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*Committee on Petitions*

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**2015/0278(COD)**

6.2.2017

# **OPINION**

of the Committee on Petitions

for the Committee on the Internal Market and Consumer Protection

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

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

Rapporteur: Kostadinka Kuneva

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## SHORT JUSTIFICATION

The proposed "European Accessibility Act" (EAA) is an essential piece of legislation that can enhance accessibility for persons with disabilities, the elderly and all impaired persons to a concrete list of products and services across the EU, as part of the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The PETI Committee welcomes the Commission's proposal as a positive step towards a more inclusive internal market attempting to meet also the most vulnerable citizens' needs. The suggested measures ought to be adopted despite the fact that a compulsory application of the UNCRPD by member states is not foreseen and therefore the overall problem of the removal of barriers for people with disabilities is not resolved.

Given the fact that the scope of the proposal is limited to specific aspects of services and products thus only partly covering the right accessibility requirements, a holistic approach should be considered to remedy any omissions that deprive the relevant measures from their full usefulness.

The EAA must necessarily include apart from the designs and specifications of the concrete list of products and services the obligation to build an accessible environment towards these or else they cannot be really used.

Taking into account that the required adaptations for enterprises to make their products accessible are costly and while the majority of impaired persons face serious financial constraints, do not have access to employment and are often living close to or at risk of poverty, it should be guaranteed that it will not be them who will bear the cost for the products' and services' adaptation. Member states should therefore examine ways as to take advantage of EU funding supporting particularly the SMEs that will have greater difficulty to instate the necessary changes.

If the definition "persons with disabilities or-with functional limitations" is to be used, the new directive will not be as inclusive as possible since it does not reflect neither the scale nor the variety and complexity of the concerned persons' problems. In addition, the suggested definition is based on the medical model and is opposed to the UNCRPD which is based on the social model. The following definition is therefore proposed "persons with disabilities and persons with age related or any other impairment".

In order to avoid unintended regulatory gaps, it is recommended to include in the scope of the directive transport infrastructure and vehicles not otherwise covered by EU regulation regarding accessibility explicitly.

Although the proposal is addressing new production products, the need for the adaptation of products already in circulation is obvious and confirmed by an important number of petitions proving that many necessities for everyday living and moving remain unimproved and inaccessible. Following the implementation of the Directive, after evaluation and in consultation with the stakeholders it should be revised and an extension of its scope should be envisaged as to gradually cover also products that are already in circulation.

Although the proposal includes "understandable" in Annex I, as a criterion aimed at facilitating access to persons with intellectual disabilities, the PETI Committee recommends to consider

the inclusion of “understandable” as a requirement in relation to all relevant products and services covered by the scope of this Directive and its Annexes.

The UN Committee on the Rights of Persons with Disabilities does not recognise the term “disproportionate burden” and if this is considered as a reason for not applying the Directive it might be dangerous allowing some stakeholders to do away with their obligations. Criteria defining what is considered as a “disproportionate burden” should be very carefully set.

## AMENDMENTS

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

### Amendment 1

#### Proposal for a directive

##### Citation 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Having regard to the Charter of Fundamental Rights of the European Union and in particular Articles 21 and 26 thereof,***

### Amendment 2

#### Proposal for a directive

##### Recital 1

*Text proposed by the Commission*

*Amendment*

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

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

### Amendment 3

#### Proposal for a directive

## Recital 2

*Text proposed by the Commission*

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

*Amendment*

(2) The demand for accessible products and services is high. ***This is reflected in the high number of petitions received by the European Parliament wherein concerns are raised as to the accessibility of products and services. The*** number of ***persons with disabilities and persons with age related or any other impairments*** will increase significantly with the ageing of the European Union's population. An environment where products and services are more accessible allows for a more inclusive society and ***is an essential condition for*** independent living.

## Amendment 4

Proposal for a directive

Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) Women and girls with disabilities are subject to multiple forms of discrimination. Member States should take measures to ensure the full and equal enjoyment of all fundamental rights and freedoms.***

## Amendment 5

Proposal for a directive

Recital 3

*Text proposed by the Commission*

*Amendment*

(3) The disparities between the laws and administrative measures adopted by the Member States in relation to accessibility of products and services for ***persons with functional limitations including*** persons with disabilities create barriers to the free movement of such products and services and distort effective

(3) The disparities between the laws and administrative measures adopted by the Member States in relation to accessibility of products and services for persons with disabilities, ***with age related or any other impairments***, create barriers to the free movement of such products and services and distort effective competition

competition in the internal market. Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

in the internal market. Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

## Amendment 6

### Proposal for a directive Recital 4

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 7

### Proposal for a directive Recital 6

#### *Text proposed by the Commission*

(6) The approximation of national measures at Union level is therefore necessary for the proper functioning of the internal market in order to put an end to fragmentation in the market of accessible products and services, to create economies of scale, to facilitate cross-border trade and

#### *Amendment*

(6) The approximation of national measures at Union level is therefore necessary for the proper functioning of the internal market in order to put an end to fragmentation in the market of accessible products and services, to create economies of scale, to facilitate cross-border trade and

mobility, as well as to help economic operators to concentrate resources on innovation instead of using those resources for complying with fragmented legal requirements across the Union.

mobility, ***by reducing and preventing barriers, and to facilitate freedom of movement of products, services and persons with disabilities***, as well as to help economic operators to concentrate resources on innovation instead of using those resources for complying with fragmented legal requirements across the Union.

## Amendment 8

### Proposal for a directive Recital 7

#### *Text proposed by the Commission*

(7) The benefits of harmonising accessibility requirements for the internal market have been demonstrated by the application of Directive 2014/33/EU of the European Parliament and of the Council regarding lifts<sup>1</sup> and Regulation (EC) No 661/2009 of the European Parliament and of the Council<sup>2</sup> in the area of transport.

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<sup>1</sup> Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p.251).

<sup>2</sup> Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p.1).

#### *Amendment*

(7) The benefits of harmonising accessibility requirements for the internal market have been demonstrated by the application of Directive 2014/33/EU of the European Parliament and of the Council regarding lifts<sup>1</sup> and Regulation (EC) No 661/2009 of the European Parliament and of the Council<sup>2</sup> in the area of transport – ***nevertheless, Members States are not fully implementing that Directive and are not fully applying that Regulation and where this is done it is not done in the same way.***

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<sup>1</sup> Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p.251).

<sup>2</sup> Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p.1).

## Amendment 9

### Proposal for a directive

#### Recital 9

##### *Text proposed by the Commission*

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

##### *Amendment*

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

##### *Justification*

*According to Art25 of the CFRE states “The Right of the Elderly*

*The Union recognizes and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life”*

## Amendment 10

### Proposal for a directive

#### Recital 10

##### *Text proposed by the Commission*

(10) The overall aim of the ‘Digital Single Market Strategy’, is to deliver sustainable economic and social benefits from a connected digital single market. Union consumers still do not enjoy the full benefits of prices and choice that the single market can offer, because cross-border online transactions are still very limited. Fragmentation also limits demand for cross-border e-commerce transactions. There is also a need for concerted action to

##### *Amendment*

(10) The overall aim of the ‘Digital Single Market Strategy’, is to deliver sustainable economic and social benefits from a connected digital single market, **facilitating trade and promoting employment within the Union**. Union consumers still do not enjoy the full benefits of prices and choice that the single market can offer, because cross-border online transactions are still very limited. Fragmentation also limits demand for



make sure that new electronic content is also fully available to persons with disabilities. It is therefore necessary to harmonise accessibility requirements across the digital single market and to ensure that all Union citizens regardless of their abilities can enjoy its benefits.

cross-border e-commerce transactions. There is also a need for concerted action to make sure that new electronic content is also fully available to persons with disabilities ***and persons with age related or any other impairments***. It is therefore necessary to harmonise accessibility requirements across the digital single market and to ensure that all Union citizens regardless of their abilities can enjoy its benefits.

## Amendment 11

### Proposal for a directive Recital 12

#### *Text proposed by the Commission*

(12) In its Article 9, the Convention requires its parties to the Convention to take appropriate measures to ensure that persons with disabilities have access to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas, on an equal basis with others. The United Nations Committee on the Rights of Persons with Disabilities has indicated the need to create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring the gradual implementation of accessibility.

