



# **European legislation on ICT accessibility & The European Accessibility Act**

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# ACCESSIBILITY

## EC European Disability Strategy 2010-2020

*"The Commission proposes to **use legislative and other instruments as standardisation**, to optimise the **accessibility** of the built environment, transport and ICT [...]. Based on smarter regulations principles, **it will explore the merits of adopting regulatory measures** to ensure accessibility of products and services, including measures to step up the use of **public procurement**[...]. Following further consultations with Member States and stakeholders, the Commission will consider whether to **propose a European Accessibility Act.**"*

# Concepts

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

***Accessibility***

*(following design for all)*

+

***reasonable accommodation***

*(assistive technologies  
assistance)*

# Diverging national approaches to accessibility legislation

- Different approaches: technical, discrimination, procurement
- Different material scope of the various legislations, built environment, ICT
- Different level of detail of legislation
- Different level of jurisdiction: national, regional, local

# What will be covered in European Accessibility Act?

**(disclaimer: political agreement)**

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

# Interaction with European legislation with accessibility provisions

**Public Procurement: obligations for P+S in EAA**

**Presumed compliance of accessibility requirements:**

- **Examples:**

- **Public Procurement Directives**
- **Structural Funds regulations**
- **Trans-European Networks**
- **Common Implementing Regulation External Action and contract procedures**
- ....

**Other issues:**

- **Sector-specific legislation (Low platform buses; Lifts; TSI-PRM, etc.)**
- **Draft Antidiscrimination legislation ????**

# Interaction with European legislation with accessibility provisions

- **Web Accessibility:**
  - same accessibility requirements
  - Public - private
- **Electronic Communication Code**
  - Accessibility – equal access
  - Accessibility requirements
- **Audio Visual Media Directive**
  - Access to AVMS – accessibility of AVMS
  - .....

# Products in the scope of the EAA

**(a) consumer general purpose computer hardware systems and operating systems intended for use in these 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 in accordance with Article 1(2) (also urban):
  - (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 and limited urban transport services (websites, mobile based devices, information to consumer, electronic ticketing , self-service terminals...)**
- (d) consumer banking services;**
- (e) e-books and dedicated software**
- (f) e-commerce;**
  
- (x) answering of emergency Communications to 112**

# **Other components of the scope**

- Built environment (optional)**
- Public Procurement for Products and services in the EAA**
- Additional requirements**
- Other EU Acts containing accessibility obligations (presumption of compliance)**

# Key provisions for products (I)

- **Accessibility obligations (Art 3)**
- **Free movement of products and services** meeting the accessibility requirements
- **Obligations for manufacturers, authorized representatives, importers, distributors** (Decision 768/2008)
- **CE marking** (Regulation 765/ 2008)
- **Self-declaration of conformity** (lightest option)
- **Market surveillance (compliance, safeguards)**<sup>1</sup>

# Key provisions for services (II)

- **Accessibility obligations (Art 3)**
- **Free movement of products and services** meeting the accessibility requirements
- Obligations for **service providers**
- **Authority responsible for compliance of services (check, safeguards)**

# Other issues

## Material scope

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

## Safeguards:

- **Disproportioned burden (Annex, persons with functional limitations COM)**
- **Fundamental alteration**

# Other Key elements

- Standards and technical specification**
- Enforcement and Penalties**
- Timeline for implementation**
- Report**

## **Annexes:**

- **Annex I – accessibility requirements and Functional performance criteria**
- **Annex Ia – examples**
- **Annex II – Conformity assessment of products**
- **Annex III- Information on services meeting accessibility requirements**
- **Annex IV – Assessment of disproportionate burden**

# 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*