



EU Accessibility initiatives Policy and legislation & The European Accessibility Act

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What is the current situation?



More than 1 million children and adults with disabilities aged less than 65 and **more than 2 million** aged 65 and over live in institutions



50.8% of persons with disabilities are in employment compared to **75%** without disabilities



20.3% young people with disabilities leave school early, but only **9.8%** of those without disabilities



28.4% of persons with disabilities are at risk of poverty and social exclusion compared to **18.4%** of persons without disabilities



64.3% of persons with disabilities aged 16+ have an internet connection at home compared to **87.9%** of persons without disabilities



National rules deprive **800 000 EU citizens with disabilities** of the right to participate in European Parliament elections justifying on the basis of their disabilities or mental health issues



4 times more persons with disabilities report unmet healthcare needs than those without disabilities



52% of persons with disabilities feel discriminated against



UN Convention on the Rights of Persons with Disabilities

Article 3 Accessibility as a general principle

Article 9 Accessibility

*State parties to undertake appropriate measures **to ensure equal access** for persons with disabilities to:*

- the physical environment
- transportation
- information and communications,
- **including** information and communications technologies **and systems & internet**
- other facilities and services **open or provided to the public, both in urban and in rural areas**



UNCRPD art 9

2. States Parties shall also take appropriate measures:

- (a) To develop, promulgate and monitor the implementation of **minimum standards and guidelines for the accessibility** of facilities and services open or provided to the public;
- (b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account **all aspects of accessibility** for persons with disabilities;
- (c) To provide **training for stakeholders on accessibility** issues facing persons with disabilities;
- (d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- (e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- (f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- (g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- (h) To promote the design, development, production and distribution **of accessible information and communications** technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.



Concepts – UNCRPD

Human Rights - >Non-discrimination ->

Equal access!!!!

=

Accessibility

(following design for all)

+

reasonable accommodation

(assistive technologies, personal assistance....)

Accessibility

Accessibility is considered as a wide concept that includes the prevention and elimination of barriers that pose problems for persons with disabilities in using products, services and infrastructures.

UNCRPD provide no definition!

But....

Contains clear obligations!



Reasonable accommodation

UNCRPD

Article 2

"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms"



Reasonable accommodation Dir 2000/78

Article 5 – Reasonable accommodation for disabled persons

In order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities, reasonable accommodation shall be provided. This means that employers shall take appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer. This burden shall not be disproportionate when it is sufficiently remedied by measures existing within the framework of the disability policy of the Member State concerned.

Concepts: DFA - UD

UNCRPD art 2 “Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Design for all is more commonly used in Europe. It refers to designing mainstream products and services to be accessible by as broad a range of users as possible.

It can be achieved through one of three ways:

- a) by designing products, services and environments that are readily usable by most users without any modification;
- b) by making them adaptable to different users (adapting user interfaces); and
- c) by having standardized interfaces to be compatible with special products for people with disabilities.

Concepts

Accessibility

- **anticipatory manner (preventive, proactive)**
- **most common problems**
- **General group**
- **design and functioning of the product**
- **general guidelines or standards**
- **Results oriented**
- **Link with discrimination**

Reasonable accommodation

- **Reactive**
- **Individual persons**
- **Particular problems**
- **Disproportionate burden**

Universal Design – Design for All

- **Strategy - approach**
- **Early stage**
- **diversity**



A bit of history....starting in the 90's

Cost 2019

TIDE – assistive technology research

Telematics application – accessibility in telecoms

eEurope – policy objectives

I2020 – accessibility goals

Framework programmes research

Web Accessibility Communication

eAccessibility Communication

Riga Declaration

EU accessibility legislation

Horizon

European legislation on Accessibility

Thematic legislation

- Transport vehicles (low platform busses, rail, maritime)
- Rails TSI (built environment)
- Lifts
- Electronic Communication (ex 112, service information)
- Audiovisual media services
- Web Accessibility
- Terminals
- Electronic Signatures

Horizontal legislation

- European Accessibility Act
- Proposed: Draft Antidiscrimination legislation

Funding related legislation

- Public Procurement
- Public passenger transport services
- Structural Funds
- Trans-European Networks
- Common Implementing regulation External Action

What is covered under the European Accessibility Act (EAA)? Directive 2019/882

- Accessibility requirements for carefully selected products and services
- Same accessibility requirements to be used in other EU law (for example Public Procurement)

Products in the scope of the EAA

(a) consumer general purpose computer hardware systems and operating systems for those hardware systems;

(b) Self Service terminals:

- **(ia) payment terminals;**
- **(iia) the following self-service terminals dedicated to the provision of services covered by this Directive;**
 - (iia-i) Automated Teller Machines;
 - (iia-ii) ticketing machines
 - (iia-iii) check-in machines
 - (iia-iv) interactive self-service terminals providing information, excluding machines installed as integrated parts of vehicles, aircrafts, ships or rolling stock;

“(c) consumer terminal equipment with interactive computing capability, used for electronic communication services;”

(d) consumer terminal equipment with interactive computing capability, used for accessing audio-visual media services;

(e) e-readers;



Services in the scope of the EAA

(a) electronic communications services with the exception of transmission services used for the provision of machine-to-machine services”.

