



2015/0278(COD)

6.4.2017

OPINION

of the Committee on Employment and Social Affairs

for the Committee on the Internal Market and Consumer Protection

on the proposal for a directive of the European Parliament and of the Council
on the approximation of the laws, regulations and administrative provisions of
the Member States as regards the accessibility requirements for products and
services

(COM(2015)0615 – C8-0387/2015 – 2015/0278(COD))

Rapporteur (*): **Ádám Kósa**

(*) Associated committee – Rule 54 of the Rules of Procedure

PA_Legam

AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) The purpose of this Directive is to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the Member States, by eliminating barriers to the free movement of certain accessible products and services. This will increase the availability of accessible products and services **on** the internal market.

Amendment

(1) The purpose of this Directive is to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the Member States **and** by eliminating barriers to the free movement of certain accessible products and services. This will increase the availability of, **and improve the accessibility and practicality of information on**, accessible products and services **in** the internal market.

Amendment 2

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) The demand for accessible products and services is high and the number of citizens with disabilities **and/or functional limitations** will increase significantly with the ageing of the European Union's population. An environment where products and services are more accessible allows for a more inclusive society and facilitates independent living.

Amendment

(2) The demand for accessible products and services is high and the number of **persons with functional limitations, including persons with disabilities in line with Article 1 of the Convention on the Rights of Persons with Disabilities (UNCRPD)**, will increase significantly with the ageing of the European Union's population. An environment where products and services are more accessible allows for a more inclusive society and **is a prerequisite** for independent living.

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) Due to the differences in national accessibility requirements, individual professionals, SMEs and micro-enterprises in particular are discouraged from entering into business ventures outside their own domestic markets. The national, or even regional or local, accessibility requirements that Member States have put in place currently differ as regards both coverage and level of detail. Those differences negatively affect competitiveness and **growth**, due to the additional costs incurred in the development and marketing of accessible products and services for each national market.

Amendment

(4) Due to the differences in national accessibility requirements, individual professionals, SMEs and micro-enterprises in particular are discouraged from entering into business ventures outside their own domestic markets. The national, or even regional or local, accessibility requirements that Member States have put in place currently differ as regards both coverage and level of detail. Those differences negatively affect competitiveness and **economic development**, due to the additional costs incurred in the development and marketing of accessible products and services for each national market. **National authorities, manufacturers and services providers face uncertainties concerning accessibility requirements for potential cross-border services, and policy framework provisions regarding accessibility.**

Amendment 4

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Consumers of accessible products and recipients of accessible services are faced with high prices due to limited competition among suppliers. Fragmentation among national regulations reduces potential benefits from sharing experiences with national and international peers in responding to societal and technological developments.

Amendment

(5) Consumers of accessible products, **including in particular assistive technologies**, and recipients of accessible services are faced with high prices due to limited competition among suppliers. Fragmentation among national regulations reduces potential benefits from sharing experiences with national and international peers in responding to societal and technological developments.

Amendment 5

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The approximation of national measures at Union level *is* therefore ***necessary for the proper*** functioning of the internal market in order to ***put an end to*** fragmentation in the market of accessible products and services, to create economies of scale, to facilitate cross-border trade and mobility, as well as to help economic operators to concentrate resources on innovation instead of using those resources for complying with fragmented legal requirements across the Union.

Amendment

(6) The approximation of national measures at Union level therefore ***promotes better*** functioning of the internal market in order to ***reduce*** fragmentation in the market of accessible products and services, to create economies of scale, to facilitate cross border trade ***as well as barrier-free movement of products, services and persons*** and mobility of ***persons with functional limitations, including persons with disabilities*** as well as to help economic operators to concentrate resources on innovation instead of using those resources for complying with fragmented legal requirements across the Union.

Amendment 6

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of **Article** 26 of the Charter of Fundamental Rights of the European Union.

Amendment

(9) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the rights of persons with disabilities ***and older persons*** to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of **Articles 21, 25 and** 26 of the Charter of Fundamental Rights of the European Union.

Amendment 7

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) The overall aim of the 'Digital Single Market Strategy', is to deliver sustainable economic and social benefits from a connected digital single market. Union consumers still do not enjoy the full benefits of prices and choice that the single market can offer, because cross-border online transactions are still very limited. Fragmentation also limits demand for cross-border e-commerce transactions. There is also a need for concerted action to make sure that new electronic content is also fully available to persons with disabilities. It is therefore necessary to harmonise accessibility requirements across the digital single market and to ensure that all Union citizens regardless of their abilities can enjoy its benefits.

Amendment

(10) The overall aim of the 'Digital Single Market Strategy', is to deliver sustainable economic and social benefits from a connected digital single market, ***facilitating trade and promoting employment within the Union***. Union consumers still do not enjoy the full benefits of prices and choice that the single market can offer, because cross-border online transactions are still very limited. Fragmentation also limits demand for cross-border e-commerce transactions. There is also a need for concerted action to make sure that new electronic content is also fully available to persons with disabilities. It is therefore necessary to harmonise accessibility requirements across the digital single market and to ensure that all Union citizens regardless of their abilities can enjoy its benefits.

Amendment 8

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) The entry into force of the Convention in the Member States' legal orders entails the need to adopt additional national provisions on accessibility of products and services which without Union action would further increase disparities between national provisions.

Amendment

(13) The entry into force of the Convention in the Member States' legal orders entails the need to adopt additional national provisions on accessibility of products and services ***and the built environment related to the provision of goods and services*** which without Union action would further increase disparities between national provisions.

Amendment 9

Proposal for a directive Recital 15

Text proposed by the Commission

(15) The European Disability Strategy 2010-2020 – A Renewed Commitment to a Barrier-Free Europe³³ – in line with the Convention, establishes accessibility as one of the eight areas of action, and aims at ensuring accessibility of products and services.

³³ COM(2010) 636.

Amendment

(15) The European Disability Strategy 2010-2020 – A Renewed Commitment to a Barrier-Free Europe – in line with the Convention, establishes accessibility as one of the eight areas of action, ***which is a basic precondition for participation in society*** and aims at ensuring accessibility of products and services.

³³ COM(2010)636.

Amendment 10

Proposal for a directive Recital 17

Text proposed by the Commission

(17) Each product and service ***has to comply with*** the accessibility requirements identified in Article 3 and listed in Annex I ***to be*** accessible for persons with disabilities and older persons. The e-commerce accessibility obligations also apply to the online sale of services under Article 1(2)(a) to (e) of this Directive.

Amendment

(17) ***For*** each product and service ***within the scope of this Directive an accessibility report should be available, outlining which of*** the accessibility requirements identified in Article 3 and listed in Annex I ***have been implemented to make the product or service*** accessible for persons with disabilities and older persons. ***The accessibility report is a list or statement of accessibility features that form part of the general description of the product as required in Annex II and of the services as required in Annex III.*** The e-commerce accessibility obligations also apply to the online sale of services under Article 1(2)(a) to (e) of this Directive.

Amendment 11

Proposal for a directive Recital 18

Text proposed by the Commission

(18) It is necessary to introduce ***the*** accessibility requirements in the least burdensome manner for the economic operators and the Member States, ***notably by only including in the scope the products and services which have been thoroughly selected.***

Amendment

(18) It is necessary to introduce accessibility requirements ***which enable all persons with functional limitations including persons with disabilities to fully use the products and services and infrastructure covered by this Directive. Accessibility requirements should be introduced*** in the least burdensome manner for the economic operators and the Member States.

Amendment 12

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) ***In some situations***, common accessibility requirements of the built environment ***would*** facilitate the free movement of the related services and of persons with disabilities. Therefore, this Directive ***enables*** Member States to include the built environment used in the provision of the services under the scope of this Directive, ensuring compliance with the accessibility requirements set in Annex X.

Amendment

(23) Common accessibility requirements of the built environment ***are important for products and essential in terms of ensuring accessible*** services and ***should*** facilitate the free movement of persons with disabilities. Therefore, this Directive ***commits*** Member States ***to fully*** include the built environment used in the provision of services under the scope of this Directive, ensuring compliance with the accessibility requirements set in Annex X.

Amendment 13

Proposal for a directive

Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) When identifying and classifying the needs of persons with disabilities the product or service is intended to meet, the principle of the universal design should be viewed in light of the General Comment No. 2(2014) on Article 9 of the UN Convention on the Rights of Persons

Amendment 14

Proposal for a directive Recital 28

Text proposed by the Commission

(28) All economic operators intervening in the supply and distribution chain should ensure that they make available on the market only products which are in conformity with the accessibility requirements of this Directive. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each operator in the supply and distribution process.

Amendment

(28) All economic operators intervening in the supply and distribution chain should ensure that they make available on the market only products which are in conformity with the accessibility requirements of this Directive, **including the reporting requirements**. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each operator in the supply and distribution process.

Amendment 15

Proposal for a directive Recital 37

Text proposed by the Commission

(37) This Directive should ***follow the principle of 'think small first' and should take*** account of the administrative burdens that SMEs are faced with. It should set ***light*** rules in terms of conformity assessment and ***should establish*** safeguard clauses for economic operators, ***rather than providing for general exceptions and derogations for those enterprises***. Consequently, when setting up the rules for the selection and implementation of the most appropriate conformity assessment procedures, the situation of SMEs should be taken into account and the obligations to

Amendment

(37) This Directive should ***be wide-reaching, while also taking*** account of the administrative burdens and financial costs that SMEs are faced with. It should set ***precise and effective*** rules in terms of conformity assessment. ***Exceptions to the rules of conformity assessment should be interpreted strictly in line with this Directive***. Consequently, when setting up the rules for the selection and implementation of the most appropriate conformity assessment procedures, the situation of SMEs should be taken into account and the obligations to assess

assess conformity of accessibility requirements should be limited to the extent that they do not pose a disproportionate burden on SMEs. In addition, market surveillance authorities should operate in a proportionate manner in relation to the size of undertakings and to the small serial or non-serial nature of the production concerned, without creating unnecessary obstacles for SMEs and without compromising the protection of public interests.

Amendment 16

Proposal for a directive Recital 39

Text proposed by the Commission

(39) In order to facilitate conformity assessment with applicable requirements it is necessary to provide for a presumption of conformity for products and services which are in conformity with voluntary harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council³⁹ for the purpose of expressing detailed technical specifications of those requirements. The Commission has already issued a number of standardisation requests to the European standardisation organisations on accessibility which would be relevant for the preparation of harmonised standards.

³⁹ Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the Council on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the

conformity of accessibility requirements should be limited to the extent that they do not pose a disproportionate burden on SMEs. In addition, market surveillance authorities should operate in a proportionate manner in relation to the size of undertakings and to the small serial or non-serial nature of the production concerned, without creating unnecessary obstacles for SMEs and without compromising the protection of public interests.

Amendment

(39) In order to facilitate conformity assessment with applicable requirements **regarding accessibility**, it is necessary to provide for a presumption of conformity for products and services which are in conformity with voluntary harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council³⁹ for the purpose of expressing detailed technical specifications of those requirements. The Commission has already issued a number of standardisation requests to the European standardisation organisations on accessibility which would be relevant for the preparation of harmonised standards.

³⁹ Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the Council on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the

Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

Amendment 17

Proposal for a directive Recital 40

Text proposed by the Commission

(40) In the absence of harmonised standards and where ***needed*** for market harmonisation purposes, the Commission should be able adopt implementing acts establishing common technical specifications for the accessibility requirements set in this Directive.