#### *Amendment*

(12) In its Article 9, the Convention requires its parties to the Convention to take appropriate measures to ensure that persons with disabilities have ***the same access as others*** to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas, on an equal basis with others. The United Nations Committee on the Rights of Persons with Disabilities has indicated the need to create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring the gradual implementation of accessibility.

## Amendment 12

### Proposal for a directive Recital 13

#### *Text proposed by the Commission*

(13) The entry into force of the Convention in the Member States' legal

#### *Amendment*

(13) The entry into force of the Convention in the Member States' legal

orders entails the need to adopt additional national provisions *on accessibility of* products and services which without Union action would further increase disparities between national provisions.

orders entails the need to adopt additional national provisions *including for the built environment related to the provision of* products and services which without Union action would further increase disparities between national provisions.

## Amendment 13

### Proposal for a directive Recital 15

#### *Text proposed by the Commission*

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

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<sup>33</sup> COM(2010) 636.

#### *Amendment*

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

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<sup>33</sup> COM(2010) 636.

## Amendment 14

### Proposal for a directive Recital 16

#### *Text proposed by the Commission*

(16) Products and services falling within the scope of this Directive are the result of a screening exercise, carried out during the preparation of the Impact Assessment that identified those relevant products and services *for persons with functional limitations, including* persons with disabilities *and older persons*, for which Member States have adopted or are likely to adopt diverging national accessibility requirements.

#### *Amendment*

(16) Products and services falling within the scope of this Directive are the result of a screening exercise, carried out during the preparation of the Impact Assessment that identified those relevant products and services for persons with disabilities *and persons with age related or any other impairment* for which Member States have adopted or are likely to adopt diverging national accessibility requirements.

## Amendment 15

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

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

*Amendment*

(18) It is necessary to introduce the accessibility requirements ***which enable all people to make full use of the products, and services and infrastructure covered by this Directive,*** in the ***most effective and*** least burdensome manner for the economic operators and the Member States.

**Amendment 16**

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

(19) It is therefore necessary to specify accessibility requirements for the placing on the market of products and services which fall within the scope of this Directive in order to ensure their free circulation in the internal market.

*Amendment*

(19) It is therefore necessary to specify accessibility requirements for the placing on the market of products and services ***as well as the built environment connected to the provision of those products and services,*** which fall within the scope of this Directive in order to ensure their free circulation in the internal market ***and persons' mobility.***

**Amendment 17**

**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

(22) Member States ***shall*** take all appropriate measures to ensure that, where the products and services covered by this Directive comply with the relevant accessibility requirements, their free movement within the Union is not impeded due to reasons of accessibility.

*Amendment*

(22) Member States ***must*** take all appropriate measures to ensure that, where the products and services covered by this Directive comply with the relevant accessibility requirements, their free movement within the Union is not impeded due to reasons of accessibility.

## Amendment 18

### Proposal for a directive

#### Recital 23

*Text proposed by the Commission*

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

*Amendment*

(23) In some situations, ***the accessibility of the built environment is a prerequisite for persons with disabilities enabling the full use of the covered services.*** Common accessibility requirements of the built environment ***are expected to*** facilitate the free movement of the related services and of persons with disabilities. Therefore, this Directive ***includes*** the built environment used in the provision of the services under the scope of this Directive, ensuring compliance with the accessibility requirements set in Annex X.

## Amendment 19

### Proposal for a directive

#### Recital 24

*Text proposed by the Commission*

(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,<sup>1</sup> Directive 2014/24/EU of the European Parliament and of the Council,<sup>2</sup> and Directive 2014/25/EU of the European Parliament and of the Council,<sup>3</sup> 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.

*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,<sup>1</sup> Directive 2014/24/EU of the European Parliament and of the Council,<sup>2</sup> and Directive 2014/25/EU of the European Parliament and of the Council,<sup>3</sup> 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. ***Likewise Directive 2010/13/EU of***

***the European Parliament and of the Council <sup>3a</sup>, Directive 2011/83/EU of the European Parliament and of the Council<sup>3b</sup> as well as any other existing Union legislation must take into account accessibility for the persons with disabilities and persons with age related or any other impairments. Any other future Union legislation referencing accessibility for persons with disabilities should help consumers to make informed decisions and the Union institutions should take accessibility into account when revising Union legislation.***

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<sup>1</sup> 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).

<sup>2</sup> 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°).

<sup>3</sup> 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).

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<sup>1</sup> 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).

<sup>2</sup> 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°).

<sup>3</sup> 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).

***<sup>3a</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).***

***<sup>3b</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the***

## **Amendment 20**

### **Proposal for a directive Recital 26**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## **Amendment 21**

### **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, **ensuring the necessary degree of accessibility**, so as to ensure a high level of protection of accessibility and to guarantee fair competition on the Union market.

## **Amendment 22**

### **Proposal for a directive Recital 30**

*Text proposed by the Commission*

(30) The manufacturer **having** detailed knowledge of the design and production process **is best placed to carry out** the complete conformity assessment procedure. The obligations for conformity assessment should rest with the **manufacturer**.

*Amendment*

(30) The manufacturer **supplies** detailed knowledge of the design and production process, **assisting in the implementation of** the complete conformity assessment procedure. The obligations for conformity assessment should rest with the **relevant market surveillance authority, in cooperation with the organisations representing persons with disabilities, with due regard to confidentiality and trade secrets**.

**Amendment 23**

**Proposal for a directive  
Recital 32**

*Text proposed by the Commission*

(32) Importers should ensure that products from third countries entering the Union market comply with the accessibility requirements of this Directive **and in particular that** appropriate conformity assessment procedures **have been** carried out **by manufacturers** with regard to those products.

*Amendment*

(32) Importers should ensure that products from third countries entering the Union market comply with the accessibility requirements of this Directive, **providing all the necessary information to the relevant market surveillance authority to enable** appropriate conformity assessment procedures **to be** carried out with regard to those products.

**Amendment 24**

**Proposal for a directive  
Recital 36**

*Text proposed by the Commission*

(36) For reasons of proportionality, accessibility requirements should only apply to the extent that they do not impose a disproportionate burden on the economic operator concerned, or require a change in the products and services which would result in their fundamental alteration in accordance with the specified criteria.

*Amendment*

(36) For reasons of proportionality, accessibility requirements should only apply to the extent that they do not impose a disproportionate burden on the economic operator concerned, or require a change in the products and services which would result in their fundamental alteration in accordance with the specified criteria.

***Control mechanisms nevertheless have to be in place in order to verify, where necessary, the rightful exception from the accessibility requirements application.***

### *Justification*

*The term «disproportionate burden» is too vague and general. It leaves much room even for large public constructions to remain inaccessible if the relevant competent authorities in the name of "estimated benefit" for people with disabilities and "the estimated adjustment costs" if, for example, one service will be accessible.*

## **Amendment 25**

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

#### *Amendment*

(37) This Directive should ***be wide reaching while following*** the principle of ‘think small first’ ***taking*** account of the administrative burdens ***and difficulties*** 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. ***Although exceptions to the rules of conformity assessment should be interpreted restrictively, they should equally be applied in a proportional manner, so as not to declare the purpose of support to SME’s void.*** 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 not pose a disproportionate burden on SMEs. In addition, market surveillance authorities should operate in a proportionate manner in relation 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.

### *Justification*

*There was a contradiction here since on one hand we ask not to put a disproportionate burden to the SMEs while on the other we state that exceptions from the rules should be interpreted restrictively. With this addition we try to make it clear that although we want SMEs to be supported, their possibility for exceptions should not be used abusively from their part.*

## **Amendment 26**

### **Proposal for a directive Recital 37 a (new)**

*Text proposed by the Commission*

*Amendment*

***(37 a) Where economic operators have used safeguard clauses for a specific product or service, they should inform consumers that the product or service in question does not comply, either fully or partially, with any of the accessibility requirements of this Directive and the reasons for the non-compliance or partial compliance. The information should be provided in a clear, accessible and easily understandable way to consumers.***

## **Amendment 27**

### **Proposal for a directive Recital 39**

*Text proposed by the Commission*

*Amendment*

(39) In order to facilitate conformity assessment with applicable requirements it is necessary to provide for a presumption of conformity for products and services which are in conformity with voluntary harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council<sup>39</sup> for the purpose of expressing detailed technical specifications of those requirements. The Commission

(39) In order to facilitate conformity assessment with applicable ***accessibility*** requirements it is necessary to provide for a presumption of conformity for products and services which are in conformity with voluntary harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council<sup>39</sup> for the purpose of expressing detailed technical specifications of those requirements. The

has already issued a number of standardisation requests to the European standardisation organisations on accessibility which would be relevant for the preparation of harmonised standards.

