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Proposal for a

**COUNCIL DECISION**

**concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

### **INTRODUCTION**

This United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol were adopted on 13 December 2006 by the United Nations General Assembly. On the basis of negotiating directives adopted by the Council on 24 May 2004, the Commission conducted the negotiation of the Convention on behalf of the European Community.

The Council Decision dated ..., authorised the Community to conclude the Convention on the Rights of Persons with Disabilities.

On 3 May 2008, the Convention and its Optional Protocol entered into force. Since the Optional Protocol has not yet been signed, its accession should be proposed.

### **LEGAL BASIS**

Articles 13, 26, 47(2), 55, 71(1), 80(2), 89, 93, 95 and 285 in conjunction with the second sentence of the first paragraph of Article 300(2), and the first subparagraph of Article 300(3) the Treaty establishing the European Community are chosen as the legal basis.

### **PRINCIPLE OF SUBSIDIARITY**

The principle of subsidiarity applies, owing to the mixed nature of the powers assigned by the UN Convention and its Optional Protocol. As both Community and Member States' powers are concerned, joint accession to the Optional Protocol by the Community and the Member States is required. The proposal is therefore consistent with the principle of subsidiarity.

### **PRINCIPLE OF PROPORTIONALITY**

As the act in question is a procedural act, the principle of proportionality is not relevant.

### **TYPE OF ACT**

Pursuant to Article 300(2) of the Treaty establishing the European Community, as it is a question of the accession by the Community to an international normative text, a Council decision is the only appropriate legal instrument

### **PROCEDURE**

Pursuant to Article 300(2) of the Treaty establishing the European Community, the Council shall act unanimously when the agreement covers a field for which unanimity is required. In this case unanimity is required by Article 13 of the Treaty establishing the European Community. Pursuant to Article 300(3) of the Treaty establishing the European Community, the Council shall conclude agreements after consulting the European Parliament. The European Parliament shall deliver its opinion within a time-limit which the Council may lay down according to the urgency of the matter.

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### **ADDITIONAL INFORMATION**

This draft act does not come under the EEA Agreement.

Proposal for a

**COUNCIL DECISION**

**concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 26, 47(2), 55, 71(1), 80(2), 89, 93, 95 and 285 in conjunction with the second sentence of the first paragraph of Article 300(2), and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Whereas:

- (1) In May 2004, the Council authorised the Commission to conduct negotiations on behalf of the European Community concerning the United Nations Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities;
- (2) The UN Convention was signed on behalf of the Community on 30 March 2007 subject to its possible conclusion at a later date, in accordance with Decision.../.../EC of the Council of...;
- (3) The Council has stated that it would reconsider the question of signing of the Optional Protocol as soon as possible;
- (4) The UN Convention and its Optional Protocol were adopted by the United Nations General Assembly on 13 December 2006 and entered into force on 3 May 2008;
- (5) The UN Convention was approved by the Council on...;
- (6) This Protocol is open to accession to the Community in accordance with the provisions of Article 11 thereof;
- (7) The Community should accede to this Protocol;

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

- (8) Both the Community and its Member States have competence in the fields covered by the UN Convention and its Protocol. The Community and the Member States should therefore fulfil the obligations laid down by the Optional Protocol and exercise the rights invested in them, in situations of mixed competence in a coherent manner. Within the framework of the monitoring mechanism settled by the optional Protocol, it is therefore necessary that the Community and its Member States concert and cooperate when Community law is at stake;
- (9) The Community should, when depositing the instrument of accession, also deposit a declaration under Article 12.1 of the Protocol specifying the matters governed by the Convention and the Protocol in respect of which competence has been transferred to it by its Member States;

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The accession of the European Community to the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities is hereby approved.
2. The text of the Protocol is attached to this Decision. The text of the declarations is contained in Annex 2.

*Article 2*

3. The President of the Council is hereby authorised to designate the person(s) empowered to deposit, on behalf of the European Community, the instrument of accession to the Protocol with the Secretary-General of the United Nations, in accordance with Article 9 of the Protocol.
4. When depositing the instrument of accession, the designated person(s) shall, in accordance with Article 12.1 of the Protocol, deposit the declarations set out in Annex 2 to this Decision

*Article 3*

1. Taking into consideration the respective responsibilities of the Community and its Member States for matters covered by the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Community and its Member States shall have an obligation of mutual information and cooperation whenever Community law is, directly or indirectly, at stake.
2. For that purpose, when the Committee brings a communication to the attention of the Commission in a situation where a Member State is involved, the Commission shall inform and consult the interested Member State. In the same manner, when the Committee brings a communication to the attention of a Member State in a case where Community law is concerned, the Member State shall inform and consult the Commission.