Amendment

(40) In the absence of harmonised standards and where ***necessary*** for market harmonisation purposes, the Commission should be able ***to*** adopt implementing acts establishing common technical specifications for the accessibility requirements set in this Directive.

Amendment 18

Proposal for a directive Recital 42

Text proposed by the Commission

(42) For conformity assessment of products, this Directive should use the Internal Production Control of "Module A", described in Annex II to Decision No 768/2008/EC, as it enables economic operators to demonstrate, and the competent authorities to ensure, that products made available in the market conform to the accessibility requirements while not imposing a disproportionate burden.

Amendment

(42) For conformity assessment of products, this Directive should use the Internal Production Control of "Module A", described in Annex II to Decision No 768/2008/EC, as it enables economic operators to demonstrate, and the competent authorities to ensure, that products made available in the market conform to the accessibility requirements ***in line with the manufacturer's report on the accessibility features included in the device in question***, while not imposing a disproportionate burden.

Amendment 19

Proposal for a directive Recital 44

Text proposed by the Commission

(44) The CE marking, indicating the conformity of a product with the accessibility requirements of this Directive, is the visible consequence of a whole process comprising conformity assessment in a broad sense. This Directive should follow the general principles governing the CE marking of Regulation (EC) No 765/2008 of the European Parliament and of the Council⁴⁰ ***setting out the requirements for accreditation and market surveillance relating to the marketing of products.***

⁴⁰ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13/08/2008, p. 30).

Amendment

(44) The CE marking, indicating the conformity of a product with the accessibility requirements of this Directive, is the visible consequence of a whole process comprising conformity assessment in a broad sense. This Directive should follow the general principles governing the CE marking of Regulation (EC) No 765/2008 of the European Parliament and of the Council⁴⁰. ***Member States should exchange good practices regarding the procedures for the evaluation of accessible products and services, and should keep each other informed about the availability of experts in the field of accessible goods and products in cooperation with umbrella organisations operating in the field of accessibility and representing persons with disabilities.***

⁴⁰ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13/08/2008, p. 30).

Amendment 20

Proposal for a directive
Article -1 (new)

Text proposed by the Commission

Amendment

Article -1

Objectives

In order to improve the functioning of the internal market, this Directive aims at approximating the laws, regulations and administrative provisions of the Member States and at eliminating barriers to the free movement of accessible products and

services.

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) general purpose computer hardware and operating systems;

Amendment

(a) general purpose computer hardware and operating systems ***and household appliances operated by user interface with ICT;***

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) ***the following*** self-service terminals:

(i) Automatic Teller Machines;

(ii) ticketing machines;

(iii) check-in machines.

Amendment

(b) self-service terminals ***such as:***

(i) Automatic Teller Machines;

(ii) ***payment terminals;***

(iii) ticketing machines;

(iv) check-in machines.

Amendment 23

Proposal for a directive

Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) audiovisual media services and the related consumer equipment with advanced computing capability;

Amendment

(b) audiovisual media services, ***commercial and publicly funded media and news websites*** and the related consumer equipment with advanced computing capability;

Amendment 24

Proposal for a directive

Article 1 – paragraph 2 – point c

Text proposed by the Commission

(c) air, bus, rail and waterborne passenger transport services;

Amendment

(c) air, bus, rail and waterborne passenger transport services **and related infrastructure**;

Amendment 25

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) “universal design” referred to **also** as “design for all” 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 specialised design; “universal design” does not exclude assistive devices for particular groups of persons **with functional limitations**, including persons with disabilities where this is needed;

Amendment

(2) “universal design”, **also** referred to as “design for all”, 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 specialised design; “universal design” does not exclude assistive devices for particular groups of persons, including persons with disabilities where this is needed;

Amendment 26

Proposal for a directive

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) “product” means a substance, preparation or good produced through a manufacturing process other than food, feed, living plants and animals, products of human origin and products of plants and animals relating directly to their future reproduction;

Amendment

(5) “product” means a substance, preparation or good produced through a manufacturing process other than food, feed, living plants and animals, products of human origin and products of plants and animals relating directly to their future reproduction **in accordance with Directive 2001/95/EC of the European Parliament and of the Council^{46a}, with the exceptions**

set forth in this Directive;

^{46a} Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).

Amendment 27

Proposal for a directive

Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) "service provider" means any natural or legal person in the Union, as referred to in Article 56 of the Treaty on the functioning of the European Union and established in a Member State, who offers or provides a service falling under the scope of this Directive;

Amendment 28

Proposal for a directive

Article 2 – paragraph 1 – point 21

Text proposed by the Commission

Amendment

(21) “e-commerce” means the online sale of products and services.

(21) "e-commerce" means the online sale of products and services, *including any third party elements needed for the provision of the online sale.*

Amendment 29

Proposal for a directive

Article 2 – paragraph 1 – point 21 a (new)

Text proposed by the Commission

Amendment

(21a) "assistive technology" means any item, piece of equipment or product system that is used to increase, maintain, or improve functional capabilities of

*individuals with functional limitations,
including persons with disabilities;*

Amendment 30

Proposal for a directive

Article 2 – paragraph 1 – point 21 b (new)

Text proposed by the Commission

Amendment

(21b) "access service" means a service such as audio description, subtitles for the deaf and hard of hearing, and signing that improves the accessibility of audiovisual content for persons with disabilities;

Amendment 31

Proposal for a directive

Article 2 – paragraph 1 – point 21 c (new)

Text proposed by the Commission

Amendment

(21c) "audio description" means additional audible narrative, interleaved with the dialogue, which describes the significant aspects of the visual content of audio-visual media that cannot be understood from the main soundtrack alone;

Amendment 32

Proposal for a directive

Article 2 – paragraph 1 – point 21 d (new)

Text proposed by the Commission

Amendment

(21d) "subtitles for the deaf and hard of hearing" or SDH means synchronized visual text alternatives for both speech and non-speech audio information needed to understand the media content;

Amendment 33

Proposal for a directive

Article 2 – paragraph 1 – point 21 e (new)

Text proposed by the Commission

Amendment

(21e) "spoken subtitles" or audio subtitles means read aloud of subtitles in the national language when the audio speech is in a different language;

Amendment 34

Proposal for a directive

Article 2 – paragraph 1 – point 21 f (new)

Text proposed by the Commission

Amendment

(21f) "real-time text" means communication using the transmission of text where characters are transmitted by a terminal as they are typed in such a way that the communication is perceived by the user as being continuous;

Amendment 35

Proposal for a directive

Article 2 – paragraph 1 – point 21 g (new)

Text proposed by the Commission

Amendment

(21g) "authoring tool" means any software or collection of software components that can be used by authors, alone or collaboratively, to create or modify content for use by others including other authors;

Amendment 36

Proposal for a directive

Article 2 – paragraph 1 – point 21 h (new)

(21h) “relay services” means phone services operated by interpreter(s) or interpreting software that enable people who are deaf or hard of hearing or who have speech impairment, to communicate by phone through an interpreter (software) with a person who or that can hear/communicate in a manner that is "functionally equivalent" to the ability of an individual without disability;

Amendment 37

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

2. General purpose computer hardware and operating systems shall comply with the requirements set out in Section I of Annex I.

Amendment

2. General purpose computer hardware and operating systems **and household appliances operated by user interface with ICT** shall comply with the requirements set out in Section I of Annex I.

Amendment 38

Proposal for a directive Article 3 – paragraph 3

Text proposed by the Commission

3. **The following** self-service terminals: Automatic Teller Machines, ticketing machines and check-in machines shall comply with the requirements set out in Section II of Annex I.

Amendment

3. Self-service terminals: Automatic Teller Machines, ticketing machines, **payment terminals** and check-in machines shall comply with the requirements set out in Section II of Annex I.

Amendment 39

Proposal for a directive Article 3 – paragraph 4

Text proposed by the Commission

4. Telephony services, including emergency services and the related consumer terminal equipment with advanced computing capability, shall comply with the requirements set out in Section III of Annex I.

Amendment

4. Telephony services, including emergency services and the related consumer terminal equipment with advanced computing capability, shall comply with the requirements set out in Section III of Annex I. ***Member States shall ensure the availability of at least one text based relay service and one video based relay service, within the entire territory of the Member State and in consultation with users' organisations, including organisations representing persons with disabilities, and shall ensure that these relay services are interoperable with the telephony services. Member States shall also ensure the availability of audio, video and real-time text communication with national, regional, and local emergency services following the Total Conversation approach.***

Amendment 40

**Proposal for a directive
Article 3 – paragraph 5**

Text proposed by the Commission

5 Audiovisual media services and the related consumer equipment with advanced computing capability shall comply with the requirements set out in Section IV of Annex I.

Amendment

5. Audiovisual media services, ***commercial and publicly funded media and news websites*** and the related consumer equipment with advanced computing capability shall comply with the requirements set out in Section IV of Annex I.

Amendment 41

**Proposal for a directive
Article 3 – paragraph 5 – subparagraph 1 a (new)**

By the date set out in Article 27(2), audiovisual media service providers broadcasting in the EU shall make accessible their services as follows:

- at least 75% of the overall programming shall include subtitles for the deaf and hard of hear (SDH);***
- at least 75% of overall programming subtitled into the national language shall include spoken subtitles;***
- at least 5% of the overall programming shall include audio description;***
- at least 5% of the overall programming shall include sign language interpretation.***

Amendment 42

Proposal for a directive Article 3 – paragraph 6

Text proposed by the Commission

6. Air, bus, rail and waterborne passenger transport services, the websites, the mobile device-based services, smart ticketing and real-time information and Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services shall comply with the corresponding requirements set out in **Section V** of Annex I.

Amendment

6. Air, bus, rail and waterborne passenger transport **infrastructure**, services, the websites, the mobile device-based services, smart ticketing and real-time information and Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services shall comply with the corresponding requirements set out in **Sections V and X** of Annex I.

Amendment 43

Proposal for a directive Article 3 – paragraph 7

Text proposed by the Commission

7. Banking services, the websites, the

Amendment

7. Banking services, the websites, the

mobile device-based banking services, self-service terminals, including Automatic Teller machines used for provision of banking services shall comply with the requirements set out in Section VI of Annex I.

mobile device-based banking services **and payment terminals**, self-service terminals, including Automatic Teller machines used for provision of banking services shall comply with the requirements set out in Section VI of Annex I.

Amendment 44

Proposal for a directive

Article 3 – paragraph 9 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The user-generated content is exempted from the requirements set out in Section VIII of Annex I, whilst the available authoring tools shall be accessible for persons with disabilities and shall facilitate the creation of accessible content in line with the rules set out in this Directive.

Amendment 45

Proposal for a directive

Article 3 – paragraph 10

Text proposed by the Commission

Amendment

10. Member States ***may decide, in the light of national conditions***, that the built environment used by clients of passenger transport services including the environment that is managed by service providers and by infrastructure operators as well as the built environment used by clients of banking services, and customer services centres and shops under the scope of telephony operators ***shall comply*** with the accessibility requirements of Annex I, section X, in order to maximise their use by persons with functional limitations, including persons with disabilities.

10. Member States ***shall ensure*** that the built environment used by clients of passenger transport services including the environment that is managed by service providers and by infrastructure operators as well as the built environment used by clients of banking services, and customer services centres and shops under the scope of telephony operators ***complies*** with the accessibility requirements of Annex I, section X, in order to maximise their use by persons with functional limitations, including persons with disabilities.

