



Accessible ICT and public procurement in the European Union

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Who is the European Union?

The European Union

The EU institutions

- **The European Commission**
- **The Council**
- **The European Parliament**
- **The Economic and Social Committee**
- **The Committee of the Regions**
- **others**

The principle of conferral of powers Art 5 TEU

The EU only has the powers that the Member States have conferred on it in the Treaties

Competences not conferred upon the EU remains with the Member States



DISABILITY POLICY AT EU LEVEL

Disability policies are mainly responsibility of the EU Member States: administration, organisation, provision of social care, social services, healthcare, child care, recognition of disability status, allocation of benefits/pensions ...

Why a disability policy at EU level?

People with disabilities have similar concerns throughout the EU: rights, obstacles, discrimination, barriers

EU policies, funding and legislation have an impact on situation of people with disabilities and the potential to improve their situation



The EU and the UNCRPD

- adopted by the United Nations General Assembly on 13 December 2006
- entered into force on 3 May 2008
- 30 March 2007: the European Community **signs** the UN Convention
- 26 November 2009: Council Decision on the conclusion (**ratification**) of the Convention by the European Community
- **22 January 2011: entry into force** for the EU
- All MS signed, 25 have ratified it



EU and UNCPRD

(mixed agreement)

Competences

Legal order & Conferral of powers

1-Treaties

2-UNCPRD

3-Secondary Legislation

UNCPRD

27 MS competences

EU
competence



European Disability Strategy 2010-2020

Adopted on 15 November 2010

Objectives:

- To empower people with disabilities to enjoy their full rights
- To Create a barrier-free Europe for all

> It provides a strategic and multiannual framework to facilitate the implementation of the UNCRPD by the EU and support Member States in their implementation

Three main documents:

- Communication on a European Disability Strategy 2010-2020
- List of Actions 2010-2015
- Background Document with facts and figures

Areas for action

- **Accessibility** of goods and services
- **Participation** as equal citizens in Europe and quality community-based services
- **Equality** and combating discrimination
- **Employment** in the open labour market
- Inclusive **education and training**
- **Social protection** to combat poverty and social exclusion
- Equal access to **health** services and related facilities
- **EU external action** including EU enlargement, neighbourhood and international development programmes

> **List of Actions (2010-2015)**

How does it work

- Legislation
- Mainstreaming
- Cooperation
- Governance
- Funding
- Information exchange
- Awareness-raising
- Reporting
- Studies
- Data collection and monitoring
- Training

Accessibility

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

UNCRPD provide no definition!



Committee on the Rights of Persons with Disabilities - Jurisprudence

CRPD/C/9/D/1/2010

Failure by the State party's authorities to eliminate discrimination on the ground of disability by a private credit institution and to ensure that persons with visual impairments have an unimpeded access to the services provided by the ATMs on the equal basis with the other clients.

The Committee on the Rights of Persons with Disabilities, acting under article 5 of the Optional Protocol to the Convention, is of the view that the State party has failed to fulfil its obligations under article 9, paragraph 2(b), of the Convention. The Committee therefore makes the following recommendations to the State party:

- remedy the lack of accessibility
- provide adequate compensation

2. General: the State party is under an obligation to take measures to prevent similar violations in the future, including by:

(a) Establishing minimum standards for the accessibility of banking services provided by private financial institutions for persons with visual and other types of impairments. **The Committee recommends the State party to create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring and assessing the gradual modification and adjustment** by private financial institutions of previously inaccessible banking services provided by them into accessible ones. The State party should also ensure that all **newly procured ATMs and other banking services are fully accessible for persons with disabilities**;

-Follow up report

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Jurisprudence.aspx>

-General comment on article 9 of the Convention -Accessibility

Concepts

*Rights - > Non-discrimination - > **equal access!!!!***

Accessibility

(following design for all)

+

reasonable accommodation

(assistive technologies

assistance)



Accessibility at EU level approaches

-Thematic

- Transport: Regulations on Rights of persons with reduced mobility, Rail –TSI
- Ict: eAccessibility Policy, eComm Legislation
- Built environment: National and local, Construction Products

-Legislation

-Funding

- Public Procurement
- Structural Funds

-Research

-Standardization

-Awareness

European legislation on accessibility

- **Draft Antidiscrimination legislation** ?????
- **Public Procurement Directives**
- **Structural Funds regulations**
- **Trans European Networks**
- **Sector-specific legislation** (Low platform buses; Lifts; TSI-PRM, etc.)
- **Common Implementing Regulation External Action** and contract procedures
- **Web Accessibility** – proposed Directive
- **European Accessibility Act**: The Commission is preparing a proposal for a business-friendly initiative that aims at improving the functioning of the internal market for accessible goods and services