(b) services providing access to audiovisual media services;

(c) Certain elements of air, bus, rail and waterborne passenger transport services(websites, mobile device based services, electronic tickets and ticketing, transport service information(also real time), interactive self-service terminals...). For urban, suburban and regional transport services only interactive self-service terminals.

(d) consumer banking services;

(e) e-books and dedicated software

(f) e-commerce services;



Other elements related to the scope

- Answering emergency communications to 112**
- Built environment (optional)**
- Public Procurement for Products and services in the EAA**
[DocsRoom - European Commission \(europa.eu\)](http://europa.eu)
- EU Acts containing accessibility obligations (presumption compliance)**

Other issues:

Related to the scope (in art 4)

- **Exemption micro enterprises for services**
- **Mitigating measures for micro enterprises for product:**
 - Reduction of administrative burden
 - guidelines

Safeguards (chapter V):

- **Disproportioned burden criteria (Annex VI)**
- **Fundamental alteration**

Key provisions for products

- **Accessibility obligations (Art 4)**
- **Free movement of products and services** meeting the accessibility requirements (art 6)
- Obligations for **manufacturers, authorized representatives, importers, distributors** (chapter III) (based on Decision 768/2008)
- **Self-declaration of conformity (art 16)**
- **CE marking (Regulation 765/ 2008) (art 18)**
- **Market surveillance (compliance, safeguards)** (chapter VIII) (based on Regulation 765/2008)



Key provisions for services

- **Accessibility obligations (Art 4)**
- **Free movement of products and services** meeting the accessibility requirements (art 6)
- Obligations for **service providers** (art 13)
- **Authority responsible for compliance of services** (art 23)
- **Procedures for:** (art 23)
 - **checking compliance with obligations and safeguards**
 - **Complaints and corrective measures**



Standards and technical specification

(art 15)

-presumption of conformity

-mandates

-harmonized standards

-technical specifications (implementing acts)

-binding technical specifications (delegated acts) (art 4)

-harmonized standards and technical specifications for other Union acts. (art 25)



Mandate 587

Commission Implementing Decision C(2022) 6456 final on a standardisation request to the European standardisation organisations (the ESOs) as regards the accessibility requirements of products and services in support of Directive (EU) 2019/882,

Issued in September 2022

Acceptance by ESOs October 2022

Workplan

Reference information	Deadline for the adoption by the ESOs
1. EN 301 549 Accessibility requirements for ICT products and services	15 September 2025
2. EN 17161:2019 Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users	15 September 2025
3. EN 17210 Accessibility and usability of the built environment - Functional requirements	15 September 2025

Reference information	Deadline for the adoption by the ESOs
1. Harmonised standard(s) setting up requirements on the accessibility of non-digital information related to products	15 March 2026
2. Harmonised standard for the accessibility of support services related to products and services (help desks, call centres, technical support, relay services and training services).	15 March 2026
3. Harmonised standard for the accessibility and interoperability of emergency communications and for the answering of emergency communications by the public safety answering point (PSAPs) (including to the single European Emergency number 112)	15 January 2027



New Standardization Mandate 587:

List of existing European standards to be revised and deadlines for their adoption as harmonised standards

-EN 301 549 Accessibility requirements for ICT products and services.

(Exclusion of ebooks!)

-EN 17161:2019 Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users

-EN 17210 Accessibility and usability of the built environment - Functional requirements



New Standardization Mandate 587:

List of new harmonised standards to be drafted and deadlines for their adoption

-Harmonised standard(s) setting up requirements on the accessibility of non-digital information related to products

-Harmonised standard for the accessibility of support services related to products and services (help desks, call centres, technical support, relay services and training services)

-Harmonised standard for the accessibility and interoperability of emergency communications and for the answering of emergency communications by the public safety answering point (PSAPs) (including to the single European Emergency number 112)



Working group (art 28)

- Commission working group**
- market surveillance authorities**
- authorities responsible for compliance of services**
- relevant stakeholder**
- representatives of persons with disabilities organizations**
- Tasks:**
 - Exchange information and best practices**
 - Cooperation on implementation to improve coherence and monitor safeguards**
 - Advise to Commission (art 4 and 14)**



Enforcement and Penalties

(art 29 and 30)

-MS ensure means for compliance

-Possibility for consumer to take action before court

-public bodies or private associations with legitimate interest may engage before courts

-penalties effective, proportionate and dissuasive

-effective remedial actions

-not applicable to procurement procedures

Timeline for implementation

- **Transposition period -> Three years after entry into force -> Infringements!!!**
- **Enter into application -> Six years after entry into force**
- **Transition periods:**
 - **Provide services with products in use - 5 extra years**
 - **SST – end of economic life – max 20 years after use**
 - **Ongoing services contract maximum 5 extra years**
- **Answering emergency communications to 112:**
 - **2 extra years (art 30)**
 - **Relay services - technology mature (recital 45)**