Amendment 46

Proposal for a directive

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where compliance of a product with the applicable accessibility requirements has been demonstrated by that procedure, manufacturers shall draw up an EU declaration of conformity and affix the CE marking.

Amendment

Where compliance of a product with the applicable accessibility requirements has been demonstrated by that procedure, manufacturers shall draw up an EU declaration of conformity and affix the CE marking. ***They shall include an additional clear reference to accessibility such as "Accessible product".***

Amendment 47

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

4. Manufacturers shall keep a register of complaints, of non-conforming products and ***products*** recalls, and shall keep distributors informed of any such monitoring.

Amendment

4. Manufacturers shall keep a register of complaints ***with reference to identified groups of persons with disabilities***, of non-conforming products and ***of product*** recalls, and shall keep distributors informed of any such monitoring.

Amendment 48

Proposal for a directive

Article 5 – paragraph 7

Text proposed by the Commission

7. Manufacturers shall ensure that the product is accompanied by instructions and safety information in a language which can be easily understood by consumers and end-users, as determined by the Member State concerned.

Amendment

7. Manufacturers shall ensure that the product is accompanied by instructions and safety information in a language as determined by the Member State concerned, which can be easily understood by consumers and end-users ***in multiple accessible formats***.

Amendment 49

Proposal for a directive

Article 5 – paragraph 8

Text proposed by the Commission

8. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not in conformity with this Directive shall immediately take the necessary corrective measures to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product **presents a risk related to** accessibility, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment

8. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not in conformity with this Directive shall immediately take the necessary corrective measures to bring that product into conformity, to withdraw it or **to** recall it, **as** appropriate. Furthermore, where the product **is characterised by a lack of** accessibility, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment 50

Proposal for a directive

Article 7 – paragraph 2

Text proposed by the Commission

2. Before placing a product on the market importers shall ensure that the conformity assessment procedure set out in Annex II has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation required by that Annex, that the product bears the CE marking and is accompanied by the required documents and that the manufacturer has complied with the requirements set out in Article 5(5) and (6).

Amendment

2. Before placing a product on the market, importers shall ensure that the conformity assessment procedure set out in Annex II, **based on the manufacturer's accessibility report**, has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation required by that Annex, that the product bears the CE marking and is accompanied by the required documents and that the manufacturer has complied with the requirements set out in Article 5(5) and (6).

Amendment 51

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. Service providers shall prepare the necessary information in accordance with Annex III explaining how ***the*** services meet the accessibility requirements referred to in Article 3. The information shall be made available to the public in ***written and oral format, including in a manner which is accessible to persons with functional limitations and persons with disabilities.*** Service providers shall keep the information as long as the service is in operation.

Amendment 52

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

3. Service providers shall ensure that procedures are in place guaranteeing that the continuous provision of services remains in conformity with the accessibility requirements referred to in Article 3. Changes in the characteristics of the provision of the service and changes in accessibility requirements referred to in Article 3 shall be adequately taken into account by ***the*** service providers. In ***case*** of non-conformity, service providers shall take the necessary corrective measures to bring the service ***in*** conformity with the accessibility requirements referred to in Article 3.

Amendment

2. Service providers shall prepare the necessary information in accordance with Annex III explaining how ***their*** services meet the accessibility requirements referred to in Article 3. The information shall be made available to the public in ***multiple accessible formats.*** Service providers shall keep the information as long as the service ***in question*** is in operation.

Amendment

3. Service providers shall ensure that procedures are in place guaranteeing that the continuous provision of services remains in conformity with the accessibility requirements referred to in Article 3 ***and shall make sure that, within the portfolio they provide, all groups of persons with disabilities have access, as far as possible, to the available services meeting their needs in terms of accessibility.*** Changes in the characteristics of the provision of the service and changes in ***the*** accessibility requirements referred to in Article 3 shall be adequately taken into account by service providers. In ***cases*** of non-conformity, service providers shall take the necessary corrective measures to bring the service ***into*** conformity with the accessibility requirements referred to in Article 3.

Amendment 53

Proposal for a directive Article 12 – paragraph 1

Text proposed by the Commission

1. The accessibility requirements referred to in Article 3 apply to the extent that they do not introduce a significant change in an aspect or feature of a product or service that results in **the** alteration of the basic nature of the product or service.

Amendment

1. The accessibility requirements referred to in Article 3 **shall** apply to the extent that they do not introduce a significant change in an aspect or feature of a product or service that results in alteration of the basic nature of the product or service **concerned. The manufacturer may choose to fulfil the accessibility requirements through the incorporation of third party compatible components, where such incorporation becomes an integral part of the product and does not result in an additional cost to the user.**

Amendment 54

Proposal for a directive Article 12 – paragraph 3 – point b

Text proposed by the Commission

(b) the estimated costs and benefits for the economic operators in relation to the estimated benefit for persons with disabilities, taking into account the frequency and duration of use of the specific product or service.

Amendment

(b) the estimated **additional** costs and benefits for the economic operators in relation to the estimated benefit for **persons with functional limitations including** persons with disabilities, taking into account the frequency and duration of use of the specific product or service.

Amendment 55

Proposal for a directive Article 12 – paragraph 4

Text proposed by the Commission

4. The burden shall not be deemed disproportionate where it is compensated by funding from other sources than the economic operator's own resources,

Amendment

4. The burden shall not be deemed disproportionate where it is compensated by funding from other sources than the economic operator's own resources,

whether public or private.

whether public or private. ***Lack of priority, schedule or knowledge shall not be considered as legitimate excuse to claim the disproportionate burden.***

Amendment 56

Proposal for a directive Article 12 – paragraph 5

Text proposed by the Commission

5. The assessment of whether compliance with accessibility requirements regarding products or services imposes a fundamental alteration or disproportionate burden shall be performed by the economic operator.

Amendment

5. The assessment of whether compliance with accessibility requirements regarding products or services imposes a fundamental alteration or disproportionate burden shall be performed by the economic operator ***in consultation with user's organisations and experts on accessibility requirements at the national market surveillance authority.***

Amendment 57

Proposal for a directive Article 12 – paragraph 6

Text proposed by the Commission

6. Where the economic operators have used the exception provided for in paragraphs 1 to 5 for a specific product or service they shall notify the relevant market surveillance authority of the Member State in the market of which the product or service is placed or made available. Notification shall include the assessment referred to in paragraph 3. Microenterprises are exempted from this notification requirement but must be able to supply the relevant documentation upon request from a relevant market surveillance authority.

Amendment

6. Where the economic operators have used the exception provided for in paragraphs 1 to 5 for a specific product or service they shall notify the relevant market surveillance authority of the Member State in the market of which the product or service is placed or made available. Notification shall include the assessment referred to in paragraph 3. ***In order for an exemption to be granted pursuant to such exception, the market surveillance authority shall verify all assessments, unless the economic operator has provided an assessment issued by an independent third-party organisation officially authorized by the market surveillance authority.***

Microenterprises are exempted from this notification requirement but must be able to supply the relevant documentation upon request from a relevant market surveillance authority.

Amendment 58

Proposal for a directive Article 12 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. A structured dialogue shall be established between relevant stakeholders, including persons with disabilities and their representative organisations and the market surveillance authorities, to ensure that adequate, coherent principles for the assessment of the exemptions are established.

Amendment 59

Proposal for a directive Article 12 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. Member States are encouraged to provide incentives and guidelines to microenterprises to facilitate the implementation of this Directive. The procedures and guidelines shall be developed in consultation with relevant stakeholders, including persons with disabilities and their representative organisations.

Amendment 60

Proposal for a directive Article 19 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they have sufficient reason to believe that a product covered by this Directive ***presents a risk related to accessibility aspects covered*** by this Directive, they shall carry out an evaluation in relation to the product concerned covering all the requirements laid down in this Directive. The relevant economic operators shall fully cooperate with the market surveillance authorities.

Amendment

Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they have sufficient reason to believe that a product covered by this Directive ***is clearly and definitively characterised in any respect by lack of accessibility as provided for*** by this Directive, they shall carry out an evaluation in relation to the product concerned covering all the requirements laid down in this Directive. The relevant economic operators shall fully cooperate with the market surveillance authorities.

Amendment 61

Proposal for a directive

Article 21 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) Where applicable, to all relevant Union legislation or to the provisions in Union legislation referring to accessibility for persons with disabilities.

Amendment 62

Proposal for a directive

Article 22 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the estimated costs and benefits for the competent authorities concerned in relation to the estimated benefit ***for*** persons with disabilities, taking into account the frequency and duration of use of the specific product or service;

(b) the estimated ***additional*** costs and benefits for the competent authorities concerned in relation to the estimated benefit of persons with functional limitations including persons with disabilities, taking into account the frequency and duration of use of the specific product or service;

Amendment 63

Proposal for a directive Article 22 – paragraph 3

Text proposed by the Commission

3. The assessment of whether compliance with accessibility requirements referred to in Article 21 imposes a disproportionate burden shall be performed by the competent authorities concerned.

Amendment

3. The assessment of whether compliance with accessibility requirements referred to in Article 21 imposes a disproportionate burden shall be performed by the competent authorities concerned.
Lack of priority, time or knowledge shall not be considered as legitimate reasons to claim a disproportionate burden.

Amendment 64

Proposal for a directive Article 22 – paragraph 4

Text proposed by the Commission

4. Where a competent authority has used the exception provided for in paragraphs 1, 2 and 3 for a specific product or service it shall notify the Commission thereof. The notification shall include the assessment referred to in paragraph 2.

Amendment

4. Where a competent authority has used the exception provided for in paragraphs 1, 2 and 3 for a specific product or service it shall notify the Commission thereof. The notification shall include the assessment referred to in paragraph 2 ***and it shall be made available to the public in accessible formats.***

Amendment 65

Proposal for a directive Article 22 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. If the Commission has reasons to doubt the decision of the competent authority concerned, the Commission may request the working group referred to in Article 25(2a) to issue an opinion about the assessment referred to in paragraph 2 of this Article.

Amendment 66

Proposal for a directive

Article 25 – paragraph 2 – point a

Text proposed by the Commission

(a) provisions whereby a consumer may take action under national law before the courts or before the competent administrative bodies to ensure that the national provisions transposing this Directive are complied with;

Amendment

(a) provisions whereby a consumer may take action ***within the framework of an accessible and comprehensive complaints mechanism*** under national law before the courts or before the competent administrative bodies to ensure that the national provisions transposing this Directive are complied with;

Amendment 67

Proposal for a directive

Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. To ensure coherence in the application of the requirements set out in this Directive and to facilitate the exchange of information and best practices amongst the market surveillance authorities, the Commission shall establish a working group formed by representatives of the national authorities and the representative organisations of the relevant stakeholders, including persons with disabilities and their representative organisations. Where the Commission deems it necessary, the working group shall deliver an opinion on the justified exceptions from those requirements.

