



2015/0278(COD)

8.6.2016

AMENDMENTS

16 - 79

Draft opinion
Petra Kammerevert
(PE582.315v01-00)

Approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services

Proposal for a directive
(COM(2015)0615 – C8-0387/2015 – 2015/0278(COD))

Amendment 16
Isabella Adinolfi, Rosa D'Amato

Proposal for a directive
Citation 1 a (new)

Text proposed by the Commission

Amendment

- *having regard to the Charter of Fundamental Rights of the European Union, especially Article 26 thereof,*

Or. it

Amendment 17
Notis Marias

Proposal for a directive
Citation 1 a (new)

Text proposed by the Commission

Amendment

- *having regard to the Treaty on European Union, and in particular Article 5(3) thereof,*

Or. el

Amendment 18
Notis Marias

Proposal for a directive
Citation 1 b (new)

Text proposed by the Commission

Amendment

- *having regard to the Protocol (No. 2) of the TEU on the application of the principles of subsidiarity and proportionality,*

Or. el

Amendment 19
Notis Marias

Proposal for a directive
Citation 1 c (new)

Text proposed by the Commission

Amendment

- *having regard to the Treaty on the Functioning of the European Union, and in particular Article 106 thereof,*

Or. el

Amendment 20
Notis Marias

Proposal for a directive
Citation 1 d (new)

Text proposed by the Commission

Amendment

- *having regard to Article 14 of the Treaty on the Functioning of the European Union,*

Or. el

Amendment 21
Notis Marias

Proposal for a directive
Citation 1 e (new)

Text proposed by the Commission

Amendment

- *having regard to the Protocol (No. 26) of the Treaty on the Functioning of the European Union on services of general interest,*

Or. el

Amendment 22
Notis Marias

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, by eliminating **those** barriers to the free movement of certain accessible products and services **that may cause some problems**. This will increase the **availability** of accessible products and services on the internal market.

Or. el

Amendment 23
Enrico Gasbarra

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 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, **especially for the more vulnerable categories who are at high risk of social exclusion**.

Or. it

Amendment 24
Notis Marias

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The disparities between the laws and administrative measures adopted by the Member States in relation to accessibility of products and services for persons with functional limitations including persons with disabilities create barriers to the free movement of such products and services ***and distort effective competition in the internal market.*** Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

Amendment

(3) The disparities between the laws and administrative measures adopted by the Member States in relation to accessibility of products and services for persons with functional limitations including persons with disabilities create barriers to the free movement of such products and services. Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

Or. el

Amendment 25
Enrico Gasbarra

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The disparities between the laws and administrative measures adopted by the Member States in relation to accessibility of products and services for persons with functional limitations ***including*** persons with disabilities create barriers to the free movement of such products and services and distort effective competition in the internal market. Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

Amendment

(3) The disparities between the laws and administrative measures adopted by the Member States in relation to accessibility of products and services for persons with functional limitations, ***especially*** persons with disabilities, create barriers to the free movement of such products and services and distort effective competition in the internal market. Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

Or. it

Amendment 26
Notis Marias

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. 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.

Or. el

Amendment 27
Isabella Adinolfi, Rosa D'Amato

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

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

accessible products and services for each national market.

development and marketing of accessible products and services for each national market.

Or. it

Amendment 28

Notis Marias

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 and recipients of accessible services are faced with high prices due to limited competition among suppliers, ***especially in the countries of southern Europe, such as Greece, Italy, Spain and Portugal which are blighted by unemployment.***

Or. el

Amendment 29

Notis Marias

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***

Amendment

(6) The approximation of national measures at Union level is therefore necessary for the proper functioning of the internal market in order to create economies of scale, to facilitate cross-border trade, as well as to help economic operators to concentrate resources on innovation.

Amendment 30
Enrico Gasbarra

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. 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.
Breaking down barriers, including cultural barriers, means opening the gates to social inclusion and participation for all individuals without distinction.

Amendment 31
Enrico Gasbarra

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) In its Article 9, the Convention

Amendment

(12) In its Article 9, the Convention

requires its parties to the Convention to take appropriate measures to ensure that persons with disabilities have access to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas, on an equal basis with others. The United Nations Committee on the Rights of Persons with Disabilities has indicated the need to create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring the gradual implementation of accessibility.

requires its parties to the Convention to take appropriate measures to ensure that persons with disabilities have access to the physical environment, to transportation, to ***tourist services, to*** information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas, on an equal basis with others. The United Nations Committee on the Rights of Persons with Disabilities has indicated the need to create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring the gradual implementation of accessibility.

