

**INTERNAL RULES IMPLEMENTING ARTICLE 1d(4)
OF THE STAFF REGULATIONS
(Persons with a disability)**

THE SECRETARY-GENERAL OF THE EUROPEAN PARLIAMENT,

having regard to Article 1d(4) of the Staff Regulations of Officials (hereinafter ‘Staff Regulations’) and Articles 10(1), 80(4) and 128(1) of the Conditions of Employment of Other Servants of the European Union (hereinafter ‘CEOS’),

having regard to the Bureau decision of 13 January 2014 on the delegation of powers of the appointing authority and of the authority empowered to conclude contracts of employment, in particular Article 2 thereof,

whereas the entry into force for the European Union of the United Nations Convention on the Rights of Persons with Disabilities on 22 January 2011 requires the European Parliament to bring its internal rules in line with the provisions of this Convention,

after consulting the Legal Service, the Data Protection Officer, the Staff Committee, the Committee on Equal Opportunities and Diversity and the Advisory Committee on Prevention and Protection at Work,

HAS ADOPTED THESE INTERNAL RULES:

**Article 1
General principles**

1. For the purposes of Article 1d(4) of the Staff Regulations, a person with a disability meets the conditions for an appointment as an official or other servant if he¹ can perform the essential functions of the job when reasonable accommodation, where needed, is made.
2. Where a staff member of the European Parliament (hereinafter ‘EP’) acquires a disability, but is able to perform the essential functions of his job, when reasonable accommodation, where needed, is made, the career of the staff member shall not be prejudiced by the disability or the fact that such accommodation is required.

¹ Any reference in these rules to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex.

Article 2
Procedure to establish the existence of disability

1. If, during the examination before appointment as set out in Article 33 of the Staff Regulations and Articles 13, 83 and 129 of the CEOS, the medical officer considers that a person has a disability according to Article 1d(4) of the Staff Regulations, he may directly assess the disability and issue an opinion to the appointing authority (hereinafter 'AA') and, where needed, make a written request to the AA for the reasonable accommodation.
2. A staff member who considers that he has a disability according to Article 1d(4) of the Staff Regulations must request that his disability be established in order to ask for reasonable accommodation, access to positive action measures or other supporting measures, for example support from the budget line 'supplementary aid for the disabled'.
3. The staff member shall submit a written request to the AA accompanied by a medical report from his own doctor under sealed cover.
4. The request and the medical report under sealed cover shall be submitted to the Medical Service. The medical officer may ask the staff member concerned to undergo an examination at the EP's Medical Service. The medical officer shall assess the disability and issue an opinion to the AA.
5. The medical officer may obtain any expert's medical opinion necessary for this assessment. The applicant will be informed beforehand of the recipients of his medical records.
6. On the basis of the opinion from the medical officer, the AA shall establish whether the staff member has a disability and determine the period of validity of the decision, which may be of unlimited duration.

Article 3
Reasonable accommodation

Pursuant to Article 1d(4), subparagraph 3 of the Staff Regulations, reasonable accommodation may involve the provision of support measures, the re-arrangement of duties or responsibilities, adjustments of working-time and other adjustments to the working environment.

Article 4
Entitlement to reasonable accommodation

1. Staff members are entitled to reasonable accommodation if:
 - they have a disability, as established by the AA in accordance with Article 2 of these rules;

- they are qualified to perform the essential functions of a job, if provided with the necessary accommodation;
 - providing accommodation does not impose a disproportionate burden on the institution.
2. Entitlement to reasonable accommodation shall cover persons with disabilities as from the beginning of the recruitment process by the EP.

Article 5
Request for reasonable accommodation

1. A staff member whose disability has been established according to Article 2 of these rules, asking for a reasonable accommodation, shall make a written request to the AA.
2. The AA shall ask the opinion of the advisory committee referred to in Article 7, which shall make a recommendation to the AA.
3. If there is a choice between different types of appropriate reasonable accommodation at different costs, the AA will retain the ultimate discretion to choose.

Article 6
Disproportionate burden

1. The AA may deny a request for reasonable accommodation on the grounds that providing reasonable accommodation would impose a disproportionate burden on the resources of the institution. It will make a reasoned decision to that effect.
2. Accommodation requested is considered to impose a disproportionate burden on the institution if the costs of providing it are such that they are more than the institution can reasonably be expected to bear.
3. For the purpose of assessing whether the provision of reasonable accommodation imposes a disproportionate burden, the following considerations shall be taken into account:
 - the impact of the accommodation on the ability of the person to perform the essential functions of the job;
 - the expected length of the employment;
 - the potential application of this reasonable accommodation in future cases;
 - the type of the accommodation and its cost relative to the financial and other resources of the EP;
 - the health and safety needs of all staff;
 - the impact of the accommodation on improving the general accessibility of the institution.

Article 7
Advisory committee

1. An advisory committee on reasonable accommodation shall be constituted and be composed of a medical officer, a social worker and a representative of the Unit for Risk Prevention and Well-being at Work. A representative of the Human Resource department of the relevant Directorate-General/Political Group may participate in the deliberations of the committee regarding requests made by its staff members. A representative of the Equality and Diversity Unit shall participate as an observer. The medical officer of the Advisory committee shall centralize medical reports and records and pass on to other members relevant conclusions.
2. The advisory committee may ask the person requesting reasonable accommodation to submit to the medical service an updated medical report from his own doctor under sealed cover, in order to update the assessment performed in accordance with Article 2 of these rules.
3. The advisory committee may consult other internal or external specialists and may also consult the applicant. Where a medical opinion is requested, the applicant will be informed beforehand of the recipients of his medical records.
4. The advisory committee shall examine the request and make a recommendation to the AA on the possibility of providing reasonable accommodation and details of the types of accommodation required.

Article 8
Appeals

Decisions taken under these rules may be the subject of a complaint within the meaning of Article 90(2) of the Staff Regulations.

Article 9
Guidelines

The Director-General for Personnel shall establish and communicate to all staff members, guidelines for the assessment of a person's disability in compliance with other internal guidelines/practices already in place, in particular the interinstitutional medical certificate which is used for the disability assessment.

Article 10
Monitoring and Reporting

1. The AA shall present a detailed report to the Secretary-General on the application of these rules, including the financial impact, every two years after their entry into force.
2. The Equality and Diversity Unit shall receive this report and all the information it requires and may forward to the Secretary-General any opinion or recommendation concerning the application and/or modification of these rules.
3. The Equality and Diversity Unit shall also be responsible for monitoring the effectiveness of reasonable accommodations provided.

Article 11
Processing of personal data

The processing, pursuant to these rules, of the personal data of the applicant shall be governed by Regulation (EC) 45/2001, of 18 December 2000², on the protection of individuals with regard to the processing of personal data.

Article 12
Entry into force

These internal rules shall enter into force upon signature.

Done at Luxembourg, on 1 April 2015.

(s) Klaus WELLE
Secretary-General

² OJ L 8, 12.1.2001, p. 1.