Commission has already issued a number of standardisation requests to the European standardisation organisations on accessibility which would be relevant for the preparation of harmonised standards.

***The issuing of further standardisation requests on specific issues related to this Directive should be considered by the Commission because harmonised EU standards can significantly facilitate the implementation of this Directive by the Member States and the private sector. In that regard, Organizations for persons with disabilities should be directly involved or consulted in the development of those standards.***

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<sup>39</sup> Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the Council on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)

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<sup>39</sup> Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the Council on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)

## **Amendment 28**

### **Proposal for a directive Recital 40**

#### *Text proposed by the Commission*

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

#### *Amendment*

(40) In the absence of harmonised standards and where 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 ***with the involvement of Organizations for persons***

*with disabilities.*

## **Amendment 29**

### **Proposal for a directive Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

***(42a) When carrying out market surveillance of products, market surveillance authorities should review the conformity assessment in cooperation with persons with disabilities and organisations of persons with disabilities.***

## **Amendment 30**

### **Proposal for a directive Recital 43**

*Text proposed by the Commission*

*Amendment*

(43) For services, the information necessary to assess the conformity with the accessibility requirements should be provided in the general terms and conditions, or equivalent document.

(43) For services, the information necessary to assess the conformity with the accessibility requirements should be provided in the general terms and conditions, or equivalent document ***in accessible formats for people with disabilities and persons with age related or any other impairments. (E.g. braille, audio for blind or visually impaired people).***

## **Amendment 31**

### **Proposal for a directive Recital 44**

*Text proposed by the Commission*

*Amendment*

(44) The CE marking, indicating the conformity of a product with the accessibility requirements of this Directive, is the visible consequence of a whole process comprising conformity assessment

(44) The CE marking, indicating the conformity of a product with the accessibility requirements of this Directive, is the visible consequence of a whole process comprising conformity assessment

in a broad sense. This Directive should follow the general principles governing the CE marking of Regulation (EC) No 765/2008 of the European Parliament and of the Council<sup>1</sup> setting out the requirements for accreditation and market surveillance relating to the marketing of products.

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<sup>1</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13/08/2008, p. 30).

in a broad sense. This Directive should follow the general principles governing the CE marking of Regulation (EC) No 765/2008 of the European Parliament and of the Council<sup>1</sup> setting out the requirements for accreditation and market surveillance relating to the marketing of products. ***A separate marking system should be introduced in order to be clearer for all consumers, including persons with disabilities, with aged related or any other impairments that concrete products and services comply with this Directive. The CE marking will thus be complemented by information on the packaging to indicate accessibility to the users.***

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<sup>1</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13/08/2008, p. 30).

## Amendment 32

### Proposal for a directive Recital 45

#### *Text proposed by the Commission*

(45) In accordance with Regulation (EC) No 765/2008 by affixing the CE marking to a product, the manufacturer declares that the product is in conformity with all applicable accessibility requirements and that he takes full responsibility therefor.

## Amendment 33

### Proposal for a directive Recital 48

#### *Amendment*

(45) In accordance with Regulation (EC) No 765/2008 by affixing the CE marking to a product, ***and complementary information for products and services that meet the accessibility requirements*** the manufacturer declares that the product is in conformity with all applicable accessibility requirements and that he takes full responsibility therefor.

*Text proposed by the Commission*

(48) Member States are expected to ensure that market surveillance authorities check the compliance of the economic operators with the criteria referred to in Article 12 (3) in accordance with Chapter V.

*Amendment*

(48) Member States are expected to ensure that market surveillance authorities check the compliance of the economic operators with the criteria referred to in Article 12 (3) in accordance with Chapter V ***and that they regularly consult organisations representing persons with disabilities.***

**Amendment 34**

**Proposal for a directive  
Recital 48 a (new)**

*Text proposed by the Commission*

*Amendment*

***(48a) National databases containing all relevant information on the degree of accessibility of the products and services listed in Article 1(1) and (2) should allow for a better inclusion of persons with disabilities, with age related or any other impairments and their organisations, in the market surveillance of products.***

**Amendment 35**

**Proposal for a directive  
Recital 49 a (new)**

*Text proposed by the Commission*

*Amendment*

***(49a) Data bases on non-accessible products should be established at national and European levels.***

**Amendment 36**

**Proposal for a directive  
Recital 50**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 37**

**Proposal for a directive  
Recital 54**

*Text proposed by the Commission*

(54) Since the objective of this Directive, namely, the elimination of barriers to the free movement of certain accessible products and services to contribute to the proper functioning of the internal market, cannot be sufficiently achieved by the Member States because it requires the harmonisation of different rules currently existing in their respective legal systems, but can rather, by reason of defining common accessibility requirements and rules for the functioning of the single market, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

*Amendment*

(54) Since the objective of this Directive, namely, the elimination of barriers to the free movement of certain accessible products and services to contribute to the proper functioning of the internal market ***and meet the needs of all consumers***, cannot be sufficiently achieved by the Member States because it requires the harmonisation of different rules currently existing in their respective legal systems, but can rather, by reason of defining common accessibility requirements and rules for the functioning of the single market, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

## Amendment 38

### Proposal for a directive Recital 54 a (new)

*Text proposed by the Commission*

*Amendment*

**(54a) The accessibility requirements set out in the Annex I of this Directive often refer to terms usually applied for accessibility reasons and in other Union harmonised legislation such as the Directive (EU) 2016/... of the European Parliament and of the Council of 26 October 2016 <sup>1a</sup>. These terms are “perceivable”, “understandable”, “operable” and “robust”. Perceivability, meaning that information, including user interface components, must be presentable to users in ways they can perceive; operability, meaning that the operable parts, including the user interface components and navigation, must be operable; understandability, meaning that information, including the operation of the user interface, must be understandable; and robustness, meaning that content must be robust enough to be interpreted reliably by a wide variety of user agents, including assistive technologies.**

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<sup>1a</sup> Directive (EU) 2016/... 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...).

## Amendment 39

### Proposal for a directive Recital 54 b (new)

*Text proposed by the Commission*

*Amendment*

**(54b) This Directive should apply to all**

*forms of supply of goods and services,  
including distance selling.*

## **Amendment 40**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

1. ***This Directive establishes a framework for the setting of Union accessibility requirements for products referred to in this paragraph and services referred to in paragraph 2 and subsequent, with the aim of ensuring the free movement of such products within the internal market while at the same time increasing the accessibility of such products and services for persons with disabilities and persons with age related or any other impairments.***

Chapters I, II to V, and VII apply, ***on a non-exclusive basis***, to the following products:

## **Amendment 41**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point b – point i**

*Text proposed by the Commission*

(i) Automatic Teller Machines;

*Amendment*

(i) Automatic Teller Machines ***and payment terminals***;

## **Amendment 42**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point d a (new)**



*Text proposed by the Commission*

*Amendment*

**(da) household appliances, including those operated by a user interface.**

#### **Amendment 43**

##### **Proposal for a directive**

##### **Article 1 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

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

(a) telephony services and related consumer terminal equipment with advanced computing capability, **as well as the built environment used by clients of customer service centres and shops under the scope of telephony operators;**

#### **Amendment 44**

##### **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 **and related infrastructures, including the environment that is managed by service providers and by infrastructure operators;**

#### **Amendment 45**

##### **Proposal for a directive**

##### **Article 1 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) banking services;

(d) **banking and payment services, as well as the built environment used by clients of banking services;**

## Amendment 46

### Proposal for a directive

#### Article 1 – paragraph 2 – point f

*Text proposed by the Commission*

(f) e-commerce

*Amendment*

(f) e-commerce, ***media and news websites online platforms and social media;***

## Amendment 47

### Proposal for a directive

#### Article 1 – paragraph 2 – point f a(new)

*Text proposed by the Commission*

*Amendment*

***(fa) accommodation services.***

## Amendment 48

### 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” are products and services that are perceptible, operable and understandable for persons with ***disabilities***, including persons ***handicapped by age or other factors***, on an equal basis with others;