Or. it

Amendment 32 Curzio Maltese

Proposal for a directive Recital 21

Text proposed by the Commission

(21) The Commission's proposal for a Directive of the European Parliament and of the Council³⁴ includes accessibility requirements for ***a specific set*** of public sector bodies' ***websites***. In addition, it proposes to establish the basis for a monitoring and reporting methodology of the compliance of the relevant websites with the requirements listed in that Directive. Both the accessibility requirements and the monitoring and reporting methodology included in that Directive are to apply to the public sector bodies' websites. With the purpose of, notably, ensuring that relevant authorities implement the same accessibility requirements independently of the type of regulated website, the accessibility requirements set out in this Directive

Amendment

(21) The Commission's proposal for a Directive of the European Parliament and of the Council³⁴ includes accessibility requirements for ***all the websites*** of public sector bodies ***and private economic operators***. In addition, it proposes to establish the basis for a monitoring and reporting methodology of the compliance of the relevant websites with the requirements listed in that Directive. Both the accessibility requirements and the monitoring and reporting methodology included in that Directive are to apply to the public sector bodies' websites. With the purpose of, notably, ensuring that relevant authorities implement the same accessibility requirements independently of the type of regulated website, the accessibility requirements set out in this

should be aligned to those of the proposed Directive on the accessibility of public sector bodies' websites. Activities of ecommerce of public sector websites not covered by that Directive, fall under the scope of this proposal, in order to ensure that the online sale of products and services is accessible for persons with disabilities and older persons, irrespective of their public or private sale.

³⁴ Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites COM(2012) 721.

Directive should be aligned to those of the proposed Directive on the accessibility of public sector bodies' websites. Activities of ecommerce of public sector websites not covered by that Directive, fall under the scope of this proposal, in order to ensure that the online sale of products and services is accessible for persons with disabilities and older persons, irrespective of their public or private sale.

³⁴ Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites COM(2012) 721.

Or. en

Amendment 33

Isabella Adinolfi, Rosa D'Amato

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) In some situations, ***the accessibility of the built environment is a prerequisite for persons with disabilities, to enable them to actually be able to use the related services.*** Common accessibility requirements of the built environment would facilitate the free movement of the related services and of persons with disabilities. Therefore, this Directive ***includes*** 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.

Or. it

Amendment 34
Isabella Adinolfi, Rosa D'Amato

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Most jobs in the Union are provided by SMEs and micro-enterprises. They have a crucial importance for future **growth**, but very often face hurdles and obstacles in developing their products or services, notably in the cross-border context. It is therefore necessary to facilitate the work of the SMEs and micro-enterprises by harmonising the national provisions on accessibility while maintaining the necessary safeguards.

Amendment

(26) Most jobs in the Union are provided by SMEs and micro-enterprises. They have a crucial importance for future **economic development**, but very often face hurdles and obstacles in developing their products or services, notably in the cross-border context. It is therefore necessary to facilitate the work of the SMEs and micro-enterprises by harmonising the national provisions on accessibility while maintaining the necessary safeguards.

Or. it

Amendment 35
Isabella Adinolfi, Rosa D'Amato

Proposal for a directive
Recital 50

Text proposed by the Commission

(50) A safeguard procedure should be set up which applies only in the event of disagreement between Member States over measures taken by a Member State under which interested parties are informed of measures intended to be taken with regard to products not complying with the accessibility requirements of this Directive. It should allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an earlier stage in respect of such products.

Amendment

(50) A safeguard procedure should be set up which applies only in the event of disagreement between Member States over measures taken by a Member State under which interested parties are informed of measures intended to be taken with regard to products not complying with the accessibility requirements of this Directive. It should allow market surveillance authorities, in cooperation with **organisations representing persons with disabilities and** the relevant economic operators, to act at an earlier stage in respect of such products.

Or. it

Amendment 36
Isabella Adinolfi, Rosa D'Amato

Proposal for a directive
Article 1 – paragraph 1 – point b – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) payment terminals;

Or. it

Amendment 37
Curzio Maltese

Proposal for a directive
Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) consumer terminal equipment **with advanced computing capability** related to audio-visual media services.

(d) consumer terminal equipment related to audio-visual media services.