Art 19 TFEU Treaty proposal COM (2008) 426

Scope

- **Social protection, including social security and healthcare;**
- **Social advantages;**
- **Education;**
- **Access to and supply of goods and other services which are available to the public, including housing.**

Principle of equal treatment of persons with disabilities

Art 4

- **Effective non-discriminatory access (accessibility)**
- **Anticipatory**
- **Conditions:**
 - Disproportionate burden
 - Fundamental alteration
 - Provisions of alternatives
- **Reasonable accommodation**
- **Conditions:**
 - Disproportionate burden



Recent developments relevant for accessibility

- **Revision of the Public Procurement Directives COM(2011) 896**
- **New Structural Funds regulation COM(2011) 615**
- **Proposal for Trans European Networks**
- **Proposal for web accessibility public sector websites**

Revision of the public procurement Directives COM (2011) 896

- *article 40 technical specifications*
- *article 61 quality assurance standards (accessibility)*
 - *article 66 award of contracts (accessibility)*
 - *article 84 public oversights (report includes accessibility)*

Legislative texts

Revision of existing directives

Directive 2014/24/EU replacing directive 2004/18/EC

Directive 2014/25/EU replacing directive 2004/17/EC

New directive on concession contracts

Directive 2014/23/EU



Standards: policy background

Role of standards in creating the EU Single Market

Regulation 1025/ 2012

Standardization Mandates

Harmonized standard

Common technical specification

Public procurement: accessibility standards

New Legislative Framework



Accessibility related standardization work at EU level

***Mandate 376:** Accessibility requirements for public procurement of products and services in the **ICT** domain*

***Mandate 420:** Accessibility requirements for public procurement in the **Built Environment** (including **transport infrastructures**)*

***Mandate 473** to:*

- include Accessibility following Design For All in relevant standardization activities
- Develop standards addressing accessibility following Design for all in the manufacturing and service delivery processes.

Others.....



Training of Stakeholders on consultations on standardisation

training courses developed and implemented

- for persons with disabilities to increase their effective participation in the standardisation process
- for experts in standardisation to become familiar with disability accessibility issues.

Manuals available

Long term aim: to ensure that accessibility requirements and disability issues are included in the standardisation deliverables for relevant products and services.

EU-US Dialogue on Accessibility

- **Since 2003**
- **Based on standardisation Dialogue**
TEITAC
M 376
- **Multi stakeholders:**
 - AB, GSA, NIST (DoC)
 - DG JUST, ENTR, CNRCT, EMPL, ESOs

Areas:

Policy and legal exchange,
Standards: harmonisation, participation and schedule
conformity assessment,
Regulatory (socio economic) assessment...

- **Employment Dialogue**
- **TEC- Transatlantic Economic Council**
- **TTIP-Transatlantic Trade and Investment Partnership**

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)*
- Monitoring and protection*

Access City Award

- Awareness raising on urban accessibility: (transport, buildings and public spaces, ICT, public services provision)
- Commitment to improvements in accessibility
- Role model to inspire other cities
- Promote best practices
- First Launch of the competition 2010
 - Award 2011 Avila
 - Award 2012 Salzburg
 - Award 2013 Berlin
 - Award 2014 Gothenburg



Useful weblinks

- *Report of the Ad Hoc Expert Group on the Transition from Institutional to Community-based Care (2009)*
<http://ec.europa.eu/social/BlobServlet?docId=3992&langId=en>
- *Toolkit for using EU Structural and Cohesion Funds (2009)*
<http://ec.europa.eu/social/BlobServlet?docId=2740&langId=en>
- *Mansell, J., Knapp, M., Beadle-Brown, J. & Beecham, J. (2007), "Deinstitutionalisation and community living – outcomes and costs: Report of a European Study" (Report commissioned by the European Commission)*
http://www.kent.ac.uk/tizard/research/research_projects/DECLOC_Volume_1_Exec_Summary.pdf
https://www.kent.ac.uk/tizard/research/DECL_network/documents/DECLOC_Volume_2_Report_for_Web.pdf
- *Sixth Disability High Level Group Report (2013) on Implementation of the UNCRPD (chapter on disability and development)*
http://ec.europa.eu/justice/discrimination/files/dhlg_6th_report_en.pdf
- *Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities (2009)*
<http://ec.europa.eu/social/BlobServlet?docId=4363&langId=en>