## Amendment 49

### Proposal for a directive

#### Article 2 – paragraph 1 – point 10

*Text proposed by the Commission*

*Amendment*

(10) “manufacturer” means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under his name or trademark;

(10) “manufacturer” means any natural or legal person who manufactures a product, ***modifies it in such a way as to fundamentally alter its nature and purpose*** or has a product designed or

manufactured, and markets that product under his name or trademark;

## Amendment 50

### Proposal for a directive

#### Article 2 – paragraph 1 – point 15

*Text proposed by the Commission*

(15) “consumer” means any natural person who purchases the relevant product or is a recipient of the relevant service for purposes which are outside his trade, business, craft or profession;

*Amendment*

(15) “consumer” means any natural person who purchases the relevant product or is ***the final user of a product or is*** a recipient of the relevant service ***at a personal or communal level and*** for purposes which are outside his trade, business, craft or profession;

## Amendment 51

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

***(21a) “service provider” means any national or legal person in the Union, as referred to in Article 48 of the Treaty and established in a Member State, who offers or provides a service falling under the scope of this Directive.***

## Amendment 52

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

***(21b) “assistive technology” means any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of persons with disabilities and persons with***

*age related or any other impairments;*

#### **Amendment 53**

##### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 54**

##### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 55**

##### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 56**

### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

**(21f) “spoken subtitles” or “audio subtitles” means read aloud of subtitles in the national language when the audio speech is in a different language;**

## **Amendment 57**

### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 58**

### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 59

### Proposal for a directive

#### Article 2 – paragraph 1 – point 21 i (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 60

### Proposal for a directive

#### Article 3 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 61

### Proposal for a directive

#### Article 3 – paragraph 3

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 62

### Proposal for a directive

#### Article 3 – paragraph 4

##### *Text proposed by the Commission*

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

##### *Amendment*

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

***Member States shall also ensure the availability of audio, video and real-time text communication (Total Conversation) with national, regional, and local emergency services.***

## Amendment 63

### Proposal for a directive

#### Article 3 – paragraph 5

##### *Text proposed by the Commission*

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

##### *Amendment*

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

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

***- at least 75 % of the overall programming shall include subtitles for***

*the deaf and hard of hearing (SDH)*

- *at least 75 % of the overall programming subtitled into the national language shall include spoken subtitles*

- *at least 5 % of the overall programming shall include sign language interpretation.*

*Member States shall facilitate the development of a code of conduct applicable to audiovisual media service providers under their jurisdiction to ensure that audiovisual media services are made accessible to persons with disabilities without undue delay.*

*Such codes of conduct may be a self-regulatory or a co-regulatory measure. The Commission and the European Regulators Group for Audiovisual Media Services shall support the exchange of best practices between audiovisual media service providers for the purpose referred to in the second subparagraph.*

*Such codes of conduct shall include a requirement that audiovisual media service providers report on an annual basis to their Member States about steps taken and progress made with regard to the purpose referred to in the second subparagraph.*

## Amendment 64

### Proposal for a directive Article 3 – paragraph 7

#### *Text proposed by the Commission*

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

#### *Amendment*

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



## Amendment 65

### Proposal for a directive Article 3 – paragraph 9

*Text proposed by the Commission*

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

*Amendment*

9. E-commerce, ***media and news websites, online platforms and social media*** shall comply with the requirements set out in Section VIII of Annex I.

## Amendment 66

### Proposal for a directive Article 3 – paragraph 10

*Text proposed by the Commission*

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

*Amendment*

10. Member States ***shall ensure*** that the built environment used by clients of passenger transport services, including the environment that is managed by service providers and by infrastructure operators as well as the built environment used by clients of banking services and customer services centres and shops under the scope of telephony operators, ***as well as any other service or place for the purchase of any of the products included in this Directive complies*** with the accessibility requirements of Annex I, section X, in order to maximise ***its*** use by persons with functional limitations, including persons with disabilities ***and persons with age related or any other impairments***.

## Amendment 67

### Proposal for a directive Article 5 – paragraph 6

*Text proposed by the Commission*

6. Manufacturers shall indicate their name, registered trade name or registered trade mark **and** the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address must indicate a single point at which the manufacturer can be contacted.

*Amendment*

6. Manufacturers shall indicate their name, registered trade name or registered trade mark, the address at which they can be contacted **and their telephone contact information at least** on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address must indicate a single point at which the manufacturer can be contacted.

**Amendment 68**

**Proposal for a directive  
Article 5 – paragraph 7**

*Text proposed by the Commission*

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

*Amendment*

7. Manufacturers shall ensure that the product is accompanied by instructions and safety information in a language which can be easily understood by consumers and end-users, as determined by the Member State concerned **and at least in an official language of the territory of the State in which it is being offered for use or consumption.**

**Amendment 69**

**Proposal for a directive  
Article 5 – paragraph 9**

*Text proposed by the Commission*

9. Manufacturers 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 the product, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks

*Amendment*

9. Manufacturers shall **provide the** competent national authority with all the information and documentation necessary to demonstrate the conformity of the product **at any given moment**, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by

posed by products which they have placed on the market and to ensure compliance with the requirements referred to in Article 3.

products which they have placed on the market and to ensure compliance with the requirements referred to in Article 3.

## Amendment 70

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

*Text proposed by the Commission*

(a) ***further to a reasoned request from*** a competent national ***authority, provide that*** authority with all the information and documentation necessary to demonstrate the conformity of a product;

*Amendment*

(a) ***provide*** a competent national authority with all the information and documentation necessary to demonstrate the conformity of a product;

## Amendment 71

### Proposal for a directive Article 7 – paragraph 4

*Text proposed by the Commission*

4. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product.

*Amendment*

4. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted ***and other contact information*** on the product or, where that is not possible, on its ***external*** packaging or in a document accompanying the product.

## Amendment 72

### Proposal for a directive Article 7 – paragraph 5

*Text proposed by the Commission*

5. Importers shall ensure that the product is accompanied by instructions and information in a language which can be easily understood by consumers and other end-users, as determined by the Member

*Amendment*

5. Importers shall ensure that the product is accompanied by instructions and information in a language which can be easily understood by consumers and other end-users, ***in an official language of the territory of the Member State, as laid***

State concerned.

***down by national legislation, and*** as determined by the Member State concerned.

### Amendment 73

#### Proposal for a directive Article 7 – paragraph 9

*Text proposed by the Commission*

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

*Amendment*

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

### Amendment 74

#### Proposal for a directive Article 8 – paragraph 1

*Text proposed by the Commission*

1. When making a product available on the market distributors shall act ***with due care in relation to*** the requirements of this Directive.

*Amendment*

1. When making a product available on the market distributors shall act in ***accordance with*** the requirements of this Directive.

### Amendment 75

#### Proposal for a directive Article 8 – paragraph 2

*Text proposed by the Commission*

2. Before making a product available on the market distributors shall verify that the product bears the CE marking, that it is accompanied by the required documents

*Amendment*

2. Before making a product available on the market distributors shall verify that ***the manufacturer and the importer have complied with the requirements set out in***

and by instructions and information in a language which can be easily understood by consumers and other end-users in the Member State in which the product is to be made available on the market and ***that the manufacturer and the importer have complied with the requirements set out in Article 5(5) and (6) and Article 7(4).***

***Article 5(5) and (6) and Article 7(4), that the*** product bears the CE marking ***and*** that it is accompanied by the required documents and by instructions and information in a language which can be easily understood by consumers and other end-users in the Member State in which the product is to be made available on the market and ***at least in an official language of the territory of the Member State as determined by national legislation.***

## Amendment 76

### 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 market.

*Amendment*

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

## Amendment 77

### 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 ***keep a physical or electronic record and*** be able to present the information referred to in paragraph 1 for a period of ***at least*** 10 years after they have been supplied with the product and for a period of ***at least*** 10 years after they have supplied the product.