Or. en

Amendment 38
Sabine Verheyen

Proposal for a directive
Article 1 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

deleted

Or. de

Justification

Deleting the Audio-Visual Media Services (AVMS) sector from the scope of this Directive is not a disapproval of enhanced accessibility. The AVMS Directive is, as sector specific-legislation, a much better framework for introducing adequate accessibility obligations. Promoting accessibility within the AVMSD enables to ensure a coherent approach for public and private entities and also to ensure a sector-specific approach, taking into account the special cultural characteristics inherent in AVMS.

Amendment 39 **Curzio Maltese**

Proposal for a directive **Article 1 – paragraph 2 – point b**

Text proposed by the Commission

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

Amendment

(b) audiovisual media services and related consumer equipment, *together with websites and online applications of public sector bodies and private operators*;

Or. en

Amendment 40 **Curzio Maltese**

Proposal for a directive **Article 1 – paragraph 2 – point e**

Text proposed by the Commission

(e) e-books;

Amendment

(e) e-books *and electronic publications*;

Or. en

Amendment 41 **Curzio Maltese**

Proposal for a directive **Article 2 – paragraph 1 – point 1**

Text proposed by the Commission

(1) “accessible products and services” are products and services that are perceptible, operable ***and understandable*** for persons with functional limitations, including persons with disabilities, on an equal basis with others;

Amendment

(1) “accessible products and services” are products and services that are perceptible, operable, ***understandable and robust*** for persons with functional limitations, including persons with disabilities, on an equal basis with others;

Or. en

Amendment 42
Sabine Verheyen

Proposal for a directive
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ***"audiovisual media services" means services within the meaning of Article 1(1)(a) of Directive 2010/13/EU of the European Parliament and of the Council;***⁴⁷

Amendment

deleted

⁴⁷ ***Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (OJ L 95, 15.04.2010, p. 1)***

Or. de

Justification

Covering the accessibility in the AVMSD creates a level playing field for the sector and can ensure media pluralism. There are often high costs attached to the full accessibility of AVM content. We have to make sure that there are adequate accessibility rules in place that do not lead to the reduction of online content. With sector-specific accessibility rules for AVMS, we can find a good balance between the needs of disabled citizens and the diversity of content and cultural diversity.

Amendment 43
Curzio Maltese

Proposal for a directive
Article 2 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) "website" means a connected group of pages on the World Wide Web regarded as a single entity, including the third party content and services and the mobile and language versions of the website;

Or. en

Amendment 44
Curzio Maltese

Proposal for a directive
Article 2 – paragraph 1 – point 6 b (new)

Text proposed by the Commission

Amendment

(6b) "online application" means a program that is downloaded onto mobile devices for a specific purpose;

Or. en

Amendment 45
Curzio Maltese

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

Text proposed by the Commission

Amendment

1a. The requirements laid down in the Annexes shall under no circumstances lower the requirements laid down in existing national legislation and standards governing accessibility.

Amendment 46

Isabella Adinolfi, Rosa D'Amato

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

Or. it

Amendment 47

Curzio Maltese

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 and the related consumer equipment shall comply with the requirements set out in Section IV of Annex I.

Or. en

Amendment 48

Curzio Maltese

Proposal for a directive

Article 3 – paragraph 8

Text proposed by the Commission

8. E-books shall comply with the requirements set out in Section VII of Annex I.

Amendment

8. E-books **and electronic publications** shall comply with the requirements set out in Section VII of Annex I.

Or. en

Amendment 49

Isabella Adinolfi, Rosa D'Amato

Proposal for a directive

Article 3 – paragraph 10

Text proposed by the Commission

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.

Amendment

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.

Or. it

Amendment 50

Isabella Adinolfi, Rosa D'Amato

Proposal for a directive

Article 5 – paragraph 9

Text proposed by the Commission

9. Manufacturers shall, further to a **reasoned** request from a competent

Amendment

9. Manufacturers shall, further to a request from a competent national

national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the product, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have placed on the market and to ensure compliance with the requirements referred to in Article 3.

authority, provide it with all the information and documentation necessary to demonstrate the conformity of the product, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have placed on the market and to ensure compliance with the requirements referred to in Article 3.

Or. it

Amendment 51

Isabella Adinolfi, Rosa D'Amato

Proposal for a directive Article 7 – paragraph 9

Text proposed by the Commission

9. Importers shall, further to a ***reasoned*** request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have placed on the market.

Amendment

9. Importers shall, further to a request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have placed on the market.

Or. it

Amendment 52

Isabella Adinolfi, Rosa D'Amato

Proposal for a directive Article 8 – paragraph 6

Text proposed by the Commission

6. Distributors shall, further to a

Amendment

6. Distributors shall, further to a

reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have made available on the market.

request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have made available on the market.

