

# European Accessibility Act

## OVERVIEW

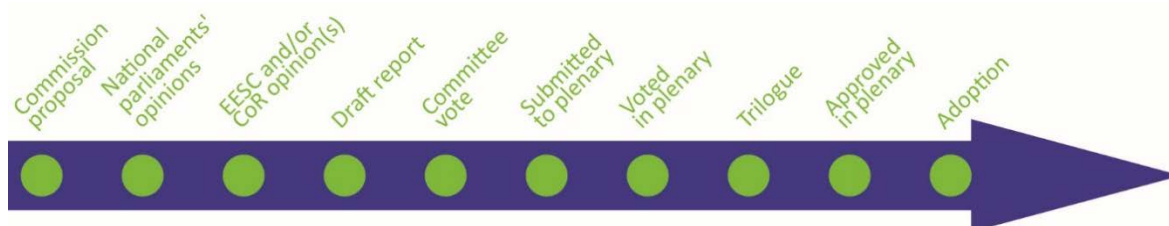
To ensure the full participation of people with disabilities in society, and to reduce the fragmentation of legislation governing access to products and services, the European Commission has adopted a proposal for a directive – often referred to as the European Accessibility Act. This proposal, published on 2 December 2015, provides for a common EU definition of, and implementation framework for, accessibility requirements for certain products and services. It also aims to use the same accessibility requirements to provide a clear definition of the existing general accessibility obligation laid down in European law.

Many stakeholders welcomed the European Union's wish to honour its responsibilities under the United Nations Convention on the Rights of Persons with Disabilities, but they were divided on the means to reach this objective.

In the European Parliament, the Committee on the Internal Market and Consumer Protection (IMCO) adopted its report on 25 April 2017, which was discussed in plenary on 15 September. At the same time, Parliament gave a mandate to start negotiations with the Council. On 7 December 2017, the Council agreed on a position (general approach). On 8 November 2018, the EP and the Council came to a provisional agreement. The agreed text was adopted by the EP on 13 March 2019, then by the Council on 27 March, and published in the Official Journal on 7 June 2019.

### **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**

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|-------------------------------|---|---|
| <i>Committee responsible:</i> | Internal Market and Consumer Protection (IMCO)  | COM(2015) 615<br>2.12.2015  |
| <i>Rapporteur:</i>            | Morten Løkkegaard (ALDE, Denmark)   | 2015/0278 (COD)   |
| <i>Shadow rapporteurs:</i>    | Sabine Verheyen (EPP, Germany)<br>Olga Sehnalová (S&D, Czech Republic)<br>Anneleen Van Bossuyt (ECR, Belgium)<br>Jiří Maštálka (GUE/NGL, Czech Republic)<br>Igor Šoltes (Greens/EFA, Slovenia)<br>Marco Zullo (EFDD, Italy)<br>Marcus Pretzell (ENF, Germany) | Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision') |
| <i>Procedure completed.</i>   | Directive (EU) 2019/882<br><a href="#">OJ L 151, 7.6.2019, pp. 70-115</a>   |   |



## Introduction

According to the latest Eurostat data available, in 2012, there were 70 million people aged 15 and over with [disabilities](#) in the European Union (EU-27), corresponding to 17.6% of the population aged 15 and over. This share is likely to increase with an [ageing population](#), given that people are more prone to develop disabilities with age. Like all EU citizens, people with disabilities are entitled to accessibility, i.e. 'to [live independently and participate fully](#) in all aspects of life'. In its [Charter of Fundamental Rights](#), the EU considers the accessibility of people with disabilities to be a fundamental right (Articles 21 and 26). In this area of shared competence with Member States, the EU has ratified the United Nations Convention on the rights of persons with disabilities ([UNCRPD](#)). Yet people with disabilities usually face a number of challenges that hamper their daily activities, such as difficulties in accessing public transport and buildings or in using household appliances or e-commerce services.

## Existing situation

To remedy this situation, the European Commission adopted a [European disability strategy for 2010-2020](#) highlighting accessibility as one of its priorities. Since then, the Commission has promoted [accessibility](#) in its [digital agenda](#), given significant attention to providing [passengers](#) with reduced mobility with assistance, and invested in the development of common voluntary [standards](#) on accessibility in specific areas, such as information and communication technology (ICT) and the built environment. Implementation has been problematic however, with Member States differing in their approaches to promoting accessibility. Regarding the accessibility of products and services – the prevention and elimination of obstacles that pose problems for people with disabilities when using products, services or infrastructure – supply is insufficient and there is regulatory [fragmentation](#) in the EU market. Both of these factors obstruct competition and keep prices high.