## Amendment 78

**Proposal for a directive**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 79**

**Proposal for a directive**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 80**

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

*Text proposed by the Commission*

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

*Amendment*

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

## **Amendment 81**

### **Proposal for a directive**

#### **Article 12 – paragraph 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the significance of the volume of sales and trade within the Union according to the most recently available figures.***

## **Amendment 82**

### **Proposal for a directive**

#### **Article 12 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. In the context of programmes from which small and medium-sized enterprises (SMEs) and very small firms can benefit, the Commission shall take into account initiatives which help SMEs and very small firms to integrate accessibility aspects when designing their products or providing their services.***

***Guidelines covering specificities of SMEs active in the product and service sector affected may be developed. If necessary, and in accordance with paragraph 3, further specialised material may be produced by the Commission for facilitating the application of this Directive by SMEs.***

***Member States shall ensure, in particular by strengthening support networks and structures, that they encourage SMEs and very small firms to adopt a sound approach to accessibility as early as at the product design stage and the provision of the service.***

## Amendment 83

### Proposal for a directive Article 12 – paragraph 4

#### *Text proposed by the Commission*

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

#### *Amendment*

4. The burden shall not be deemed disproportionate where it is compensated by funding from other sources than the economic operator's own resources, whether public or private. ***Lack of priority, time or knowledge shall not be considered as legitimate reasons to claim the disproportionate burden.***

#### *Justification*

*According to the UN Committee's General Comment No2 (2014) on accessibility, any notion of «disproportionate burden» is unacceptable as a principle. It states that the obligation to implement accessibility is unconditional.*

## Amendment 84

### Proposal for a directive Article 12 – paragraph 5

#### *Text proposed by the Commission*

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

#### *Amendment*

5. The assessment of whether compliance with accessibility requirements regarding products or services imposes a fundamental alteration or disproportionate burden shall be performed by the economic operator ***in cooperation with the national market surveillance authority and organisations representing people with disabilities.***

## Amendment 85

### Proposal for a directive Article 12 – paragraph 6

#### *Text proposed by the Commission*

6. Where the economic operators have

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

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. ***The final decision as to whether to grant an exception shall be made by the market surveillance authority of the Member State on a case-by-case basis, while taking into account the independent third party assessment that might have been provided by the economic operator***

## **Amendment 86**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 87**

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

*Text proposed by the Commission*

*Amendment*

***6b. Where the economic operators have used the exception provided for in paragraph 1 to 5 for a specific product or service, they shall inform consumers that the product or service in question does not comply, either fully or partially, with any of the accessibility requirements of this***

***Directive and the reasons for the non-compliance or partial compliance.***

***The information shall be provided in a clear, accessible and easily understandable way to consumers.***

***Information, along with possible additional accessibility information, shall be given on the product itself wherever possible and at the point or moment of sale or the provision of the service in order to allow consumers to make an informed choice.***

## **Amendment 88**

### **Proposal for a directive**

#### **Article 12 – paragraph 6 c (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 89**

### **Proposal for a directive**

#### **Article 14 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Relevant stakeholders, including persons with disabilities and their representative organisations, shall be consulted systematically as part of the procedure for the adoption of implementing acts.***

## Amendment 90

### Proposal for a directive

#### Article 15 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. In addition to the declaration of conformity, a notice on the packaging shall inform consumers in a simple and precise way that the product incorporates accessibility features.**

## Amendment 91

### Proposal for a directive

#### Article 17 – paragraph 3

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 92

### Proposal for a directive

#### Article 17 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. Member States shall establish a public accessible database register of non – accessible product. Consumers should be able to consult and log information about non – accessible products. Member States shall take the measures necessary to inform consumers or other interested**

*parties of the possibility to lodge complaints. An interactive system between the national databases should be envisaged possibly under the responsibility of the Commission or the relevant representative organizations so that information on non-accessible products can be disseminated across the Europe.*

#### **Amendment 93**

##### **Proposal for a directive**

##### **Article 17 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b.** *A structured dialogue may be established between relevant stakeholders, including persons with disabilities and their representative organisations, and the market surveillance authorities to ensure that adequate and coherent principles are established for assessing requests for exceptions in the compliance with accessibility requirements regarding products and services.*

#### **Amendment 94**

##### **Proposal for a directive**

##### **Article 18 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

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

#### **Amendment 95**

##### **Proposal for a directive**

##### **Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 18 a**

***Member States shall create and update regularly a national database containing all relevant information on the degree of accessibility of the products and services listed in Article 1(1) and (2). National databases shall be accessible to all citizens and stake holders.***

**Amendment 96**

**Proposal for a directive**

**Article 19 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8a. To facilitate the exchange of information and best practices amongst the market surveillance authorities and to ensure coherence in the application of the requirements set out in this Directive or where it is deemed necessary, following a request by the Commission, for an opinion to be expressed on exceptions to those requirements, the Commission may establish a working group composed of representatives of the national market surveillance authorities and the representative organisations of the relevant stakeholders, including persons with disabilities.***

**Amendment 97**

**Proposal for a directive**

**Article 20 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where, on completion of the procedure set out in Article 19(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary

Where, on completion of the procedure set out in Article 19(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary

to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

to Union legislation, the Commission shall without delay enter into consultation with the Member States, ***organisations representing people with disabilities***, and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

## **Amendment 98**

### **Proposal for a directive**

#### **Article 22 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

## **Amendment 99**

### **Proposal for a directive**

#### **Article 22 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

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

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

## Amendment 100

### Proposal for a directive Article 22 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 101

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

*Text proposed by the Commission*

*Amendment*

***4a. Where the competent authority has used an exception for a specific product or service, it shall notify the Commission as well as inform consumers that the product or service in question does not comply, fully or partially, with any of the accessibility requirements of this Directive and the reasons for the non-compliance or partial compliance.***

***The information shall be provided in a clear, accessible and easily understandable way to consumers. Information, along with possible additional accessibility information, shall be given on the product itself wherever possible and at the point or moment of sale or the provision of the service in order to allow consumers to make an informed choice.***

## Amendment 102

### Proposal for a directive

## Article 25 – paragraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) provisions whereby a comprehensive and adequately resourced consumer complaints mechanism is established to complement a system of implementation and monitoring.***

## Amendment 103

### Proposal for a directive Article 26 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The penalties provided for shall be effective, proportionate and dissuasive.

2. The penalties provided for shall be effective, proportionate and dissuasive ***but shall not constitute an alternative for the economic actor as regards the fulfilment of its responsibilities to make its products or services accessible.***

## Amendment 104

### Proposal for a directive Article 26 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. Member States shall allocate the necessary resources to ensure that penalties are imposed and collected. Income deriving from penalties may be re-invested in accessibility-related measures.***

## Amendment 105

### Proposal for a directive Article 27 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. They shall apply those provisions

2. They shall apply those provisions



from [... insert date - **six** years after the entry into force of this Directive].

from [... insert date - **three** years after the entry into force of this Directive].

#### **Amendment 106**

##### **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 [...insert date - **three** years after the application of this Directive], and every **three** 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 107**

##### **Proposal for a directive**

##### **Annex I – Section I – title**

###### *Text proposed by the Commission*

General purpose computer hardware **and** operating systems

###### *Amendment*

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

#### **Amendment 108**

##### **Proposal for a directive**

##### **Annex I – Section I – point 1**

###### *Text proposed by the Commission*

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*

The design and production of products in order to maximise their foreseeable use by persons with disabilities and **persons** with age related **or other** impairments, shall be achieved by **complying with** the following **accessibility requirements**:

## Amendment 109

### Proposal for a directive

#### Annex I – Section I – point 1 – point a

##### *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;***

##### *Amendment*

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

(i) ***shall be understandable;***

(ii) ***shall be perceivable;***

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

(iv) ***shall be made available in accessible web format and electronic non-web documents by making them perceivable, operable, understandable and robust.***

## Amendment 110

### Proposal for a directive

#### Annex I – Section I – point 1 – point b

##### *Text proposed by the Commission*

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

##### *Amendment*

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

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

(ii) ***shall in simple and precise way inform the users;***

## Amendment 111

### Proposal for a directive

#### Annex I – Section I – point 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) *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;*

##### *Amendment*

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

(i) *shall be made available in accessible web format and electronic non-web document by making them perceivable, operable, understandable and robust*

(ii) *shall list and explain how to use the accessibility features of the product and its compatibility with a variety of assistive technologies available at Union and international level*