Amendment 68

Proposal for a directive

Annex I – row 2 - Section I - column 1 - title

General purpose computer hardware and operating systems

General purpose computer hardware and operating systems ***and household appliances operated by user interface with ICT***

Amendment 69

Proposal for a directive

Annex I – row 2 – Section I – column 2 – point 1

Text proposed by the Commission

Amendment

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by ***making accessible*** the following:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:

(i) ***must*** be available by more than one sensory channel;

(ii) ***must*** be understandable;

(iii) ***must*** be perceivable;

(iv) shall have an adequate size of fonts in foreseeable conditions of use;

(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by ***complying*** with the following ***accessibility requirements***:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which ***shall be provided in multiple accessible formats and which***:

(i) ***shall*** be available by more than one sensory channel;

(ii) ***shall*** be understandable;

(iii) ***shall*** be perceivable;

(iv) shall have an adequate size of fonts ***with sufficient contrast between the characters and their background in order to maximise its readability*** in foreseeable conditions of use;

(b) the packaging of the product including the information provided in it (opening, closing, use, disposal) ***and an indication of the brand, the name and the type of the product which***:

(i) ***shall meet the requirements laid down in point (a)***;

(ii) ***shall in a simple and precise way***

(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:

(i) *the content of instruction* shall be available in *text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel*, and

(ii) the *instructions shall provide alternatives to non-text content*;

(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;

(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

(f) the *interfacing* of the product with *assistive devices*.

inform the users how the product incorporates accessibility features and its compatibility with assistive technology;

(c) the instructions for *the* use, installation and maintenance, storage and disposal of the product, *whether provided separately or integrated within the product*, which shall comply with the following:

(i) shall be *made* available in *accessible web format and electronic non-web document format that is understandable, perceivable and operable*; and

(ii) the *manufacturer shall list and explain how to use the accessibility features of the product and its compatibility with assistive technologies*;

(iii) *shall be provided on alternative non-electronic formats upon request. The alternative non-electronic formats may include large print, Braille, or easy-to-read text*;

(d) *the instructions for the use, installation and maintenance, storage and disposal of the product, whether provided separately or integrated within the product, which shall comply with the following*:

(e) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;

(f) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

(g) *when relevant, the compatibility with assistive devices and technologies available at Union and international level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices*.

Amendment 70

Proposal for a directive

Annex I – row 2 – Section I – column 2 – point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services: Where available, support services (help desks, call centers, technical support, relay services and training services) shall provide information on the accessibility of the products and their compatibility with assistive technologies, in accessible modes of communication for persons with disabilities.

Amendment 71

Proposal for a directive

Annex I – row 2 - Section I – column 2 - point 2

Text proposed by the Commission

Amendment

2. User interface and *functionality design*

In order to make accessible the design of the products and their user interface as referred to in points **(d)** and **(e)** of point 1 they ***must*** be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel;

(b) provide ***for alternatives to speech***

2. User interface *and functional performance requirements*

In order to make accessible the design of the products and their user interface as referred to in points **(e)** and **(f)** of point 1 they ***shall*** be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel ***including:***

(i) where the product provides visual modes of communication and operation, the product shall provide at least one mode of information and operation that does not require vision,

(ii) where the product provides auditory modes of information and operation, the product shall provide at least one mode of information and operation that does not require hearing;

(b) ***where the product requires vocal input from users, the product shall***

for communication and orientation;

(c) provide for flexible magnification and contrast;

(d) provide for an alternative colour to convey information;

(e) provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity;

(f) *provide for user control of volume;*

(g) provide *for sequential control and alternatives* to fine motor control;

(h) *provide for modes of operation* with limited reach and strength;

provide *at least one mode of operation that does not require the users to generate vocal output;*

(c) *where the product provides visual modes of communication and operation, provide for at least one mode of operation that enable users with limited vision to make better use of that vision, including by providing flexible magnification without loss of content or functionality, flexible contrast and brightness, and where possible, including flexible ways to separate and control foreground from background visual elements and flexible control over the field of vision required;*

(d) *where the product provides for visual modes of operation the product shall provide at least one mode of operation that does not require user perception of colour;*

(e) *where the product provides for auditory modes of operation, user control of volume or enhanced audio features to improve audio clarity, the product shall provide at least one mode of operation with enhanced audio features, clarity and volume included and flexible ways to separate and control foreground from background sound where voice and background are available as separate audio streams;*

(f) *where the product requires manual actions, the product shall provide one mode of operation that enable users to make use of the product through alternative modes of operation not requiring fine motor control, manipulation or hand strength, nor operation of more than one control at the same time;*

(g) *where product is free-standing or installed, their informational and operational elements shall be within reach of all users or it shall be possible for all users to place it within reach, including users with limited reach and strength;*

(i) provide **avoidance of** triggering photosensitive seizures.

(h) **where the product provides visual modes of information, the product shall provide at least one mode of information that minimizes the potential for** triggering photosensitive seizures;

(i) **the product shall provide at least one mode of operation that make it simpler and easier to use for all users including users with limited cognition;**

(j) **where the product provides features ensuring accessibility, it shall provide at least one mode of operation that maintains the privacy of users when using the features ensuring accessibility.**

Amendment 72

Proposal for a directive

Annex I – row 3 - Section II – column 1 - title

Text proposed by the Commission

Self-service terminals: Automatic Teller Machines, ticketing machines and check-in machines

Amendment

Self-service terminals: Automatic Teller Machines, ticketing machines, check-in machines **and payment terminals**

Amendment 73

Proposal for a directive

Annex I – row 3 – Section II – column 2 – point 1

Text proposed by the Commission

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by **making accessible the following:**

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:

Amendment

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by **complying with** the following **accessibility requirements:**

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which **shall be provided in multiple accessible formats and which:**

- (i) **must** be available by more than one sensory channel;
 - (ii) **must** be understandable;
 - (iii) **must** be perceivable;
 - (iv) shall have an adequate size of fonts in foreseeable conditions of use;
- (b) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;
 - (c) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;
 - (d) the **interfacing of the product with assistive devices**.

- (i) **shall** be available by more than one sensory channel;
 - (ii) **shall** be understandable;
 - (iii) **shall** be perceivable;
 - (iv) shall have an adequate size of fonts **with sufficient contrast between the characters and their background in order to maximise its readability** in foreseeable conditions of use;
- (b) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;
 - (c) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;
 - (d) **when relevant, compatibility** with assistive devices **and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices**.

Amendment 74

Proposal for a directive

Annex I – row 3 – Section II – column 2 – point 2

Text proposed by the Commission

2. User interface and **functionality design**:

In order to make accessible the design of the products and their user interface as referred to in points (b) and (c) of point 1 they **must** be designed, where applicable, as follows:

- (a) provide for communication and orientation via more than one sensory channel;

Amendment

2. User interface **and functional performance requirements**:

In order to make accessible the design of the products and their user interface as referred to in points (b) and (c) of point 1 they **shall** be designed, where applicable, as follows:

- (a) provide for communication and orientation via more than one sensory channel **including**:
 - (i) **where the product provides visual modes of communication and operation, the product shall provide at least one**

- (b) provide *for alternatives to speech for communication and orientation*;
- (c) provide for flexible magnification and contrast;
- (d) provide for an alternative colour to convey information;
- (e) provide for flexible ways to separate and control foreground from background including for reducing background *noise* and improve clarity;
- (f) *provide for user control of volume*;
- (g) provide *for sequential control and alternatives* to fine motor control;
- mode of information and operation that does not require vision*;
- (ii) *where the product provides auditory modes of information and operation, the product shall provide at least one mode of information and operation that does not require hearing*;
- (b) *where the product requires vocal input from users, the product shall provide at least one mode of operation that does not require the users to generate vocal output*;
- (c) *where the product provides visual modes of communication and operation, provide for at least one mode of operation that enable users with limited vision to make better use of that vision, including by providing flexible magnification without loss of content or functionality, flexible contrast and brightness, and where possible, including flexible ways to separate and control foreground from background visual elements and flexible control over the field of vision required*;
- (d) *where the product provides for visual modes of operation the product shall provide at least one mode of operation that does not require user perception of colour*;
- (e) *where the product provides for auditory modes of operation, user control of volume or enhanced audio features to improve audio clarity, the product shall provide at least one mode of operation with enhanced audio features, clarity and volume included and flexible ways to separate and control foreground from background sound where voice and background are available as separate audio streams*;
- (f) *where the product requires manual actions, the product shall provide one mode of operation that enable users to make use of the product through alternative modes of operation not*

(h) *provide for modes of operation* with limited reach and strength;

(i) provide *avoidance* of triggering photosensitive seizures.

requiring fine motor control, manipulation or hand strength, nor operation of more than one control at the same time;

(g) *where product is free-standing or installed, their informational and operational elements shall be within reach of all users or it shall be possible for all users to place it within reach, including users with limited reach and strength;*

(h) *where the product provides visual modes of information, the product shall provide at least one mode of information that minimizes the potential for triggering photosensitive seizures;*

(i) *the product shall provide at least one mode of operation that make it simpler and easier to use for all users including users with limited cognition;*

(j) *where the product provides features ensuring accessibility, it shall provide at least one mode of operation that maintains the privacy of users when using the features ensuring accessibility;*

(k) *it shall not require that an accessibility feature be on in order for a user who needs the feature to turn it on;*

(l) *where a timed response is required, the user shall be alerted visually, as well as by touch or sound, and shall be given the possibility to extend the time permitted;*

(m) *the product shall be operable, including the operable parts of the product, such as keys and controls, shall have an adequate contrast between the keys and controls and their background, and shall be tactilely discernible;*

(n) *where keys, tickets, or cards are provided, these shall have an orientation that is tactilely discernible if orientation is important to further use of the key, ticket or card;*

(o) *where the product uses biological characteristics of the user, it shall not rely on the use of a particular biological*

characteristic as the only means of user identification or for control of the product.

Amendment 75

Proposal for a directive

Annex I – row 3 - Section II – column 2 – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Support services:

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users, including persons with disabilities.

Amendment 76

Proposal for a directive

Annex I – row 4 - Section III – column 2 – point A – point 1

Text proposed by the Commission

Amendment

1. The provision of services in **order** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

- (a) **ensuring the accessibility** of the products they use in the provision of the service, in accordance with the rules laid down in point B on "Related terminal equipment with advance computing capability used by consumers"
- (b) **providing** information about the functioning of the service and about its accessibility characteristics and facilities as follows:

- (i) the information **content** shall be

1. The provision of services in **such a way as** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities shall be achieved by **the following**:

- (a) the products they use in the provision of the service **shall be** in accordance with the rules laid down in point B on "Related terminal equipment with advance computing capability used by consumers";
- (b) **the** information about the functioning of the service and about its accessibility characteristics and facilities **shall be provided in multiple accessible formats** as follows:

- (i) the information shall be **made**

available in *text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,*

(ii) *alternatives to non-text content shall be provided;*

(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (c).

(c) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(d) providing accessible information to facilitate complementarities with assistive services;

(e) *including* functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of *persons* with *functional limitations*.

available in *accessible web format and electronic non-web document format that is understandable, perceivable and operable;*

(ii) *the economic operator shall list and explain how to use the accessibility features of the service and its compatibility with assistive technologies;*

(iii) the electronic information, including the related online *and mobile* applications *and websites* needed in the provision of the service shall be provided in accordance with point (c);

(iv) shall be provided on alternative non-electronic formats upon request. The alternative non-electronic formats may include large print, Braille, or easy-to-read text.