## Comparative elements

The United States of America has a broad framework of accessibility legislation. However, there is no general framework or single overarching act regulating all the issues linked to accessibility requirements for products and services, contrary to that which is intended with the European Commission proposal for a European Accessibility Act. Moreover, the legislation most often regulates accessibility requirements for products and services for state and local governments, their departments and agencies, or other entities or special purpose districts of state or local government. It does not cover all of the private sector. American legislation does however offer numerous detailed compulsory standards and rules in separate acts, where one can find information about or references to the accessibility requirements of products and services, in particular the [Rehabilitation Act](#) (1973), the [Americans with Disabilities Act](#) (ADA, 1980), [Section 255 of the Telecoms Act](#) (1996), the [Air Carrier Access Act](#) (ACAA, 1996), the [Individuals with Disabilities Education Act](#) (IDEA, 1997), the [Help America Vote Act](#) (HAVA, 2002) and the [Communications and Video Accessibility Act](#) (CVAA, 2010).

## Parliament's starting position

The European Parliament has been highly supportive of the idea of a European Accessibility Act (EAA) to enshrine the rights of disabled people at EU level. Several Members have asked the European Commission questions about the prospective act (e.g. Rosa Estaràs Ferragut, (EPP, Spain) [January 2015](#)). Parliament adopted a [resolution](#) on 20 May 2015 on the list of issues adopted by the UNCRPD in relation to the initial [report](#) of the EU. Here Parliament called on the European Commission to present an ambitious proposal for the (repeatedly delayed) EAA. Moreover, it urged the Council to accelerate its work on the proposal for a directive on the accessibility of public sector bodies' websites, with a view to reaching a common position, and Member States were called on to

translate into national law the obligations derived from Article 12 of the UNCRPD, most specifically to ease any restrictions on the rights of disabled people to cast their vote and to be elected.

## Preparation of the proposal

Several public consultations and studies were carried out to identify the major issues relating to accessibility. These addressed Member States, industry and civil society. In 2012, a [Eurobarometer survey on accessibility](#) and the [fifth disability high-level group report](#) on the implementation of the UNCRPD were published; in 2013, a [high-level dialogue on 'growth and accessibility'](#) was hosted by European Commission Vice-President Viviane Reding, and a study on the socio-economic impact of new measures to improve accessibility of products and services for people with disabilities was published. In 2015, the analysis of the [public consultation](#) on the socio-economic impact of new measures to improve accessibility of products and services for people with disabilities was made available.

An [impact assessment](#) was carried out by the Commission in 2015. According to the Commission, this preliminary analysis showed that the initiative should only cover a selection of priority areas, where obstacles to the functioning of the single market were most noticeable. Regulatory intervention appeared to be the most efficient form of EU intervention. The strengths and weaknesses of this screening are evaluated in an [EPRS initial appraisal of the Commission's impact assessment](#) published in April 2016.

## The changes the proposal would bring

According to the European Commission, the European Accessibility Act is a business-friendly [proposal](#) that should substantially improve the proper functioning of the internal market for accessible products and services, in order to help dismantle barriers between Member States. The proposed directive takes an internal market approach by aiming to encourage competition between economic operators and the free movement of accessible products and services. Providing for a common EU definition and implementation framework for accessibility requirements of certain products and services, the proposed harmonisation of rules would address the current legislative fragmentation and thus improve the functioning of the internal market. Moreover it would contribute to the inclusion of disabled citizens and consumers in society.

This proposal has two major objectives. Firstly, it aims at harmonising accessibility requirements for a list of products and services. It does not cover every existing product or service but lists the 'needs' of industry and people with disabilities, and those products or services that should be accessible in terms of functional requirements and for which the European Commission considers there are pre-existing barriers. It focuses on computers, telephones, televisions, media services, transport, banking services, e-books and e-commerce. It does not aim to impose detailed technical solutions to render a product or service accessible but simply to establish 'accessibility principles'. Secondly, the proposal aims at using the same accessibility requirements to clearly define the already existing, but still undefined, obligation of accessibility as laid down in European law, particularly in the field of public procurement and the structural funds.

## Advisory committees

On 25 May 2016, the European Economic and Social Committee (EESC) adopted an [opinion](#) which 'warmly welcomes the proposal from the European Commission for a European Accessibility Act'. The EESC 'proposes a gradual expansion of the scope of the proposed directive'. It encourages all stakeholders to include transport infrastructure and vehicles, thereby broadening the interpretation of the legal basis of the proposal to avoid gaps in the legislation. It also proposes the creation of an EU-wide accessibility labelling scheme.

## National parliaments

The subsidiarity [deadline](#) for national parliaments to submit comments on the proposal was 3 February 2016. The parliaments of 14 Member States have launched the scrutiny process. No reasoned opinion was adopted.

## Stakeholders' views<sup>1</sup>

Since its announcement in 2011, the EAA has been a matter of concern for many stakeholders.

There is widespread support for the EU's desire to honour its responsibilities under the UNCRPD: the European Disability Forum ([EDF](#)), the [AGE Platform](#) or [Inclusion Europe](#) (IE) all welcome the Commission initiative.

However, whereas a large majority of disability advocacy groups are appreciative of the EAA's goals, there is also a real consensus in favour of the expansion of its scope and the setting-up of [evaluation mechanisms](#) so that economic actors do not avoid fulfilling their obligations. There was also a call for further inclusion of disabled stakeholders in the negotiations on the content of the act.

