UN Convention on the Rights of Persons with Disabilities, which has entered into force for the European Union on 22 January 2011.

The Convention is an important tool for promoting the human rights of people with disabilities. The Convention elaborates and clarifies existing obligations, providing within a single text the accepted global legal standards on disability rights. It recognises that equality, dignity, autonomy, independence, accessibility and inclusion are key to ensuring that people with disabilities are able to enjoy the same human rights across the world. In doing so, certain paradigm shifts are introduced changing the status of people with disabilities in international human rights law.

The seminar will offer participants the opportunity to understand the key principles and concepts contained in the Convention. Furthermore, the seminar will also analyse the European legislation adopted on disability issues in areas related to the application of the UNCRPD. The seminar will analyse European legislation adopted on disability issues in the areas of public procurement and state aid.

## Speakers

**Christopher Bovis**, Professor of Law, University of Hull

**Eilionóir Flynn**, Senior Research Fellow, Centre for Disability Law and Policy, National University of Ireland, Galway

**Aart Hendriks**, Professor of Health Law, University of Leiden

**Shivaun Quinlivan**, Director of LL.M. in International and Comparative Disability Law and Policy, School of Law, National University of Ireland, Galway

**Dieter Schindlauer**, Freelance Human Rights Consultant and Diversity Trainer; Director, Sinnfabrik – Human Rights and Diversity, Vienna

**Oliver Tolmein**, Lawyer, Hamburg

**Carsten Zatschler**, Barrister (England and Wales); Former Legal Secretary, Court of Justice of the European Union, Luxembourg

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Europäische Rechtsakademie  
Academy of European Law  
Académie de Droit Européen  
Accademia di Diritto Europeo



## EU DISABILITY LAW AND THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

SEMINAR FOR MEMBERS OF THE JUDICIARY: FOCUS ON ADMINISTRATIVE PROCEEDINGS

**Trier, 9-10 December 2013**

ERA Conference Centre  
Metzer Allee 4, Trier, Germany

### Organiser:

ERA (Killian O'Brien) with the support of the EFC European Consortium of Foundations on Human Rights and Disability and in cooperation with the European Commission (Contracting Authority)

**Language:** English & German (simultaneous interpretation)

**Event number:** 413DV08





## Monday, 9 December 2013

- 08:30 Arrival and registration of participants
- 09:00 **Welcome and opening remarks**  
*Killian O'Brien*
- I.** **INTRODUCTION TO THE UNCRPD**  
*Chair: Killian O'Brien*
- 09:15 **Introduction to the key aspects of the UNCRPD: development, purpose, general principles, key definitions and concepts**  
*Shivaun Quinlivan*
- 10:00 Q&A
- 10:15 **Substantive obligations under the UNCRPD: education, health, participation, work and employment, standard of living, social protection**
- Focus on participation issues  
*Eilionóir Flynn*
- 11:00 Q&A and discussion
- 11:15 Coffee Break
- 11:45 **Workshop 1** – Exchange session and preliminary case studies on the scope and application as well as the key concepts of the UNCRPD  
*Shivaun Quinlivan*
- 12:30 Discussion of results
- 13:00 Lunch

- II.** **EU DISABILITY LAW: FOCUS ON PUBLIC PROCUREMENT AND STATE AID ISSUES**
- 14:00 **Non-discrimination, direct and indirect discrimination, reasonable accommodation and the burden of proof in disability proceedings in EU law: definitions, scope, interpretation and the impact of the UNCRPD**  
*Dieter Schindlauer*
- 14:45 Discussion
- 15:00 **Disability issues in public procurement and State aid: key notions and existing provisions**  
*Christopher Bovis*
- 15:45 Discussion
- 16:00 Coffee Break
- 16:30 **Disability issues in public procurement and State aid: the impact of the UNCRPD**  
*Christopher Bovis*
- 17:15 **Ensuring access to justice for persons with disabilities in EU law, UNCRPD and beyond**  
*Aart Hendriks*
- 18:00 Discussion
- 18:15 End of first seminar day
- 18:45 Guided tour of the city of Trier
- 20:00 Seminar dinner

## Tuesday, 10 December 2013

- III.** **COMPLETING THE PICTURE**  
*Chair: Killian O'Brien*
- 09:00 **The legal capacity of persons with disabilities in light of the UNCRPD**  
*Oliver Tolmein*
- 09:45 Discussion
- 10:00 **The preliminary reference procedure in EU law and the role of the national judge in ensuring respect for the rights of persons with disabilities**  
*Carsten Zatschler*
- 10:45 Discussion
- 11:00 Coffee
- 11:30 **Workshop 2** – Substantive application of EU law and the impact of selected UNCRPD provisions: practical case study in groups (analysing and discussing the case in parallel language working groups)  
*Eilionóir Flynn*  
*Dieter Schindlauer*
- 12:45 Summary and discussion of workshop results
- 13:00 Summing-up and closing words
- 13:15 Light lunch and end of seminar

Programme may be subject to amendment.  
For programme updates: [www.era.int](http://www.era.int)