



2015/0278(COD)

6.1.2017

*****I**

DRAFT REPORT

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))

Committee on the Internal Market and Consumer Protection

Rapporteur: Morten Løkkegaard

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▯ symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0615),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0387/2015),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 25 May 2016¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Employment and Social Affairs, the Committee on Transport and Tourism, the Committee on Culture and Education, the Committee on Women's Rights and Gender Equality and the Committee on Petitions (A8-0000/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

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

Amendment

(3) The disparities between the laws and administrative measures adopted by the Member States in relation to ***the***

¹ OJ C 303, 19.8.2016, p. 103.

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.

accessibility of **some** products and services for persons with functional limitations, including persons with disabilities, create barriers to **their** free movement and distort effective competition in the internal market. **For other products, disparities are likely to increase due to the entry into force of the United Nations Convention on the Rights of Persons with Disabilities (“the Convention”)**. Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

Or. en

Amendment 2

Proposal for a directive Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Better accessibility of products and services will improve the lives not only of persons with disabilities but also of persons with other permanent or temporary functional limitations, such as elderly persons, pregnant women and persons travelling with luggage. However, it is important to limit the scope of this Directive solely to persons with disabilities and not to extend it to persons with temporary and permanent functional limitations in general, in order to align this Directive to the Convention and to ensure legal certainty for economic operators.

Or. en

Justification

It is not appropriate to include in the scope of the Directive people who suffer from temporary functional limitations as proposed by the Commission as it would make the implementation of the Directive extremely complicated. However, it is worth recognising the positive impact that more accessible products have on other consumers than consumers with disabilities. The

2012 Eurobarometer on accessibility shows that 7 in 10 Europeans believe better accessibility of goods and services would very much improve the lives of people with disabilities, the elderly and others with accessibility issues.

Amendment 3

Proposal for a directive

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Products and services falling within the scope of this Directive should be limited to those which are intended for use by consumers. For instance, general-purpose computer hardware should cover products such as desktop computers, integrated desktop computers, notebook computers (including tablet computers, slate computers and mobile thin clients), desktop thin clients, workstations and mobile workstations. Similarly, the banking services covered by this Directive should be limited to those which are intended to be used by consumers.

Or. en

Justification

This Directive is not intended to covers products intended for use by professionals or to cover services between businesses. This was unclear in the Commission proposal.

Amendment 4

Proposal for a directive

Recital 17

Text proposed by the Commission

Amendment

(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

(17) Each product and service ***falling within the scope of this Directive should*** comply with the accessibility requirements ***set out*** in Article 3 and listed in Annex I to be accessible for persons with disabilities. The ***online marketplaces*** accessibility obligations ***should*** also apply to the online sale of services under ***points (a) to (e) of***

Article 1(2)(a) to (e) of this Directive.

Article 1(2).

Or. en

Justification

The proposed Directive aims at supporting Member States to achieve their accessibility obligations under the United Nations Convention on the Rights of Persons with Disabilities. The Convention only refers to "people with disabilities". It is therefore proposed to align the Directive to the Convention and to limit its scope to people with disabilities only. It is also in line with the recently adopted Directive on the accessibility of the sector bodies' websites and mobile apps.

Amendment 5

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) In order to ensure the accessibility of the services falling within the scope of this Directive, products used in the provision of the service concerned should likewise comply with the accessibility requirements laid down by this Directive, in accordance with Annex I hereto and the transitional measures contained herein.

Or. en

Justification

It was not clear in the Commission proposal that, for instance, the obligation pursuant to this Directive is not only for ATM manufacturers to make all their new ATMs accessible. It is also for a bank to make its ATMs accessible as from the entry into force of this Directive.

Amendment 6

Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

(21) The Commission's proposal for a Directive of the European Parliament and of the Council³⁴ includes accessibility

(21) Directive (EU) 2016/2102 of the European Parliament and of the Council³⁴ includes accessibility requirements for *all*

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 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.

public sector bodies' websites. In addition, it *establishes* the basis for a monitoring and reporting methodology of the compliance of the relevant websites *and mobile applications* with the requirements listed in that Directive. Both the accessibility requirements and the monitoring and reporting methodology included in that Directive apply to the public sector bodies' websites *and mobile applications*. With the purpose of, notably, ensuring that relevant authorities implement the same accessibility requirements independently of the type of regulated website *and mobile applications*, the accessibility requirements set out in this Directive should be aligned to those of Directive (EU) 2016/2102. Activities of ecommerce of public sector websites *and mobile applications which are* not covered by Directive (EU) 2016/2102 fall *within* the scope of this *Directive*, in order to ensure that the online sale of products and services is accessible for persons with disabilities, irrespective of their public or private sale.

³⁴ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of *the websites and mobile applications* of public sector bodies (OJ L 327, 2.12.2016, p. 1).

Or. en

Justification

This is a technical amendment reflecting the final agreement on the Directive on the accessibility of websites and mobile applications of public sector bodies, as adopted by Parliament and Council.

Amendment 7

Proposal for a directive Recital 22 a (new)

(22a) Certain elements of the accessibility requirements laid down by this Directive, particularly those set out in Annex I relating to the provision of information, are already covered by existing legislative acts of the Union in the area of transport. Those acts include Regulations (EC) Nos 1371/2007^{1a} and (EU) 1300/2014 of the European Parliament and of the Council^{1b} and Commission Regulation (EU) No 454/2011^{1c} as regards rail transport; Regulation (EU) No 181/2011 of the European Parliament and of the Council^{1d} as regards bus and coach transport; and Regulation (EU) No 1177/2010 of the European Parliament and of the Council^{1e} as regards maritime transport. To ensure regulatory consistency and predictability for the economic operators covered by those acts, the relevant requirements under this Directive should be deemed to be complied with where the relevant parts of those acts are complied with. However, when the accessibility requirements are not covered, for example the requirement to make websites of airlines accessible, this Directive should apply.

^{1a} Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).

^{1b} Regulation (EU) No 1300/2014 of the European Parliament and of the Council of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).

^{1c} Commission Regulation (EU) No

454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem ‘telematics applications for passenger services’ of the trans-European rail system (OJ L 123, 12.5.2011, p. 11).

^{1d} Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

^{1e} Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).

Or. en

Justification

It is not appropriate to cover with this Directive accessibility requirements which are already covered by other legislations. It would create only legal uncertainty and is not in line with the principle of Better regulation. However, when an aspect, such as airline websites, is not regulated in another Union act, this Directive will be applicable.

Amendment 8

Proposal for a directive Recital 22 b (new)

Text proposed by the Commission

Amendment

(22b) The determination of the scope of this Directive with regard to air, bus, rail and waterborne passenger transport services should be based on the existing sectorial legislation relating to passenger rights. Where this Directive does not apply to certain types of transport services, Member States should be able to encourage service providers to apply the relevant accessibility requirements provided for in this Directive.

Amendment 9**Proposal for a directive****Recital 23**

Text proposed by the Commission

Amendment

(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.*

deleted

Or. en

Justification

The Commission proposal does not make a choice between including built environment or not. It is proposed to remove this enabling clause. Member States will still be able to apply this directive to built environment if they wish so. A new paragraph has been introduced in article 28 to require the Commission within two years to report on a possible inclusion.

Amendment 10**Proposal for a directive****Recital 24**

Text proposed by the Commission

Amendment

(24) It is necessary to provide that, for legislative acts of the Union establishing accessibility obligations without providing accessibility requirements or specifications, accessibility is defined by reference to the accessibility requirements of this Directive. ***That is the case of*** Directive 2014/23/EU of the European Parliament and of the Council,³⁵ Directive 2014/24/EU of the European Parliament

(24) It is necessary to provide that, for legislative acts of the Union establishing accessibility obligations without providing accessibility requirements or specifications, accessibility is defined by reference to the accessibility requirements of this Directive. ***Those acts include*** Directive 2014/23/EU of the European Parliament and of the Council³⁵, Directive 2014/24/EU of the European Parliament

and of the Council,³⁶ and Directive 2014/25/EU of the European Parliament and of the Council,³⁷ which require that technical specifications and technical or functional requirements of the concessions, works or services falling within their scope take into account accessibility criteria for persons with disabilities or "design for all" users.

and of the Council³⁶, and Directive 2014/25/EU of the European Parliament and of the Council³⁷, which require that technical specifications and technical or functional requirements of the concessions, works or services falling within their scope take into account accessibility criteria for persons with disabilities or "design for all" users. ***This Directive should not, however, change the compulsory or voluntary nature of the provisions in those other Union acts. This Directive should thus ensure that, when accessibility requirements are used in accordance with those other acts, those requirements are the same across the Union.***

³⁵ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

³⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65°).

³⁷ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

³⁵ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

³⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

³⁷ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Or. en

Justification

It is important to clarify that this Directive will not change the mandatory or voluntary nature of the other Union acts it refers to. It only intends to clarify what the accessibility requirements are when the other Union acts require taking accessibility into account.

Amendment 11

Proposal for a directive Recital 24 a (new)

(24a) The obligation to ensure accessibility of the transport infrastructure on the Trans-European Transport Network is established in Regulation (EU) No 1315/2013 of the European Parliament and of the Council^{1a}. The accessibility requirements provided for in this Directive should also apply to certain elements of the transport infrastructure regulated by that Regulation, to the extent that the products and services covered by this Directive are concerned and the infrastructure and the built environment related to these services are intended to be used by passengers.

^{1a} Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348, 20.12.2013, p.1).

