



Public Procurement & Accessibility

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Eurobarometer- 2012

- 86% of Europeans agree that having **similar accessibility solutions** across Europe would enable them to travel, study and work in another EU country.
- **96% of Europeans agree that when public authorities provide goods and services they should be obliged to ensure that they are also accessible to people with disabilities.**
- 94% of Europeans agree that more money should be spent on eliminating physical obstacles which make the lives of people with disabilities and the elderly difficult.
- 47% of Europeans believe better accessibility of goods and services would very much improve opportunities for industry to sell products to people with disabilities and the elderly.

Public procurement: the market

Revised public procurement Directives

PP 16 to 17% EU gross domestic product 1500 Billion Euros

ICT sector 6% EU GDP with a Total value of the ICT market of 594 billion Euro

European public sector ICT average spending is 0,8 % of GDP = 76billion Euro

The European average of public sector ICT spend that goes to external services such as consultancy and outsourcing is 16%



Revised of the public procurement Directives

Revision of existing directives

[Directive 2014/24/EU replacing directive 2004/18/EC](#) (public Procurement)

[Directive 2014/25/EU replacing directive 2004/17/EC](#) (entities)

New directive on concession contracts

[Directive 2014/23/EU](#)

Entering into force on April 2016

- *article 42 technical specifications*
- *article 62 quality assurance standards (accessibility)*
- *article 67 award of contracts (accessibility)*
- *article 76 principle of awarding the contracts (social services)*
- *article 84 public oversights (report includes accessibility)*
- **Concessions:** Article 36 technical functional requirements (include accessibility)

Objectives: socially responsible PP in the new Directives

1. Ensure compliance with applicable legislation (social, environmental, labour)
2. Expand possibilities to use social considerations in public tenders
3. Making accessibility compulsory
4. Facilitating social inclusion
5. Ensure that certain social services benefit from a simplified regime.

Using social considerations/1: technical specifications (Art. 42) and labels (Art.43)

- *Link to the subject-matter*
- *May include **factors related to the specific process of production/provision** (even if not part of material substance)*
- *Can be **performance-based/functional** (specific about outcome, broad on technical aspects)*
- *May include **label requirements***
- *May include **quality assurance** standards*

Accessibility requirements and PP (Art. 42 –EAA)

- *Accessibility is an obligation in technical specifications: must be taken into account in all procurement for use by natural persons (except for concessions)*
- *Where mandatory EU requirements exist, they shall be defined with reference to EU legislation*
- *Can be performance-based*
- *Can be used in combination with contract award criteria for better results*

Using social considerations/3: award criteria (Art. 67)

- *Recourse to best price-quality ratio necessary*
- *Link to the subject-matter*
- *May include **factors related to the specific process of production/provision***
- *May also include **label requirements***
- *Can be used in **combination** with technical specifications, contract performance clauses*

Using social considerations/2: contract performance conditions

- *Link to the **subject-matter***
- *Must be **indicated** in call or tender documents*
- *Must **comply with EU Law** rules and principles*

Accessibility in PP and ESIF

- ***Accessibility*** is an ***obligation*** in both legal acts
- Obligations of ***process and of results***
- EU and MSs obligations on accessibility stemming from the ***UN Convention*** on the Rights of Persons with Disabilities
- Using accessibility ***standards and national legislation***
- Clarifying concepts: *Equal access, Accessibility, Design for all and reasonable accommodation*
- ***examples*** of accessibility: *ramps in buildings, low platform busses, alarms with sound and light, subtitles in videos, telephones navigated by voice, enlarge text in SW and websites,....*

European Accessibility Act & Public Procurement

Article 21:

- **Accessibility of products and services in the EAA
–> mandatory requirements**
- **Other EU acts using Accessibility requirements of the EAA for features, elements and functions -> presumption of fulfillment of obligations on accessibility**
- **Use of standards and technical specifications**
- **EAA does not change voluntary or compulsory nature of accessibility**
- **Accessibility requirements beyond Annex I**

Accessibility related standardization work at EU level

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

EN 301 549

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.

EN 17161

Cooperation with the US