3. Where necessary, the Committee could be informed of these internal consultations.

*Article 4*

The Council may decide on the basis of a Commission proposal to submit an amendment to the Protocol, on behalf of the Community, to the Secretary-General of the United Nations, in accordance with Article 15.1 of the Protocol.

*Article 5*

The Council may decide on the basis of a Commission proposal to submit written notification on denunciation of the Protocol, on behalf of the Community, to the Secretary-General of the United Nations, in accordance with Article 16 of the Protocol.

*Article 6*

This Decision shall be published in the Official Journal of the European Union.

Done at Brussels,

*For the Council  
The President*

## **ANNEX 1**

### **Optional Protocol to the Convention on the Rights of Persons with Disabilities**

#### **Article 1**

1. A State Party to the present Protocol (“State Party”) recognizes the competence of the Committee on the Rights of Persons with Disabilities (“the Committee”) to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.

2. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

#### **Article 2**

The Committee shall consider a communication inadmissible when:

- (a) The communication is anonymous;
- (b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention;
- (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (d) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- (e) It is manifestly ill-founded or not sufficiently substantiated; or when
- (f) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

#### **Article 3**

Subject to the provisions of article 2 of the present Protocol, the Committee shall bring any communications submitted to it confidentially to the attention of the State Party. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

#### **Article 4**

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.



2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.

#### **Article 5**

The Committee shall hold closed meetings when examining communications under the present Protocol. After examining a communication, the Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

#### **Article 6**

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

#### **Article 7**

The Committee may invite the State Party concerned to include in its report under article 35 of the Convention details of any measures taken in response to an inquiry conducted under article 6 of the present Protocol.

The Committee may, if necessary, after the end of the period of six months referred to in article 6, paragraph 4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

#### **Article 8**

Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.

#### **Article 9**

The Secretary-General of the United Nations shall be the depositary of the present Protocol.

#### **Article 10**

The present Protocol shall be open for signature by signatory States and regional integration organizations of the Convention at United Nations Headquarters in New York as of 30 March 2007.

#### **Article 11**

The present Protocol shall be subject to ratification by signatory States of the present Protocol which have ratified or acceded to the Convention. It shall be subject to formal confirmation by signatory regional integration organizations of the present Protocol which have formally confirmed or acceded to the Convention. It shall be open for accession by any State or regional integration organization which has ratified, formally confirmed or acceded to the Convention and which has not signed the Protocol.

#### **Article 12**

1. “Regional integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the Convention and the present Protocol. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the Convention and the present Protocol.

Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to “States Parties” in the present Protocol shall apply to such organizations within the limits of their competence.

3. For the purposes of article 13, paragraph 1, and article 15, paragraph 2, of the present Protocol, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the meeting of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

#### **Article 13**

1. Subject to the entry into force of the Convention, the present Protocol shall enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Protocol after the deposit of the tenth such instrument, the Protocol shall enter into force on the thirtieth day after the deposit of its own such instrument.

#### **Article 14**

1. Reservations incompatible with the object and purpose of the present Protocol shall not be permitted.

2. Reservations may be withdrawn at any time.

#### **Article 15**

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly of the United Nations for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

#### **Article 16**

A State Party may denounce the present Protocol by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

#### **Article 17**

The text of the present Protocol shall be made available in accessible formats.

#### **Article 18**

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Protocol shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

## **ANNEX 2**

### **1. Declaration of the European Community in application of Article 12(1) of the Optional Protocol to the Convention on the Rights of Persons with Disabilities**

The current members of the European Community are the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

This Declaration indicates the competences transferred to the Community by the Member States under the Treaty establishing the European Community, in the areas covered by the Optional Protocol.

The Community has shared competence as regards action to combat discrimination on the ground of disability (Article 13), free movement of goods, persons, services and capital (Article 26, Articles 45-48 and Article 55), agriculture (Articles 36-37), transport by rail, road, sea and air transport (Article 71 and Article 80), State aid (Articles 87-88), indirect taxation (Article 93), internal market (Article 95), equal pay for male and female workers (Article 141), and statistics (Article 285). Pursuant to Article 125, Member States and the Community shall work towards developing a coordinated strategy for employment. Pursuant to Article 149 the Community shall contribute to the development of quality of education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action. Pursuant to Article 150, the Community shall implement a vocational training policy which shall support and supplement the action of the Member States. Pursuant to Article 158 in order to promote its overall harmonious development, the Community shall develop and pursue its actions leading to the strengthening of its economic and social cohesion.