Report

- 5 years**
- evolution of accessibility of products and services**
- built environment accessibility(voluntary, PP)**
- Socio, economic and technological developments**
- Innovation barriers**
- Impact on persons with disabilities and economic operators**
- Impact of safeguards in internal market**
- Exemption of microenterprises**
- New products and services**
- Burden reduction**

Annexes

Annex I – accessibility requirements for products, services, answering emergency communications to 112, other Union Acts , functional performance criteria. (7 sections)

Annex II – examples (4 sections)

Annex III – accessibility requirements for built environment

Annex IV – Conformity assessment of products

Annex V- Information on services meeting accessibility requirements

Annex VI – Assessment of disproportionate burden

Annex I further details

- **Accessibility requirements:**
 - **Section I for all products: Information , User Interface and functionality design, sector specific**
 - **Section II for all products except SST**
 - **Section III for all services (use of products, information accessibility, websites, support services)**
 - **Section IV for sector specific requirements**
 - **Section V for answering emergency communications to 112 (PSAPS, RTT, TC)**
 - **Section VI for features, elements or functions of products and services for other Union acts**
 - **Section VII Functional performance criteria:**
 - **Other functions of design and production of products or provision of services**
 - **Alternative to technical requirements – compliance with functional requirement**
 - **Result -> equivalent or increased accessibility**
 - **(vision, limited vision, perception of color, hearing, limited hearing, vocal capability, manipulation or strength, limited reach, seizures, limited cognition, privacy)**

Interaction with AT

-The market of AT

-UNCRPD AT references

-Interaction between accessibility and AT

-Definition AT, Accessibility, UD

-specific requirements in Annex I:

- **Interoperability with At**
- **Assistive formats**
- **Interfacing with AT**
- **UI: interplay with AT, compatibility, avoid interferences, functions for selection and choice of AT**
- **Services links with AT**

Conclusions

-legal framework – Human Rights

Sector (accessibility) <-> non-discrimination (equal access)

-Clear responsibilities and details

-Adequate timeframe for implementation

-The role of Standardization – Research

-User involvement- technical expertise

-Enforcement and redress mechanisms

- Complaints, improvement, compensation

-The public sector (funding & procurement)

-The private sector (innovation & competition & compliance)

-Activities: Research, Funding, Training

-Monitoring and protection, (complaints), (indicators)



Promotion

Beyond ad-hoc actions → strategic engagement

- Awareness-raising, stakeholders' engagement, mutual learning and exchange of good practices, events, networking
- financial support to civil society organisations and DPOs
- mainstreaming in legislative proposals and policy, impact assessments
- Receives complaints, undertaking investigations
- Producing reports
- Dissemination of information
- Training, capacity building
- Provision of technical advice to public authorities

Monitoring

Assessing progress, stagnation or retrogression in the enjoyments of rights Monitoring Human rights violations. → Foster accountability.

- Assessing whether measures to implement the treaty are adopted and applied, evaluate their results providing feedback on implementation.
- Screening of legislation
- Systematic monitoring of legislation and policy implementation
- Reports on the application of laws
- Collecting data, statistics, developing benchmarks and indicators, analysing data

Protection

•From investigation to examination of individual and groups complaints

- Receiving and Dealing with complaints
- Conducting enquiries
- Action in case of non-compliance
- Third party interventions to Courts
- Compensation and remedial action
- Effective access to justice
- Issuing reports



European Resource Centre: AccessibleEU

- *A flagship initiative within the Strategy on the Rights of Persons with Disabilities*
- Purpose:
 - Build the capacity on accessibility in the Member States
 - **Support the implementation of EU legislation on accessibility**
 - Connect stakeholders for implementing **accessibility**
 - Create a common European space **for accessibility**
 - Train **excellent professionals on accessibility**

AccessibleEU was launched on 4 July 2023 and the resource centre is now operational.

Access City Award

- Recognises and celebrates EU cities that are doing outstanding work on accessibility
- Aim is to raise awareness on accessibility
- Winner of 2024:
• San Cristobal de la Laguna
- Laguna



1ST PRIZE

**San Cristóbal
de La Laguna**
Spain

**ACCESS CITY
AWARD 2024**

#EUAccessCity





Further information

OJ text

L 151 2019 page(s) 70-115

http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=uriserv:OJ.L_.2019.151.01.0070.01.ENG

European Commission Proposal and Impact Assessment

<https://ec.europa.eu/social/main.jsp?catId=1202>

European Parliament Procedural file with report

[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=&reference=2015/0278\(COD\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=&reference=2015/0278(COD))

Council agreement

<http://data.consilium.europa.eu/doc/document/ST-15096-2017-INIT/en/pdf>

Economic and Social Committee report

[https://dm.eesc.europa.eu/EESCDocumentSearch/Pages/redresults.aspx?k=\(documenttype:AC\)\(documentnumber:0050\)\(documentyear:2016\)\(documentlanguage:EN\)](https://dm.eesc.europa.eu/EESCDocumentSearch/Pages/redresults.aspx?k=(documenttype:AC)(documentnumber:0050)(documentyear:2016)(documentlanguage:EN))

Text (March 2019)

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_7174_2019_INIT&from=EN

EUR-LEX texts

<https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=COM:2015:0615:FIN>