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

## Amendment 112

### Proposal for a directive

#### Annex I – Section I – point 2 – introductory part

##### *Text proposed by the Commission*

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

##### *Amendment*

2. *Functionality requirements for user* interface and design *of the product*:

## Amendment 113

### Proposal for a directive

#### Annex I – Section I – point 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) where the product provides visual modes of communication and operation, provide for features that enable users to make better use of their limited vision, including by providing flexible magnification without loss of content or functionality flexible contrast and brightness;***

## Amendment 114

### Proposal for a directive

#### Annex I – Section I – point 2 –point b b (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 115

### Proposal for a directive

#### Annex I – Section I – point 2 – point g

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 116

### Proposal for a directive

#### Annex I – Section I – point 2 a (new)

*Text proposed by the Commission*

*Amendment*

#### **2a. Support services**

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

## Amendment 117

### Proposal for a directive

#### Annex I – Section II – title

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 118

### Proposal for a directive

#### Annex I – Section II – point 1 – introductory part

*Text proposed by the Commission*

*Amendment*

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:

The design and production of products in order to maximise their foreseeable use by persons with disabilities and **persons** with age related **or any other** impairments shall be achieved by **complying with** the following **accessibility requirements**:

## Amendment 119

### Proposal for a directive

#### Annex I – Section II – point 1 – point a

##### *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;**

##### *Amendment*

- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:
- (i) **shall** be available by more than one sensory channel;
  - (ii) **shall** be understandable
  - (iii) **shall** be perceivable;
  - (iv) **shall list and explain how to activate and use the accessibility features of the product and its compatibility with assistive technologies;**
  - (iva) shall have an adequate size and type of fonts with sufficient contrast between the characters and their background in order to maximise its readability in foreseeable conditions of use;**

## Amendment 120

### Proposal for a directive

#### Annex I – Section II – point 1 – point c

##### *Text proposed by the Commission*

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

##### *Amendment*

- (c) the functionality of the product by providing functions aimed to address the needs of persons with **disabilities and persons with age related or any other impairments** in accordance with point 2;

## Amendment 121

### Proposal for a directive

#### Annex I – Section III – Part A – point 1 – introductory part

##### *Text proposed by the Commission*

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

##### *Amendment*

The provision of services in order to maximise their foreseeable use by persons with disabilities **and persons with age related or any other impairments** shall be achieved by:

## Amendment 122

### Proposal for a directive

#### Annex I – Section III – Part A – point 1 –point b

##### *Text proposed by the Commission*

(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).***

##### *Amendment*

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

(i) ***shall be made available in accessible web format and electronic non-web document by making them perceivable, operable, understandable and robust in accordance with point (c)***

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

## Amendment 123

### Proposal for a directive

#### Annex I – Section III – Part A – point 1 – point c

##### *Text proposed by the Commission*

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

##### *Amendment*

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

## Amendment 124

### Proposal for a directive

#### Annex I – Section III – Part A – point 1 – point c a (new)

##### *Text proposed by the Commission*

##### *Amendment*

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



## Amendment 125

### Proposal for a directive

#### Annex I – Section III – Part A – point 1 –point e

##### *Text proposed by the Commission*

(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.***

##### *Amendment*

(e) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons ***with disabilities and persons with age related or any other impairments:***

## Amendment 126

### Proposal for a directive

#### Annex I – Section III – Part B – point 1 – introductory part

##### *Text proposed by the Commission*

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*

The design and production of products in order to maximise their foreseeable use by persons with disabilities and ***persons*** with age related ***or any other*** impairments, shall be achieved by ***complying with*** the following ***accessibility requirements:***

## Amendment 127

### Proposal for a directive

#### Annex I – Section III – Part B – point 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;***

##### *Amendment*

- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:
- (i) ***shall be understandable;***
  - (ii) ***shall be perceivable;***
  - (iii) ***shall have an adequate size and type of fonts with sufficient contrast between the characters and their background in order to maximise its***

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

*readability in foreseeable use conditions;*

(iv) *shall be made available in accessible web format and electronic non-web documents by making them perceivable, operable;*

(iva) *understandable and robust;*

## Amendment 128

### Proposal for a directive

#### Annex I – Section III – Part B – point 1 – point b

##### *Text proposed by the Commission*

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

##### *Amendment*

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

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

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

## Amendment 129

### Proposal for a directive

#### Annex I – Section III – Part B – point 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*

##### *Amendment*

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

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

(ii) *shall list and explain how to use*

*alternatives to non-text content;*

*the accessibility features of the product and its compatibility with a variety of assistive technologies available at Union and international level;*

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

## **Amendment 130**

### **Proposal for a directive**

#### **Annex I – Section III – Part B – point 1 – point f**

*Text proposed by the Commission*

*Amendment*

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

(f) *the product shall provide compatibility with a variety of assistive devices and technologies available at Union and international level, including hearing technologies, such as hearing aids, telecoils, cochlear implants, and assistive listening devices.*

## **Amendment 131**

### **Proposal for a directive**

#### **Annex I – Section III – Part B – point 2 – title**

*Text proposed by the Commission*

*Amendment*

2. *User interface and* functionality design

2. Functionality *requirements for user interface and* design *of the product*

## **Amendment 132**

### **Proposal for a directive**

#### **Annex I – Section III – Part B – point 2 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

*(ia) the product shall be able to encode and decode two-way voice communication with high-fidelity audio;*

## **Amendment 133**

### **Proposal for a directive**

#### **Annex I – Section III – Part B – point 2 – point i b (new)**

*Text proposed by the Commission*

*Amendment*

***(ib) the product supporting two-way voice communication shall also allow a user to communicate with another user by Real Time Text (RTT), so RTT can be used standalone or combined with voice on the same call;***

## **Amendment 134**

### **Proposal for a directive**

#### **Annex I – Section III – Part B – point 2 – point i c (new)**

*Text proposed by the Commission*

*Amendment*

***(ic) where the product interoperates for two-way voice communication within a specific network, it shall also interoperate in real-time text on the same voice call using the real-time text format specified for that network;***

## **Amendment 135**

### **Proposal for a directive**

#### **Annex I – Section III – Part B – point 2 – point i d (new)**

*Text proposed by the Commission*

*Amendment*

***(id) where the product that provides two-way voice communication includes real-time video functionality, the product shall support a video resolution that allows users to communicate using sign language and lip-reading;***

## Amendment 136

### Proposal for a directive

#### Annex I – Section III – Part B – point 2 – point i e (new)

*Text proposed by the Commission*

*Amendment*

*(ie) where the product delivers output by an audio transducer, the product shall provide a means for effective wireless coupling to hearing technologies, such as hearing aids, telecoils, cochlear implants, and assistive listening devices, and shall reduce interferences with these hearing technologies to the lowest possible level.*

## Amendment 137

### Proposal for a directive

#### Annex I – Section III – Part B – point 2 a (new)

*Text proposed by the Commission*

*Amendment*

#### *2a. Support services*

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

## Amendment 138

### Proposal for a directive

#### Annex I – Section IV – Part A – point 1 – point b

*Text proposed by the Commission*

*Amendment*

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

(b) providing information about the functioning of the service and about its accessibility characteristics and facilities

*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).*

*which:*

- (i) *shall be made available in accessible web format and within the electronic programming guides (EPG) by making them perceivable, operable, understandable and robust, in accordance with point (c)*
- (ii) *shall list and explain how to use the accessibility features of the service in combination with the related terminal equipment, and its compatibility with assistive technologies*
- (iii) *shall provide accessible information to facilitate complementarities with other access services provided by a third party.*

#### **Amendment 139**

##### **Proposal for a directive**

##### **Annex I – Section IV – Part A – point 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 140**

##### **Proposal for a directive**

##### **Annex I – Section IV – Part A – point 1 – point c a (new)**

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

#### **Amendment 141**

##### **Proposal for a directive**

##### **Annex I – Section IV – Part A – point 1 – point e**

(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.***

(e) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons ***with disabilities and persons with age related or any other impairments, the service provider shall provide at least the following access services:***

- (i) subtitles for the deaf and hard of hearing (SDH);***
- (ii) audio description;***
- (iii) spoken subtitles;***
- (iv) sign language interpretation,***

#### **Amendment 142**

##### **Proposal for a directive**

##### **Annex I – Section IV – Part A – point 1 – point e a (new)**

*(ea) where an audiovisual content includes access services, these shall be clearly indicated in the content information, as well as in the EPG;*