The Community acts listed below illustrate the extent of the area of competence of the Community in accordance with the Treaty establishing the European Community:

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 02.12.2000, p. 16)

Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (OJ L 91, 7.4.1999, p.10)

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and the free movement of such data (OJ L 281, 23.11.1995, p. 31)

Directive 2001/85/EC of the European Parliament and the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more

than eight seats in addition to the driver's seat, amending Directives 70/156/EEC and 97/27/EC (OJ L 125, 13.2.2002, p.1)

Council Directive 91/439/EEC of 29 July 1991 on driving licences (OJ L 237, 24.8.1991, p. 1–24)

Directive 96/48/EC on the interoperability of the trans-European high-speed rail system (O J L 235, 17.09.1996, p. 6-24) as amended by Directive 2004/50/EC of the European Parliament and of the Council of 29 April 2004 (O J L 164, 30.4.2004, p. 114-163)

Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans European conventional rail system (O J L 110, 20.04.2001, p. 1-27) -as amended by Directive 2004/50/EC of the European Parliament and of the Council of 29 April 2004. (OJ L 164, 30.4.2004, p. 114-163)

Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships - OJ L 123, 17.5.2003, p. 18–21.

Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4–17)

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (Text with EEA relevance) – (OJ L 46, 17.2.2004, p. 1–8)

Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, Text with EEA relevance. (OJ L 204, 26.7.2006 p.1)

Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (Text with EEA relevance) (OJ L 377, 27.12.2006, p. 1–175)

Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L 389, 30.12.2006, p. 1–260)

Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (Recast) (Text with EEA relevance) (OJ L 403, 30.12.2006, p. 18–60)

Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (Text with EEA relevance) (OJ L 263, 9.10.2007, p. 1)

Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14–41)

Commission Regulation (EC) No 8/2008 of 11 December 2007 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane (Text with EEA relevance ) (OJ L 10, 12.1.2008, p. 1–206)

Commission Decision 2008/164/EC of 21 December 2007 concerning the technical specification of interoperability relating to ‘persons with reduced mobility’ in the trans-European conventional and high-speed rail system (OJ L 64, 7.3.2008, p. 72 - 205)

Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts (OJ L 312, 7.9.1995, p.1)

Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use, as amended by Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 (OJ L 136, 30.4.2004, p.34)

Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33)

Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) ( OJ L 108, 24.4.2002, p. 51)

Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (Text with EEA relevance) (OJ L 332, 18.12.2007, p. 27)

Commission Regulation (EC) No 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment (OJ L 337, 13.12.2002, p. 3)

Council Regulation (EC) 577/98 of 9 March on the organisation of the Labour Force Sample Survey in the Community (OJ L 77, 14.3.1998, p.1) with related implementing Regulations

Regulation (EC) N° 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC): text with EEA relevance (OJ L 165, 3.7.2003, p.1) with related implementing regulations

Regulation (EC) No 458/2007 of the European Parliament and of the Council of 25 April 2007 on the European system of integrated social protection statistics (ESSPROS) (Text with EEA relevance) (OJ L 113, 30.4.2007, p.3)

Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty (OJ L 105, 23.4.1983, p.1)

Council Directive 83/181/EEC of 28 March 1983 determining the scope of Article 14 (1) (d) of Directive 77/388/EEC as regards exemption from value added tax on the final importation of certain goods (OJ L 105, 23.4.1983)

Council Decision 2006/774/EC of 7 November 2006 authorising certain Member States to apply a reduced rate of VAT to certain labour-intensive services in accordance with the

procedure provided for in Article 28(6) of Directive 77/388/EEC (OJ L 314, 15.11.2006, p. 28–32)

Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p.1)

Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes (86/378/EEC) (OJ L 225, 12.8.1986, p. 40)

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ L 204, 26.7.2006 p. 23)

Council Decision 2006/544/EC of 18 July 2006 on guidelines for the employment policies of the Member States (OJ L 215, 5.8.2006, p. 26)

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p.1)

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.06.2001 p.10)

Directive 97/67/EC of the European Parliament and of the Council of 15 December on common rules for the development of the internal market of Community postal services and the improvement of quality of services (OJ L 15, 21.1.1998, p.14) as amended by Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services. (OJ L 176, 05.7.2002, p. 21)

Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 134, 30.04.2004, p.1)

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

Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22)

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)

Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning (OJ L 327, 24.11.2006, p.45)

Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p.1)

Council Regulation (EEC, Euratom, ECSC) No. 259/68 of 29 February 1968 laying down the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities (OJ L 56, 4.3.1968, p. 1)

The scope and the exercise of Community competence are, by their nature, subject to continuous development and the Community will complete or amend this declaration, if necessary, in accordance with Article 12.1 of the Protocol.

## **2. Declaration by the European Community concerning Article 1, paragraph 1, of the Optional Protocol:**

The European Community recalls its reservation concerning Article 27.1 of the United Nations Convention on the Rights of Persons with Disabilities and that the extent of the competence of the Committee as regards the European Community is thereby limited.