



The European Accessibility Act Directive 2019/882

**Unit C3 Disability and Inclusion
European Commission
DG EMPL**

What is covered in European Accessibility Act?

- Accessibility requirements for carefully selected products and services
- Same accessibility requirements to be used in other EU law (for example Public Procurement)

Products in the scope of the EAA

(a) consumer general purpose computer hardware systems and operating systems for those hardware systems;

(b) Self Service terminals:

- **(ia) payment terminals;**
- **(iia) the following self-service terminals dedicated to the provision of services covered by this Directive;**
 - (iia-i) Automated Teller Machines;
 - (iia-ii) ticketing machines
 - (iia-iii) check-in machines
 - (iia-iv) interactive self-service terminals providing information, excluding machines installed as integrated parts of vehicles, aircrafts, ships or rolling stock;

“(c) consumer terminal equipment with interactive computing capability, used for electronic communication services;”

(d) consumer terminal equipment with interactive computing capability, used for accessing audio-visual media services;

(e) e-readers;

Services in the scope of the EEA

(a) electronic communications services with the exception of transmission services used for the provision of machine-to-machine services”.

(b) services providing access to audiovisual media services;

(c) Certain elements of air, bus, rail and waterborne passenger transport services(websites, mobile device based services, electronic tickets and ticketing, transport service information(also real time), interactive self-service terminals...). For urban, suburban and regional transport services only interactive self-service terminals.

(d) consumer banking services;

(e) e-books and dedicated software

(f) e-commerce services;

Other elements related to the scope

- Answering emergency communications to 112**
- Built environment (optional)**
- Public Procurement for Products and services in the EAA**
- EU Acts containing accessibility obligations (presumption compliance)**

Key provisions for products (I)

- **Accessibility obligations Free movement of products and services** meeting the accessibility requirements
- **Obligations for manufacturers, authorized representatives, importers, distributors**(
Decision 768/2008)
- **CE marking** (Regulation 765/ 2008)
- **Self-declaration of conformity** (lightest option)
- **Market surveillance (compliance, safeguards)**

Key provisions for services (II)

- **Accessibility obligations**
- **Free movement of products and services** meeting the accessibility requirements
- Obligations for **service providers**
- **Authority responsible for compliance of services** (check, safeguards)

Other issues

Material scope

- **Exemption micro enterprises for services**
- **Mitigating measures for micro enterprises for product:**
 - Reduction of administrative burden
 - guidelines

Safeguards:

- **Disproportioned burden (Annex, persons with functional limitations COM)**
- **Fundamental alteration**

Standards and technical specification

- presumption of conformity**
- mandates**
- harmonized standards**
- technical specifications (implementing acts)**
- binding technical specifications (delegated acts)**
- harmonized standards and technical specifications for other Union acts.**

EAA Public Procurement

Article 21: Other Union Acts

- **Accessibility of products and services in the EAA → mandatory requirements**
- **Other EU acts using Accessibility requirements of the EAA for features, elements and functions → presumption of fulfillment of obligations on accessibility**
- **Use of standards and technical specifications**
- **EAA does not change voluntary or compulsory nature of accessibility**
- **Accessibility requirements beyond Annex I**

Article 25 Harmonised standards and technical specifications for other Union acts

Conformity with harmonised standards and technical specifications or parts thereof which are adopted in accordance with Article 15, shall create a presumption of compliance with Article 24

Working group

- Commission working group**
- market surveillance authorities**
- authorities responsible for compliance of services**
- relevant stakeholder**
- representatives of persons with disabilities organizations**
- Tasks:**
 - Exchange information and best practices**
 - Cooperation on implementation to improve coherence and monitor safeguards**
 - Advise to Commission (art 4 and 14)**

Enforcement and Penalties

- MS ensure means for compliance**
- Possibility for consumer to take action before court**
- public bodies or private associations with legitimate interest may engage before courts**
- penalties effective, proportionate and dissuasive**
- effective remedial actions**
- not applicable to procurement procedures**

Annexes

Annex I – accessibility requirements for products, services, answering emergency communications to 112, other Union Acts , functional performance criteria. (7 sections)

Annex II – examples (4 sections)

Annex III – accessibility requirements for built environment

Annex IV – Conformity assessment of products

Annex V- Information on services meeting accessibility requirements

Annex VI – Assessment of disproportionate burden

Annex I further details

- **Accessibility requirements:**

- Section I for all products: Information , User Interface and functionality design, sector specific
- Section II for all products except SST
- Section III for all services
- Section IV for sector specific requirements
- Section V for answering emergency communications to 112
- Section VI for features, elements or functions of products and services for other Union acts