Or. en

Justification

When dealing with the TEN-T it is necessary to aim it at passengers and be very clear on which parts are in and out, whilst avoiding doubling legislation.

Amendment 12

**Proposal for a directive
Recital 25**

Text proposed by the Commission

(25) Accessibility should be achieved by the removal and prevention of barriers, preferably through a universal design or "design for all" approach. Accessibility should not exclude the provision of reasonable accommodation when ***requested*** by national or Union law.

Amendment

(25) Accessibility should be achieved by the removal and prevention of barriers, preferably through a universal design or "design for all" approach. ***According to the Convention, this approach "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 specialized design'. In line with the Convention, 'Universal design' [should] not exclude assistive devices for particular groups of persons with disabilities where this is needed". Accessibility should not exclude the provision of reasonable accommodation when **required** by national or Union law.

Or. en

Justification

The definition of “universal design” is better placed here than in article 2 given that the term is not used anywhere else in the Directive. Definitions should only be used to define terms used in the enabling provisions of a legal act.

Amendment 13

Proposal for a directive Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) The fact that a product or a service falls within the scope of this Directive should not lead to that product or service being included within the scope of Council Directive 93/42/EEC^{1a}.

^{1a}**Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ L 169, 12.7.1993, p. 1).**

Or. en

Justification

Within the meaning of the Medical Device Directive, recently amended, a product designed to compensate for disabilities is a medical device. It is therefore necessary to clarify that the European Accessibility Act has no impact on the scope of the Medical Device Directive. Thus it is not because a product or a service fall within the scope of this Act that such product or service will fall also in the scope of the Medical Device Directive.

Amendment 14

Proposal for a directive Recital 27

Text proposed by the Commission

(27) This Directive should be based on Decision No 768/2008/EC of the European Parliament and of the Council³⁸ as it concerns products already subject to other Union acts, this way ensuring the consistency of Union legislation.

³⁸ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products (OJ L 218, 13/08/2008, p. 82).

Amendment

(27) This Directive should be based on Decision No 768/2008/EC of the European Parliament and of the Council³⁸ as it concerns products already subject to other Union acts, this way ensuring the consistency of Union legislation. ***However, safety-related provisions of that Decision, such as those relating to recalls, should not form part of this Directive, as a non-accessible product is not a dangerous product.***

³⁸ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products (OJ L 218, 13/08/2008, p. 82).

Or. en

Amendment 15

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 ***falling within the scope of this Directive and*** 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 16**Proposal for a directive****Recital 29***Text proposed by the Commission*

(29) Economic operators should be responsible for the compliance of products and services, in relation to their respective roles in the supply chain, so as to ensure **a high level of protection of** accessibility and to guarantee fair competition on the Union market.

Amendment

(29) Economic operators should be responsible for the compliance of products and services, in relation to their respective roles in the supply chain, so as to ensure **better** accessibility and to guarantee fair competition on the Union market.

Or. en

Justification

The original commission proposal was poorly formulated. The new wording precisely reflects the aim of the Directive.

Amendment 17**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 assess conformity of accessibility requirements should be limited to the

Amendment

(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. 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 conformity of accessibility requirements should be limited to the extent that they do not pose a disproportionate burden on SMEs. In

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.

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. ***Additionally, microenterprises, due to their size, resources and nature, should not be required to comply with the accessibility requirements.***

Or. en

Justification

In order to minimise the regulatory burden on very small companies and in line with the Commission's decision to exclude micro-enterprises of all legislation where the necessity and the proportionality of their inclusion has not been demonstrated, it is proposed to exclude them from the scope of the Act.

Amendment 18

Proposal for a directive Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) Regulation (EU) No 1025/2012 provides for a procedure for formal objections to harmonised standards that are considered not to comply with the requirements of this Directive.

Or. en

Amendment 19

Proposal for a directive Recital 40

Text proposed by the Commission

Amendment

(40) In the absence of harmonised standards and where needed for market

(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.

harmonisation purposes, the Commission should be able adopt implementing acts establishing technical specifications for the accessibility requirements set in this Directive. ***However, that power of the Commission to adopt technical specifications which entail a presumption of conformity with this Directive should be strictly limited, given that the exercise of that power will not follow the founding principles of standardisation.***

Or. en

Justification

It is important to give the power to the Commission to adopt technical specifications if businesses are unable to adopt a standard after a certain period of time, but this power should be strictly limited given that the Commission is not obliged to follow the principles recognised by the World Trade Organisation in the field of standardisation, namely coherence, transparency, openness, consensus, voluntary application, independence from special interests and efficiency ('the founding principles').

Amendment 20

Proposal for a directive Recital 51 a (new)

Text proposed by the Commission

Amendment

(51a) In order to ensure the proper application of the proportionality principle with regard to the obligations concerning the identification of economic operators, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining the period during which economic operators have to be able to identify any economic operator who has supplied them with a product or to whom they have supplied a product and adopting the guidelines. That period should be specified in proportion to the life cycle of the product. It is of particular importance that the Commission carry out appropriate

consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making^{1a}. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

^{1a} OJ L 123, 12.5.2016, p. 1.

Or. en

Justification

Annex I of decision 768/2008 states in its article R7 that the period should be specified in proportion to the lifecycle of the product. The Commission proposal does not do that and suggests a period of 10 years for all products. This is not in line with the decision and your Rapporteur suggests therefore to give the power to the commission to adopt delegated acts in order to allow more flexibility for products with a shorter lifecycle.

Amendment 21

Proposal for a directive Recital 52 a (new)

Text proposed by the Commission

Amendment

(52a) Member States should ensure that effective and rapid remedies are available against decisions taken by contracting authorities and contracting entities as to whether a particular contract falls within the personal and material scope of Directives 2014/24/EU and 2014/25/EU. Given the existing legal framework concerning remedies in the areas covered by Directives 2014/24/EU and 2014/25/EU, those areas should however be excluded from the provisions of this Directive relating to enforcement and

penalties. Such exclusion is without prejudice to the obligations on Member States flowing from the Treaties to take all measures necessary to guarantee the application and effectiveness of Union law.

Or. en

Justification

The Remedies Directives coordinate national review systems by imposing common standards to ensure that rapid and effective means of redress are available in all EU countries when bidders believe that contracts have been awarded unfairly. It is necessary to avoid any conflicts between these directives and the Act (see amendment to article 25).

Amendment 22

Proposal for a directive Recital 53 a (new)

Text proposed by the Commission

Amendment

(53a) The accessibility requirements under this Directive should apply to products placed on the Union market after the date of application of the national measures transposing this Directive, including used and second-hand products imported from a third country placed on the Union market after that date.

Or. en

Amendment 23

Proposal for a directive Recital 53 b (new)

Text proposed by the Commission

Amendment

(53b) In order to give service providers sufficient time to adapt to the requirements laid down by this Directive, it is necessary to provide for a transitional

period, during which products used for the provision of a service do not need to comply with the accessibility requirements laid down by this Directive. Given the cost and long life cycle of automatic teller machines, ticketing machines and check-in machines, it is appropriate to provide that, when such terminals are used in the provision of services, they may continue to be used until the end of their economically useful life or until they are fully depreciated.

Or. en

Amendment 24

Proposal for a directive Recital 53 c (new)

Text proposed by the Commission

Amendment

(53c) If, on the basis of the required assessment, it is concluded that it would constitute a disproportionate burden on economic operators to require that all automatic teller machines, ticketing machines or check-in machines that are available for the provision of the same service comply with the accessibility requirements laid down by this Directive, then the assessment should also suggest what number of compliant machines would be sufficient to secure the accessibility of the services provided by the service provider in question. In its assessment, the service provider should take into account inter alia the estimated benefit for persons with disabilities, including the availability of other means of accessing the service, and the ease of access of the accessible machines.

Or. en

Amendment 25

Proposal for a directive Article - 1 (new)

Text proposed by the Commission

Amendment

Article -1

Subject matter

The purpose of this Directive is to eliminate and prevent barriers arising from divergent requirements for accessibility to the free movement of products and services covered by this Directive and to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the Member States as regards accessibility requirements for certain products and services.

Or. en

Amendment 26

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

Text proposed by the Commission

Amendment

1. Chapters I, II to V, and VII apply to the following products:

1. Chapters I, II to V, and VII apply to the following products ***placed on the Union market after ... [six years after the date of entry into force of this Directive]:***

Or. en

Amendment 27

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

Text proposed by the Commission

Amendment

(a) general purpose computer hardware and operating systems;

(a) general purpose computer hardware and operating systems *intended for use by consumers*;

Or. en

Justification

This directive only intends to cover products and services which are designed to be used by consumers.