(c) making websites *and mobile based services, including mobile applications needed for the provision of the service* accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(d) providing accessible information to facilitate complementarities with assistive services;

(e) functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations including *persons* with *disabilities*:

(i) *where a service provides two-way voice communication, it shall also support real-time text in parallel and on the same call;*

(ii) *where a service supports two-way communication and that service is specified for use with relay services,*

support shall be provided for voice, real-time text and/or video, alone or in any combination, on both outgoing and incoming calls;

(iii) where a service supports two-way communication and is specified for use with emergency services, support shall be provided for voice, real-time text and/or video, alone or in any combination, on both outgoing and incoming calls.

Amendment 77

Proposal for a directive

Annex I – row 4 - Section III – column 2 – point A – point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendment 78

Proposal for a directive

Annex I – row 4 – Section III – column 2 – point B - point 1

Text proposed by the Commission

Amendment

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by ***making accessible the following:***

(a) the information on the use of the product provided on the product itself

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by ***complying with the following accessibility requirements:***

(a) the information on the use of the product provided on the product itself

(labelling, instructions, warning), which:

- (i) **must** be available by more than one sensory channel;
- (ii) **must** be understandable;
- (iii) **must** be perceivable;
- (iv) shall have an adequate size of fonts in foreseeable conditions of use;

(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);

(c) **the product** instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:

(i) **the content of instruction** shall be available in **text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel**, and

(ii) the **instructions** shall **provide alternatives to non-text content**;

(labelling, instructions, warning), which **shall be provided in multiple accessible formats and which**:

- (i) **shall** be available by more than one sensory channel;
- (ii) **shall** be understandable;
- (iii) **shall** be perceivable;
- (iv) shall have an adequate size of fonts **with sufficient contrast between the characters and their background in order to maximise its readability** in foreseeable conditions of use;

(b) the packaging of the product including the information provided in it (opening, closing, use, disposal) **and an indication of the brand, the name and the type of the product which**:

(i) **shall meet the requirements laid down in point a**;

(ii) **shall in a simple and precise way inform the users how the product incorporates accessibility features and its compatibility with assistive technology**;

(c) the instructions for **the** use, installation and maintenance, storage and disposal of the product, **whether provided separately or integrated within the product**, which shall comply with the following:

(i) shall be **made** available in **accessible web format and electronic non-web document format that is both perceivable and operable**; and

(ii) the **manufacturer** shall **list and explain how to use the accessibility features of the product and its compatibility with assistive technologies**;

(iii) **shall be provided on alternative non-electronic formats upon request. The alternative non-electronic formats may include large print, Braille, or easy-to-read text**;

- | | |
|---|---|
| <p>(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;</p> <p>(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;</p> <p>(f) <i>the interfacing of the product with assistive devices.</i></p> | <p>(c) the instructions for <i>the</i> use, installation and maintenance, storage and disposal of the product, <i>whether provided separately or integrated within the product</i>, which shall comply with the following:</p> <p>(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;</p> <p>(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;</p> <p>(f) <i>when relevant, compatibility with assistive devices and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices.</i></p> |
|---|---|

Amendment 79

Proposal for a directive

Annex I – row 4 - Section III – column 2 - point B - point 2

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>2. User interface and functionality design</p> <p>In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they must be designed, where applicable, as follows:</p> <p>(a) provide for communication and orientation via more than one sensory channel;</p>	<p>2. User interface and functional performance requirements</p> <p>In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they shall be designed, where applicable, as follows:</p> <p>(a) provide for communication and orientation via more than one sensory channel including:</p> <p>(i) where the product provides visual modes of communication and operation, the product shall provide at least one mode of information and operation that does not require vision;</p> <p>(ii) where the product provides auditory modes of information and operation, the product shall provide at</p>

(b) provide for alternatives to speech for communication and orientation;

(c) provide for flexible magnification and contrast;

(d) provide for an alternative colour to convey information;

(e) provide for flexible ways to separate and control foreground from background including for reducing background **noise** and improve clarity;

(f) *provide for user control of volume;*

(g) provide for *sequential control and alternatives to* fine motor control;

(h) *provide for modes of operation*

least one mode of information and operation that does not require hearing;

(b) *where the product requires vocal input from users, the product shall provide at least one mode of operation that does not require the users to generate vocal output;*

(c) *where the product provides visual modes of communication and operation, provide for at least one mode of operation that enable users with limited vision to make better use of that vision, including by providing flexible magnification without loss of content or functionality, flexible contrast and brightness, and where possible, including flexible ways to separate and control foreground from background visual elements and flexible control over the field of vision required;*

(d) *where the product provides for visual modes of operation the product shall provide at least one mode of operation that does not require user perception of colour;*

(e) *where the product provides for auditory modes of operation, user control of volume or enhanced audio features to improve audio clarity, the product shall provide at least one mode of operation with enhanced audio features, clarity and volume included and flexible ways to separate and control foreground from background sound where voice and background are available as separate audio streams;*

(f) *where the product requires manual actions, the product shall provide one mode of operation that enable users to make use of the product through alternative modes of operation not requiring fine motor control, manipulation or hand strength, nor operation of more than one control at the same time;*

(g) *where product is free-standing or installed, their informational and*

with limited reach and strength;

(i) *provide avoidance of* triggering photosensitive seizures.

operational elements shall be within reach of all users or it shall be possible for all users to place it within reach, including users with limited reach and strength;

(h) *where the product provides visual modes of information, the product shall provide at least one mode of information that minimizes the potential for* triggering photosensitive seizures;

(i) *the product shall provide at least one mode of operation that make it simpler and easier to use for all users including users with limited cognition;*

(j) *where the product provides features ensuring accessibility, it shall provide at least one mode of operation that maintains the privacy of users when using the features ensuring accessibility.*

Amendment 80

Proposal for a directive

Annex I – row 4 - Section III– column 2 – point B – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendment 81

Proposal for a directive

Annex I – row 5 - Section IV – column 2 – point A – point 1

Text proposed by the Commission

Amendment

1. The provision of services in **order**

1. The provision of services in **such a**

to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

- (a) ***ensuring the accessibility of*** the products they use in the provision of the service, in accordance with the rules laid down in point B on "Related consumer equipment with advance computing capability"
- (b) ***providing*** information about the functioning of the service and about its accessibility characteristics and facilities as follows:
 - (i) the information ***content*** shall be available in ***text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,***
 - (ii) ***alternatives to non-text content shall be provided;***
 - (iii) the electronic information, including the related online applications needed in the provision of the service ***shall be provided in accordance with point (c).***
- (c) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;
- (d) providing accessible information to facilitate complementarities with assistive services;
- (e) ***including*** functions, practices,

way as to maximise their foreseeable use by persons with functional limitations, including persons with disabilities shall be achieved by ***the following***:

- (a) the products they use in the provision of the service ***shall be*** in accordance with the rules laid down in point B on "Related consumer equipment with advance computing capability";
- (b) ***the*** information about the functioning of the service and about its accessibility characteristics and facilities, ***shall be provided in multiple accessible formats*** as follows:
 - (i) the information shall be ***made*** available in ***accessible web format and electronic non-web document format*** by ***making it understandable, perceivable and operable;***
 - (ii) ***the economic operator shall list and explain how to use the accessibility features of the service and its compatibility with assistive technologies;***
 - (iii) the electronic information, including the related online ***and mobile*** applications ***and websites*** needed in the provision of the service shall be provided in accordance with point (c);
- (c) making websites ***and mobile based services, including mobile applications needed for the provision of the service*** accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;
- (d) providing accessible information to facilitate complementarities with assistive services;
- (e) functions, practices, policies and

policies and procedures and alterations in the operation of the service targeted to address the needs of *persons* with *functional limitations*.

procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations including *persons* with *disabilities*.

Amendment 82

Proposal for a directive

Annex I – row 5 - Section IV – column 2– point A – point 1 a (new)

Text proposed by the Commission

Amendment

1a. In consultation with users' organisations, including organisations representing persons with disabilities, audiovisual media service providers shall ensure, on the basis of a progressive and reasonable timetable, the quality of the access services; where a service supports two-way communication and that service is specified for use with relay services, support shall be provided for voice, real-time text and/or video, alone or in any combination, on both outgoing and incoming calls;

(i) Service providers shall ensure that subtitles for the deaf and hard of hearing (SDH) are well synchronised with the corresponding video and that they are readable, accurate and comprehensible in order to effectively reflect the audio information. This includes laying down quality specifications covering at least the font type, font size, contrast and colours to be used as well as, where possible, the necessary requirements to ensure users' control over the SDH.

(ii) Service providers shall ensure that audio description and spoken subtitles are well synchronised with the corresponding video. This includes laying down quality specifications related to audio placement and clarity of the audio description and spoken subtitles, as well as the necessary requirements to ensure users' control over them.

(iii) *Service providers shall ensure that sign language interpretation is accurate and comprehensible in order to effectively reflect the audio information. This includes laying down professional requirements for the interpreters concerned and quality specifications for the way in which the signing is provided. Where technically possible, requirements shall be laid down to ensure users' control over the provision of signing.*

Amendment 83

Proposal for a directive

Annex I – row 5 - Section IV – column 2 – point A – point 1 b (new)

Text proposed by the Commission

Amendment

1b. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users, including persons with disabilities.

Amendment 84

Proposal for a directive

Annex I – row 5 – Section IV – column 2 – point B - point 1

Text proposed by the Commission

Amendment

1. Design and production: The design and production of products in order to maximise their ***foreseeable*** use by persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by ***making accessible the following***:

(a) the information on the use of the product provided on the product itself

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by ***complying with*** the following ***accessibility requirements***:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which

(labelling, instructions, warning), which:

- (i) **must** be available by more than one sensory channel;
- (ii) **must** be understandable;
- (iii) **must** be perceivable;
- (iv) shall have an adequate size of fonts in foreseeable conditions of use;

(b) the packaging of the product **including the information provided in it (opening, closing, use, disposal)**;

(c) **the product** instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:

(i) **the content of instruction** shall be available in **text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel**, and

(ii) the **instructions shall provide alternatives to non-text content**;

shall be provided in multiple accessible formats and which:

- (i) **shall** be available by more than one sensory channel;
- (ii) **shall** be understandable;
- (iii) **shall** be perceivable;
- (iv) shall have an adequate size of fonts **with sufficient contrast between the characters and their background in order to maximise its readability** in foreseeable conditions of use;

(b) the packaging of the product including the information provided in it (opening, closing, use, disposal) **and an indication of the brand, the name and the type** of the product which:

(i) **shall meet the requirements laid down in point a**;

(ii) **shall in a simple and precise way inform the users how the product incorporates accessibility features and its compatibility with assistive technology**;

(c) the instructions for **the** use, installation and maintenance, storage and disposal of the product, **whether provided separately or integrated within the product**, which shall comply with the following:

(i) shall be **made** available in **accessible web format and electronic non-web document format that is both perceivable and operable**; and

(ii) the **manufacturer shall list and explain how to use the accessibility features of the product and its compatibility with assistive technologies**;

(iii) **shall be provided on alternative non-electronic formats upon request. The alternative non-electronic formats may include large print, Braille, or easy-to-read text.**

- (d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;
- (e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;
- (f) ***the interfacing of the product with assistive devices.***

(c) ***the instructions for the use, installation and maintenance, storage and disposal of the product, whether provided separately or integrated within the product, which shall comply with the following:***

- (d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;
- (e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;
- (f) ***when relevant, compatibility with assistive devices and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices.***