Or. it

Amendment 53

Isabella Adinolfi, Rosa D'Amato

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

4. Service providers shall, further to a ***reasoned*** request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the accessibility requirements referred to in Article 3. They shall cooperate with those authorities, at their request, on any action taken to bring the service in conformity with those requirements.

Amendment

4. Service providers shall, further to a request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the accessibility requirements referred to in Article 3. They shall cooperate with those authorities, at their request, on any action taken to bring the service in conformity with those requirements.

Or. it

Amendment 54

Curzio Maltese

Proposal for a directive

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall provide for instruments of financial assistance to small and medium-sized enterprises and not-for-profit organisations that provide products and services.

Amendment 55
Curzio Maltese

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

Text proposed by the Commission

Amendment

(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. **deleted**

Or. en

Amendment 56
Curzio Maltese

Proposal for a directive
Article 12 – paragraph 5

Text proposed by the Commission

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*.

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 ***relevant competent authority of the Member State in the market of which the product or service is placed or made available.***

Or. en

Amendment 57
Curzio Maltese

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 ***claimed*** the exception provided for in paragraphs 1 to 5 for a specific product or service they shall notify the relevant ***competent*** 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 ***and not-for-profit organisations*** are exempted from this notification requirement but must be able to supply the relevant documentation upon request from a relevant ***competent*** authority.

Or. en

Amendment 58

Isabella Adinolfi, Rosa D'Amato

Proposal for a directive

Article 12 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The relevant market surveillance authority shall verify the correctness and fairness of the compliance assessment referred to in paragraph 3, as notified, and the relevant documentation provided by microenterprises.

Or. it

Amendment 59

Curzio Maltese

Proposal for a directive

Article 12 – paragraph 6 a (new)

6a. In order to ensure correct enforcement and scrutiny of exceptions as provided for in paragraphs 1 to 5, the relevant competent authorities shall establish a structured dialogue with disabled persons' organisations.

Or. en

Amendment 60
Curzio Maltese

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Where no reference to harmonised standards has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012, and where further detail for the accessibility requirements of certain products and services would be needed for harmonisation of the market, the Commission may adopt implementing acts establishing common technical specifications ('CTS') for the accessibility requirements set out in Annex I to this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2) of this Directive.

Amendment

1. Where no reference to harmonised standards has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012, and where further detail for the accessibility requirements of certain products and services would be needed for harmonisation of the market, the Commission may adopt, ***subject to prior consultation with disabled persons' organisations***, implementing acts establishing common technical specifications ('CTS') for the accessibility requirements set out in Annex I to this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2) of this Directive.

Or. en

Amendment 61
Isabella Adinolfi, Rosa D'Amato

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

4. By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the product.

Amendment

4. By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the product, ***ensuring that it is genuinely accessible***.

Or. it

Amendment 62
Curzio Maltese

Proposal for a directive
Article 17 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that information held by market surveillance authorities concerning the compliance of economic operators with the applicable accessibility requirements set out in Article 3 and the assessment of the exceptions provided for in Article 12, is made available to consumers upon request and in an accessible format, except where that information cannot be provided for reasons of confidentiality as provided for in Article 19(5) of Regulation (EC) No 765/2008.

Amendment

3. Member States shall ensure that information held by market surveillance authorities concerning the compliance of economic operators with the applicable accessibility requirements set out in Article 3 and the assessment of the exceptions provided for in Article 12, is made available to consumers upon request and in an accessible format, except ***as regards products in the development stage*** where that information cannot be provided for reasons of confidentiality as provided for in Article 19(5) of Regulation (EC) No 765/2008.

Or. en

Amendment 63
Isabella Adinolfi, Rosa D'Amato

Proposal for a directive
Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall establish, implement and periodically update adequate procedures in order to:

Amendment

1. Member States, ***in cooperation with organisations representing persons with disabilities***, shall establish, implement and periodically update adequate procedures in order to:

Or. it

Amendment 64

Ivan Jakovčić

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that the public is informed of the existence, responsibilities and identity of the authorities referred to in the first subparagraph. Those authorities shall make the information available in accessible formats upon request.

Amendment

Member States shall ensure that the public is informed of the existence, responsibilities and identity of the authorities referred to in the first subparagraph. Those authorities shall make the information ***on their own work and the decisions they have taken*** available in accessible formats upon request ***from the public concerned***.