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) consumer terminal equipment *with advanced computing capability* related to telephony services;

(c) consumer terminal equipment related to telephony services;

Or. en

Justification

No definition of "advanced computing capability" exists in any standardisation/regulatory documents. The concept is not used and is not fit either from a legal or computer science perspective

Amendment 29

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

Justification

No definition of "advanced computing capability" exists in any standardisation/regulatory documents. The concept is not used and is not fit either from a legal or computer science perspective

Amendment 30

Proposal for a directive

Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

2. Chapters I, II to V, and VII, apply to the following services:

Amendment

2. Chapters I, II to V, and VII, apply to the following services ***provided after ... [six years after the date of entry into force of this Directive], without prejudice to Article 27a:***

Or. en

Amendment 31

Proposal for a directive

Article 1 – paragraph 2 – point a

Text proposed by the Commission

(a) telephony services and related consumer terminal equipment ***with advanced computing capability;***

Amendment

(a) telephony services and related consumer terminal equipment;

Or. en

Justification

No definition of "advanced computing capability" exists in any standardisation/regulatory documents. The concept is not used and is not fit either from a legal or computer science perspective

Amendment 32

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***;

(b) audiovisual media services and related consumer equipment;

Or. en

Justification

No definition of "advanced computing capability" exists in any standardisation/regulatory documents. The concept is not used and is not fit either from a legal or computer science perspective

Amendment 33

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

Text proposed by the Commission

Amendment

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

(c) air, bus, rail and waterborne passenger transport services ***in relation to the following aspects***:

Or. en

Amendment 34

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

Text proposed by the Commission

Amendment

(i) ***the websites, the mobile device-based services, smart ticketing, real-time information; and***

Or. en

Amendment 35

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

Text proposed by the Commission

Amendment

(ii) *self-service terminals located within the territory of the Union, including ticketing machines and check-in machines used for the provision of passenger transport services;*

Or. en

Amendment 36

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

Text proposed by the Commission

Amendment

(d) banking services;

(d) **consumer** banking services;

Or. en

Justification

This directive only intends to cover products and services which are designed to be used by consumers.

Amendment 37

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

Text proposed by the Commission

Amendment

(e) e-books;

(e) e-books **and related equipment used in the provision of those services provided by the service provider;**

Or. en

Amendment 38

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

Text proposed by the Commission

Amendment

(f) *e-commerce.*

(f) **'online marketplaces' intended for use by consumers.**

Or. en

Justification

The concept of 'e-commerce' is a too vague. The Rapporteur suggests to use the concept of 'online marketplace' which defined in the recently adopted Directive 2016/1148/EU concerning measures for a high common level of security of network and information systems across the Union.

Amendment 39

Proposal for a directive

Article 1 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) public contracts and concessions which are subject to Directive 2014/23/EU⁴² Directive 2014/24/EU and Directive 2014/25/EU.

(a) public contracts and concessions which are subject to Directive 2014/23/EU **of the European Parliament and of the Council**⁴², Directive 2014/24/EU and Directive 2014/25/EU, **designed or constructed after ... [six years after the date of entry into force of this Directive].**

⁴² Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1)

⁴² Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1)

Or. en

Amendment 40

Proposal for a directive

Article 1 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) the preparation and implementation of programmes under Regulation (EU) No

(b) the preparation and implementation of programmes under Regulation (EU) No

1303/2013 of the European Parliament and of the *Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund*;⁴³ and Regulation (EU) No 1304/2013 of the European Parliament and of the Council.⁴⁴

1303/2013 of the European Parliament and of the Council⁴³ and Regulation (EU) No 1304/2013 of the European Parliament and of the Council⁴⁴, *adopted or implemented after ... [six years after the date of entry into force of this Directive]*.

⁴³ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁴⁴ Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006.

⁴³ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁴⁴ Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 (*OJ L 347, 20.12.2013, p. 470*).

Or. en

Amendment 41

Proposal for a directive

Article 1 – paragraph 3 – point d

Text proposed by the Commission

(d) transport infrastructure in accordance with Regulation (EU) No 1315/2013 of the European Parliament and

Amendment

(d) transport infrastructure in accordance with Regulation (EU) No 1315/2013 of the European Parliament and of the Council⁴⁶, *designed or constructed*

of the Council.⁴⁶

⁴⁶ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348, 20.12.2013, p.1).

after ... [six years after the date of entry into force of this Directive].

⁴⁶ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348, 20.12.2013, p. 1).

Or. en

Amendment 42

Proposal for a directive

Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Paragraph 3 shall apply only to products and services referred to in paragraph 1 and 2 of this Article.

Paragraph 3 shall apply to:

(a) public contracts in accordance with point (a) of paragraph 3, where technical specifications related to those contracts are published in a call for competitive tenders after the date of application of this Directive;

(b) programmes in accordance with point (b) of paragraph 3 adopted after the date of application of this Directive, or programming documentation implementing such programmes, to the extent that such documentation is published after that date;

(c) new, rehabilitated and upgraded transport infrastructure in accordance with point (d) of paragraph 3 for which design or construction starts after the date of application of this Directive.

Or. en

Amendment 43

Proposal for a directive Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1a

Exclusion of microenterprises

This Directive shall not apply to microenterprises manufacturing, importing or distributing products and services falling within its scope.

Or. en

Justification

In order to minimise the regulatory burden on very small companies and in line with the Commission's decision to exclude micro-enterprises of all legislation where the necessity and the proportionality of their inclusion has not been demonstrated, it is proposed to exclude them from the scope of the Act.

Amendment 44

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

Text proposed by the Commission

Amendment

(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***;

(1) “accessible products and services” ***means*** products and services that are ***perceivable***, operable, understandable ***and robust*** for persons with disabilities;

Or. en

Justification

The proposed Directive aims at supporting Member States to achieve their accessibility obligations under the United Nations Convention on the Rights of Persons with Disabilities. The Convention only refers to "people with disabilities". It is therefore proposed to align the Directive to the Convention and to limit its scope to people with disabilities only. It is also in line with the recently adopted Directive on the accessibility of the sector bodies' websites and

mobile apps. The four recognised principles of accessibility cover also robustness. It was missing in the Commission proposal.

Amendment 45

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(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;** **deleted**

Or. en

Justification

The term "universal design" is not used in the enabling provisions of the Directive and thus does not need to be defined in this article. A Recital has been modified by the Rapporteur to refer to the UNCRPD.

Amendment 46

Proposal for a directive

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

Text proposed by the Commission

Amendment

(5a) "service " means a service as defined in point 1 of Article 4 of Directive 2006/123/EC of the European Parliament and of the Council^{1a};

^{1a} *Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).*

Justification

Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36–68).

Amendment 47

**Proposal for a directive
Article 2 – paragraph 1 – point 5 b (new)**

Text proposed by the Commission

Amendment

(5b) "service provider" means any natural or legal person who offers or provides a service which is directed towards the Union market;

Or. en

Amendment 48

**Proposal for a directive
Article 2 – paragraph 1 – point 16 a (new)**

Text proposed by the Commission

Amendment

(16a) "SME" means a small or medium-sized enterprise as defined in Commission Recommendation 2003/361/EC^{1a};

^{1a} **Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).**

Or. en

Amendment 49

**Proposal for a directive
Article 2 – paragraph 1 – point 19**

Text proposed by the Commission

Amendment

(19) **“recall” means any measure aiming at the return of a product that has already been made available to the end user;**

deleted

Or. en

Justification

Recourse to recalls has been removed from the Directive. A definition is therefore not needed.

Amendment 50

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) **“online marketplace” means a digital service that allows consumers as defined in point (a) of Article 4(1) of Directive 2013/11/EU of the European Parliament and of the Council^{1a} to conclude online sales or service contracts with traders as defined in point (b) of Article 4(1) of that Directive either on the online marketplace's website or on a trader's website that uses computing services provided by the online marketplace;**

^{1a} **Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).**

Or. en

Justification

The concept of 'e-commerce' is a too vague. The Rapporteur suggests to use the concept of 'online marketplace' which defined in the recently adopted Directive 2016/1148/EU concerning measures for a high common level of security of network and information systems across the Union. The definition has been slightly modified to take into account that this directive only covers business-to-consumer relationships.

Amendment 51

Proposal for a directive

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

Text proposed by the Commission

Amendment

(21a) "air passenger transport services" means services provided by air carriers, tour operators and the managing bodies of airports as defined in points (b) to (f) of Article 2 of Regulation (EC) No 1107/2006 of the European Parliament and of the Council^{1a};

^{1a} Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1).

Or. en

Justification

For the sake of clarity, it is necessary to define what is meant by air passenger transport services. The definition does not intend to reduce the scope of what was originally proposed by the Commission.

Amendment 52

Proposal for a directive

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

Text proposed by the Commission

Amendment

(21b) "bus passenger transport services" means services covered by Article 2(1)

and (2) of Regulation (EU) No 181/2011;

Or. en

Justification

For the sake of clarity, it is necessary to define what is meant by bus passenger transport services. The definition does not intend to reduce the scope of what was originally proposed by the Commission.

Amendment 53

Proposal for a directive

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

Text proposed by the Commission

Amendment

(21c) "rail passenger transport services" means all rail passenger services covered by Article 2(1) and (2) of Regulation (EC) No 1371/2007;

Or. en

Justification

For the sake of clarity, it is necessary to define what is meant by rail passenger transport services. The definition does not intend to reduce the scope of what was originally proposed by the Commission.

Amendment 54

Proposal for a directive

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

Text proposed by the Commission

Amendment

(21d) "waterborne passenger transport services" means passenger services covered by Article 2(1) of Regulation (EU) No 1177/2010.

Or. en

Justification

For the sake of clarity, it is necessary to define what is meant by rail passenger transport

services. The definition does not intend to reduce the scope of what was originally proposed by the Commission.

Amendment 55

Proposal for a directive

Article 3 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. With regard to rail passenger transport, the accessibility requirements of this Directive related to the provision of information shall be deemed to be complied with where services comply with the corresponding provisions of Regulation (EU) No 1371/2007.

Or. en

Justification

When existing requirements exist in sector specific legislation, this Directive should not create legal uncertainties.