Amendment 85

Proposal for a directive

Annex I – row 5 – Section IV – column 2 – point B – point 2

Text proposed by the Commission

2. User interface and functionality design
- In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they ***must*** be designed, where applicable, as follows:
- (a) provide for communication and orientation via more than one sensory channel;

Amendment

2. User interface ***and functional performance requirements***
- In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they ***shall*** be designed, where applicable, as follows:
- (a) provide for communication and orientation via more than one sensory channel ***including:***
 - (i) ***where the product provides visual modes of communication and operation, the product shall provide at least one mode of information and operation that does not require vision,***
 - (ii) ***where the product provides auditory modes of information and operation, the product shall provide at***

(b) provide for alternatives to speech for communication and orientation;

(c) provide for flexible magnification and contrast;

(d) provide for an alternative colour to convey information;

(e) provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity;

(f) *provide for user control of volume;*

(g) provide *for sequential control and alternatives* to fine motor control;

(h) *provide for modes of operation*

least one mode of information and operation that does not require hearing;

(b) *where the product requires vocal input from users, the product shall provide at least one mode of operation that does not require the users to generate vocal output;*

(c) *where the product provides visual modes of communication and operation, provide for at least one mode of operation that enable users with limited vision to make better use of that vision, including by providing flexible magnification without loss of content or functionality, flexible contrast and brightness, and where possible, including flexible ways to separate and control foreground from background visual elements and flexible control over the field of vision required;*

(d) *where the product provides for visual modes of operation the product shall provide at least one mode of operation that does not require user perception of colour;*

(e) *where the product provides for auditory modes of operation, user control of volume or enhanced audio features to improve audio clarity, the product shall provide at least one mode of operation with enhanced audio features, clarity and volume included and flexible ways to separate and control foreground from background sound where voice and background are available as separate audio streams;*

(f) *where the product requires manual actions, the product shall provide one mode of operation that enable users to make use of the product through alternative modes of operation not requiring fine motor control, manipulation or hand strength, nor operation of more than one control at the same time;*

(g) *where product is free-standing or installed, their informational and*

with limited reach and strength;

(i) *provide avoidance of* triggering photosensitive seizures.

operational elements shall be within reach of all users or it shall be possible for all users to place it within reach, including users with limited reach and strength;

(h) *where the product provides visual modes of information, the product shall provide at least one mode of information that minimizes the potential for* triggering photosensitive seizures;

(i) *the product shall provide at least one mode of operation that make it simpler and easier to use for all users including users with limited cognition;*

(j) *where the product provides features ensuring accessibility, it shall provide at least one mode of operation that maintains the privacy of users when using the features ensuring accessibility.*

Amendment 86

Proposal for a directive

Annex I – row 5 - Section IV – column 2 – point B – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users, including persons with disabilities.

Amendment 87

Proposal for a directive

Annex I – row 6 - Section V – column 2 – point A – point 1

1. The provision of services in **order** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) **providing** information about the functioning of the service and about its accessibility characteristics and facilities as follows:

(i) the information **content** shall be available in **text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel**,

(ii) **alternatives to non-text content shall be provided**;

(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

(b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(c) **including** functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of **persons** with **functional limitations**.

1. The provision of services in **such a way as** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities shall be achieved by **the following**:

(a) **the** information about the functioning of the service and about its accessibility characteristics and facilities **shall be provided in multiple accessible formats** as follows:

(i) the information shall be **made** available in **accessible web format and electronic non-web document format** by **making it understandable, perceivable and operable**;

(ii) **the economic operator shall list and explain how to use the accessibility features of the service and its compatibility with assistive technologies**;

(iii) the electronic information, including the related online **and mobile** applications **and websites** needed in the provision of the service shall be provided in accordance with point (b);

(b) making websites **and mobile based services, including mobile applications needed for the provision of the service** accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(c) functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations including **persons** with **disabilities**.

Amendment 88

Proposal for a directive

Annex I – row 6 - Section V – column 2 – point A – point 1a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users, including persons with disabilities.

Amendment 89

Proposal for a directive

Annex I – row 6 - Section V – column 2 – point B – point a

Text proposed by the Commission

Amendment

(a) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(a) making websites ***and mobile based services, including mobile applications needed for the provision of the service*** accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment 90

Proposal for a directive

Annex I – row 6 - Section V – column 2 – point C – point 1

Text proposed by the Commission

1. The provision of services in **order** to maximise their **foreseeable** use by persons with **functional limitations**, **including persons with** disabilities, shall be achieved by:
- (a) **providing** information about the functioning of the service and about its accessibility characteristics and facilities as follows:
- (i) the information **content** shall be available in **text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel**,
- (ii) **alternatives to non-text content shall be provided**;
- (iii) the electronic information, including the related online applications needed in the provision of the service **shall be provided in accordance with point (b)**.
- (b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment

1. The provision of services in **such a way as** to maximise their foreseeable use by persons with functional limitations including persons with disabilities shall be achieved by **the following**:
- (a) information about the functioning of the service and about its accessibility characteristics and facilities **shall be provided in multiple accessible formats** as follows:
- (i) the information shall be **made** available in **accessible web format and electronic non-web document format** by **making it understandable, perceivable and operable**;
- (ii) **the economic operator shall list and explain how to use the accessibility features of the service and its compatibility with assistive technologies**;
- (iii) the electronic information, including the related online **and mobile** applications **and websites** needed in the provision of the service shall be provided in accordance with point (b);
- (b) making websites **and mobile based services, including mobile applications needed for the provision of the service** accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment 91

Proposal for a directive

Annex I – row 6 – Section V – column 2 – point D - point 1

1. Design and production: The design and production of products in **order** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by ***making accessible the following***:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:

- (i) ***must*** be available by more than one sensory channel;
- (ii) ***must*** be understandable;
- (iii) ***must*** be perceivable;
- (iv) shall have an adequate size of fonts in foreseeable conditions of use;

(b) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;

(c) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

(d) the ***interfacing of the product with assistive devices***.

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including **persons with disabilities**, shall be achieved by ***complying with*** the following ***accessibility requirements***:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which ***shall be provided in multiple accessible formats and which***:

- (i) ***shall*** be available by more than one sensory channel;
- (ii) ***shall*** be understandable;
- (iii) ***shall*** be perceivable;
- (iv) shall have an adequate size of fonts ***with sufficient contrast between the characters and their background in order to maximise its readability in*** foreseeable conditions of use;

(b) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;

(c) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

(d) ***when relevant, compatibility with assistive devices and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices***.

Amendment 92

Proposal for a directive

Annex I – Section V – column 2 – point D – point 1 a (new)

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendment 93**Proposal for a directive****Annex I – row 6 – Section V – column 2 – point D - point 2***Text proposed by the Commission***2. User interface and functionality design**

In order to make accessible the design of the products and their user interface as referred to in points (b) and (c) of point 1 they **must** be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel;

(b) provide for alternatives to speech for communication and orientation;

*Amendment***2. User interface *and functional performance requirements***

In order to make accessible the design of the products and their user interface as referred to in points (b) and (c) of point 1 they **shall** be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel **including:**

(i) **where the product provides visual modes of communication and operation, the product shall provide at least one mode of information and operation that does not require vision;**

(ii) **where the product provides auditory modes of information and operation, the product shall provide at least one mode of information and operation that does not require hearing;**

(b) **where the product requires vocal input from users, the product shall provide at least one mode of operation that does not require the users to generate**

(c) provide for flexible magnification and contrast;

(d) provide for *an alternative* colour to convey information;

(e) provide for flexible ways to separate and control foreground from background including for reducing background *noise* and improve clarity;

(f) *provide for user control of volume;*

(g) provide for *sequential control and alternatives* to fine motor control;

(h) *provide for modes of operation* with limited reach and strength;

(i) provide *avoidance of* triggering

vocal output;

(c) *where the product provides visual modes of communication and operation, provide for at least one mode of operation that enable users with limited vision to make better use of that vision, including by providing flexible magnification without loss of content or functionality, flexible contrast and brightness, and where possible, including flexible ways to separate and control foreground from background visual elements and flexible control over the field of vision required;*

(d) *where the product provides for visual modes of operation the product shall provide at least one mode of operation that does not require user perception of colour;*

(e) *where the product provides for auditory modes of operation, user control of volume or enhanced audio features to improve audio clarity, the product shall provide at least one mode of operation with enhanced audio features, clarity and volume included and flexible ways to separate and control foreground from background sound where voice and background are available as separate audio streams;*

(f) *where the product requires manual actions, the product shall provide one mode of operation that enable users to make use of the product through alternative modes of operation not requiring fine motor control, manipulation or hand strength, nor operation of more than one control at the same time;*

(g) *where product is free-standing or installed, their informational and operational elements shall be within reach of all users or it shall be possible for all users to place it within reach, including users with limited reach and strength;*

(h) *where the product provides visual modes of information, the product shall*

photosensitive seizures.

provide *at least one mode* of *information that minimizes the potential for* triggering photosensitive seizures;

(i) *the product shall provide at least one mode of operation that make it simpler and easier to use for all users including users with limited cognition;*

(j) *where the product provides features ensuring accessibility, it shall provide at least one mode of operation that maintains the privacy of users when using the features ensuring accessibility.*

Amendment 94

Proposal for a directive

Annex I – row 7 – Section VI – column 1 – title

Text proposed by the Commission

Banking services; websites used for provision of banking services; mobile device-based services; self-service terminals, including Automatic Teller machines used for provision of banking services

Amendment

Banking services; websites used for provision of banking services; mobile device-based services; self-service terminals, including Automatic Teller machines used for provision of banking services *and payment terminals*

Amendment 95

Proposal for a directive

Annex I – row 7 - Section VI – column 2 – point A – point 1

Text proposed by the Commission

1. The provision of services in *order* to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) *ensuring the accessibility of* the products they use in the provision of the service, in accordance with the rules laid down in point D

(b) *providing* information about the functioning of the service and about its

Amendment

1. The provision of services in *such a way as* to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by *the following*:

(a) the products they use in the provision of the service *shall be* in accordance with the rules laid down in point D;

(b) *the* information about the functioning of the service and about its

accessibility characteristics and facilities as follows:

(i) the information *content* shall be available in *text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel*,

(ii) *alternatives to non-text content shall be provided*;

(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (c).

(c) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(d) *including* functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of *persons* with *functional limitations*.

accessibility characteristics and facilities *shall be provided in multiple accessible formats* as follows:

(i) the information shall be *made* available in *accessible web format and electronic non-web document format* by *making it understandable, perceivable and operable*;

(ii) *the economic operator shall list and explain how to use the accessibility features of the service and its compatibility with assistive technologies*;

(iii) the electronic information, including the related online *and mobile* applications *and websites* needed in the provision of the service shall be provided in accordance with point (c);

(c) making websites *and mobile based services, including mobile applications needed for the provision of the service* accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(d) functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations including *persons* with *disabilities*.

Amendment 96

Proposal for a directive

Annex I – row 7 - Section VI – column 2 – point A - point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support,

relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users, including persons with disabilities.

