Accessibility: legislation and standards in practice

Session 3: Stocktaking Implementation of accessibility and assistive technology in Europe

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Regulation on ICT Accessibility, Europe

- Directive 2019/xx/EU on the accessibility requirements for products and services = European Accessibility Act, EAA (draft 12.2015)
  http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2015%3A615%3AFIN

- Directive 2016/2102/EU on the accessibility of the websites and mobile applications of public sector bodies = Web Accessibility Directive
  http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32016L2102

- Directive 2014/24/EU on public procurement

  http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.094.01.0065.01.ENG

- Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors

  http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1483717528819&uri=CELEX%3A32014L0025

Status EAA

- Start of Trilogue March 2018, final Agreement expected soon
- Commission proposal (December 2015)
  https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52015PC0615
- Parliament position adopted (14th September 2017)
  http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2017-0347+0+DOC+WORD+V0//EN
- Council position adopted (7th December 2017)
  http://data.consilium.europa.eu/doc/document/ST-15096-2017-INIT/en/pdf
- Provisional agreement (3rd December 2018)

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EAA Scope I

Products:

- consumer general purpose computer hardware systems and operating systems for these hardware systems

- self-service terminals: ATM, ticketing machines, check-in machines, standalone self-service terminals providing information

- consumer terminal equipment with interactive computing capability, used for:
  - electronic communication services
  - accessing audio-visual media services

EAA Scope II

Services:

- Electronic communications services

- Services providing access to audio-visual media services

- Elements of air, bus, rail and waterborne passenger transport services:

  - Websites
    - o Mobile device based services including applications
    - o Electronic tickets and electronic ticketing services
  - Delivery of transport service information, including real-time travel information; and
  - Interactive self-service terminals[…]

- Consumer banking services

- E-books and dedicated software

- E-commerce

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Draft EAA

Observations:

- Household appliances (not included)
- Exceptions for micro, small and medium-sized enterprises
- The affixed CE marking shall shows compliance (art. 5)
- Manufacturers will have to keep a register of non-conforming products and complaints (art. 5)
- Information about accessibility compliance on the packaging
- The timeline for standardization requests (2 years) and the development of standards (3 years) exceeds the implementation deadline (5 years) (art. 13.2)
- The functional requirements in Annex A shall be moved to an European Norm
- The EC can draft implementing acts establishing technical specifications instead of harmonised standards or […] (art.13.2)

European Mandate M376

"Standardization Mandate to CEN, CENELEC and ETSI in support of European Accessibility requirements for public procurement of products and services in the ICT Domain"

http://ec.europa.eu/growth/tools-databases/mandates/index.cfm?fuseaction=search.detail&id=333&lang=en

➤ EN 301 549:2015:

"Accessibility requirements suitable for public procurement of ICT products and services in Europe"

http://www.etsi.org/deliver/etsi_en/301500_301599/301549/01.01.02_60/en_301549v010102p.pdf

European Standardisation Request M554

Standardisation request to CEN, CENELEC and ETSI in support of Directive (EU) 2016/2102

"on the accessibility of the websites and mobile applications of public sector bodies"

http://ec.europa.eu/growth/tools-databases/mandates/index.cfm?fuseaction=search.detail&id=577

HEN 301 549:2018-8: "Accessibility requirements for ICT products and Services"

https://www.etsi.org/deliver/etsi_en/301500_301599/301549/02.01.02_60/en_301549v020102p.pdf

Overview EN 301 549:2015

4   Functional performance (statements e.g. Usage without vision)

5   Generic requirements (Closed functionality)

6   ICT with two-way voice communication

7   ICT with video capabilities

8   Hardware

9   Web

10 Non-web documents

11 Software

12 Documentation and support services

13 ICT providing relay or emergency service access

Annex A (informative): Relationship between the present document and the essential requirements of Directive 2016/2102

Annex B (informative): Relationship between requirements and functional performance statements

Annex C (normative): Determination of compliance

Annex D (informative): WCAG 2.1 AAA Success Criteria

European Mandate M473

"Standardization Mandate to CEN, CENELEC and ETSI to include "Design for All" in relevant standardization initiatives"

http://ec.europa.eu/growth/tools-databases/mandates/index.cfm?fuseaction=search.detail&id=461&lang=en

Status: Final draft EN 17161 (approved)

"Accessibility following a Design for All approach in products, goods and services – Extending the Range of Users"

The European Commission intends to use this document for the implementation of the EAA.