Amendment 56

Proposal for a directive

Article 3 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. With regard to the built environment of rail passenger transport, the accessibility requirements of this Directive shall be deemed to be complied with where the technical specifications for interoperability (TSI) comply with the corresponding provisions of Regulation (EU) No 1300/2014.

Or. en

Justification

When existing requirements exist in sector specific legislation, this Directive should not create legal uncertainties.

Amendment 57

Proposal for a directive

Article 3 – paragraph 6 c (new)

Text proposed by the Commission

Amendment

6c. With regard to rail passenger transport, the accessibility requirements of this Directive related to websites shall be deemed to be complied with where services comply with the corresponding provisions of Regulation (EU) No 454/2011.

Or. en

Justification

When existing requirements exist in sector specific legislation, this Directive should not create legal uncertainties.

Amendment 58

Proposal for a directive

Article 3 – paragraph 6 d (new)

Text proposed by the Commission

Amendment

6d. With regard to bus passenger transport, the accessibility requirements of this Directive related to the provision of information about accessibility characteristics and facilities shall be deemed to be complied with where services comply with Article 11 of Regulation (EU) No 181/2011.

Or. en

Justification

When existing requirements exist in sector specific legislation, this Directive should not create legal uncertainties.

Amendment 59

Proposal for a directive Article 3 – paragraph 6 e (new)

Text proposed by the Commission

Amendment

6e. *With regard to sea and inland waterway passenger transport, the accessibility requirements of this Directive related to the provision of information about the accessibility characteristics and facilities of services shall be deemed to be complied with where services comply with Article 9 of Regulation (EU) No 1177/2010.*

Or. en

Justification

When existing requirements exist in sector specific legislation, this Directive should not create legal uncertainties.

Amendment 60

Proposal for a directive Article 3 – paragraph 9

Text proposed by the Commission

Amendment

9. *E-commerce* shall comply with the requirements set out in Section VIII of Annex I.

9. **Online marketplaces** shall comply with the requirements set out in Section VIII of Annex I.

Or. en

Justification

The concept of 'e-commerce' is a too vague. The Rapporteur suggests to use the concept of 'online marketplace' which defined in the recently adopted Directive 2016/1148/EU concerning measures for a high common level of security of network and information systems across the Union.

Amendment 61

Proposal for a directive Article 3 – paragraph 10

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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.

deleted

Or. en

Justification

The Commission proposal does not make a choice between including built environment or not. It is proposed to remove this enabling clause. Member States will still be able to apply this directive to built environment if they wish so. A new paragraph has been introduced in article 28 to require the Commission within two years to report on a possible inclusion.

Amendment 62

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall not impede the making available on the market in their territory of products **and** services that comply with this Directive for reasons related to accessibility requirements.

Member States shall not impede the making available on the market in their territory of products **that comply with this Directive for reasons related to accessibility requirements. Member States shall not impede the provision of services in their territory** that comply with this Directive for reasons related to accessibility requirements.

Or. en

Amendment 63

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 **and** of non-conforming products.

Or. en

Justification

Recalls are used by economic operators or required by market surveillance authority when a product may pose risk to the safety of consumers or be harmful to the environment. Non accessible products do not enter into these categories. However, a manufacturer which would not comply with this legislation should still face sanctions or be required to take corrective actions such as withdrawal. The obligation to keep the distributors informed of complaints seems to be irrelevant when it comes to the accessibility of products. It makes sense only in case of safety or environmental hazards.

Amendment 64

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 **or** to withdraw it, if appropriate. Furthermore, where the product **is not in conformity with this Directive**, 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.

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 65**Proposal for a directive****Article 6 – paragraph 2 – point b***Text proposed by the Commission*

(b) co-operate with the competent national authorities, at their request, on any action taken to ***eliminate the risks posed by*** products covered by their mandate.

Amendment

(b) co-operate with the competent national authorities, at their request, on any action taken to ***ensure compliance of*** products covered by their mandate ***with the requirements referred to in Article 3.***

Or. en

Justification

This wording is linked with the wording used in the New Legislative Framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 66**Proposal for a directive****Article 7 – paragraph 3***Text proposed by the Commission*

3. Where an importer considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, he shall not place the product on the market until it has been brought into conformity. Furthermore, where the product ***presents a risk***, the importer shall inform the manufacturer and the market surveillance

Amendment

3. Where an importer considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, he shall not place the product on the market until it has been brought into conformity. Furthermore, where the product ***is not in conformity with this Directive***, the importer shall inform the manufacturer and the market surveillance authorities to that

authorities to that effect.

effect.

Or. en

Justification

This wording is linked with the wording used in the New Legislative Framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 67

Proposal for a directive Article 7 – paragraph 7

Text proposed by the Commission

7. Importers shall keep a register of complaints, of non-conforming products **and product recalls**, and shall keep distributors informed of such monitoring.

Amendment

7. Importers shall keep a register of complaints **and** of non-conforming products, and shall keep distributors informed of such monitoring.

Or. en

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 68

Proposal for a directive Article 7 – paragraph 8

Text proposed by the Commission

8. Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with the requirements referred to in Article 3 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**, importers shall

Amendment

8. Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with the requirements referred to in Article 3 shall immediately take the necessary corrective measures to bring that product into conformity, **or** to withdraw it, if appropriate. Furthermore, where the product **is not in conformity with this**

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.

Directive, importers 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.

Or. en

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 69

Proposal for a directive Article 8 – paragraph 3

Text proposed by the Commission

3. Where a distributor considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, they shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product **presents a risk**, the distributor shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment

3. Where a distributor considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, they shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product **is not in conformity with this Directive**, the distributor shall inform the manufacturer and the market surveillance authorities to that effect.

Or. en

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 70

Proposal for a directive Article 8 – paragraph 5

Text proposed by the Commission

5. Distributors who consider or have reason to believe that a product which they have made available on the market is not in conformity with this Directive shall make sure that the necessary corrective measures are taken to bring that product into conformity, to withdraw it **or recall it**, if appropriate. Furthermore, where the product **presents a risk**, distributors 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

5. Distributors who consider or have reason to believe that a product which they have made available on the market is not in conformity with this Directive shall make sure that the necessary corrective measures are taken to bring that product into conformity **or** to withdraw it, if appropriate. Furthermore, where the product **is not in conformity with this Directive**, distributors 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.

Or. en

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 71

Proposal for a directive Article 8 – paragraph 6

Text proposed by the Commission

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

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 **ensure compliance of** products which they have made available on the market **with the**

market.

requirements referred to in Article 3.

Or. en

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 72

**Proposal for a directive
Article 10 – paragraph 2**

Text proposed by the Commission

2. Economic operators shall be able to present the information referred to in paragraph 1 for a ***period of 10 years*** after they have been supplied with the product ***and for a period of 10 years*** after they have supplied the product.

Amendment

2. Economic operators shall be able to present the information referred to in paragraph 1 for a ***certain period*** after they have been supplied with the product ***or*** after they have supplied the product.

Or. en

Amendment 73

**Proposal for a directive
Article 10 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. The Commission is empowered to adopt delegated acts in accordance with Article 23a in order to specify the period mentioned in paragraph 2 of this Article. That period shall be specified in proportion to the life cycle of the product.

Or. en

Justification

Justification: Annex I of decision 768/2008 states in its article R7 that the period should be

specified in proportion to the lifecycle of the product. The Commission proposal does not do that and suggests a period of 10 years for all products. This is not in line with the decision and your Rapporteur suggests therefore to give the power to the commission to adopt delegated acts in order to allow more flexibility for products with a shorter lifecycle.

Amendment 74

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

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 written and oral format, including in a manner which is accessible to persons with disabilities. Service providers shall keep the information as long as the service is in operation.

Or. en

Justification

The proposed Directive aims at supporting Member States to achieve their accessibility obligations under the United Nations Convention on the Rights of Persons with Disabilities. The Convention only refers to "people with disabilities". It is therefore proposed to align the Directive to the Convention and to limit its scope to people with disabilities only. It is also in line with the recently adopted Directive on the accessibility of the sector bodies' websites and mobile apps.

Amendment 75

Proposal for a directive Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the life span of the infrastructure and products used in the provision of a service.

Amendment 76

Proposal for a directive Article 12 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *For the purpose of the implementation of paragraphs 1 and 2, the Commission shall adopt delegated acts in accordance with Article 23a in order to supplement this Directive by laying down the guidelines for all products and services covered by this Directive. The Commission shall adopt the first such delegated act covering all products and services falling within the scope of this Directive by ...[one year after the date of entry into force of this Directive].*

Or. en

Justification

In order to give more legal certainty to manufacturers who need to make use of the derogation, the Commission will produce interpretative guidelines.

Amendment 77

Proposal for a directive Article 12 – paragraph 6

Text proposed by the Commission

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.
Microenterprises are exempted from this notification requirement but must be able

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.

to supply the relevant documentation upon request from a relevant market surveillance authority.

Or. en

Amendment 78

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

Text proposed by the Commission

Amendment

6a. SMEs are exempted from the notification requirement laid down in paragraph 6 but must be able to supply the relevant documentation upon request from a relevant market surveillance authority.

Or. en

Justification

In order to reduce regulatory burden on SMEs, a safeguard clause is needed. It ensures the proportionality of the requirements for the small companies.

Amendment 79

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

Text proposed by the Commission

Amendment

6b. The Commission shall adopt implementing acts establishing a model notification for the purposes of paragraph 6 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 24(1a). The Commission shall adopt the first such implementing act by ... [two years after the date of entry into force of this Directive].