Amendment 97

Proposal for a directive

Annex I – row 7 - Section VI – column 2 – point B – point a

Text proposed by the Commission

(a) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment

(a) making websites ***and mobile based services, including mobile applications needed for the provision of the service*** accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment 98

Proposal for a directive

Annex I – row 7 - Section VI – column 2 – point C – point 1

Text proposed by the Commission

1. The provision of services in ***order*** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) ***providing*** information about the functioning of the service and about its accessibility characteristics and facilities as follows:

Amendment

1. The provision of services in ***such a way as*** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities shall be achieved by ***the following***:

(a) ***the*** information about the functioning of the service and about its accessibility characteristics and facilities, ***shall be provided in multiple accessible formats*** as follows:

(i) the information **content** shall be available in **text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel**,

(ii) **alternatives to non-text content shall be provided;**

(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

(b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(i) the information shall be **made** available in **accessible web format and electronic non-web document format** by **making it understandable, perceivable and operable;**

(ii) **the economic operator shall list and explain how to use the accessibility features of the service and its compatibility with assistive technologies;**

(iii) the electronic information, including the related online **and mobile** applications **and websites** needed in the provision of the service shall be provided in accordance with point (b);

(b) making websites **and mobile based services, including mobile applications needed for the provision of the service** accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment 99

Proposal for a directive

Annex I – row 7 - Section VI – column 2 – point D - point 1

Text proposed by the Commission

1. Design and production: The design and production of products in **order** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by **making accessible the following:**

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:

Amendment

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by **complying with** the following **accessibility requirements:**

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which **shall be provided in multiple accessible**

- (i) **must** be available by more than one sensory channel;
 - (ii) **must** be understandable;
 - (iii) **must** be perceivable;
 - (iv) shall have an adequate size of fonts in foreseeable conditions of use;
- (b) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;
 - (c) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;
 - (d) the **interfacing of the product with assistive devices**.

formats and which:

- (i) **shall** be available by more than one sensory channel;
 - (ii) **shall** be understandable;
 - (iii) **shall** be perceivable;
 - (iv) shall have an adequate size of fonts ***with sufficient contrast between the characters and their background in order to maximise its readability*** in foreseeable conditions of use;
- (b) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;
 - (c) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;
 - (d) ***when relevant, compatibility with assistive devices and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices;***

Amendment 100

Proposal for a directive

Annex I – row 7 - Section VI – column 2 – point D – point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendment 101

Proposal for a directive

Annex I – row 7 - Section VI – column 2 – point D - point 2

Text proposed by the Commission

2. User interface and functionality design

In order to make accessible the design of the products and their user interface as referred to in points (b) and (c) of point 1 they **must** be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel;

(b) provide for alternatives to speech for communication and orientation;

(c) provide for flexible magnification and contrast;

(d) provide for *an alternative* colour to

Amendment

2. User interface **and functional performance requirements**

In order to make accessible the design of the products and their user interface as referred to in points (b) and (c) of point 1 they **shall** be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel **including**:

(i) **where the product provides visual modes of communication and operation, the product shall provide at least one mode of information and operation that does not require vision;**

(ii) **where the product provides auditory modes of information and operation, the product shall provide at least one mode of information and operation that does not require hearing;**

(b) **where the product requires vocal input from users, the product shall provide at least one mode of operation that does not require the users to generate vocal output;**

(c) **where the product provides visual modes of communication and operation, provide for at least one mode of operation that enable users with limited vision to make better use of that vision, including by providing flexible magnification without loss of content or functionality, flexible contrast and brightness, and where possible, including flexible ways to separate and control foreground from background visual elements and flexible control over the field of vision required;**

(d) **where the product provides for visual modes of operation the product**

convey information;

(e) provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity;

(f) *provide for user control of volume;*

(g) provide for sequential control and alternatives to fine motor control;

(h) *provide for modes of operation* with limited reach and strength;

(i) provide *avoidance of* triggering photosensitive seizures.

shall provide at least one mode of operation that does not require user perception of colour;

(e) *where the product provides for auditory modes of operation, user control of volume or enhanced audio features to improve audio clarity, the product shall provide at least one mode of operation with enhanced audio features, clarity and volume included and flexible ways to separate and control foreground from background sound where voice and background are available as separate audio streams;*

(f) *where the product requires manual actions, the product shall provide one mode of operation that enable users to make use of the product through alternative modes of operation not requiring fine motor control, manipulation or hand strength, nor operation of more than one control at the same time;*

(g) *where product is free-standing or installed, their informational and operational elements shall be within reach of all users or it shall be possible for all users to place it within reach, including users with limited reach and strength;*

(h) *where the product provides visual modes of information, the product shall provide at least one mode of information that minimizes the potential for triggering photosensitive seizures;*

(i) *the product shall provide at least one mode of operation that make it simpler and easier to use for all users including users with limited cognition;*

(j) *where the product provides features ensuring accessibility, it shall provide at least one mode of operation that maintains the privacy of users when using the features ensuring accessibility.*

Amendment 102

Proposal for a directive

Annex I – row 8 - Section VII – column 2 – point A – point 1

Text proposed by the Commission

1. The provision of services in **order** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) **ensuring the accessibility** of the products they use in the provision of the service, in accordance with the rules laid down in point B "Products";

(b) **providing** information about the functioning of the service and about its accessibility characteristics and facilities as follows:

(i) the information **content** shall be available in **text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel**,

(ii) **alternatives to non-text content shall be provided**;

(iii) the electronic information, including the related online applications needed in the provision of the service **shall be provided in accordance with point (c)**.

(c) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment

1. The provision of services in **such a way as** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by **the following**:

(a) the products they use in the provision of the service **shall be** in accordance with the rules laid down in point B "Products";

(b) **the** information about the functioning of the service and about its accessibility characteristics and facilities **shall be provided in multiple accessible formats** as follows:

(i) the information shall be **made** available in **accessible web format and electronic non-web document format by making it understandable, perceivable and operable**;

(ii) **the economic operator shall list and explain how to use the accessibility features of the service and its compatibility with assistive technologies**;

(iii) the electronic information, including the related online **and mobile** applications **and websites** needed in the provision of the service shall be provided in accordance with point (c);

(c) making websites **and mobile based services, including mobile applications needed for the provision of the service** accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies

(d) providing accessible information to facilitate complementarities with assistive services;

(e) ***including*** functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of ***persons*** with ***functional limitations***.

available at Union and international level;

(d) providing accessible information to facilitate complementarities with assistive services;

(e) functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations including persons with disabilities.

Amendment 103

Proposal for a directive

Annex I – row 8 - Section VII – column 2 – point A – point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users, including persons with disabilities.

Amendment 104

Proposal for a directive

Annex I – row 8 - Section VII – column 2 – point B - point 1

Text proposed by the Commission

Amendment

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by ***making accessible the following***:

(a) the information on the use of the product provided on the product itself

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by ***complying with*** the following ***accessibility requirements***:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which

(labelling, instructions, warning), which:

- (i) **must** be available by more than one sensory channel;
- (ii) **must** be understandable;
- (iii) **must** be perceivable;
- (iv) shall have an adequate size of fonts in foreseeable conditions of use;

(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);

(c) **the product** instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:

- (i) **content of instruction** shall be available in **text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel**, and
- (ii) the **instructions shall provide alternatives to non-text content**;

shall be provided in multiple accessible formats and which:

- (i) **shall** be available by more than one sensory channel;
- (ii) **shall** be understandable;
- (iii) **shall** be perceivable;
- (iv) shall have an adequate size of fonts **with sufficient contrast between the characters and their background in order to maximise its readability** in foreseeable conditions of use;

(b) the packaging of the product including the information provided in it (opening, closing, use, disposal) **and an indication of the brand, the name and the type of the product which:**

- (i) **shall meet the requirements laid down in point a;**
- (ii) **shall in a simple and precise way inform the users how the product incorporates accessibility features and its compatibility with assistive technology;**

(c) the instructions for **the** use, installation and maintenance, storage and disposal of the product, **whether provided separately or integrated within the product**, which shall comply with the following:

- (i) shall be **made** available in **accessible web format and electronic non-web document format that is both perceivable and operable**; and
- (ii) the **manufacturer shall list and explain how to use the accessibility features of the product and its compatibility with assistive technologies**;
- (iii) **shall be provided on alternative non-electronic formats upon request. The alternative non-electronic formats may include large print, Braille, or easy-to-read text**;

- | | |
|---|--|
| <p>(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;</p> <p>(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;</p> <p>(f) <i>the interfacing of the product with assistive devices.</i></p> | <p>(c) <i>the instructions for the use, installation and maintenance, storage and disposal of the product, whether provided separately or integrated within the product, which shall comply with the following:</i></p> <p>(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;</p> <p>(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;</p> <p>(f) <i>when relevant, compatibility with assistive devices and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices.</i></p> |
|---|--|

Amendment 105

Proposal for a directive

Annex I – row 8 – Section VII – column 2 – point B - point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users, including persons with disabilities.

Amendment 106

Proposal for a directive

Annex I – row 8 - Section VII – column 2 - point B - point 2

Text proposed by the Commission

Amendment

2. User interface and functionality

2. User interface ***and functional***

design

In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they **must** be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel;

(b) provide *for alternatives to speech for communication and orientation*;

(c) provide for flexible magnification and contrast;

(d) provide for *an alternative* colour to convey information;

performance requirements

In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they **shall** be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel ***including***:

(i) ***where the product provides visual modes of communication and operation, the product shall provide at least one mode of information and operation that does not require vision,***

(ii) ***where the product provides auditory modes of information and operation, the product shall provide at least one mode of information and operation that does not require hearing;***

(b) ***where the product requires vocal input from users, the product shall provide at least one mode of operation that does not require the users to generate vocal output;***

(c) ***where the product provides visual modes of communication and operation, provide for at least one mode of operation that enable users with limited vision to make better use of that vision, including by providing flexible magnification without loss of content or functionality, flexible contrast and brightness, and where possible, including flexible ways to separate and control foreground from background visual elements and flexible control over the field of vision required;***

(d) ***where the product provides for visual modes of operation the product shall provide at least one mode of operation that does not require user perception of colour;***

(e) provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity;

(f) *provide for user control of volume;*

(g) provide *for sequential control and alternatives to* fine motor control;

(h) *provide for modes of operation* with limited reach and strength;

(i) provide *avoidance of* triggering photosensitive seizures.

