

**Question for written answer E-015122/2015
to the Commission**

Rule 130

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Subject: Article 19 UN CRPD - Use of European Structural and Investment Funds

Article 19 of the UN Convention on the Rights of Persons with Disabilities (CRPD) guarantees the right to independent living. The Commission has confirmed that the EU gives effect to that article through the European Structural and Investment Funds.

In light of reports that some Member States have misused ESIFs to construct and renovate institutions for persons with disabilities, the Commission announced it would issue guidance on 'the respect of the Charter [of Fundamental Rights] when Member States implement EU law applicable to the European Structural and Investment Funds'.

1. The CJEU has stated that the 'provisions of the convention are ... an integral part of the European Union legal order' and that the CRPD has 'primacy ... over instruments of secondary law', which 'must as far as possible be interpreted in a manner that is consistent with' the CRPD. National authorities are thus under an obligation to respect the CRPD when implementing EU law.
2. When Managing Authorities draw up selection criteria for projects, select projects, verify compliance with the applicable law and handle complaints concerning ESIFs, they are implementing EU law applicable under the ESIF regulations.

Can the Commission confirm that the announced guidance will make the above points clear to national authorities?