Or. en

Justification

In order to facilitate the notification procedure, the Commission shall prepare a single template that manufacturers can use everywhere in the EU.

Amendment 80

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall, in accordance with Article 10 of Regulation (EU) No 1025/2012, request one or several European standardisation organisations to draft harmonised standards for each of the accessibility requirements referred to in Article 3. The Commission shall adopt those requests by ... [two years after the date of entry into force of this Directive].

Or. en

Amendment 81

Proposal for a directive

Article 14 – title

Text proposed by the Commission

Amendment

Common technical specifications

Technical specifications

Or. en

Amendment 82

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Where no reference to harmonised standards has been published ***in the***

1. Where no reference to harmonised standards has been published, ***but not***

*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.*

*sooner than two years after the adoption of a request to one or several European standardisation organisations to draft such harmonised standards, the Commission may adopt implementing acts establishing technical specifications **that meet** the accessibility requirements referred to in Article 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2) of this Directive.*

Or. en

Justification

It is important to strictly limit the power given to the Commission which is not obliged to follow the standardisation founding principles when adopting technical specifications. The first move should always be to try having a harmonised standard via the standardisation organisations. Only in case of failure in the standardisation system should the Commission be able to adopt technical specifications. Also, the term "common technical specifications" has a rather specific meaning in the world of standardisation, limited to ICT. See Article 14 of Regulation 2012/1025, read in conjunction with definition (4) in Annex VIII to Directive 2014/24. It is therefore proposed to use the same term as in Article 6 of the Web Accessibility Directive: "technical specifications".

Amendment 83

Proposal for a directive Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where no reference to harmonised standards has been published, products and services that meet the technical specifications referred to in paragraph 1 or parts thereof shall be presumed to be in conformity with the accessibility requirements referred to in Article 3 that are covered by those technical specifications or by parts thereof.

Or. en

Amendment 84

Proposal for a directive Article 14 – paragraph 2

Text proposed by the Commission

2. Products and services which are in conformity with the *CTS* referred to in paragraph 1 or parts thereof shall be deemed to be in conformity with the accessibility requirements referred to in Article 3, covered by those *CTS* or parts thereof.

Amendment

2. Products and services which are in conformity with the *technical specifications* referred to in paragraph 1 or parts thereof shall be deemed to be in conformity with the accessibility requirements referred to in Article 3, covered by those *technical specifications* or parts thereof.

Or. en

Amendment 85

Proposal for a directive Article 15 – paragraph 3

Text proposed by the Commission

3. Where a product is subject to more than one Union act requiring an EU declaration of conformity, *a single* EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall contain the identification of the acts concerned including the publication references.

Amendment

3. Where a product is subject to more than one Union act requiring an EU declaration of conformity, *the* EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall contain the identification of the acts concerned including the publication references.

Or. en

Justification

As for other requirements the manufacturer should be able to have one declaration of conformity for multiple legislative acts.

Amendment 86

Proposal for a directive Article 17 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Non-compliance of a product with the accessibility requirements provided for in this Directive shall not constitute a serious risk within the meaning of Article 20 of Regulation (EC) No 765/2008.

Or. en

Amendment 87

Proposal for a directive Article 19 – title

Text proposed by the Commission

Amendment

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

Procedure for dealing with products **not in conformity with this Directive** at national level

Or. en

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 88

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

Text proposed by the Commission

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 **presents a risk related to accessibility aspects covered by** this Directive, they shall carry out an evaluation in relation to the product

Where the market surveillance authorities of one Member State have sufficient reason to believe that a product covered by this Directive **is not in conformity with** 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

concerned covering all the requirements laid down in this Directive. The relevant economic operators shall fully cooperate with the market surveillance authorities.

with the market surveillance authorities.

Or. en

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 89

Proposal for a directive

Article 19 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this Directive, they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the product into compliance with those requirements, to withdraw the product from the market, **or to recall it within a reasonable period**, commensurate with the nature of the **risk**, as they may prescribe.

Amendment

Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this Directive, they shall without delay require the relevant economic operator to take all **such** appropriate corrective action to bring the product into compliance with those requirements **or** to withdraw the product from the market, commensurate with the nature of the **non-compliance**, as they may prescribe.

Or. en

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 90

Proposal for a directive

Article 19 – paragraph 4

Text proposed by the Commission

4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict products being made available on their national markets, to withdraw the product from that market **or to recall it**. The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

Amendment

4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict products being made available on their national markets **or** to withdraw the product from that market. The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

Or. en

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 91

Proposal for a directive
Article 19 – paragraph 5 – introductory part

Text proposed by the Commission

5. The information referred to in paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the alleged non-compliance **and the risk involved**, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to any of the following:

Amendment

5. The information referred to in paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the alleged non-compliance, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to any of the following:

Or. en

Justification

This wording is linked with the wording used in the new legislative framework. The safety-related provisions of the NLF need to be adapted to fit the purpose of this Directive. A product which is not accessible to people with disabilities does not present a risk. It does not comply with the Directive.

Amendment 92

Proposal for a directive

Article 21 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) When establishing the accessibility requirements related to social and quality criteria established by competent authorities in tender procedures for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007; *deleted*

Or. en

Justification

In the regulation of PSO (legal reference), social criteria are mentioned. Within that regulation it is not meant as accessibility. Therefore, this Directive should not intervene in the PSO regulations. This would not create bigger clarity for the end-user.

Amendment 93

Proposal for a directive

Article 22 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For the purpose of the implementation of paragraph 1, the Commission shall adopt guidelines for all products and services covered by this Directive by ... [one year after the entry into force of this Directive].

Or. en

Justification

In order to give more legal certainty to manufacturers who need to make use of the derogation, the Commission will produce interpretative guidelines.

Amendment 94

**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, **further to a request from the Commission, provide** the assessment referred to in paragraph 3.

Or. en

Justification

The directive should not pose burden to the competent authorities when its added value is not proven.

Amendment 95

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

Text proposed by the Commission

Amendment

4a. The Commission shall adopt implementing acts setting out a model notification for the purposes of paragraph 4 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 24(1a). The Commission shall adopt the first such implementing act by ... [two years after entry into force of this Directive].

Or. en

Amendment 96

Proposal for a directive Chapter VII – title

Text proposed by the Commission

IMPLEMENTING POWERS AND
FINAL PROVISIONS

Amendment

**DELEGATED ACTS, IMPLEMENTING
POWERS AND FINAL PROVISIONS**

Or. en

Amendment 97

Proposal for a directive Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**
- 2. The power to adopt delegated acts referred to in Article 10(2a) and 12(5a) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Directive].**
- 3. The delegation of power referred to in Article 10(2a) and 12(5a) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.**
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down**

in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 10(2a) and 12(5a) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Justification

Annex I of decision 768/2008 states in its article R7 that the period should be specified in proportion to the lifecycle of the product. The Commission proposal does not do that and suggests a period of 10 years for all products. This is not in line with the decision and your Rapporteur suggests therefore to give the power to the commission to adopt delegated acts in order to allow more flexibility for products with a shorter lifecycle.

Amendment 98

Proposal for a directive

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Or. en

Amendment 99

Proposal for a directive Article 25 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that adequate and effective means exist to ensure **compliance** with this Directive.

Amendment

1. Member States shall ensure that adequate and effective means exist to ensure **that economic operators comply** with this Directive.

Or. en

Justification

Clarification of the text.

Amendment 100

Proposal for a directive Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Article shall not apply to contracts which are subject to Directives 2014/24/EU and 2014/25/EU.

Or. en

Justification

It would be too comprehensive and create legal uncertainty to include Directives 2014/24/EU and 2014/25/EU (procurement).

Amendment 101

Proposal for a directive Article 26 – paragraph 4

Text proposed by the Commission

Amendment

4. Penalties shall take into account the extent of the non-compliance, including the number of units of non-complying products or services concerned, as well as the

4. Penalties shall take into account the extent of the non-compliance, including **its seriousness, and** the number of units of non-complying products or services concerned, as well as the number of people

number of people affected.

affected.

Or. en

Justification

It is important to take the seriousness and impact of non-compliance into consideration, when carrying out measures.

Amendment 102

**Proposal for a directive
Article 27 – paragraph 5**

Text proposed by the Commission

Amendment

5. Member States using the possibility provided for in Article 3(10) shall communicate to the Commission the text of the main provisions of national law which they adopt to that end and shall report to the Commission on the progress made in their implementation.

deleted

Or. en

Amendment 103

**Proposal for a directive
Article 27 a (new)**

Text proposed by the Commission

Amendment

Article 27a

Transitional measures

1. Without prejudice to paragraph 2 of this Article, Member States shall provide for a transitional period of five years after [six years after the date of entry into force of this Directive] during which service providers may continue to provide their services using products which were lawfully used by them to provide similar services before that date.

2. Member States may provide that

self-service terminals lawfully used by service providers in the provision of services before [six years after the date of entry into force of this Directive] may continue to be used in the provision of similar services until the end of their economically useful life, or until they are fully depreciated.

Or. en

Justification

In line with the principle that this directive should only apply to new products and services, it is proposed to not oblige the service providers to make all products accessible from day 1 of the entry into force of this directive, but to give them a 5-year deadline for doing so. Self-service terminals can be expensive. It is therefore proposed to allow service providers to use them until the end of their life cycle.