(e) *where the product provides for auditory modes of operation, user control of volume or enhanced audio features to improve audio clarity, the product shall provide at least one mode of operation with enhanced audio features, clarity and volume included and* flexible ways to separate and control foreground from background *sound where voice and background are available as separate audio streams;*

(f) *where the product requires manual actions, the product shall* provide *one mode of operation that enable users to make use of the product through alternative modes of operation not requiring* fine motor control, *manipulation or hand strength, nor operation of more than one control at the same time;*

(g) *where product is free-standing or installed, their informational and operational elements shall be within reach of all users or it shall be possible for all users to place it within reach, including users with limited reach and strength;*

(h) *where the product provides visual modes of information, the product shall provide at least one mode of information that minimizes the potential for* triggering photosensitive seizures;

(i) *the product shall provide at least one mode of operation that make it simpler and easier to use for all users including users with limited cognition;*

(j) *where the product provides features ensuring accessibility, it shall provide at least one mode of operation that maintains the privacy of users when using the features ensuring accessibility;*

Amendment 107

Proposal for a directive

Annex I – row 9 - Section VIII – column 2 – point A – point 1

Text proposed by the Commission

1. The provision of services in **order** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) **providing** information about the functioning of the service and about its accessibility characteristics and facilities as follows:

(i) the information **content** shall be available in **text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel**,

(ii) **alternatives to non-text content shall be provided**;

(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

(b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment

1. The provision of services in **such a way as** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by **the following**:

(a) **the** information about the functioning of the service and about its accessibility characteristics and facilities, **shall be provided in multiple accessible formats** as follows:

(i) the information shall be **made** available in **accessible web format and electronic non-web document format** by **making it understandable, perceivable and operable**;

(ii) **the economic operator shall list and explain how to use the accessibility features of the service and its compatibility with assistive technologies**;

(iii) the electronic information, including the related online **and mobile** applications **and websites** needed in the provision of the service shall be provided in accordance with point (b);

(b) making websites **and mobile based services, including mobile applications needed for the provision of the service** accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment 108

Proposal for a directive

Annex I – row 9 – Section VIII – column 2 – point A – point 1 a (new)

1a. Support services: Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendment 109

Proposal for a directive Annex I – Section IX – Part A – point 1

Text proposed by the Commission

Amendment

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by ***making accessible the following:***

- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:
 - (i) ***must*** be available by more than one sensory channel;
 - (ii) ***must*** be understandable;
 - (iii) ***must*** be perceivable;
 - (iv) shall have an adequate size of fonts in foreseeable conditions of use;
- (b) the packaging of the product

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by ***complying with*** the following ***accessibility requirements:***

- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which ***shall be provided in multiple accessible formats and which:***
 - (i) ***shall*** be available by more than one sensory channel;
 - (ii) ***shall*** be understandable;
 - (iii) ***shall*** be perceivable;
 - (iv) shall have an adequate size of fonts ***with sufficient contrast between the characters and their background in order to maximise its readability*** in foreseeable conditions of use;
- (b) the packaging of the product

including the information provided in it (opening, closing, use, disposal);

(c) **the product** instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:

(i) **the content of instruction** shall be available in *text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel*, and

(ii) the *instructions shall provide alternatives to non-text content*;

(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;

(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

including the information provided in it (opening, closing, use, disposal) **and an indication of the brand, the name and the type of the product which**:

(i) *shall meet the requirements laid down in point 1a*;

(ii) *shall in a simple and precise way inform the users how the product incorporates accessibility features and its compatibility with assistive technology*;

(c) the instructions for **the** use, installation and maintenance, storage and disposal of the product, **whether provided separately or integrated within the product**, which shall comply with the following:

(i) shall be *made* available in *accessible web format and electronic non-web document format that is both perceivable and operable*; and

(ii) the *manufacturer shall list and explain how to use the accessibility features of the product and its compatibility with assistive technologies*;

(iii) *shall be provided on alternative non-electronic formats upon request. The alternative non-electronic formats may include large print, Braille, or easy-to-read text.*

(c) the instructions for **the** use, installation and maintenance, storage and disposal of the product, **whether provided separately or integrated within the product**, which shall comply with the following:

(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;

(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

(f) the *interfacing* of the product *with assistive devices*.

(f) *when relevant, compatibility with assistive devices and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices.*

Amendment 110

Proposal for a directive Annex I – Section IX – Part A - point 2

Text proposed by the Commission

2. User interface and functionality design

In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they ***must*** be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel;

(b) provide *for alternatives to speech for communication and orientation*;

(c) provide for flexible magnification and contrast;

Amendment

2. User interface ***and functional performance requirements***

In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they ***shall*** be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel ***including***:

(i) *where the product provides visual modes of communication and operation, the product shall provide at least one mode of information and operation that does not require vision,*

(ii) *where the product provides auditory modes of information and operation, the product shall provide at least one mode of information and operation that does not require hearing;*

(b) *where the product requires vocal input from users, the product shall provide at least one mode of operation that does not require the users to generate vocal output;*

(c) *where the product provides visual modes of communication and operation, provide for at least one mode of operation that enable users with limited vision to make better use of that vision, including by providing flexible magnification*

(d) provide for *an alternative* colour to convey information;

(e) provide for flexible ways to separate and control foreground from background including for reducing background *noise* and improve clarity;

(f) *provide for user control of volume;*

(g) provide *for sequential control and alternatives to* fine motor control;

(h) *provide for modes of operation* with limited reach and strength;

(i) provide *avoidance of* triggering photosensitive seizures.

without loss of content or functionality, flexible contrast and brightness, and where possible, including flexible ways to separate and control foreground from background visual elements and flexible control over the field of vision required;

(d) *where the product provides for visual modes of operation the product shall provide at least one mode of operation that does not require user perception of* colour;

(e) *where the product provides for auditory modes of operation, user control of volume or enhanced audio features to improve audio clarity, the product shall provide at least one mode of operation with enhanced audio features, clarity and volume included and* flexible ways to separate and control foreground from background *sound where voice and background are available as separate audio streams;*

(f) *where the product requires manual actions, the product shall provide one mode of operation that enable users to make use of the product through alternative modes of operation not requiring* fine motor control, *manipulation or hand strength, nor operation of more than one control at the same time;*

(g) *where product is free-standing or installed, their informational and operational elements shall be within reach of all users or it shall be possible for all users to place it within reach, including users with limited reach and strength;*

(h) *where the product provides visual modes of information, the product shall provide at least one mode of information that minimizes the potential for* triggering photosensitive seizures;

(i) *the product shall provide at least one mode of operation that make it simpler and easier to use for all users*

including users with limited cognition;

(j) where the product provides features ensuring accessibility, it shall provide at least one mode of operation that maintains the privacy of users when using the features ensuring accessibility.

Amendment 111

Proposal for a directive

Annex I – Section IX – Part B – point 1

Text proposed by the Commission

1. The provision of services in **order** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) making accessible the built environment where the service is provided, including transport infrastructure, in accordance with Part C, without prejudice to national and Union legislation for the protection of national treasures possessing artistic, historic or archaeological value;

(b) making facilities accessible, including vehicles, crafts and equipment needed for the delivery of the service as follows:

(i) the design of its built space shall follow the requirements under Part C in relation to boarding, disembarking, circulation and use;

(ii) the information shall be available in different ways and via more than one sensory channel;

(iii) alternatives to non-text visual content shall be provided.

(c) **ensuring the accessibility** of the products used in the provision of the service, in accordance with the rules laid down in Part A;

(d) **providing** information about the

Amendment

1. The provision of services in **such a way as** to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) making accessible the built environment where the service is provided, including transport infrastructure, in accordance with Part C, without prejudice to national and Union legislation for the protection of national treasures possessing artistic, historic or archaeological value;

(b) making facilities accessible, including vehicles, crafts and equipment needed for the delivery of the service as follows:

(i) the design of its built space shall follow the requirements under Part C in relation to boarding, disembarking, circulation and use;

(ii) the information shall be available in different ways and via more than one sensory channel;

(iii) alternatives to non-text visual content shall be provided.

(c) the products used in the provision of the service **shall be** in accordance with the rules laid down in Part A;

(d) **the** information about the

functioning of the service and about its accessibility characteristics and facilities as follows:

(i) the information *content* shall be available in *text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel*,

(ii) *alternatives to non-text content shall be provided*;

(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (e).

(e) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(f) providing accessible information to facilitate complementarities with assistive services;

(g) *including* functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of *persons* with *functional limitations*.

functioning of the service and about its accessibility characteristics and facilities *shall be provided in digital and accessible formats* as follows:

(i) the information shall be *made* available in *accessible web format and electronic non-web document format* by *making it understandable, perceivable and operable*;

(ii) *the economic operator shall list and explain how to use the accessibility features of the service and its compatibility with assistive technologies*;

(iii) the electronic information, including the related online *and mobile* applications *and websites* needed in the provision of the service shall be provided in accordance with point (e);

(e) making websites *and online applications needed for the provision of the service* accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a *robust* way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(f) providing accessible information to facilitate complementarities with assistive services;

(g) functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations including *persons* with *disabilities*.

Amendment 112

Proposal for a directive

Annex I – Section IX – Part C – point 1 a (new)

1a. The minimum number of accessible rooms per establishment shall be:

(a) 1 accessible room for establishments with less than 20 room overall;

(b) 2 accessible rooms for establishments with more than 20 but less than 50 rooms;

(c) 1 supplementary accessible room for every additional 50 rooms.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services			
References	COM(2015)0615 – C8-0387/2015 – 2015/0278(COD)			
Committee responsible Date announced in plenary	IMCO 18.1.2016			
Opinion by Date announced in plenary	EMPL 18.1.2016			
Associated committees - date announced in plenary	15.12.2016			
Rapporteur Date appointed	Ádám Kósa 8.6.2016			
Discussed in committee	1.9.2016	26.9.2016	5.12.2016	28.2.2017
Date adopted	3.4.2017			
Result of final vote	+: 46 -: 0 0: 3			
Members present for the final vote	Laura Agea, Brando Benifei, Mara Bizzotto, Vilija Blinkevičiūtė, Enrique Calvet Chambon, Martina Dlabajová, Lampros Fountoulis, Elena Gentile, Marian Harkin, Danuta Jazłowiecka, Agnes Jongerius, Jan Keller, Ádám Kósa, Kostadinka Kuneva, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Thomas Mann, Dominique Martin, Anthea McIntyre, Joëlle Mélin, Emilian Pavel, João Pimenta Lopes, Georgi Pirinski, Marek Plura, Terry Reintke, Sofia Ribeiro, Robert Rochefort, Maria João Rodrigues, Claude Rolin, Sven Schulze, Jutta Steinruck, Romana Tomc, Yana Toom, Marita Ulvskog, Renate Weber, Tatjana Ždanoka, Jana Žitňanská			
Substitutes present for the final vote	Georges Bach, Elmar Brok, Karima Delli, Tania González Peñas, Sergio Gutiérrez Prieto, Evelyn Regner, Joachim Schuster, Helga Stevens, Tom Vandenkendelaere			
Substitutes under Rule 200(2) present for the final vote	Françoise Grossetête, Andrejs Mamikins			

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

46	+
ALDE	Enrique Calvet Chambon, Martina Dlabajová, Marian Harkin, Robert Rochefort, Yana Toom, Renate Weber
ECR	Anthea McIntyre, Helga Stevens, Jana Žitňanská
EFDD	Laura Agea
EPP	Georges Bach, Elmar Brok, Françoise Grossetête, Danuta Jazłowiecka, Ádám Kósa, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Thomas Mann, Marek Plura, Sofia Ribeiro, Claude Rolin, Sven Schulze, Romana Tomc, Tom Vandenkendelaere
Green/EFA	Karima Delli, Terry Reintke, Tatjana Ždanoka
GUE/NGL	Tania González Peñas, Kostadinka Kuneva, João Pimenta Lopes
NI	Lampros Fountoulis
S&D	Brando Benifei, Vilija Blinkevičiūtė, Elena Gentile, Sergio Gutiérrez Prieto, Agnes Jongerius, Jan Keller, Andrejs Mamikins, Emilian Pavel, Georgi Pirinski, Evelyn Regner, Maria João Rodrigues, Joachim Schuster, Jutta Steinruck, Marita Ulvskog

0	-

3	0
ENF	Mara Bizzotto, Dominique Martin, Joëlle Mélin

Key to symbols:

+ : in favour

- : against

0 : abstention