- **Functional performance criteria:**

- Other functions of design and production of products or provision of services
- Alternative to technical requirements – compliance with functional requirement
- Result -> equivalent or increased accessibility
- (vision, limited vision, perception of color, hearing, limited hearing, vocal capability, manipulation or strength, limited reach, seizures, limited cognition, privacy)

Timeline for implementation

- **Transposition period -> Three years after entry into force 28 June 2022**
- **Enter into application -> Six years after entry into force 28 June 2025**
- **Transition periods:**
 - **Provide services with products in use - 5 extra years**
 - **SST – end of economic life – max 20 years after use**
 - **Ongoing contract services contract maximum 5 extra years**
- **Answering emergency communications to 112:**
 - **Possible 2 extra years**
- **Report -> 5 years 2030**

Report

- 5 years**
- evolution of accessibility of products and services**
- built environment accessibility(voluntary, PP)**
- Socio, economic and technological developments**
- Innovation barriers**
- Impact on persons with disabilities and economic operators**
- Impact of safeguards in internal market**
- Exemption of microenterprises**
- New products and services**
- Burden reduction**

Accessibility obligations - EU ICT related legislation

- **Accessibility obligations to economic operators**
 - **European Accessibility Act**
 - **Electronic Communication Code**
 - **Audio Visual Media Services Directive**
- **Accessibility obligations to public authorities**
 - **Web Accessibility Directive**
- **Accessibility obligations in Public Procurement**
 - **Public Procurement Directives**
- **Accessibility obligations when using EU Funds**
 - **Structural Funds regulations**
 - **Trans-European Networks**
 - **Common Implementing Regulation External Action and contract procedures**

How is the EAA linked with the Web Accessibility Directive?

- Complementary personal scope focusing on Public sector websites
- Same functional accessibility requirements for the web
- Use of harmonized standards

Public procurement Directives

Revision of existing directives

[Directive 2014/24/EU replacing directive 2004/18/EC](#) (public Procurement)

[Directive 2014/25/EU replacing directive 2004/17/EC](#) (entities)

New directive on concession contracts

[Directive 2014/23/EU](#)

Entered into force on April 2016

- *article 42 technical specifications*
- *article 62 quality assurance standards (accessibility)*
- *article 67 award of contracts (accessibility)*
- *article 70 contract performance conditions*
- *article 76 principle of awarding the contracts (reserved social services)*
- *article 84 public oversights (report includes accessibility)*
- **Concessions:** Article 36 technical functional requirements (include accessibility)

New Standardization Mandate:

List of new harmonised standards to be drafted and deadlines for their adoption

- Harmonised standard(s) setting up requirements on the accessibility of non-digital information related to products**
- Harmonised standard for the accessibility of support services related to products and services (help desks, call centres, technical support, relay services and training services)**
- Harmonised standard for the accessibility and interoperability of emergency communications and for the answering of emergency communications by the public safety answering point (PSAPs) (including to the single European Emergency number 112)**

New Standardization Mandate:

List of existing European standards to be revised and deadlines for their adoption as harmonised standards

-EN 301 549 Accessibility requirements for ICT products and services.

(Exclusion of ebooks!)

-EN 17161:2019 Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users

-EN 17210 Accessibility and usability of the built environment - Functional requirements



Further information

European Disability Strategy 2010-2020: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF>

European Accessibility Act Final text in OJ
http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=uriserv:OJ.L_.2019.151.01.0070.01.ENG

European Accessibility Act - European Commission Proposal
<https://ec.europa.eu/social/main.jsp?catId=1202>

EAA EUR-LEX texts
<https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=COM:2015:0615:FIN>

Web Accessibility Directive
<https://ec.europa.eu/digital-single-market/en/web-accessibility>

Electronic Communication Code and Audiovisual Media Framework
<https://ec.europa.eu/digital-single-market/en/right-environment-digital-networks-and-services>

Public Procurement Directives
https://ec.europa.eu/growth/single-market/public-procurement/rules-implementation_en

EU Structural and investment Funds
https://ec.europa.eu/info/funding-tenders/funding-opportunities/funding-programmes/overview-funding-programmes/european-structural-and-investment-funds_en