The views of business groups and industry are different. DigitalEurope cautiously welcomes the aims of the EAA and endorses public procurement as a means to encourage both accessibility and innovation. It fears however that the EAA forces a one-size-fits-all approach that does not align with the various forms of disability that products can be designed to respond to. [BusinessEurope](#) understands the need to improve accessibility. Nevertheless, it disagrees with the fact that the act will force businesses to change their products to conform to accessibility requirements. In the view of Business Europe, for the market to remain competitive, it has to be left to specialised companies focusing on accessible products and services. Moreover, Business Europe worries this directive places too many demands on manufacturers in general and more particularly SMEs.

## Legislative process

The European Accessibility Act was [announced](#) by the Commission in January 2011, initially scheduled for adoption at the end of 2012, but it was repeatedly postponed. The Commission finally adopted the proposal for an EEA on 2 December 2015.

The European Parliament appointed Morten Løkkegaard (ALDE, Denmark) as rapporteur on 2 February 2016. Following his presentation of a draft report in January 2017, the Internal Market and Consumer Protection Committee (IMCO) considered the 673 amendments tabled to the report on accessibility requirements for products and services on 6 March 2017.

The IMCO committee adopted its report on 25 April 2017. The report includes amendments to the Commission proposal, particularly as regards consistency with the international context (restricting the scope of application of the directive to persons with disabilities only), micro-enterprises, application and the transitional period.

On 15 September 2017, the report was discussed and voted during the plenary session. The [amended text](#) was approved by 537 votes to 12, with 89 abstentions. This vote gave Parliament's team a mandate to start negotiations with the Council.

On 16 June 2016, the Council took note of a [progress report](#) on the proposal. On 8 December 2016, the Council took note of another [progress report](#) on the proposal for an accessibility directive, stating that 'the proposed directive sets out rules on products and services accessible to persons with disabilities and functional limitations. The scope includes electronic devices, websites, audiovisual media services, certain aspects of transport services (e.g. ticketing machines and travel information) and banking services (e.g. websites and mobile-device-based banking)'. On 15 June 2017, the Council took note of a third [progress report](#) on the proposal. A number of clarifications were made, particularly as regards the scope of goods and services covered by the EAA.

On 7 December 2017, the Council agreed on a position (general approach) on the European Accessibility Act.

In the [Joint Declaration on the EU's legislative priorities for 2018-19](#), the three EU Institutions committed to agree on a number of priority proposals including that on 'Accessibility requirements for products and services'.

On 8 November 2018, the seventh and last trilogue meeting on the present proposal took place, during which the European Parliament and the Council came to a provisional agreement on the text. On 19 December 2018, the Council's Permanent Representatives Committee approved this [provisional agreement](#). On 22 January, the IMCO Committee approved the text provisionally agreed with the Council (24 votes in favour, three against and 10 abstentions). Micro-enterprises would be exempted, and more generally, the directive should avoid imposing red tape on economic operators. It should include accessible emergency calls to 112.

Following the approval of the agreement by the Permanent Representatives Committee and of the IMCO Committee, the [agreed text](#) was voted by Parliament on 13 March 2019 (613 in favour, 23 against, 36 abstentions).

The final act was adopted by the Council on 9 April 2019 and was signed by the presidents of the co-legislators on 17 April 2019. It was published in the Official Journal of the European Union on 7 June 2019 as [Directive 2019/882](#). Member States have to transpose the measures of the directive into national law by 28 June 2022, and apply them from 28 June 2025. However, a transitional period will allow service providers that were already using them lawfully to continue to use products that do not meet the requirements of the directive up to 28 June 2030.

## EP SUPPORTING ANALYSIS

Anglmayer, I., European Implementation Assessment, [Implementation of the UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#), EPRS, European Parliament, July 2017.

Anglmayer, I., [The European Disability Strategy 2010-2020](#), EPRS, European Parliament, February 2016.

Directorate-General for Internal Policies, Policy department for Citizens' rights and constitutional affairs, analysis for the Committee on Petitions, [The European Accessibility Act](#), European Parliament, August 2016.

Lecerf, M., [The European Accessibility Act](#), EPRS, European Parliament, December 2015.

Lecerf, M., [European Accessibility Act](#), EPRS, European Parliament, September 2017.

Lecerf M., [European disability policy: From defining disability to adopting a strategy](#), EPRS, European Parliament, June 2017.

Lecerf, M., [European Accessibility Act](#), EPRS, European Parliament, March 2019.

Maniaki-Griva, A., Caruso, G., Initial Appraisal of a European Commission Impact Assessment, [Accessibility requirements for products and services - The European Accessibility Act](#), EPRS, European Parliament, April 2016.

## OTHER SOURCES

[Accessibility requirements for products and services](#), European Parliament, Legislative Observatory (OEL).

## ENDNOTES

<sup>1</sup> This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'EP supporting analysis'.

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