Amendment 104

Proposal for a directive Article 28 – paragraph 1

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 ...[two years after the date of entry into force of this Directive], 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 appropriateness to extend the scope of this Directive to the built environment. By ... [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.

Or. en

Justification

The enabling clause on built environment has been replaced by this reporting obligation.

Amendment 105

Proposal for a directive Annex I – Section I – point A (new)

Text proposed by the Commission

Amendment

A. Operating systems

1. The provision of services in order to maximise their reasonably foreseeable use by persons with disabilities shall be achieved by meeting the functional performance requirements set out in point C, and shall include:

(a) information about the functioning of the service concerned and about its accessibility characteristics and facilities;

(b) electronic information, including the websites needed in the provision of the service.

Or. en

Justification

Today's operating systems are increasingly provided as services. What used to be hardware installed at the premises of a company is becoming a service provided cross-border, demonstrating how services can substitute goods in certain cases. They now differ in many ways from products. For instance, they are regularly and easily updated, not static. It would therefore not make sense to treat operating systems as products in this Directive.

Amendment 106

Proposal for a directive Annex I – Section I – point B (new)

Text proposed by the Commission

Amendment

B. General-purpose computer hardware

Or. en

Justification

Reorganisation needed due to the classification of operating systems as services

Amendment 107

Proposal for a directive

Annex I – Section I – paragraph 1 – introductory part

Text proposed by the Commission

1. 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**:

Amendment

1. The design and production of products in order to maximise their **reasonably** foreseeable use by persons with disabilities and those with age-related impairments shall be achieved by **meeting the functional performance requirements set out in point C. The design and production of products shall include**:

Or. en

Justification

This amendment protects innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 108

Proposal for a directive

Annex I – Section I – paragraph 1 – points a to f

Text proposed by the Commission

(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);

Amendment

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

(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;*

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

(c) the product instructions for use, installation and maintenance, storage and disposal of the product;

(d) the user interface of the product (handling, controls and feedback, input and output);

(e) the functionality of the product by providing functions aimed to address the needs of persons with *disabilities;*

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

Or. en

Amendment 109

Proposal for a directive Annex I – Section I – paragraph 2

Text proposed by the Commission

[.....]

Amendment

deleted

Or. en

Amendment 110

Proposal for a directive Annex I – Section I – point C (new)

Text proposed by the Commission

Amendment

C. *Functional performance*

requirements

(a) Usage without vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that enables users to make better use of their limited vision.

(c) Usage without perception of colour

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features.

(f) Usage without vocal capability

Where ICT requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output.

(g) Usage with limited manipulation or strength

Where ICT requires manual actions, it shall provide at least one mode of operation that enables users to make use of the ICT through alternative actions not requiring manipulation or hand strength.

(h) Usage with limited reach

Where ICT products are freestanding or installed, the operational elements will

need to be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that minimises the potential for triggering photosensitive seizures.

(j) Usage with limited cognition

The ICT shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where ICT incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those ICT features that are provided for accessibility.

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 111

Proposal for a directive

Annex I – Section II – paragraph 1 – introductory part

Text proposed by the Commission

1. 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**:

Amendment

1. The design and production of products in order to maximise their **reasonably** foreseeable use by persons with disabilities and those with age-related impairments shall be achieved by **meeting the functional performance requirements set out in paragraph 1a, and shall**

include:

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 112

Proposal for a directive

Annex I – Section II - paragraph 1 – points a to d

Text proposed by the Commission

Amendment

- (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.

- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning);
- (b) the user interface of the product (handling, controls and feedback, input and output);
- (c) the functionality of the product;
- (d) the interfacing of the product with assistive devices.

Or. en

Amendment 113

Proposal for a directive Annex I – Section II – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Functional performance requirements

(a) Usage without vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that enables users to make better use of their limited vision.

(c) Usage without perception of colour

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features.

(f) Usage without vocal capability

Where ICT requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output.

(g) Usage with limited manipulation or strength

Where ICT requires manual actions, it

shall provide at least one mode of operation that enables users to make use of the ICT through alternative actions not requiring manipulation or hand strength.

(h) Usage with limited reach

Where ICT products are freestanding or installed, the operational elements will need to be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that minimises the potential for triggering photosensitive seizures.

(j) Usage with limited cognition

The ICT shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where ICT incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those ICT features that are provided for accessibility.

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 114

Proposal for a directive Annex I – Section II – paragraph 2

[...]

deleted

Or. en

Amendment 115

Proposal for a directive Annex I – Section III – point A – paragraph 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 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**

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in point Ba, and shall include**:

- (a) the products **the service providers** use in the provision of the service **concerned**, in accordance with the rules laid down in point B on "Related terminal equipment used by consumers";
- (b) information about the functioning of the service and about its accessibility characteristics and facilities;
- (c) electronic information, including the related **websites and** online applications needed in the provision of the service;

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*.

(d) information to facilitate complementarities with assistive services;

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

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 116

Proposal for a directive

Annex I – Section III – point B – paragraph 1 – introductory part

Text proposed by the Commission

1. 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*:

Amendment

1. The design and production of products in order to maximise their *reasonably* foreseeable use by persons with disabilities and those with age-related impairments shall be achieved by *meeting the functional performance requirements set out in point Ba, and shall include*:

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility

requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 117

Proposal for a directive

Annex I – Section III – point B – paragraph 1 – points a to f

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:</p> <p>(i) must be available by more than one sensory channel;</p> <p>(ii) must be understandable</p> <p>(iii) must be perceivable;</p> <p>(iv) shall have an adequate size of fonts in foreseeable conditions of use;</p> <p>(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);</p> <p>(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:</p> <p>(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</p> <p>(ii) instructions shall provide alternatives to non-text content;</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>(a) the information on the use of the product provided on the product itself (labelling, instructions, warning);</p> <p>(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);</p> <p>(c) the product instructions for use, installation and maintenance, storage and disposal of the product;</p> <p>(d) the user interface of the product (handling, controls and feedback, input and output);</p> <p>(e) the functionality of the product by providing functions aimed to address the needs of persons with disabilities;</p>

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

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

Or. en

Amendment 118

Proposal for a directive Annex I – Section III – paragraph 2

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 119

Proposal for a directive Annex I – Section III – point B a (new)

Text proposed by the Commission

Amendment

Ba. Functional performance requirements

(a) Usage without vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that enables users to make better use of their limited vision.

(c) Usage without perception of colour

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features.

(f) Usage without vocal capability

Where ICT requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output.

(g) Usage with limited manipulation or strength

Where ICT requires manual actions, it shall provide at least one mode of operation that enables users to make use of the ICT through alternative actions not requiring manipulation or hand strength.

(h) Usage with limited reach

Where ICT products are freestanding or installed, the operational elements will need to be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that minimises the potential for triggering photosensitive seizures.

(j) Usage with limited cognition

The ICT shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where ICT incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those ICT features that are provided for

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 120

Proposal for a directive

Annex I – Section IV – point A – paragraph 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 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 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***

Amendment

1. The provision of services in order to maximise their ***reasonably*** foreseeable use by persons with disabilities shall be achieved by ***meeting the functional performance requirements set out in point Ba, and shall include:***

- (a) the products ***the service providers*** use in the provision of the service ***concerned,*** in accordance with the rules laid down in point B on "Related terminal equipment used by consumers";
- (b) information about the functioning of the service and about its accessibility characteristics and facilities;
- (c) electronic information, including the related ***websites and*** online applications needed in the provision of the service;

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.

(d) information to facilitate complementarities with assistive services;

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

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 121

Proposal for a directive

Annex I – Section IV – point B – paragraph 1 – introductory part

Text proposed by the Commission

1. 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:**

Amendment

1. The design and production of products in order to maximise their **reasonably** foreseeable use by persons with disabilities and those with age-related impairments shall be achieved by **meeting the functional performance requirements set out in point Ba, and shall include:**

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 122

Proposal for a directive

Annex I – Section IV – point B – paragraph 1 – points a to f

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:</p> <p>(i) <i>must be available by more than one sensory channel;</i></p> <p>(ii) <i>must be understandable</i></p> <p>(iii) <i>must be perceivable;</i></p> <p>(iv) <i>shall have an adequate size of fonts in foreseeable conditions of use;</i></p> <p>(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);</p> <p>(c) the product instructions for use, installation and maintenance, storage and disposal of the product <i>which shall comply with the following:</i></p> <p>(i) <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</i></p> <p>(ii) <i>instructions shall provide alternatives to non-text content;</i></p> <p>(d) the user interface of the product (handling, controls and feedback, input and output) <i>in accordance with point 2;</i></p> <p>(e) the functionality of the product by</p>	<p>(a) the information on the use of the product provided on the product itself (labelling, instructions, warning);</p> <p>(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);</p> <p>(c) the product instructions for use, installation and maintenance, storage and disposal of the product;</p> <p>(d) the user interface of the product (handling, controls and feedback, input and output);</p> <p>(e) the functionality of the product; by</p>

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.

providing functions aimed to address the needs of persons with disabilities;

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

Or. en

Amendment 123

Proposal for a directive Annex I – Section IV – point B – paragraph 2

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 124

Proposal for a directive Annex I – Section IV – point B a (new)

Text proposed by the Commission

Amendment

Ba. Functional performance requirements

(a) Usage without vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that enables users to make better use of their limited vision.

(c) Usage without perception of colour

Where ICT provides visual modes of operation, it shall provide at least one

mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features.