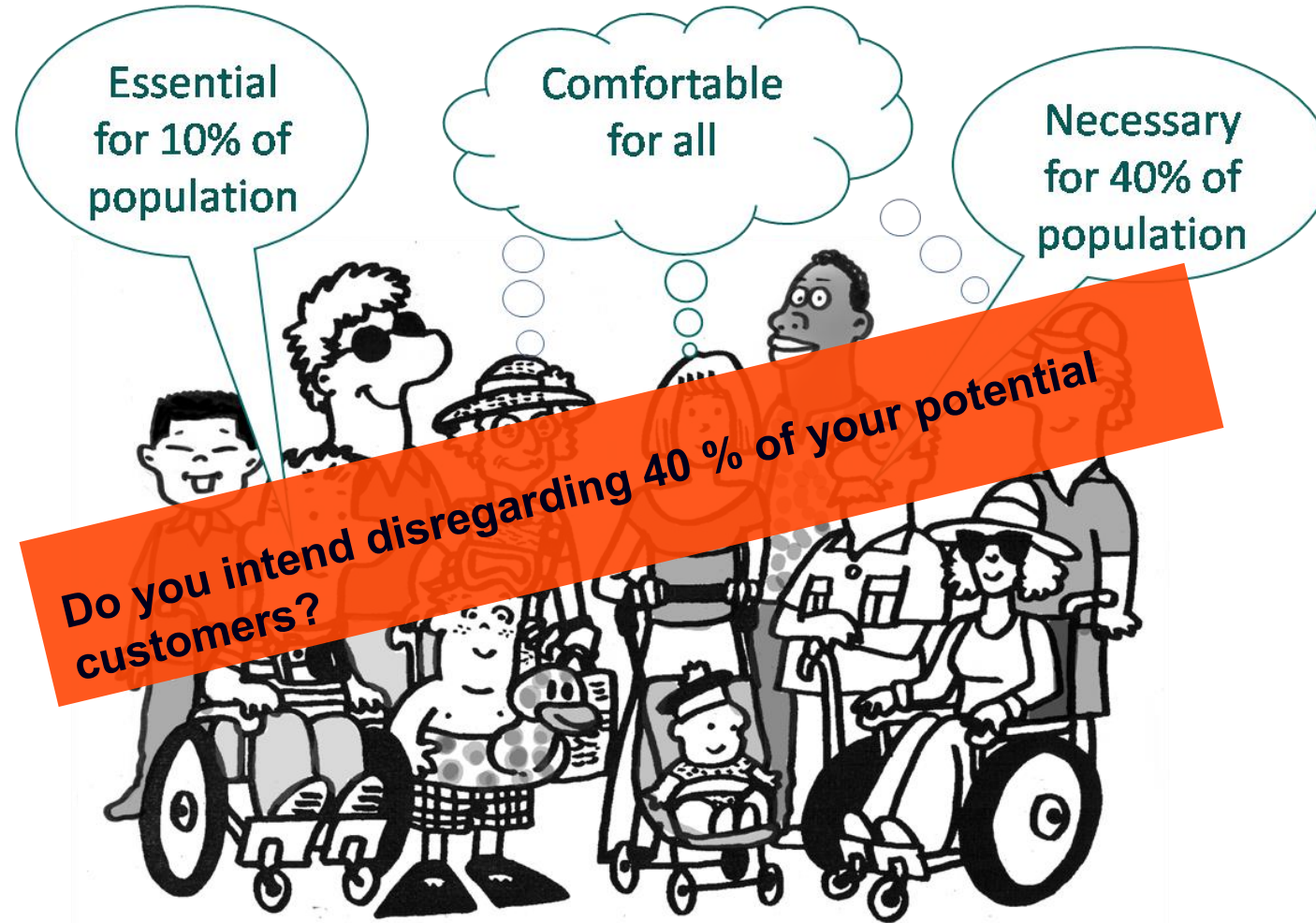Coordinated by

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Design for all is ...

© Design for All Foundation

Accessibility legislation vs. standards

Harmonized European Norms (HEN) **shall support** accessibility legislation in Europe by

- functional performance requirements
- design methods
- methods for assessing and monitoring accessibility
- ergonomic data of older persons and persons with disabilities
- interoperability with assistive technologies

Legislation **shall provide** support mechanisms for accessibility and use terminology of referenced ICT standards, but should **not**:

- define accessibility requirements
- invent definitions of ICT terms
- propose assessment methods for accessibility

Only a clear separation of technical rules and legislation allows a flexible adoption of new ICT technologies.

National implementation of the WAD

Problems Germany:

▪ Annex A Table 1 "Web Pages" extends the 40 WCAG 2.1 level AA requirements by 37 non WCAG requirements. The mapping to essential requirements is not WCAG 2.1 conform.

▪ The same appears in Annex A Table 2 "Mobile applications".

▪ The EN 301 549 translation and copyright issues are not solved.
A freely available translation is required for use in German regulation.

▪ As Germany supports some WCAG level AAA requirements, (not in the WAD) the regulation needs to reference to EN 301 549 **and** additionally to the supported WCAG level AAA requirements.

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Siemens AG inclusion agreement Munich; January 25, 2018

It is generally agreed that hardware, software and IT media have to be accessible thus people with disabilities can access and use them in the normal way, without difficulty, and generally without any external assistance.

Before acquisition and rollout, the general service IT department checks that hardware, software and IT media are accessible. The IT department liaises with the Siemens Accessibility Competence (ACC) […]. Jointly they specify uniform requirements and rules relating to company-wide activities for accessibility and coordinate them. This applies in particular to the area of IT, intranet and internet.

The ACC will report at least once a year to the Central Representative Council for Employees with Disabilities and the IT committee of the Central Works Council on the current status of accessibility with regard to hardware, software and IT media in the company.

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