**Amendment 143**

**Proposal for a directive**

**Annex I – Section IV – Part A – point 1 – point e b (new)**

*(eb) in consultation with users' organisations, including organisations representing persons with disabilities, audiovisual media service providers shall ensure the quality of the access services:*

*(i) service providers shall ensure that SDH are well synchronised with the video, readable, accurate and comprehensible in order to effectively reflect the audio information. This includes setting up quality specifications covering at least the font type, font size, contrast and use of colours as well as, where possible, the necessary requirements to ensure users' control over the SDH.*

*(ii) service providers shall ensure that audio description and spoken subtitles are well synchronized with the video. This includes setting up quality specifications related to audio placement and clarity of the audio description and spoken subtitles, as well as the necessary requirements to ensure users' control over them.*

*(iii) service providers shall ensure that sign language interpretation is accurate and comprehensible in order to effectively reflect the audio information. This includes setting up professional requirements for the interpreters and quality specifications for the way the*



*signing is provided. Where possible, requirements to ensure users' control over the signing provision shall be adopted.*

#### Amendment 144

##### Proposal for a directive

##### Annex I – Section IV – Part A – point 1 a (new)

*Text proposed by the Commission*

*Amendment*

##### **1a. Support services**

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

#### Amendment 145

##### Proposal for a directive

##### Annex I – Section IV – Part B – point 1 – introductory part

*Text proposed by the Commission*

*Amendment*

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:

The design and production of products in order to maximise their foreseeable use by persons with disabilities **and persons** with age related **or any other** impairments, shall be achieved by **complying with** the following **accessibility requirements**:

#### Amendment 146

##### Proposal for a directive

##### Annex I – Section IV – Part B – point 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 on the product itself (labelling, instructions, warning), which:

(i) ***shall be understandable;***

(ii) ***shall be perceivable;***

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

(iv) ***shall be made available in accessible web format and electronic non-web documents by making them perceivable, operable, understandable and robust.***

**Amendment 147**

**Proposal for a directive**

**Annex I – Section IV – Part B – point 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

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

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

**Amendment 148**

**Proposal for a directive**

**Annex I – Section IV – Part B – point 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 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, ***whether provided separately or integrated within the product***, which shall comply with the following:

- (i) *shall be made available in accessible web format and electronic non-web document by making them perceivable, operable, understandable and robust;*
- (ii) *shall list and explain how to use the accessibility features of the product and its compatibility with a variety of assistive technologies available at Union and international level*
- (iia) *shall be provided on alternate non-electronic formats upon request. The alternate non-electronic formats may include large print, Braille, or easy-to-read*

**Amendment 149**

**Proposal for a directive**

**Annex I – Section IV – Part B – point 1 – point f**

*Text proposed by the Commission*

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

*Amendment*

(f) *the product shall provide compatibility with a variety of assistive devices and technologies available at Union and international level, including hearing technologies, such as hearing aids, telecoils, cochlear implants, and assistive listening devices.*

## Amendment 150

### Proposal for a directive

#### Annex I – Section IV – Part B – point 2 – introductory part

*Text proposed by the Commission*

User interface and **functionality** design

*Amendment*

**Functionality requirements for** user interface **and** design **of the product**:

## Amendment 151

### Proposal for a directive

#### Annex I – Section IV – Part B – point 2 – point i a (new)

*Text proposed by the Commission*

*Amendment*

**(ia) where the product displays audiovisual content, it shall have a mode of operation to display available SDH to the default video channel;**

## Amendment 152

### Proposal for a directive

#### Annex I – Section IV – Part B – point 2 – point i b (new)

*Text proposed by the Commission*

*Amendment*

**(ib) where the product displays audiovisual content, it shall provide a mechanism to select and play available audio description to the default audio channel;**

## Amendment 153

### Proposal for a directive

#### Annex I – Section IV – Part B – point 2 – point i c (new)

*Text proposed by the Commission*

*Amendment*

**(ic) where the product displays audiovisual content, it shall provide a mechanism to select and play available spoken subtitles to the default audio channel;**

## **Amendment 154**

**Proposal for a directive**

**Annex I – Section IV – Part B – point 2 – point i d (new)**

*Text proposed by the Commission*

*Amendment*

**(id) where the product displays audiovisual content, where possible it shall provide a mechanism to select and display available sign language interpretation to the default video channel;**

## **Amendment 155**

**Proposal for a directive**

**Annex I – Section IV – Part B – point 2 – point i e (new)**

*Text proposed by the Commission*

*Amendment*

**(ie) the product shall support the provision of the available access services singly and within combination with each other;**

## **Amendment 156**

**Proposal for a directive**

**Annex I – Section IV – Part B – point 2 – point i f (new)**

*Text proposed by the Commission*

*Amendment*

***(if) the product shall allow the personalisation of the access services to the greatest extent possible, including by accessing the access services through other means like synchronisation with other device;***

#### **Amendment 157**

##### **Proposal for a directive**

##### **Annex I – Section IV – Part B – point 2 – point i g (new)**

*Text proposed by the Commission*

*Amendment*

***(ig) user controls to activate access services shall be provided to the user at the same level of prominence as the primary media controls;***

#### **Amendment 158**

##### **Proposal for a directive**

##### **Annex I – Section IV – Part B – point 2 – point i h (new)**

*Text proposed by the Commission*

*Amendment*

***(ih) the product shall provide a means for effective wireless coupling to hearing technologies, such as hearing aids, telecoils, cochlear implants, and assistive listening devices.***

#### **Amendment 159**

##### **Proposal for a directive**

##### **Annex I – Section IV – Part B – point 2 a (new)**

**2a. Support services**

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

**Amendment 160**

**Proposal for a directive**

**Annex I – Section V – Part A – point 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

The provision of services in order to maximise their foreseeable use by persons with ***disabilities and persons with age related or any other impairments***, shall be achieved by:

**Amendment 161**

**Proposal for a directive**

**Annex I – Section V – Part A – point 1 – point a**

*Text proposed by the Commission*

*Amendment*

(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***

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

(i) ***shall be made available in accessible web format and electronic non-web document by making them perceivable, operable, understandable and robust in accordance with point (b)***

(ii) ***shall list and explain how to use***

*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).*

*the accessibility features of the service including accessibility of vehicles and surrounding infrastructure and built environment as well as information about assistance provided according to Regulation 1107/2006, Regulation 1177/2010, Regulation 1371/2007, and Regulation 181/2011.*

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

## **Amendment 162**

### **Proposal for a directive**

#### **Annex I – Section V – Part A – point 1 – point b**

##### *Text proposed by the Commission*

(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*

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

## **Amendment 163**

### **Proposal for a directive**

#### **Annex I – Section V – Part A – point 1 – point b a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

(ba) ***making mobile-based services including mobile applications needed in the provision of the service accessible in a***



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

## **Amendment 164**

### **Proposal for a directive**

#### **Annex I – Section V – Part A – point 1 – point c**

##### *Text proposed by the Commission*

(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*.