(f) Usage without vocal capability

Where ICT requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output.

(g) Usage with limited manipulation or strength

Where ICT requires manual actions, it shall provide at least one mode of operation that enables users to make use of the ICT through alternative actions not requiring manipulation or hand strength.

(h) Usage with limited reach

Where ICT products are freestanding or installed, the operational elements will need to be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that minimises the potential for triggering photosensitive seizures.

(j) Usage with limited cognition

The ICT shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where ICT incorporates features that are provided for accessibility, it shall provide

at least one mode of operation that maintains privacy when using those ICT features that are provided for accessibility.

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 125

Proposal for a directive Annex I – Section V – point A – paragraph 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 (c).**

(b) **making websites accessible in a consistent and adequate way for users?**

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in point Da, and shall include:**

(a) information about the functioning of the service **concerned** and about its accessibility characteristics and facilities;

(b) electronic information, including the related **websites and** online applications needed in the provision of the service;

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*.

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

(ca) *mobile device-based services, smart ticketing and real-time information.*

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 126

Proposal for a directive Annex I – Section V – point B

Text proposed by the Commission

Amendment

B. Websites used for the provision of passenger transport services:

deleted

(a) *Making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, where 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 127**Proposal for a directive
Annex I – Section V – point C – title***Text proposed by the Commission**Amendment*

**C. Mobile device-based services,
smart ticketing and real time information:** *deleted*

Or. en

Amendment 128**Proposal for a directive
Annex I – Section V – point C – paragraph 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:** *deleted*

**(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;

Or. en

Amendment 129

Proposal for a directive

Annex I – Section V – point D – paragraph 1 – introductory part

Text proposed by the Commission

1. 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:**

Amendment

1. The design and production of products in order to maximise their **reasonably** foreseeable use by persons with disabilities and those with age-related impairments shall be achieved by **meeting the functional performance requirements set out in point Da, and shall include:**

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 130

Proposal for a directive

Annex I – Section V – point D – paragraph 1 – points a to d

Text proposed by the Commission

Amendment

- (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.

- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning);
- (b) the user interface of the product (handling, controls and feedback, input and output);
- (c) the functionality of the product by providing functions aimed to address the needs of persons with ***disabilities;***
- (d) the interfacing of the product with assistive devices.

Or. en

Amendment 131

**Proposal for a directive
Annex I – Section V – Point D – paragraph 2**

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 132

**Proposal for a directive
Annex I – Section V – point D a (new)**

Da. Functional performance requirements

(a) Usage without vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that enables users to make better use of their limited vision.

(c) Usage without perception of colour

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features.

(f) Usage without vocal capability

Where ICT requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output.

(g) Usage with limited manipulation or strength

Where ICT requires manual actions, it shall provide at least one mode of operation that enables users to make use of the ICT through alternative actions not

requiring manipulation or hand strength.

(h) Usage with limited reach

Where ICT products are freestanding or installed, the operational elements will need to be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that minimises the potential for triggering photosensitive seizures.

(j) Usage with limited cognition

The ICT shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where ICT incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those ICT features that are provided for accessibility.

Or. en

Justification

These amendments protect innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard. This justification applies throughout the annex.

Amendment 133

Proposal for a directive

Annex I – Section VI – point A – paragraph 1

Text proposed by the Commission

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

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be

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 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**.

achieved by **meeting the functional performance requirements set out in point Da, and shall include**:

- (a) the products **the service providers** use in the provision of the service **concerned**, in accordance with the rules laid down in point D;
 - (b) information about the functioning of the service and about its accessibility characteristics and facilities;
 - (c) electronic information, including the related **websites and** online applications needed in the provision of the service;
 - (d) functions, practices, policies, procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities**.
- (da) mobile device-based banking services.**

Or. en

Amendment 134

Proposal for a directive Annex I – Section VI – point B

Text proposed by the Commission

Amendment

B. Websites used for provision of banking services: *deleted*

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 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;

Or. en

Amendment 135

Proposal for a directive Annex I – Section VI – point C

Text proposed by the Commission

Amendment

C. Mobile device-based banking 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) 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;

Or. en

Amendment 136

Proposal for a directive

Annex I – Section VI – point D – paragraph 1 – points a to d

Text proposed by the Commission

(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

Amendment

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

(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.

output);
(c) the functionality of the product by providing functions aimed to address the needs of persons with *disabilities*;
(d) the interfacing of the product with assistive devices.

Or. en

Amendment 137

Proposal for a directive Annex I – Section V – Point D – paragraph 2

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 138

Proposal for a directive Annex I – Section V – Point D a (new)

Text proposed by the Commission

Amendment

Da. Functional performance requirements

(a) Usage without vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that enables users to make better use of their limited vision.

(c) Usage without perception of colour

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features.

(f) Usage without vocal capability

Where ICT requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output.

(g) Usage with limited manipulation or strength

Where ICT requires manual actions, it shall provide at least one mode of operation that enables users to make use of the ICT through alternative actions not requiring manipulation or hand strength.

(h) Usage with limited reach

Where ICT products are freestanding or installed, the operational elements will need to be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that minimises the potential for triggering photosensitive seizures.

(j) Usage with limited cognition

The ICT shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where ICT incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those ICT features that are provided for accessibility.

Or. en

Amendment 139

Proposal for a directive

Annex I – Section VII – point A – paragraph 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 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,**

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in point Ba, and shall include:**

- (a) the products **the service providers** use in the provision of the service **concerned**, in accordance with the rules laid down in point **B**;
- (b) information about the functioning of the service and about its accessibility characteristics and facilities;
- (c) the electronic information, including the related **websites and** online applications **and the e-book device**, needed in the provision of the service;

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*.

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

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

Or. en

Amendment 140

Proposal for a directive

Annex I – Section VII – point B – paragraph 1 – introductory part

Text proposed by the Commission

1. 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*:

Amendment

1. The design and production of products in order to maximise their *reasonably* foreseeable use by persons with disabilities and those with age-related impairments shall be achieved by *meeting the functional performance requirements set out in point Ba, and shall include*:

Or. en

Amendment 141

Proposal for a directive

Annex I – Section VII – point B – paragraph 1 – points a to f

Text proposed by the Commission

(a) the information on the use of the

Amendment

(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) 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) 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.

product provided on the product itself (labelling, instructions, warning);

(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;

(d) the user interface of the product (handling, controls and feedback, input and output);

(e) the functionality of the product;

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

Or. en

Amendment 142

Proposal for a directive Annex I – Section VII– point B – paragraph 2

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 143

Proposal for a directive Annex I – Section VII– point B a (new)

Text proposed by the Commission

Amendment

Ba. Functional performance requirements

(a) Usage without vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that enables users to make better use of their limited vision.

(c) Usage without perception of colour

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features.

(f) Usage without vocal capability

Where ICT requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output.

(g) Usage with limited manipulation or strength

Where ICT requires manual actions, it shall provide at least one mode of operation that enables users to make use of the ICT through alternative actions not requiring manipulation or hand strength.

(h) Usage with limited reach

Where ICT products are freestanding or installed, the operational elements will need to be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that minimises the potential for triggering photosensitive seizures.

(j) Usage with limited cognition

The ICT shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where ICT incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those ICT features that are provided for accessibility.

Or. en

Amendment 144

**Proposal for a directive
Annex I – Section VIII – point A – paragraph 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 order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in point Aa, and shall include:**

(a) information about the functioning of the service and about its accessibility characteristics and facilities;

(b) electronic information, including the related *websites and* online applications needed in the provision of the service.

Or. en

Amendment 145

**Proposal for a directive
Annex I – Section VIII– point A a (new)**

Aa. Functional performance requirements

(a) Usage without vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that enables users to make better use of their limited vision.

(c) Usage without perception of colour

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features.

(f) Usage without vocal capability

Where ICT requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output.

(g) Usage with limited manipulation or strength

Where ICT requires manual actions, it shall provide at least one mode of operation that enables users to make use of the ICT through alternative actions not

requiring manipulation or hand strength.

(h) Usage with limited reach

Where ICT products are freestanding or installed, the operational elements will need to be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that minimises the potential for triggering photosensitive seizures.

(j) Usage with limited cognition

The ICT shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where ICT incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those ICT features that are provided for accessibility.

Or. en

Amendment 146

Proposal for a directive

Annex I – Section IX – Part A – paragraph 1 – introductory part

Text proposed by the Commission

1. 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:

Amendment

1. The design and production of products in order to maximise their foreseeable use by persons with disabilities and those with age-related impairments shall be achieved by **meeting the functional performance requirements set out in Part Aa, and shall include:**

Or. en

Amendment 147

Proposal for a directive

Annex I – Section IX – Part A – paragraph 1 – point a

Text proposed by the Commission

- (a) the information on the use of the product provided in 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 use conditions;***

Amendment

- (a) the information on the use of the product provided in the product itself (labelling, instructions, warning);

Or. en

Amendment 148

Proposal for a directive

Annex I – Section IX – Part A – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

- (c) the product instructions for use, installation and maintenance, storage and disposal of the product;

Or. en

Amendment 149

Proposal for a directive

Annex I – Section IX – Part A – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

(d) the user interface of the product (handling, controls and feedback, input and output);

Or. en

Amendment 150

Proposal for a directive

Annex I – Section IX – Part A – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

(e) the functionality of the product by providing functions aimed to address the needs of persons with *disabilities*;

Or. en

Amendment 151

Proposal for a directive

Annex I – Section IX – Part A – paragraph 2

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 152

Proposal for a directive

Annex I – Section IX – Part A a (new)

Part Aa – Functional performance requirements

(a) Usage without vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that enables users to make better use of their limited vision.

