



## NEWS REPORT

<b>Date:</b>	29 July, 2011
<b>Expert:</b>	Sophie Latraverse
<b>Title:</b>	Senate adopts the Bill concerning various measures relating to disability policy, quashed by Constitutional Council
<b>Country:</b>	France
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Constitutional Council quashes provisions limiting the obligation to provide accessibility to disabled persons in new constructions
<b>Ground of discrimination:</b>	Disability
<b>Source:</b>	Judicial Court decision
<b>Field:</b>	Access to goods and services, housing
<b>Legislative provisions:</b>	Article L. 111-7 of the Code of Construction Article 19 of the Bill concerning various measures relating to disability policy adopted on 28 June 2011 Constitutional Council no 2011-639 DC of 28 July 2011

### Content

**Political development:** On 11 February 2005, Parliament adopted the Law on Disability providing for a program to implement general access to new buildings, buildings open to the public, public transports as well as to the outdoors mobility chain, by 2015.

An amendment to the Bill concerning various measures relating to disability policy (Article 19) was adopted by Members of the National Assembly in first reading, in order to create a derogation to the obligation to provide for systematic accessibility measures and to allow for the adoption of a decree permitting derogations to be granted if the constructor demonstrates the technical impossibility to proceed to the necessary construction work.

The amendment was voted on 28 June 2011 by the Senate without modification.

Members of Parliament of the Socialist Party sent a request to the Constitutional Council to examine the constitutionality of this provision on the ground that it created a discretionary power to create derogations by way of regulation to the obligation of insuring accessibility, without sufficiently defining the context and subject matter of said derogations, therefore creating a discretionary power not to apply the principle of accessibility which was contrary to the principle of equality and to the right of individuals to be guaranteed the right to accessibility of their place of employment.



The Council decided that although the legislator had the possibility to create technical exceptions to implementation of the obligation to insure accessibility of buildings and infrastructures, their conditions had to be circumscribed by the legislator who must insure that they meet the constitutional guarantee of equality and access to employment.

**Internet link source and additional information:**

<http://www.senat.fr/petite-loi-ameli/2010-2011/644.html>

Constitutional Council no 2011-639 DC of 28 July 2011

<http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2011/2011-639-dc/decision-n-2011-639-dc-du-28-juillet-2011.99167.html>