Or. hr

Amendment 65

Curzio Maltese

Proposal for a directive

Article 19 – title

Text proposed by the Commission

Procedure for dealing with products presenting a ***risk*** related to accessibility ***at national level***

Amendment

Procedure for dealing with products ***not complying with the rules relating to*** accessibility

Or. en

Amendment 66
Isabella Adinolfi, Rosa D'Amato

Proposal for a directive
Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where, on completion of the procedure set out in Article 19(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

Amendment

Where, on completion of the procedure set out in Article 19(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States, ***the organisations representing persons with disabilities*** and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

Or. it

Amendment 67
Curzio Maltese

Proposal for a directive
Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Disproportionate burden

1. Accessibility requirements referred to in Article 21 apply to the extent that they do not impose a disproportionate burden on the competent authorities for the purposes of that Article.

2. In order to assess whether compliance with accessibility requirements referred to in Article 21 imposes a disproportionate burden, the competent authorities concerned shall

take account, of the following:

- (a) the size, resources and nature of the competent authorities concerned;*
- (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;*

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.*

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.*

Or. en

Amendment 68

Isabella Adinolfi, Rosa D'Amato

Proposal for a directive Article 27 – paragraph 2

Text proposed by the Commission

2. They shall apply those provisions *from [... insert date - six years after the entry into force of this Directive].*

Amendment

2. They shall apply those provisions *progressively, in relation to the life cycle of a product or a service and, in any case, no more than* six years after the entry into force of this *Directive*.

Or. it

Amendment 69

Curzio Maltese

Proposal for a directive
Article 27 – paragraph 2

Text proposed by the Commission

2. They shall apply those provisions from [... insert date - ~~six~~ years after the entry into force of this Directive].

Amendment

2. They shall apply those provisions from [... insert date - **three** years after the entry into force of this Directive].

Or. en

Amendment 70
Curzio Maltese

Proposal for a directive
Article 28 – introductory paragraph

Text proposed by the Commission

By [...insert date - **five** years after the application of this Directive], and every **five** years thereafter, the Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

Amendment

By [...insert date - **two** years after the application of this Directive], and every **two** years thereafter, the Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

Or. en

Amendment 71
Curzio Maltese

Proposal for a directive
Annex I – Section IV – title

Text proposed by the Commission

Audiovisual media services and **the** related consumer equipment **with advanced computing capability**

Amendment

Audiovisual media services and related consumer equipment

Or. en

Proposal for a directive
Annex I – Section IV – letter A

Text proposed by the Commission

Amendment

A. Services

deleted

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

Or. en

Justification

Within the AVMS Directive we can clearly state for the sector which content is to be made accessible together with a referral to the European Accessibility Act concerning the technical standards.

Amendment 73 **Curzio Maltese**

Proposal for a directive **Annex I – Section IV – letter A – paragraph 1 – point a**

Text proposed by the Commission

(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 "Related consumer equipment *with advanced computing capability*"

Amendment

(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 "Related consumer equipment"

Or. en

Amendment 74 **Curzio Maltese**

Proposal for a directive **Annex I – Section IV – letter A – paragraph 1 – point b – point iii**

Text proposed by the Commission

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

Amendment

(iii) the electronic information shall be provided in accordance with point (c).

Or. en

Amendment 75

Curzio Maltese

Proposal for a directive

Annex I – Section IV – letter A – paragraph 1 – point c

Text proposed by the Commission

(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

(c) making websites ***and online applications*** 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;

Or. en

Amendment 76

Curzio Maltese

Proposal for a directive

Annex I – Section IV – letter B – title

Text proposed by the Commission

Related consumer equipment ***with advanced computing capability***

Amendment

Related consumer equipment

Amendment 77

Curzio Maltese

Proposal for a directive

Annex I – Section VII – title

Text proposed by the Commission

E-books

Amendment

E-books *and electronic publications*

Or. en

Amendment 78

Curzio Maltese

Proposal for a directive

Annex I – Section VII – letter A – paragraph 1 – point b – point iii

Text proposed by the Commission

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

Amendment

(iii) the electronic information shall be
provided in accordance with point (c).

Or. en

Amendment 79

Curzio Maltese

Proposal for a directive

Annex I – Section VII – letter A – paragraph 1 – point c

Text proposed by the Commission

(c) making websites accessible in a
consistent and adequate way for users’
perception, operation and understanding,

Amendment

(c) making websites *and online
applications* accessible in a consistent and
adequate way for users’ perception,

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;

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;

Or. en