(c) Usage without perception of colour

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where ICT provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features.

(f) Usage without vocal capability

Where ICT requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output.

(g) Usage with limited manipulation or strength

Where ICT requires manual actions, it shall provide at least one mode of operation that enables users to make use of the ICT through alternative actions not requiring manipulation or hand strength.

(h) Usage with limited reach

Where ICT products are freestanding or installed, the operational elements will need to be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where ICT provides visual modes of operation, it shall provide at least one mode of operation that minimises the potential for triggering photosensitive seizures.

(j) Usage with limited cognition

The ICT shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where ICT incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those ICT features that are provided for accessibility.

Or. en

Justification

This amendment protects innovation in the Union. This Directive was supposed to only list what has to be made accessible and not how it should be done. Hence the accessibility requirements were only to be defined at functional level. The Commission original proposal however contains some technical requirements which had then to be taken out. The new list of functional requirements is future proof and corresponds to the list of the new standard (EN 301 549), the first European Standard for accessible ICT. Each functional requirement should be backed up by a harmonised standard.

Amendment 153

Proposal for a directive

Annex I – Section IX – Part B – paragraph 1 – introductory part

Text proposed by the Commission

1. The provision of services in order to maximise their foreseeable use by persons with ***functional limitations***,

Amendment

1. The provision of services in order to maximise their ***reasonably*** foreseeable use by persons with disabilities shall be

including persons with disabilities, shall be achieved by:

achieved by *meeting the functional performance requirements set out in Part Aa, and shall include:*

Or. en

Amendment 154

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

Text proposed by the Commission

Amendment

(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;

(a) 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;

Or. en

Amendment 155

Proposal for a directive Annex I – Section IX – Part B – paragraph 1 – point b – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 156

Proposal for a directive Annex I – Section IX – Part B – paragraph 1 – point b – point ii

Text proposed by the Commission

Amendment

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

Or. en

Amendment 157

Proposal for a directive

Annex I – Section IX – Part B – paragraph 1 – point b – point iii

Text proposed by the Commission

Amendment

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

Or. en

Amendment 158

Proposal for a directive

Annex I – Section IX – Part B – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 159

Proposal for a directive

Annex I – Section IX – Part B – paragraph 1 – point d

Text proposed by the Commission

Amendment

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

(d) information about the functioning of the service and about its accessibility

accessibility characteristics and facilities *as follows*:

characteristics and facilities;

- (i) the information content shall be available in text formats that can be used for generating 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 online related applications needed in the provision of the service shall be provided in accordance with point (e).*

Or. en

Amendment 160

Proposal for a directive Annex I – Section IX – Part B – paragraph 1 – point e

Text proposed by the Commission

Amendment

- (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;* *deleted*

Or. en

Amendment 161

Proposal for a directive Annex I – Section IX – Part B – paragraph 1 – point f

Text proposed by the Commission

Amendment

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

(f) information to facilitate complementarities with assistive services;

Or. en

Amendment 162

Proposal for a directive

Annex I – Section IX – Part B – paragraph 1 – point g

Text proposed by the Commission

Amendment

(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**.

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

Or. en

Amendment 163

Proposal for a directive

Annex I – Section X

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

The Commission proposal does not make a choice between including built environment or not. It is proposed to remove this enabling clause. Member States will still be able to apply this directive to built environment if they wish so. A new paragraph has been introduced in article 28 to require the Commission within two years to report on a possible inclusion.

EXPLANATORY STATEMENT

Introductory remarks

The European Accessibility Act (EAA), hereinafter referred to as ‘the Act’, aims to improve the functioning of the internal market for accessible products and services by removing barriers created by divergent legislation and preventing the creation of new barriers which are likely to happen due to the obligations Member States have under the United Nations Convention on the Rights of Persons with Disabilities (UNCRD), hereinafter referred to as ‘the Convention’. Often the Union acts are *a posteriori* to remove barriers created by member states over the years. This legislation is an examples of preventive action.

The Commission's proposal is a good working basis but needs several adjustments in order ensure that the Act reaches its objectives: striking the right balance between the needs of people with disabilities, creating possibilities for innovating new products and services and at the same time reducing disproportionate costs for companies. Your Rapporteur is aware that this Act has been announced already in the 2010 Disability Strategy of the Commission and considers that time has come to deliver.

Consistency with the international context

Your Rapporteur has taken care to align the Act to the international context. For instance, the Commission proposal intended to extend the scope of the Directive to ‘people with functional limitations’. Given the fact that the UNCRD only refers to the first category and that the objective of the Act is to limit new barriers created due to the Convention, your Rapporteur has not taken up this Commission’s proposal. The definition of people with functional limitations is exclusive competence of the Committee on Employment and Social Affairs and has therefore not been touched. However, its use is limited to a new recital.

This recital explains that the Act will have a positive effect on people with functional limitations such as elderly people or pregnant women. It is indeed proven that better accessibility of products and services does improve the life of other people than people with disabilities only.

A sector-specific approach wherever possible

Your Rapporteur understands the need to have a horizontal approach for some products and services, but he considers that a sector-specific approach is a better option wherever possible. Thus, your Rapporteur has taken note of the intention of the Rapporteurs of the Proposal for a Directive on audiovisual media services (AVMSD) to include within its scope some accessibility requirements. Your Rapporteur has decided not to exclude these services and equipment from the scope of this Directive in the draft report. However, he will analyse the progress of the negotiations in the Culture Committee and remove them if he considers that they are sufficiently covered in the AVMSD.

Similarly, telephony services and equipment are also regulated in the recently proposed Directive on European Electronic Communications Code (EECC). Your Rapporteur has decided not to exclude these services and equipment from the scope of this Directive in the draft report and to not align their definition. If these products and services can be sufficiently covered in the EECC, your Rapporteur will also propose to move these provisions in the latter.

A coherent European legal framework

The Commission proposal suggested to use the Act as a safety net for accessibility requirements whereby the Act would apply in addition to existing legislations in order to make sure that the same level of requirements is reached throughout Europe for a selection of products and services. Your Rapporteur considers that this approach is justified when the existing legislation does not give any details on how accessibility should be achieved but does not support this approach when it comes to sectors which have currently implemented new European requirements or which are already regulated in terms of accessibility, such as the transport sector. Changing the rules on them mid-point is not an example of better regulation and potentially hugely harmful.

Therefore, your Rapporteur has ensured that when operators were already subject to European legislation on accessibility, this legislation would not come as a supplementary layer. Your Rapporteur has also removed duplications of requirements for economic operators and potential inconsistencies between requirements. It is also important to clarify that this Directive will not change the mandatory or voluntary nature of existing legislations. It only intends to clarify what the accessibility requirements are when the legislations contain accessibility requirements.

The New Legislative Framework adapted to accessibility

Your Rapporteur supports the Commission decision to use the New Legislative Framework in this Directive.¹ However, the framework needs to be slightly adapted in order to fit to the Act. For instance, recalls of products are usually only requested by market surveillance authorities when a product is unsafe for consumers or harmful to the environment. A non-accessible product is none of them. Other corrective actions and penalties will still be applicable in case the Directive is infringed by a manufacturer, such as, as a last resort, the withdrawal of the product, in case a manufacturer would, for instance, continue, despite authority requests, to place on the market a non-accessible product falling within the scope of this Directive. Also, a non-accessible product does not present a risk as such. The Commission's proposal has been adapted to reflect this reality.

Think-small first

Micro-enterprises would not be able to cope with the obligations stemming from this Directive. Under the Commission proposal, a small independent retailer or a bookseller who would decide to create a website to sell his or her product would be required to make it fully accessible to people with disabilities. Your Rapporteur does not believe that this is proportionate. The use of the derogation clause in Article 12 and 22 would also not be a solution for this small seller given that it would require to make, upon request of the authority, an analysis of 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*".

¹ The New Legislative Framework consists of two regulations ([Regulation \(EC\) 764/2008](#) and [Regulation \(EC\) 765/2008](#)) and one decision ([Decision 768/2008](#)). It is a package of measures that aim to improve market surveillance and boost the quality of conformity assessments. It also clarifies the use of CE marking and creates a toolbox of measures for use in product legislation. A main objective of the Commission is to bring product harmonisation legislation in line with the reference provisions of [Decision 768/2008/EC](#). It is also what has been done in the context of this Directive.

We should limit the burden that small and medium-sized enterprises will have due to this Directive. However, it is important to keep them within the scope. Therefore it is proposed to give them a lighter regime. Your Rapporteur suggests therefore to remove the obligation for SMEs to notify the authorities when they want to make use of Article 12 and 22.

Concluding remarks

Your rapporteur fully supports the Commission's objective to achieve greater accessibility for people with disabilities. The stepping stone of this proposal is the Single Market. By removing barriers and avoiding future obstacles, the Single Market will be strengthened further for the benefit of all European citizens and businesses. The principles of better regulation should be a driving force to secure a piece of European legislation that is fit for purpose.

Innovation is absolutely key to reach the goal of the proposal, why your rapporteur suggests to leave enough possibilities for innovation businesses. As previously proven successful, he therefore proposes to base the requirements for accessibility on functionality, rather on technical specifications.