##### *Amendment*

(c) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with *disabilities and persons with age related or any other impairments:*

*(i) smart ticketing (electronic reservation, booking of tickets, etc.)*

*(ii) real-time passenger information (timetables; information about traffic disruptions, connecting services, onwards travel with other transport modes, etc.)*

*(iii) additional service information (e.g. staffing of stations; lifts that are out of order or services that are temporarily unavailable)*

## **Amendment 165**

### **Proposal for a directive**

#### **Annex I – Section V – Part A – point 1 – point c a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

*(ca) the built environment needed for*

*the provision of the service shall comply with Section X of this Annex:*

#### **Amendment 166**

##### **Proposal for a directive**

##### **Annex I – Section V – Part A – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

##### **1a. Support services**

*Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies and services, in accessible modes of communication for persons with disabilities, with aged related or any other impairments*

#### **Amendment 167**

##### **Proposal for a directive**

##### **Annex I – Section V – Part D – title**

*Text proposed by the Commission*

*Amendment*

D. Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services:

D. Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services *shall comply with the requirements laid down in Section II:*

#### **Amendment 168**

##### **Proposal for a directive**

##### **Annex I – Section VI – Part A – point b**

*Text proposed by the Commission*

(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).*

*Amendment*

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

(i) *shall be made available in accessible web format and electronic non-web document by making them perceivable, operable, understandable and robust in accordance with point (c)*

(ii) *shall list and explain how to use the accessibility features of the service in combination with the related terminal equipment*

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

(iiia) *shall be understandable, without exceeding a level of complexity superior to level B2 (upper intermediate) of the Council of Europe's Common European Framework of Reference for Languages.*

**Amendment 169**

**Proposal for a directive**  
**Annex I – Section VI – Part A – point c**

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 170

### Proposal for a directive

#### Annex I – Section VI – Part A – point c a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 171

### Proposal for a directive

#### Annex I – Section VI – Part A – point d

*Text proposed by the Commission*

*Amendment*

(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***

(d) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with ***disabilities and persons with age related or any other impairments:***

***(i) electronic identification, security and payment methods needed for the provision of the service shall be understandable, perceivable, operable and robust without undermining the security and privacy of the user.***

## **Amendment 172**

### **Proposal for a directive**

#### **Annex I – Section VI – Part A – points d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the built environment for the provision of the service shall comply with the requirements laid down in Section X.***

## **Amendment 173**

### **Proposal for a directive**

#### **Annex I – Section VI – Part A – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***1a. Support services***

***Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies and services, in accessible modes of communication for persons with disabilities, with aged related or any other impairments***

## **Amendment 174**

### **Proposal for a directive**

#### **Annex I – Section VI – Part D – title**

*Text proposed by the Commission*

*Amendment*

**D. Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services:**

**D. Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services**  
***shall comply with the requirements laid down in Section II:***

## Amendment 175

### Proposal for a directive

#### Annex I – Section VII – Part A – point 1 – point b

##### *Text proposed by the Commission*

(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).***

##### *Amendment*

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

(i) ***shall be made available in accessible web format and electronic non-web document by making them perceivable, operable, understandable and robust in accordance with point (c)***

(ii) ***shall list and explain how to use the accessibility features of the service in combination with the related terminal equipment and its compatibility with assistive technologies***

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

## Amendment 176

### Proposal for a directive

#### Annex I – Section VII – Part A – point 1 – point c

##### *Text proposed by the Commission*

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

##### *Amendment*

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

at Union and international level;

## Amendment 177

### Proposal for a directive

#### Annex I – Section VII – Part A – point 1 – point ca (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 178

### Proposal for a directive

#### Annex I – Section VII – Part A – point 1 – point e

*Text proposed by the Commission*

*Amendment*

(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***

(e) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with ***disabilities and persons with age related or any other impairments, by ensuring the navigation throughout the document, dynamic layouts, the possibility to synchronize text and audio content, text-to-speech technology, allowing alternative renditions of the content and its interoperability with a variety of assistive technologies in such a way that can be perceivable, understandable, operable and maximizes compatibility with current and***

*future user agents.*

#### **Amendment 179**

##### **Proposal for a directive**

##### **Annex I – Section VII – Part A – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

##### **1a. Support services**

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

#### **Amendment 180**

##### **Proposal for a directive**

##### **Annex I – Section VII – Part B – title**

*Text proposed by the Commission*

*Amendment*

B. Products

B. Products *shall comply with Section I*

#### **Amendment 181**

##### **Proposal for a directive**

##### **Annex I – Section VIII – title**

*Text proposed by the Commission*

*Amendment*

E-commerce

E-commerce, *websites of products and services providers, media and news websites, online platforms and social media*



## Amendment 182

### Proposal for a directive

#### Annex I – Section VIII – Part A – point 1 – point a

##### *Text proposed by the Commission*

(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).***

##### *Amendment*

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

(i) ***shall be made available in accessible web format by making them perceivable, operable, understandable and robust in accordance with point (b)***

(ii) ***shall list and explain how to use the accessibility features of the service and its complementarity with a variety of assistive technologies.***

## Amendment 183

### Proposal for a directive

#### Annex I – Section VIII – Part A – point 1 – point b

##### *Text proposed by the Commission*

(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*

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

at Union and international level;

#### **Amendment 184**

##### **Proposal for a directive**

##### **Annex I – Section VIII – Part A – point 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 185**

##### **Proposal for a directive**

##### **Annex I – Section VIII – Part A – point 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) electronic identification, security and payment methods needed for the provision of the service shall be understandable, perceivable, operable and robust without undermining the security and privacy of the user.***

#### **Amendment 186**

##### **Proposal for a directive**

##### **Annex I – Section VIII – Part A – point 1 a (new)**

**1a. Support services**

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

**Amendment 187**

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

**SECTION VIIIa**

**Accommodation services**

**A. Services**

**1. The provision of services in order to maximise their foreseeable use by persons with disabilities and persons, with age related or any other impairments, shall be achieved by:**

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

**(i) shall be made available in accessible web format by making them perceivable, operable, understandable and robust in accordance with point (b)**

**(ii) shall list and explain how to use the accessibility features of the service and its complementarity with a variety of assistive technologies.**

**(b) making websites and online applications needed for the provision of**

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

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

*(d) electronic identification, security and payment methods needed for the provision of the service shall be understandable, perceivable, operable and robust without undermining the security and privacy of the user.*

*(e) making the built environment accessible to persons with disabilities according to requirements in Section XI.*

*(f) all common areas (reception, entrance, leisure facilities, conference rooms, etc.)*

*(g) Rooms according to requirements in Section XI whereas the minimum number of accessible rooms per establishment shall be:*

- 1 accessible room for establishments with less than 20 rooms overall*
- 2 accessible rooms for establishments with more than 20 but less*

*than 50 rooms*

- *1 supplementary accessible room for every additional 50 rooms.*

**2. Support services**

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

**Amendment 188**

**Proposal for a directive**

**Annex I – Section IX – Part B – point 1 – point e**

*Text proposed by the Commission*

(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;

*Amendment*

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

**Amendment 189**

**Proposal for a directive**

**Annex I – Section IX – Part B – point 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) making mobile-based services including mobile applications needed for***

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

## Amendment 190

### Proposal for a directive

#### Annex I – Section IX – Part B – point 1 – point f

##### *Text proposed by the Commission*

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

##### *Amendment*

(f) providing accessible information to facilitate complementarities with assistive services ***and technologies, including hearing technologies, such as hearing aids, telecoils, cochlear implants, and assistive listening devices.***

## Amendment 191

### Proposal for a directive

#### Annex I – Section X – title

##### *Text proposed by the Commission*

Accessibility requirements for the purpose of Article 3(10) concerning the built environment where the services under the scope of this Directive ***is*** provided

##### *Amendment*

Accessibility requirements for the purpose of Article 3(10) concerning the built environment where ***the products*** and services under the scope of this Directive ***are*** provided

## Amendment 192

### Proposal for a directive

#### Annex I – Section X – point g

*Text proposed by the Commission*

(g) use of equipment and facilities used in the provision of the service;

*Amendment*

(g) use of equipment and facilities used in the provision of the ***product or*** service;

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services						
<b>References</b>	COM(2015)0615 – C8-0387/2015 – 2015/0278(COD)						
<b>Committee responsible</b> Date announced in plenary	IMCO 18.1.2016						
<b>Opinion by</b> Date announced in plenary	PETI 18.1.2016						
<b>Rapporteur</b> Date appointed	Kostadinka Kuneva 23.2.2016						
<b>Date adopted</b>	24.1.2017						
<b>Result of final vote</b>	<table> <tr> <td>+:                   </td><td>18</td></tr> <tr> <td>–:                   </td><td>1</td></tr> <tr> <td>0:                   </td><td>0</td></tr> </table>	+:	18	–:	1	0:	0
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<b>Members present for the final vote</b>	Marina Albiol Guzmán, Margrete Auken, Beatriz Becerra Basterrechea, Pál Csáky, Rosa Estaràs Ferragut, Eleonora Evi, Peter Jahr, Notis Marias, Roberta Metsola, Julia Pitera, Virginie Rozière, Josep-Maria Terricabras, Jarosław Wałęsa, Cecilia Wikström, Tatjana Ždanoka						
<b>Substitutes present for the final vote</b>	Kostadinka Kuneva, Ángela Vallina, Rainer Wieland						
<b>Substitutes under Rule 200(2) present for the final vote</b>	Edouard Martin						